# The challenges of supporting effective security and justice development programming

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This working paper discusses the results of phase 1 of a project initiated by the OECD DAC's International Network on Conflict and Fragility (INCAF) that aims to identify how international support for security and justice development in fragile and conflict-affected states can be improved. Phase 1 lasted from December 2010 until May 2011. Due to resource constraints, the first phase has had to rely on desk-based research and on-distance interviews with international staff only. Because of these limitations, this report needs to be read as a scoping report that generates a set of hypotheses. These hypotheses are currently being tested by mixed teams of international and national consultants via in-country case studies in which the input of national, local and international stakeholders is sought. This constitutes phase 2 of the project, the results of which are expected in the first half of 2013.

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# Executive Summary

Early 2010, the DAC International Network on Conflict and Fragility (INCAF) Task Team on Peacebuilding, Statebuilding and Security commissioned an analysis of the critical impediments to effective donor engagement in the area of security and justice development in conflict-affected and fragile environments. This analysis seeks to inform a change agenda to help make donor support to justice and security more effective. It is intended to serve as the base of a larger piece of work, and builds on the World Bank's 2011 *World Development Report* and the OECD's 2011 *Policy Guidance on Supporting Statebuilding in Situations of Conflict and Fragility*.

The ultimate objective of this work is to provide practical recommendations to a central question: How can international support to security and justice development in fragile and conflict-affected states be made more effective? It takes a number of the critical challenges that come with the principles and approaches underlying the *OECD DAC Handbook on Security System Reform: Supporting Security and Justice* (OECD 2008), and investigates how they have, or have not, been addressed over the past years. Its purpose is to identify a small number of themes that merit deeper investigation involving a much wider set of stakeholders. The purpose was not to make policy and programmatic recommendations at this point.

Lastly, this review started from the premise that despite *substantive* differences between security and justice, both face similar problems in linking to broad policy frameworks, and designing and implementing programmes. The consultations undertaken to date have borne out that assumption. Nevertheless, any subsequent work may wish to consider this issue in more depth because many analysts continue to hold the view that the substantive differences between security and justice should be reflected in programming.

## *Similarities and differences with other areas of peacebuilding and statebuilding*

Decision-makers face political, policy, organisational and delivery challenges in the areas of security and justice that are similar to those in other fields of development. Yet, security and justice stand out because their instruments (such as the military or legal systems) can be used to impose and enforce decisions that have an immediate impact on power relations, power distribution and, potentially, the stability of a country.

This report identifies a number of likely consequences of these characteristics. They pertain to the pace of activities, the need for a higher level of tolerance for delays and incremental results, the need for a solid, in-depth understanding of the political environment, the possibility of a more limited scope for external engagement than in other sectors, and the challenges of developing effective whole-of-government approaches given the high political profile of the work and the greater involvement of diplomatic, defence and intelligence actors in this area.

However, it is likely that a number of the observations in this report on how international support to security and justice development in fragile and conflict-affected states can be made more effective are relevant beyond this particular sector. Security and justice are particularly challenging areas to engage in and what passes their test of workability may hold relevance for other sectors too.

## *Focus of this work*

The review team examined the experiences of Burundi, Guinea-Bissau, Haiti, Nepal, Sudan (South Sudan) and Timor-Leste in order to begin to develop an evidence base for effective programming.[1] Thirteen programmes were examined and some thirty policymakers and practitioners with knowledge of these programmes were interviewed (see Table 1). These programmes were chosen to ensure a mix of donors and of both security and justice programmes. Programmes that had been underway for some time or had recently ended were given preference in order to examine the three levels of programming specified in the review's terms of reference (Annex A).

Based on these interviews, a review of programme documents and a discussion with the informal INCAF Working Group on Justice and Security on 28 February 2011, the report focuses on four major challenges to effective programming:

- Making the concept of ownership more realistic and political;

- Understanding and incorporating local context into programming;

- Enhancing risk management, including by strengthening monitoring; and,

- Making security and justice programming more practical and ensuring adequate international capacity.

## *Unpacking the challenges*

In order to determine which issues warrant more detailed examination, the report identifies elements that may contribute to an effective response to the four challenges listed in the previous section. What appear to be positive examples of addressing the challenges are illustrated primarily by material drawn from the interviews conducted for this review. In examining each of the four challenges, the consultations suggested a number of key sub-issues as well as strategies for addressing each of these sub-issues. A number of critical impediments were also identified. These are summarised in Box A.

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**Box A. Unpacking the key challenges**

Making the concept of ownership more realistic and political

- Jointly define the concept of ownership with key local/national stakeholders: *i)* adopt a pragmatic and opportunistic approach to navigating the politics of ownership; and *ii)* recognize, work with and build the capacity of local stakeholders to sustain the outcomes of the reform process.

- Develop a process approach with a focus on relationships and key stakeholders: *i)* undertake political actor assessments and political economy analyses to understand the dynamics that will influence security and justice programming; *ii)* understand whether local/national stakeholders are interested in security and justice support, and if so, what type; *iii)* use "quick win" projects to build trust and confidence; and *iv)* manage diverging views and pushback by emphasising political dialogue and clear communication.

- Be realistic and aim for "good enough" ownership: *i)* make ownership an objective in security and justice work; *ii)* take seriously the capacity that is available; and *iii)* prioritise the increased

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[1].The review team was initially asked to include Guatemala in the study but practical difficulties in identifying programmes there precluded examining Guatemala at this stage although it could still be included in any field-based follow-on work. All but one of these countries are members of the g7+ and the International Dialogue on Peacebuilding and Statebuilding.

involvement of local/national stakeholders in real decision making, especially in situations where there is a lack of overall capacity to engage meaningfully at all levels of programme design and implementation.

- Develop mechanisms to involve local stakeholders: *i)* ensure broad representation of all key stakeholders; *ii)* set up mechanisms at different levels; *iii)* in environments where discussing security and/or justice reform is sensitive, develop an approach that focuses on facilitation, mediation and confidence-building.

*Critical impediments*: *1)* The need to understand local context at multiple levels – whose security and access to justice will be affected by donor programming and how; *2)* The ability to engage in an iterative process of programme development and implementation; and *3)* The need to understand what interventions will be politically and fiscally sustainable.

<u>Understanding and incorporating local context into programming</u>

- Understand local context at multiple levels (Whose security and access to justice will be affected by donor programming, and how?): *i)* undertake perception, baseline and other assessments; *ii)* develop relationships across the political spectrum; *iii)* ensure an adequate amount of staff time in-country based on programme objectives; and *iv)* supplement international personnel with local consultants.

- Engage in an iterative process of programme development and implementation. Begin programming by addressing some concrete needs and progressively develop agreement among the stakeholders on the ultimate objective of the local partner, how the donor (or group of donors) can support the partner in reaching that objective, and what the next steps in the process are.

- Understand what interventions will be politically and fiscally sustainable. A solid understanding of the political and fiscal realities of a situation is essential to understanding what is, and is not, sustainable and thus to determine whether the intervention is appropriate and feasible.

*Critical impediments*: 1) Infrequent use of conflict assessments and baseline studies, stakeholder analyses and similar reviews; 2) Challenges of delivering higher value programmes with fewer staff; and 3) Variable ability to develop relationships across the political spectrum

<u>Enhancing risk management</u>

- Manage expectations of senior decision-makers and politicians (including parliamentarians): *i)* include activities with both short- and long-term timeframes; *ii)* work to improve financial management in the security and justice sectors to reduce the level of fiduciary risk; *iii)* obtain high-level approval of programming; and *iv)* develop a communication strategy to keep relevant decision-makers informed of progress.

- Ensure that key pieces of the programme are in place before implementation begins. Programme ambitions and the role of national and international actors must be synchronised with the capacity and resources they have at their disposal.

- Keep channels of communication open with partners to manage expectations, differences of opinion and unanticipated events. Communicate in a transparent way and take time to develop relationships so that difficult issues can be addressed as part of a dialogue.

- Monitor programmes on a regular basis to maximise flexibility, promote sustainability and identify forthcoming problems. Monitoring is a major risk management tool, and process indicators should be developed so that not only output but also outcomes and impact can be adequately monitored.

*Critical impediments*: 1) Constraints on development communications strategies and 2) Issues relating to staffing and the difficulties of conducting assessments / baselines.

<u>Making security and justice programming more practical</u>

- Be realistic about the degree to which programmes can promote the achievement of ideal state conditions: *i)* begin programming slowly; *ii)* be flexible in programming procedures; *iii)* accept "good enough" results; *iv)* cultivate trust with key stakeholders; *v)* identify staff with appropriate political and people skills; and *vi)* have clarity on strategic objectives to help guide programming choices.

- Adapt programming to local conditions: *i)* employ a non-linear, flexible, iterative approach to programming; *ii)* focus on process, including the development of process benchmarks and indicators in order to monitor progress and adjust programming as necessary, *iii)* begin programming slowly; and *iv)* identify staff who are able to operate in unstructured environments.

- Use security sector reform (SSR) as an analytic tool, rather than a programming tool. Integrated security and justice programming is too comprehensive and big for any donor to take on alone. Practice also shows that programming often only takes place sector by sector. In order to make approaches more integrated, it may be desirable to use SSR as an analytical tool that can provide guidance and advice and, where needed, focus in the work in the different sectors.

- Balance the technical and political aspects of security and justice work. The tendency is often to start and stick with the technical aspects of security and justice work, since they produce the most concrete, measurable results — often at the cost of a focus on what is realistically and politically feasible. The two need to be more balanced.

- Ensure adequate capacity for international actors engaged in programming: *i)* deploy a sufficient number of permanent donor staff; *ii)* ensure the right quality and experience of staff; and *iii)* hire contractor*s* to make up for the lack of donor expertise and capacity to manage programmes.

*Critical impediments:* 1) Constraints in adopting a relatively open-ended approach to programming; 2) Constraints on fielding an adequate number of donor staff; 3) Constraints on ensuring the right quality of staff; 4) Constraints on ensuring working with contractors

## *Next steps: Priority issues for further review*

The consultations undertaken for this review confirm that the challenges identified in much of the seminal work on security and justice continue to confront donors and other members of the international community. Problems are acknowledged to persist, but donors appear to have difficulties in addressing them effectively. This has led to continuing tensions between institutional and organisational incentives, as well as the requirements for effective engagement. In examining these challenges, many examples have been identified of how international actors seek to tackle them. Nonetheless, we have also confirmed the continuing existence of a number of impediments to effective international engagement in security and justice development in fragile and conflict-affected environments.

Based on this review, additional work could usefully be carried out on the following four issues: *i)* A process approach to programming; *ii)* Increased ownership; *iii)* Models for programme management; and *iv)* Results and monitoring. These four areas are closely linked and would, ideally, be examined as a unit. This report explains why it is desirable to develop a deeper, more granular understanding of each of these issues, proposes key questions and identifies some of the main challenges. Box B lists the key questions and challenges for each of the four issues.

**Box B. Priority issues for further review**

<u>Process approach to programming</u>

**Key questions:** *i)* What are the essential elements of a process approach and what are the implications for conceptualising, designing, and implementing a process approach to programming? In particular, how can partners discuss, negotiate and define results? *ii)* What is a realistic and appropriate timeline for a process approach? *iii)* What are the risks for programming and reaching objectives? (i.e. at what point does flexibility stop being productive and become a risk?); and *iv)* How can a process approach be structured to enhance ownership?

**Challenges:** *i)* Allowing for longer programme timelines; *ii)* Inadequate flexibility in programming, including planning and programming procedures such as log frames and procurement procedures; *iii)* Risk management in the absence of clear and tangible outputs; *iv)* Developing monitoring systems to measure process outcomes; *v)* Finding the right people to take on this more open-ended approach; and *vi)* Seniority of staff in-country to deal with political aspects of programming in a process approach.

<u>Ownership</u>

**Key questions***: i)* How to assess and stimulate the interest of local stakeholders and facilitate an open and transparent process for discussing and designing reforms that take into account their different interests? *ii)* How to ensure that local ownership includes a dimension of accountability to the broader local population? *iii)* How to set up processes and procedures for real ownership whilst allowing for an open dialogue on key issues and constraints for all actors? *iv)* How to move from partnership to full ownership in situations where local capacity is limited? (*i.e.* How can ownership be accepted as an outcome?).

**Challenges:** *i)* More ownership may imply positions and priorities that are not in-line with those of the international community; *ii)* A stronger focus on ownership will call for more seasoned political donor staff — particularly in-country — in order to engage meaningfully with local stakeholders; *iii)* More ownership may also imply different and longer timelines due to a more political dialogue/process; *iv)* Involving key stakeholders from civil society in security and justice programming may be difficult; *v)* Balancing technical and political aspects of programming may also prove difficult.

<u>Models for programme management</u>

**Key questions:** *i)* Which actors should be involved in security and justice programming (*i.e.* conceptualisation, design and implementation)? *ii)* How can the essential political support to programming best be provided at all stages? How does this compare with the optimal role of funders given the political nature of security and justice work? *iii)* How should relationships be structured to best respond to the local context and promote ownership? *iv)* What is the appropriate degree and type of control for funders to exert over contractors given the growing role of contractors in designing, implementing, monitoring and evaluating programmes? *v)* What are the implications of these roles for funders, including personnel, programming approaches, timeframe, and risk management (*i.e.* political risk, risk of programmatic failure, fiduciary risk)?

**Challenges:** *i)* Ensuring adequate in-country staff to support programme; *ii)* Extended timeframes necessitated by promoting ownership may result in the programme being seen as less effective than programmes that produce more visible or tangible results and outcomes; *iii)* Ensuring adequate in-country staff to prepare the terrain for programming; *iv)* Managing implementers in light of in-country donor capacity; *v)* Addressing different perceptions of risk among funders, programme managers and local stakeholders; *vi)* Limited local ownership depending on who holds and manages the contract.

> ### Results and monitoring
>
> **Key questions:** *i)* What types of indicators can most effectively measure results in the short and medium term? In particular, what types of indicators can be developed to measure the results of security and justice reform processes? *ii)* How can monitoring be used to enhance the local ownership of security and justice programmes? How are local actors engaged in identifying programme results, developing indicators, monitoring programme activities and disseminating results*? iii)* How are results reported and to whom? Do local governments share information with beneficiaries or the local population more generally? Is the information used in dialogue between funders and local stakeholders? Is information used to adjust the course of the programme? What strategies exist to regularly update politicians and senior bureaucrats (in both donor governments and local governments) about results?
>
> **Challenges:** *i)* Regular monitoring requires time and analytic capacity, both of which are often in short supply in-country, as well as resources and good (research) networks; *ii)* Regular monitoring also requires information management, which could imply a need for more staff and/or time; *iii)* Depending on methodology, regular monitoring could require specific expertise and a good understanding of the local political context; *iv)* Regular monitoring requires good record-keeping and systems to inform ongoing programming; *v)* Regular process monitoring could require specific methodologies and approaches; *vi)* Effective communication can be time-consuming for in-country staff.

