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& Governance**

The politics of practice: security and justice programming in FCAS

Expert meeting on justice and security

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1 Introduction

On 6-7 November 2012, the Politics and Governance Programme at the Overseas Development Institute (ODI) hosted a two-day Expert Meeting on the Politics of Practice: Security and Justice Programming in Fragile and Conflict-affected States (FCAS).¹ The meeting drew together approximately 70 researchers, policymakers and practitioners from Europe, North America, Asia and the Pacific and Africa to discuss challenges and lessons learnt in translating improved policy thinking into practice.

The idea for this meeting emerged from a concern that, despite some more nuanced thinking apparent in recent policy documents, such as the 2011 World Development Report: Conflict, Security and Development and the Organisation for Economic Co-operation and Development's Statebuilding Guidance, security and justice programming associated with international efforts to support statebuilding in FCAS on the ground often remains technocratic and siloed, and insufficiently attuned to contextual realities. Although there is increasing consensus on the need to work differently in order to improve programming, in practice this remains difficult.

This report draws out key themes and challenges in justice and security programming that featured in discussions. It also summarises emerging recommendations and lessons learnt, and signals areas where changes are important in order to improve results. Therefore, the objective of the report, as it was of the meeting, is to begin to set out avenues for operational and organisational changes and action-oriented research, and for revisiting some of the policy content in ways that can help relevant communities of practice grapple with the challenges of translating policy into practice.

The report is structured as follows. Section 2 sets out the current policy context, then Sections 3-5 discuss three categories of issues that capture different types of challenges – and examples of how to change practices. Section 3 signals aspects of the **policy content** of security and justice work that need further consideration, and indeed interrogation – not least in relation to the wider statebuilding agenda. Section 4 looks at the issues the results agenda raises about how to measure impact that is meaningful and relevant, and the **role of evidence and research** in informing how results are captured and best defined. Finally, Section 5 explores issues relating to the **process and practice** of international involvement in security and justice sector reform. This refers to the particular organisational features involved in how international development actors operate and translate policy into practice in security and justice work.

2 The wider context of statebuilding in FCAS

There is international consensus that, in peace and statebuilding, the provision and quality of justice and security are critical to resilience and legitimacy in state–society relations. Countries undergoing such processes have also recognised this, through the g7+ and the New Deal for Engagement in Fragile States. Yet, translating policy into practice poses many challenges, in terms of content, levels and modalities of engagement, prioritisation and sequencing.

There are multiple reasons for prioritising justice and security provision in FCAS. These include some of the following: providing basic protection to the population from violent threat and conflict, addressing dispute resolution over basic livelihoods, protecting property rights and access to land, resolving legacies of past violence and exclusion, and contributing to the foundation of the rule of law and stability. In practice, the objectives are multiple, and respond

¹ The meeting was organised in collaboration with The Asia Foundation, the Christian Michelsen Institute, the Justice and Security Research Programme at the London School of Economics and Saferworld, and generously supported by the UK Department for International Development, the Danish Ministry of Foreign Affairs and the Dutch Ministry of Foreign Affairs.

to a very wide range of political, strategic and normative agendas, which are interrelated but have varying degrees of complementarity and tension. Greater clarity on precisely why international support to justice and security matters, and on whose behalf it is carried out, is important, not least because of the highly political nature of the endeavour. This has become especially pertinent in recent years as support to security and justice in FCAS has gathered pace and both sectors have acquired renewed visibility on the international agenda.

A number of crosscutting themes featured throughout discussions during the meeting:

- *Integrating better knowledge of the sectors and understanding of context:* The importance of working with context specificity is now a widely accepted tenet of development practice, but challenges remain on how to operationalise this insight. This is especially so in relation to justice and security programming, which seem particularly susceptible to top-down, technical approaches. For instance, in development agencies, justice and security work tends to fall to governance advisors who often have limited in-depth knowledge of the sectors and are prone to 'outsourcing' to specialists and implementing organisations often with technical expertise. These implementers may bring experience of sector-level programming but may not bring country expertise. A key question, therefore, is how to make policy and practice more fit for purpose in ways that connect better sector-specific expertise with in-depth country knowledge
- *Security and justice as fundamentally political components of the social compact:* Security and justice mechanisms are deeply political, not least because they have concrete consequences for the allocation of power and resources at local and national levels. There is a need, therefore, to engage with the politics of security and justice programming, including in how objectives and outcomes are defined. Yet despite the intrinsic relationships between security and justice and state development, programming in these areas is often very technical in approach. In order to take account of the very political nature of justice and security, both sectors need to be nested within broader governance and development agendas, and in FCAS should not be disassociated from efforts to support wider political objectives of inclusive and legitimate statebuilding.
- *A need to work politically:* Following from the above, what does 'working politically' better mean? Does it mean *understanding national and local politics better*, to achieve a better fit of programming with context and ensure (at a minimum) 'do no harm', or (more ambitiously) to enable more effective support for transformative change towards inclusive forms of justice and human security – which is inevitably a political endeavour? Or does it mean more *purposeful and strategic leveraging of donors' political influence*, for instance to facilitate reform agendas potentially resisted by local elites or veto players? Both answers are valid – but importantly different. In part, the answer lies in how the fundamental purpose of security and justice programming is defined, which, as set out in Section 3 below, is a political issue. Clarity on what 'working politically' means matters, because how it is understood affects how security and justice programming operates on the ground.
- *Keeping the state in sight – connecting the local and national levels:* The growing emphasis on context specificity and engaging with non-state/informal actors² and hybrid institutions has translated into an increasing focus on the local level. While this is critical to capture complex realities on the ground and at the micro-level, it is vital that local or community-level dynamics do not become divorced from what are, ultimately, national-level processes of political transformation, including through statebuilding.

