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Adaptive programming and going with the grain: IMAGINE's new water governance model in Goma, DRC

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Abstract

Motivation: This article explores adaptive approaches to development programmes that aim at improving service provision in underperforming sectors in fragile and conflict-affected states (FCAS). It does this through a case study of the IMAGINE (Integrated Maji Infrastructure and Governance Initiative for Eastern Congo) public-private partnership model for water provision in the Democratic Republic of the Congo (DRC).

Purpose: The processes and decisions that culminated in the model used for IMAGINE emphasize the need for programming that is culturally and politically aware, responsive to events, learns in real-time, is entrepreneurial, and works with the grain of local institutions to support change. Detailed case studies of such ways of working are crucial for programmes that seek to challenge and reform the status quo in FCAS.

Methods and approach: The article is based on 42 semi-structured interviews conducted in the summers of 2019 and 2020. They reflect the broad spectrum of actors individuals, public authorities, and organizations-involved in IMAGINE's evolution.

Findings: The narrative focuses on IMAGINE's attempts to professionalize and commercialize Goma's water sector.

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Policy implications: IMAGINE's story suggests that adaptive programmes should put politically savvy local development professionals in key positions and enable them to carefully construct coalitions of allies across the systems they aim to disrupt. This may also require them to revisit and adapt their initial ideas, guiding principles, and values as greater understandings of development problems are gained. A public authorities approach, attuned to the logics that programmes seek to address and introduce to FCAS, may help analysts to focus on the implications of such adaptations.

KEYWORDS

adaptive management, DRC, governance, public authority, public goods, water

1 | INTRODUCTION

The unreliability of water provision in the Democratic Republic of the Congo's (DRC) was well documented in the business case the United Kingdom's Department for International Development (DFID)—now subsumed into the Foreign and Commonwealth Development Office (FCDO)—gave in 2013 for supporting water, sanitation and hygiene (WASH) services in the city of Goma in the country's eastern province of North Kivu (DFID, 2013). Its scoping suggested that despite being the most 'water-rich' country in Africa, only 38% of people in urban areas had access to a safe supply and many of those got water from neighbours' private taps (DFID, 2013, p. 3). Furthermore, it argued that the state had a 'weak' ability to extend and maintain services, and that it remained unaccountable to citizens. Goma's water system had also been severely strained by the city's rapid, conflict-driven population growth from 172,573 residents in 1993 to around 800,000 by 2010 (Büscher, 2011). Adding to these pressures, the eruption of nearby Mount Nyiragongo in 2002 destroyed much of Goma's buildings and infrastructure, including its water network.

Bicycle vendors, tank owners, community solutions, and humanitarian programmes have sought to fill the gaps in water provision. Companies also bring water across the border from nearby Rwanda, claiming its quality to be superior to that sourced in the DRC. Despite this, DFID's 2013 business case found high rates of water-related morbidity incidents in the DRC, with a contemporary ongoing cholera epidemic and diarrhoea the second highest cause of death in children under five (DFID, 2013, p. 4). It also argued that women and girls often have to walk miles to access this vital public good.

Seeking to address these issues, the Integrated Maji Infrastructure and Governance Initiative for Eastern Congo (IMAGINE) began planning in 2013. For Mercy Corps, the architects of IMAGINE, the initial idea was to build upon its earlier infrastructure and sanitation projects. They had previously constructed two reservoirs, laid over 28 km of pipeline, and installed or rehabilitated 52 public tap stands. This expanded the network of the state water company,

Régie de distribution d'eau, (REGIDESO), to 350,000 people, including vulnerable populations in the city's northern periphery.

Yet, it was Mercy Corps' *Système de Gestion Pilote* (Pilot Management Project) from 2014–2016 that was considered to have the most potential for sustainable service provision. It showed that well-managed taps could lead to a business that covers its operating and maintenance costs, while generating funds for the renewal and future investments in the network. This system saw the separation of water production and distribution—REGIDESO's responsibility—from its sale and the collection of revenue, managed by Yme Grand-Lacs (YGL), a local non-governmental organization (NGO). In line with the agreed Memorandum of Understanding signed by all three parties (Mercy Corps, REGIDESO, and YGL), 70% of the collected revenue would then be deposited in a provincial-level REGIDESO bank account and 30% kept by YGL. Mercy Corps would keep oversight of the funds to guarantee their transparent and accountable use (e.g., for the maintenance or expansion of the network).

Since it began operations in January 2015, IMAGINE's service provision component has aimed to expand upon and institutionalize this market-based model.² This article tells how these efforts resulted in a public-private partnership (PPP), signed between a Congolese operating company named Congo Maji, whose creation was facilitated by the programme, and REGIDESO's central office in late 2018. Its analysis provides an opportunity to combine and contribute to two debates over how to understand and support development in extremely complex, fragile, and conflict-affected states (FCAS).

The first debate concerns renewed calls for politically attuned and adaptive approaches to programming that have been given names such as "Adaptive Management," "Thinking and Working Politically," "Problem Driven Iterative Adaptation," the "Doing Development Differently" manifesto and "Politically Smart, Locally Led Development." While there are nuances and differences, they share an interest in programmes prioritizing political economy analyses, learning as they go, adapting to shocks or unexpected opportunities, being locally led, and searching for "best fit" (rather than "best practice") solutions to development problems, often by working with the grain of existing institutions (Levy, 2014). Such approaches are argued to be particularly well suited to complex and rapidly evolving FCAS (Punton & Burge, 2018).

