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IMPROVING SECURITY AND JUSTICE PROGRAMMING IN FRAGILE SITUATIONS: BETTER POLITICAL ENGAGEMENT, MORE CHANGE MANAGEMENT

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FOREWORD

Improving security and justice programming is in many ways central to people's lives in fragile and conflict-affected environments. Security and justice programmes are crucial for making inclusive political settlements work, consolidating peaceful transitions, establishing the rule of law and bringing forward development. Making individual lives safer by protecting people from violence and stabilising governance institutions has played a crucial role in realising the Millennium Development Goals and will remain an important element in the new post-2015 development framework.

Poor and vulnerable groups – and especially women and children – suffer disproportionately from crime, insecurity and fear resulting from insufficient policing, weak justice and penal systems, and corrupt military and police forces. To tackle security and justice issues effectively, it is therefore of immense importance for donors and partner countries to achieve more secure living conditions in fragile and conflict-affected states. Analysis carried out over recent decades by leading development institutions such as the World Bank Group has shown that physical insecurity is top of people's daily life concerns in developing countries, underlining the importance of successful security and justice programming as part of a holistic approach to development.

In addition, we have been seeing a changing threat environment in many developing countries over past years, with terrorism for example becoming a specific challenge to the developing world. While activities such as counter-terrorism were long seen as something that benefited donors rather than partner countries, the picture has changed entirely. Today, threats coming from terrorist activities are felt much more by people in developing countries, and challenge development on all fronts including economies, societies and political institutions. Therefore, when working on security and justice programming, we do not only have to recognise the importance of guaranteeing physical security and a life free of violence – we must also take into account the changing nature of security in developing countries and its implications.

Managing change in the security and justice sector is politically sensitive and incredibly complex: it interferes with the foundations of power, is politically contested at both ends of the development partnership, and potentially challenges the interests of established social and political groupings in partner countries. Moreover, external actors trying to stimulate security and justice programming within a country often find it to be a resource-consuming and frustrating exercise.

In consequence, international support for security and justice development programming needs to be designed, organised and delivered in ways that adhere much more closely to the political and operational realities of fragile environments. This report aims to take a step in this direction by analysing past and

current programmes in developing countries, extracting relevant policy implications and providing important lessons for future programmes.

The report draws on experience from nine security and justice programmes in four different countries: Burundi, Guatemala, Timor-Leste, and Sierra Leone. It uses evidence from these programmes to highlight what has worked and what has not worked in the design and implementation of security and justice programmes in fragile and conflict-affected states. It is aimed at senior decision makers and outlines four critical "programming enablers" which convert the study findings into key recommendations for how to improve the design and implementation of security and justice programmes in developing countries.

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This report has been prepared and written by Erwin van Veen of the OECD's Development Assistance Committee (DAC) and the International Network on Conflict and Fragility (INCAF) and has benefited from critical review by many of those mentioned below. It was finalised by Vanessa Wyeth and Miriam Möller under the supervision of Alan Whaites (OECD/DAC/INCAF). The report synthesises two years of analysis of current practice in international security and justice development programme design and implementation. It is the product of many great individuals' efforts and could not have been produced without their unflagging commitment.

The first phase of the project (January to May 2011) owes a debt of thanks to Luc van de Goor (Clingendael Institute) and Nicole Ball (Centre for International Policy). They produced the initial, desk-based assessment of the challenges facing international support for security and justice development programming and also mapped out where to look for solutions. Their work benefited significantly from the input of a reference group consisting of Julio Faundez (University of Warwick), Laurie Nathan (University of Pretoria), Katya Salazar (Due Process of Law Foundation), Eboe Hutchful (African Security Sector Network) and Piet Biesheuvel (Libra Advisory Group).

On the basis of the initial assessment, the task team on peacebuilding, statebuilding and security of INCAF decided to advance the project to its second phase, which consisted of four case studies (September 2011 – February 2013). The case studies sought to test and deepen the findings of the project's first phase in the field, with a focus on the views and experiences of national stakeholders. Alejandro Alvarez (UNDP/BCPR) and Erwin van Veen (OECD/DAC/INCAF) facilitated an informal working group of INCAF that guided the case study work. Its members were Freddie Carver and Ben Latto (DFID), Julie Werbel (USAID), Arthi Patel and Sarah Callaghan (AusAID[1]), Berber van der Woude and Yaron Oppenheimer (Netherlands), Michaela Friberg-Storey and Helena Vasquez (Sweden), Valérie Maugy (France), Greg Ellis (AusAID, previously World Bank), Bernard Harborne (World Bank), Eva Ostbye (Norad), Maria-Cruz Cristobal (European External Action Service), and Federico Birocchi (European Commission). Special thanks are due to the Folke Bernadotte Academy for hosting a workshop in Stockholm on the initial findings of the Burundi case study in February 2012.

The case study teams found themselves confronted with the usual daunting combination of little time and demanding terms of reference. For managing this balance with competence and commitment, thanks go to Nicole Ball, Jean-Marie Gasana and Willy Nindorera (Burundi); Paul Jackson, Peter Albrecht and Osman Gbla (Sierra Leone); Teohna Williams, Nelson Belo, Josh Trindade, Alexander Burian and Eric Scheye (Timor-Leste); and Björn Holmberg, Alejandra Cruz Galich, Carmen Rosa de Leon and Natacha Meden (Guatemala) (*e.g.* Annex 2). Equally vital to successfully conducting the case studies was the in-country support of the

[1] AusAID was integrated into the Department of Foreign Affairs and Trade (DFAT) of the Australian Government at the end of 2013. In this report the term AusAID will be used when referring to the case studies since they were conducted before the merge.

Netherlands in Burundi, the UK in Sierra Leone (Mark White in particular), UNDP and UNMIT in Timor-Leste, and the EU in Guatemala (Antonio dal Borgo in particular). Furthermore, three of the case studies would not have been possible without the generous and valuable in-kind support of the UK Stabilisation Unit and the International Security Sector Advisory Team (ISSAT).

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TABLE OF CONTENTS

FOREWORD 1

ACKNOWLEDGEMENTS 5

ACRONYMS AND ABBREVIATIONS 9

EXECUTIVE SUMMARY 10

SECTION 1. INTRODUCTION 17

SECTION 2. THE APPROACHES TO SECURITY AND JUSTICE DEVELOPMENT PROGRAMMING 19

2.1 Why are security and justice so important for development? 19

2.2 Key characteristics of security and justice in fragile environments..... 20

2.3 Trends in international support for security and justice programming 21

2.4 Why is programming success so elusive? 23

2.5 A framework for effective programming 25

SECTION 3. THE GOOD, THE BAD AND THE UGLY: AN ANALYSIS OF NINE SECURITY AND JUSTICE DEVELOPMENT PROGRAMMES 27

3.1 Getting the politics right 30

3.2 Getting the resources right 38

3.3 Getting ways of working right 46

SECTION 4. FOUR CRITICAL PROGRAMMING ENABLERS 54

4.1 Programme enabler #1: Enable programmes to engage politically on a daily basis 54

4.2 Programme enabler #2: Increase the duration of security and justice programmes to 6-10 years 56

4.3 Programme enabler #3: Develop detailed longer-term results as part of the programme 57

4.4 Programme enabler #4: Ensure programme implementation is adjustable 58

SECTION 5. WHAT CAN SENIOR DECISION MAKERS IN DONOR AGENCIES DO? 60

5.1 Are new strategies or policies required for implementation?..... 60

5.2 Are new competences required for implementation? 60

5.3 Are new procedures required for implementation?..... 61

Annex 1: References 65

Annex 2: A brief description of each case study 68

Annex 3: Methodology, strength of evidence and outstanding issues 69

Annex 4: A framework tool to assess the effectiveness of a programme's approach 71

Annex 5: A profile for international security and justice staff at the strategic level 72

ACRONYMS AND ABBREVIATIONS

ASJP	Access to Security and Justice Programme
AU	African Union
AusAID	Australian Agency for International Development
BTC	Belgian Development Agency
CoC	Council of Co-ordination
DFAT	Department of Foreign Affairs and Trade
DFID	Department for International Development
GBP	British pound (currency)
EU	European Union
EUR	Euro (currency)
IDPS	International Dialogue on Peacebuilding and Statebuilding
IIMS	Integrated Information Management System
INCAF	International Network on Conflict and Fragility
JSDP	Justice Sector Development Programme
JSP	Justice System Programme
JSSF	Justice Sector Support Facility
MFA	Ministry of Foreign Affairs
MOU	Memorandum of Understanding
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
ONS	Office of National Security
PARJ	Support Programme for Justice Reform
PAVI	Programme Against Violence and Impunity
RSLAF	Republic of Sierra Leone Armed Forces
SEJUST	Support Programme for Security and Justice
Sida	Swedish International Development Cooperation Agency
SILSEP	Security Sector Reform Programme in Sierra Leone
SJSRP	Security and Justice Sector Reform Programme
SSD	Security Sector Development
SSR	Security Sector Reform
UN	United Nations
UNDP	United Nations Development Programme
UNMIT	United Nations Integrated Mission in Timor-Leste
USAID	United States Agency for International Development
USD	United States dollar (currency)

EXECUTIVE SUMMARY

To strengthen programmatic results and improve the effectiveness of peacebuilding and statebuilding strategies, international support for security and justice development programming needs to be designed, organised and delivered in ways that adhere much more closely to the political and operational realities of fragile environments than is the case today.

Even when international support for such programmes is brought more in line with context, however, it is unrealistic to expect it to deliver fundamental change on a sensitive and politically charged issue like security and justice. Fragile environments can be tough and complex places in which to operate, and there is limited scope for external actors to drive reforms that fundamentally alter domestic power dynamics. Yet there is sufficient evidence to suggest that externally supported programmes can contribute to incremental change and lay the groundwork for a sustainable change process.

To deliver better on this potential, senior decision makers at the level of director-general, minister or assistant secretary-general (and their equivalents in the field) in bilateral and multilateral development organisations need to consider implementing four critical enablers that can improve the quality of international support for security and justice programming (Table 1).

These enablers and actions for implementation are based on case study analysis of how nine externally supported security and justice development programmes in Burundi, Guatemala, Sierra Leone and Timor-Leste were designed, and how they attempted to stimulate change, realise their priorities and remain relevant in often rapidly shifting fragile environments.

Table 1. The four key enablers for security and justice programmes

#	Key programme enabler	What this means	Options for implementation	Programming examples[2]
1	**Enable programmes to engage politically on a daily basis**	Creating the ability to act quickly in response to political developments (in the broader sense and at the programme level)	Building high-level political support for a programme that enables, at times, difficult decisions	DFID in Sierra Leone (SILSEP) or the Dutch MFA[3] in Burundi
			Building informal networks with a broad spectrum of leaders relevant to the security and justice area	Nepal Security Sector Network (not a case study), Dutch MFA in Burundi
			Conducting ongoing political analysis that informs programming	No good examples from case studies, but see Zimbabwe Peace and Security Programme
			Smart staffing of strategic roles, in particular political officers, programme managers & seconded advisors	DFID in Sierra Leone (SILSEP) or the Dutch MFA in Burundi
2	**Increase the duration of security and justice programmes to 6-10 years**	Making a political commitment to a longer-term engagement on the basis of partnerships with flexible financing	Authorising and gaining political support for longer programmes	BTC in Burundi or AusAID[4] in Timor-Leste
			Putting in place a Memorandum of Understanding	Dutch MFA in Burundi
			Designing a series of successive programmes	UNDP in Timor-Leste, USAID in Guatemala
3	**Develop detailed longer-term results as part of the programme**	Define only intermediate results at the start of a programme and put a process in place to develop longer-term results that is guided by agreed principles	Agreeing a framework and filling it out over time	Dutch MFA in Burundi
			Starting small and scaling up	AusAID in Timor-Leste (selected projects)
4	**Ensure programme implementation is adjustable**	Being able to operationally respond to developments and learn from implementation experiences	Setting up flexible funding pools (mini trust funds) as part of a programme	Dutch MFA in Burundi
			Conducting joint monitoring	No good examples from case studies
			Creating mechanisms that enable staffing flexibility	No good examples from case studies

[2] This column is based on known information from the case studies. There might well be more examples from the programmes examined, but no evidence of this was generated through the case studies.
[3] The Dutch Development Cooperation is located at the Dutch Ministry of Foreign Affairs (MFA).
[4] AusAID was integrated into the Department of Foreign Affairs and Trade (DFAT) of the Australian Government at the end of 2013. In this report the term AusAID will be used when referring to the case studies since they were conducted before the merge.

Implementing these enablers does not require new policies, new competences for development organisations or radically different procedures. Instead, it requires an improved corporate understanding in donor organisations of what a good programme looks like, altering the incentives that influence staff behaviour, and fostering a culture of organisational learning. Senior decision makers can champion implementation by taking three concrete actions:

1. authorising a more permissive programming environment so that staff can innovate, design and implement programmes that have more of the above features

2. creating higher standards of accountability for programme design and implementation as well as better monitoring functions so that incentives and pressure are created for better programmes

3. creating a corporate openness to learning so that these improvements are only the starting point of a longer-term process of maturing and ameliorating the quality of international support for security and justice development programming.

From this "process perspective", the analysis of the case studies suggests that many security and justice development programmes are insufficiently political, attempt to deliver overly ambitious objectives under serious resource constraints, and are too linear and rigid in how they operate. On the positive side, current practice also shows that a few programmes have attempted to innovate on some or all of these issues. One challenge is how such features can be introduced elsewhere to good effect.

Tables 2-4 unpack the key political, resourcing and operational elements of an effective security and justice programme. These tables summarise the evidence base of the report. The examples (right-hand column) are presented in more detail in the main body of the report.

Table 2 zooms in on the politics of programming. Due to the often personalised nature of politics in many fragile environments, the potential for violence and low levels of socio-political resilience, political priorities and feasibility can change rapidly. To be relevant a programme needs to be able to understand its political context, reflect political and societal interests, monitor political change, and manage political expectations – including "at home" in donor countries or multilateral headquarters. The case studies suggest that most programmes lack such political insight or capabilities. This is problematic: the overlap between the interests of those in power, "their" people and development actors might be rather limited, particularly in the security and justice area. In consequence, programmes risk being less change-inducing than they could be, quite possibly to the detriment of those they seek to assist.

Table 2 - Essentials of getting the politics of programming right

Key elements	*What they mean*	*Programming examples*[5]
a) Continuously assessing key security and justice issues and their political scope for positive change	Programmes need to make extensive and continuous efforts to understand critical security and justice priorities, and their political feasibility. Only in this way can they stimulate positive change effectively	What has worked: - Dutch MFA in Burundi: Dedicated projects to identify issues and interests on the go - AusAID in Timor-Leste: Taking time for a real conversation What has not worked: - The EU in Guatemala: Taking a technical approach - UNMIT in Timor-Leste: Clinging to a good idea for which the time had passed
b) Identifying intermediate objectives and guideposts for longer-term direction in parallel	Programmes must be flexible in what they seek to achieve because of the complexity, turbulence and unpredictability of fragile environments. Hence, programmes should set short- to medium-term objectives and include a process for identifying long-term results as part of its set of activities	What has worked: - Dutch MFA in Burundi: Combining short-term projects with long-term principles - UNDP in Timor-Leste: A rolling series of programmes What has not worked: - BTC, DFID and Sida in Burundi: Setting overly ambitious results at the start of a programme Mixed results: - The EU in Guatemala and DFID in Sierra Leone: Flexibility between the lines
c) Building domestic political support	Programmes require significant levels of political resilience and support in donor capitals and multilateral headquarters to avoid abrupt or unilateral responses to negative developments in fragile states, and enable more measured responses	What has worked: - DFID in Sierra Leone (SILSEP): Political support at the highest levels - The Dutch MFA in Burundi: A range of crisis response options

Table 3 focuses on programming resources in terms of time, staff and funds. For quite a few programmes, time is a problematic resource in the quantitative sense (*i.e.* there isn't enough of it), while staff and funds are problematic in a qualitative sense (*i.e.* staff and funds are not sufficiently fit for the purpose and too inflexible). Many programmes can be characterised by a significant gap between the ambition of their objectives and the type and quality of resources allocated to realise them.

[5] Examples of "what has worked" and "what has not worked" are relative. In nearly all programmes positive examples had downsides and negative examples upsides. Hence, the categorisation of the examples reflects relative assessments of parts of programmes in a particular context.

