



Global Fragility Act

Policy Brief

How Congress Can Break Down Barriers to GFA Implementation

This policy brief outlines how the U.S. government can—through close partnership, buy-in, and sustained commitment—ensure successful implementation of the Global Fragility Act (GFA).

The [Global Fragility Act](#) (GFA) is a new [game-changing law that puts conflict prevention and peacebuilding at the center of the U.S. Government's diplomacy, assistance, and security strategies](#) in four priority countries and one region. In 2016, the GFA was [born out of the challenges and shortcomings of U.S. foreign aid](#) and diplomacy in conflict affected and fragile states and when global violent conflict was hitting a [30-year high](#). While the GFA provides additional resources, at its core it is about how the U.S. government must work differently. The Administration has met many requirements of the GFA, including releasing the [U.S. Strategy to Prevent Conflict and Promote Stability](#) (GFA Strategy) and the priority countries/region. However, it has not submitted a report to Congress that outlines the authorities, staffing, and resources that would assist it to more robustly and effectively operationalize the Strategy¹. Congress required this report because it understands to implement the GFA successfully, it cannot be "[business as usual](#)." Under the GFA, Congress and the Administration must partner to address significant bureaucratic, operational, and legal barriers. However, Congress can remedy many operational and legal challenges today even if the Administration does not submit a report to Congress.

The bipartisan GFA was adopted in December 2019, and the Trump Administration submitted a [report](#) to Congress in September 2020 and released the GFA Strategy in December 2020. However, it failed to release the priority countries/region. On April 1, 2022, President Biden finally [announced](#) the list—Haiti, Libya, Mozambique, Papua New Guinea, and Coastal West Africa—and a new [prologue](#) to the GFA Strategy that included other issues, including the integration of climate change to address its [compounding impact on conflict](#). The Administration is urgently working on the 10-year strategies, in

close consultation with civil society, which is scheduled to be finalized by October 31st and reported to Congress by December.

When adopting the GFA, Congress understood additional resources were essential to address increasing fragility and violent conflict. However, it also recognized that more funding alone would not prevent and reduce violent conflict and build sustainable peace. The law explicitly requires the implementing agencies to outline what the Administration needs to be able to learn, adapt, innovate, and ultimately deploy a new approach to conflict



Photo by Vika Chartier on Unsplash

affected and fragile states. The U.S. Government must get ahead of violent conflicts and violence and be able to quickly pivot its policies and programs in conflict affected and fragile states to respond and prevent evolving crises and war effectively. However, Congress will need to exercise patience and assume and accept a higher level of risk so that implementing agencies can work differently.

Congress and the Administration must develop a close partnership

that requires a robust and regular communications strategy to build trust, share developments, create buy-in, and ensure sustained commitment to the GFA. The GFA offers a much-needed opportunity for the U.S. Government to experiment with programming, which could ultimately be the way ahead beyond the five priority countries and region for U.S. government strategies in conflict affected and fragile states. The Administration and Congress must foster and ensure a close partnership to communicate challenges and

successes and what it needs for the GFA to succeed. **While there are many bureaucratic, operational, and legal barriers and challenges, Congress can now address the following issues to ensure the successful implementation of the GFA.**

Recommendations:

1. Congress should reduce and provide flexibility with earmarks²

One of the most significant challenges to implementing the GFA is that budgets are heavily earmarked to specific accounts, and there is little flexibility to modify the budget to implement a new strategy that centers on peacebuilding and conflict prevention. In Mozambique, for instance, the budget is already almost entirely earmarked, of which 90% is earmarked for health programming. Without flexibility, the country/regional plans will follow the earmarked resources, which is counter to the innovative approach of the GFA. Reducing earmarks for the GFA countries and region is critical to ensure resources can support the execution of the strategies.

Additionally, Congress should ensure topline appropriations in foreign assistance allow for the integration of conflict prevention and peacebuilding in other sectoral programming and assistance. Congress can also signal to the GFA implementing agencies to utilize foreign assistance in GFA countries flexibly and through a multisectoral approach that does not treat peacebuilding and conflict prevention as second-priority issues. Although uncommon, Congress should consider providing a clean budget for foreign assistance to each of the priority GFA countries to allow for the piloting, adaptation, and innovation central to

the GFA. Lastly, since the GFA requires direct reporting to Congress, they should reduce reporting requirements for the foreign assistance expenditures in the GFA countries to allow agencies to test programs and approaches, learn and apply lessons, and scale effective initiatives in the short, medium, and long-term.

2. Congress should ensure funding for the GFA implementing agencies and through the GFA-specific accounts that allow for flexibility, adaptive management, local leadership and ownership, and strategic alignment.

