Report

Security and justice reform: overhauling and tinkering with current programming approaches

Security and justice workshop report

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Key messages

- The political economy of donors, their organisational features and the nature of procurement, design, implementation, monitoring and evaluation fundamentally shape the direction of security and justice programming.

- The increasing use of outsourcing as a model for security and justice programming, and the decision-making processes and lines of accountability that stem from this, leads to incentives and ways of working that risk undermining programme relevance and responsiveness to intended beneficiary needs.

- While fundamentally questioning the overall approach to programming is important, so too is finding ways of adapting the dominant approach to improve security and justice outcomes.

Acknowledgements

Table of contents

1 Introduction

On 23 January 2014, the Overseas Development Institute (ODI) hosted a one-day workshop, 'From policy to programme implementation: Examining the political economy of security and justice reform', following on from an ODI Expert Meeting in November 2012 (see Domingo and Denney, 2012). This workshop drew together 40 representatives from the UK Department for International Development (DFID) headquarters and DFID Procurement, the Stabilisation Unit and implementing agencies, as well as consultants and researchers. In addition, DFID country offices and on-going security and justice reform (SJR) programmes from three countries – Bangladesh, Ethiopia and Sierra Leone – were represented. The aim was to gain a better understanding of the impacts of the political pressures, incentives and decision-making processes of the different organisations and actors involved in SJR programming on the ground; and how lessons can be learnt from past experience and across organisational levels. Participants also completed an online questionnaire (with a response rate of 37.5%).[1]

This report brings together some of the key points of discussion from the workshop and from the anonymous responses to the workshop questionnaire with on-going thinking in ODI in relation to the political economy of security and justice programming. While the scope of the workshop was focused broadly on SJR, discussions centred on DFID in particular given the background of the participants in the room. As a result, this report necessarily focuses on DFID, although its insights and ideas are relevant to other donors and funders working on SJR.

The 'political economy' of how donors work – whether in security, justice or other sectors – has increasingly become a topic of debate. On the one hand, the importance of programming tailored to context specificity, and working through 'problem-driven, iterative and adaptive' approaches, has acquired greater prominence in development circles. Such programming is seen as desirable to ensure greater local ownership and relevance in internationally supported processes of institutional reform (Andrews, 2013; Andrews et al., 2013; World Bank, 2011). On the other hand, questions remain about whether donor organisations have what it takes to change their models of programming to such approaches. This is a question for institutional and governance reforms generally – and no less so for the security and justice sectors. It is now well established that SJR should not be about large-scale social engineering or transplanting Western models of how security and justice should operate. Rather, there is greater recognition of the need to support locally led reform processes (with all the challenges of *who* is leading these reforms and *for whose interests*). If this is the case, then donor models of SJR must be fit for this purpose, in terms of how programmes are designed, procured, implemented, monitored and evaluated.

The report is structured as follows. Section 2 sets out the dominant DFID approach to security and justice programming. Section 3 fundamentally questions this approach to programming, with the intention of highlighting that this is not a natural or inevitable result but one based on organisational decisions and incentives that are changeable. However, in recognition of the fact that this model is, for better or for worse, the reality that currently confronts us, Section 4 details what we might do to improve on the current approach. This section focuses on what can be done to make the current approach to programming more effective, rather than seeking to overhaul the approach altogether. Some of the key areas put forward suggest a rethink of the purpose(s) of SJR; the nature of local ownership; the types of skillsets needed; procurement processes; outsourcing and relationships between donors and implementers; approaches to logframes; monitoring and evaluation (M&E); and institutional learning and memory. Section 5 concludes with some final reflections.

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[1] Sixteen respondents completed the questionnaire, including six donor personnel (from headquarters and country offices); six consultants (working in headquarters and in country); and four researchers/academics.