In addition to the issues that were addressed in consultations, there are a number of other factors that should be raised. These factors are unquestionably relevant for security and justice work in general, and might also be relevant for follow-up to this initial review:

- **Global economic and political factors**, which are a given and are not easily addressed: *i)* impact of the global economic downturn; and *ii)* impact of donor self-interest on key objectives of the aid effectiveness agenda.

- **Conceptual issues**, which arose during discussions on the draft report and suggest that further assessment is required, in particular since they touch upon the heart of security and justice work: *i)* a further deepening of the concept of effectiveness when applied to security and justice work; and *ii)* a further deepening of the concept of accountability, particularly in relation to ownership.

**Implementation challenges**, notably recurrent questions on the differences between programming approaches: *i)* potential differences between the challenges confronting security-related programming, on the one hand, and justice-related programming on the other; *ii)* a comparison of the challenges facing multi- and bilateral actors when engaging in security and justice work, particularly whether multilateral actors face similar, different, fewer or more political constraints; and *iii)* differences between security and justice work, on the one hand, and more general development work on the other.

# Acronyms

| | |
|---|---|
| CID | Criminal Investigation Department |
| DAC | Development Assistance Committee (OECD) |
| DCAF | Geneva Centre for the Democratic Control of the Armed Forces |
| DFID | UK Department for International Development |
| DRC | Democratic Republic of Congo |
| EC | European Commission |
| ESDP | European Security and Defence Policy |
| EU | European Union |
| GIZ | Deutsche Gesellschaft für Internationale Zusammenarbeit (German Co-operation) |
| INCAF | International Network on Conflict and Fragility (OECD-DAC) |
| JSSR | Justice and Security Sector Reform |
| MFA | Ministry of Foreign Affairs |
| MoHA | Ministry of Home Affairs |
| MoD | Ministry of Defence |
| MoU | Memorandum of Understanding |
| NGO | Non-governmental organisation |
| NP | Nepal Police |
| OECD | Organisation for Economic Co-operation and Development |
| PAOSED | *Programme d'Appui aux Organes de Souveraineté et à l'État de Droit* |
| SAJP | Safety and Access to Justice Programme |
| SPLA | Sudan People's Liberation Army |
| SSAPR | Security Sector Accountability and Police Reform |
| SSD | Security Sector Development |
| SSDDT | Security Sector Development and Defence Transformation |
| SSPS | South Sudan Police Service |
| SSR | Security Sector Reform |

START       Stabilisation and Reconstruction Task Force (Canada)

UK          United Kingdom

UN          United Nations

UNDP        United Nations Development Programme

UNODC       United Nations Office on Drugs and Crime

US          United States

USAID       United States Agency for International Development

# Introduction

The DAC International Network on Conflict and Fragility's (INCAF) Peacebuilding, Statebuilding and Security Task Team commissioned an analysis of the critical impediments to effective donor engagement with security and justice in conflict-affected and fragile environments in 2010. At that time, the Task Team agreed that security and its intersection with justice was a priority concern and members acknowledged that, when viewed through a statebuilding lens, international performance has been patchy at best. In seeking to tackle this priority, it was also acknowledged that: *i)* it was a broad and complex area; *ii)* other academic and policy communities also focused on these areas of engagement; and *iii)* the resources (both staff and financial) that INCAF could devote to this workstream were limited. It was nonetheless agreed that given its membership, its unique relationship with partners through the International Dialogue on Peacebuilding and Statebuilding, and its previous work on security sector reform (SSR) and statebuilding, INCAF is uniquely positioned to produce work that has the ability to influence donor behaviour in a way that will positively benefit engagement in these important areas.

The Task Team therefore agreed that a preliminary, desk-based mapping study would be commissioned to identify a number of core challenges that impede effectiveness.

[2] The purpose of this analysis is thus to provide the first building blocks of an agenda for change to help make donor support to justice and security more effective. It does so by producing a tentative outline of lessons learned, good practice and critical impediments to effective international engagement on security and justice development in fragile and conflict-affected environments. It is intended to serve as one component of a larger body of work. Its observations should therefore be considered as entry points for further investigation.

This work starts where the World Bank's *World Development Report 2011: Conflict, Security and Development* and the DAC 2011 Policy Guidance on *Supporting Statebuilding in Situations of Conflict and Fragility* leave off. It seeks to provide practical recommendations to a single central question: How can international support to security and justice development in fragile and conflict-affected states be made more effective?

This report does so on the basis of evidence on what appears to work and what does not in practice, initially from an international perspective. It does not seek to cover familiar ground such as the principles and approaches listed in the 2007 *OECD Handbook on Security System Reform: Supporting Security and Justice.* Instead it takes a number of critical challenges as a starting point and investigates how they have, or have not, been addressed over the past years.

The review team also wishes to note that this review started from the premise that despite *substantive* differences between security and justice, both face similar problems in linking to broad policy frameworks, designing programmes and implementing programmes. The consultations undertaken to-date have supported that assumption. Nevertheless, any subsequent work may need to consider this issue in more depth because many analysts continue to hold the view that the substantive differences should be reflected in programming differences.

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[2] The Paris Declaration on Aid Effectiveness focuses on: ownership, alignment, harmonization, results and mutual accountability.

# Methodological Issues

The methods used to carry out the work that has led to this report involved a number of limitations. It could only focus on a sample of programmes in a sample of countries. 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 (both their domestic whole-of-government partners and regional, national and local stakeholders engaged in on-the-ground programmes). Its access to programme documentation was also extremely 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.[3] To determine which issues warrant more detailed examination, the report identifies elements that may contribute to an effective response to the four challenges listed in the executive summary. What appear to be positive examples of addressing the challenges are illustrated primarily by material drawn from the interviews conducted for this review. While suggestive, the information provided by these interviews (as well as the documentation available to the review team) is limited, and thus so are the conclusions that can be drawn on the basis of this information.

[4] It is important to note that the examples are not intended to indicate that the programmes from which they have been drawn have been successful in addressing the challenges discussed in this report. What is more, since the local perspective is entirely missing from this report, it cannot be stated with any degree of certainty that what appears to be a successful method of meeting these challenges from the perspective of international actors will be seen in the same way by local actors. The actual impact of the approaches and strategies discussed in this section needs to be further investigated through field work.

Furthermore, the report does not draw examples from the 13 examined programmes equally because the ability of respondents to provide information on the guiding questions was mixed. In particular, the Security Sector Development (SSD) Programme in Burundi is quoted most frequently because it suggests different practical ways to deal with a number of the key challenges discussed here. More needs to be done to check and test these approaches, in particular from a Burundian perspective. That said, the authors had the opportunity to use the findings of an evaluation of the SSD programme that interviewed both Burundian and Dutch stakeholders to verify some of the information gathered through the other interviews.

Finally, the authors wish to highlight that all interviews were conducted on a confidential basis in order to encourage respondents to speak openly about the challenges they face with security and justice programming. The review team has therefore decided neither to include a list of interviewees nor to indicate how many individuals were interviewed per programme.

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[3] It is therefore worth acknowledging that a second phase might identify other priority challenges, in particular because national perspectives would be an important element in any follow-up work. If so, these could be considered for inclusion if resources allow.

[4] The choice of responses also reflects previous work that the review team has undertaken collectively or separately and that involved multiple field visits to fragile and conflict-affected countries, including some of those examined in this report.

# 1. Similarities and differences with critical areas of peacebuilding and statebuilding

The political, organisational and delivery challenges faced by decision-makers in the area of security and justice are similar to those inherent in other areas of development. Yet security and justice stand out because their instruments (*e.g.* the military or legal systems) can be used to impose and enforce decisions, having an immediate impact on power relations and, potentially, the very stability of a country. This has a number of likely consequences:

- **Security and justice reform or development may proceed at a slower pace**, requiring a greater level of patience and a higher tolerance for delays and incremental results.

- While many development activities *can* have important political consequences and require a solid understanding of the political environment, **security and justice is *consistently* political.** Above all, this requires a very good understanding of the political and conflict/violence context, as well as astute political engagement and very good relationships with all sides involved (and with those 'excluded' at any particular point in time).

- **When it comes to security and justice, the consequences of getting it wrong are likely to be much higher** than with other development programmes. Getting an educational system wrong in a volatile setting may result in lost competitiveness. Getting security and justice wrong may result in a new civil war or directly affect the security of individuals or groups. This puts a premium on conflict-sensitive, confidence-building approaches that build broad and inclusive leadership coalitions.

- **The scope for effective external support is more limited** as external actors are likely to bring their own agenda and will not necessary be trusted. At the same time, the risk for external actors to be used unknowingly for a partisan local agenda is probably higher. Although statebuilding processes (including security and justice development) are largely endogenous processes, external intervention, engagement and support can have a huge impact and are likely to continue to occur in the future.

- Notwithstanding attempts to strengthen whole-of-government approaches, **there is even greater fragmentation in the area of security and justice than in other sectors**, given the greater involvement of diplomatic, defence and intelligence communities and greater political interest. This complicates the development of a coherent, consistent international approach and often undermines attention to the democratic development of security and justice.

# 2. Phase 1 focus

The review team was asked to examine the experiences of Burundi, Guatemala, Guinea-Bissau, Haiti, Nepal, Sudan (South Sudan) and Timor-Leste in order to develop an evidence base for effective programming. It was decided to focus on approximately two programmes per country (Table 2.1). These programmes were chosen to obtain a mix of donors and of security and justice activities. Programmes that had been underway for some time or had recently ended were given preference in order to examine the three levels of programming specified in the study's terms of reference (Annex A). In view of the practical difficulties in identifying programmes in Guatemala, it was subsequently decided to drop Guatemala at this stage, although Guatemala should continue to be considered for field work.

### Table 2-1 Programmes examined

| **Burundi** | 1) | Netherlands: Security Sector Development Programme [SSD] |
|---|---|---|
| **Guinea-Bissau** | 1) | European Commission: Justice Reform Programme (*Programme d'Appui aux Organes de Souveraineté et à l'État de Droit*) (PAOSED) |
| | 2) | UNDP: *Appui au Renforcement de l´État de Droit en Guinée Bissau à travers la réforme de la justice et la sécurité* |
| **Haiti** | 1) | USAID: Haiti Judicial Strengthening and Stabilization Initiatives |
| | 2) | Canada: START projects |
| **Nepal** | 1) | UNDP: Access to Justice and Human Rights Programme |
| | 2) | Switzerland: SSR project |
| **South Sudan** | 1) | DFID: Safety and Access to Justice Programme [SAJP] and UK Security Sector Development and Defence Transformation Programme [SSDDT], viewed as a unit |
| | 2) | Switzerland: Armed Forces Southern Sudan SSR project |
| | 3) | GIZ: Policing (communications) project |
| | 4) | United States: Rule of Law Programmes |
| **Timor-Leste** | 1) | UN: Integrated SSR programme: Security Sector Review plus SSR Review Capacity Development Facility |
| | 2) | UNDP: justice system programme |

Thirteen programmes and projects[5] were examined, and some thirty policymakers and practitioners were interviewed.[6] More details on these programmes can be found in Annex B. Based on these interviews, a review of programme documents and a discussion with the informal INCAF group on

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[5] In addition, respondents brought a number of other programmes in these countries to the review team's attention. Where we were able to speak to individuals with knowledge of these programmes and / or obtain project documents, information relating to these programmes has been included in Section III where relevant. In a very few cases, reference is made to the DFID funded Security Sector Accountability Programme (SSAPRP) in the Democratic Republic of Congo (DRC), which is not among the six countries under review here, because it offers a particularly good example of certain types of activities or approaches.

[6] All interviews were conducted on a confidential basis in order to encourage respondents to speak openly about the challenges they face with security and justice programming. The review team has therefore decided not to include a list of interviewees or to indicate how many individuals were interviewed per programme.

justice and security, it was decided to focus on four major challenges to effective programming (Box 2.1).

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**Box 2-1 Four major challenges to effective programming**

- Make the concept of ownership more realistic and political.

- Understand and incorporate local context into programming.

- Enhance risk management, including by strengthening monitoring.

- Make security and justice programming more practical and ensure adequate international capacity.

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# 3. Unpacking the challenges

In order to determine which issues warrant more detailed examination, this section identifies elements that may contribute to an effective response to the four challenges outlined in Box 2.1. Positive examples of addressing the challenges are illustrated primarily by material drawn from the interviews conducted for this review. These examples have been used to demonstrate that international actors may have found practical ways of addressing these challenges and to suggest possible building blocks for a change agenda for international approaches to security and justice work.

While suggestive, the information provided by these interviews (as well as the documentation available to the review team) is in fact rather limited, and thus the conclusions that can be drawn on the basis of this information are similarly limited. In consequence, these examples are not intended to indicate that the programs from which they have been drawn have been entirely successful in addressing the challenges discussed in this report, especially from the perspective of national stakeholders. Field work is necessary to establish this with a higher degree of confidence. Additionally, the report does not draw examples from the thirteen programs examined equally. Lastly, the review team is aware of the fact that the Security Sector Development Program in Burundi is quoted a number of times in the report. The reason is that this programme suggests different practical ways for dealing with a number of the key challenges discussed here. More needs to be done to check and test these approaches, in particular from a Burundian perspective.

## *Making the concept of ownership more realistic and political*

The DAC Guidance on Statebuilding (OECD, 2010) describes statebuilding as "an endogenous political process," or a process that must be led by national actors. Ownership is also one of the five areas identified as particularly important for aid effectiveness by the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action (AAA). Ownership is a crucial building block for successful and sustainable security and justice reform. But, as one respondent said, "It is not clear what it exactly means and how to get to it." The interviews point to a number of challenges in operationalising ownership. They also suggest a number of key, inter-linked issues for future attention and ways to address them (Box 3.1).

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**Box 3-1 Key ownership challenges**

- Jointly define the concept of ownership with key local/national stakeholders.

- Develop a process approach with a focus on relationships with key stakeholders.

- Be realistic and aim for "good enough" ownership.

- Develop mechanisms to involve local stakeholders.