Table 3 - Essentials of getting the resourcing of programming right

Key elements	*What they mean*	*Programming examples*
a) Making sure programmes are of adequate duration to enable sufficient confidence and capacity building	A programming time horizon that is not aligned with its objectives limits the ability to build capacity and trust, reduces the level of contextual understanding that can be gained, and decreases the benefits gained from the experience of working together. Pressure to deliver in the short term will dominate implementation and prevent joint ways of working that are critical to success	What has worked: - DFID in Sierra Leone (SILSEP): How a long-term programme with good staff enabled adjustment to context - The Dutch MFA in Burundi: Nesting multiple short-term programmes in a long-term commitment What has not worked: - DFID in Sierra Leone (JSDP) and the EU in Guatemala: Successor programmes that kept being delayed
b) Ensuring that programmes are flexible in (re)allocating funding to activities and feature a national contribution	Ensuring that a programme can use windows of opportunity and respond to unexpected events requires flexibility of funding. One way of generating flexibility is to make sure programmes have unallocated funds at their disposal that can be easily mobilised. In addition, without a national financial contribution programmes are unlikely to be sustainable	What has worked: - The Dutch MFA in Burundi: Generic training funds as dedicated projects - AusAID in Timor-Leste: Funding allocation through venture capitalist methods - UNDP in Timor-Leste: Bringing international advisors on the national payroll What has not worked: - DFID in Sierra Leone: Very limited national financial contributions after 15 years of programming
c) Ensuring staff are skilled in politics and change processes and programmes grow/develop human capabilities more structurally	Staff involved in programming at the strategic level need to be politically savvy, good change managers and technically skilled. Often the latter is emphasised to the detriment of the first two. It is particularly important that a programme has high-level political champions on both sides with time to engage when the inevitable political challenges arise	What has worked: - DFID in Sierra Leone (SILSEP): Empowered and capable staff on both sides - The Dutch MFA in Burundi: Growing local leadership What has not worked: - UNDP in Timor-Leste: Providing large-scale technical expertise without an exit strategy - The EU in Guatemala: Concerns about the skill sets of international advisors

Table 4 focuses on how programmes are implemented. Programmes are change agents in dynamic environments with limited prior knowledge of partners, priorities and context, so they need to excel at monitoring, learning and adjustment. Yet the case studies show that programmes primarily follow linear, fairly rigid implementation trajectories, creating a significant risk that they will be less relevant than they could be. In consequence, within their programme cycles or log frame, programmes need to pay more attention to how they develop once implementation has started.

Table 4 - Essentials of getting the ways of working right

Key elements	*What they mean*	*Programming examples*
a) Having a process in place to discuss programming progress in its broader context from a political perspective	Programmes need to continuously calibrate their efforts with political developments in fragile environments. Hence, they need to have the ability to engage in political assessment and conversation on a daily basis. This requires informal and formal processes and networks, as well as appropriate staffing (see above)	What has worked: - The Dutch MFA in Burundi: Strong relations between programme management, embassy office and national counterparts - DFID in Sierra Leone (SILSEP): Close-up advice on a daily basis What has not worked: - UNMIT and AusAID in Timor-Leste: Dutch MFA*:* Missing the opportunity to recalibrate a programme after elections - UNDP in Timor-Leste and the Dutch MFA in Burundi: High-level steering committees becoming dysfunctional
b) Making sure a programme purposefully increases levels of trust and expands a network of relevant relations	Building trust with local partners is essential because of the sensitive and political nature of security and justice programmes. Ways to build trust include early deliverables, joint design, resources, analysis and monitoring – all of which require time – as well as building leadership and institutional capacity and avoiding abrupt changes in levels of support. Programmes must have a conscious strategy and consider how their actions will be perceived and affect trust	What has worked: - USAID in Guatemala: Approaching institutional change from a sociological perspective - AusAID in Timor-Leste: Intensive "handholding" of civil society organisations - The Dutch MFA in Burundi: "Quick wins" to generate support for long-term change What has not worked: - The Dutch MFA in Burundi and UNMIT in Timor-Leste: Unilateral procurement or recruitment - UNDP in Timor-Leste: Late engagement with a large informal justice sector
c) Being able to learn in real time from programme implementation experiences and adjust	Regardless of the initial levels of political, strategic and operational agreement and clarity, once programme implementation starts constant adjustment will be required. This is only possible when programmes can learn from implementation experiences. Adjustment, in turn, depends in part on ensuring the flexibility of resources (time, funds, people) and in part on programmes having processes to monitor and learn jointly	What has worked: - The Dutch MFA in Burundi: Conducting a baseline assessment and regular reviews What has not worked: - UNDP in Timor-Leste: A near complete absence of monitoring - The EU in Guatemala: Death by procedure and requirements

What next?

OECD DAC members engaged in this area should use this report to review their current approach to programming, examine what improvements they need to make and draw up an action plan of how to realise them. This can inform country strategies, programme management guidelines, training efforts, funding allocations and recruitment/resourcing policies.

SECTION 1. INTRODUCTION

There is significant scope for improving the design and implementation of international security and justice programmes.[6] While there are some examples of innovation and success, too often these seem to be the result of specific sets of circumstances that are hard to replicate, rather than generally sound approaches to programming in fragile environments. In other words, the good programming practice that exists seems insufficiently internalised in donor organisations and inconsistently applied across situations. The key to improvement lies in creating a clearer, common corporate understanding in donor organisations of what a good programme looks like, altering the incentives that influence staff behaviour and fostering a culture of organisational learning.

This report aims to contribute to this by drawing on case studies of nine security and justice programmes[7] supported by seven external actors in four countries (Burundi, Guatemala, Sierra Leone and Timor-Leste; described in Box 1 and Annex 2). It examines their efforts to help improve the delivery of security and justice in the face of complex programming challenges,[8] how they tried to overcome these challenges, and the approaches they took that did and did not work.

The report is primarily aimed at officials and senior decision makers in national development administrations and international development organisations who develop, implement or decide on external support for security and justice development programmes. However, the report is also relevant to national stakeholders in fragile environments with an interest in effectively harnessing external support to bring about domestic change in the area of security and justice.

The report recognises that donor governments use both ODA eligible and non-ODA eligible funding to support security sector reform. Therefore the following analysis and recommendations are based on the full range of resources available for programming.

On the basis of the evidence generated, the report proposes a set of four critical programming enablers that will help international development actors improve their support for security and justice programmes.[9] It also suggests several options for implementing each enabler. This package aligns with and

[6] Effective programming results from dynamic interaction between sound substance and sound process. Sound substance utilises the latest technical empirical knowledge on particular security and justice topics in programme design and implementation. Sound process ensures that programmes are – and remain – joint change-management efforts whose substantive priorities are politically feasible in their context. A programme that is grounded in valid substantial knowledge but does not ensure that its processes are appropriate cannot be effective. Similarly, sound processes but poor technical knowledge also inhibit programmatic effectiveness.

[7] The report considers a programme to be a portfolio of projects that are executed as a whole and in which each project contributes to the same (set of) strategic objective(s).

[8] Programming challenges include, for instance, dealing with fragmented and opposing political interests, identifying meaningful results, monitoring progress, and flexibly responding to developments and events.

[9] As all programmes investigated have multi-year timeframes and multi-million dollar budgets, and are undertaken from a development perspective, the report's findings have most immediate relevance for similar efforts. While the report focuses on the security and justice area, its insights are likely to have some relevance for other thematic areas.

can feed into the broader reform process initiated by members of the OECD's International Network on Conflict and Fragility (INCAF) to improve how they strategise, programme and operate in fragile environments, and into efforts to implement the New Deal of the International Dialogue on Peacebuilding and Statebuilding (IDPS, 2011).

The report is organised into five sections. Following this introductory first section, Section 2 sets the scene by outlining the importance of security and justice for development and discusses key characteristics. It also introduces a framework to think through the design and implementation of effective security and justice programmes that is based on the case study evidence. Section 3 expands this framework and uses it to synthesise key findings from the case studies. Section 4 advances a set of four critical programming enablers that can improve the quality of international security and justice engagements. Section 5 outlines how senior decision makers in donor organisations can help deliver implementation of this improved package.

SECTION 2. THE APPROACHES TO SECURITY AND JUSTICE DEVELOPMENT PROGRAMMING

This section addresses five issues. First, it discusses why security and justice are so important for development. Second, it outlines some key characteristics of this area in fragile environments. Third, it discusses a number of trends in international support for security and justice development programming. Fourth, it analyses why security and justice programming success is so elusive in fragile and conflict-affected environments. It concludes with a framework for effective programming which is based on the findings of the case studies, as well as the existing (or grey) literature. This framework provides the analytical lens through which the case studies are discussed in Section 3.

2.1 Why are security and justice so important for development?

The ability to live in reasonable safety and with an expectation of fair, non-discriminatory treatment is critical to both individual and collective self-development. Freedom from fear is just as important a measure of human development as freedom from want. Constant fear – for one's life or from arbitrary decisions that affect how one lives – is not only debilitating; it makes it much more difficult to seize opportunities and to make progress in any human endeavour. Stability, social cohesion, economic growth and investment all suffer in an environment dominated by violence and injustice (De Soto, 2000; North, Wallis and Weingast, 2009; Bingham, 2010; World Bank, 2011). Most societies have recognised this and developed public institutions that ensure a basic level of safety, justice and fairness.

The case studies demonstrate that there is endless variation in such institutional frameworks. For example, they can vary in the scope of their authority (from individual communities to groupings of many nations); their level of formalisation (from unwritten rules to international treaties); and the source of their authority (from society through democratic processes to a single autocratic individual). They share, however, two broad characteristics. First, such institutions have some degree of legitimised power by which they impose themselves over individuals, either directly by force or more indirectly by law or custom. Second, they generally publicly say they seek to provide a basic level of security and justice for all in an effective, accountable and impartial manner.

In situations of conflict and fragility significant tension can exist over the kind of security and justice desired by populations, the kind actually provided and the possibilities and/or capabilities for improvement. Particular problems tend to occur more often or more severely in these situations than in more stable and peaceful environments. These include:

- *Institutions that do not deliver.* That is, they often do not deliver effective security and accessible justice for the entire population, and especially for the poor. Instead they tend to deliver protection for elites. In some cases institutions try to deliver broad-based security and justice but

lack the necessary capacity. They may not have the organisational cohesion, morale, skills, adequate pay, facilities and/or equipment to effectively accomplish their goals. While the lack of equipment or training may seem a technical issue, it usually is not. Particular security institutions or parts of institutions – usually those closest to certain elite groups and interests – are often well endowed while others are starved of influence and resources. Moreover budget allocations that can potentially remedy such imbalances are political decisions. From the case studies, Burundi and Sierra Leone offer good examples.

- *Institutions that are accountable to narrow elite groups.* This is most problematic when these elites excessively prioritise their self-interests or when significant parts of the population are excluded.

- *Institutions that have been captured.* This happens as an increasing number of their representatives or agents are corrupted by financial incentives, threats or both, and so serve particular interest groups and quite often organised crime. From the case studies, Burundi and Guatemala offer good examples.

The broad effect of each of these examples of institutional "failure" is that public demand for security and justice, as a collective good, is not met, or only partially satisfied. This leads to welfare losses in the form of lower development; it also erodes state legitimacy. In more extreme cases, failure to provide this good leads to lawlessness and/or violence that in turn can make countries poorer, reduce social capital and spill over borders (*e.g.* World Bank, 2011; OECD, 2011; IDPS, 2011).

The examples also demonstrate clearly that security and justice development normally involves attempts to support institutional reform within partner organisations. For this reason, those involved should look at existing, wider institutional reform guidance, including how to address issues of human resource management and corruption.

2.2 Key characteristics of security and justice in fragile environments

The most important characteristic of security and justice for developmental programming is that it is exceptionally political;[10] its sensitivity creates particular challenges. This means that change is very difficult to stimulate from the outside and time-consuming to bring about (see also World Bank, 2011). The primary reason is that elites use security and justice institutions as important tools for maintaining political and social control, as well as personal status and privilege. Security and justice institutions can be used to

[10] By way of clarification, the term "political" in this report primarily refers to the way personal or group-based interests, in pursuit of status, power or wealth, determine how security and justice institutions operate. While this process is not unique to fragile environments, it tends to be much more pronounced. There is a regular process of political contestation and negotiation between security and justice institutions for authority, resources and primacy that occurs in every country.

pursue interests and enforce decisions – with immediate effect and in ways that result in the loss of life, property or freedom – and this makes them crude but effective levers of governance and social control. The institutions and key actors involved often have been drivers of conflict and fragility and often lack public trust and legitimacy. In some cases, security and justice institutions have been responsible for major human rights violations and predatory behaviour.

Power in many fragile environments also can be both personalised and lacking in accountability. Security and justice institutions, when used by elites to maintain their privileged status, serve the few to the detriment of the many.[11] No other area of development in fragile environments is as relevant or closely linked to power dynamics. Political settlements, constitution-building processes and peace agreements – all highly sensitive in their own right – can be undone by force or by law.[12] In consequence, there is typically great resistance to meaningful changes in the governance and accountability of security and justice institutions.

Section 3 will demonstrate, through analysis of the case studies, the ramifications of this characteristic. Programmes must be able to discern political motives and assess the political feasibility of change on a continuous basis, as well as learn, influence and adjust in dynamic political environments.

2.3 Trends in international support for security and justice programming

The number of externally supported programmes that aim to improve security and justice outcomes, especially in fragile environments, has increased significantly in the last 15 years. In part this is because it has proven difficult to stimulate sustainable development without ensuring basic, inclusive safety and access to justice. The use of force without accountability, unfair treatment of grievances and a weak rule of law easily lead to endemic poverty, marginalisation and violence. This has turned security and justice into a mainstream development issue and made it an integral component of most peacebuilding and statebuilding strategies.

Major milestones that have advanced international thought and action in this area include the UN Development Programme's (UNDP) *Human Development Report* (1994), the bilateral work of the UK Department for International Development (DFID) around 2000, the World Bank's *Voices of the Poor* (2000) report,[13] the OECD's *Handbook on Security and Justice Reform* (2007)[14] and the World Bank's *World*

[11] The historical track record of Europe suggests that those able to engage in violence most effectively were often those who transformed their power base into the modern state and gradually monopolised the domestic application of violence by assuming the mantle of sovereignty and increasing territorial control (*e.g.* Tilly, 1992; Bayly, 2003).
[12] The quote attributed to the former Peruvian president, Óscar Benavides, is appropriate here: "For my friends, anything; for my enemies, the law."
[13] This highlighted very clearly that a basic level of security and access to justice is among the most pressing concerns of the poor. Many surveys have confirmed this in countries as far flung as Kosovo, Nepal, Sierra Leone and Liberia (Cleland Welch et al., 2006; Smith-Höhn, 2010; Gordon, 2011).
[14] The handbook puts the issue squarely on the international agenda, building on earlier thinking by DFID and UNDP. It was followed by similar policy documents by the UN, European Union and African Union.

Development Report (2011). Over this period, at least four broad developments in external support for security and justice programming can be identified (see also Sedra, 2010):

1. *From state-centred to people-centred.* While still strongly focused on building state institutions, programmes are increasingly incorporating into their design the perspective and needs of the marginalised and vulnerable poor. Yet successful implementation remains a challenge. A key and as-yet unresolved question is the composition of security and justice institutions that will ensure a people-centred state in a particular fragile environment. These may well include local institutions that bear little resemblance to those in countries where the state has an established and legitimate monopoly on the use of force. Programmes should pay more attention to providers of security and justice other than those controlled by governments, and to linkages between the institutions of the central state and those of informal and customary society.[15]

2. *From capacity building to service delivery and problem solving*. While capacity building continues to be perceived and applied as a catch-all solution that can build effective and accountable security and justice institutions (*e.g.* AusAID, 2012a), focus is gradually shifting to seeing the delivery of security and justice as a service. This perspective requires addressing specific user needs and problems. Capacity to build and maintain organisational structures can be very different from capacity to address needs and problems. Both approaches require programmes to pay more attention to politics and beneficiaries.

3. *From blueprint to context specificity.* When Western models for organising security and justice are applied they usually fail. While it is important to keep in mind lessons learned – for example, the importance of establishing a collaborative relationship between police and the communities they serve – solutions should be adapted to their specific context. This requires programmes to take more consultative and incremental approaches in order to find out what can actually work in a particular environment. This is especially important in security and justice programming, as public expectations about the role of security and justice institutions are key to the state-society relationship.

4. *From holistic to more selective.* Many security and justice institutions, such as police, justice and prisons, are interdependent. To avoid unintended consequences in interventions, their relationships and performance need to be analysed in an integrated manner. This holistic approach to analysis has at times been interpreted as a requirement for a holistic approach to programming (*e.g.* OECD, 2007). It has become clear, however, that this is too ambitious and may paralyse action. Programmes can work

[15] The distinction between state and non-state often is a rather Western construct that does not necessarily make sense in fragile realities, as the line between them is blurred and does not follow the neat contours of the "Weberian" state. The author is grateful to Peter Albrecht for this point. Most programmes examined through the case studies underpinning this report work with institutions of the central state. However, these institutions do not provide most security and justice services for the majority of people in fragile states. This suggests that many programmes are premised on the belief – not necessarily the evidence – that the institutions of the central state should become the dominant providers of security and justice. While most international development actors have recognised the importance of local and informal providers in at least the short to medium term, significant barriers to putting this recognition into practice remain. See on this topic, for example, Scheye (2009), Albrecht et al. (2011), Denney (2012), and Smits and Wright (2012).

when they address entry points that are politically feasible. In effect, programmes need to be modelled on organic rather than structural lines. From there, they can scale up and build linkages with other sub-systems of the security and justice system. This requires programmes to be more opportunistic regarding entry points, and maintain an ability to experiment and build on critical linkages when it becomes possible.