2 What does the current 'approach' look like?

Security and justice programming has evolved in recent years and has been shaped by changes in the enabling environment of its funders as much as by changing realities on the ground, as well as shifts in the analytical thinking underpinning its objectives. This section looks briefly at changes in the context in donor/funder countries, taking the UK as an example. It then looks at some of the implications for current programming, specifically in terms of the shift towards outsourcing, the rise of private sector implementers and what this means for delivery.

2.1 Changing political economy of donors

Approaches to security and justice programming are shaped at least as much by the aid environment in which they are embedded, the prevailing political context and the organisational features of donor agencies as it is by what we know about what good security and justice work is considered to entail. In the UK context, for example, despite recent political change, the government has continued to ring-fence aid spending and has remained committed to continuing increases in the aid budget to reach 0.7% of gross national income (GNI). An emphasis on fragile states has also emerged among a number of Western donors, including the UK. This has led to a much greater concentration of aid spending in fragile settings. For instance, 21 of DFID's 29 country offices operate in fragile contexts. Given increasing recognition of the importance of security and justice in fragile and conflict-affected states (see World Bank, 2011), programming in this sector has been an important feature of DFID's engagements.

At the same time, broader austerity measures introduced in the UK to curb the financial crisis have meant scrutiny of the aid budget has amplified, with a much stronger focus on results, transparency and value for money. As part of efforts to focus aid spending on 'results' and trim wastefulness, a number of internal changes have been made within DFID, including the introduction of 'business cases' as part of the process of programme approval, and a reduction in administrative costs. Business cases were introduced in 2011 as a way to encourage greater focus on evidence and rigour in programme planning. This is to occur by making DFID country offices or implementers, depending on who is designing the intervention, reflect on the rationale of the intervention and consider the strategic, appraisal, commercial, financial and management cases involved (DFID, 2011)[2] – although, in practice, and as discussed later in this paper, what counts as 'evidence' and the extent to which the evidence base leads programmes is still questionable. Moreover, while the rationale for business cases seems sound, the ways in which they have been operationalised risks some unintended consequences: the onus on the need to make a 'case' for spending has translated into lower tolerance for risk; a heavier focus on planning and design rather than implementation; and limited room for innovation or adaptation to respond to country context realities and end user needs.

2.2 Trends towards greater outsourcing

A second, related, point is that administrative costs within DFID have reduced considerably since 2010, with a push for those working in aid to 'do more with less'. With such a disparity between an increasing budget and fewer numbers of staff to spend it, outsourcing has increased as a way of disbursing large sums of money and delegating implementation (Hendrickson and Hiscock, 2012). While DFID has relied on outsourcing since its establishment in 1997, this has increased more recently.

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[2] Business cases were also introduced across Whitehall more broadly, to streamline and standardise procurement processes.

This general trend towards greater outsourcing has not been accompanied by a review of what sorts of functions should be outsourced versus what needs to be kept in-house, or of the implications for donor–implementer relationships. A greater reliance on outsourcing means DFID staff are less directly involved in programme implementation and play more of a management and oversight role. DFID governance advisors in country offices, for instance, have a wide portfolio of programmes to manage, and rarely are security and justice experts. These issues have implications for the kinds of skills required within DFID. As with much of the rest of the UK civil service, DFID has high levels of staff turnover, particularly in challenging fragile state contexts. Combined with short stays in country (advisors typically stay two to three years in post), this creates challenges in terms of maintaining institutional memory, and means advisors are unlikely to see through a whole programming cycle (from business case to implementation to closure). Moreover, DFID's programming, posting and UK political cycles – like those of most donors – are not synchronised, creating additional challenges for ensuring staff continuity throughout programmes and complicating the management of outsourced programmes and donor–implementer relationships.

2.3 The growth of private sector suppliers and consortia

A reliance on outsourcing also makes procurement processes significantly more important, as these have a critical impact on the shape of programming. Outsourcing involves a variety of implementers – including multilateral organisations, non-governmental organisations (NGOs) and the private sector. While exact figures for levels of overall funding for security and justice programming, as well as on the division of this funding between different implementers, are not readily available, indications are available from DFID Procurement and the Stabilisation Unit.