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## *Jointly defining the concept of ownership with key local / national stakeholders*

Ownership is often considered by the international community to be well understood and something that can or should be at the heart of every programme, including security and justice. Nonetheless, this report confirms that the challenge of defining ownership has not been given adequate attention and donors impose their form of "ownership" upon local/national actors through structures and technical approaches that give the impression, if not the reality, of a central role for local and national stakeholders.

In fact, "ownership" is often conflated with "buy-in." Structures are meant to enhance local buy-in to donor-conceived and -led activities, not to enable local actors to take the lead in programming decisions. However, as one respondent said, "local buy-in is about making sure programmes run well

and using money efficiently…" In order for such structures to become meaningful and effective in terms of involving key local/national stakeholders in decision-making or, more appropriately, to give local stakeholders a lead role, the interviews point to a number of experiences that indicate the added value of working with local partners to jointly define how to operationalise ownership in the context of specific programmes.

The consultations underscore two points in this regard: *i)* The desirability of adopting a pragmatic and opportunistic process approach to navigating the politics of ownership; and *ii)* The importance of addressing the capacity of local stakeholders to sustain the outcomes of the reform process. The Dutch SSD programme illustrates both these points particularly well (Table 3.1). These examples suggest a pragmatic way of approaching the issue of ownership by clarifying roles and responsibilities through concrete engagement. To achieve this objective, and in order to avoid getting stuck on issues of buy in, it is important that adequate time be devoted to understanding local conditions and key players as well as to building trust and confidence.[7]

### Table 3-1 Ownership and the Dutch SSD project

| | |
|---|---|
| Adopting a pragmatic, opportunistic process approach | One respondent noted: "There was no clear vision on the Burundian side… But there was interest in doing things differently and therefore a basis for discussions. They did not have an idea of what that would entail or what would be required. The basis was tested in a week-long meeting in a workshop setting where it was jointly agreed that a joint non-paper would be written covering the basic principles, ideas, roles and responsibilities. The Netherlands took the lead in writing the first draft, but the Burundian counterparts reacted seriously calling for structures and an organisational setup that defined their role. The document became the basis for the Memorandum of Understanding covering the current programme." |
| Addressing technical and capacity issues necessary for local stakeholders to assume ownership of processes | One respondent pointed to the example of introducing a new information technology (IT) system in the Burundian Ministry of Defence (MOD): "Together with the start of the activity, a line is opened in the Burundian budget that covers 50% of the maintenance costs for the IT system in year one, 75% in year two, and 100% in the third year."[8] At the same time, however, the respondent also pointed to the challenge of keeping maintenance in official budgets if these need to be cut. |

*Source*: Authors' interviews (01-03/2011)

### *Developing a process approach with a focus on relationships with key stakeholders*

The interviews confirm that it is widely understood that security and justice programming is an inherently sensitive and political process. One of the biggest challenges in this regard is to understand who one is dealing with and whose needs ultimately are being addressed. Key factors in meeting this challenge are: *i)* Undertaking political actor assessments and political economy analyses in order to understand the dynamics that will influence security and justice programming; *ii)* Understanding whether local/national stakeholders are interested in security and justice support, and if so, what type; *iii)* Using "quick win" projects to build trust and confidence; and *iv)* Managing divergent views and pushback through a strong emphasis on political dialogue and clear communication (Table 3.2).

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[7] Understanding local context is discussed in the section on understanding and incorporating local context into programming.

[8] The AU SSR framework states that a hallmark of real ownership is the willingness of reforming countries to place significant resources of their own behind the reform effort.

**Table 3-2 Developing a process approach with a focus on relationships and key stakeholders**

| | |
|---|---|
| Undertaking political actor assessments and political economy analyses in order to understand political dynamics | Over a period of eight months, Dutch and Burundian counterparts discussed the development of a memorandum of understanding (MOU) to guide their collaboration in what became the SSD programme. The two worked together to produce a non-paper, which gave them a better understanding of each other's positions. A broader assessment of key actors, the needs and the type of support required took place during two Dutch missions to Burundi. This afforded an opportunity to discuss an initial programme of action. In the run up to the MOU, two quartermasters were sent to start work with the institutions and key actors within the institutions, supported by the Netherlands representation in Bujumbura, the Ministry of Foreign Affairs (MFA) and the Ministry of Defence (MOD) in The Hague. The SSD programme was in fact set up as a process that allowed for building and deepening relationships with the key actors. Similarly, the approach allowed for more and deeper knowledge about the Burundian police and army and the needs and challenges of reform than through a regular assessment mission. Concrete activities within the army and the police, taken as a starting point for the first two years, were used as entry points for discussing issues of a more strategic nature – including those dealing with governance. |
| Understand whether local / national stakeholders are interested in security and justice support, and if so what type of support | The UK's SSDDT programme in South Sudan was developed following an 18 month engagement in which contractors worked with the Ministry of Defence and the Sudan People's Liberation Army (SPLA) with a focus on support for a white paper process and key strategic and organizational management issues (such as, human resources and financial management). This early engagement enabled DFID to understand the environment for SSR as well as local priorities. Logframes for the programme were designed by DFID in consultation with local partners. However, as one respondent said, "this approach suggests a level of concreteness and finality that was not necessarily shared by the Sudanese… For the local actors this was only a first step and in their view defining what actually would be done was a negotiation that would occur over a period of time." Throughout the process, DFID worked with its principles and objectives as guidelines without using them as prescriptive parameters. This facilitated adaptation to diverging views and enabled a Sudanese approach to SSR to take shape. |
| Manage diverging views and pushback through a strong emphasis on political dialogue and clear communication | In the case of the UK in Sudan, one respondent said "The UK made it clear from the beginning that it would not be providing direct military support, even though this was a clear priority for the Sudanese." The Netherlands SSD programme in Burundi took a similar line as regards certain types of support, and communicated this clearly from the beginning. Respondents said that in both cases the positions were explained to and also understood by the local / national stakeholders. |

*Source*: Authors' interviews (01-03/2011)

In particular, the cases of Burundi and South Sudan suggest that clear communication on what is and is not acceptable for a donor – with an explanation of why – can help the local stakeholders to understand the limitations of what can be supported, and to work with (or around) these impediments.

## *Being realistic and aiming for "good enough" ownership*

Using the term "good enough" in relation to ownership can be very contentious.[9] However, the consultations suggest that it is not useful to adhere to ideal-type approaches. Instead, a more constructive approach is required. An essential element of good enough ownership involves working with the capacity that is available and prioritising the increased involvement of local / national stakeholders in real decision-making when there is a lack of overall capacity to engage meaningfully at all levels of programme design and implementation (Table 3.3). In doing so, it is important to note that ownership evolves over time. The aim should be to deepen and broaden the basis of country ownership by demonstrating incremental positive achievements.

### Table 3-3 Working with what is available in South Sudan

| | |
|---|---|
| UK security and justice programmes | One respondent familiar with UK security and justice programming in South Sudan noted that the Ministry of Interior in South Sudan is very weak. In such situations, the respondent said, "you have to find ways to make local ownership possible … Local stakeholders should not become involved (or only in a limited way, and increasingly if capacity allows for it) in day-to-day paperwork of programming given their often limited capacity." However, he stressed that "they should at all times be part of the critical decision-making process." Additionally, DFID recognised that local stakeholders would find it difficult to read through two 300-page tender documents for the SSDDT programme and insisted that the bidders present their proposals in Juba. |
| Swiss military training centre project | Similarly, the Swiss programme for a military training centre in South Sudan required the Swiss to adapt to the timeframe and the action of Sudanese decision-making and the capability and capacity of Sudanese counterparts to take decisions. The Swiss approach aimed to provide the SPLA with the capacity to take the lead in decision-making to identify training needs and the type of manuals required for the training. This approach was important since this was a train-the-trainer programme, to be carried out by the SPLA. It was also the SPLA that decided where the centre would be built. Throughout the process, the SPLA was supported with external experts and coaches. This leads to the conclusion that the capacities of all actors need to be synchronised with roles and responsibilities. It also suggests the need to invest in a process that achieves such synchronisation. |

*Source*: Authors' interviews (01-03/2011)

## *The importance of developing mechanisms to involve local stakeholders*

The most common method of enhancing local ownership emerging from this work is the development of structures and mechanisms to involve local and national stakeholders. Such mechanisms are often aimed at broader co-ordination and information exchange. However, experiences in Burundi, Nepal and Timor-Leste provide interesting lessons: *i)* Ensure broad representation of all key stakeholders; *ii)*

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[9] The term is contentious in large part because it may offer funders an excuse for taking ownership less seriously. The team would like to stress that this term is introduced precisely so that ownership receives the type of attention it needs. Ownership should not be seen as a given, but as an objective for justice and security programming. The danger is that because full ownership is time-consuming to achieve in fragile and conflict-affected states, international actors often assume that it exists when local stakeholders are consulted about donor programmes and appear to "buy in" to them. This is not an approach that will maximize the effectiveness of security and justice programming. As the Kinshasa Statement underscores, there is a "need for an adapted development partnership in situations of fragility and conflict…. We support the resolution in the AAA [Accra Agenda for Action] to strengthen country owned development processes. However, we recognise that in situations of fragility and conflict, where realising full ownership can be challenging, government leadership over priorities and policy direction is an important first step towards ownership." Kinshasa Statement, 2 July 2008.

Set up mechanisms at different levels; and *iii)* In environments where discussing security and/or justice reform is extremely sensitive, develop an approach focused on facilitation, mediation and confidence-building (Table 3.4).

**Table 3-4 Developing mechanisms to involve local stakeholders**

| | |
|---|---|
| Broad representation of all key stakeholders | The establishment of a Project Management Board (PMB) is a standard feature of UNDP programmes in order to engage the government in strategic decision-making for UN programmes. In Timor-Leste, the PMB attempted to micro-manage the SSR Review programme, rather than providing strategic advice. While this delayed the delivery of the programme, it promoted debate which some respondents considered a positive outcome. |
| Set up mechanisms at different levels | The SSD programme in Burundi set up mechanisms for enhancing ownership at different levels. At the project level units consist of Burundians and headed by a Burundian coordinator were established to design implementable projects on the basis of the outline-agenda in the MoU. The Netherlands seconds contractors/experts to the units for coaching and planning purposes. The next level consists of a *Comité Technique de Suivi*, composed of high level representatives from the key ministries in Burundi and the Netherlands Embassy Office. It approves proposals by checking them against the general objectives of the programme, and (ideally) gives strategic guidance to the programme. This committee meets at least once a month and more often if required. Finally, there is the *Comité Politique*, consisting of the ministers of defence, interior, foreign affairs (and development cooperation) of the two countries, that meets once a year. This setup allows for relationships being built at various levels and the opportunity to address and discuss sensitive issues in different settings and from different perspectives. |
| Develop an approach focused on facilitation, mediation and confidence building | In Nepal, during the post-agreement phase after 2006, in the absence of a formal Nepalese agenda and thus of a mandate for SSR (which was and continues to be highly sensitive), the Swiss developed an approach focused on facilitation, mediation and confidence building. A discussion group was established (with DFID, Denmark, Norway and others) that discussed reform, but not in a straightforward way. The focus was on the top political parties and key committees in the Constituent Assembly / Parliament. The process was led by a consultant from the Geneva Centre for Democratic Control of Armed Forces (DCAF) contracted by the Swiss, and a local NGO. Three books have been produced in order to enhance the quality of the discussion in Nepal: an almanac that provided a sort of baseline guided by local demand for reform and other basic documents and two books on security sector legislation. Additionally DCAF and its local partner continue to engage with the State Affairs Committee in the Constituent Assembly in order to build capacity, through, for example, workshops and study visits. |

*Source*: Authors' interviews (01-03/2011)

## *Impediments*

The following impediments to engaging in security and justice programming in a practical manner have been raised (Box 3.2):

Donors continue to face constraints when developing a process approach.

- They have difficulty with the partly open-ended character of a process approach. They are under pressure to deliver results rapidly, and process proves difficult to sell as a "result."

- In addition, donors face the pressure to spend allocated funds within specified timeframes. This challenge will increase in the current situation, as donors face (sometimes significant) reductions in development agency staff. This produces a mismatch between the needs of fragile states, where experience has shown that having an appropriate number of experienced staff is essential to effective programming and donor agency human resource policies. In order to partly redress this imbalance, donors tend to rely on part-time or short-term consultants in-country. This in turn means that the donor representatives and/or contractors only seldom have sufficient time to build relationships, trust and local knowledge that are considered essential for effective programming.

- Constantly changing political circumstances can result in less-favourable power constellations for security and justice programming (Box 3.3).

*Source* : Authors' interviews (01-03/2011)

Donors also face challenges in developing the concept of "good enough" ownership:

- They often face political and financial pressure to move ahead and show rapid "progress". Balancing this is difficult, since audiences in-country and back home need to be taken into consideration. The international community tends to hurry the process, aiming for quick results (for often inherently good reasons – but not from a process perspective).

- By aiming for quick results, the process of adequately informing local/national stakeholders of challenges becomes secondary. According to one interviewee: "The international community

is much too hurried, aiming for quick results without making it clear to the client what the challenge is. The risk then is that the client gets lost in the process."

- In most post-conflict and fragile contexts, where almost everything is an urgent need, there are real problems with prioritisation in the absence of strategy and strategic objectives. Building the capacity to allow local stakeholders to develop strategies and identify objectives takes time that the international community often does not have. The tendency is then to use advisers and consultants that are deployed to help the national government by preparing decisions. However, such help can go too far. As one interviewee said, "I tell the local minister what decisions he has to make, and the minister then decides what I suggest."

- The biggest impediment centres around the question: When do we know what level of ownership is adequate as a starting point? Given the constraints on capacity and on rapidly building capacity for full-fledged ownership, the reality on the ground may call for a more pragmatic approach that requires funders to work more realistically with what is available. This may differ by country, but in order to be able to work in a more meaningful way with local ownership from the perspective of sustainability, it is important to identify indicators to measure and judge good enough local ownership and to work towards full ownership over time. This question cannot be fully answered on the basis of the interviews.

Lastly, the challenge with mechanisms aimed at involving local stakeholders is that the focus can be more on structure than process. The biggest impediment is the need for the international community to make progress in project and programme implementation in order to demonstrate "results." This puts ownership under pressure even if mechanisms are established for consultation.[10] What is more, there is a danger that such mechanisms will proliferate along with donor programmes and that local actors will be overwhelmed by the necessity of participating in multiple consultation mechanisms.