Taken together, these developments are making external support for security and justice programming more modest, focused and realistic. They also challenge development agencies to accept and manage greater uncertainty. Section 3 will suggest, however, that they have not yet made programming more political or flexible.

> ***'You need a starting point that your partners buy in to. Then the whole programme is a series of negotiations, discussions and processes.'***
> *Quote from one of the case studies*

2.4 Why is programming success so elusive?

2.4.1 General issues

Fragile environments can be challenging for security and justice programming. When working in fragile contexts it is crucial to be aware of the unique and different nature of each fragile state. Therefore comprehensive conflict analysis should be a starting point for further engagement in each country. In some situations, however, fragile environments can share common characteristics that hamper effective programming. Fragile environments can be messy, opaque to outsiders and turbulent. For example, politics in fragile environments can be characterised by low levels of institutionalisation and high levels of personalisation. Changes can occur regularly in the position, power and relations of politicians, senior government officials and the business elite. This can have negative consequences for the longevity, predictability and feasibility of policies and programmes. It also means that external shocks and events can have an amplified impact on progress as they are not necessarily mediated or mitigated effectively by functioning institutions. Moreover information can often be difficult to access, which makes understanding problems and possible solutions more difficult. The scope and scale of the challenges in fragile environments can make it difficult to set priorities. Finally, vested interests in the status quo can be especially strong in cases where governance has been personalised. Those in power can be reluctant partners for change. All this can create a daunting environment in which most externally supported programmes will struggle to stimulate positive change in a sustainable manner.[16]

As formidable as the challenges might be, a deeper problem is the mismatch between the rigidity of many programmes that stands in contrast to the fluidity of fragile environments. Despite the evident need to operate in an adjustable, flexible manner, most programmes work in a linear fashion and do not provide a permissive space for experimentation, learning and adjustment (*e.g.* Brinkerhoff and Inge, 1989; OECD,

[16] Positive change refers to change that improves the lives of people in line with international aspirations, standards and principles as expressed, for example, in the UN Charter or the Universal Declaration of Human Rights.

2011; World Bank, 2011; Jones, 2011; Mansuri and Rao, 2012).[17] It is not surprising, then, that programming success proves to be elusive despite recognition of the challenges (*e.g.* OECD, 2011; IDPS, 2011; World Bank, 2011) and ongoing improvement efforts such as the International Dialogue for Peacebuilding and Statebuilding's New Deal (IDPS, 2012) and the United Nations Rule of Law Indicators (UN, 2011).

2.4.2 Specific issues

The exceptionally political nature of security and justice provision creates barriers to programming success beyond the general complexity and dynamics of fragile environments. Programmes must take account of at least four issues:

- *The overlap between the interests of those in power, the public and development actors might be limited.*[18] As a result, time and effort will have to be spent early on to ascertain which issues, if addressed through a programme, are likely to enjoy a measure of support from all three sets of stakeholders. Such consensus is important to success because it creates the resilience that programmes need to overcome adverse events or to capitalise on windows of opportunity. A programme without some support from each of these stakeholders runs the risk of failing as a result of an absence of "political will", a lack of popular legitimacy, or evaporating donor domestic support in reaction to "ugly" events such as human rights violations. None of these groups of stakeholders is a monolithic entity, which means there is room for stakeholder-based influencing strategies (for example, see Van Veen, 2008). It is vital, however, for programmes to be interest-based.[19] Ignoring the realities of domestic factors, including the interests of domestic powerbrokers, on the part of donors and partner governments in the dogmatic pursuit of international best practice inevitably leads to failure.

- *External development actors will have to work hard to earn the political trust that is vital to programming success.* As security and justice institutions represent tools of power, external actors – who often also bring their own security agenda to the table – will not necessarily be trusted to influence change. As a result, they need to earn the trust and confidence of local change agents. To accomplish this, programmes need to excel in relationship building, be capable of demonstrating

[17] For a more conceptual discussion on blueprint versus process approaches, see Brinkerhoff and Ingle (1989). On ways to deal with environmental complexity, see Jones (2011).
[18] This particular parameter was not investigated in great depth in the programmes covered by the case studies.
[19] See also the project "Indicators in Development: Safety and Justice" at Harvard University. The project's goal is to support state officials and civil society organisations in developing and using their own indicators to spark, reinforce and communicate progress towards strategic goals in justice and safety. The idea is to use monitoring and evaluation in the area of security and justice to actually help build political will – for instance, by including some indicators that celebrate the things that institutions are doing well or where they are making progress. For further information see http://www.hks.harvard.edu/programs/criminaljustice/research-publications/measuring-the-performance-of-criminal-justice-systems/indicators-in-development-safety-and-justice

principled flexibility in implementing activities and delivering results,[20] and include confidence-building measures (*e.g.* dedicated projects that deliver short-term positive results). The dilemma here is that a trade-off may be involved in building trust with parts of the elite in power (necessary for success) and with parts of the population (necessary for legitimacy). A 2012 paper on justice and security interventions in fragile states offers some bridging ideas (Van Veen and Derks, 2012).

- *Programmes are likely to progress at a slower speed and deliver more modest results than stakeholders expect.* Political change in the security and justice area is tough to achieve; comparatively more time,[21] efforts and funds are needed to generate the ideas, momentum and sense of urgency that can drive positive change. For example, security and justice programmes will typically require more and better human resources and will need a higher level of tolerance for delay and risk than other programming in these contexts because of the particular challenges facing the sector. Yet some of the case studies examined for this report (*e.g.* Guatemala and Timor-Leste) show that some security and justice programmes remain breathtakingly ambitious in terms of what they hope to achieve in short amounts of time.

- *The consequences of getting support for security and justice programming wrong can be serious.* Getting security and justice support wrong may directly affect the security of individuals or groups, support state illegitimacy, and contribute to catastrophic state instability. This puts a premium on conflict-sensitive approaches to programming. A practical lesson for programmes is that they must feature regular political economy analyses that fully inform programme activities. This will increase their research and human resource cost. While this may appear obvious, about half the programmes examined in the case studies lacked a basic monitoring system. While a few conducted political economy analyses, none did so in a regular or systematic way.

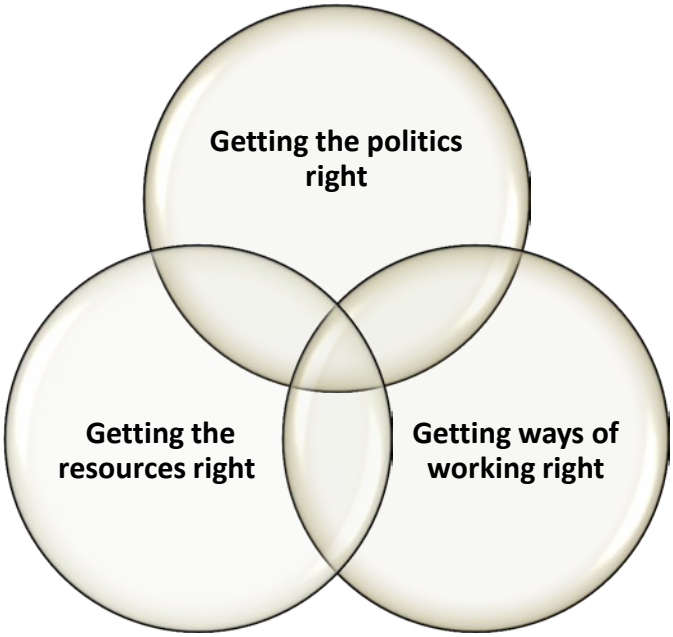
2.5 A framework for effective programming

A three-dimensional framework for effective programming can be constructed on the basis of the preceding discussion and the case study evidence (Figure 1). This framework provides both a lens through which to analyse the data generated by the fieldwork, and a guide for how to develop effective security and justice programming.

[20] This notion is developed further in Section 3. It basically means that while external actors will have a core set of values to which they must adhere in order to justify their involvement to their own stakeholders, they will need to be creative in how they do this.

[21] The 2011 World Development Report recently provided useful quantitative evidence demonstrating that improving the rule of law takes more time than change efforts in other areas (World Bank, 2011).

Figure 1: A framework for effective programming



Its first dimension is about getting the politics of a programme right. This means that programmes need to be able to get a sense of the key security and justice issues in a given environment, identify and understand the motivations of the champions and spoilers, understand the needs and expectations of the broader citizenry, and assess the political feasibility of addressing them.[22] Ongoing assessments can subsequently help define intermediate results and develop guideposts for the programme's longer-term direction.

The second dimension is about getting programming resources right. Time, funds and human resources must be tailored to the political environment and provide space for innovation and change. They also must be capable of delivering intermediate results and reporting on them, and demonstrating their relevance to longer-term goals so that programmes can scale up and develop over time.

The third dimension is about making sure that programme resources are mobilised and structured in ways that enable confidence building and flexible responses to sudden changes in the environment, relationships or events. This requires programmes to have in-built processes to learn, create and maintain networks; monitor results; and organise political engagement.

Each dimension of the framework interacts with the others, setting limitations and creating opportunities for what can be achieved in the other dimensions. For instance, without adequate time to work towards intermediate targets, it will be difficult to ensure programming is flexible and can learn from experience, as the operational pressure to deliver results is likely to inhibit learning and change.

[22] See Ebo (2005) for an example of the type of questions and issues at stake here.

SECTION 3. THE GOOD, THE BAD AND THE UGLY: AN ANALYSIS OF NINE SECURITY AND JUSTICE DEVELOPMENT PROGRAMMES

This section analyses the key findings of the nine externally supported security and justice programmes that were investigated through the case studies detailed in Box 1. It uses and expands the framework set out in Section 2.5 to interrogate and synthesise the available evidence.

Box 1. Case study summaries

Contents

Case study 1. The Security Sector Development Programme, Burundi
Case study 2. The Justice Programme, Burundi
Case study 3. The EU Support Programme for Justice Reform (PARJ), Guatemala
Case study 4. The Programme Against Violence and Impunity, Guatemala
Case study 5. Security Sector Reform Programme, Sierra Leone (SILSEP)
Case study 6. The Justice Sector Development Programme, Sierra Leone
Case study 7. The Justice Sector Support Facility programme, Timor-Leste
Case Study 8. The Security Sector Reform programme, Timor-Leste
Case study 9. The Justice System Programme, Timor-Leste

Case study 1. The Security Sector Development Programme, Burundi

The Security Sector Development programme, supported by the Dutch Ministry of Foreign Affairs (MFA) seeks to improve the safety and security of the citizens of Burundi by strengthening security governance, as well as the capability and accountability of the Burundian army and police force. While programming occurs independently in three pillars (governance, military and police), the governance pillar is increasingly engaging in issues that cut across the other two pillars. It is seen by a number of stakeholders as the heart of the programme. The programme is governed by an eight-year Memorandum of Understanding and divided into four two-year phases. Each two-year work programme is reviewed towards its end and a new programme of work (which may include a continuation of programming from the previous phase) is developed for the subsequent phase on the basis of this review. There is no guaranteed amount of funding for the entire eight-year period; instead, funding is allocated to each phase as it commences. Funding for Phase 1 was USD 20 million (USD 18 million for programming; USD 2 million for programme management); for Phase 2 it is USD 10 million

Case study 2. The Justice Programme, Burundi

The Justice Programme, which is implemented by the Belgian Development Agency (BTC) and co-financed by Belgium, Sweden and the UK, mostly focuses on capacity building for the formal justice sector in Burundi. To this end, it works with the country's major justice institutions such as the Court of Appeals, Ministry of Justice and Supreme Court. The programme also works with the Ministry of Justice to develop a medium-term expenditure framework for the sector in the context of Burundi's second Poverty Reduction Strategy. The Justice Programme follows a standard programme cycle approach and was developed on the basis of assessments carried out by consultants hired by the BTC, but with local stakeholders also consulted in the design. The results identified in the assessments were tied to the Ministry of Justice's action plan for 2006-2010. The programme employs the standard BTC approach to execution, which means that it is co-managed by the Ministry of Justice and BTC. All decisions require a double signature to facilitate transparency in the relationship among the partners. The programme unfolded against a political background that some observers suggested was characterised by a weak commitment to justice reform. The programme sought to surmount this by progressively generating incentives for change by informing stakeholders of the advantages of adopting new ways of working and supporting them to put these in practice gradually. Given the political context, this has so far proved to be an overly ambitious objective for the programme's time frame.

Source: Ball, N. et al. (2012), "From quick wins to long-term profits? Developing better approaches to support security and justice engagements in fragile states: Burundi case study".

Case study 3. The EU Support Programme for Justice Reform (PARJ), Guatemala

The aim of the programme was to improve human rights in general and access to justice in particular. It specifically sought to decrease the use and abuse of pre-trial detention for people accused of minor crimes and to integrate multicultural, gender and child-sensitive perspectives in the legal process by working with the relevant state institutions and through social advocacy. The programme gradually shifted its focus over the course of its lifetime from access to justice towards security, as high levels of violence, fuelled by petty and organised crime, came to overshadow the challenge posed by an abusive state in Guatemala. The programme's final evaluation concludes there is ample evidence that the capacity of the Institute for Public Penal Defence has increased. While a strategic target of reducing the number of people in pre-trial detention by 30% was not reached, this was deemed an acceptable result given the increasing levels of crime.

Case study 4. The Programme Against Violence and Impunity, Guatemala

The Programme Against Violence and Impunity (PAVI), supported by USAID, sought to address increasing levels of impunity and violence in Guatemala by improving the justice system. It was designed as a transition programme to bridge the preceding 'Implementation of Rule of Law' programme (2004-2009) and the succeeding 'Security and Justice Sector Reform Programme' (SJSRP) (2013). PAVI did not take a more sector-wide and aligned approach because of its nature as a transitory programme. That said, the programme's objectives included improving the capacity of the justice system to prosecute and try serious crimes; mobilising civil society to reduce and prevent violence (for example by increasing the availability of governmental and non-governmental legal aid services for victims); and increasing internal accountability and oversight in the justice sector (for example by introducing an institutional integrity model). All of this was premised on the assessment that improving the rule of law is a strategic priority in Guatemala as a foundation for economic, social and political development, especially given high levels of criminal violence and social marginalisation. Designed in dialogue with Guatemalan authorities, the programme focused its activities on Guatemala City, the crime-infested city of Cobán and the department of Petén.

Source: Holmberg, B. et al. (2013): "From quick wins to long-term profits? Developing better approaches to support security and justice engagements in fragile states: Guatemala case study"

Case study 5. Security Sector Reform Programme, Sierra Leone (SILSEP)
The initial aim of this nine-year DFID programme was to establish a basic co-ordination mechanism for Sierra Leone's security and intelligence agencies and to build civilian oversight of the armed forces. To achieve these institution-building aims, SILSEP was established with two components, one for "security" (Office of National Security, or ONS) and one for "defence" (Ministry of Defence). SILSEP effectively supported the government of Sierra Leone in better controlling and directing the Republic of Sierra Leone Armed Forces (RSLAF) in the context of a new National Security Policy. The ONS became the central body for improving the security sector's co-ordination and effectiveness. It was put in charge of core executive functions including the preparation of joint assessments; oversight of security organisations; co-ordination of disaster management; co-ordination and implementation of a security sector review; and the provision of security policy advice to the President. It proved to be so successful that it acquired, over time, a secretariat function for a network of security co-ordination committees that extended from the President down to the grassroots level, as well as a kind of "Cabinet Office" function in support of the President.

Case study 6. The Justice Sector Development Programme, Sierra Leone
The DFID-supported Justice Sector Development Programme (JSDP) mainly sought to contribute to the improvement of Sierra Leone's justice system, which included some police components. It addressed issues such as the quality and accessibility of laws and procedures, prison conditions, delays in courts, the absence of a juvenile justice system, and the general disadvantages faced by the poor, vulnerable and marginalised in accessing justice. It focused, innovatively, on governance linkages between state and community-based institutions that were critical for the effective provision of justice. This included, for example, investigating how community needs and police operations could be better connected. The programme operated beyond the Western Area (Freetown) and included Moyamba District as a rural pilot. The programme was nested in the government's Justice Sector Reform Strategy and Investment Plan for 2008-2010 and co-ordinated by its Justice Sector Coordination Office, which was tasked with establishing an interlinked and co-ordinated justice sector.

Source: Albrecht, P. et al. (2013), "From quick wins to long-term profits? Developing better approaches to support security and justice engagements in fragile states: Sierra Leone case study", March 2013.

Case study 7. The Justice Sector Support Facility programme, Timor-Leste
The AusAID five-year Justice Sector Support Facility (JSSF) sought to contribute to stability and prosperity in East Timor by helping provide equal and timely access to justice for all through rebuilding the capacity of key state institutions to deliver justice, as well as the capacity of civil society organisations to demand access to justice. It originally featured three components:
1) Helping to build the institutional capacity of the core justice institutions to enable them to carry out their corporate management and administrative responsibilities.
2) Giving voice to civil society (women's NGOs, legal and human rights NGOs, private lawyers).
3) Working on corporate governance and communication between and among the stakeholders.
The JSSF essentially provided a trust fund guided by a strategic framework to finance projects along the three axes outlined above. This represents a potentially innovative and flexible formula for supporting security and justice development programming, if adequate strategic direction and monitoring can be assured.

