



Beyond the Status Quo: Ten Key Changes to Improve Security & Justice Programming

Summary Report



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Introduction

Are security and justice (S&J) programs in fragile and conflict-affected countries (FCAS) fit for purpose? Existing literature suggests this is largely not the case and that this is well known amongst the international policy and practitioner community.¹ So, why is this awareness not leading to improvement of the international community's current approaches to programming? And what would it take to make some of the necessary changes?

These questions formed the core of Interactive Brainstorm #4, entitled 'From understanding to promoting change: making better security and justice programming happen', convened by the Knowledge Platform Security & Rule of Law on 10 May 2016 in The Hague. Over 25 experts representing various donor organizations, think tanks and NGOs shared their experiences and reflected on three reasons why such change is not happening:²

- The strong domestic focus on donor accountability prevents a more diverse and flexible interpretation of programming results from developing;
- Staff skillsets amongst many international development organizations are currently inadequate for good S&J programming;
- The procedures, habits and paradigms of large donor bureaucracies create inertia that inhibits innovation in programming approaches.

To grapple with these challenges, the meeting featured five sessions held under the Chatham House rule. This report selectively captures key improvement points of each session, the implementation of which can strengthen S&J programming. Hence, the report does not pretend to faithfully capture all the discussion that took place, but focuses on those parts

¹ Part of the wealth of evidence available on the issues discussed during the event can be found in the reading guide that the secretariat put together for the event:

<http://www.clingendael.nl/event/making-better-security-and-justice-programming-happen>

² Participants mostly came from governments including The Netherlands Foreign and Development Ministry, the Danish Stabilization Unit, the United States Department of State, the Folke Bernadotte Academy; NGOs including PAX, Oxfam Novib, Cordaid; multilaterals organizations including the Organization for Economic Cooperation and Development, International Development Law Organization; and think tanks such as the Overseas Development Institute, the Asia Foundation and the Conflict Research Unit of the Clingendael Institute.

that suggested what can be improved in current programming. In this way, it aims to stimulate further discussion and the Platform will organize a series of future lunch meetings to use the momentum that the event generated. They will serve to explore some of the issues raised in greater detail.

TAKE 1 | Problematic characteristics of security and justice programming persist

“Haiti has seen over a decade of efforts on justice and security development but there are so few results to point to. There is no sense of progress. This feeling is not unique to Haiti, but it does make you wonder what’s going on with how the international community engages.”

This comment at the event points to the impression that the international community may have increased its understanding of the complexities that define fragile and conflict-affected environments, but not necessarily its ability to navigate them. Programs are a key tool to navigate and influence such environments, but they are often normative in nature and deploy a limited suite of relatively standardized activities that are strongly directed by domestic donor politics, are undertaken in too much isolation from broader strategies and other programs, or could be better grounded in a detailed understanding of existing power relations or interests. Such factors reduce their chance of achieving a measure of success.

Much programming is characterized by normative and standardized approaches: Current S&J programs tend to pull from pre-existing and limited menus of activities that are applied in a standardized manner. For example, much work in the justice area continues to focus on activities like setting up legal aid to enhance access to justice or training judges to increase the quality of judgments, rather than reconsidering how colonial and customary elements of pluralistic legal orders can be reconciled or innovated towards locally grounded legal systems that are 21st century ‘proof’. In addition, the translation of normative ideas into organizational concepts, such as security sector reform, have generated limited traction, in part because conflict-affected societies do not necessarily share donors’ normative discourses, or focus on extracting financial resources in exchange for cosmetic adaptations.

... that are directed by domestic donor politics: Contrary to recurrent statements about partnership and ownership, much S&J programming continues to be directed by domestic donor politics. For example, despite the existence of a Memorandum signed by six ministers to guide a joint Security Sector Development program in Burundi, the program was paused immediately in the wake of a Burundese crackdown on civil protests without (much) consultation with Burundian partners. Such actions are in part triggered by (expected) domestic parliamentary pressure or by the financial dependencies that underlie most S&J programs. Finally, the tension between statecraft and development as alternative guiding principles for S&J programming - expressed in the choice of whose priorities are served - is permanent and influences design as well as implementation. Its consequences for the level of ‘ownership’ and local prioritization should be faced more fully.

... undertaken in too much isolation: Programs continue to be undertaken in too much isolation, both within the S&J field and with respect to how they are connected with broader development efforts. This can lead to technical approaches of which it is not clear how they fit with the complex nature of statebuilding. S&J interventions are ideally developed from an international strategy that contributes to a domestic process of peacebuilding and statebuilding, or, as may be the case, its internationally-enforced version when a

peacekeeping mission is in place. However, a lack of human resources to act strategically, as well as the unwillingness to coordinate activities, often prevent donors from doing so.