The second debate centres on the use of a "public authorities" lens to understand the full range of actors claiming power, providing public goods, and governing in FCAS (Lund, 2006; Hoffmann & Kirk, 2013; Kirk & Allen, 2021). This includes those considered part of the state and those seemingly far removed from or even standing in opposition to it. The proponents of the public authority lens examine how these actors claim authority, and who benefits and who is excluded from the processes involved. Doing so challenges state-centric normative frameworks and biases that critics contend have long hindered donor funded programmes in FCAS, while highlighting the potential of actually existing governance arrangements to contribute to or obstruct development.

By positioning IMAGINE's story within these debates, the article analyses two interconnected propositions: The first is that the service component, in its efforts to create a professionalized water sector, underestimated the societal and governance logics animating public goods provision in the DRC and sparked resistance. The second proposition is that international non-governmental organizations (INGOs) programming in FCAS are themselves usefully understood as public authorities. Indeed, given their ability to shape governance and public goods provision in the places they work, they should be objects of research alongside actors such as the state, armed groups, and customary leaders which have received most academic attention. The article uses these propositions to ask whether it is possible for programmes like IMAGINE to effectively disrupt and reform the dynamics of underperforming sectors in FCAS without engendering backlashes that threaten their long-term goals.

The article's analysis is based on 42 semi-structured interviews conducted in the summers of 2019 and 2020, with some requiring multiple sessions. Initial interview partners were selected in consultation with Mercy Corps staff. The research team strove to assure that they reflected the broad spectrum of actors—individuals as well as

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²Unless stated otherwise, IMAGINE is used as short-hand for the programme's service provision component.

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organizations—involved in IMAGINE's evolution. They included representatives from the Mayor's Office, Provincial and National government, Neighbourhood Associations, City municipalities, and Peace and Development Associations, as well as civil society organizations. Interviews were also conducted with staff of REGIDESO, Mercy Corps, Congo Maji, E4i, YGL, the FCDO, and the World Bank. Tap stand operators, water tank owners, residents and consumers, and their customary representatives at the levels of the avenues and neighbourhoods were also included. The research team of European academics conducted interviews in English, French, and Swahili. Although we explained our independence from Mercy Corps, many interviewees still took the opportunity to convey what were clearly messages, sometimes difficult, intended for the INGO. This required triangulating data and accounts to ensure their veracity.

The next section, Section 2, presents the Adaptive Management orthodoxy and the public authority lens in more depth. Section 3 then turns to ethnographic studies on Congolese society, governance, and public goods provision to outline three logics that shape the DRC's water sector, and a fourth introduced by IMAGINE. Sections 4 and 5 explore the programme in rough chronological order concluding shortly after the signing of the PPP. Section 6 concludes with a consideration of the discussion outlined above.

2 | ADAPTIVE MANAGEMENT AND PUBLIC AUTHORITY

According to the OECD (2018), without concerted action 80% of the global poor will be living in FCAS by 2030. Yet, FCAS like the DRC, represent a potentially existential challenge to aid and development organizations. States, private firms, and professionalized civil society organizations which traditionally provide the bulk of their local partners are often weak, venal, or absent while less conventional potential partners at times remain unidentified. Political volatility and insecurity are also common. Many programmes therefore struggle to guarantee the quick demonstrable results their political masters and taxpayers demand.

Faced with such challenges, donors' theories of change in FCAS often take one of two pathways; to" do less" or to "do more." To "do less" often means lowering their ambitions and steering clear of micro-level reform efforts. Instead, the focus should be on supporting a macro-level "enabling environment" of transparency and access to information, buttressed by property rights (Devarajan & Khemani, 2016; Grandvoinnet et al., 2015). The contrasting "do more" pathway encourages programmes to directly engage with local change processes, and it suggests a renewed focus on adaptive management and politically informed decision-making (Booth & Unsworth, 2014; Ramalingam, 2013; Yanguas, 2018). Proponents call for more attention to political economy analyses that support efforts to convene and broker alliances between stakeholders at multiple levels of governance. They also encourage development organizations to work at arm's length, to let local reformers lead, and to go with the grain of existing institutions to gradually uncover opportunities to change them (Levy, 2014). While there are nuances and differences among practitioners, one commentator suggests this pathway amounts to development's "second orthodoxy" (Teskey, 2017).

Seeking to probe efforts to "do more," Christie and Green's (2019) model—see Figure 1 — identifies three interconnected areas that make up an "Adaptive Management" system:

Adaptive delivery is the daily, on-the-ground work undertaken by frontline staff with their fingers on the social, political, and economic pulse of the context in which they operate. Adaptive teams think politically, opportunistically, and on their feet, continuously navigating through a fog of ever-changing conditions, moving parts, and players.

Adaptive programming is a slower and more structured process, usually in the hands of senior team members and informed by frontline staff. It involves consistently spotting and analysing the patterns and players that are emerging from delivery, and creating the room and resources for the programme to adapt to or support them. This includes negotiating and responding to pressures from donors to deliver demonstrable results.

Adaptive governance normally resides with the staff of the donor agency funding the programme. They must both manage upwards, coping with pressure for results, reporting, and shifting strategic priorities from headquarters and politicians, and manage downwards, ensuring that programmes account for how they use resources.

FIGURE 1 The adaptive management life cycle—the interplay between adaptive governance, adaptive programming, and adaptive delivery. *Source*: Christie & Green (2019, p. 5).