² In this report we use non-state/informal actors and mechanisms to refer to the wide range of providers and institutions of justice and security which (more or less, and with varying degrees of formalisation) fall outside the state. In institutionally hybrid or legally plural settings these take multiple forms, and have varying degrees of connectedness to the state, and overlap with state presence. While we recognise that this terminology is imperfect, we use it on the basis that those engaged in security and justice debates are familiar with the complexity and diversity of the multitude of actors it denotes.

3 Policy and content: the objectives of justice and security programming in FCAS

International actors are increasingly pushed to work to verifiable results agendas, and that meeting objectives be verified. But along the way there is the risk that we lose sight of reflecting critically on the content of justice and security programming itself and interrogating the assumptions that underpin embedded theories of change about what needs to change, how and why. Thus it is important to ensure that there is clarity about what intended results and outcomes are, why they are important and how they relate to wider intended transformation of state-society relations and inclusive statebuilding. Issues of organisational capacity, results and evidence are critical – as discussed in Sections 4 and 5 below. Meanwhile, the purpose of international interventions, the security and justice outcomes they aim to support, and the socio-political dynamics that they are embedded in often remain insufficiently considered – yet this is central as it affects the lives of populations in recipient countries. We need to consider what the intended outcomes are, what donors can realistically do to support change, the robustness of the theories of change that underpin programming and how this can guide modes of engagement.

3.1 Intended outcomes and stated objectives

Justice and security are now considered to be central pillars of the international policy agenda for support to inclusive and legitimate statebuilding. The degree to which populations are protected from violent threat and whether justice mechanisms are seen to deliver just outcomes in disputes, rights claims or efforts at protection and redress are recognised as important in texturing the quality of state-society relations, as well as shaping levels of inclusion, acceptance and legitimacy of the polity.

Some stated objectives of recent security and justice policy agendas include the following:

- Provide safety and security for people and their property (as distinct from national security objectives);
- Deal with the legacy of human rights abuses and violence, including, where possible, through holding perpetrators of crimes to account;
- Support/reform dispute resolution mechanisms – whether state provided or other – that resolve and channel conflict peacefully, and deliver justice outcomes perceived as legitimate by a majority of the population (in the community they serve or at national level);
- Support the elimination of barriers to access to justice based on discrimination – such as gender inequality – in how justice and security are provided;
- Reduce gender-based violence;
- Build up rule of law and the associated mechanisms of accountability;
- Create stability for sustainable development to take place.

In practice, there are many more associated purposes, not least that improved security and justice provision will contribute to statebuilding objectives. These remain ambitious aims, and evidence of success is weak.

Moreover, FCAS are (in very different ways) characterised by high political volatility and uncertainty, with political settlements remaining 'unsettled' and contested; problematic levels of state presence and legitimacy across the national territory; and complex combinations of institutional hybridity. Security and justice objectives and priorities need to be understood in the context of these country-specific conditions as they, and the manner in which they shift, are intertwined with how security and justice provision evolves.

Emerging recommendations

- Take history seriously, including learning how justice and security have influenced the formation of state and state-society relations, and how their function is negotiated in political settlements, and perceived by different actors in society.
- Develop robust theories of change to inform programme and project strategies and define outcomes that are realistic and in keeping with the socio-political conditions in country – not based on visions of institutional configurations in donor countries.

3.2 Specific challenges in security and justice programming in FCAS

In practice, programming remains mostly top down, concentrating on strengthening formal institutions of justice and security. Still, some trends stand out in how justice and security programming is evolving to take greater account of user needs and the local level, at least in the narrative of donor engagement in FCAS.