Case study 8. The Security Sector Reform programme, Timor-Leste
The UN Integrated Mission in Timor-Leste (UNMIT) Security Sector Reform (SSR) programme was designed to support the government in conducting a comprehensive review of the future role and needs of the security sector. It also intended to build technical capacity within Timor-Leste's security and justice institutions to enhance the long-term sustainability of the review process. The programme innovatively sought to engage civil society as direct beneficiaries of the security sector review process. It set up roundtable consultations to address community questions about the process, developed a public information campaign to raise awareness and formed a multi-stakeholder consultative group to ensure the process was rooted in local needs. While the first part of the programme (the review) encountered only modest support from the Timorese government, the second part (capacity building) was embraced by the government. Several factors explain the lack of support for the review. First, elections changed the composition and priorities of the Timorese government. This reduced the feasibility of a full-fledged review. Second, senior UN mission leadership prioritised police reform and did not focus on security in a more holistic fashion. Third, UNMIT recruitment and deployment created a gap of about one year between mandate formulation and having capacity on the ground to implement it.

Case study 9. The Justice System Programme, Timor-Leste
The UNDP-supported Justice System Programme (JSP) in Timor-Leste is a comprehensive capacity-development programme for the formal justice sector. It focuses on improving institutional capacity in both systems and skills of the Ministry of Justice, the Legal Training Centre, the Public Defender's Office, prisons, the judiciary, and the Office of the Prosecutor General to achieve more effective, equitable and efficient justice. It consists largely of technical advisory services that seek to build capacity within the various justice institutions. Complementary activities aim at refurbishing existing judiciary infrastructure. Most JSP funding has logically gone to technical advisors and capacity-building initiatives. The first JSP programme began in 2003 with an original implementation period of two to five years. On the basis of the conclusions of a 2005 joint assessment mission, the programme was extended for three years. In 2007, based on an independent evaluation, it was again extended for five more years.
Source: Scheye, E. (2012), "From quick wins to long-term profits? Developing better approaches to support security and justice engagements in fragile states: Timor-Leste case study I", September 2012.
Williams, T. et al. (2012), "From quick wins to long-term profits? Developing better approaches to support security and justice engagements in fragile states: Timor-Leste case study", December 2012.

3.1 Getting the politics right

The case studies suggest that getting the politics of a programme right is fundamental to having a chance of success. The DFID Security Sector Reform Programme in Sierra Leone (SILSEP; Case Study 5, Box 1) and the Dutch Ministry of Foreign Affairs' (MFA) Security Sector Development (SSD) programme for Burundi (Case Study 1, Box 1) offer particularly good examples of a strong and innovative approach. The Security Sector Reform (SSR) programme of the UN Integrated Mission in Timor-Leste (UNMIT; see Case Study 8) and, to a lesser extent, the EU Support Programme for Justice Reform (PARJ) in Guatemala (see Case Study 3) offer examples of how programmes can become difficult to implement and manage when their political foundations are insufficiently strong or flexible.

What it means to get the politics right:

- Continuously assessing key security and justice issues and their political scope for positive change so that programmes are grounded in political realities and potential blockages to the programme can be identified – and possibly neutralised.
- Identifying intermediate objectives and guideposts for longer-term direction in parallel.
- Building domestic political support.

The subsections below discuss each of these bullet items in turn. They start by clarifying each point on the basis of the evidence generated by the case studies and go on to provide examples from the case studies of what has worked and what has not worked. These examples are not exhaustive but seek to highlight different aspects of the issue.[23]

3.1.1 Continuously assessing key security and justice issues and their political scope for positive change

What this means:
Programmes need to make extensive efforts to map key security and justice issues in fragile environments, and understand for whom they are a problem, why this is the case, and how different sets of stakeholders relate to each other. Tools that can help identify key issues include baseline assessments, perception surveys, institutional capacity assessments and dialogue formats with partners, such as roundtables, trainings or seminars that generate a confidence-building environment. Many key issues will, however, be politically sensitive or even not feasible – at least initially. In consequence, assessing the political interests and sources of resistance associated with key issues is a critical complementary activity for generating programmes that can make a difference. Being successful in addressing more critical issues is likely to depend on how this is done. Tools such as stakeholder mapping and sector-specific political economy assessments can provide important clues on interests and appropriate entry points. Identification of issues and interests should, however, not only happen ahead of a programme. Building such efforts into programmes on a recurring basis is essential to allow insights to mature, to keep them up to date and to progressively establish them with programming partners.

Examples of what has worked

Case Study 1. The Dutch MFA in Burundi: Dedicated projects to identify issues and interests on the go. The initial project portfolio of the Dutch MFA's Security Sector Development (SSD) programme contained 31

[23] The report draws on the analysis provided by the case studies in which strong efforts were made to get all the facts right. However, case study reports were not necessarily undisputed and despite best efforts to arrive at an analysis that was broadly acceptable, views may well continue to diverge on particular points or examples. This should probably be seen in a positive light. In addition, examples of "what has worked" and "what has not worked" are relative. In nearly all programmes positive examples had downsides and negative examples upsides. The fact that many examples could also feature in other subsections demonstrates the close interrelationship of many of the issues.

projects for a two-year period. It was based on two short missions of about two weeks each and a brief institutional capacity assessment of the Burundian military and police. As a result, it did not have a very refined understanding of issues and stakeholders at its start. Yet this portfolio contained two projects dedicated to increasing this understanding that would make a difference over time. First, it featured the joint execution of a detailed baseline assessment of the Burundian military and police forces. While execution was not perfect, it brought new issues and insights into discussions on the programme. Second, it featured a project to create an open space for discussing security sector governance issues with a broad range of governmental and non-governmental stakeholders. After a difficult start, this turned into a working group that slowly built the confidence needed to discuss sensitive issues.

Case Study 7. AusAID[24] in Timor-Leste: Taking time for a real conversation: At the project level, the Integrated Information Management System project – part of AusAID's Justice Sector Support Facility (Box 1) – offers a good example of how working closely and pragmatically with national stakeholders generated a unique result, namely an integrated system to manage and track legal cases. The contractor worked closely with groups of Timorese officials at the working level to establish – justice institution by justice institution – the basic needs of each actor for an integrated case management system. They also established how these needs could be met and what tools were appropriate. Instead of approaching the task as an information technology challenge, it was approached as a change management challenge whereby Timorese working-level officials acted as change champions with their own managers. To support them in this role, it was crucial for the project to generate value for them. It could only do so by: 1) taking adequate time to understand their issues; 2) jointly designing solutions that worked in their context; and 3) using tools and techniques in response to needs (instead of the other way around). One key success factor was having contractor staff in place who combined coaching and process management skills with the ability to propose feasible technical solutions.

Examples of what has not worked

Case Study 3. The EU in Guatemala: Taking a technical approach. The EU's Support Programme for Justice Reform (PARJ) intended to support implementation of the 1996 peace accords. The programming went through a seven-year design period, and the accords had already lost much of their political significance by the time it started. PARJ faced a challenge of relevance. Its successor programme – Support Programme for Security and Justice (SEJUST), which intended to support the 2009 national agreement on security and justice – faces a similar situation; implementation started only in 2013. The main reasons for this delay were: 1) the slow speed of EU procedures (especially in Brussels); 2) the elections in Guatemala in September 2011 and the subsequent change of government in January 2012; and 3) low institutional capacity which slowed down programme design and delayed start up. While both programmes had worthwhile objectives, they were unable to capitalise on political priorities and momentum. Even though

[24] AusAID has since been integrated into the Department of Foreign Affairs and Trade (DFAT) of the Australian Government (at the end of 2013). In this report the term AusAID is used when referring to the case studies since they were conducted before the merge.

the EU experienced these delays it did not take measures to mitigate the risk of misalignment between programme objectives and shifting political priorities. With dialogue limited to periods of crisis, the potential effectiveness of the programmes seems to have been significantly reduced.

Case Study 8. UNMIT in Timor-Leste: Clinging to a good idea after its time had passed. The United Nations Integrated Mission in Timor-Leste (UNMIT) entered the country in 2006 with a mandate to facilitate a comprehensive review of the Timorese security sector. This was based on a preceding technical assessment mission that included conversations with government officials. It appeared relatively quickly, however, that there was no real support from the government for such a review, or for the UN conducting it.[25] Notwithstanding the lack of co-operation from the Timorese government, the mission mandate stuck to the planned review despite several revisions, and in-country staff kept pushing the project. The government only signed off on a review document in 2012. While at the time of drafting it is not clear what influence the final result has had or will have; what is clear is that the time and effort spent on delivering it could have been used more productively to address other security and justice issues.

> ***For programming purposes it is more productive to start with what exists and progressively work to change the situation than to take the ideal state as starting point.***
> *Quote from one of the case studies*

Why was the UN unable to adapt to the political priorities of the Timorese government? At least three factors played a role: 1) the mission's senior leadership prioritised support for the Timorese police and did not provide the security sector reform team with either adequate guidance (to change course) or support (in relation to the Timorese authorities) in its uphill battle; 2) very slow mission recruitment procedures hindered the UN mission just when the window of opportunity for a successful review was open the widest (2006-2007); and 3) the mission failed to adapt to the changed composition of the Timorese government and its political priorities following the 2007 elections.

Concluding remarks

The most important conclusion that can be drawn from the case study evidence is that few programmes featured a structured approach to assessing the political interests and feasibility of the security and justice issues they sought to address and improve. In consequence, they were vulnerable to political change and risked operating in a "technical bubble", disconnected from political realities. There are, however, many tried and tested ways to assess political interests and feasibility, as suggested by the examples above. It is relatively straightforward to include these approaches in programmes, but this requires an understanding

[25] The experience with supporting defence reviews (which are more limited in scope than reviews of the entire security sector) in Uganda and Burundi suggests that such reviews are highly political processes whose successful initiation requires that a significant level of trust be already established between national stakeholders and international development actors. In other words, it is not a suitable "start-up" or "quick-win" activity (*e.g.* Hendrickson, 2007).

of the need to focus on political context and allocate dedicated resources for that purpose when designing programmes.

3.1.2 Identifying intermediate objectives and guideposts for longer-term direction in parallel

What this means:
Change is often driven by having the right people champion the right ideas at the right time. The previous section suggested how programming priorities that are politically feasible (the right ideas) could be identified. However fragile environments can be fluid and dynamic. Yesterday's threats may be tomorrow's opportunities, and vice versa. Politics play a large role in such changes. As a result, getting the timing right for working on particular security and justice challenges is difficult. This places high demands on the ability of programmes to learn and adjust. In consequence, programmes that attempt to identify and stick to results in a typical four-year project time horizon and a relatively linear execution can quickly become less relevant. Programmes are likely to do better by establishing specific intermediate targets combined with broader and longer-term guideposts. Such guideposts can take the form of a set of agreed principles, broadly stated outcome areas, or simply a process that maps out how longer-term objectives will be identified. It may be useful for programmes to include a "theory of change" that identifies the pathways for achieving the desired outcomes. Intermediate results provide initial focus and generate implementation experience, both of which are necessary for programmes to achieve results and develop operationally. Guideposts provide a general direction that can steer longer-term learning and strategic deliberation.

Examples of what has worked

Case Study 1. The Dutch MFA in Burundi: Combining short-term projects with long-term principles. The Security Sector Development programme is based on an eight-year agreement between the governments of Burundi and the Netherlands. It combines specific activities with detailed results for its first two years with a set of broad objectives and principles for the entire eight-year period. The advantage of this approach is that it allows delivery of short-term objectives, including training and material, thereby generating the trust, experience and familiarity that are critical to developing the programme and making sure it is increasingly strategic in nature. Burundian interlocutors involved in the programme since its inception are pleased with the more inclusive process of developing the second two-year programming phase, as they believe it reflects the government's priorities more closely than the initial list of activities that accompanied the Memorandum of Understanding. A downside of this approach is that it requires a high level of tolerance of ambiguity and the ability to deal with it. It was not known at the start whether the required levels of confidence and experience that could enable a more strategic next step would actually be generated.

Case Study 9. UNDP in Timor-Leste: A rolling series of programmes. The Justice System Programme (JSP) essentially consisted of three consecutive programmes of about three years each, or nine years in total. Although the programme was not designed with this format in mind, this evolution nevertheless created

the opportunity for each new programme cycle to build on the last one with the benefit of interim evaluations and reviews. While overall programme objectives did not change on the whole, UNDP used the transition from one programme to the next to adjust activities and results in response to events, new requests from Timorese justice leaders and programme management challenges. It proved possible to progressively define JSP results on the basis of gradually improving analysis, relationships and insights within the overarching agreement with the government that provides the overall programme framework.

Examples of what has not worked

Case Study 2. BTC, DFID and Sida in Burundi: Establishing overly ambitious results at the start of a programme. The Justice Programme, implemented by the Belgian Development Agency (BTC) and co-financed by Belgium, Sweden and the UK through DFID and the International Swedish International Development Cooperation Agency (Sida), followed a standard programme cycle approach and was developed on the basis of assessments carried out by consultants. This resulted in an ambitious programme, despite weak Burundian commitment to justice reform due to the political situation and instability. The programme therefore sought to progressively generate incentives for change by informing stakeholders of the advantages of adopting new ways of working and supporting them to put these gradually into practice. It soon became clear that progress was quite slow and disbursement very low. In the event, it took four years for the members of the justice sector policy group to develop a common understanding of issues. In the meantime, DFID had already withdrawn from the programme, in part because of its strong corporate focus on realising tangible results quickly. The mismatch between expectations of what results could be produced and the actual situation in the justice sector was compounded by the programme's difficulty in adjusting its objectives during implementation.

Examples with mixed results

Case Study 3: The EU in Guatemala and Case Study 6: DFID in Sierra Leone: Flexibility between the lines. The objectives of the EU's Support Programme for Justice Reform (PARJ) were defined during its design phase by external consultants in dialogue with national counterparts and did not change over the programme's lifetime. No baseline was generated and result indicators were mainly output and activity based. The programme's end-state was fixed at the start although several Guatemalan partners objected to this approach. Nevertheless, the EU managed to adjust the focus of the programme where necessary. Three factors played a role in making this possible: 1) objectives were fairly broadly defined; 2) EU staff viewed results achievement through a political rather than a managerial lens – in other words, where political circumstances made results impossible this was quietly acknowledged; and 3) there was informal flexibility in programme implementation without changing headline objectives. Similarly DFID's Justice Sector Development Programme (JSDP) was developed with a set of indicators and measurements, fixed in a log frame, and firmly grounded in the logic of performance-driven programming. However, it seems to have been able to change the emphasis on different outputs through its lifetime on the basis of experience and opportunities. While both programmes featured a relatively high degree of rigidity of objectives and

results, they both demonstrated informal flexibility. This flexibility was in essence reactive, coming into play in response to events rather than as forward-looking exploration on the basis of experience and lessons.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need to identify intermediate results and guideposts for longer-term direction in parallel:

- Most of the programmes were designed following a linear logic but implemented in environments that are anything but linear. In addition, most of the programmes featured poor monitoring. Few programmes contain deliberate elements to enable and enforce experimentation, learning and adjustment. Yet the cases show that there are good examples of how this can be accomplished.

- There need to be incentives for change. The case studies suggest that one approach is to use delivery of short-term technical support to build commitment for, and acceptance of, longer-term efforts in pursuit of cultural and institutional change.

3.1.3. Building domestic political support

What this means:
Fragile environments can be fluid and politically charged, and institutions may be weak, increasing the likelihood of events that can significantly undermine programme objectives. These can, for example, take the form of corruption scandals, human rights violations, staged elections and political prosecution. While the international community should respond to these events, bilateral donors in particular can come under significant domestic political pressure "to do something" drastic. This can lead to ill-judged responses that may satisfy domestic stakeholders but put at risk the hard work accomplished at country level. This tendency is particularly strong in the security and justice area because of its political sensitivity. By way of mitigation, programmes need to spend time and resources building a domestic constituency that includes senior civil servants, journalists, parliamentarians and other opinion makers with a nuanced understanding of the context, events and what a programme can realistically achieve. In addition, programmes need a sound risk management strategy that includes a range of options of different intensity that enable proportional responses to events. While this element of effective programming is just as valid for donors as it is for their national partners, the case studies did not focus on the latter dimension.

Examples of what has worked

Case Study 5: DFID in Sierra Leone: Political support at the highest levels. The DFID Security Sector Reform Programme (SILSEP) in Sierra Leone was unique for a long time in that it enjoyed strong political support from key politicians in both the UK and Sierra Leone. High-level UK support resulted in part from a sense of responsibility rooted in colonial relations and the pressure on the UK government to help stop the violence. High-level Sierra Leonean support resulted in part from SILSEP's focus on improving civilian control over the military and intelligence governance, following the military involvement in two earlier coups. That is, the risk of not engaging in this field was seen as higher than the risks of doing so. This mutual political support created a far higher tolerance for risk than security and justice development programmes typically enjoy and this empowered staff in Sierra Leone to shape the programme with a large measure of autonomy. This proved essential because for part of its lifetime SILSEP operated in a conflict-affected context.