### *Understanding and incorporating local context into programming*

The Dili Declaration on Peacebuilding and Statebuilding identifies the lack of context analysis as one of the major challenges to the achievement of peacebuilding and statebuilding goals. The OECD Statebuilding Guidance notes: "Statebuilding is a deeply political process, and understanding the context – especially what is perceived as legitimate in a specific context – is crucial if international support is to be useful" (p. 11). Many respondents underscored the importance of understanding local context, particularly the complex political relationships in fragile and conflict-affected states and the difficulties experienced by international actors in doing so. Three main issues emerged from the consultations (Box 3.4).[11]

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[10] As discussed in other parts of this report, one way of reconciling the pressure to deliver with the need to progressively develop ownership would be to employ a process approach to programming and develop indicators and benchmarks that would be suited to the realities of slow institutional reform on highly politically sensitive areas. Another would be to mix short term activities with easily "measurable" results with longer term institutional development objectives. The two approaches can be complementary.

[11] A fourth issue that frequently arose in this context – fielding staff with the right skills – is discussed in the section on making security and justice programming more practical below.

- Understand local context at multiple levels: Whose security and access to justice will be affected by donor programming and how.

- Engage in an iterative process of programme development and implementation.

- Understand what interventions will be politically and fiscally sustainable.

## *Understanding local context at multiple levels and whose security and access to justice will be affected by donor programming*

Security and justice needs can vary depending on whether they are viewed from a national, provincial, city or village/rural perspective. With regard to South Sudan, one respondent noted that the government in Juba was focused on the threat from the Republic of Sudan, while the governor of the state of Eastern Equatoria was primarily concerned about the threat from the Lord's Resistance Army. Ordinary citizens are generally more concerned about their personal security or access to justice than questions of national or regional security. Security and justice needs can also vary depending on whether they are viewed from the perspective of the donor, the national/provincial/local government, dispensers of customary law, criminals, warlords or ordinary citizens. Needs can also vary depending on whether one is young or old, man or woman, or a member of a particular religion or ethnic group.

The consultations suggested that international actors have a number of strategies for developing an understanding of different local perspectives on security and justice. These include: *i)* Undertaking perception, baseline and other assessments; [12] *ii)* Developing relationships across the political spectrum *iii)* Ensuring an adequate amount of staff time in-country based on programme objectives; and *iv)* Supplementing international personnel with local political consultants. The first two of these are discussed in Table 3.5. The latter two are discussed in the next section.

**Table 3-5 Understanding local context at multiple levels and whose security will be served by donor programming**

| | |
|---|---|
| Undertaking perception, baseline and other assessments | The UNDP justice sector programme in Guinea-Bissau undertook research and assessments to support a shift from a top-down programme focused on central institutions to a more decentralized programme aimed at examining the linkages between the formal and traditional justice systems. Research on access to justice was funded by UNDP and the EU and carried out in partnership with the Guinea-Bissau National Research Institute and the Faculty of Law. It was carried out by a team of one international and five national researchers. National investigators from the ethnic groups being assessed were part of the team. Investigators were trained in the methodology prior to going into the field. |
| Developing relationships across the political spectrum | A number of respondents from different programmes that were examined for this report mentioned the importance of donors speaking with all political actors, both people who (seemingly) share their views and those with divergent views. One respondent noted: "If you have relationships with local civil society actors who can provide information, they run greater risks if donors don't have relationships with the spoilers." Others argued that it is all too easy to develop an unrealistic view of what is possible if one restricts communication to those who agree with one's approach. |

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[12] The DFID funded Security Sector Accountability and Police Reform Programme (SSAPRP) in DRC (not studied for this review) conducted focus groups comprised of residents of six Congolese cities in 2010 in which participants were asked to explain the primary causes of insecurity in their communities, how they addressed this insecurity (including access to formal and informal providers of security and justice), and how they obtained justice. The objective was to better inform programming and to contribute to the development of the (as yet to be finalized) SSAPRP baseline.

*Source*: Authors' interviews (01-03/2011)

### *Developing the capacity to engage in an iterative process of programme development and implementation*[13]

Often neither donor nor partner government has a clear idea of how a reform process should unfold or even what the ultimate objectives of such a process will be. As one respondent familiar with the Netherlands SSD programme in Burundi noted: "The whole approach was based on the assumption that while it might be better to have a complete vision at the beginning of the programme, in reality it was only possible to develop this vision while carrying out activities. This applied to both the Dutch and the Burundians. There were quite a number of people on the Burundian side who wanted to engage, more in the Army than in the Police. The Army wanted to become more professional, better behaved toward the people. That was as far as the vision went. In the beginning, the Burundians had little to no experience dealing with donors on these issues. They kept their mouths shut initially because they wanted to hear what Dutch had to say so they could tailor their request to that and get money."

In this situation, it makes good sense to begin programming by addressing some concrete needs and progressively developing agreement among the stakeholders on a clearer vision of the ultimate objective of the local partner, how the donor (or group of donors) can support the partner in reaching that objective, and what the next steps in the process are. As one respondent explained: "Unfortunately it is impossible to imagine a weak post-conflict state that will have the capacity to develop a vision by itself. This means that the 'vision' will change over time, as recipients learn more about process and issues and come to grips with the full complexity of post-conflict statehood." There is no blueprint for an iterative approach. The UK SSDDT programme in South Sudan and the Netherlands SSD programme in Burundi offer two concrete examples of iterative approaches to programming (Table 3.6).

### Table 3-6 Iterative processes of programme development

| Burundi | The Dutch-Burundian programme began with an overall statement of objectives, an eight year time horizon divided into four phases and some concrete activities for the first phase. As one respondent familiar with this programme commented: "It is better to have an overall vision of where country wants to go and then a six to twelve month strategy plus a plan for a process to continue to develop the strategy on an iterative basis. Start by identifying a limited number of key priorities and critical actions to achieve them. For example, the Burundian police and military had developed documents representing strategies, but which were basically "wish lists." Real strategies needed to be developed over time." |
|---|---|
| South Sudan | As discussed earlier, the open-ended nature of the Dutch-Burundian programme may be difficult for many donors to emulate. Perhaps more in line with standard programming procedures, the UK SSDDT programme in South Sudan followed a much smaller, 18-month direct engagement by DFID. This involved contractors worked with the Ministry and the SPLA in order to develop an understanding of the programming environment and local priorities." |

*Source*: Authors' interviews (01-03/2011)

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[13] The 2011 World Development report notes the growing recognition of the desirability of adopting "a flexible and pragmatic, and thus "experimental best-fit," approach to progress." World Bank, *Conflict, Security and Development*, Washington, DC: 2011, p. 171.

### *Understanding what is politically and fiscally sustainable*

Resource constraints in both the international support to security and justice work and in fragile and conflict-affected countries argue strongly for prioritised interventions that are politically and fiscally sustainable by partner countries. [14] Developing sustainable programmes is not easy. As one respondent noted about the situation in Haiti: "Given the extreme poverty in Haiti and the constant susceptibility to political unrest and natural disasters, you can design all you want but it is very hard to have sustainability." While Haiti is clearly at one end of the difficulty spectrum, the same is true to varying degrees in the other five countries examined in this report. Given these challenges and constraints, a solid grasp of the political and fiscal realities of a situation is essential to understanding what is, and is not, sustainable and, thus, to determine whether the intervention is appropriate and feasible.

Fiscal sustainability is often a stated objective of security and justice programming, but it can be difficult to achieve, particularly due to the limited fiscal resources that fragile states have at their disposal.

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[14] However, sustainability may not always be the highest objective in fragile and conflict environments. Some interventions may have as their objective attempting to trigger more sustainable local processes. These activities may not, in and of themselves, be sustainable. Similarly, some activities might be desirable from a conflict prevention or political stability perspective but might not be sustainable. That said, some activities that may be unsustainable in the short term (due to high levels of insecurity, conflict or lack of national revenues) might become sustainable over time (due to reduced levels of insecurity / conflict requiring reduced response and / or rising national revenues due to increased economic activity resulting from a more conducive security / justice environment).

**Table 3-7 Fiscal sustainability of security and justice programmes**

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|---|---|
| UNDP and the UN Office on Drugs and Crime (UNODC) in Guinea-Bissau | Speaking of UNDP's justice sector work in Guinea-Bissau, one respondent stated: "UNDP is trying not to create an additional budget burden but to focus instead on making viable those posts that are already in the budget. There are a cadre of prosecutors and judges who are being paid to work in the regions but mostly stay in Bissau. UNODC is building regional prisons. The maintenance for these prisons is already in the Ministry of Justice Budget. The staff is in the budget. They are looking for energy saving technology, solar panels, and so on. All of this will require better planning and prioritizing from government. There are a lot of things in the budget that are not being used effectively." However, this respondent acknowledged that the Ministry of Justice budget is not fully funded, making the ability of the state to meet its obligations uncertain. |
| GIZ in South Sudan | The GIZ police communications project in South Sudan is attempting to provide sustainable energy sources and make use of individuals (police officers) already on budget to create a radio maintenance corps within the South Sudan Police Service. GIZ has helped the SSPS set up an information and communications system in all 80 counties in South Sudan. In 30 of these there will be offices for radio equipment. The maintenance squad was created by choosing 20-30 police officers already trained as radio operators and training them as radio technicians to maintain the system. These officers are the best educated within the SSPS. They are new recruits (ie, not former SPLA) and thus are educated, speak some English, and in some cases have even done courses at technical schools. GIZ estimates that the system will not require much financing for maintenance (because the equipment should function for five to eight years without many problems) and will run relatively inexpensively on solar power (with an equipment lifetime of 25-35 years). According to GIZ, the main cost will be the salaries of the police officers in the squad.  Here too the question of the government's ability to fully fund its budget comes into play. |

*Source*: Authors' interviews (01-03/2011)

Table 3.7 outlines efforts by UNDP, UNODC and GIZ to reduce their fiscal impact on national budgets by relying on inexpensive technologies and making use of existing budget lines for operations and maintenance costs. There is no guarantee, however, that governments will have the resources to allocate to these existing budget lines. Time will tell how effective these strategies actually are in promoting sustainability. Recognising that governments in fragile and conflict-affected states have many demands on their scarce resources, some programmes make it clear that fiscal sustainability depends on government commitments to allocate resources to programme-related activities. The programme memorandum for DFID's police reform programme in Nepal states: "Sustainability will depend on the Government and NP's [Nepal Police] commitment to support and take forward initiatives initiated by the programme. This will include allocating sufficient Government and NP budget and manpower to ensure wider roll out of training, sustainability of material resupply, and a commitment to adopt and roll out key recommendations from the various reviews."[15] Simply stating that this is the government's responsibility may be useful for managing the risk of programme failure from the perspective of the funder, but may have little impact on how governments actually allocate their resources if not accompanied by political dialogue or if the programme is not considered a high priority for the government.

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[15] UK Department for International Development and Government of Nepal, "Nepal Police Reform Programme: Phase 1 (NPRP1)," Programme Memorandum, 9 September 2010, para. 2.1.10.

In the absence of input from national actors, it is difficult to identify good examples of donor programming that supports political sustainability. However, on the basis of the consultations it is possible to say that when ownership, partnership and dialogue are weak, political sustainability is likely to suffer. This is a clear lesson from the UN experience with the SSR review in Timor-Leste, where one government approved the inclusion of the review in the UN mandate and its successor had little interest in seeing a review go forward. In this case, some interlocutors suggested that dialogue between the UN and the government was inadequate.

Similarly, the European Security and Defence Policy (ESPD) mission in Guinea-Bissau ran into problems according to some respondents because of inadequate dialogue about what the government wanted to achieve in the area of "SSR". It was simply assumed that the goals laid out in the national SSR Strategy approved by Parliament in 2008 actually represented government objectives. It subsequently became clear that this was not the case. As one respondent pointed out, the parliament approved the SSR Strategy just prior to a donor pledging conference and the approval of the strategy almost certainly should be seen as part of a fundraising strategy, rather than a true SSR strategy.

Lastly, the example of Haiti indicates that ownership, partnership and dialogue are very difficult to ensure in environments of political instability. One respondent pointed out that Haiti had six ministers of justice in ten years, causing priorities to shift constantly and making relationships difficult to establish.

### *Impediments*

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**Box 3-5 Impediments to understanding and incorporating local context into programming**

- Infrequent use of conflict assessments, stakeholder analyses and similar reviews.

- Challenges of delivering higher value programmes with fewer staff.

- Variable ability to develop relationships across the political spectrum.

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Despite widespread agreement that conflict assessments, stakeholder analyses and similar reviews are important components of programming, these tools are still used infrequently. It is sometimes argued that the analyses are time-consuming, do not provide information in a timely manner and only provide a snapshot of the situation at a particular moment in time.[16] Similarly, baseline studies are recognised as important components of monitoring programmes, but are rarely conducted in the security and justice area.[17]

Donors are clearly required to deliver higher value programming with fewer staff, both at headquarters and in-country. This situation is unlikely to change in the foreseeable future. Donors therefore need to consider whether they have adequate resources to support proposed programmes. If not, they should seriously consider scaling back their ambitions. Resources could (and ideally would) come from other government ministries. However, notwithstanding the availability of personnel, the key criterion for using staff from other ministries should be the right skills for effective engagement. This underscores the fact that a whole-of-government approach is most usefully seen as a means to an end, and not as

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[16] While this is true, it is also clear that many field based officials recognize the value of evidence-based programming and have identified a range of ways of obtaining information. See Nicole Ball and Luc van de Goor, *Promoting Conflict Prevention through Security Sector Reform: Review of Spending on Security Sector Reform through the Global Conflict Prevention Pool*, London, 2008, section 3.3, pp. 9-10, http://www.ssrnetwork.net/documents/Publications/PromConfPrevThruSSR/GCPP%20SSR%20Report%20Final%209Apr08.pdf.

[17] Baseline work has been undertaken for the Dutch SSD programme in Burundi and for the DFID funded SSAPRP in DRC.

an end in and of itself, as is often the case. Some donors may be able to "projectise" some support, for example the position of programme manager. The experience of the Netherlands SSD programme strongly underscores the importance of finding resources to fill this position for large, complex programmes.[18]

The ability of donors to develop relationships across the political spectrum is variable. In some countries, donors have good whole-of-government or whole-of-organisation teams. In others, there are inadequate linkages between donor officials with different areas of specialisation. In some countries, development actors are unwilling to engage with uniformed officers, especially from the military or intelligence services, and particularly in countries with a record of serious human rights abuses by the security services. All of this argues in favour of a strong country team at field level with the ability to deploy different officials for different functions against a commonly agreed strategy.