First, there is a trend towards engaging with non-state actors. This has increasingly become the focus of policy-oriented research, as different communities of practice struggle to find shortcuts to working with different non-state actors and institutions. Where the state is absent or illegitimate, different forms of non-state actors may be providing justice and security solutions that are more accessible and more in keeping with prevailing beliefs about justice. Nevertheless, in practice, programming has remained state centric, and the international community continues to struggle with how to operationalise this insight. Questions around risk, funding modalities, reporting and accountability remain and need to be addressed practically through guidance to programme implementers.

The arguments for 'going with the grain' of what works on the ground are strong, and now quite well known. At the same time, it is important not to romanticise non-state actors and informal mechanisms. A balanced position would acknowledge the local realities of service provision while maintaining clarity about the power interests that non-state actors can serve, their levels of acceptance within their communities – which of course will vary – and the degree to which they entrench structures of exclusion and discrimination. The potential for transgressing 'do no harm' principles is considerable. In addition, belief and norm systems are not fixed and change over time, altering the risks and opportunities of engaging with these actors. This requires donors and implementers to continually monitor local context, institutional change and power relations as these evolve, as well as the impacts of their programmes. It is important to be aware of the challenges of maintaining the deep political knowledge of non-state actors, who are often very localised, when donor offices are located in capitals with staff changing every few years.

To avoid doing harm, any engagement with non-state or informal actors must be clear about its intended purpose. Is the objective to reform these actors, for instance with a view to enabling change in gender relations or human rights protection at the community level? Or does the need to work with non-state institutions reflect the fact that state institutions are either not present or perceived as illegitimate and biased towards particular group interests? Or are non-state institutions deemed more effective in delivering dispute resolution outcomes that are in keeping with prevailing beliefs and value systems about justice? Clarity over the purpose of engagement is central, and will have important consequences for which actors are engaged and which are avoided, how engagement proceeds and how the 'results' of engagement are measured. And in this area, change is hard to capture.

Second, most security and justice programmes to date continue to be largely state-centric. Work with beneficiaries and end users has not been entirely absent from interventions that focus on vulnerable groups and their experiences of justice and security. There are interesting emerging project and programming experiences of working with communities or specific groups on the ground, for instance to develop local options for reducing insecurity, to make claims against situations of injustice or to address legacies of violence and impunity, or to reduce elements of discrimination. While working on the demand side of justice and security has been an important gain of programming in the sectors in the last decade more should be

done to capture enduser perspectives. At the same time, there is a need to ensure that a focus on societal perspectives does not result in forgetting the state altogether. State centric programming has tended to focus too heavily on top down and formal institutions of justice and security provision, with insufficient attention to how this was embedded in society and experiences by end users. But a state-society balance needs to be preserved in how justice and security are conceptualised within both policy and programming.

Third, understanding the causes of conflict and violence, and dealing with its consequences, for instance through different approaches to and narratives of transitional justice, is beginning to feature more in justice and security sector forums. Expectations regarding the role of transitional justice in wider development – including statebuilding – have expanded. At one level, there is growing acceptance that legacies of violence that remain unaddressed, such as ongoing impunity for crimes committed or failure to establish a new truth about the nature and experience of violence and conflict, can be an ongoing source of grievance and fragility. At another level, there are concerns that opening up past disputes in a fragile post-conflict context will reignite conflict. Transitional justice issues now feature almost inevitably in post-conflict and peacebuilding contexts. There is a need for more evidence on the relationship between different forms and choices of transitional justice and different political and development outcomes in FCAS. At the same time, overall security and justice programming has tended to be somewhat disconnected from the political dynamics of how transitional justice processes and choices evolve (somewhat with the exception of disarmament, demobilisation and reintegration). There is also a need for more politically nuanced and less normatively driven research on transitional justice.

Finally, security and justice in themselves are presented as undisputed ‘public goods’. In practice it matters, though, whose security is being protected, and what the terms and quality are of justice provision and dispute resolution. Both functions are deeply political as they contribute to giving substance to (political) rules and agreements about resource and power allocation, and to ensuring that such rules become binding and are enforced. Thus, in any polity, the role of justice and security provision is inevitably enmeshed in histories of political contestation over the meanings of justice/injustice, and the mechanisms of dispute resolution, regulation and security provision that societies create to achieve and preserve these. Keeping the political and contested nature of justice and security in sight, therefore, remains important in the design of international support to these sectors.