Case Study 1: The Dutch MFA in Burundi: A range of crisis response options. The Security Sector Development (SSD) programme was constructed with a number of features that would enable it either to shut down entirely if circumstances warranted, to shut down partially, or to suspend (some of) its activities. For example, the division of the programme into four two-year phases enabled it to phase out after any two-year period if necessary. In addition, the three-pillar structure of the programme enabled difficult issues to be addressed in one pillar while work continued in the others. This allowed Dutch officials to demonstrate to the Burundian government that actions – such as extrajudicial killings in which security forces are implicated – can have consequences, without having to shut down the entire programme. At the same time this in turn has enabled them to reassure ministers and parliamentarians that action is being taken. Finally, the SSD programme has demonstrated that it is essential to be clear and frank about the

risks of engaging in security and justice work in fragile states so that it comes as no surprise to senior civil servants or politicians when problems crop up. This underscores the importance of regular, honest briefings to directors-general and ministers, ministerial letters to Parliament, and annual reports to Parliament.

Concluding remarks

Three main conclusions can be drawn from the case study evidence on the need to build domestic political donor support:

- The case studies suggest that conscious efforts on the part of programmes to build domestic donor coalitions to support security and justice programmes are rare. However, the case studies have not explored this issue in great detail. In consequence, it merits further investigation – particularly the question of how the absence of such efforts influences the volatility and reliability of security and justice programmes.

- It would be a mistake to consider this issue relevant only for bilateral donors. While multilateral donors do not face domestic parliamentary pressures, their need for support back at headquarters from political chiefs and auditors is no less strong when programmes run into trouble – as they inevitably do.

- Some programmes are "born" with higher levels of support across several ministries than others. While this will generally depend on factors outside of programmes' initial scope of control, programmes do need to nurture such support because the political winds that produced them can – and do – shift easily.

3.2 Getting the resources right

The need to get the resourcing of a programme right in terms of time, people and money may seem obvious. Yet the case studies suggest that programmes are regularly not resourced in line with their objectives. This is often not just a matter of having insufficient resources, but also of having the wrong kind of resources. The area of staffing offers a good example. The emphasis here tends to be that technical experts from Western countries often lack the required skill set for working effectively in highly politicised fragile environments (see Annex 5 for an outline of the required profile). DFID's Security Sector Reform Programme (SILSEP) in Sierra Leone offers a particularly good example of how competent and empowered staff can make a real difference to programming success (Case Study 5, Box 1). The UN's use of technical advisors in Timor-Leste, on the other hand (Case Study 8, Box 1), exemplifies how a lack of strategic direction and skills transfer can perpetuate the need for advice. Finally, the ability to mobilise capacity to engage politically is often inadequately recognised by programmes as a critical resource for success.

What it means to get programme resourcing right:
Resources must be quantitatively and qualitatively aligned with intermediate programme targets in their broader political context. This context should emerge from an analysis of key security and justice issues in a particular setting – as discussed above – combined with an assessment of the political space that exists for addressing them. Specifically it means:

- making sure programmes are of adequate duration to enable sufficient confidence and capacity building
- assuring that programmes are flexible in (re)allocating funding to activities, and feature a national contribution
- ensuring staff are skilled in politics and change processes and that programmes grow/develop human capabilities more structurally.

The subsections which follow discuss each of the bullets items above in turn. They start by clarifying the meaning of each point on the basis of the evidence generated by the case studies and go on to provide examples from the case studies of what has and has not worked. These examples are not exhaustive but seek to highlight a range of aspects of the issue.

3.2.1 Making sure programmes are of adequate duration to enable sufficient confidence and capacity building

What this means:
Section 2.4 discussed why change in the security and justice area does not occur quickly. The main consequence of this is that programmes must be of adequate duration to have a chance of succeeding. More specifically, the amount of time available to a programme influences three other critical variables:
1) Most importantly, it influences the level of collective and individual trust that can be built. Such trust is required if programmes are to be permitted to engage on sensitive political issues.
2) It sets the scope for the amount of capacity building that can be accomplished with national stakeholders. Because capacity is often weak, if the time allocated is inadequate, donors end up implementing programmes with little or no national input and jeopardise the longer-term sustainability of their efforts.
3) It influences how much initial experience can be gained from working together on less sensitive issues before moving on to more complex and political matters.

All of this means that adequate time must be “budgeted” into a programme to build relations and capacity and learn from experience.

Examples of what has worked

Case Study 5: DFID in Sierra Leone: How a long-term programme enables capacity building. SILSEP initially followed a rapid implementation timetable that was driven by the operational imperatives of open conflict. Its starting period therefore did not feature many capacity-building efforts or opportunities for Sierra Leoneans to take a programming lead. Yet its duration of nine years, in combination with seconded international advisors focused on coaching, created space for this to change. By 2003 Sierra Leonean capacity and leadership had been built sufficiently to trigger significant programme revisions. A defence review led by Sierra Leonean stakeholders led to simplifying the structure of the Ministry of Defence and making it more relevant to Sierra Leonean needs and capacities. A standard four-year programme would have ended by the time the real capacity building in Sierra Leone had begun. While it is probably fair to suggest that the UK still makes a strong mark on Sierra Leonean security and justice efforts, its long-term commitment has been conducive to efforts to generate a cadre of capable and committed Sierra Leonean staff over time.

Case Study 1. The Dutch MFA in Burundi: nesting multiple short-term programmes within a long-term commitment. The SSD programme is conducted on the back of an eight-year Memorandum of Understanding comprising four programme periods of two years each. Working with this combination of short and long-term elements from the outset made at least three things possible: 1) serious investment in relationships, allowing difficulties to be overcome; 2) a first programming phase focused on training and infrastructure, with the promise of working towards more strategic engagement; and 3) transferring learning from each programming cycle to benefit the next. It was fortunate that the Burundian Ministry of Defence invited its Dutch counterparts to contribute to a strategic defence review – the result of several years of engagement and discussion – towards the end of the first programming cycle as this indicated the programme's underlying logic could work. While this did not happen to the same extent in the police area of the programme, the governance pillar of the SSD also made good strategic progress during the first programming period because it was able to assemble a cross section of key Burundian stakeholders to progressively discuss more sensitive security challenges.

Examples of what has not worked

Case Study 6: DFID in Sierra Leone and Case Study 3: The EU in Guatemala: Successive programmes that kept being delayed. While in theory each successive programme should smoothly transition to the next so that their combined length generates advantages similar to those enjoyed by longer-term programmes, DFID struggled to accomplish this with the transition from its Justice Sector Development Programme (JSDP) to its Access to Security and Justice Programme (ASJP) in Sierra Leone. An overly lengthy tendering process for the new programme was a key cause of delay, as was a late realisation that it was not adequately aligned with the government's 2011-2013 Justice Sector Reform Strategy. Together these led to ASJP starting operations about a year after JSDP ended. Moreover, the handover to the new contractor from the previous one proved problematic, and resulted in additional losses of relationships and

operational knowledge. The transition from the EU Support Programme for Justice Reform (PARJ) to its Support Programme for Security and Justice (SEJUST) in Guatemala suffered a similar fate. The former ended in 2009 while the latter only started in 2013, although they were intended to be a coherent, successive set of programmes. The case studies demonstrate that the consequences of such gaps are significant. Many activities ground to a halt, and the confidence of critical stakeholders and important knowledge of both context and programme experience were lost. For this option to work, then, the successor programme will likely have to feature explicitly and in some detail in the design of the original programme, so that preparation and planning can start about halfway into its life cycle.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need to make sure programmes are of adequate duration to avoid reliance on donor implementation:

- Out of the nine programmes examined for this report, only two were designed to last eight years or more, while five had an intended duration of up to four years. This demonstrates that practice does not yet reflect the knowledge that engagements in fragile environments require a long time horizon if they are to have a chance of being successful. While a long time horizon in itself is not a guarantee of success, it is a minimum condition and without it success will be difficult to achieve.

- While a series of programmes that succeed each other can be a way of enabling long time horizons for engagement, the case studies show that smooth, timely and effective transitions are hard to accomplish. While not discussed at length here, outsourcing programme implementation seems to be a complicating factor that creates additional challenges for transferring and retaining knowledge, relations and experience.

3.2.2 Assuring that programmes are flexible in (re)allocating funding to activities and that they feature a national contribution

What this means:
As discussed in Section 2.4.1, fragile environments can be dynamic and fluid. For example, changes in the position and relations of politicians and senior government officials – including national stakeholders critical to programming success – tend to be common as a result of more "personalised" politics and fewer institutional routines. This creates both risks and windows of opportunities. This fluidity suggests that programmes need to have the ability to engage politically, as already discussed. It also indicates that programmes must be flexible in how they allocate funding to activities. Shifting funds rapidly and with flexibility can help programmes respond to such changes and seize opportunities. One way of introducing such flexibility is to design programmes with unallocated funding (in the order of magnitude of 10-15% of total funds) that can be mobilised quickly with light procedures. In addition, a partner country financial contribution anchors a programme more firmly in national policy and budget allocation discussions, and exposes it to higher levels of political scrutiny. The nature, size and development of this contribution are critical indicators of whether the programme actually matters to those in charge of national finances and whether it reflects their interests.

Examples of what has worked

Case Study 1: The Dutch MFA in Burundi: Generic training funds as dedicated projects. The first programming phase of the SSD programme included a training fund of over EUR 1 million for each of the programme's police and military pillars in the form of a dedicated project. The only conditions for these funds were that they should serve the general purpose of training. It turned out that they enabled relatively flexible and fast responses to new priorities that emerged during the first two years. Keeping the process to tap into these funds fairly light was critical to their ability to function as sources of finance that could both complement other activities (*i.e.* an expanded training component) or respond to new priorities. Interestingly, the reason they were designed as mini-trust funds stemmed mainly from the fact that the original programme design missions proved too short to comprehensively identify priority training needs for the police and military. What could have been a programme weakness – that is, too short a design phase – turned into a programme strength, which was not entirely anticipated.

Case Study 7: AusAID in Timor-Leste: Funding allocation through venture capitalist methods. One of the JSSF programme's projects sought to reduce violence against women in Timor-Leste. After it was jointly concluded by AusAID and Timor-Leste that the government was not going to be able to adequately address this issue, the programme put in place an innovative mechanism to finance civil society activities. It offered cycles of funding to NGOs, including core funding, if pre-established performance criteria were met. It also provided NGOs with the opportunity to build the capacity necessary to meet these criteria. This allowed the project to gradually allocate funds to organisations that demonstrated an ability to improve their performance and build a track record. A key requirement for success was the project's ability to monitor NGO learning and performance, which in turn relied on its capacity to regularly conduct relatively time-intensive field visits to remote corners of Timor-Leste.

Case Study 9: UNDP in Timor-Leste: Bringing international advisors onto the national payroll. Capacity building by seconding international experts to national institutions has been one of the core mechanisms through which the Justice System Programme (JSP) sought to contribute to more effective justice institutions in Timor-Leste. This did not work out as intended, mainly because most of these advisors spent most of their time executing line tasks instead of mentoring and coaching. Still, an interesting feature is that they were gradually brought onto the national payroll. Initially funded by UNDP, their salaries and allowances were subsequently funded 50% by the government and 50% by UNDP. Today, they are nearly fully funded by the government. This has done much to stimulate more direct accountability and ownership of their work, in line with the New Deal commitments on strengthening capacities and ensuring external technical assistance providers report to relevant national authorities (IDPS, 2011). Timor-Leste is likely to be somewhat exceptional as its oil revenues increase its ability to bear the associated expense. Yet one can imagine donors setting up a trust fund that a national government can use to hire the international and national capacity it needs on the basis of agreed criteria.

Examples of what has not worked

Case Study 6. DFID in Sierra Leone: Very limited national financial contribution to security and justice after 15 years of programming. The UK has consistently tried to persuade the government of Sierra Leone to allocate more funding to improving its security and justice sector. Yet this has remained a low priority for the government. In part this is because many donors are (financially) involved in the sector and in part because the government realises the UK is unlikely to abandon the country's security and justice systems it has helped create. In consequence, it has prioritised funding allocations to other areas. For example, the President's Agenda for Change emphasises energy, education, agriculture, health and infrastructure. Interestingly, over the period 2007-11 the government spent approximately GBP 28 million on activities related to justice and security while the Justice Sector Development Programme (JSDP) spent GBP 18 million – a 3-to-2 ratio. This does not mean Sierra Leone has not contributed to improving the performance of its justice and security institutions, but it does raise the question of how sustainable in the long run such a large programming intervention will be in a context of limited financial resources. Programmes in Burundi and Guatemala face similar challenges.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need to ensure that programmes are flexible in (re)allocating funds to activities and feature a national contribution:

- Financial flexibility, for example in the form of unallocated funds that can be mobilised through light procedures, creates a significant strategic advantage for programmes in fragile environments. This can increase their chances of success.

- Few of the programmes investigated demonstrated much upfront thinking about the prospects for their longer-term sustainability and how this could have been improved either through programme design or over the programme's lifetime. The implicit assumption seems to be that programming support will continue, either in the form of new programmes or in the form of support from other donors. In consequence, there is significant scope for programmes to include a standard public financial management component that focuses on how security and justice budget allocations can be improved through the general national budgeting process.

3.2.3 Ensuring staff are skilled in politics and change processes and programmes grow/develop human capabilities more structurally

What this means:
Change processes are to a large extent about transforming attitudes and mindsets. This is an intensely interactive endeavour in which leadership, dialogue and re-perceiving the world play important roles (*e.g.* Heifetz, 1994; Kotter and Cohen, 2002). It is difficult in the best of cases. In fragile environments external support for change processes faces additional challenges that arise from their different cultural context and their high degree of politicisation and personalisation. This makes the human resource dimension even more critical to programming success than usual. Programme managers, political officers and advisors need to be politically savvy, technically skilled and good change managers. Most security and justice programmes intend to function as change management processes but are unfortunately neither designed nor resourced like them. From a human resource perspective, the case studies suggest two imperatives. First, programme staff must primarily have strong change management competences. This requires more attention to resourcing and recruitment (Annex 5 offers an outline of the skills, competences and knowledge required by strategic-level programme staff). Second, programmes need to be able to mobilise sufficient senior capacity to engage politically on a regular basis. These can be mission leaders, ambassadors or politicians. Where such capacity cannot be mobilised, programmes are likely to have limited effects.

Examples of what has worked

Case Study 5: DFID in Sierra Leone: Empowered and capable staff on both sides. Initiated during an active conflict, the UK-supported SILSEP did not have much time for an extensive issue or stakeholder mapping. It responded to events rather than to programming objectives. It did so in a politically astute and effective manner for at least three reasons. First, it benefited from the presence of high-quality, experienced and empowered UK staff on the ground. The team had a large degree of autonomy and authority to take strategic and funding decisions locally. Second, it benefited from the long-term presence of a stable team of Sierra Leoneans whose capacity and leadership ability grew over time. Together these teams were able to identify critical issues and stakeholder interests, and to build the trust required to deepen their efforts to improve security in Sierra Leone. Finally, there was passive and active high-level political support for the programme. A downside of this more "political-personality" based formula for success, however, is that it creates a higher risk that programme progress will be adversely affected when key individuals move on.

Case Study 1: The Dutch MFA in Burundi: Growing local leadership. The SSD programme started off in a fairly donor-dominated manner with the Netherlands setting most of the agenda and selecting advisors/contractors with only pro forma consultation with their Burundian counterparts. This changed during the first programming cycle. Two aspects are relevant from a human resource perspective. First, a greater level of mutual understanding and trust contributed to the decision to recruit a Burundian deputy

programme manager to work with the international programme director, with the aim of having this deputy ultimately manage the programme. Second, a similar logic was applied earlier on to the project management teams in the Ministries of Defence and Public Security. While an international advisor initially headed these teams, a Burundian deputy was coached in parallel to take over. For the defence project team this happened in the first programming cycle; for the police project team this was planned to happen early in the second programming cycle. Stakeholders were generally in agreement that such an "apprenticeship" period was beneficial and necessary. By way of an inverse example, the Justice System Programme (JSP) in Timor-Leste tried to recruit a Timorese chief executive officer to manage the programme with the aim of improving its sustainability. Despite the excellent concept, UNDP eventually dropped the idea after the recruitment process failed to identify a suitable individual who met all the requirements. A more gradual approach might have worked better.

Examples of what has not worked

Case Study 9: UNDP capacity building in Timor-Leste: Providing technical expertise without an exit strategy. A key element of the Justice System Programme (JSP) was the seconding of a significant number of international advisors to Timorese justice institutions. Initially their main aim was to tackle the backlog of pending cases. Once Timorese institutions were on more solid footing, the idea was for these advisors to shift focus to developing Timorese capacity. Yet this intention was not guided by a knowledge management strategy that described how advisors should coach their Timorese counterparts, how this would be incentivised, and how a broader system of learning and transfer of responsibilities would be created. Subsequent evaluations show that despite good intentions, mentoring efforts did not significantly increase local capacity. Key explanatory factors include poor mentoring skills among advisors; an unclear process to undertake mentoring; a lack of focus on gradually putting national officials in the driving seat; and prioritising caseload management over knowledge transfer. In consequence, many advisors continued doing line work without simultaneously structurally and purposefully increasing Timorese capacities.