Across its portfolio, DFID carries out extensive programming through multilateral organisations, accounting for approximately 74% of programme funding overall. Only about 10% of DFID spending (£700 million) is outsourced to consultants. But the degree of outsourcing, and the reliance on consultants, increases dramatically in security and justice programming, with outsourcing (primarily to the private sector but also to some NGOs) accounting for 75% of security and justice spending and two-thirds of programmes being implemented (Hendrickson and Hiscock, 2012). It seems particularly surprising that such high levels of outsourcing exist in sectors as highly political and complex as security and justice.

Moreover, security and justice programmes tend to be high-value, multi-year initiatives, involving significant pre-financing. The requirements of implementing such programmes means it is primarily large, private sector consultancies that lead and win bid processes (Hendrickson and Hiscock, 2012). For instance, because funding is disbursed retrospectively, in tranches, implementing partners must have large amounts of money at their disposal to pay for project implementation upfront. These procurement requirements can limit the engagement of not-for-profit organisations and small and medium enterprises, to say nothing of local organisations. The private sector certainly draws on a broader pool of independent consultants, and partners with NGOs, local organisations and research institutes to draw in this expertise (Martin and Wilson, 2010), but it is essentially one of a number of large consultancies that inevitably end up implementing programmes. Workshop questionnaire responses supported this, indicating that procurement processes were perceived as overwhelmingly favouring a small set of large, private sector consulting firms. These firms appear to have strong programme and financial management capacity, and the ability to contract in a range of technical experts. However, as some questionnaire responses indicated, they can sometimes be seen as being risk averse rather than innovative, as bureaucratic rather than agile, as emphasising technical over political approaches and as motivated by profit, which can skew programming incentives in important ways. Of course, it should be noted that all suppliers profit, to some degree, from winning tenders to implement SJR programmes, but a stronger emphasis is placed on profit and corporate competition in for-profit organisations, particularly when there are accountabilities to shareholders. While it is often assumed the private sector offers better value for money than alternative suppliers, there is a paucity of publicly available data to assess this, and such claims need to be interrogated.

Two features of procurement exacerbate this trend towards favouring the large consultancies. The first is the 'pre-qualification' process that those wanting to tender for DFID business must complete – in which they are assessed for their fitness to tender in relation to technical capability, experience and financial standing. Such requirements are clearly important in ensuring DFID gets suitably qualified and viable implementing partners.

However, this process also raises questions about the extent to which procurement requirements act to limit the field of possible competitors to a relatively predictable cadre, and whether or not this is a problem.

Second, the Governance and Security Framework, under which much security and justice programming work falls, introduced by DFID in 2012 to streamline the number of bids for tender, has inadvertently exacerbated the strong tilting of security and justice programming towards private sector firms. Under this framework, organisations interested in participating in DFID's security and justice programmes enter into consortiums.[3] Essentially, this means that, rather than, say, 100 organisations bidding for a given project, organisations form into groups with just one bid coming from each, reducing the overall number of bids. Most consortia are led by large private sector consulting firms, given that they are the primary organisations satisfying the aforementioned procurement rules and large enough to undertake the multi-year, high-value programmes being tendered. Consortium leads are responsible for assessing applications from partners within their consortium and deciding which to put forward as the consortium-wide bid. This approach can be useful for pooling expertise, and streamlining applications for procurement processes, but has also restricted the ability of some organisations across consortia to work together. Workshop questionnaire responses from individual consultants, smaller organisations, NGOs and researchers indicated that these constituencies felt larger firms often limited and mediated their ability to contribute to security and justice programming. Under the current Governance and Security Framework, flexibility in involvement in bids is inhibited by the use of exclusivity agreements, which limit the ability of individuals or organisations to be involved with more than one bid. While DFID discourages such agreements, they are commonly used both formally and informally – in the latter case by requiring that individuals or organisations obtain permission from the consortium lead to work with competitors. As a result, the framework can hinder flexible development of the best possible teams for SJR implementation in particular contexts.