Emerging recommendations

- Upend the policy agenda to focus on end users’ experiences and perceptions of injustice and insecurity, moving away from the paradigm of focusing on institutions (both formal and informal), which has often prevailed in justice and security programming.
- But do not lose sight of the state. Justice and security are not just about the resolution of conflict between private parties, but also about enabling the conditions under which state actors and public authorities – including at local level - can be held to account.
- Improve understandings of relationships between different transitional justice processes and political, security and justice and development outcomes in FCAS.
- There is also a need for more politically nuanced and less normatively driven research on transitional justice.

3.3 Summary and key points for action

- **Clarify objectives of security and justice programmes.** This includes acknowledging that there are multiple agendas and that trade-offs and dilemmas arise on how and what to prioritise.
- **Spend time considering the robustness of the underlying theories of change** underpinning programming and interventions on the ground.
- **Develop understanding of the root causes of conflict of violence,** and how legacies of violence shape narratives and perceptions of justice and security needs.
- **Work with the grain to understand and capture what works well locally,** and what does not, but be clear about the objectives and aims of working with non-state/informal actors and mechanisms. At a minimum, ensure the 'do no harm' principle is observed.
- **Focus on end users, but do not lose sight of the state.** The focus on end users is fundamental, but should not be confused with promoting only societally focused solutions to security and justice provision.
- **Reflect on how different modes of justice and security provision mirror the nature of state–society relations,** including in relation to what they reveal about how disputes over the distribution of power and resources are resolved (or not); whether they constitute enabling features of legitimacy, inclusiveness and a shared sense of 'fairness' in the social compact; and whether they contribute to holding 'public authority' to account.

4 Results, evidence and the role of research

The relationship between intended outcomes, the results agenda and using evidence to inform policy and programming raises a number of issues in relation to the security and justice agenda in FCAS. In the current climate of results-based policy and programming, different types of indicators are justified by the degree to which they can show progress against intended outcomes, and also demonstrate value for money of taxpayers' contributions to developing countries.

FCAS are especially challenging environments because of the very volatile and unpredictable nature of fragility and conflict. In relation to security and justice programming, there is an almost inevitable mismatch between the scale of ambition and the complexity of intended security and justice outcomes, including in how they might contribute to state or peace building, the timescale this involves and the prospects for demonstrable results that can be attributed to programming in the short and medium term. Reconciling ambitious objectives, the need for realism in terms of what is possible and attributable to internationally supported interventions and, finally, what is measurable as an indicator of meaningful change, thus represent a major challenge in both sectors.

Indicators of progress and change are no doubt important, but their credibility, legitimacy and utility depend on the following: they need to be methodologically robust (but not methodologically narrow); they need to reflect country realities and needs, identified through sound research; and they should not project the political agenda of the donor country. These criteria in themselves raise controversy. Which methods to use and give primacy to? Whose empirics? Who and what policy agendas should drive the research agenda and define the appropriate researchers and sources of evidence relevant for policy and programming? How should such evidence be used for programming, monitoring and eventually evaluation purposes? These are big questions, which are not limited to justice and security. Some concrete suggestions follow, derived from the meeting about results, evidence-based policy and practice and the role of different types of research in informing justice and security interventions.

4.1 Who defines the results agenda?

Outcomes and indicators set in donor countries may not necessarily reflect the immediate or most relevant needs and priorities of intended beneficiaries at the country or local level. For instance, conviction rates on rape – while very important – tell us little about options for redress available to women in fragile contexts, where the state either is not an accessible, reliable or popular source of protection or is complicit in the perpetration of violence. Donor-funded non-governmental organisations working on security and justice at times struggle to reconcile wanting to report on good outcomes (intended or otherwise) with a need to use rigid reporting mechanisms and results frameworks that speak to targets and indicators established and conceptualised far away that do not always capture what is relevant.

Emerging recommendations

- There is a need to focus on end user perceptions about what constitute legitimate and acceptable forms of justice and security provision. Beyond the research agenda, this involves ensuring that results agendas which inform programming in country capture the experiences and needs of intended beneficiary groups and communities at the national and subnational level. This includes taking up lessons learnt about what works on the ground and working with a range of evidence providers and research methods.
- This should more substantively constitute a paradigmatic shift in the dominant approach to donor policy and practice, away from a more conventional focus on the institutions of justice and security provision (formal or informal) towards one on the conditions under which societies are able to agree on and craft enduring and shared understandings of what constitutes justice, and the means to achieve this.³
- We need to acknowledge that important information and knowledge gaps exist regarding causal connections, for instance between different forms of justice and security provision and statebuilding. We need more robust understanding of the nature of institutional, political and societal dynamics that lead to different experiences and forms of justice and security – not least reflecting different trajectories of state–society relations and the constitution of public authority.
- We need to ensure that realistic timeframes are taken into account when setting objectives and milestones of progress.