Christie and Green argue that the "basic currency of adaptive approaches is trust between the various players and tiers involved" (Christie & Green, p. 5). They contend that analysts should focus on how programmes "dance with the system," including how they stay abreast of politics, broker relationships and compromises between stakeholders, identify and support reformers, and demonstrate their impact to often sceptical donors. Critical junctures, such as setbacks, political shocks, and discontinuities, can reveal if programmes embrace adaptive principles and how they use the trust they accrue.

The article's second framework is a public authority lens. It emerged from ethnographic literature that explores governance in FCAS from the bottom up to counter depictions of them as unordered or failing. Many of its foundational authors produced research that shows how a variety of actors connected to and beyond the state, from street-level bureaucrats and strong men to customary leaders, civil society organizations, religious leaders, and armed groups, claim positions of authority by combining the provision of vital public goods with appeals to popular social norms and, sometimes, a readiness to use coercion and violence. (Leonard & Samantar, 2011; Menkhaus, 2006; Raeymaekers et al., 2008; Titeca, 2009).

More recent research in this vein has shown how such public authorities often portray themselves as the guardians of fragile moral economies, the protectors of societal values or shared identities (Allen, 2015; Hutchinson & Pendle, 2015; Tapscott, 2017). This can extend to deciding who should be included and excluded from access to the goods they provide, and, therefore, defining insiders and outsiders. To do this, public authorities may tactically bend, break, or appeal to state law; they can also blend it with their own particular value systems and rules. Despite a growing body of literature, the lens is yet to be applied to foreign development organizations, their programmes, or their local partners.

3 | FOUR LOGICS

Before proceeding, we posit three logics that pervade the DRC and its water sector, and a fourth logic that IMAGINE introduced. The four logics are not mutually exclusive and overlap or contradict one another according to circumstance. Rather, they are starting points from which to explore the complex social and political dynamics IMAGINE faced and attempted to change.

Our first logic is that of basic needs, and specifically, *people's need for water*. A recent study of 24 households in Goma's low (earning USD 2–3 or less per day) and medium socioeconomic strata found that water accounts for between 1–15 percent of monthly expenditure (Stys et al., 2021). Yet, acquiring it is an uncertain and, sometimes, risky activity with predatory providers prone to changing process and harassing women sent to pumps. The need for

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water also creates its own politics. As a civil society representative put it when interviewed on September 30, 2019: "Everything about water here is political. But for the population, water talks louder than politicians." For civil society movements, such as *Les Deboutistes*, poor water provision has proved fertile ground for social mobilization. In 2018, members marched through Goma with empty jerrycans to highlight the plight of three underserved neighbourhoods (Büscher & Hendriks, 2019). For politicians, water provision and infrastructure are important signals of their power. For example, in 2019 the DRC's new president, Félix Tshisekedi, financed a pumping station on Lake Kivu next to a well-known public park and ensured that his name was prominently displayed on the building.

Our second logic is that of *leisa punda* (roughly "feeding the horse" in Lingala). It implies that unless one's boss or an authority figure is well fed and happy, they will not provide opportunities for others. The feed consists of the more or less "official" taxes regularly charged to the DRC's citizens. They include small fees for signatures and stamps on documents; tolls to pass checkpoints along roads; and anticipated contributions for public servants like water for police on a hot day or beans for the children of someone gatekeeping a service. These *tracasseries* (harassment or petty annoyances) are rarely discussed as corruption (Verweijen, 2013). Instead, they are matter of fact descriptions of how politicians, state officials, and a host of connected public authorities (e.g. fixers, customary leaders, protection groups, and faith-based organizations) must be motivated before citizens can access services (Trefon, 2011).

Other commentators and our interviewees often use the term *rapportage* (reporting upwards) to describe similar dynamics (Eriksson Baaz et al., 2018). De Herdt and Titeca (2019) estimate that money collected in this way may be double what the Congolese state officially declares, and triple that contributed by donor organizations (Englebert, 2014; Paler et al., 2016). Much of it travels along patronage networks to the powerholders in Kinshasa, with network members "eating" portions along the way. Most analysts also agree that if such practices were abruptly stopped the state would cease to function. Indeed, *rapportage* ensures street-level administrators and other public authorities, whose wages are often undelivered, are remunerated for their activities.

The third logic concerns the processes of *negotiation*, *reciprocity*, and *respect* that structure state actions in the DRC. It stems from a more recent literature that stresses how statehood in FCAS can often be the outcome of "co-operative conflicts" (Hagmann & Péclard, 2010; Titeca et al., 2013). These conflicts are rooted in the way colonial era state institutions were layered atop existing societies' own, with little ability to enforce one set of rules over the other. Put another way, many FCAS have been described as suffering from "strong societies and weak states" (Migdal, 1988). The result is a form of statehood under which every state activity, policy, or service delivered requires a lengthy negotiated agreement that reflects the ever-changing balance of power (Doornbos, 2010; Verweijen, 2017).

Those involved in the DRC's negotiations evaluate one another's power based on their formal statuses, access to resources and positions within wider patronage networks. Where this is not possible, it was argued by our interviewees that consulting everyone concerned—often a lengthy process—ensures potentially obstructive stakeholders are not offended. This accords with an ethnographic literature that suggests that personal relationships have taken on greater importance in the absence of state institutions able to enforce rules (Rubbers, 2009; Solhjell, 2015; Tshitenge, 2019). However, negotiations can also be used to obscure the politics of *leisa punda* and to thwart unwanted demands for transparency, meritocracy, or reforms (Trefon, 2011). Indeed, the *politique de glissement* (politics of slippage or drift) or foot-dragging and delay is a well-known tactic for ensuring better negotiated outcomes.