## *Enhancing risk management*

Working in conflict-affected and fragile states is well understood to be high-risk. This places a premium on effective risk management strategies. There are a number of different types of risk confronting security and justice programming. Chief among these are political and reputational risks, risk of programme failure and fiduciary risks.[19] There are, however, a number of ways international actors have sought to mitigate these various types of risk (Box 3.6).

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[18] The same conclusion can be drawn from the experience of the DFID SSAPR programme.

[19] INCAF has recently undertaken a study of aid risks in fragile and conflict affected contexts. Further security and justice work could provide more detailed information on the more general statements and positions regarding risks / results identified by this study. See Overseas Development Institute / Clingendael Institute / Peace Dividend Trust, *The Price of Success? Aid Risks and Risk-Taking in Fragile* and Transitional Contexts, Framing paper commissioned by the OECD DAC International Network on Conflict and Fragility, 28 February 2011.

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**Box 3-6 Key risk management challenges**

- Manage expectations of senior decision-makers / politicians (including parliamentarians).

- Take time to ensure that key pieces of the programme are in place before implementation begins.

- Keep channels of communication open with partners to manage unanticipated events.

- Monitor programmes on a regular basis to maximise programme flexibility, promote sustainability and identify incipient problems.

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## *Managing expectations of senior decision-makers and politicians*

Several respondents noted that senior bureaucrats and politicians often do not understand the risk involved in working on security and justice in fragile and conflict-affected states, or the length of time it takes to make significant progress. Thus when problems or delays arise in the course of implementation, the tendency of senior decision-makers can be to suspend or cancel programmes. Various strategies were suggested for managing this situation: *i)* include activities with both short- and longer-term timeframes in programmes; *ii)* work to improve financial management in the security and justice sectors to reduce the level of fiduciary risks; *iii)* obtain high-level approval of programming; and *iv)* develop a communication strategy to keep relevant decision-makers informed of progress (Table 3.8).

**Table 3-8 Managing expectations of senior decision-makers**

| Include both short-term and longer-term activities in the programme | One respondent familiar with the U.S. justice sector work in South Sudan noted that mixing activities that have a short timeframe with those with longer one can help demonstrate progress to decision-makers and reduce anxiety about the length of time necessary for institutional development. |
|---|---|
| Work to improve financial management in the security and justice sectors | The Netherlands Ministry of Foreign Affairs is exploring the feasibility of supporting work on financial management in the security and justice sectors in Burundi to reduce the chances corruption and increase the confidence of Dutch parliamentarians in the SSD programme. |
| Obtain high-level approval of programming | In view of the high level of political sensitivity and the attendant political risks associated with working in SSR in South Sudan, a detailed risk assessment was conducted of the SSDDT, the programme was approved by ministers and permission to engage in the context of the Comprehensive Peace Agreement was sought from Foreign Office. |
| Develop a communication strategy | Once the UK SSDDT programme was operational, UK staff in Juba wrote articles for DFID colleagues, sent monthly progress reports to London-based officials in ministries engaged in-country, and developed a security steering committee involving the defence attaché, Embassy officials and the head of DFID in Sudan in an effort to keep key UK stakeholders well-informed about the programme. Additionally contractors working on the SSDDT programme have routinely advised DFID about potential threats to the programme and the way in which the changing nature of the South Sudanese state might affect the programme in order to keep DFID aware of the challenges facing the implementation team. |

*Source*: Authors' interviews (01-03/2011)

## *Taking time to ensure that key pieces of the programme are in place before implementation begins*

Respondents familiar with the Dutch SSD programme reported that there was pressure to spend the resources allocated to the programme as rapidly as possible. This meant that some of the expatriate programme staff and the Burundian members of the programme implementation units, who were unskilled in finance, procurement, or simple input-outcome logic, did not receive adequate capacity building support early on. The lesson learned from this experience is that to be effective, it is essential that the role of national actors be synchronised with the capacity and resources they have at their disposal. Accepting that it is important to take advantage of political opportunities that present themselves to begin security or justice programming, some respondents familiar with the SSD programme have suggested that it should have started with a smaller portfolio and capacity building should have been a priority from the outset. Additionally, the external financial management agent that was intended to take some of the responsibility for capacity building was not operational until some six months after programme start-up. Apart from a somewhat delayed tendering procedure, setting up the office of the financial management agent took longer than expected and, with the programme having started some six months earlier, this made a harmonised programme start difficult. A slower start-up might have mitigated this problem, as well.

### Keeping channels of communication open with partners to manage differences of opinion and expectations and respond to unanticipated events

The environment in which programming occurs in fragile and conflict-affected countries is characterised by a high degree of fluidity. In order to manage programme risks caused by unanticipated events, it is important not only to keep key decision-makers on the donor side as well informed as possible about the situation but also to maintain open channels of communication with local partners as well. In South Sudan, for example, Sudanese officials had hoped to obtain certain types of equipment and infrastructure that the Swiss government was unable to provide. Furthermore, once it had been agreed that the programme would focus on training, Sudanese officials hoped that the Swiss programme would train some 160,000 individuals. Once again the Swiss government had to explain that it was unable to provide that level of training. Eventually the Sudanese officials proposed a train-the-trainer approach, which was feasible for the Swiss government. According to one respondent familiar with this programme, this process was time-consuming but ultimately worthwhile.

In the case of the Dutch SSD programme, the publication of the Panel of Experts report in 2009 raised a number of allegations regarding the involvement of Burundian officials in the east of the Democratic Republic of Congo (DRC), as did some reports on human rights abuses by the police. Similarly, a jointly agreed upon baseline study assessing the performance of the army and police in providing citizens' security was on the agenda. This report also highlighted a number of sensitive performance issues of these services. The reports required a more in-depth discussion during political consultations at ministerial level, which are a key part of the political dialogue envisaged by the Dutch-Burundian MOU on SSD. Burundian transparency and willingness to discuss the Panel of Experts report with the Dutch counterparts in terms of its links with the SSD programme was crucial for the continuation of programme, or at least parts of it. The consultations yielded acceptable answers. They also opened up opportunities to strengthen the focus on the governance-related component of the SSD programme.

### Monitoring programmes on a regular basis to maximise programme flexibility, promote sustainability and identify incipient problem

The Dili Declaration on Peacebuilding and Statebuilding identifies the "lack of data and reliable statistics to inform planning" as a critical challenge to peacebuilding and statebuilding. The DAC Statebuilding Guidance describes monitoring as "essential for the accountability of development partner governments toward their citizens." Consultations confirm the importance of monitoring as a major risk management tool.[20] Monitoring is increasingly seen as a means of promoting the sustainability of programme results, as illustrated by examples from Nepal and South Sudan (Table 3.9).

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[20] Although this issue was not brought up in our consultations, we observe that regular programme monitoring in and of itself will not result in more effective programming. Systems to evaluate the results of monitoring efforts and an authorizing and implementing environment that allows speedy adaption to changing circumstances are also essential.

**Table 3-9 Monitoring for sustainability in Nepal and South Sudan**

| DFID in Nepal | "Sustainability will depend on the Government and NP's [Nepalese Police] commitment to support and take forwards initiatives initiated by the programme. This will be assessed by monitoring such areas as; |
|---|---|
| | ▪ Deployment of appropriately skilled manpower to key programme areas and retention in post of trained individuals |
| | ▪ GoN/NP budget allocations to key programme work streams, such as to CIB; to CID consumables resupply; to domestic senior officer training course; to victim support, etc; |
| | ▪ NP rolling out of training using own resources (on policy and procedural issues revised through the programme); |
| | ▪ Ongoing NP/MoHA measurement of institutional performance on 3 Year Plan commitments, and communication to the public; |
| | Levels of adoption of recommendations made by programme reviews relating to: victim support; community orientation of all policing; internal investigations of public complaints; etc." |
| | *Source: Department for International Development and Government of Nepal, Programme Memorandum, Nepal Police Reform Programme, Annex B: Technical Appraisal, para 73.* |
| GIZ in South Sudan | The GIZ police communications project in South Sudan monitors how the communications system is used and whether officers are in need of more training. Over the next two years (that is, to the end of the project), all technical aspects will be monitored to determine what equipment breaks down, why it breaks down, what repairs are necessary, the cost of all this, whether the local technicians can fix the problems. This will help determine what resources the SSPS will need to maintain the system once the GIZ-funded project terminates. |

*Source*: Authors' interviews, March 2011.

Consultations also suggest that, in the future, particular attention should be given to developing *process* indicators so that not only output but also outcomes and impact of security and justice reform *processes* can be adequately monitored. This type of monitoring is essential for sustainability, as well as to be able to communicate programme progress to senior decision-makers and politicians in donor countries and organisations. Speaking of the UK SSDDT programme, one respondent noted: "Local ownership was a guiding principle and key objective of the programme; it was not just an add on. One of the challenges in moving forward is putting together a set of indicators to measure and judge local ownership and use that as an indicator of sustainability."

## *Impediments*

In addition to issues about staffing and the difficulties of conducting assessments/baselines discussed in in the previous section, the consultations highlighted the following impediment to risk management (Box 3.7):

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**Box 3-7 Impediments to risk management**

- Constraints on development communications strategies

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Developing communications strategies is both time-consuming and requires interest on the part of senior decision-makers. One respondent familiar with the UK SSDDT programme noted that there is

only a certain amount of appetite for regular updates on specific programmes among ministers. This arises, in the view of another respondent, from a tendency among policy-makers to ignore SSDDT-type programmes until a serious problem arises, which is conducive neither to advance planning nor to a rational crisis response. Furthermore, because DFID is highly decentralised, it was not possible for UK officials working on the SSDDT programme to assume that information sent from Juba to London would make its way to ministers. However, Sudan-based officials did succeed in keeping working level officials within relevant ministries and the steering committee of the African Conflict Prevention Pool (which was funding the work) fully informed.

## *Making security or security and justice programming more practical*

A number of respondents provided suggestions based on their experiencing in fragile and conflict-affected environments to help improve the practical application of the concept of security and justice reform. Five main issues emerged from the consultations (Box 3.8):

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**Box 3-8 Key challenges to making security and justice programming more practical**

- Adopt realistic expectations about the degree to which programmes can promote the achievement of ideal-state conditions.

- Adapt the programming process to local conditions.

- Use SSR as an analytic tool rather than a programming tool.

- Balance the technical and political aspects of security and justice work.

- Ensure adequate capacity on the part of international actors engaged in programming

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## *Having realistic expectations about the degree to which programmes can promote the achievement of ideal-state conditions*

Security and justice reform has developed largely as a normative concept and efforts to apply that concept frequently measure existing conditions in partner countries against a set of "ideal-state" standards in order to develop programming objectives. As noted earlier, the consultations suggest that programming may be more effective if it adopts an approach characterised by pragmatic realism. While donors' long-term objectives could shape an "ideal state" (*e.g.* accountability, transparency, equitable provision of security and justice services), the objective of programming would be to incrementally improve some aspect of service delivery or accountability rather than to achieve a systemic transformation, particularly within a few years. As one respondent commented: "If there is an entry point, try to go with it and use it to introduce the principles."

In order to adopt this type of approach, it is necessary to be able to: *i)* begin programming slowly; *ii)* be flexible in programming procedures; *iii)* accept "good enough" results; *iv)* develop relationships of trust with key stakeholders; *v)* identify staff with appropriate "people" skills; and *vi)* have clarity on strategic objectives to help guide programming choices. Donors surveyed for this report identified strategies that they believe to be effective in most of these areas (Table 3.10).

## Table 3-10 Developing realistic expectations

| | |
|---|---|
| Begin programming slowly | The SSD programme began with an exploration of the interests of both the Dutch and the Burundian governments. These discussions continued over an eight-month period and culminated in the signing of an MOU between the two countries. |
| Be flexible in programming procedures | The Swiss SSR project in Nepal did not follow "a strict programming approach," but rather sought to engage key stakeholders in a variety of activities in order to determine whether it would be possible to get SSR on the agenda.<br><br>The Dutch-Burundi SSD programme is divided into four 2-year phases, with programming for each phase agreed at the end of the preceding phase. The MOU is the guiding document; there is no logframe. |
| Develop relationships of trust with key stakeholders | The UK SSDDT programme made use of a retired Ethiopian military officer who had a close personal and professional links with the SPLA. |
| Identify staff with appropriate "people" skills | The U.S. Departments of State (DOS) and Justice (DOJ) put considerable effort into identifying a DOJ official with the correct profile to lay the groundwork for U.S. support to the SSPS for planning processes.<br><br>The EC justice sector programme in Guinea-Bissau (PAOSED) spent about a year searching for the right person as programme coordinator. |
| Have clarity on one's own strategic objectives to help guide programming choices | In South Sudan, the Swiss, the United States and the UK all had a clear idea of the types of activities they wanted to support and the types of activities they would not or could not support and communicated these to their national counterparts. |

*Source*: Authors' interviews (01-03/2011)

### *Adapting the programming processes to local conditions*

Many respondents expressed frustration with the linear way in which programming for security and justice normally occurs.  One respondent noted: "You start with an assessment and move directly to programming. But the reality on the ground is very different. You need to be opportunistic and pragmatic." While this can be said about programming in any sector in fragile and conflict-affected states, it is even more important in the politically sensitive areas of security and justice. Local actors invariably have an idea of what they would like to achieve in these areas. However because of the multiple political agendas at work and the complex political relationships that exist between the different stakeholders, international engagement is particularly challenging. As one respondent noted: "You need a starting point which your partners buy in to. Then the whole project is a series of negotiations, discussions and processes." Communication is key in this regard. As another respondent noted, "The Chinese proverb reminds us that if you really want to help someone, you should not give him a fish but teach him to fish." That would be in-line with good development practice, but the respondent stressed: "First, you should ask him if he *likes* fish."

Key features of an "opportunistic and pragmatic" approach to programming include: a) the capacity to employ a non-linear, flexible, iterative approach to programming; b) a focus on process, including the development of process benchmarks and indicators in order to monitor progress and adjust programming as necessary, c) a willingness to begin programming slowly; and d) the ability to identify staff who are able to operate in unstructured environments. These are particularly difficult to operationalize but the Netherlands SSD programme in Burundi does exhibit some of these characteristics (Table 3.11).