... and implemented without a good grasp of local political relations and interests: The politics of rule of law development remain poorly understood. Programming designs continue to assume that (political) realities can be addressed via 'engineering efforts'. The political economy of opportunities and blockages at different points in S&J programs need to be more seriously studied to arrive at a meaningful understanding and clear choices with respect to what is possible. For example, a program by definition privileges certain partners over others, usually on a normative basis and generally prioritizing representatives of the formal state - but do we know whether they are the right partners for change?

TAKE 2 | The strong domestic focus on donor accountability prevents a more diverse and flexible interpretation of results from developing

There is an urgent need to explore how the concept of accountability can be broadened beyond donor requirements and be measured beyond what is tangible. However, development funding is increasingly used in pursuit of national interests, subject to results-based management frameworks and focused on quantifiable, short-term gains. Against such a backdrop, what concrete accountability improvements can be considered that are still feasible from a domestic donor perspective?

- 1 Enable greater decentralization of programming** design, funding and implementation choices to field-level offices, such as embassies. It is here where the best estimates can be generated of what programming approaches and aims are most feasible. Such authority should come with greater accountability and greater reliance on field-level assessments in political debates in donor countries - on the conditions that competent staff can be put in place with the right skillsets (see take 3 below);
- 2 Push for longer-term programming** as the standard. The World Bank has convincingly quantified that change processes in the S&J area are amongst the most time-consuming development activities. Yet, the international development community continues to attempt to squeeze programs into 3-4 year timeframes. Longer-term S&J programming is urgently needed (8-10 years). While it is not realistic to commit financially for such a period of time, there are no rules or regulations that stop larger programs from benefiting from a political commitment for this length of time. Longer engagement would, however, require greater clarity on the principles for cooperation so that a framework is in place for dealing with episodes of reversal or problematic events. These are bound to occur.
- 3 Construct how social change happens instead of focusing on immediate results.** In other words, track change processes instead of causal chains that end with outcome indicators. Counting 'successes' rather than understanding change guides much of current programming efforts. Yet, the resulting outputs and outcomes tell us little about what change is happening and how it unfolds. Outcome harvesting or story telling offer

alternative methods that still enable a hard-nosed conversation on the effects that taxpayers' money is having and whether it is well spent. Outcome harvesting helps understand how outcomes are reached and which local stakeholders or coalitions play a role, in an effort to understand the direction of change and the evolution of change agents. Storytelling focuses on collecting different perspectives on events, periods of time and developments with the aim to understand what is changing, and for whom, as the result of an intervention.

- 4 **Institutionalize learning processes** to enable ongoing program development and adjustment. At the moment, organizational cultures, contractual arrangements and decision-making structures tend to constitute obstacles to learning. Existing reporting for accountability purposes goes directly towards headquarters, is entirely focused on the fact that the funder needs to know that programs are doing well, and has little bearing on future decision-making within the programs themselves. A process like 'strategy testing' is one option to improve this situation. It amounts to program teams developing a theory of change, which is regarded as their collective best guess as to how a particular program can stimulate a particular type of change at a particular moment in time. The program subsequently commences for, say, 3-4 months, after which a strategy testing session takes place that enables (and demands) conscious reflection on what has been happening and what assumptions or activities, need revisiting. Importantly, program changes that are subsequently made, are documented.

TAKE 3 | Staff skillsets amongst many international development organizations are currently inadequate for good S&J programming

S&J programs need to be flexible and adaptive because they aim to influence complex social change processes. This requires staffing such programs on the basis of corresponding skillsets. This, in turn, demands a combination of organizational attention to leadership, deploying the right mix of roles for program implementation and paying attention to particular personal attributes that program staff should have.

- 5 **Stimulate organizational incentives for good leadership:** Leaders in charge of a program ought to make it clear that critical reflection is important and create adequate incentives to reward learning and to develop corresponding skills. Such leaders include senior decision-makers that act as program sponsors, heads of mission that play a key role in monitoring program progress and program managers that are responsible for program strategy as well as day-to-day activities. However, incentives for such leadership are often not in place as leadership priorities tend to rather include ensuring an adequate disbursement rate, a low level of political risk and good host country / donor relations (which may block efforts at experimentation, for example to build a broad stakeholder coalition around a program).
- 6 **Deploy the right mix of roles to execute programs.** Effective program management teams in the wider sense arguably combine four types of roles: team leaders, generalists, experts and program managers. Team leaders are motivators and

coordinators with networking capacities, the ability to create a learning environment, to recognize what a team can or cannot do, and know when to call on external expertise as necessary. Generalists are smart professionals with a broad background who, as a result, easily take on varied tasks and positions. In contrast, experts follow a more dedicated career path with greater functional specialization. Nevertheless, they also require political sensitivity and change management competences. Program managers are both part-time specialists and possess the managerial skills to design and implement programs.