Case Study 3: The EU in Guatemala: Concerns about the skill sets of international advisors. The Support Programme for Justice Reform (PARJ) spent a significant part of its resources on international experts that were perceived by Guatemalan stakeholders as bringing too much blueprint thinking and too little familiarity with the local context. The general sense was that their contribution to building national capacity was limited. The case study did not investigate the detail of how international experts were recruited and utilised. These views suggest, though, that the profile used for their selection emphasised technical knowledge over skill and cultural sensitivity, while the modality of their employment and advice did not work from a Guatemalan perspective. More focus could have been put on recruiting international experts with stronger change management expertise and local knowledge, or on recruiting capable national experts. This would probably have required an agreed, joint procedure to mitigate some of the weaknesses of national recruitment procedures, such as, for example, their lack of transparency and competitiveness.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need to ensure that enough staff are attracted in a timely fashion and that they have the right skills, direction and freedom:

- At the level of individual staff, a significant number of programmes prioritised technical knowledge in their recruitment and/or resourcing while they downplayed the need for staff to also have strong interpersonal and change management skills as well as a good sense of politics. While both hard technical knowledge and softer relational competencies are important for success, this imbalance generally had a negative impact on programme performance.

- At the level of efforts to grow human capabilities more structurally, few programmes featured conscious strategies for skills and knowledge transfer that were outlined in their design phase and ingrained in their implementation. This has undermined the ability of most programmes to build counterpart capacity and, ultimately, reduced their sustainability.

3.3 Getting ways of working right

The case studies suggest that security and justice programmes often take a predominantly linear approach to programme and project cycle management that focuses on administrative, procedural and financial aspects in each phase. This largely assumes a stable and non-political environment in which results are pursued in accordance with a standard programme or project manual. This approach, however, is at odds with the dynamics of the fragile environment in which programmes must be flexible enough to stay in tune with changing politics, events and personalities (*e.g.* see Section 2.4). The Dutch MFA's SSD programme in Burundi offers a good example of where this interaction has been relatively well organised at the political level. Part of AusAID's JSSF programme and USAID's Programme Against Violence and Impunity (PAVI) are other positive examples at the working level (Box 1). The UNMIT SSR programme, on the other hand, had rigid objectives and building a high-trust working relationship was problematic. The EU's PARJ programme spent excessive time and capacity on procedures and financial aspects and technical quality criteria were pre-set.

What it means to get ways of working right:

- having a process in place to discuss the programming progress in its broader context from a political perspective
- making sure a programme deliberately increases levels of trust and expands a network of relevant relationships
- being able to learn in real time from programme implementation experiences and adjust accordingly.

The subsections below discuss each of these bullet items in turn. They start by clarifying the meaning of each point on the basis of the evidence generated by the case studies and go on to provide case study examples of what has and has not worked. These examples are not exhaustive but seek to highlight different aspects of the issue.

3.3.1 Having a process in place to discuss programming progress in its broader context from a political perspective

What this means:
Because fragile environments can be turbulent, the assumptions on which security and justice programmes are based can change rapidly. While events, as well as political and individual changes, will not necessarily alter a society's basic security and justice priorities, they can profoundly affect the political space available to deliver on such priorities. In addition, political and technical challenges will logically occur at the programme level. Programmes need to be able to assess the meaning of both larger and smaller changes in terms of how they are relevant and for whom. Failure to do so can result in a programme fading into insignificance, even when it is still achieving technical successes and enjoying government support. Conducting occasional formal dialogue at a high level is not enough to feel the pulse of such developments. Daily engagement from a political perspective is also required. It is therefore critical that programmes are designed so as to be calibrated with political developments more formally, while also building informal relationships. Both are labour intensive and difficult, which puts higher demands on the number and skills of staff involved.

Examples of what has worked

Case Study 1: The Dutch MFA in Burundi: Strong relations between programme management, the embassy and national counterparts. Ensuring that programme implementation and results remained calibrated with the political situation in both Burundi and the Netherlands required the ability to address political issues at senior political levels as well as at the programme level. This required a close working relationship between the programme and the diplomatic mission. The political officer at the Dutch embassy therefore worked closely and on a daily basis with the programme manager. Important "success" factors were the strength and experience of both individuals and the fact that the programme manager, while paid for by Dutch programming funding, was an independent international professional who developed the programme with Dutch and Burundian stakeholders in equal measure. Hence the donor's political agenda did not drive programming decisions, but instead the relationship sought to achieve joint programme objectives. In the DFID Justice Sector Development Programme (JSDP) in Sierra Leone, on the other hand, the relationship between DFID and programme management was much more distant, less focused on the politics of the programme, and even problematic at times. This was to the detriment of the programme.

Case Study 5: DFID in Sierra Leone: Close quarters advice on a daily basis. In the early days of SILSEP the broad acceptance and appreciation of the role of the UK helped its advisors (who were seconded to the various Sierra Leonean institutions involved) to develop close working relationships with their

counterparts. This facilitated an almost daily assessment of political events and developments. As a result, programme development and adjustment were fluid and permanent. This was helped by the fact that the programme strategy, results and indicators (where present) were very flexible. SILSEP relied much more on the qualities and judgement of UK staff than on results and indicators.

Examples of what has not worked

Case studies 7 and 8: UNMIT and AusAID in Timor-Leste: Missing the opportunity to recalibrate a programme after elections. Both the Security Sector Reform (SSD) and Justice Sector Support Facility (JSSF) programmes were mandated or designed prior to the 2007 elections in Timor-Leste. While this was not necessarily problematic, both programmes missed opportunities to anticipate potential changes. Neither included an inception phase covering the period preceding the elections so that results could be taken into account; nor did they plan for some sort of midterm recalibration of objectives with the new government. As a consequence, when the newly elected government turned out to have ideas about security and justice priorities that differed from those of both programmes, they struggled to adjust. In contrast, the first phase of the Dutch MFA's SSD programme in Burundi was explicitly designed as an inception phase prior to the Burundian 2010 elections. Another way to overcome this challenge could have been to develop informal ties with opposition parties prior to the elections or to design a programme with more post-election flexibility.

Case Study 9: UNDP in Timor-Leste and Case Study 1: the Dutch MFA in Burundi: High-level steering committees becoming dysfunctional. A common way to organise a political dialogue on programme objectives in the broader context is to establish high-level steering committees that meet regularly and include representatives of key national stakeholders and donors. In this vein, the Justice System Programme (JSP) in Timor-Leste was supposed to be guided by a Council of Co-ordination (CoC), which brought together the President of the Superior Council of the Judiciary, the Prosecutor General, the Public Defender General and the Minister of Justice regularly to discuss common concerns, set priorities and co-ordinate donor support. However, after a positive start-up phase, the regular meetings of the CoC gradually became less frequent, to the point where it did not meet once in 2012. As this forum is the main means of co-ordinating the justice sector at the strategic-political level, this situation seriously hampered progress. Similarly, the *Comité Technique de Suivi* was envisaged to provide strategic level oversight of the SSD programme in Burundi, but was dysfunctional for much of its early life. The body was subsequently restructured to achieve a more strategic focus. Both examples show it is difficult to get such bodies to function as intended over the long term and suggest that serious effort and thinking need to be dedicated to making them work.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need for programmes to have a process in place that allows them to discuss progress and relevance in its broader context from a political perspective:

- Having such a process in place presumes that programme objectives and activities can be adjusted (within certain limits). As many programmes are designed as fairly linear sets of activities, however, they do not necessarily have this ability. As a result, the case studies have not generated a great deal of evidence for how such political calibration processes can work effectively. The evidence they did generate strongly suggests that having such a mechanism is essential to keep a programme relevant and to enable it to mature. It is relatively straightforward to agree the formal dimension of such a process, but much more difficult to make it work. More upfront discussion with counterparts on how such processes should work is critical, as is including appropriate human and financial resources in the programme's budget to support relevant fora or activities.

- Political events have an impact on programmes. While some (such as elections) can be anticipated, others (such as incidents with security forces or political oppression) can only be reacted to and are fairly typical in fragile environments. Programmes will be better able to engage with and/or respond to them when they have a functioning process and a set of relationships at their disposal that provide a forum for discussion. Trust is more easily created before rather than during a crisis, but requires upfront investment of time and political capital.

3.3.2 Making sure a programme deliberately increases levels of trust and expands a network of relevant relationships

What this means:
Security and justice are sensitive issues. National stakeholders are likely to generally welcome donor support to meet their capacity building, training and materiel needs because such activities simply strengthen existing abilities without altering their use or accountability. Whether they will also welcome external support for more profound change, for example in the area of organisational culture, strategic thinking or accountability, will depend on their own outlook and the amount of trust they have in external parties. Such trust generally will need to be built and earned on both sides. However, this must be done without becoming too close. Programmes have to choose with whom they engage from a range of possible stakeholders, all of which are potentially relevant and legitimate. There is a risk of missing critical perspectives, relationships and priorities if trust is built with a too-limited group of stakeholders. It is therefore prudent for programmes to gradually expand their network of relations with secondary stakeholders in parallel to building deeper trust with their primary stakeholders. At a minimum this serves the purpose of obtaining additional perspectives; in the best case it can lead to new programme activities or programme reorientation.

Examples of what has worked

Case Study 4: USAID in Guatemala: Approaching institutional change from a sociological perspective. Programmes can be a fairly cosy affair between top-level ministerial officials and embassy representatives. An interesting aspect of the Programme Against Violence and Impunity (PAVI) was that it sought to strengthen the ability of mid-level national justice managers to lead dialogue and coaching in ways that could improve the organisational structure and culture in which they worked. PAVI took a more sociological approach to change: focusing much less on legal frameworks and formal plans and much more on how mid-level managers could be empowered to make a difference. It built trust by increasing the ability of such managers to initiate and champion change within their individual scope of competence and authority. Its "Positive Leadership Network" – basically a continuous coaching and mentoring programme focused on change management and organisational improvement – received wide acclaim from its participants. One practical result was that a head of unit responsible for dealing with complex legal cases was able to significantly improve their quality, as affirmed by the judges who subsequently had to deal with them.

Case Study &: AusAID in Timor-Leste: Intensive "handholding" of civil society organisations. Building trust is also a matter of showing genuine interest and taking time to build a relationship. The NGO grant project that was part of the Justice Sector Support Facility (JSSF) featured intensive coaching of NGO staff, field visits and regular dialogue with the aim of helping these organisations qualify for subsequent funding. This approach was not only effective in terms of building local capacity and improving results; it was also much appreciated.

Case Study 1: The Dutch MFA in Burundi: "Quick wins" to generate support for long-term change. Another way to build trust is to ensure programmes include a few results that are relatively easy to realise and are valued by counterparts because they meet, for example, immediate operational needs. Their delivery will demonstrate practical support, influence opinion and generate valuable experience. However, such quick wins do not translate automatically into greater confidence or more support for subsequent efforts. This requires designing and implementing them jointly and making sure that they anticipate or include the broader strategic issues on which they will inevitably encounter. For example, improving military transport capacity can lead to discussions about transport plans and maintenance, which may in turn lead to broader operational capability issues and ultimately to defence strategy. Yet none of these steps are automatic. The SSD programme managed to build confidence through providing a range of training projects and materiel, and highlighting and discussing broader strategic issues along the way. This ultimately proved conducive to the initiation of a large project to improve military ethics as well as a defence review. An important lesson here was that "quick" turned out to be relative: so-called "quick win" projects still took one to two years.

Examples of what has not worked

Case Study 1: The Dutch MFA in Burundi and Case Study 8: UNMIT in Timor-Leste: Unilateral procurement or recruitment. Donors' spending and operational pressures combined with national stakeholders'

cumbersome or opaque procurement and recruitment procedures often lead development partners to undertake such processes unilaterally. For instance, at its outset the SSD programme launched a large tender to contract a financial-administrative agent (a business company) without involving Burundian stakeholders. When the agent then introduced rather heavy bureaucratic procedures for spending funds that were not tailored to Burundian capacities, and ultimately (according to some reviewers) did not perform appropriately, confidence was eroded quickly. Similarly, the UNMIT recruited a number of advisors to counsel various Timorese institutions without consulting the leadership of the institutions themselves. This led to a number of rejections and also strained relations. A key point from both experiences is that building the trust that is so essential for better results takes time and deliberation.

Case Study 9: UNDP in Timor-Leste: Late engagement with a large informal justice sector. A more debatable example of what does not necessarily work is the strong focus of the Justice System Programme (JSP) on rebuilding the country's formal justice sector – arguably the work of decades – without paying much attention to the informal justice sector (until recently). Since most of the population relies on this informal sector, even though the programme may have built good relations with central government stakeholders, it is unlikely to have built much trust among the population or significantly improved access to better justice in the short term. UNDP does face a particular constraint in this regard as it is bound to work with the national government and in line with its priorities and views. While this can be a great strength, it can also mean that programming support really amounts to advancing the views of the political elite on how justice is best organised, instead of those of the average Timorese citizen.

Concluding remarks

Two main conclusions can be drawn from the case study evidence on the need to make sure that a programme deliberately increases levels of trust and expands a network of relationships:

- Building trust takes time. For example, "quick win" activities and joint activities or analysis can generate valuable experiences and build confidence, but take time to deliver. Yet such time is often not accounted for in programmes. Inception phases are fairly common in programming, but making enough time available to really design, implement and monitor activities jointly is rare. Joint activity implementation also has resource implications, as local capacity may need to be enhanced to make a joint approach possible in the first place.

- All programmes show the importance of networks and trust among a broad base of stakeholders for working politically and adjusting to changing political circumstances. Most grey literature has long confirmed this basic insight, yet the case studies did not identify any programmes with a conscious and articulated confidence-building strategy designed to increase insight, mitigate risks and hedge activities. This shows that a large gap exists between knowledge and operations in this crucial aspect of effective programming.

3.3.3 Being able to learn in real time from programme implementation experience and adjust accordingly

What this means:
Even with absolute agreement on security and justice priorities, a good understanding of political interests and strong implementation of joint capacity building, programming explores new ground in several ways. First, in fragile environments programmes tend to address complex, unresolved issues that have several possible solutions. The most productive course is by no means obvious; instead it will have to be charted by trial and error. Second, large differences will exist between international actors and their national partners, for example in how they were educated, how they think and how they work. Third, while priorities, stakeholders and context may be clear and well-articulated on paper, they are unlikely to correspond to reality. In consequence, programmes must have the ability to learn in real time the lessons derived from their implementation at the political, strategic and operational level. In part this ability will result from the quantity and quality of resources allocated to this purpose (Section 3.2). It will also result from programmes designed to include processes for capturing experiences, discussing them and learning from them. Tools that can serve this purpose are, for example, integrated teams, joint analytical projects, activity reviews, structured political dialogue and monitoring.

Examples of what has worked

Case Study 1 The Dutch MFA in Burundi: Conducting a baseline assessment. About six months into the SSD programme, an extensive baseline assessment of the Burundian security sector was commissioned. The aim was to repeat this exercise every two years to gauge overall development progress in the security sector. The weakness of this baseline project was that it was largely designed and staffed by the Netherlands. Burundian stakeholders were consulted on its terms of reference and the composition of the baseline team, but in a limited manner. The project did have strengths, however. It provided a strong and useful analytical input that informed a subsequent series of informal conversations between high-level stakeholders from both programming partners. These conversations focused on the state of performance, governance and capabilities of the Burundian military and police (as analysed by the baseline study), programming implementation experiences to date, and future directions the programme could take when considering the first two elements. This allowed key stakeholders to take a step back and place subsequent project implementation experiences in a broader context.

Examples of what has not worked

Case Study 9: UNDP in Timor-Leste: A near-complete absence of monitoring. A mid-term evaluation in 2007, four years into the JSP, observed that the programme's monitoring and evaluation systems were inadequate, hampering the programme's ability to assess its impact and monitor its effectiveness. The evaluation also found that the programme's performance management systems, particularly for international personnel, remained weak. This is a particularly interesting observation given the emphasis of the programme on capacity building using seconded international advisors. Unfortunately, five years later,

in 2012, a number of staff and stakeholders still felt that monitoring was insufficient. The planned position of a monitoring and evaluation officer was never filled.

Case Study 3. The EU in Guatemala: Death by procedure and requirements. The Support Programme for Justice Reform (PARJ) was subject to the general administrative, procedural and financial requirements that apply to all EU development programming. These requirements are so rigid, extensive and complex that they became a significant burden on national counterparts. Their limited planning capacity was quickly exhausted, which meant capacity was no longer available to improve the actual provision of justice. This also prevented real time learning: satisfying administrative requirements proved such a formidable task that little capacity was left to reflect on actual programming experiences. By way of illustration, a number of national staff needed to be specifically trained in EU rules and procedures to manage project finances.