We term the fourth logic, which IMAGINE attempted to propagate, the *Washington Consensus*. The Washington Consensus usually refers to a set of policy prescriptions championed by Western development agencies, in the 1980s and 1990s (Green, 2012). Broadly, it held that commercial companies and competitive markets provide public goods more efficiently than states, that trade liberalization encourages specialization and attracts foreign investment, and that countries should not run large fiscal deficits. Some proponents of these ideas also argued that due to developing states' multiple failures, the poor were already turning to unregulated commercial water providers (Bakker, 2010). Accordingly, development organizations and international companies can play stewardship roles and assist the further privatization and professionalization of its provision.

Although long since challenged, the principles behind the Washington Consensus became increasingly identifiable in IMAGINE as it evolved. The programme initially sought to involve itself in the commercialization of water

provision, thereby bucking the trend of humanitarians providing unsustainable emergency relief and REGIDESO enjoying a natural monopoly. To do this, it established four linked components: infrastructure, market-based service delivery, enhanced governance and accountability, and hygiene behaviour change. The structure was partly designed to ensure that IMAGINE could be operationalized across Goma's water sector in a systemic manner. And it was partly predicated on internal political economy analysis, stakeholder mapping and willingness to pay assessments of the water sector. They indicated the need to address or sidestep *leisa punda* while also suggesting that the commercial model demonstrated by Mercy Corps' earlier *Système de Gestion Pilote* project could be scaled.

In the FCDO, as an FCDO DRC staff member confirmed in an interview on September 17, 2019, IMAGINE found a donor who did not want to simply replicate a recently funded unsuccessful standalone water infrastructure project in the Kasai region. Nor did it wish to repeat the historical failures of institutional reform efforts inside REGIDESO undertaken by the World Bank. Both parties also increasingly took inspiration from a young PPP that had, unusually, transferred the management of conservation efforts in nearby Virunga National Park from the Congolese state to a British NGO and its local entity (Marijnen, 2018). IMAGINE, therefore, embraced a systemic, entrepreneurial, and innovation-focused spirit from the start. It was hoped that over time this approach would improve the responsiveness and incentivize the better regulation of Goma's water provision system, eventually even attracting further investments and competition from new commercial enterprises. Loosely following the programme's chronology, the next section delves into how these ideas unfolded on the ground.

4 | THE EARLY YEARS

During 2013, IMAGINE's service delivery component team began by negotiating a new tripartite contract between Mercy Corps, YGL, and REGIDESO's provincial branch. They also took this opportunity to try to improve YGL's accounting and revenue collection procedures, and to split its humanitarian and commercialized water provision branches by creating a separate YGL-run Congolese tap stand management company called YME Jibu. Drawing on their analyses of the water sector and previous experience of collaborating, they argued that this structure would professionalize YGL and reduce opportunities for *leisa punda* and the cross-subsidization of the NGO's activities through proceeds from tap stands. To help oversee the process, Mercy Corps' former Country Director—then the Manager of IMAGINE's Water Service Delivery (WSD) component—and four of his team were seconded to YGL in late 2015.

The case for separating YGL into two entities was—presented to the NGO's board in early 2016. Yet, IMAGINE staff soon realized that, in the words of a senior IMAGINE staff member, "from that moment it was over." According to some within IMAGINE, the bid was perceived as an attempt to destroy YGL. While a senior member YGL staff indicated when interviewed that it was an unwelcome takeover by a foreign entity. YGL swiftly ended Mercy Corps' WSD Manager's secondment, and his colleagues left a few months later—despite some senior YGL staff members' efforts to persuade its board otherwise.

Although their tripartite contract continued, IMAGINE was required to adapt to the events that had just taken place and the negative impact they had on its relationships with the North Kivu Provincial authorities. In late 2015, the DRC's new *loi relative à l'eau* (water law) was promulgated after it had been sitting with legislators since its submission to Parliament in 2010. This led most observers to assume it had fallen prey to *politique de glissement* alongside other efforts to decentralize and liberalize service provision in the country. After all, the law's goals of liberalizing the water sector and giving the ownership of water infrastructure to provincial-level authorities appeared to threaten both REGIDESO's effective monopoly of the sector and the *rapportage* that many believed it sustained.

Following the passage of the new legislation, IMAGINE realized that its service provision approach needed to be cognisant of the changing regulatory landscape and began raising awareness of its possibilities among North Kivu's provincial authorities. By opening the sector to competition, the law could create an environment favouring the water market's development as envisaged by IMAGINE. Staff organized workshops to discuss with provisional

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authorities their impending legal ownership of infrastructure controlled by REGIDESO Kinshasa, their new powers to award contracts to entities willing to engage in water service provision, and the GBP 12 million worth of water assets to be provided by IMAGINE's programming. To assist this process, IMAGINE collaborated with key members of the provincial authorities, including a technical advisor previously involved in the negotiations that led to the partial privatization of conservation in Virunga National Park.

In August 2016, however, REGIDESO's Kinshasa headquarters cancelled the ongoing tripartite tap stand management contract between Mercy Corps, REGIDESO's provincial branch, and YGL. North Kivu's Governor also organized a three-man commission to investigate the fall-out. In their representations, YGL claimed that Mercy Corps had failed to deliver on promised infrastructure; Mercy Corps argued that YGL was not properly reforming its accounting procedures; and REGIDESO alleged its headquarters had not been properly consulted during the contract's original negotiations, as senior IMAGINE and YGL staff confirmed when interviewed. The commission recommended that REGIDESO Kinshasa should have full control over Goma's northern water network and its assets, thereby, revoking IMAGINE's access.