- 7 Focus on personality traits and skills because they matter.** Emerging evidence suggests that a number of personality traits / skills are conducive to working in the complex and fluid environments in which much S&J programming work takes place. These include an entrepreneurial attitude, networking and relationship-building skills, a natural curiosity, an interest in local politics, good analytical skills, and humility. In addition, cultural sensitivity, openness, honesty, as well as listening, negotiation and diplomatic skills are important. In general, such personality traits and skills have so far been underemphasized in the recruitment of program staff (at least, compared with more formal job requirements such as professional experience or educational achievement).

TAKE 4 | The procedures, habits and paradigms of large donor bureaucracies create inertia that prevents programmatic innovation from emerging

While procedures and rules exist for good reason, such as transparency, predictability and ease of organization, they can also be unresponsive in the face of policy or programming failure. Many bright professionals have developed relevant ideas for improving S&J programming, but most do not travel far in bureaucratic systems that are not used to supporting flexible and adaptive approaches. What hurdles persist and in which instances do bureaucracies innovate or “overcome” rigid barriers? Three key points were raised pertaining to donor political incentives, the centralized nature of much S&J funding and a lack of learning.

- 8 Develop positive political incentives for risk-taking:** It often appears as if minimization of risk and a focus on risk management is the key incentive in many bureaucracies to approve, design or implement S&J programming. While a necessary part of program management, S&J programs are inherently risky endeavors - and will remain so. When risk management becomes the priority, the possibility of long-term programs is reduced as risk-averse approaches lead to short-term thinking and action. In consequence, a much stronger narrative needs to be developed about the merits of risk-taking from, for example, a conflict prevention or positive stabilization perspective that can withstand the test of domestic donor debates.
- 9 Decentralize S&J funding:** The centralized nature of much S&J funding constitutes another obstacle to flexibility and innovative thinking because the physical distance between funds and programs prioritizes bureaucratic criteria for program monitoring and management over contextual ones. A solution could be to the further decentralization of

S&J funding to the level of missions or embassies. Such an approach is perceived to have yielded positive results in the Burundian-Dutch Security Sector Development program, for example, where the permanent involvement of the embassy in program evolution, implementation and monitoring not only created space for experimentation but also enhanced the diplomatic strategy supporting the program.

- 10 Create deliberate programmatic space for learning from failure.** The current climate of limited financial resources and enhanced focus on accountability means that sponsors of S&J programs often push for unrealistic results and stringently monitor program progress on output indicators - despite remaining at arm's length from actual implementation. This approach reduces the possibilities for frank conversations between sponsor and implementer, and discourages the exchange of lessons because such openness might be seen to carry the risk of financial penalties. Paradoxically, the greater push for results might lead to less meaningful results. What might work here is for programs to include built-in incentives for learning from failure, such as the allocation of a percentage of program funds to a 're-orientation' budget line that can help redesign or re-start activities as a result of the inevitable failure that will result from working on such a complex and sensitive subject matter.

TAKE 5 | Wrap up

S&J programming in fragile and conflict-affected settings is a particularly sensitive undertaking because the institutions typically involved in such programs have a direct bearing on power relations and the ability to exercise violence to enforce or alter political interests. This characteristic simultaneously calls for enhanced risk taking and stronger accountability. Poorly designed or implemented programs are likely to have adverse effects on the lives of people living in volatile environments and this should have consequences for the careers of those that run such programs.

If the international community truly wants S&J programs that have a greater chance of success, this brief offers some important, feasible and relatively straightforward pointers to start working on. Yet, does the international community really want S&J programs to be successful? Given the amount of existing knowledge about why existing approaches do not work and how they can be improved, this awkward question must be asked. For example, do current approaches and frameworks for monitoring and evaluation purposes perhaps create and maintain a delusional reality about the sort of change and type of results that are feasible, which happen to be a comfortable fiction for donor organizations to live by?

To improve this state of affairs, the ability of many organizations and programs to learn from failure, document the resulting lessons and to reward staff engaged in such activities, should be augmented. To avoid taking the path of least resistance that existing accountability systems risk encouraging, the key leadership question might be whether sufficient investments are made in - often uncomfortable - learning experiences.



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