4.2 Using evidence to inform programming and measure results

Research and evidence are important to improve programmes that are grounded in an understanding of complex socio-political realities in country. However, what constitute the most useful forms of evidence is inevitably contested. At the same time, there are important knowledge gaps about what justice and security provision actually look like in FCAS. Institutional hybridity and diverse modes of provision of justice and security services mean that, in many FCAS, certain sources of information are unreliable, unavailable or indeed irrelevant for large sectors of the population. For instance, court records in the Democratic Republic of Congo are largely irrelevant in capturing many conflict-related injustices and security realities and needs of the population in the current climate of insecurity. Moreover, in many FCAS, reporting rates of crime to formal authorities is so low, and the quality of data kept by authorities so weak, that such indicators are likely to reveal little about the realities of security and justice on the ground.

Moreover, the emphasis on results in donor programming can risk becoming a dominant objective in itself, rather than informing improved programming on the ground. Monitoring, for instance, is often subsumed within evaluation – meaning that assessments of programming focus on demonstrating overall results, rather than also providing interim ‘check ups’ to ensure that programmes are on the right track.

³ See, for instance, the emerging research agenda in the World Bank Justice for the Poor programme: <http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/JusticeSecurityDevelopmentFramingPaper.pdf>

Emerging recommendations

- Reliable sources of information and evidence need to be determined by contextual realities to guide whether official records are meaningful or not. While quantitative research offers useful insights, the importance of qualitative, ethnographic analysis cannot be overemphasised.
- Establishing baselines is important, including in relation to tracking processes of legal change, evolution of formal reporting on crime, caseload management and other process related issues of justice and security provision.
- Programming needs to be based on qualitative and context-specific analysis and evidence of relevant entry points for effective action that can lead to realistic results. This requires that context and conflict analysis be more strategically integrated into programming, to identify processes and intended outcomes that are in keeping with socio-political and institutional conditions.
- The monitoring and evaluation agenda conflates what should be separate processes. Monitoring is about demonstrating progress along the way (and changing tactics where programming is not working), whereas evaluation is a one-off exercise concerned mostly with end results and broader impact. Monitoring needs to be able to track and accommodate the messy reality of what are often non-linear processes of progress, and to interrogate theories of change and assumptions underpinning interventions, in order to change the course of action where necessary. In difficult security and political conditions, this form of continual assessment can improve the effectiveness and relevance of interventions.
- We need to use research and evidence – including political economy analysis – to better understand the political dynamics of justice and security provision, and how these mirror prevailing power structures and the evolution of political settlement(s).

4.3 The role of different forms of research

What type of evidence is the right kind? There is a (longstanding) tension in justice and security work between academic research and the needs of policymakers/practitioners, in relation to what constitutes constructive, policy-relevant research in the fields of justice and security provision and what donors actually do with the existing reservoir of evidence, lessons learnt and recommendations (which is not insignificant). This tension reflects a history of different communities of practice not engaging sufficiently in constructive dialogue on how to work better together; resistance by donor organisations to taking on recommendations that surface from research; and a research community that has been less than effective in conveying findings to better inform policy and practice.

Most academic research (with good reason) guards the principles of independence in defining its research questions, methods, format and content in order to produce high-quality outputs that meet research council requirements. But producing policy-relevant research does not need to compromise academic integrity. Policymakers and practitioners, for their part, are concerned with practical solutions to complex problems, and have limited time to read academic text – but should be encouraged to embrace complexity. Finally, there are methodological tensions and disciplinary ‘turf’ battles afoot, for instance between ethnographers, number crunchers, political scientists, lawyers and criminologists. Starting assumptions and desirable endpoints among these vary, but constructive dialogue between methodological and disciplinary perspectives is valuable and should be supported.

The challenge, therefore, is to further develop spaces for constructive dialogue in what is a community of willing participants among different types of researchers and practitioners. Moreover, there are positive incentives on all sides for better engagement. Academic research is motivated in some cases by a desire to inform change processes, increasingly through pressures to demonstrate policy impact. Practitioners and policymakers are increasingly pushed to work to a results agenda that requires that process, outputs and outcomes be demonstrated as supporting ‘value for money’, including through robust evidence and research.

In practice, there are different modes of research, each bringing different insights. Academic research is a space where more granular engagement with the empirics and theory on justice and security can be pushed to new boundaries. Policy-oriented research, as provided by policy think-tanks, for instance, is able to bridge the world of academia and policy, including translating academic insights into the shorthand that policymakers and practitioners with limited time require.