Asked about this turn of events, interviewees representing different stakeholders variously pointed to REGIDESO Kinshasa's annoyance at IMAGINE's publicization of the *loi relative à l'eau* and its courting of provincial authorities; REGIDESO Kinshasa's desire to establish its control over the water sector's wider liberalization; an attempt by REGIDESO's provincial branch to claim funds accumulated by YGL for repairs; critical language used by some of IMAGINE's leaders in meetings and reports with REGIDESO; dislike of IMAGINE's employment of several expatriates in senior positions; and familial ties between a senior YGL employee and REGIDESO Kinshasa's Director.

None of these claims and accusations can easily be substantiated. Nevertheless, together they highlight the complex and often hidden dynamics that are likely to have shaped IMAGINE's early attempts to impart a new governance logic onto relationships and ways of working that have long characterized Goma's water sector. Despite the *loi relative à l'eau*, IMAGINE was learning the hard way that power still largely rested with politically connected individuals in REGIDESO Kinshasa. This was arguably foreseeable. For example, interviewees recounted that the programme's own political economy analyses had suggested the existence of off-the-books revenue flows from Goma's water sector to central authorities. Furthermore, researchers who have examined decentralization efforts in the DRC's other sectors have long argued that:

There is a commitment to good governance embodied in the adoption of formal rules and practices, including decentralization. But there is a less visible structure of power radiating from presidential circles that is focused on security and extraction and that depends on placing and maintaining loyal allies or clients in positions of local control and resource extraction.' (Englebert & Mungongo, 2016, p. 24; also see Nkuku & Titeca, 2018; Trefon, 2009).

Parallel to these developments, IMAGINE's governance and accountability component had begun with a clear commitment to working with civil society organisations that would raise the voice of consumers and hold providers to account for better water services. To realize this vision, the component's leaders initially proposed bolstering the Neighbourhood Water Committees—Comités d'Eau des Quartiers (CEQs)—which Mercy Corps had established within a predecessor programme. They were to be re-engaged and supported to help a small number of local NGOs spread awareness of citizens' rights to water, provide a bridge between IMAGINE and other civil society organizations (CSOs), and to use community score cards to monitor service provision.

It was soon discovered, however, that the CEQs suffered from low levels of public recognition, a high degree of dependence on financial support for phone credit and transport, and little capacity to engage in complex accountability activities. They also had poor relations with REGIDESO, with few consultations between members and the parastatal. An IMAGINE staff member interviewed in October 2019 argued that: "The problem is that when projects come in, with each cycle of conflict and humanitarian response, every project sets up its own committees. So, there's a cacophony of committees [...] we were contributing to this cacophony. They just weren't able to play the role that had been set out."

Realizing the need for change, IMAGINE staff began engaging with the Neighbourhood Peace and Development Cells—Cellules de Paix et de Développement des Quartiers (CPDQs)—in late 2016. They were introduced in 2014 by the provincial government to co-ordinate, centralize, and oversee the actions of community-based groups and CSO. IMAGINE began this pivot by helping the Mayor's Office to create more CPDQs with embedded water, sanitation, and hygiene sub-committees. This was deemed a "less threatening" way to support and strengthen their ongoing engagement efforts with provisional authorities at a crucial time when IMAGINE was trying to win allies. Internal programme research also found that just under half of people in Goma could identify a sub-committee member; a crucial visibility likely due to many of them having run in the year's elections. Provincial authorities soon requested IMAGINE's help to establish new CPDQs in non-programme areas.

As with their colleagues in service delivery, therefore, the component adjusted its focus. However, programme staff estimated that the CDPQs' memberships are 75% composed of civil society representatives, 15% private sector, and 10% government. Furthermore, the law stipulates that they be led by *Chefs de Quartier* who, albeit not always remunerated, are state employees. This suggests that the components' initial commitment to an independent civil society voice via the CEQs was to an extent replaced by the opaquer CPDQs. Put another way, ensuring sustainable engagement came at the cost of a greater alignment with the Congolese state, personalization, and potential capture by political interests.

5 | THE LATER YEARS

By 2017, IMAGINE had commissioned multiple internal reviews and research studies to assess viable long-term management and contracting options to formalize, develop, and scale its water provision model. According to the reports, there was a general consensus on introducing a PPP in operations and service delivery, very much in line with the example set by Virunga National Park.

Nonetheless, after failing to find suitable strategic operators and investors interested in working in the eastern part of the DRC, IMAGINE opted to create new Congolese company, Congo Maji, and a UK-registered charity, called E4i, that would hold 100% of its shares. On the one hand, this would ensure that the new company adhered to international professional standards, with a focus on the transparency of its operations. On the other, it would allow it to effectively be shielded by the charity's procedures if it was pressured by public authorities to contribute to the politics of *leisa punda*. Interviewees framed this as "protecting" the young company and its employees while they found their feet.

This plan still required REGIDESO's buy-in and, under the recent *loi relative à l'eau*, a contract with North Kivu's government. This time, however, IMAGINE understood that *de facto* power lay with REGIDESO Kinshasa rather than its provincial branch. This meant building consensus at the national level, with the ultimate aim of winning over the same Secretary General responsible for cancelling IMAGINE's tripartite contract in 2016.