**Table 3-11 Adapting programming processes to local conditions**

| Adopt a non-linear, flexible, iterative approach | The Dutch SSD programme in Burundi began by meeting a number of priority needs identified by the Burundian authorities in the area of police and military strengthening. The objective was to start to improve service delivery at the same time as key relationships were developed and work began on identifying longer term priorities and activities. |
|---|---|
| Focus on process | The first phase of the Dutch SSD programme focused on developing relationships among Dutch and Burundian counterparts, establishing programme mechanisms for identifying priorities and implementing activities, and beginning work on a baseline. |

*Source:* Authors' interviews (01-03/2011)

### *Using the concept of SSR as an analytic framework rather than a programming tool*

One of the strengths of the SSR concept is that it encourages a holistic approach to security and justice. This should be helpful in identifying priorities, essential in environments characterized by overwhelming needs but relatively few human, institutional and / or financial resources. However, the holistic approach has more often than not been misunderstood as a requirement for *programming* across the entire security and justice spectrum. This has left operational planners somewhat at sea in deciding how to address SSR. Speaking of the approach to SSR in Timor Leste, one respondent explained: "SSR is considered quite 'woolly' and 'abstract' by [UN] mission planners and they didn't know where it should sit within the mission. This is also true of the Portuguese and Australian missions in Timor Leste. There are separate police, military and justice components which supposedly are all 'SSR' but they are all implemented separately due to bureaucratic reasons. The programmes are funded out of separate funding pots and implemented by separate organizations, each with their own culture and way of doing business."

Integrated *thinking and analysis* across the security and justice spectrum is difficult enough. *Operationalizing* a holistic approach is essentially impossible, and probably not desirable. One respondent noted: "Donors have a tendency to talk about holistic approaches, but in the end tend to focus on specific issue areas at the expense of others." In all of the countries examined for this review, programmes focus primarily on the military, the police or the justice system more broadly. The Dutch security sector development programme is in fact composed of three pillars – military, policing and governance – which to date have led largely separate lives. The UK security sector development programme focuses on the high level security sector architecture. Elsewhere, efforts to undertake even holistic thinking are either abandoned or left to grossly understaffed UN mission components.

This has led in a number of the programmes examined here to efforts to undertake "security sector reform" assessments and reviews that simply do not have the backing of the local actors meant to carry out these reviews and then to operationalize their findings. Despite the rhetoric, our consultations have underscored the fact that governments in Guinea-Bissau, Nepal and Timor Leste are clearly not interested in "SSR", either as an analytic tool or an operational concept. While they might benefit from thinking more holistically, clearly these governments are not going to welcome efforts to force them to do so.  It may be counterproductive to continue to try to implement a programme when the conditions simply do not exist. In the case of Timor Leste, for example, the government agreed to an SSR review. After an election a different government came to power and that government had no interest in such a review. Nonetheless the review was carried out. In this type of situation, the means become the end. One respondent familiar with the UN's effort to support the SSR review in Timor Leste commented: "A review may not always be the right starting point for SSR. It is quite heavy and procedural. It boils down to an audit of the country. It may be better to start in a 'lighter' way, i.e. whatever is conducive to planning, and allow for process to develop slowly."

One respondent argued that the UN should not view SSR as a practical programming tool or an operational concept but as an analytic tool. The same can be said of bilateral donors and other multilateral actors such as the EU and the World Bank. One respondent argued: "On the part of the [host] government, there is hardly any interest in a holistic approach to SSR and rule of law. This is a domain for the international community; it should be part of international assessments." Ideally field based officials of donor governments and organizations will receive strategic guidance on SSR programming from specialized units at headquarters. While programming decisions should be taken at the local level to the extent possible, our consultations indicate that there has not been adequate strategic level guidance.

### Balancing the technical and political aspects of security and justice work

Security and justice work is highly political. At the same time, security and justice work focuses on effective service delivery and this makes it a technical process as well. All too often, however, the emphasis in programme design and implementation is on the technical side. This can lead to programmes that are not politically feasible or to programmes that do not obtain adequate political support from the donor. As one respondent commented, it is important "to focus on what is realistically and politically feasible. There is too much focus on technical assessments without looking at what can be achieved and how." As described above (Table 5), the Swiss government's SSR project in Nepal (with DCAF, DFID, Denmark, Norway) was focused very much on what was politically feasible. Thus it was a small engagement (and rarely seen or heard of) designed to test the political waters and to potentially sensitize local actors to the desirability of engaging in SSR.

Developing programmes that take into account political realities also requires a recognition of the fact that political elites have their own agendas and that these agendas may not accord fully with funder agendas or with the needs of local populations. A number of respondents argued that this requires moving slowly to address politically sensitive issues rather than only focusing on what is technically possible. It is necessary to convince local counterparts of the added value of engaging in a particular type of work. In simple terms, this involves showing them that there is "something in it for me / us." This is what makes change management much more than a simple technical exercise. In South Sudan, the UK was interested in the possibility of supporting work with non-state actors. After examining the opportunities for working with non-state actors, UK officials concluded that senior South Sudanese political leaders were not yet ready to try "different approaches." In their assessment, considerable dialogue with officials in Juba would be necessary to prepare the political terrain. They therefore decided to begin by working on police development and subsequently to examine how formal and informal institutions interact at the state level, identify linkages and over time figure out how to exploit these linkages to improve the delivery of security and justice services.

### Ensuring adequate capacity on the part of international actors engaged in programming

Donor capacity for working effectively in fragile and post-conflict settings has drawn significant attention in recent years. Our interviews corroborate recent recommendations for improving effectiveness, in particular four of the recommendations in the OECD DAC policy guidance on supporting statebuilding in situations of conflict and fragility: 1) the need to devolve greater responsibility to the field; 2) the need to increase the staff-to-aid spending ratio; 3) the need to put incentives in place to attract the best staff to fragile situations, and value country knowledge as well as technical know-how; and 4) the need to train staff on the complexities of working in conflict-affected and fragile contexts.[21]

Our interviews highlight three key areas of attention that donors need to focus on in order to improve frontline presence and on to enhance their on the ground effectiveness in relation to security and justice work: a) deploying a sufficient number of permanent donor staff; b) ensuring the right quality

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[21] *Supporting Statebuilding in Situations of Conflict and Fragility: Policy Guidance,* OECD DAC Guidelines and Reference Series, OECD 2011, p. 90.

and experience of staff; and c) hiring contractors to make up for the lack of donor expertise and capacity to manage programmes.

Adequate funds and human resources to staff a mission are essential in fragile and post-conflict states where more people in particular may be needed to make up for the weak absorptive capacity on the host-nation's side, the lack of clear strategies, lack of planning and implementation capacity, and the need to deal with the politics of the programme. As one respondent said, "embassies need to be adequately staffed in terms of number of staff and quality in order to be able to deal with roles, in particular the political legwork to support a programme." To be effective, staff associated with the programme need to have adequate technical expertise and political support at the field level to manage and guide the programme. This is partly an issue of number of staff, but more an issue of expertise and sufficient senior level engagement. To *some* extent gaps in donor staff can be addressed by hiring contractors who are flexible enough to take on such tasks and are able to provide access to experts with the right skills.[22] Some interlocutors expressed considerable skepticism about the capacity of contractors to meet the needs of governments and populations in reforming countries. Some worried that contractors are more concerned about "the bottom line" than about effective programming, promoting ownership or delivering security and justice to populations. Other interlocutors, however, were of the opinion that the staff deployed by contractors is very often far more experienced than staff deployed by funders. Our consultations indicate that donors have found ways of dealing with these three issues (Table 3.12).[23]

### Table 3-12 Ensuring adequate capacity on the part of international actors engaged in programming

| Deploy sufficient number of permanent donor staff | The Netherlands SSD programme in Burundi was initially unable to increase the Embassy Office staff. It was also difficult to find the right staff. As one respondent said, "a worry until very recently was that the programme didn't have the right staff. The fact that Burundi was not high on the list of priorities affected the quality of people as well, as did the fact that there is no Netherlands tradition in SSR. The fact that it is a fragile state also contributes to a high turnover of staff. The knowledge and experience to do this work was therefore minimal, let alone in a country like Burundi. It took a while to get the right people in country. Key was that there was an HQ interest and that people kept trying. Important examples were the need to find a programme director, strategic advisers that know about this work, and embassy people with a real interested and better knowledge of this work." Additionally, different ministries posted staff to the country for different periods of time, many of which were initially quite short. Longer tours, particularly for MoD staff, have now been negotiated. |
|---|---|
| Ensuring the right quality and experience of staff | The UK's SSDDT and SAJP programmes in Sudan deployed dedicated governance and conflict advisers to Juba. Similarly, the UK deployed a dedicated conflict adviser in Nepal. This guaranteed adequate in house DFID expertise at the field level. Another way of ensuring the right quality of staff is to provide specialized training or workshops at the outset of the programme. The UK organized a workshop for the SSDDT programme at the start of the process to focus the staff on specific programming issues and objectives. The Netherlands organized an ISSAT led training in which all the newly to be deployed staff for the SSD programme was trained in security and justice work. |
| Hiring contractors to make up for lack of donor | The Netherlands SSD programme in Burundi hired a programme manager with extensive SSR expertise and programme management experience. One respondent concluded that "by bringing in this external expertise the SSD programme got an important quality and effectiveness boost." Important parts of the UK's security and justice work in Sudan are contracted out. Our interviews suggest that the quality of the |

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[22] At the same time, effective contractors cannot substitute for donor leadership, vision and political relationships with national stakeholders. Contractors will need to be guided on these issues by donors and national stakeholders.

[23] See also paragraph 68 for additional discussion on the role of contractors.

| expertise and capacity to manage a programme | contractors is good, but that contractors can end up in positions where they have better political contacts than donor representatives. This suggests the need for donors to manage contractors closely and to take a lead in political issues and contacts. |
|---|---|

*Source*: Authors' interviews (01-03/2011)

### *Impediments*

Our consultations raised the following impediments to engaging in security and justice programming in a practical manner (Box 3.9).

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**Box 3-9 Impediments to engaging in security and justice programming in a practical manner**

- Constraints in adopting a relatively open-ended approach to programming

- Constraints on fielding an adequate number of donor staff

- Constraints on ensuring the right quality of staff

- Constraints on ensuring working with contractors

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Donors continue to face constraints in adopting a relatively open-ended approach to programming.

- Current programming practices for development donors require a step-by-step explanation of programming goals and objectives and specific anticipated outputs and outcomes. Programme implementers expect this guidance, in part because they are evaluated on their ability to achieve specific objectives and in part because they do not have experience in more fluid forms of programme design and implementation. Additionally, donor procurement processes tend to require clear and specific outcomes to be identified before programmes actually begin to be implemented. In view of the problems of corruption in fragile states, the risks associated with security and justice programming and the fiscal constraints facing funders, it is unlikely that changes in procedures that significantly reduce the ability of funders to account for their resources will be acceptable.

- There is also a limit to the time that donors can take to develop relationships with local actors before actual programming begins. While many programmes have inception periods of twelve to eighteen months, these inception periods occur only *after* programme funds have been allocated for a specific period of time against a specific set of overall goals and objectives. What is more, what may seem to be an adequate amount of pre-programming consultation to the donors may appear to "too rushed" to the local partner. The Dutch government, for example, viewed the eight-month discussion that led to the SSD MoU as adequate. There are reports, however, that Burundian counterparts felt "rushed" into agreeing to the programme.[24]

- Many donors have developed flexible funding instruments that are better suited to working in fragile environments than either humanitarian or regular development assistance. However, these mechanisms frequently dispense only short-term funding. The EU's Instrument for Stability, for example, has supported SSR programming in Timor Leste and Guinea Bissau but its funding has only an eighteen month to two year time horizon. Fundamental change of

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[24] Nicole Ball, Eric Scheye and Luc van de Goor, *From Project to Programme: Effective Programming for Security and Justice*, The Hague, Conflict Research Unit / Clingendael Institute, 2007suggest that a "pre-inception period of between 18-24 months may be appropriate in most post-conflict and fragile states. See Table 1, p. 16.

the sort implied by SSR is simply not possible in that timeframe. Additionally, donor governments are often unable to commit funding for more than one or two years forward. The US government is perhaps at the extreme end of this scale, with its one-year budget cycle but even the Dutch government, whose SSD programme in Burundi has an eight-year horizon, cannot guarantee that adequate funding will be available over that period. This is problematic when dealing with programmes that envision fundamental changes in institutions and in people's behaviors and attitudes.

Impediments to fielding a sufficient number of donor staff include:

- Budget cuts force donors to limit the number of direct donor staff in the field, which adds to the challenge of managing such programmes, a problem that will only increase in the future. This development seems to conflict with the generally stated objective to give the field greater responsibility, which would require more donor staff in the field.

- It still proves difficult to synchronize human resource policies and procedures with the recruitment needs for working in difficult environments.

Our consultations raised a number of impediments to ensuring the right quality of staff:

- The challenge of whole-of-government approaches is well known in terms of different organizational cultures and working methods, and coordination. Yet, at the technical level in the field, such challenges often are less problematic than at HQ level. The inter-cultural problems can also be mitigated by the creation of a team that works to achieve to the same objectives.

- The fact that the Netherlands SSD programme was set up in a whole-of-government manner implied the possibility but also the necessity of working with representatives from other departments who may or may not have an appropriate skills profile for the task at hand. As one respondent said, one is obligated to work with "the quality that others can provide." Similar comments were made with regard to the EU mission in Guinea Bissau. One respondent referred to recruiting for this mission as an "Achilles heel…since you get what you get".

- Getting good staff is only part of the solution, maintaining quality is another. Staff turnover is higher in fragile state settings due to the working conditions. While this is a known fact, it is not always a given that institutional memory is adequately safeguarded or handed over. In the case of the UK's programmes in Sudan, the governance and conflict advisers ended their tours the same week with no new staff in country. In the case of the Netherlands Burundi SSD programme, the issue of quick staff turnover was addressed by hiring an overall programme manager for a 3-year period and keeping some staff in country for more than two years.

- Another limitation to finding good staff concerns people skills. As one respondent said, "Nothing replaces good people, it really depends on developing a good amount of trust." Yet, various respondents referred to people skills often being weak. This suggests that this aspect should get more attention in the selection procedure for field staff.

- Language skills were also still seen as an important impediment for security and justice work. This not only applied to Lusophone countries, but also to French speaking countries. As one respondent said, "you run the risk of becoming ineffective if you don't speak the language". This puts a premium on taking language proficiency even more seriously, in particular as building trust requires engaging with local stakeholders.

- One respondent highlighted the need to synchronize ambitions and field capacity. Ultimately, if no solutions can be found for staff, reality should kick in. The respondent suggested that "the available field capacity should be taken as the starting point." This is especially true in

settings where no other means are available, and local and national stakeholders are also weak in terms of capacity.