Concluding remarks

Two main conclusions can be drawn from the case study evidence concerning the need to be able to learn in real time from programme implementation experience and adjust accordingly:

- Most security and justice programmes feature very poor monitoring arrangements. For example, almost none of the programmes examined constructed a baseline against which progress could be gauged over time. Without the ability to monitor programme progress it is difficult to learn from implementation in a structured, transferrable and sustainable manner. While such learning might occur, it will likely be on a more personal and anecdotal basis. Inevitably when staff moves on, these learning processes between staff and between staff and headquarters are easily disrupted or lost. Further investigation is needed as to why monitoring is so poor in the security and justice area, but indications are that staff lack appropriate incentives. For instance, they are not held accountable for making monitoring a requisite part of good programme design.

- Where they did exist, monitoring arrangements were rarely a joint endeavour and paid little attention to increasing national capacities for analysis and critical dialogue. Most programmes do not seize an important opportunity for joint learning which can serve a variety of purposes ranging from confidence building to political risk management.

SECTION 4. FOUR CRITICAL PROGRAMMING ENABLERS

The preceding analysis of the case studies demonstrates that support from international actors for security and justice development programming can generate very good, and very poor, programmes. Innovative programmes exist, but success seems fairly random. While it is not realistic to expect externally supported programmes to deliver fundamental change in fragile environments on a sensitive issue like security and justice, there is sufficient evidence that they can contribute to incremental change that can be used by domestic champions as a basis for more fundamental change. To achieve this, programmes should be set up as vehicles for change management that appreciate the political nature of the desired change. This is not typically the case. Programmes fall short on two counts in particular. First, their design is too linear. The way they conceive results is inflexible and at odds with the basic fluid nature of change, especially in fragile environments. Second, they tend to be insufficiently "political" in their orientation, resourcing and management. Time constraints and rigid design processes are important factors that underpin both failings.

The case studies also contain many suggestions and examples of what can be done to address these issues. Four critical programming enablers stand out and these are discussed below. If the aim is to improve the overall quality of security and justice programming, these enablers are not optional. They are essential. Moreover, they are an interdependent package. In other words, it makes little sense to implement one without also implementing the others. Finally, they are do-able. The case studies provide examples and evidence that most of these enablers have been put into practice. This needs to happen in a more focused and systematic manner.

4.1 Programme enabler #1: Enable programmes to engage politically on a daily basis

This means that programmes are able to act quickly in response to broader political developments that have programming implications, and can address political issues that arise in the programming context itself. Creating this ability requires a combination of ongoing political economy analysis, the establishment and maintenance of strong informal relations, decision-making structures that provide a clear protocol for dispute resolution, and staff with a sound understanding of both politics and programming. Examples of how to do this include:

- **Ensuring high-level political support.** Enlist a champion in the form of a high-level in-country representative (such as an ambassador or UN Special Representative of the Secretary-General) with both the interest and time to engage regularly in the programme. This will ensure the representative enjoys adequate support and can be influential in development agency capitals. Work with this person to regularly discuss the programme in senior management meetings from a political perspective. A high-level political champion in the host government is equally critical. The main task of such representatives is to sort out the inevitable political issues and differences that will arise. However,

they can only do so effectively if the political champion on the donor side can maintain support for the programme, while a similar champion on the side of the host government helps move the political dialogue forward.

- **Building informal networks.** Build an informal network with people who understand the context. The network could take the form of a forum, working group or simply a series of thematic meetings. Making sure a diversity of views is represented will allow this network to feed a broad range of political perspectives into the programme on the overall security and justice situation. It should also bring together a broad spectrum of leaders relevant to the security and justice area, for instance from civil society, government and religious organisations. It can serve as a meeting space for informal discussions on key security and justice developments and issues. [26] Programme activities may not benefit directly, but the programme will develop a better overall sense of its political context and issues it may have to face in the future. Programmes will need to make available time and funds, for example in the form of research, study tours, training and seminars, social events, and reimburse travel/communication costs.

- **Conducting ongoing analysis.** Create a project or a dedicated activity within the programme that conducts continual analysis of political developments, security and justice implications, and popular perceptions. Baseline assessments, political economy analysis, conflict analysis, scenario planning and institutional capacity analysis are all tools that can feed such an analytical workstream and make a programme more politically conscious and sensitive. As much as possible the analysis should be conducted jointly with national stakeholders and if necessary include components that can build local capacities (for example, local think tanks and universities).

- **Smart staffing of strategic positions.** Ensure politically competent development staff are in place in key strategic positions. The case studies suggest this is particularly important for two types of positions. First, programme managers must have the profile, sensitivity and autonomy to operate in a way that serves both international and national stakeholders. It is likely that the manager is contracted by an international actor. The case studies suggest, however, that the person in this role should be fairly independent of both groups of stakeholders while having a clear mandate and maintaining strong ties to them. Second, strategic advisors seconded to key parts of national security and justice institutions can help build mutual understanding and informally share political insights and messages. They primarily need to be good change managers and savvy political operators, in addition to having appropriate substantive expertise. Annex 5 provides a generic outline of their possible profile.

[26] While not part of the case studies, the Nepal Security Sector Network offers an interesting example of how an informal network can create a neutral space to bring diverse actors together in a progressively deepening discussion of sensitive security issues (in this case in the context of the peace process). The network was able to become an important catalyst for the delivery of civil society proposals relating to the rehabilitation and integration of former Maoist army combatants, as well as a hub for reflection and discussion among senior government leaders, civil servants, uniformed leaders from the army and police, and Maoist army commanders.

4.2 Programme enabler #2: Increase the duration of security and justice programmes to 6-10 years

This means programmes have more time to understand the context in which they operate, learn from experience, build relations, define results and work on their sustainability. It does not mean that they have to be funded for this entire period. Such long-term financial commitments are desirable but may not be feasible for international actors because their own funding is not sufficiently predictable over such a time horizon. What is critical is articulating a political commitment to conduct the programme as a partnership for a significant period of time. Options for implementing this enabler include:

- **Authorising longer programmes.** The most straightforward way to accomplish this is for international actors to authorise the design and funding of programmes with longer timeframes where possible within their rules and procedures. For example, the difference between programmes of four years and six years may not seem large, but the case studies suggest the additional years of commitment can be of significant benefit in achieving sustainable outcomes.

- **Designing a series of successive programmes.** A series of shorter, successive programmes, for instance of three years each, can also be productive. To mitigate the obvious risks involved, at least two critical conditions need to be satisfied. First, the series of programmes must be designed with this in mind from the outset – that is, a shared understanding that the time horizon for achieving results is a multiple of the duration of the initial programme and that funding will be required over a longer timeframe. This allows, for example, the first programme to focus on "quick wins", relationship and capacity building, and creating a shared understanding of potential longer-term objectives. Second, a smooth transition between programmes is essential so that neither momentum nor confidence is lost. The case studies clearly show that international actors tend to mishandle transitions, especially when programme implementation is outsourced to external parties that have to re-bid for follow-on programmes. This option is not suitable in the case of programmes that have been outsourced entirely and the implementer could change midstream.

- **Putting in place a Memorandum of Understanding.** A Memorandum of Understanding (MOU) is a commitment that, while legally and financially non-binding, provides a good foundation for engaging in a longer-term partnership in a flexible manner. Financial envelopes, programme objectives and project portfolios can be agreed separately but take their broad direction, duration and governance structure from the MOU. Where an MOU proves difficult, an exchange of letters of agreement can be a less formal substitute.

4.3 Programme enabler #3: Develop detailed longer-term results as part of the programme

This means that programmes only define intermediate targets at the start and put a process in place to develop longer-term results. Current practice shows that when results are set up front, it is more likely that they will reflect the views of international actors more than the views of national stakeholders. Often a meaningful articulation of the desired results can only take place among these two parties after a relationship, capacity and some experience have been built. This, in turn, requires time and resources, and corresponds with the need to extend the time horizon of programmes. It should be noted that developing longer-term results as part of a programme is not the same as having an inception phase. The issue with inception phases is that they typically do not deliver on urgent needs – often important to national stakeholders – and do not generate joint implementation experience. Achieving intermediate targets, while also making time and space for a process to develop detailed longer-term results, requires more of a "work in progress" approach than a "design the perfect programme" approach. Options for implementing this enabler include:

- **Including a "theory of change" exercise at the beginning of the process, to be revisited over time.** A theory of change does not have to be overly complex but can help build a shared vision of what a programme is hoping to achieve and how it hopes to achieve it. This is different from defining detailed results as part of a programme design, but can help provide an explanation of the importance of short-term and intermediate targets, and the longer-term change to be achieved. Theory of change exercises can be developed in an iterative way, allowing for adaptation and for the process of defining specific results to be an explicit activity within the programme. Hence, they can enable programmes to change according to contextual demands.

- **Agreeing a framework and filling it out over time.** At the start of a programme long-term engagement principles, end-state outcomes, broad issues for co-operation and the direction of the partnership can be agreed, and a mechanism put in place to develop longer-term results. Useful mechanisms include joint baseline assessments; regular perception surveys (to establish, for example, how secure people feel and key causes of their insecurity); institutional capacity audits; problem identification through focus groups (for example, citizens' views on the greatest challenges for the police); regular "after action reviews" of project activities; or informal/formal dialogue. The challenge is to ensure that mechanisms invite joint learning and inform longer-term thinking and decision making. Tools like scenario planning, theory of change and trend analysis may on occasion also be appropriate.

- **Starting small and scaling up.** A more bottom-up approach involves putting a number of projects in place, learning from their experience and then scaling up to a more fully fledged programme. In this approach careful planning is important to ensure political support, technical and administrative capacity, and demand for the outputs generated, and to identify the structural requirements

needed for successful scale up.[27] It is also critical that projects are chosen for their potential to generate insights and build relationships, and that they are "allowed" to fail. As much time should go into implementing them as learning from them. Their direct results are not their most important aspect.

4.4 Programme enabler #4: Ensure programme implementation is adjustable

This means that implementation is not a mechanistic sequence of agreed activities, but a dynamic and adjustable process that responds to experience and broader political developments. It requires programme implementation resources, such as funding and staff, to be organised in a fairly flexible manner. As flexibility can come with costs, this programme enabler will be difficult to realise for smaller projects. It probably requires a certain size to be worthwhile. However, benefits include a greater ability to respond to events and use windows of opportunity. Options for implementing this enabler include:

- **Setting up a flexible/unallocated pool of funds.** Such funding pools provide rapid access to funds for new activities or for additional components of existing initiatives. These trust funds can be thematically focused (*e.g.* training and education) or issue-focused (*e.g.* governance of the military) to give them a broad direction that may make them more "sellable" from a donor administrative point of view. While a framework is needed to guide decision making on the use of funds, the key is that they are not pre-allocated and that there is a simple and joint procedure for mobilising them.

- **Conducting joint monitoring.** Ensure a joint and simple monitoring mechanism is in place from the start of a programme. It may appear obvious, but hardly any programme analysed in these case studies had this in place. It is not enough to just generate monitoring findings; there also needs to be an agreed process and structure (technical and political) through which such findings are regularly discussed with partners together with the results of other analytical and research activities undertaken by the programme.

- **Creating mechanisms that enable staffing flexibility.** Include flexible ways to quickly increase staff levels or access technical expertise if events or programme activities so require. Options include creating draw-down contracts with a limited number of experts and with a guaranteed minimum number of days a year; creating a programme reference group that can be mobilised; concluding longer-term MOUs with specialised organisations, such as the African Security Sector Network or the International Security Sector Advisory Team; and creating surge capacity in the form of preconfigured pools or rosters (internal or external). It is important, however, that programme managers use the same individuals or experts as much as possible. Regular exposure will allow experts to become familiar with a programme. It also avoids creating a "flying circus of consultants" which makes it much more

[27] For further information see AusAID's scaling up guideline (AusAID, 2012b).

difficult to tailor advice and efforts to context or ensure continuity of engagement. Another option would be to deliberately “overstaff” on a long-term basis to help ensure existing surge capacity within the programme itself that can be exploited when needed. Flexibility in staffing comes at a price, however, and security and justice programmes will typically face higher overhead and human resource costs as a consequence.

SECTION 5. WHAT CAN SENIOR DECISION MAKERS IN DONOR AGENCIES DO?

The previous section raises the critical question of how the four programme enablers outlined can be implemented. While most of the case studies have not specifically addressed this issue, three considerations that will influence the feasibility of implementing these enablers from the perspective of a senior decision maker in a bilateral or multilateral development organisation (*e.g.* director-general, minister or assistant secretary-general) and their equivalents in the field can readily be identified:

1) Are new strategies or policies required for implementation?
2) Are new competences required for implementation?
3) Are new procedures required for implementation?

5.1 Are new strategies or policies required for implementation?

Most development actors, at least on paper, have recognised, agreed and re-confirmed most of the principles and parameters that are required to implement the four critical programme enablers. The Paris Declaration, Accra Agenda for Action and the Outcome Document of the Busan Partnership for Effective Development Co-operation are very clear about the need for partner country ownership and leadership, for example. *The New Deal for Engagement in Fragile States* sets out a framework for country-owned and country-led transitions from fragility that prioritises security and access to justice, the need for predictable long-term engagement, and new approaches to capacity development and managing risk (IDPS, 2011). Most points raised above about working jointly follow from these commitments. In addition, the overwhelmingly positive response of the international community to the 2011 *World Development Report* (World Bank, 2011) has created broad agreement on the need for longer timelines for more politically focused development engagements. In fact, over the past few years most development actors have produced strategies for operating in fragile environments that echo most of the international agreements and good practice that have been established over the years. The exception is that some development actors will need to create a strategy or policy across their government or institutions that enables them to develop teams of political, development and security staff that can work on the issue together with much greater efficiency. While many lessons have been identified – for example by the governments of the UK and the Netherlands, the International Network on Conflict and Fragility and in Afghanistan – these have not yet led to integrated operational capabilities in many places.

5.2 Are new competences required for implementation?

The four critical programme enablers are within the scope of authority of senior decision makers in most donor agencies and international organisations. As a consequence, their implementation will not require the creation or transfer of new competences or authority. It will rather require greater efforts to recognise their foundational value and anchor the basics of security and justice programming more firmly with top-level officials and ministers, as well as making sure that security and justice programmes are affirmed at

the senior level. While this may expose them to greater political scrutiny, given the sensitivity of these change management efforts, it will also help ensure they enjoy stronger support once approved.

5.3 Are new procedures required for implementation?

The extent to which the four critical programme enablers are compatible with existing procedures for programming will vary across donor agencies and international organisations. For example, new EU rules that require funds to be committed within three years in a four-year programme will make it impossible for the EU to implement some of the programme enablers. However in general, the enablers do not call for a radically different approach to standard programme cycle management. Rather, they mostly require using and applying existing methods with more flexibility and less linearity. Thinking about programmes in a longer time frame and in a more modular manner – and accepting that capacity, relational and process results are often as important as results one can touch or count – will go a long way. However, such "soft changes"[28] in the area of organisational culture, perspective and mindsets are notoriously hard to realise. The challenge is stimulating staff in donor agencies and organisations to take a different approach to programming; develop a different mindset; and embrace experimentation, learning and the associated risks.

Senior decision makers have the ability to alter the corporate understanding of what a good programme looks like, to change incentives that influence staff behaviour and to foster a culture of organisational learning. They should give a serious and sustained push to precisely these three areas of action in order to advance implementation of the four programme enablers as a package:

1. **Authorise a more permissive programming environment**

Senior decision makers should create space for more innovative and experiential programming. This requires them to develop and accept the resourcing implications (time, funds and people) of the security and justice programming advocated here. It also requires:

- *A more sophisticated understanding of results.* Accepting the need for longer programming horizons means understanding that certain types of results take years (*e.g.* transformative results in organisational culture or operational practice). This raises the risk that political support for a programme in donor capitals will erode because it is not delivering fast enough; the UK's DFID, for instance, pulled its funding from the Belgian Development Agency Justice Programme in Burundi for this reason. To avoid this, it is crucial to develop intermediate objectives, monitor progress towards these objectives, and ensure that relevant results are reported. Additionally, decision makers need to accept and sell programme progress on the basis of a narrative that combines relational results (*e.g.* have relationships between former adversaries changed or are new conversations possible?) with two other related types of results: process results (*e.g.* are ideas being adopted?) and capacity-building results (*e.g.* has the ability to work jointly or articulate national priorities been improved?).

[28] As opposed to "hard changes" that are more about tangibles like structures, procedures and organisational design.

- *An acceptance that not all funds may ultimately be spent.* Leaving programme funds partially unallocated means there is a possibility these funds ultimately will not be spent if the right opportunity does not present itself. For managers under pressure to spend large amounts of money, this is a challenge they can only meet with support of their seniors.

- *An acceptance of higher personnel costs than for average development programmes.* Building a deep understanding of the political context, developing confidence and relationships, working jointly, and managing programmes dynamically are all important to success, but are staff and time-intensive endeavours.

2. Create higher and different standards of accountability for programme design and implementation

The case studies suggest that many security and justice development programmes do not meet important minimum criteria for success. For example, few lasted long enough to achieve the type of change sought; even fewer had an adequate understanding and appreciation of the political feasibility of the change sought; and none had a joint or regular monitoring system in place. This implies that the staff who design and implement such programmes are either under too much pressure from their managers to deliver regardless of quality; have to work with supporting processes and procedures that are not fit for purpose; or do not have the right competencies to do their work adequately. As senior decision makers in donor organisations will normally have to authorise security and justice programmes over and above a certain size, they can contribute greatly to implementation of the four critical programming enablers by focusing more on quality control. This will not only help increase the quality of individual programmes, but should also make it easier to identify what actions need to be taken within a particular donor organisation to make sure improvements are put on a structural and sustainable footing. The findings of this report provide a gauge for quality control and have been used to produce Annex 4, which offers a simple tool with some basic questions.