Under the leadership of the IMAGINE WSD Manager, efforts were placed on convening and brokering between potential allies, and reinvigorating IMAGINE's relationships with key figures inside REGIDESO Kinshasa. They included one of its Financial Directors and a Senegalese consultant working within the parastatal entity as part of the World Bank's reform efforts. As the WSD Manager put it when interviewed in September 2019: "You have to have champions or it's never going to work, and you have to have them in strategic locations [...] It's opportunistic and [about being in] the right time at the right place. But I think all of that comes through effort." IMAGINE's leadership also realized that REGIDESO's Secretary General was heading towards retirement, so the proposal had the potential of becoming a legacy project. Lastly, they suggested to stakeholders they met that it was necessary to accept the inevitability of the water sector's liberalization.

In early 2018 IMAGINE presented its proposals to REGIDESO and the FCDO in Kinshasa. In a sign of the threat that the programme's shift represented to stakeholders back in Goma, a lawyer, suspected by attendees of having been sent by YGL and REGIDESO's provincial branch, turned up at the presentation to publicly accuse Mercy Corps of

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corruption. Although this did not entirely derail the initiative, it usefully acted as a reminder to the programme team that it was also necessary to secure buy-in from provincial players.

To focus the minds of provincial authorities, the programme sought to ensure that the building of infrastructure, including two new reservoirs and piping, was conditional on the signing of a PPP contract with the company it had recently founded, Congo Maji. The involvement of FCDO's Head of Office and the United Kingdom's Ambassador to the DRC was crucial. They visited North Kivu's Governor and REGIDESO's provincial branch to impress upon each that the infrastructure was conditional on the signing of a contract. IMAGINE also promised provincial authorities' approval of all planned works before commencement, including a say in their location. Lastly, a retreat was organized for national-level stakeholders, including the Secretary General, for the fine-tuning of the contract details.

These efforts bore fruit, with the provincial government witnessing the signing of a contract between Congo Maji and REGIDESO Kinshasa in August 2018. The contract split Goma into zones and allowed Congo Maji to operate the taps that YGL had previously managed in the northern periphery. For its part, REGIDESO's provisional branch was to manage the supply (production and distribution) of water. In line with the water law, the provincial government inherited all the complete and planned infrastructure, from the reservoirs to tap stands. Two reviews were also built in to allow for extending the contract and changing its terms to gradually expand (geographically and operationally) Congo Maji's responsibilities. With regard to revenue handling, after taxes, 37.5% was marked for Congo Maji, 7% for a rehabilitation, extension, and audit fund, and the rest sent directly to REGIDESO Kinshasa.

Although the contract did not fully align with the letter and spirit of the *loi relative* à *l'eau*, that sees the provincial authorities owning and deciding over the management of all water assets, it did reflect the de facto balance of power within Goma's water sector. Furthermore, the lack of implementing guidelines from the central government on how the new law should be operationalized made the law open to interpretation. The service delivery component's leaders also felt that engaging solely with the provincial authorities would have been unrealistic. As one senior IMAGINE interviewee argued: "Going with the provincial authorities was unrealistic, ahead of its time [...] So, what you need to do is go progressively."

Congo Maji began operating the taps in January 2019 and in its first month exceeded revenue collection projections. By February 2019, internal research suggested that around 90% of customers were satisfied with their operations. However, by late 2019, despite the business fundamentals being strong, E4I's chief executive officer (CEO) confided that Congo Maji was not collecting as much revenue as forecast due to a variety of challenges: the water supply in the northern neighbourhood where it operated was sporadically low, sometimes taps ran dry for several days; security at the stands was in some instances a problem, with collected revenue occasionally stolen by gangs of children, and some customers connected to the military refused to pay; at the same time, REGIDESO's provincial branch had begun constructing taps and tanks across the neighbourhood that directly competed with Congo Maji's own.

To address these issues, Congo Maji began introducing verification measures, such as placing observers at the reservoir to monitor water levels. Contractually, the production and distribution of water through the network was under REGIDESO's control, but senior staff argued that the parastatal did not have the resources or technical knowledge to maintain it. Furthermore, they suggested that proper oversight would hinder the "other business" some officials engaged in, including setting up illegal connections to the network and selling water straight from the reservoir, as described in interview on 8 October, 2019.

The reasons for insecurity at Congo Maji's tap stands were more difficult to establish. For some, it was opportunistic thievery. Others argued that little happens at street level without the endorsement or involvement of the *Chef de Quartier* (Neighbourhood Chief).³ For his part, one *Chef* complained in an interview on 27 September, 2019, that he had not been consulted before Congo Maji's contract began, a courtesy he described as necessary to ensure such projects are "owned by the people." Furthermore, in his view, Congo Maji had hired tap stand operators who were not from the immediate neighbourhood and he did not know what happened with the money collected. He contrasted

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this with the period when YGL were running the taps. Reflecting on Congo Maji, the *Chef* concluded in the same interview that "to do something without me, is to do something against me." Some interviewees also suggested that Congo Maji had limited his ability to "eat" or engage in *rapportage*.

Congo Maji confirmed in interview in November 2019 that they hoped that its customers would be keen to help provide security for its water supply. When incidents escalated, the company sometimes turned off the taps to protect the safety of the tap stand operator and its assets. If customers were hurt during incidents at the tap stands, according to the dynamic of the incident, Congo Maji covered their hospital bills. On other instances Congo Maji referred to the *Chef* or the police to intervene to secure the provision of water. Some interviewees argued that the police would not act without Congo Maji's "motivation" (read "financial incentive"): a purported standard operating procedure of Congolese companies. For military personnel who took water without paying, Congo Maji followed up with their commanders, even securing a face-to-face apology from one officer.