Emerging recommendations

- We need to acknowledge the merits of different modes of research production for what each offers to policy and practice. This includes academic research, policy-focused research and research by practitioner organisations on the ground at country level.
- Methodological pluralism is important, as is a critical interrogation of who is producing the empirics and how this is used in programming and policy. Notwithstanding the strain on time, practitioners should strive to keep abreast of wider research trends beyond those most effectively networked into policy circles, and donor organisations may need to incentivise and build in time for staff to do so.
- We need to share research findings more widely. Security and justice sector reform programmes have generated much academic and policy-oriented research on country experiences. But this research is often not publically available or easily accessible.
- We need to facilitate access to evidence and research in donor organisations. For instance, the Department for International Development has set up a community of practice that crosses departments and country offices. We also need to make use of expert rosters and help desks where staff/implementers can put questions to experts. The Global Facilitation Network on Security Sector Reform website, formerly hosted at the University of Birmingham, was also useful in collating relevant research.

4.4 Summary and key points for action

- **Draw more on end user perspectives.** The results agenda is important, but current structures, methods and sources of evidence need to be interrogated, and potentially revised, including to better reflect end users' experiences and expectations of justice and security. Results agendas and expected outcomes vary markedly between donors, implementers, and intended beneficiary populations.
- **Be clear on how evidence (and which evidence) can best inform programme design and decisions on priority areas that are relevant to context.** Research and evidence should be used more strategically to identify entry points and relevant modes of engagement, not to showcase policy choices.
- **Consider the type of evidence that is relevant, and the value of different modes of research production.** Methodological and disciplinary pluralism can enrich the knowledge base and understandings of the problems of insecurity and injustice.
- **Accept that different sites and modes of research production bring different value-added** to knowledge on the field and in terms of informing the policy and practice of international actors. This includes acknowledging the merits of academic research, policy-focused research and evidence produced by practitioner groups working in the field and with beneficiary groups.
- **Separate out monitoring and evaluation.** These are different tasks, and once separated they bring different value-added to the life of a programme. The former can contribute to maintaining programmes' flexibility and relevance; the latter can assess the programme against longer-term objectives.
- **Share research findings and facilitate platforms of exchange.** Knowledge and research platforms and networks should be supported and facilitated within donor organisations, but also among the range of relevant actors, including the wider research community (North and South) and beneficiary groups.

5 Process and practice of justice and security programming

Issues regarding the *process and practice* dimensions of security and justice programming range from questions regarding the weight of donors' domestic political environments in shaping programming priorities, to the organisational particularities and capabilities of international donor agencies at both headquarters and country office levels, to the practical challenges of programme design and implementation in country. Donor organisations' operating procedures, career incentives and human resource capabilities, and the domestic political environments in which they are located, condition security and justice programming on the ground.

Many of these questions are of course not unique to security and justice programming, but they need to be considered in relation to the specific consequences for the two sectors. Moreover, while those working on security and justice are becoming much more attuned to the influence of these factors, programming implications remain insufficiently calibrated and taken on board.

5.1 Which political environment counts?

At headquarters level, the domestic political environments in which donor organisations operate go a long way to shaping policy and, to some extent, programming priorities. This raises a question as to *which* political context and agenda is driving programmatic choices – the donor country's agenda or the political conditions and needs of the recipient country?

From a justice and security perspective, this is reflected in two characteristic tensions. First, there is the (unresolved) question of whose security is being prioritised – that of donor country populations or that of citizens in affected FCAS? Second, multiple normative and strategic agendas (set out in Section 3) shape donor discourse and interventions on security and justice. Importantly, in most cases, the political and strategic reasoning behind security and justice work cuts across a range of motivations in the donor country – and these may be in tension with one another. Whatever the underlying purposes of justice and security interventions, such diverse agendas and how they are weighted in practice will shape the direction of programming undertaken in country. More importantly, how prioritisation and sequencing occur cannot be politically neutral.

It is important to acknowledge the multiple political and strategic agendas at play *in donor countries* and *between different donor government agencies* that condition the direction and priorities of security and justice programmes. In Afghanistan, for instance, constantly changing policies on transitional justice, prompted by shifting security and political objectives, have led to incongruous action and recommendations by the international community and, at times, highly contradictory justice and security interventions.

Which political environment is in the driving seat also affects programming funding cycles – and whether these adhere to the budget cycle of the donor or recipient country.

Emerging recommendations

- We need to better connect political/diplomatic work with justice and security programming at country level. This can include encouraging country offices to be clear about programming objectives and how these are reconciled with political objectives at home. This may involve empowering country offices to make decisions about programming.
- Programming can integrate key political milestones and cycles of the recipient country into the design and timeline of activities. This would give more primacy to the political dynamics of country context in decisions about intervention logics. It can also help in better anticipating the prospects and consequences of changing

political conditions on the ground and the impact of this on justice and security interventions.