Regardless of the quality of the contractors, it cannot be expected that they can work on autopilot and deliver what a donor wants. The interviews suggest the following impediments:

- To control and manage a contractor, who is doing this work with commercial objectives in mind, can be a full-time task depending on the programme. This is the experience of the Netherlands as regards its SSD work in Burundi, where a financial management agent was contracted. Managing contractors also requires skills and experience (preferably commercial).

- Additionally, contractors cannot deal with the politics of a programme. Contractors can not be left alone to coordinate. Donors need to oversee this. However, contractors often do take on such roles, particularly when the donor does not have adequate senior level staff in country to play this role itself. This can be seen as a risk, given the need to manage security and justice work also at a political level.

- It is assumed that contractors have access to the pools of experts with the skills required. Experience indicates that it this assumption is sometimes misplaced and that it would be a mistake to assume that they always can deliver as expected.

- Respondents referred to the need to hire local expertise, for example to assist with political economy analysis. This aspect does not get sufficient attention, but ignoring or underplaying it could result in important knowledge and insights being lost. However, as one respondent said, "one needs such national staff because they know the country, but one never knows what one gets".

# 4. Next steps: Priority issues for further review

The consultations undertaken for this review confirm that the challenges identified in many of the foundational documents on security and justice work continue to confront donors and other members of the international community.[25] Problems are acknowledged to persist, but funder institutions appear to have difficulties in addressing them effectively. This points to the continuation of tensions between the institutional and organization incentives in place and the requirements for effective engagement. In examining these challenges in as much detail as time permitted, we have identified many examples of how international actors have sought to tackle these challenges. We have also confirmed the continuing existence of a number of impediments to effective international engagement in security and justice development in fragile and conflict-affected environments.

Based on our review, we propose that additional work could usefully be carried out on the following four issues in order to further inform an agenda for change that would help make funder support in this area more effective: 1) a process approach to programming; 2) ownership; 3) models for programme management; and 4) results and monitoring. These four areas are closely linked and would, ideally, be examined as a unit. The main benefits of engaging in each of these areas are summarized in the set of Tables below, along with some of the questions that might be asked to better understand these issues and some of the likely challenges to be encountered.

While it is up to INCAF members to determine precisely how any further work would be structured, our experience indicates that such work should be field-based and provide adequate time for examining the views and perceptions of both national and international actors. National actors should not be limited to governmental counterparts but include all relevant stakeholders. The scope of the investigation would be defined in large part by available resources. We would suggest, however, that rather than attempting to examine a large number of programmes in order to obtain funder representativeness, INCAF members consider examining a limited number of representative programmes in depth in order to understand in some detail what factors influenced or constrained effectiveness from the perspectives of both national and international actors.

Finally, in addition to the issues that were addressed in some detail in our consultations, there are a number of other factors that are unquestionably relevant for security and justice work. We cannot say much about these factors on the basis of our consultations but they might be relevant for any follow on to this initial review. These include:

Global economic and political factors: These factors are more or less a given and cannot easily be addressed. However, they will have an impact upon security and justice work a various ways and their effects need to be taken into account.

- The impact of the global economic downturn on security and justice work, including increased emphasis on value for money and results;

- The impact of donor self interest on key objectives of the aid effectiveness agenda (ownership, harmonization, results, alignment and mutual accountability).

Conceptual issues: These issues came up during discussions on the draft report and suggest that further assessment is required, in particular since they touch upon the heart of security and justice work.

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[25] Some examples of foundational documents are: *OECD DAC Handbook on Security System Reform: Supporting Security and Justice*, Paris: OECD, 2007; United Nations, *Securing peace and development: the role of the United Nations in supporting security sector reform. Report of the Secretary-General*, A/62/659-S/2008/39, 23 January 2008; United Nations, *Uniting our strengths: Enhancing United Nations support for the rule of law*, A/61/636–S/2006/980, 14 December 2006. The African Union will shortly be issuing an SSR strategy.

- A further deepening of the concept of effectiveness when applied to security and justice work. Some of the questions raised were: What does effectiveness actually consist of and who should define what is "effective" – funders, national governments, local populations? How should effectiveness be measured – in terms of output, impact, outcomes? How effective can an activity be when it only has an effect in one sector (e.g. police)?

- A further deepening of the concept of accountability, particularly in relation to ownership. Challenges concerning ownership are in this report partly approached from the perspective of a lack of capacity. Yet, ownership also has a local political and accountability perspective. In particular the question "whose security and justice" requires more consideration of who needs to be involved in decision-making, and at what stage of the process.

Implementation challenges:  Discussions on the report also highlighted recurrent questions on the differences in programming approaches. The review did not bring these differences to the fore, but some interlocutors suggested they be considered for inclusion in any follow on work. In particular it was suggested that it might be useful to identify differences in programming approaches from an implementation perspective.

- Potential differences between the challenges confronting security related programming, on the one hand, and justice related programming on the other. Current evidence does not point to any substantially different challenges but a number of our interlocutors have posited that such differences might exist given the substantive differences between security and justice. Any examination of this point should consider the perspectives of both national and international actors.

- A comparison of the challenges facing multilateral actors and bilateral actors when engaging in security and justice work, particularly whether multilateral actors face similar, different, fewer or more political constraints.

The last issue that came up in the discussions concerns the differences between security and justice work, on the one hand, and development work more broadly defined, on the other hand. The report suggests that there are differences, in terms of security and justice work always being highly sensitive and political since it is dealing with the key instruments of power. Development work – more broadly defined – is also politically sensitive, but its overall importance may differ and effects of problems may have a more limited impact on stability. This raises the question as to what this may imply in terms of looking at particular issues through a security / justice lens versus a broad development lens, or whether specific and different skills are required for this type of work.

## Table 4-1 Process approach to programming

*Why focus on this issue?*

Our consultations confirm that it is well understood that security and justice reform is an inherently sensitive and foremost political process and that often neither funder nor partner government has a clear idea of how a reform process should unfold. Similarly, it is not always clear for both of them what the ultimate objectives of such a process should be. For donors it proves particularly difficult to deal with this process aspect given the pressure to produce results quickly. The risk then is programming that is based on technical objectives, a limited political foundation and weak or non-existent local ownership. This leads ultimately to limited sustainability and often to a failure to improve the security or access to justice of the ostensible beneficiaries of security and justice programming. This challenge can be addressed by considering different models for programme management (see Table 16). However, this can only be part of the solution. Our consultations suggest that a different and less rigid approach may provide better outcomes. Progressive development of the programme over an extended period of time allows for building trust, better understanding of key players and opportunities for change, realistic objectives and a process in tune with local context and capacity that is more likely to result in effective and sustainable reform outcomes. This will require, however, a re-examination of what results mean in the security and justice area. The current focus on short-term, tangible results in the risk of delivering "façade" results.

In particular, investigating the process approach further would help in getting a better understanding of what is necessary to maximize local ownership in security and justice programming by clarifying how relationships among key stakeholders can be structured so that they respond to local context. It would also allow for investigating the issue how important building trust and relationships is for responding to local context and maximizing (support for) local ownership in security and justice programming. In terms of effectiveness, efficiency and sustainability (and meeting the needs of the population), investigating the process approach could be relevant for better understanding and assessing what types of activities are most likely to work and thus how to obtain most value for money and results that satisfy both donor and national requirements. Finally, investigating the process approach could help in better understanding the timeframe required for effective security and justice programming and the roles of the various stages in the reform process on the basis of evidence from practice and not just the literature.

*Key issues for further investigation*

1) What are the essential elements of a process approach and what are the implications for conceptualizing, designing, and implementing a process approach to programming? In particular, how can partners discuss, negotiate and define results?
2) What is a realistic and appropriate timeline for a process approach?
3) What are the risks for programming and reaching objectives? I.e. at what point does flexibility stop being productive and become a risk?
4) How can a process approach be structured to enhance ownership?

*Likely challenges*

1) Allowing for longer programme timelines.
2) Inadequate flexibility in programming, including planning and programming procedures such as log frames and procurement procedures.
3) Risk management in the absence of clear and tangible output.
4) Developing monitoring systems that allow for measuring outcomes of process.
5) Finding the right type of people to take on this more open-ended approach.
6) Seniority of staff in country to deal with political aspects of programming in a process approach.

## Table 4-2 Ownership

*Why focus on this issue?*

Ownership is widely presented as a key element of effective and sustainable programming, yet it is not clear what it exactly means (e.g.: whose security and justice?) and how to get to it. In particular in post-conflict settings, there can be great distrust among local stakeholders of funders who come with an agenda of their own, which can affect discussions on ownership and defining objectives. Ownership can also easily be confused with formal consultation processes, procedures and buy-in, which frequently lead to limited ownership and predominance of donor approaches and objectives. The report refers to 'good enough ownership' as a way to challenge the fact that ownership is often taken for granted as a fact or objective, and to describe what may be practical or realistic given the capacity of local stakeholders and the behaviour of donors. The report does not take a position that this is the best possible or an acceptable situation or outcome.

Ownership is particularly challenging in the security and justice sector, where the political challenges and ramifications of programming for local actors are especially intense. Similarly, there is a risk that the issue of ownership, and whose security or who has access to justice is at the heart of the approach, is increasingly overridden in donor countries by concerns and objectives of 'homeland security' such as counter-narcotics or counterterrorism. These challenges are compounded by the fact that many of the international actors providing assistance do not have extensive experience of working in partnership with local actors or promoting country-led approaches. However, our consultations underlined the fact that many development actors also continue to be challenged by defining and implementing ownership.

Investigating the issue of ownership will help develop a better understanding of what can realistically be expected in post-conflict and fragile states and what could be done to improve the situation. Investigating ownership is also important from the perspective of putting security and justice work in a broader political context. By this, we mean issues of accountability by local stakeholders (e.g., security and justice work as part of/embedded in broader governance reform), as well as linking security and justice work to a broader political dialogue between donors/the international community and local stakeholders. This will be facilitated by clear and transparent monitoring and communication on what works and doesn't work in the programme, and what the limitations are for all actors (and for what reasons).

*Key issues for further investigation*

1) How to assess and stimulate the interest of local stakeholders in security and justice reform and to facilitate an open and transparent process for discussing and designing a reform process that takes into account their different interests?
2) How to make ownership of the key local stakeholders part of an approach to accountability to the wider local population?
3) How to set up a process and procedures that allow for real ownership whilst allowing for an open dialogue on key issues and constraints for all actors involved?
4) How to move from partnership to full ownership in situations where local capacity is limited? I.e. how can ownership be accepted as an outcome?

*Likely challenges*

1) More ownership may imply positions and priorities that are not in line with those of the international community.
2) A stronger focus on ownership will call for more seasoned political donor staff, particularly in country, in order to engage meaningfully with local stakeholders.
3) More ownership may imply different and longer timelines due to more political dialogue and process.

4) Involving key stakeholders from civil society in security and justice programming.
5) Balancing technical and political aspects of programming.

## Table 4-3 Models for Programme Management

*Why focus on this issue?*

Programmes are managed at different levels. Our consultations indicated that there is a need to better manage relationships between funders, programme managers and local stakeholders to enhance the effectiveness of security and justice programming in meeting key programme objectives. Three issues are of importance here: 1) the political nature of security and justice reform, 2) guaranteeing and progressively increasing local ownership, and 3) day-to-day technical and financial management. At the same time, three main groups of actors are involved in managing programmes: 1) funder staff, 2) representatives of the country undergoing reform (governmental or non-governmental), and 3) contractors.

Our consultations identified three main reasons for focusing on programme management. 1) It is essential to find the right balance between the three key issues characterizing S&J work and the type of staff required. The highly political nature of S&J work requires sufficient donor staff with adequate political seniority to guide the programme on a daily basis. 2) The effectiveness of programme management should be evaluated not only in terms of quick or high output but also in terms of sufficient ownership, which is essential for acceptability and sustainability of reform activities. This can help understand how relationships among key stakeholders can be structured to maximize support for ownership and respond to local context, as well as to help structure relationships to reflect funder ability to tolerate perceived risks – i.e. greater or lesser funder control. 3) Funders seek mechanisms that are efficient, reliable and corruption-proof to guide the day-to-day technical and financial management of programmes. Consultations for this and other projects suggest that donors often rely on contractors for this type of work. However the importance of adequate control over the technical and financial aspects should not be underestimated from the perspective of both their relationship with ownership and the political control of the programme.

The review team suggests that finding the right balance requires donors (and multilateral organizations) to reassess the best balance between the three main components of programmes and the roles and responsibilities of the actors to implement and manage them. A second phase could help in identifying the minimum requirements and standards for programme management, as well as the types of personnel required (funder, contractor) for effective security and justice programming

*Key issues for further investigation*

1) Which actors should be involved in security and justice programming (conceptualization, design and implementation)?
2) How can the political support essential at all stages of programming best be provided? How does this compare with the optimal role of funders given the political nature of S&J work?
3) How should relationships be structured to best respond to the local context and promote ownership?
4) How can the appropriate degree and type of control that funders should (and are able to) exert over contractors be determined given the growing role of contractors in designing, implementing, monitoring and evaluating programmes?
5) What are the implications of these roles for funders, including personnel, programming approaches, timeframe, and risk management (political risk, risk of programmatic failure, fiduciary risk)?

*Likely challenges*

1) Ensuring adequate in country staff to support programme politically can be a challenge.
2) Extended timeframes necessitated by promoting ownership may result in the programme being seen as less effective than programmes that produce more visible or tangible results and outcomes.
3) Ensuring adequate in country staff to prepare the terrain for programming can also be a challenge.
4) Managing implementers can be a challenge in terms of funder in country capacity.
5) Addressing different perceptions of risk among funders, programme managers and local stakeholders.
6) Could limit local ownership depending on who holds and manages the contract.

## Table 4-4 Results and Monitoring

*Why focus on this issue?*

The growing political emphasis on demonstrating results has meant that development donors are increasingly focusing on the best way to achieve, measure and communicate results. While a results oriented approach to security and justice work has much to learn from ongoing work on results more broadly, a March 2011 discussion paper on taking the results agenda forward (DCD/DAC(2011)9/REV1) states that evolving good practice is not fully compatible with conditions in fragile and conflict-affected states, in part due to capacity constraints in these countries. Additionally, work conducted by the International Dialogue on global peacebuilding and statebuilding objectives and the 2011 World Development Report have highlighted several issues of particular importance to results oriented approach to justice and security work: transformational change requires a long timeframe; short and long term results are required simultaneously; and results frameworks need to be based on a nationally defined vision.