The reasons for the building of rival tap stands and tanks, and the harassment of Congo Maji's staff, were hinted at during interviews with personnel from city and provincial government departments. They felt that they had been excluded from the negotiations that led to the signing of the PPP with REGIDESO Kinshasa. Many claimed they did not know who took part in them and had only heard rumours. Put another way, their authority had been disrespected and they felt they had been bypassed. The affront was communicated as simultaneously professional and personal. Although some claimed that they welcomed the state's aim for, and FCDO's support of, the water sector's liberalization, they felt it had been "brutishly implemented" and the *loi relative à l'eau* stipulations "inflated like a balloon" by IMAGINE, in the words of senior REGIDESO staff in North Kivu interviewed in October and November 2019. They argued that "they"—specifically REGIDESO's provincial arm and the provincial government—required infrastructure and further investment.

At the time of our research, Congo Maji/E4i's strategy to protect the PPP was to leverage its allies at the national level to remind stakeholders of their contractual obligations. This was, however, proving difficult as many that were party to its signing had either died or been moved elsewhere following post-election changes in the administration.

6 | WORKING WITH THE GRAIN IN FCAS

Our narrative focused on IMAGINE's initial attempts to support the development of Goma's water sector by professionalizing and commercializing YGL, its local partner, and then by facilitating the signature of the sector's first PPP. We also saw how IMAGINE sought to expand the enabling environment for its initiatives through its governance and accountability component. These aims accord with the second development orthodoxy's principles of tackling the political obstacles to development, supporting local organizations to lead, and adopting an entrepreneurial spirit. Yet, IMAGINE was forced to repeatedly adapt as it faced the sector's ground realities. The first pivot occurred when YGL rejected IMAGINE's plan to separate its humanitarian and commercial operations into two distinct entities. The second came when IMAGINE's initial engagements with CSOs proved not to be successful. A third was required when REGIDESO Kinshasa made it clear IMAGINE's support of the implementation of the *loi relative à l'eau* among provincial authorities was unwelcome.

The four logics outlined earlier help to interpret these episodes. Viewed through them, IMAGINE—albeit not always intentionally—hoped that by introducing its Washington Consensus logic to the water sector it could begin to challenge the elements of the other three which hinder stable and affordable water provision. But public authorities in Goma and Kinshasa, many of whom benefit from the status quo, reacted strongly. This was evident in YGL's response to IMAGINE's plan to split its operations and it was evident in REGIDESO Kinshasa's reassertion of its authority over the province's stakeholders in 2016. However, it was most apparent following the programme's pivot towards REGIDESO Kinshasa and the signing of the PPP between it and Congo Maji. In response, public authorities at every level of the water sector mobilized to protect their interests.

Some interviewees argued that, alongside fighting back, stakeholders in the sector were taking note of the advantages of professionalizing water provision, including the money to be made. This was clear from provincial

authorities' gradual acceptance that liberalization is inevitable. However, most argued that any future donor support should be channelled through them and not Congo Maji. Some even suggested that Congo Maji is little more than a minor (in terms of its small operating area) experiment among the sector's longer-running efforts to reform and that it would soon be forgotten by FCDO or squeezed out by emerging competitors.

This suggests that IMAGINE's initial goal of an ongoing alternative sustainable and professionalized model of water provision was far from secured at the end of 2019. Some interviewees suggested it would need longer to truly set an example for how citizen-provider relationships could function. Others hypothesized that Congo Maji may be gradually ground down by the sector's public authorities, forcing it to quit and its concession area divided among those more willing to adhere to the sector's original logics. And, for others still, the result will be somewhere in-between, with the practices and ways of working that are most amenable to other providers, such as publicly engaging citizens or reselling water produced by REGIDESO, cherry-picked and replicated elsewhere. This remains to be seen.

But what does IMAGINE's story mean for those seeking to work adaptively in FCAS? Starting with adaptive governance, IMAGINE's donor was initially an enthusiastic backer of its market-based approach. This was due to the backgrounds of individuals within the FCDO responsible for overseeing its inception, Mercy Corps' Country Director's ability to persuade them of his "tenacity" to see the plan through, and the failure of previous more orthodox approaches, as an FCDO DRC staff member observed when interviewed in September 2019. Key FCDO personnel continued to believe in IMAGINE's leadership and afforded them the space to conduct its pivots. The FCDO and the UK Ambassador also put their combined weight behind the crucial third pivot in late 2018 by making clear that the programme's infrastructure was linked to the signing of the PPP. In these ways, through support and diplomatic tactics, IMAGINE's donor and political sponsor incubated the innovative programme and enabled it to respond to the DRC's complex power dynamics and politics.

Consistent with adaptive programming, the programme changed its approach in response to learning more about the logics animating the water sector and its own ability to change them. For example, the service provision component initially invested in its pre-existing relationship with YGL, but ultimately underestimated how far it would go to safeguard its ways of working. Later efforts to support the actuation of *loi relative à l'eau* soon showed that to turn decentralization rhetoric into reality would require great time and effort, prompting the programme to reassess the DRC's de facto power dynamics. The IMAGINE story, therefore, shows how working in FCAS contexts requires both a willingness to gradually adapt—in the evolutionary sense of adjusting to the slow drip of new intelligence, feedback from delivery teams, and insights from analyses—and abruptly adapting to unforeseen setbacks and windows of opportunity.