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[3] It should be noted that other DFID frameworks – such as the Fragile and Conflict-affected States Framework – do not encourage the consortium approach that dominates the Governance and Security Framework. DFID will be undertaking a review of these frameworks in the coming year, and it will be important to consider which approach to procurement has enabled the best teams to emerge for effective programming.

3 Questioning the overall model

Is the dominant approach to security and justice programming set out above the best possible configuration for achieving improved security and justice outcomes in the countries hosting reform programmes? Only one-quarter of workshop questionnaire respondents felt current ways of implementing security and justice programmes supported the overall aim of programming; the remaining three-quarters were divided between those who felt current programming approaches supported the overall aim only partially and those who felt they did not support the aim. No respondents felt current procurement systems resulted in the best possible teams being selected to implement programmes. While of course not statistically significant, these insights suggest a lack of confidence in current approaches to security and justice programming among experts, and a need to reflect broadly on what organisational changes DFID and others would need to undertake to fundamentally enhance the effectiveness – and relevance – of their programming.

While extensive organisational change may seem like unrealistic blue-sky thinking, it is important to step back and recognise that current approaches to programming are not simply the natural outcome of exogenous factors, but rather reflect political decisions and incentive structures that could be more effectively interrogated and changed within donor organisations. Changing them may be bureaucratically and politically difficult and long-term, but it is a disservice to better security and justice outcomes – and indeed to other intended development outcomes – to accept as immutable the confines of our current ways of operating.

Change can be achieved in phases. In the short term, there is scope to make incremental reform to current dominant models by 'tinkering', as noted in the workshop. However, this should not preclude also engaging in the longer-term process of more fundamentally rethinking and reorganising our ways of working. Key questions to be asked include what evidence base informs current ways of working and whether an evaluation of this has been conducted to determine the optimal approach for generating results. Ultimately, it is the outcome of improved security and justice that should drive our ways of working, and not our ways of working that should limit what is possible in terms of SJR efforts.

4 'Tinkering with the model': how to make current programming more effective?

The overwhelming sense from discussions at the ODI workshop was that, while problems are recognised with the overall approach to security and justice programming, fundamental change is a long-term challenge and faces much larger obstacles in the current aid environment and political economy realities of donors' organisational and bureaucratic constraints. Therefore, the most pressing issue is what can be done around the edges of current approaches to improve them. This section speaks to this across a number of key issues that shape programming – from the overall purpose of security and justice, to procurement processes, skillsets, outsourcing relationships between DFID and implementers, local ownership, logframes, M&E and institutional memory.

4.1 Purpose of security and justice programming

At its heart, there is wide-ranging variation, and sometimes fundamental disagreement, about why security and justice programming is undertaken. This can vary across parts of government. In the UK, this means across the Foreign and Commonwealth Office, DFID, the Ministry of Defence and the Stabilisation Unit. It also varies within the security and justice development community itself. And, crucially, what is seen as important for SJR varies also *within* recipient countries, and between these countries' and donor countries' political and strategic interests. Interestingly, the workshop questionnaire confirmed how wide-ranging views are – even within an expert community – about what security and justice should be about. Identified purposes ranged from contributing to 'development', at the broadest level, to supporting 'the emergence of a stable polity', to 'making the security and justice sectors more accountable', to 'improving security' and promoting 'freedom from fear'. DFID's Rule of Law Policy Approach (2013) also notes the diversity of ends that rule of law programming can achieve, including economic growth and investment, security, accountability and justice and equality and social justice.