Given the centrality of security and access to justice to statebuilding and peacebuilding in conflict affected and fragile states, it makes good sense to explore how a results oriented approach to security and justice work could be strengthened. The consultations conducted for this review underscore the importance of: 1) identifying what can realistically be accomplished in a given period of time, 2) developing indicators that will enable progress toward that objective to be monitored in both the short and medium term, and 3) measuring progress on process. A focus on monitoring would accordingly appear to be warranted.

*Key issues for further investigation*

Effective monitoring can help improve programme outcomes, deepen ownership, strengthen the accountability of local stakeholders toward their own population, help manage risks, promote a focus on what works and enable senior bureaucrats / politicians to better understand the programme's progress or lack thereof, building support for the programme or at least reducing the impact of adverse outcomes. In order to contribute to these outcomes, our consultations suggest that an examination of the following three sets of issues would be particularly fruitful.

1) **Indicators:** What types of indicators can most effectively measure results in the short and medium term? In particular, what types of indicators can be developed to measure the results of security and justice reform *processes*?

2) **Ownership:** How can monitoring be used to enhance local ownership of security and justice programmes? How are local actors engaged in identifying programme results to be measured, developing indicators, monitoring programme activities, disseminating results?

3) **Communications and dialogue:** How are results reported and to whom? Do local governments share information with beneficiaries or the local population more generally? Is the information used in dialogues between funders and local stakeholders? Is information gathered used to adjust the course of the programme? What strategies are there for regularly updating politicians and senior bureaucrats (in both donor governments and local governments) about results?

*Likely challenges*

1) Regular monitoring requires time and analytic capacity, both of which are often in short supply in country, as well as resources and good (research) networks.

2) Regular monitoring also requires the management of the information that results, which could imply more staff and / or time.

3) Depending on the methodology used, regular monitoring could require specific expertise and a good understanding of the local political context.

4) Regular monitoring requires good record keeping and systems to inform ongoing programming.

5) Regular process monitoring could require specific methodologies and approaches.

6) Effective communication of results can be time-consuming for in country staff.

# Annex A: More details on the programmes under review

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **South Sudan**: DFID Safety and Access to Justice Programme [SAJP]<br><br>**Note: The SSDDT and SAJP programmes are reviewed as a unit in this report.** | In order to strengthen peace and stability in Sudan by increasing citizens' personal security, human rights protection and access to justice, the SAJP seeks to build capacity in key police and justice sector institutions, increasing the coverage, accessibility and effectiveness of the services offered to citizens.<br><br>This is to be done by supporting the Sudan National Police, the Southern Sudan Police Service, and the justice sector. As a national programme, the SAJP has activities in North Sudan, South Sudan and the Transitional Areas. | The primary participants in South Sudan are the South Sudan Police Service, particularly the Inspector General of Police and his supporting deputies and directors in Juba. There are parallel stakeholders at state level and at sub-state level in localities and counties. A wider definition of stakeholders would include leading technical and administrative officials in other governmental institutions.<br><br>A DFID Project Officer is responsible for overall implementation, supported by DFID advisers, particularly the DFID Sudan Governance Advisers and the Peace and Security Adviser.<br>Programme policies and priorities are set by a senior level Steering Committee. | The programme is contracted out to a private Management Contractor.<br><br>It is anticipated that the programme will run for four years, September / October 2009 – August 2013.<br>The programme budget is £20.6 million, including project management costs. |
| **South Sudan**: UK Security Sector Development and Defence Transformation Programme [SSDDT]<br><br>**Note: The SSDDT and SAJP programmes are reviewed as a unit in this report.** | In order to promote sustainable peace and security in Sudan, the SSDDT programme seeks to transform the Sudanese People's Liberation Army (SPLA) from a guerilla force into an affordable, professional, disciplined armed force operating under democratic civil control, and to support development of broader GOSS security decision-making structures and relevant oversight institutions. | The primary participants are the SPLA, the Ministry of SPLA Affairs, Parliament (Security and Defence Committee), civil society.<br><br>The lead adviser is the DFID Peace and Security Adviser with the DFID Governance Adviser also playing an important role. There is a Deputy Programme Manager. The British Embassy Defence Attaché in Khartoum is also involved.<br><br>Coordination, implementation and strategic guidance are provided by a senior level Steering Committee. | The programme will run for three years, May 2008 - May 2011.<br><br>The £5.5 million programme is funded through the ACPP (CPP). GOSS partners (MOD, Parliament, other parts of government, civil society) will contribute human resources for the programme's implementation as well as logistic support and maintenance costs of any assets procured.<br>The programme is contracted to a private contractor. |

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **South Sudan**: Swiss Armed Forces SSR project | The Swiss SSR project seeks to 1) promote and implement international norms and democratic control of armed forces; 2) transfer knowledge in International Humanitarian Law/Law of Armed Conflict, and coach the management of the Dr. Garang Memorial Military Academy (DGMMA); 3) improve the reliability of, and rule of law within, the armed forces (SPLA). | The main participants are the SPLA and the Swiss Armed Forces. | The programme runs from ca. 2007 to 2012. Programme management is in the hands of the Swiss MOD, in collaboration with the Swiss Ministry of Foreign Affairs and Swiss Development Cooperation. Decisions about programme activities are made jointly based. Workplans are developed by Sudanese counterparts with coaching support from Swiss technical assistance. |
| **South Sudan**: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Policing (communications) project | The GIZ policing project is responding to a request from the SSPS for assistance in developing its communications capacity. | The main participants are the South Sudan Ministry of Interior, SSPS, and GIZ. | The €5-6 million programme will run for four years, from 2008 to 2012. There is co-financing from Canada and the UK and in-kind contribution from the US. The programme is part of the Police Capacity Development for Africa, supported by the German Ministry of Foreign Affairs, with activities in 7 countries.

The overall priorities of the programme are capacity development, infrastructure, and hardware. Local counterparts determine where their priorities lie within this.

The South Sudan programme is implemented by GIZ. Technical assistance has been provided primarily by African technical experts. |
| **South Sudan**: US rule of law (RoL) programmes[26] | With its support the US government seeks to strengthen service delivery and institutional capacity in the area of policing, corrections and the legal sector. | The US Department of State, through its Bureau of International Narcotics and Law Enforcement Affairs (INL), is providing a range of support to the SSPS, the Ministry of Legal Affairs and Constitutional Development, and the prisons service. | The RoL programmes are managed in Juba by a dedicated Foreign Service, a Foreign Service National who acts as Programme Assistant in Juba, and a Washington-based Programme Officer in INL. No budgetary details were available. |

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[26] Bureau of International Narcotics and Law Enforcement Affairs Sudan Programmes Briefing Paper, n.d.

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **Burundi**: Netherlands Security Sector Development Programme [SSD] | The programme seeks to progressively improve the institutional capacity of the security sector to ensure the highest level of security and justice and to provide better quality service to Burundians. | The primary participants on the Burundian side are the Ministry of Defense, Ministry of Public Security, Ministry of Foreign Affairs and International Cooperation, the Armed Forces of Burundi, the National Police and civil society.<br><br>The primary participants on the Netherlands side are the Ministry of Foreign Affairs (including development cooperation), the Ministry of Defense, and the Embassy Office in Bujumbura. | The programme runs from 2009 to 2017. Funding is provided in 2 year tranches. For 2009-11 the amount allocated by the Netherlands to the SSD was €18 million .<br><br>Strategic guidance is provided by a ministerial level Comité Politique. Technical aspects of the programme are overseen by a Comité Technique de Suivi composed of senior Burundian officials and Dutch officials from the Embassy Office.<br><br>At the working level, activities are developed by Unités de Gestion du Programme, composed of Burundian officials and one expatriate.<br><br>The administrative aspects of the SSD are overseen by an external contractor. A programme manager hired by the Netherlands manages day-to-day activities. |
| **Timor Leste**: UN Integrated SSR programme: Security Sector Review plus SSR Review Capacity Development Facility | The programme aims to develop the national capacity to manage security sector governance in a sustainable and comprehensive manner to ensure long-term security and stability for the citizens of TL through promoting the four dimensions of SSR: civilian oversight, operational management, financial accountability and policy debate | The main participants are Office of the Prime-Minister, Secretary of State for Defence, Secretary of State for Security, Ministry of Foreign Affairs, Ministry of Finance. In addition, through the capacity development facility, other government departments and the National Parliament. | Security Sector Review lasted from 2009-2010, overall budget US$2.1 million funded by Norway and Australia). The Capacity Development facility lasts from 2009-2013. Its overall budget is US$.1 million provided by the EU. |

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **Timor Leste**: UNDP Justice System Programme | The programme seeks to improve access to independent, effective, transparent and equitable justice for all through capacity development support for the Ministry of Justice and the judiciary (Courts, Prosecution, and Public Defence) to enable greater access to justice. | The main participants are Ministry of Justice (Legal Training Center, Public Defenders' Office, Corrections Service), Superior Council of the Judiciary, the office of the Prosecutor-General, and UNDP. | The programme lasts from 2008-2013. The total budget is US$34.2 million. The project is implemented by UNDP under the guidance of the Council of Coordination, comprised of the Ministry of Justice, the Chief Justice and Prosecutor-General of Timor-Leste.<br><br>The Council of Coordination makes all policy and management decisions and supervises progress. UNDP is responsible for the implementation, monitoring and evaluation of project activities. |
| **Guinea Bissau**: EC Programme d'Appui aux Organes de Souveraineté et à l'Etat de Droit (PAOSED) | The programme objective was to improve the functioning of the parliament and the justice system, better control over the activities of government and improved access to justice for the population. | The main Bissauan actors are the Ministry of Justice, Parliament,, Supreme Court, various courts, Ministry of Finance (General Inspectorate), Cours des Comptes and the Procureur Général de la République, and civil society in various forms.<br><br>A programme officer in the EC Delegation in Guinea-Bissau oversees the programme. | The project ran from 2006-June 2011. Its budget was Euros 6 million.<br><br>The programme is coordinated by a national coordinator (seconded from the Supreme Court) and supported by a team of justice sector professionals.<br><br>The coordination function is located within the Ministry of Justice. Support is provided by international and national technical assistance. |
| **Guinea Bissau**: UNDP Appui au Renforcement de l´État de Droit en Guinée Bissau à travers la réforme de la justice et la sécurité | The project has four objectives: (1) To reinforce the justice system to better protect the rights of individuals and to provide better service to people; (2) To provide access to justice for all, especially women; (3) To reform and modernize the security system, through strengthening civilian governance of the sector; (4) To establish modern police and defense structures that are affordable. | The main participants are The Guinea-Bissau Ministry of Justice, the Technical Committee for coordination of the Security Sector, the Ministry of Interior and UNDP. | The US$ 8.3 million project ran for two years, June 2008 to May 2010.<br><br>The programme is directly executed by UNDP with the support of international and national consultants and various subcontractors. |

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **Nepal**: UNDP Access to Justice for Consolidation of Peace in Nepal Programme | The project aims to help create a responsive and accessible justice system to promote gender equality, social inclusion and the rule of law including formal and informal processes.<br><br>This will be done by addressing three areas: 1) Transitional Justice; 2) Gender Justice; 3) Access to Justice at the local level. | The project is implemented by the Supreme Court of Nepal supported by UNDP and UNIFEM in close collaboration with the Ministries of Law and Justice, Women, Children and Social Welfare, and Peace and Reconstruction.<br><br>Other key Nepalese stakeholders include the Office of the Attorney General, Nepal Bar Association, Ministry of Land Reform and Management and National Women's Commission. It was intended that the project would work closely with the Truth and Reconciliation Commission once created, the Commission on Enforced Disappearance and other national actors working on human rights and transitional justice portfolios.<br><br>An Advisory Board composed of Nepalese and UN officials provides expert advice on programme direction and implementation. | The programme runs 2009 to 2012. Its budget is US$ 5.7 million.<br><br>The project is managed under UNDP's National Implementing Guidelines by the Supreme Court. However UNDP and UNIFEM are also responsible for implementing certain portions of the project.<br><br>A Project Board provides guidance and is composed of Nepalese and UN officials. |
| **Nepal**: Swiss Security Sector Transformation project | The project aims to support the Comprehensive Peace Agreement by raising the awareness on democratic security sector oversight issues, introducing various stakeholders to mechanisms and tools used to effect transparency and accountability across the security sector, and promoting dialogue on these issues between different interest groups. | The main participants are the Constituent Assembly, senior Nepalese political leaders, and the Swiss Embassy in Kathmandu. | The project began in 2008 and is ongoing.<br><br>The project is implemented by the Geneva Center for the Democratic Control of the Armed Forces (DCAF), a Swiss-based international foundation, in collaboration with a local NGO. |

| Programme | Purpose of programme | Participants | Administrative issues |
|---|---|---|---|
| **Haiti**: USAID Haiti Judicial Strengthening and Stabilization Initiatives | The project sought to bolster the Haitian justice sector by improving management of the entities within the Ministry of Justice and Public Security (MJSP) to bring about greater efficiency and transparency in the courts, ultimately resulting in increased access to justice for citizens. | The main participants were the Haitian Ministry of Justice and Public Security, Parliament, Judicial Council, the Magistrate School, the Presidential Justice Commission, the National Law Faculty, justices of the peace, prosecutors and other key actors in the judiciary, deans of the First Instance Courts, National Association of the Clerks of Court, the Investigative Magistrates Cabinet, Presidents of the Bar Associations, Pretrial Detention Commission, National Penitentiary authorities plus a number of non-governmental organizations. | The project was originally planned to run two years (2005-2007) but was extended for a third year (2007-2008). The total budget was for US$7.7 million.<br><br>The project was implemented by National Center for State Courts, an independent, non-profit court improvement organization. |
| **Haiti**: Canadian START projects | All Canadian START projects supported by the Global Peace and Security Fund respond to security and justice needs identified by the Haitian government. | START projects are designed in collaboration with Haitian officials and the United Nations. Government partners include Ministry of Justice and Public Security, Haitian National Police, Haitian Prison Administration, Haitian Coast Guard, National Penitentiary, Haitian Bar Associations and the School of Magistrates.<br><br>START has a representative assigned to the Canadian embassy in Haiti as the point of contact for START projects. | As of March 2011, there were 20 ongoing projects specifically for Haiti valued at $63.85 million financed by START. The projects were of varying durations.<br><br>These projects are implemented by a range of NGOs and international agencies. The main implementers in early 2011 were the Canadian Commercial Corporation, UNDP and IOM. |