5.2 Challenging funding environments

The current domestic climate in donor countries is characterised by a tougher funding environment, with at least three direct consequences. First, there are significantly heightened pressures for programmes to demonstrate results in short timeframes and on tighter budgets. Second, human resources are strained through a reduction in staff numbers. This runs counter to the current trend towards recognising the merits of more granular context analysis – including through political economy approaches – that are resource intensive. This is especially relevant in relation to the growing demand to develop closer and more politically informed and strategic connections and networks among the wide range of security and justice actors and mechanisms – including outside the state – which are important for the provision of these services in many FCAS. Third, there is an inevitable tension between what are plausible and realistic results in short- to medium-term programmes and building up the capacity of states and societies to resolve their security and justice needs – processes we know are built over decades (which the 2011 World Development Report recognises).

Emerging recommendations

- Make longer-term political, if not financial, commitments: While long-term financial commitments are difficult, given domestic political cycles, it is both possible and desirable from a results perspective to endeavour to make concrete *political* commitments of engagement for longer time periods. Examples of such commitments include the Netherlands' long-term commitment to support Burundi and the UK's 10-year commitment to Sierra Leone made in 2002.
- Learn from the experience of smaller donors more accustomed to working with fewer resources. This shows the potential value of working through (improved) joint programming and multilateral organisations to pool scarce resources. There is also the need for generally better coordination among the international community. Crucially, the exchange of information, research and lessons learnt remains underdeveloped.

5.3 Country office organisation, capacity and operational procedures

The specific rules, procedures, capabilities and practices of donor organisations in country carry additional constraints, including for programme implementation. A combination of career pathway, skills and expertise and process issues contributes to blockages that inhibit more effective work in the security and justice sectors. For instance, country offices are usually located in capital cities, with limited capacity to engage outside, and are thus at a remove from the areas in which security and justice services are often most in need of support or reform. Further, staff have short stays in country, characteristically of up to three years at most – and often less in FCAS. This means in-depth knowledge of the context or local language is not accumulated or retained, and critical institutional memory – for instance relationships with key local actors, knowledge of previous programming and relevant political events – is lost. This undermines the prospects for retaining country experts with deep knowledge of the context or building sustained relations with the security and justice sectors, and is especially problematic in relation to engagement with non-state or informal actors.

Another key tension is related to the pressure/priority of making progress towards normatively driven goals, such as the 'rule of law' or rights protection, versus the need to adopt more flexible and politically feasible approaches. There can be significant resistance and wariness among donor country staff and implementing organisations about engaging in ways that are seen to be too political or insufficiently aligned with international standards/priorities.

The role of brokering relations and facilitating dialogue is key to building trust with local counterparts and working with continuity towards long-term objectives. Such dialogue is rarely

built or achieved through formal mechanisms of information sharing: it is usually most effective through informal, personal relationships. This again underscores the problematic nature of short staff stays in country, with relationships constantly needing to be rebuilt.

Emerging recommendations

- Ensure that new staff are adequately briefed before arriving in country, in the way senior diplomatic staff often are, and equipped with reading packs of relevant policy and academic research on the country.
- Given the centrality of justice and security provision to peace and statebuilding in FCAS, there are good reasons to encourage the appointment of dedicated specialist staff – including as exceptional measures in times of budget cuts.
- In recruiting staff to work on justice and security, it is important to combine more strategic skills and expertise in job descriptions that include *both* understanding of governance issues *and* sector-specific knowledge. This can help avoid a situation whereby relevant staff either have only general governance knowledge or are only justice and security specialists, who may bring valuable technical knowledge but often lack an understanding of the *politics* of justice and security provision.
- Career and staff incentives can be better connected to results. For instance, performance indicators that support improved awareness of context can be built into staff objectives in order to increase the incentives for investing time in learning. Equally, more direct responsibility for different milestones of the programme life can be integrated into appraisal processes to encourage greater ownership.
- The process and tasks associated with facilitating political engagement and dialogue should be integrated into programming. Programming should be sufficiently flexible to adapt to the changes brought by such processes of dialogue with key actors.
- Strengthen institutional memory in country offices in order to ensure more effective continuity between programme cycles. This can include ensuring staff moves do not coincide with the end of programme cycles.
- Monitoring systems need to connect better across the variety of actors involved in programming, including donors and the implementing agencies that programmes are outsourced to.

5.4 Programming modalities

Donor organisations mostly prefer to disburse money in large programme tranches, rather than small amounts for discrete projects. This can result in a smaller number of large, multiyear programmes in country. This concentrates onus for results on a few key projects and may limit the amount of 'experimental' funding available to support the pilot projects often necessary to determine 'what works' in a given country. This is problematic when it comes to engaging informal or non-state actors, for example, which is useful when there is a functioning local solution to a security and justice problem. While the resources to be disbursed in support of non-state actors may be small, this should not imply that such engagement is not resource intensive, however.