The diversity of objectives is inevitable given, first, the sheer breadth of what is commonly encapsulated within security and justice programming. The security sector reform agenda has widened, paying greater attention to issues of justice, but 'has not grown in depth, in coherence and in clarity of objectives' (Brzoska, 2003: 33). On the justice and rule of law side, a number of commentators have reiterated the incongruence of agendas and objectives that have characterised donor policy and practice (see Carothers, 2006; Domingo and Sieder, 1999; Faúndez, 2005). A myriad of purposes of interventions feature in SJR narratives internationally – often in tension with each other. These include objectives related to economic development; human rights protection; improving judicial accountability and the rule of law in support of democratisation; stabilising precarious peace agreements; normalising and policing law enforcement and criminal justice; provision of human security; and the national and economic security interests of donor countries. Such diversity of objectives means that arriving at a single, coherent organising purpose of security and justice programming is near impossible.

Added to this are the incentives of the implementers themselves – in particular the question of who they regard as their 'client'. For commercial suppliers, it is clear the client is the funding donor. For NGO suppliers the position is less clear, with beneficiaries more likely to be seen as the client (although this language is not used). As a result, it is immensely difficult for all involved to discern the ultimate purpose: for implementing agencies, the priority is to discern the policy preferences of their donor client, meaning country-level or end user needs

might not be sufficiently prioritised. Team leaders of security and justice programmes must negotiate and balance between the various, and at times competing, objectives at headquarter level and objectives articulated at country level. DFID country offices also face the challenge of managing potentially competing incentives of implementers and ensuring this does not skew their own vision of programme goals. Ultimately, it is not possible to agree on one coherent purpose, even within a single programme – and the diversity of aims highlights the multifaceted nature of security and justice itself. It is the process of discussing these different purposes that is important.

While diversity of objectives means arriving at a single, coherent organising purpose of SJR is impossible, clarity of purpose behind programming is important at the country level, not least because it determines what successful SJR might look like. That is, when judging effectiveness, programming will be 'effective' (or not) according to multiple interpretations. It is clear that programmes still operate in an environment dominated by unrealistic expectations about what can be achieved in security and justice programming. Often this is stated in relation to fragile and conflict-affected contexts in particular, but it is also true of stronger state contexts – where the influence of external programming is likely to be significantly more diluted.

Programming continues to be criticised for being top-down and exogenously driven. This runs counter to the growing consensus on the need to work with context, including identifying the concrete security and justice problems, which should be the basis on which programming objectives are articulated. What needs changing and what the objectives of security and justice should be are issues that need to be identified and agreed by the relevant local stakeholders in each context in specific ways and in response to the concrete political economy realities at the country level. In doing so, the unsurprising consensus from the workshop was that local ownership and security and justice needs, as identified by 'end users' in recipient countries, should guide programming purpose and priorities.

4.2 Local ownership

Donor best practice principles, such as the Paris Declaration, the Accra Agenda for Action and the New Deal for Engagement in Fragile States, emphasise the importance of local ownership to ensure sustainability of reform efforts beyond donor support. Yet what precisely local ownership is and how it is negotiated remains varied. Discussions at the workshop centred on the need to build 'buy-in' and ownership of *donor programmes* – rather than of country-led reform processes. This reflects the current structure of the vast majority of SJR programmes, which are focused on providing funding through large-scale supplier-implemented programmes, rather than through mechanisms more closely aligned with partner countries' own policymaking, planning and resource allocation processes (Manuel et al., 2012).

Often, local ownership is translated as 'buy-in' – that is, local stakeholders supporting reform processes or the activities of a donor programme. Yet this is not the same as ownership, which suggests a much higher degree of engagement with local stakeholders. Whereas buy-in may be attained by sharing plans, once they have been designed, for local approval at the government level, ownership is attained by engaging with a broad range of local stakeholders much earlier in the process so they are involved in designing the plans themselves. This is not an unfamiliar problem in development work more broadly, and the security and justice community could learn from these wider experiences in developing jointly owned plans. One way to bolster genuine ownership is to involve local counterparts in the selection of the winning bid in some way. Some DFID programmes have utilised this approach by including a partner government representative on a steering committee that has a casting vote on procurement outcomes. While this may be fraught with procedural difficulties, gaining their insights and operationalising the idea that it is the country itself that is in the driving seat could assist in building real ownership and a stronger relationship between implementers and local counterparts from the outset. Of course, who within the partner country gets included is also crucial in determining whose ownership is secured, with implications for how programming is legitimated among stakeholders beyond the government.