IMAGINE's approach to *adaptive delivery*, is harder to assess. Its social accountability component pivoted in response to unfavourable research on the legitimacy of the CEQs, leading to a partnership with the more socially and politically embedded CPDQs. This facilitated the progressive formation of relationships with stakeholders in wider society and the state that enabled some citizens to begin to hold water providers to account. It also led to the establishment of additional CPDQs that are theoretically well positioned to seize future opportunities to reform the sector's governance. Yet, this may have been a trade-off that allowed some established public authorities to retain their hold over its management.

Seen through its setbacks and adaptations, IMAGINE's roller-coaster ride also highlights the risks for programmes of being blindsided by the complex systems of power and public authority in FCAS. This is why proponents of adaptive management emphasize the need for ongoing, constantly updated political economy analyses and seizing opportunities as they arise. IMAGINE certainly did this, producing a range of research, feasibility studies, and analyses to inform its pivots. Furthermore, across its components it had leaders able to win over key stakeholders and to keep staff and its donors focused on the central mission. Yet, adaptive programme leaders must also recognise how little foreign development professionals still usually know about the norms, relationships, and dispositions of power that ultimately govern FCAS.

Research on successful adaptive programmes in FCAS points to the need to double down on the principle of local ownership to begin to address such gaps (Booth & Unsworth, 2014; Faustino & Booth, 2014). It highlights the roles played by local, politically savvy staff members and partners able to "dance with the systems" they have grown up with and worked in for much of their lives. IMAGINE arguably had such Congolese staff within its middle management, but

its senior staff were almost all foreign and conducted most of the negotiations with Congolese authorities. With notable exceptions, they were also mostly following their leader's vision of how to introduce change to the DRC's water sector. Once IMAGINE's relationship with YGL broke down, therefore, it had few Congolese friends or partners, and the same issues looked to be dogging Congo Maji's operations towards the end of our research. This is undoubtedly a hindrance for operating in a society within which nuanced negotiating processes, personal connections, modes of respect, and reciprocity are considered vital for getting things done.

A public authorities lens helps analysts to explore programmes' approaches to adaptive management. On one level, it encourages a focus on how developers' shifting ideas and values can shape who is included or excluded from systems that provide public goods, and the consequences this can have for citizens' access to services and public authorities' claims to power. Yet, it also raises the prospect that, in its search for survival, IMAGINE's service delivery component adopted characteristics attributed to those public authorities it needed to disrupt to professionalize Goma's water sector. The important question for others is whether this was unavoidable for a programme that sought transformative change in a sector animated by the interdependent and complex logics described earlier.

Throughout IMAGINE's lifespan its main and most vocal architect and, for many we spoke to, its public face occupied three roles: as Mercy Corps' Country Director; as an Executive Director within YGL; and as CEO of the British charity that owned Congo Maji's shares. Each role was used to support the service provision component's strategy and tactical adaptations. However, this individual's changing titles did not go unnoticed by Congolese interviewees, who often commented upon that individual being consistently involved in the majority of negotiations and, hence, being where power lay within IMAGINE, despite its pivots, new directions, and rebrandings.

This confusion around boundaries of the different entities also surfaced during interviews with some Congolese stakeholders, who were convinced that Congo Maji is really an INGO masquerading as a local company in order to win allies in Kinshasa. A senior Mercy Corps employee interviewed on July 31, 2019, argued with regards to the Mercy Corps, Congo Maji, E4i setup: "No one can understand the trinity [...] That's the problem, it's three entities all in one." Suggestions that this configuration simply aimed to protect the young company from the DRC's predatory public authorities do not counter Congolese stakeholders' impressions that it somehow has an unfair advantage within the newly liberalized sector. In this sense, Congo Maji took on something akin to REGIDESO's parastatal status, neither fish nor fowl, but with it being widely understood that it has powerful foreign and, eventually, domestic patrons.

Securing the PPP required the service delivery component's leaders to acknowledge the sector's de facto power dynamics, to creatively interpret 2015's water law, and to summon the diplomatic power of IMAGINE's patrons, in the shape of FCDO and the UK Ambassador, to secure its PPP. Although some excluded provincial-level stakeholders argued that the contract was effectively illegal, none felt able to challenge it through formal channels, with one even arguing in an interview in September 2019 that to do so would contravene the president's wishes. In this sense, like other public authorities studied in the growing literature, the contract's architects used the law's—and by extension the state's—weaknesses to pursue and secure their aims. Some of these tactical decisions run counter to IMAGINE's objective of a professionalized market for water provision. Yet, for some proponents of adaptive management, they might be considered examples of going with the grain to get things done. In this interpretation, IMAGINE's strategy played to the realities of power in Goma's water sector, allowing the service provision component to extend much-needed regular and safe provision to the city's residents.

IMAGINE's story suggests that programmes tackling complex development problems in FCAS can benefit from adaptive approaches that learn from new information and experiences, especially if they have supportive donors and leaders willing to compromise on initial plans. The challenge, we suggest, is to support such moves by putting politically savvy local development professionals in key positions and enabling them to carefully construct coalitions of allies across the systems programmes aim to disrupt. At the same time, adaptive programmes must resist the temptation to be solution led rather than problem led. This may require them to revisit and shift their initial ideas, guiding principles, and values as greater understandings of development problems are gained. A public authorities lens, attuned to the logics that programmes seek to address and introduce, can help analysts to foreground the implications of such adaptations.

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