Moreover, donors increasingly outsource implementation of multiyear programmes to third-party implementers – both private consultancy firms and not-for-profit organisations. There are a number of implications of this programming modality for security and justice. First, the use of third-party implementers means that political relationships and representation of donor governments are inevitably outsourced, as substantial authority and responsibility is divested in implementing agencies. Second, there is a risk of lack of institutional memory when implementing organisations change from one programme to the next, which can result in complete staff changeover and entirely new teams of consultants and contractors who, despite best efforts, often end up with a 'clean slate' approach.

Therefore, the incentives, interests and *modus operandi* of implementing agencies must also be taken into account when considering relevance, sustainability and effectiveness of

programmes – particularly as to whether they are for-profit or not-for-profit and the nature of their presence in country. The prevalence of third-party implementers means it is not just donors who must learn to do things differently but also implementers, and that donors need to be up to speed on how they operate and how to work more effectively with them.

Emerging recommendations

- To counterbalance the logic of large programmes, there are good reasons to use pilot programmes. These allow donors to undertake more risk and to try out new modes of engagement. It is important to create systems that enable suitable pilot projects to be scaled up. However, crucially, there should also be mechanisms to identify when a pilot's effectiveness relates to very particular community needs and conditions meaning transferability or scale-up may not be suitable.
- It is important to put in place 'connecting' mechanisms to ensure that transitions from programme to programme do not lose institutional memory or local knowledge. This is especially so when there is a change of implementing organisation. In the case of a change in implementing partner, key staff from the old partner should stay on for the inception phase of the new partner programme.
- Longer inception phases could help improve programme design, enable the conduct of proper baselines and ensure handover from previous programmes.
- It is insufficient for country staff to be merely more politically savvy. This needs to be integrated better in the ways implementing organisations operate in country.
- It is important to distinguish between different forms of 'outsourcing' and implementing organisations, as their modes of engagement with end users and beneficiary groups are likely to be very different, as are their interests and incentive structures.
- Implementing agencies must be as up to date on 'best practice' as donors, given that they are often working on security and justice programmes on the ground.

5.5 Summary and key points for action

- **Better understand the political economy of donor organisations.** This is relevant to capturing the organisational constraints that condition the translation of policy into practice, with specific consequences for programme design, structure and orientation. A political economy analysis of donor organisations would also allow for an understanding of what donor limits are, fixed realities that need to be worked around and where there is more flexibility for changing procedures.
- **Better integrate political/diplomatic work with programming cycles to ensure better alignment between the political and the technical.** The security and justice sectors are at the hard edge of development work. They are the space where basic issues of life, violent threat and safety are determined and the site for resolving disputes and conflict over access to power, resources and livelihoods, as well as accountability for violent conduct. Failure to engage effectively with the political arena is therefore especially perilous from a 'do no harm' perspective.
- **Build up the capabilities of country office staff to work more strategically in navigating the political dynamics of security and justice work.** This requires achieving the correct balance in country teams between sector specialism, country expertise and politically nuanced governance work that is rooted in awareness of political context, developing and sustaining relationships with relevant networks and identifying opportunities for effective action. Country offices must also be equipped with the necessary mandate to operate flexibly and in keeping with changing conflict-related, political and social conditions and needs at national and sub-national level.
- **Improve the 'connectedness' between different programming and implementing processes and actors.** This includes ensuring better coordination and engagement among donors operating within a country; within donor country government offices (whole of government principles); between country offices and implementing agencies (whether large consultancy firms or not-for profit international and national organisations); and between country office and key political constituencies (government and other relevant stakeholders, including civil society organisations, beneficiaries and local service providers).

6 Final comments

The Expert Meeting provided an opportunity for a cross-section of those working in the security and justice fields to reflect on some of the bigger questions relevant to their work, which are often subsumed by the pressures of programming or policy and research outputs. Using this space for reflection revealed significant consensus on some key issues, as set out in this report, that require further thinking in order to improve security and justice outcomes. These related primarily to organisational features of donors and their implementation processes, the politics of research and evidence and content issues of security and justice work.

On all three fronts the policy debate has moved on, as the centrality of justice and security provision is recognised in international endeavours to support statebuilding processes. The challenges of translating this more nuanced political reading of the role of these sectors in such processes in programming remain important. But the meeting also showed there are also some interesting efforts underway among international development actors regarding how things might be done differently organisationally, in the design and implementation of programming.

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