This raises the potentially problematic – and deeply political – question of whose ownership is being sought. Most frequently, the answer is the government and key counterparts in the relevant line ministries and institutions to be reformed, which in the security and justice sectors involves a wide range of government agencies – including the police, prisons, the judiciary and key oversight functions. There is often a lack of coordination across these agencies, competition for scarce resources and a policy lacuna, making it difficult to

ascertain whether ownership exists, and, if it does, whose ownership and to what extent. Beyond partner governments, if reforms are ultimately to benefit citizen security and justice, then citizens too must have a sense of owning the programme. This might involve drawing on local organisations' experience and knowledge to enhance the evidence base informing programme design.

There are multiple challenges here. First, what happens when what stakeholders want goes against either what is known (on the basis of reliable evidence) about what good security and justice programming entails or normative preferences outlined in donor countries' policy commitments? Or, what happens when what the recipient government wants goes against what citizens want? Negotiating the various layers of ownership – from the donor/funder to the local government and security and justice counterparts to the citizens who ultimately derive security and justice (or insecurity and injustice) – is an on-going process that cannot be 'ticked off' in the early stages of programming as a finished task. Rather, negotiating ownership continues throughout the life of the project and must balance competing demands on a daily basis.

In addition, ownership changes over time as a result of shifting political realities. This is especially problematic when design and implementation phases of programming are separated out, with a potentially lengthy time lapse in between. In this time, local conditions evolve, incentives may shift and key personalities within government and other stakeholders may change. This poses challenges for maintaining local ownership (where it has been achieved) across the life of a programme cycle. This may be a space where the donor country office can play a stronger role in terms of maintaining a watching brief on how attitudes towards a new SJR programme develop (although high levels of staff turnover and short stints in country may mean this is not a straightforward solution).

Ensuring local ownership requires on-going political engagement at multiple levels with different stakeholders in state and society, and calibration by donor agencies on what is politically plausible and normatively palatable. Securing it does not necessarily result in the best security and justice programme possible, but rather the best security and justice programme practicable within the constraints of the operating environment. This means some interventions donors or implementers may think are important do not get included – and other interventions get included owing simply, for instance, to government counterpart insistence. The 'do no harm' principle is particularly important here and needs to be clearly articulated to ensure end user experiences of security and justice do not deteriorate as a result of such programming negotiations.

4.3 Skillsets

The ability of programme design and implementation to reflect local ownership and deep understanding of country context is influenced by the skills and knowledge of those working within them. This makes the kinds of skills and knowledge donors and implementing agencies privilege in putting together programme teams especially important. It is vital then to consider what skills are being prioritised, and who is controlling for this.

The large private sector consultancies that most commonly lead on security and justice implementation have specific skills in financial and programme management – clearly important in implementing large-scale security and justice projects. One positive is that these implementers can contract in additional knowledge – usually technical sectoral knowledge, which Martin and Wilson (2010: 318-320) have rightly argued is key in SJR – as well as the increasingly professionalised field of M&E. While these skillsets are crucial, both workshop questionnaire responses and the wider literature point to significant gaps in political and local knowledge for programming (see for instance, Albrecht and Kyed, 2010: 5; Boege et al., 2009). While bids for SJR programmes routinely include some element of political economy analysis or context assessment, this continues to be perceived as something that is 'tacked on', rather than genuinely informing programming in an on-going and iterative sense.