3. Create a corporate openness to learning

Breakthroughs often occur when a multitude of learning experiences at the micro level ferment and combine into larger insights as a result of regular interaction in a community of practice. Yet learning requires experimentation, and experimentation means occasional failure. There is not much tolerance for failure in the corporate culture of most development organisations at the moment (OECD, 2011). It is therefore vital to the implementation of the four programming enablers that senior managers champion a culture of organisational learning. For example:

- They should enable an environment in which it is possible to fail, and which gives a second and third chance to improve a programming effort without penalty as long as lessons are learned from the failure. In turn, this requires organisational procedures and individual skill sets and mindsets that

facilitate the identification, articulation and internalisation of lessons, as well as willingness to accept, value and learn from failure.[29]

- They should incentivise staff to think outside the box and to learn by trial and error. Using performance management systems to assess and reward the ability of staff to experiment is one way of doing this. Another is introducing tools like scenario planning (*e.g.* Schwartz, 1991) or outcome mapping (*e.g.* Earl, Carden and Smutylo, 2001) into corporate or programme design processes, as is already commonplace in many business environments.

The relevance of the issues and areas of action outlined in this section naturally varies across development organisations because they feature a large diversity of corporate cultures, organisational practices and management styles. Hence, these issues and actions are best seen as starting points for a process of internal exploration and challenge that looks at how they can be put to best use in a particular institution with the aim of improving the quality of its support for security and justice programmes.

5.4 Areas for future exploration

As with all such undertakings, this report has not been able to respond to all dimensions and queries raised in the course of the research. Four important outstanding issues for future consideration include:

- *How does change occur in development processes in general, and in security and justice development efforts in particular?* Some of the case study findings suggest that change occurs mostly as the result of longer-term processes in which a given issue ferments locally and slowly create upwards pressure. Yet, most programmes are top-down, state-to-state initiatives.

- *How can programmes effectively scale up?* The report suggests that an important potential route for programmes to become more effective is to be less ambitious at their start and to develop more on the basis of achieved success and windows of opportunities. Yet further investigation of the capabilities needed by programmes to do this effectively is required before this can stated with more confidence.

- *What are critical barriers to more effective programming within individual development organisations?* While the case studies have revealed a number of important limitations in organisations like the Dutch MFA, the EU and UNDP, the researchers did not have the resources to investigate unique agency barriers to more effective programming in any great detail. Yet many of the mentioned problems are a result of how agencies receive funding, have to stick to specific programme cycle and procurement regulations etc.

- *What can be learned from the wider institutional reform guidance?* Security and justice development is to a large extent a question of stimulating, incentivising and sustaining institutional

[29] A recent initiative by Engineers Without Borders Canada to encourage the publication of "failure reports" may be an interesting example for other actors. See www.admittingfailure.com.

change and hence is likely to benefit from more thorough review and better uptake of lessons learnt from institutional reform writ large, including how to address human resource management issues and questions related to corruption.

Annex 1: References

Albrecht, P., et al. (eds.) (2011), *Perspectives on Involving Non-State and Customary Actors in Justice and Security Reform*, IDLO/DIIS (International Development Law Organisation), Rome.

ADB (2012), *Working Differently in Fragile and Conflict-Affected Situations: The ADB Experience*, staff handbook, Asian Development Bank, Manila.

AusAID (2012a), *Building on Local Strengths: Evaluation of Australian Law and Justice Assistance*, Office of Development Effectiveness (ODE), Canberra.

AusAID (2012b), *Guideline: Scaling Up,* ODE, Canberra.

Ball, N. and L. van de Goor (2013), "The Challenges of Supporting Effective Security and Justice Development Programming", *OECD Development Co-operation Working Papers*, No. 10, OECD Publishing, Paris, http://dx.doi.org/10.1787/5k49dffl6bmq-en.

Bayly, C.A. (2004), *The Birth of the Modern World, 1780-1914,* Wiley-Blackwell, New York.

Bingham, T. (2011), *The Rule of Law*, Penguin Books, London.

Brinkerhoff, D. and M. Ingle (1989), "Integrating blueprint and process: a structured flexibility approach to development management", *Public Administration and Development*, Vol. 9, Issue 5, pp. 487-503.

Cleland Welch, A. et al. (eds) (2006), *Internal Security Sector Review Kosovo*, United Nations Development Program, Pristina.

DCAF/ISSAT (2012), *Informal Conclusions of the Chair: High Level Panel on the Challenges and Opportunities for Security Sector Reform (SSR) in East Africa*, 2-3 October in Nairobi, Geneva Centre for Democratic Control of Armed Forces/International Security Sector Advisory Team, Geneva.

Denney, L. (2012), "Non-state security and justice in fragile states: lessons from Sierra Leone", *Briefing Paper 73,* Overseas Development Institute (ODI), London.

De Soto, H. (2000), *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, Basic Books, New York.

DFID (2012), "Results in fragile and conflict-affected states and situations", *How to Note*, Department for International Development, London.

Domingo, P. and L. Denny (2012), *The Politics of Practice: Security and Justice Programming in Fragile and Conflict-Affected States*, Report from the ODI expert meeting on security and justice, organised by ODI, London.

Earl, S., F. Carden and T. Smutylo (2001), *Outcome Mapping: Building Learning and Reflection into Development Programs*, International Development Research Center, Ottawa.

Ebo, A. (2005), "The challenges and opportunities of security sector reform in post-conflict Liberia", Occasional paper no. 9, Geneva Center for the Democratization of Armed Forces, Geneva.

Gerspacher, N. (2012), *Preparing Advisors for Capacity-Building Missions*, Special report No. 312, United States Institute of Peace (ISIP), Washington DC.

Gordon, E. (2011), *A Safer Future? Tracking security improvements in an uncertain context*, Saferworld and Interdisciplinary Analysts, London/Kathmandu.

Heifetz, R. (1994), *Leadership Without Easy Answers*, Belknap Press of Harvard University Press, Cambridge.

Hendrickson, D. (ed.) (2007), *The Uganda Defence Review: Learning from Experience*, King's College, London.

IDPS (2011), *A New Deal for Engagement in Fragile States,* International Dialogue on Peacebuilding and Statebuilding.

Jones, H. (2011), "Taking responsibility for complexity: how implementation can achieve results in the face of complex problems", *Working paper No. 330*, Overseas Development Institute, London.

Kotter, J. and D. S. Cohen (2002), *The Heart of Change*, Harvard Business School Press, Boston.

Mansuri, G. and V. Rao (2012), "Can participation be induced? Some evidence from developing countries", *Policy research working paper No. 6139*, World Bank, Washington DC.

North, D., J. Wallis and B. Weingast (2009), *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*, Cambridge University Press, Cambridge.

OECD (2011), "Managing risks in fragile and transitional contexts: the price of success?", *Conflict and Fragility Series*, OECD Publishing, Paris.

Scheye, E. (2009), *Pragmatic Realism in Justice and Security Development: Supporting Improvement in the Performance of Non-State/Local Justice and Security Networks*, Clingendael (Netherlands Institute of International Relations), The Hague.

Schwartz, P. (1991), *The Art of the Long View: Planning for the Future in an Uncertain World*, Currency Doubleday, New York.

Sedra, M. (2010), *The Future of Security Sector Reform*, CIGI (Centre for International Governance Innovation), Waterloo, Ontario, Canada, http://www.cigionline.org/sites/default/files/The%20Future%20of%20Security%20Sector%20Reform.pdf.

Smith-Höhn, J. (2010), *Rebuilding the Security Sector in Post-Conflict Societies: Perceptions from Urban Liberia and Sierra Leone*, Lit Verlag, Zürich.

Smits, R. and D. Wright (2012), *Engagement with Non-state Actors in Fragile States: Narrowing Definitions, Broadening Scope*, Clingendael, The Hague.

Tilly, C. (1992), *Capital, Coercion and European States AD 990-1992*, Blackwell, London.

UN (2012), *Security Sector Reform: Integrated Technical Guidance Notes*, UN Security Sector Reform Task Force, New York.

UN (2011), *The United Nations Rule of Law Indicators: Implementation Guide and Project Tools*, Department of Peacekeeping Operations/Office of the High Commissioner for Human Rights, UN, New York.

Van Veen, E. (2008), "Reverse stakeholder mapping: on the need for actor-based SSR strategising in post-conflict environments", *Journal of Security Sector Management*, Vol. 6, Issue 2, pp. 1-13, Cranfield University Centre for Security Sector Management (CSSM), Shrivenham, UK.

Van Veen, E. and M. Derks (2012), "The deaf, the blind and the politician: the troubles of justice and security interventions in fragile states", *Hague Journal on the Rule of Law*, Vol. 4, Issue 1, pp. 76–97, Cambridge University Press, Cambridge.

Wakugawa, I. and D. Coyle (eds.) (2009), *Nepal Security Sector Network Charter*, revised draft, 16 September 2009, Kathmandu.

Walton, O. (2011), *Evidence for the Effectiveness of a Process Approach*, Helpdesk research report, GSDRC (Governance and Social Development Resource Centre), University of Birmingham, Birmingham.

World Bank (2011), *World Development Report: Conflict, Security and Development,* The World Bank, Washington DC.

Annex 2: A brief description of each case study

Country	Programme	Programme focus/duration	Development partner	Consultants	Affiliation	Field work period
Burundi	Security Sector Development (SSD) programme – including HQ component analysis	Security 2009-2017	Netherlands (MFA)	Nicole Ball Jean-Marie Gasana Willy Nindorera	Centre for International Policy Independent Conflict Alert and Prevention Centre (CENAP)	16 January – 4 February 2012
	Justice programme	Justice 2008-2016	Belgium (BTC) / UK (DFID)			
Timor-Leste	Justice Sector Support Facility (JSSF)	Justice 2008-2013	Australia (AusAID)	Eric Scheye	Independent	January - February 2012
	Justice System Programme (JSP)	Justice 2003-2013 (3 programmes)	UNDP	Teohna Williams Nelson Belo Josh Trindade Alexander Burian	ISSAT Fundasaun Mahein Asia Foundation ISSAT	17 April – 5 May 2012
	Security Sector Reform (SSR) programme	Security 2008-2012	UNMIT			
Sierra Leone	Sierra Leone Security Sector Reform Programme (SILSEP)	Security 1999-2008	UK (DFID)	Paul Jackson Peter Albrecht Osman Gbla	University of Birmingham DIIS Fourah Bay College	June-July 2012
	Justice Sector Development Programme (JSDP)	Justice 2005-2011	UK (DFID)			
Guatemala	Support Programme for Justice Reform (PARJ)	Justice 2004-2009	EU (EC)	Björn Holmberg Alejandra Cruz Galich Carmen Rosa de Leon	Swedepeace IEPADES IEPADES	15 October – 8 November 2012
	Programme against Violence and Impunity in Guatemala (PAVI)	Security/Justice 2009-2012	US (USAID)			

Annex 3: Methodology, strength of evidence and outstanding issues

Three successive stages of work have led to this report, each with its own strengths and weaknesses. These are briefly described below to give the reader a good sense of the evidence base for the report's findings and to highlight some critical outstanding questions.

1. The **first phase** of this project took place from January to May 2011 and inventoried critical challenges to effective security and justice programming as experienced by international staff. It also identified some initial ideas on how these challenges can be effectively addressed. Its report, *The Challenges of Supporting Effective Security and Justice Development Programming* (Ball and van de Goor, 2013), was based on interviews with approximately 30 interlocutors, mostly in operational field-based roles, working on 13 programmes across six countries (Burundi, Guinea-Bissau, Haiti, Nepal, South Sudan and Timor-Leste). This phase sought to start developing an evidence base for more effective programming.

   A key limitation of this phase was that it only examined international perspectives. It did not have the time or the resources to have the intensive stakeholder consultations necessary to provide the evidence base required to make policy and programmatic recommendations to donors and their partners. Another limitation is that it was desk-based. Finally, its access to programme documentation was also limited. However its purpose was not to make policy and programmatic prescriptions at this point, but rather to identify a small number of common themes for deeper investigation in a subsequent phase which would engage a much wider set of stakeholders.

2. The **second phase** of the project took place from September 2011 to February 2013 and involved four in-depth case studies to test the initial themes that emerged from the first phase in a smaller set of programmes, but with a broader range of stakeholders for each programme. Most case studies involved about three weeks of fieldwork and several more weeks of preparation, analysis, discussion and report writing. In addition, the Burundi casework uniquely included a separate three-day analysis conducted in The Hague of the relations and interactions between the Dutch Foreign Ministry headquarters and its embassy in Bujumbura in relation to its Security Sector Development (SSD) programme. Five hypotheses guided the fieldwork. These were based on the findings of the first phase and put together with the help of a reference group and a dedicated workshop in Stockholm in February 2012.

   An important limitation of the second phase was that the case study selection was in large part based on whether INCAF members could "contribute a programme" for inclusion in the analysis, as well as *in situ* support. Another limitation was that the terms of reference for the case studies were dense and so the evidence generated for each hypothesis is of varying depth for different programmes. The length of this phase was due to the need to find the right time window for each case study so that it would clash as little as possible with the operational priorities of embassies and field offices.

3. The **third phase** of the project took place from March to May 2013 and involved producing this report. It included extensive analysis of the individual case study reports; research of recent conference reports and grey literature on security and justice challenges; and a number of consultations with key individuals, prominently including the lead author(s) of each of the case studies.

   The main limitation of the third phase was its modest literature review. This was because the case studies already provide the report with a strong, primary evidence base. As noted, however, this evidence base varies in depth depending on the issue. For example the political nature, challenges and implications of security and justice work come out very strongly in all case studies and are supported by plenty of evidence. Yet some of the more innovative recommendations made by the report are largely based on one or two examples only, which are on occasion taken from programmes still in progress. While their approaches and ideas may be sound, a note of caution is in order, as their ultimate effects are not yet known at this stage.

Annex 4: A framework tool to assess the effectiveness of a programme's approach

Programming dimension	Components	Rate on a 1-5 scale how well this component is addressed in programme design or will be during implementation	Describe the main mechanisms, processes or activities intended to realise this component	Any explanatory comments
1 - Getting the politics right	a) Continuously assessing key security and justice issues and their political scope for positive change	1-5	Narrative text	
	b) Identifying intermediate objectives and guideposts for longer-term direction in parallel	1-5	Narrative text	
	c) Building domestic political support	1-5	Narrative text	
2- Getting the resources right	a) Making sure programmes are of adequate duration to enable sufficient confidence and capacity building	1-5	Narrative text	
	b) Ensuring programmes are flexible in (re)allocating funding to activities and feature a national contribution	1-5	Narrative text	
	c) Ensuring staff are skilled in politics and change processes, and have autonomy in a clear framework	1-5	Narrative text	
3 - Getting ways of working right	a) Having a process in place to discuss programming progress in its broader context from a political perspective	1-5	Narrative text	
	b) Making sure a programme purposefully increases levels of trust and expands its network of relevant relations	1-5	Narrative text	
	c) Being able to learn in real time from programme implementation experiences and adjust	1-5	Narrative text	

Notes

- This tool can, for example, be used by senior decision makers to authorise a more permissive programming environment and to create higher standards of accountability for programme design and implementation (both discussed in Section 5);
- The scale runs from 1=very poor to 2=poor; 3=acceptable; 4=good; 5=very good. Overall scores of 0-18 suggest programme improvements are needed; scores between 18 and 27 suggest a pass; scores between 27 and 45 indicate a good programme.

Annex 5: A profile for international security and justice staff at the strategic level

The general profile outlined below has benefited from three sources: 1) the case studies undertaken for this project (*e.g*. Annex 2); 2) work done by United States Institute of Peace (USIP) on this issue; and 3) a workshop on human resource management challenges in fragile environment organised by INCAF on 26-27 February 2013. The profile is relevant for international staff involved in security and justice programmes at the strategic level. This includes, mostly, advisors seconded to political cabinets or high-level officials in relevant ministries or agencies, programme managers or senior diplomats in charge of a donor country's contribution to a particular security and justice programme. These roles are top-level jobs requiring deep experience and a well-developed skill set.

Category	*Ability*	*Level of competency*				
		Minimal	**Low**	**Reasonable**	**Good**	**High**
Personality	**Resilient**					
	Good listener					
	Trustful					
		Awareness	**Knowledge**	**Skill**	**Mastery**	**New**
Skills	**Coaching**					
	Cultural sensitivity					
	Change management					
	Political acumen					
	Facilitation					
Knowledge	**Political economy analysis**					
	Relevant technical knowledge					
		Understands relevant elements but cannot apply them	Basic working knowledge of key elements	Experienced operator familiar with key elements	Smoothly applies key elements and connects them with wider issues	Sets new directions by combining key elements