Violent conflict, violence, and fragility are not linear or static and require unanticipated crises to be quickly addressed. Slow and non-adaptive procurement processes significantly hinder the implementation of the GFA strategies. Reform is critical to ensure procurement processes are faster, flexible, and longer-term to support highly adaptive programming in the GFA countries/region. Flexibility is essential to test new and innovative programming, ensure [adaptive management](#) when programs are not working and conflict dynamics evolve, and expand and scale programs and policies that prevent and reduce fragility and violent conflict and build sustainable peace.

To facilitate faster program design, awards, and start-up time, as well as



Photo by Heather Suggitt on Unsplash

2 The Office of Management and Budget (OMB) defines earmarks as funds provided by the Congress for projects or programs where the congressional direction (in bill or report language) circumvents the merit-based or competitive allocation process, or specifies the location or recipient, or otherwise curtails the ability of the Administration to control critical aspects of the funding allocation process.

the hiring and deployment of staff, Congress should equip the Prevention and Stabilization Fund and Complex Crises Fund with enhanced flexibility, particularly concerning the use of program funds, to expand rapid response capabilities. Additionally, Congress should encourage the implementing agencies to utilize [expedited procedure packages](#) to ease burdensome administrative requirements and bypass procurement policies in GFA countries/region.

Through reformed procurement processes and funding streams, especially within the Prevention and Stabilization Fund and the Complex Crises Fund, U.S. assistance can also assist local civil society in the priority countries/region to effectively compete for awards. Through resolutions and new legislation, Congress should signal to the Administration to be more risk-tolerant and provide direct and flexible funding to local organizations to build and enhance the locally-led agenda and scale local solutions—a key objective of the GFA. The GFA is an opportunity to learn what does and does not work in advancing the locally-led agenda.

3. Congress should provide additional funding to address the severe personnel shortages at U.S. embassies/missions implementing the GFA.

For the GFA to succeed, the embassies and missions in the priority countries/region must be adequately staffed with dedicated personnel. The Special Inspector General for Afghanistan Reconstruction's [lessons learned report](#) from August 2021 found “the U.S. Government’s inability to get the right people into the right jobs at the right times was one of the most significant failures of the mission.” However, the U.S. Government continues to underinvest in itself. For instance, the number of staff in Papua New Guinea and Libya is insufficient. For the GFA to succeed, [funding must be available for agencies](#) to allocate sufficient resources for staff in both headquarters and the embassies/missions of the GFA countries and region, including staff to build and



Photo by Dimitry B on Unsplash

manage state-of-the-art monitoring, evaluation, and learning framework over the 10-year implementation period.

Furthermore, existing overhead caps on GFA accounts, such as the [five percent limitation](#) on the Complex Crises Fund, inhibits the hiring of temporary staff needed during GFA start-up and longer-term dedicated staff—both of which are essential to build and maintain GFA-related expertise in the priority countries/region. Furthermore, proscriptions on the use of program funds for the GFA accounts inhibit funding for direly needed personnel. Given the long-term nature of GFA implementation, it is critical posts have staff focused on GFA programming to ensure sustainable buy-in; develop institutional expertise; build local partnerships, and spearhead learning and adaptation. In addition, the Administration requires additional resources to ensure that implementing agencies have adequate and qualified staff at headquarters to maintain regular oversight, engagement, and iterative planning and programming. Congress should lift the ceilings of administrative expenses on the GFA accounts and encourage the implementing agencies to exercise “notwithstanding authority” to expeditiously hire staff and contractors to advance GFA implementation. To

ensure strong leadership over GFA staff, Congress must also quickly confirm ambassadorial nominees for the GFA priority countries throughout the 10-year life cycle.

4. Congress should provide exceptions to the “[material support](#)” prohibition for peacebuilding organizations.

U.S. counterterrorism laws have not kept pace with evolving security challenges or new programmatic approaches to prevent conflict, reduce violence, and build sustainable peace. The material support prohibition will inhibit successful GFA implementation, particularly in Libya, Mozambique, and Coastal West Africa. The broad criminal and civil liability legal restrictions on providing material support to foreign terrorist organizations (FTOs) [limit the effectiveness](#) of programs designed to prevent people from engaging in violent conflict and extremism. The prohibition prevents organizations with U.S. funding from operating in territory controlled by FTOs, limiting constructive activities that promote dialogue and social cohesion. Consequently, the existing bar will frustrate the realization of the GFA Strategy and programs that support nonviolence, curb violent extremism,

facilitate disengagement, reintegration, and reconciliation, and foster inclusive peace processes.

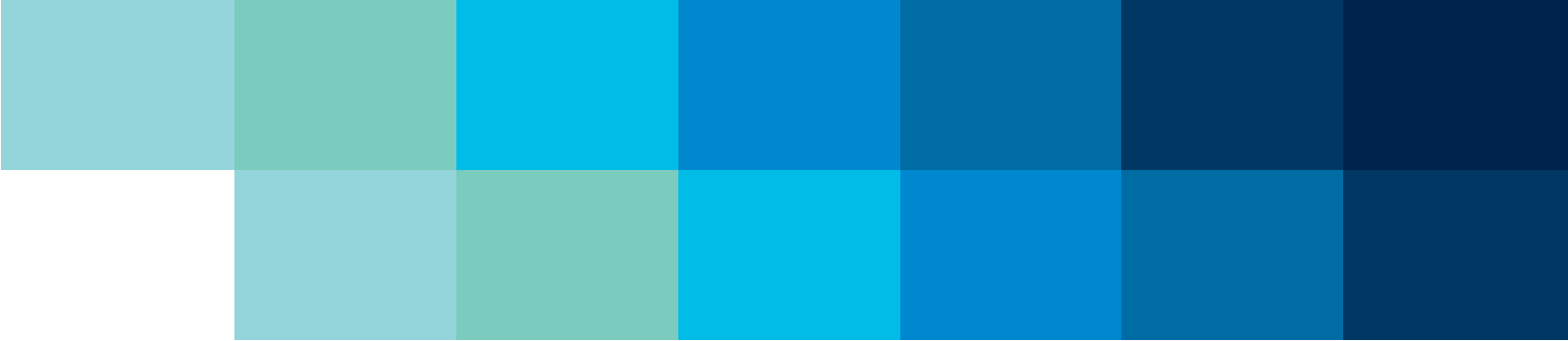
Congress should enact a legislative fix to exempt peacebuilding, humanitarian, and development organizations from liability for any activities licensed by the Treasury Department in addition to the current exception authority of the Secretary of State and Attorney General in [18 U.S.C. § 2339B\(j\)](#). Congress should further provide exceptions to these groups for transactions ordinarily incidental and necessary to deliver aid, such as paying taxes or utility bills, training, expert advice, and assistance to build peace and prevent violence and violent extremism.

Congress could legislate a limited exception to the material support fix for the GFA priority countries/region—or, at a minimum, in Libya, Mozambique, and Coastal West Africa. These priority contexts are experiencing heightened threats of violent extremism, which could undermine GFA implementation. GFA programming and assistance will be critical to curbing the threat of [al-Shabbab in Mozambique](#), particularly in [Cabo Delgado and the north](#), the [various militant groups in and around Coastal West Africa](#), and the [Islamic State and Al Qaeda affiliates in Libya](#). Peacebuilding and prevention programming in these contexts can address the systemic drivers of extremism, foster trust in government and local institutions, accelerate economic development, and eradicate corruption. However, current restrictions will have a chilling effect on implementing organizations seeking to provide assistance in areas controlled by these groups. Holistic programming can provide offramps and create buy-in from former fighters and impacted communities, [create resilience](#) among at-risk individuals and vulnerable populations, reduce the risk of radicalization and recruitment, and build the social cohesion necessary to prevent and mitigate violent extremism. However, without legal protections through a legislative fix to the material support prohibition, implementing partners will be wary of undertaking any programming that could lead to legal liability and remain disincentivized from undertaking the much-needed activities that could advance the GFA and broader U.S. foreign policy aims.

Notably, the Secretary of State has the [authority](#) to exempt organizations and individuals from prosecution that violate the prohibition with the concurrence of the Attorney General. While all peacebuilding and conflict prevention organizations should be able to operate in areas controlled by FTOs, at a minimum, the Administration should notify Congress that it will exercise this authority and provide waivers for [direct assistance](#) in Libya, Mozambique, and Coastal West Africa to promote successful implementation of the GFA.



Photo by Jay Eshie on Unsplash



About Alliance for Peacebuilding:

The Alliance for Peacebuilding (AfP), named the “number one influencer and change agent” among peacebuilding institutions worldwide, is an award-winning nonprofit and nonpartisan network of 165+ organizations working in 181 countries to prevent and reduce violent conflict and build sustainable peace. AfP cultivates a network to strengthen and advance the peacebuilding field, enabling peacebuilding organizations to achieve greater impact—tackling issues too large for any one organization to address alone.



Alliance for Peacebuilding

Published by:

Alliance for Peacebuilding

1800 Massachusetts Ave, N.W.Suite 401
Washington, DC 20036 USA
www.allianceforpeacebuilding.org

©September 2022

For additional information, please reach out to:

Megan Corrado
Director
Policy & Advocacy

mcorrado@allianceforpeacebuilding.org