What is more, political and local knowledge should be seen not as a discrete set of skills for one part of programming, but as an approach to problem solving across all programming. There is a danger of programmes emphasising solely managerial or technical approaches to problem solving, for instance by hiring 'change managers' who have experience in restructuring bureaucratic organisations. This can overlook the importance of other approaches to change, for instance those found in sociological or anthropological approaches, which may

have greater affinity with the idiosyncrasies of security and justice institutions or with different cultures (see, for instance, Gardner and Lewis, 1996: 27-28).

Viewing political and local knowledge as 'tick-box' areas that simply help technical experts and managers to tailor programmes fundamentally misunderstands what politically informed interventions are meant to be about. If we accept that SJR is not about exogenous large-scale social engineering and rather about facilitating and supporting locally led processes of change within a country that is itself grappling with a variety of competing incentives for how power is to be handled, then it is essentially all about the local political context. The question, then, is what technical and managerial knowledge can be injected to assist in this process as opportunities present themselves within the political landscape.

Clearly, a number of different skillsets and forms of knowledge are required for rounded programming – the key issue is how these different skills get balanced and how donors ensure their programmes have the capacity to act politically and in keeping with context. It is hard to overemphasise the importance in a balance of skillsets across the programme team and the approach to programming that this facilitates – an insight workshop participants felt was often overlooked, with the curriculum vitae of key personnel privileged as the primary factor in determining bid success, rather than broader team composition. Ensuring sufficient attention to such issues raises the question of the kinds of knowledge needed within DFID itself, and whether a specialist security and justice cadre could help bolster institutional knowledge and provide more informed country staff to oversee SJR programmes. Workshop participants also highlighted that less tangible skills, such as the ability to think and work politically, negotiate and build relationships, tend not to be built into job descriptions but are critically important in effective SJR. Often, these skills are as important as technical knowledge or expertise but are not well captured in current recruitment processes.

4.4 Procurement processes

Procurement is the administrative process by which designers and implementers of security and justice programmes are selected. As a result, its rules and procedures have a fundamental impact on the kind of programmes that get delivered on the ground. Despite this massively influential role in the nature of security and justice programming, procurement processes are almost entirely neglected in the literature and in discussions among security and justice experts. Yet there is little point in improved thinking at the policy level if this does not get factored into decisions about which combination of skillsets, programming approaches and interventions is needed to win bids. Better procurement processes require privileging end user security and justice needs, honouring local ownership (and the diverse forms this takes) and ensuring programmes are embedded in the necessary context analysis and implemented by a team with a greater diversity of required skillsets. Achieving such improvements in procurement depends on a number of changes to current ways of working.

First, a number of workshop participants noted that the focus was often on 'winning a bid', rather than implementing effective security and justice programmes. In part, this is because those who write bids are often not those who implement on the ground – and this disconnect can prove deeply problematic. For instance, the focus on winning a bid, combined with a lack of implementation experience, can lead to overpromising on bids in an effort to win a project. While it is, of course, inevitable that some of what is set out in bids will need to be renegotiated once implementation begins, given changing local realities, there is also a need to hold implementing agencies to account for what they set out in their bids and to monitor any changes. This may also help ensure more realistic bids, rather than winning a project on what can amount to inflated expectations of the possible. Connected to this, it was widely felt by implementing agencies that 'design and implement' programmes were much more effective than programmes that separate these two stages. This is because they build more accountability by requiring implementers to articulate the promises on which they are then required to deliver, but can also allow less specification upfront and a more iterative implementation process as a result.

Second, bids are often written without key information that would usefully inform the tendering process. Terms of reference (ToRs) produced for bids were noted as being of varying quality, and those bidding may have no insight as to why ToRs have developed the way they have, what the context is and so on. Where ToRs appear to have important oversights, for instance, this may reflect decisions or circumstances in country that those bidding are unaware of. This is akin to writing a bid while 'wearing a blindfold'.

There are a number of ways to address these information deficits. For instance, ToRs could be much more specific and provide greater context on the rationale for a programme without being prescriptive. In addition, there could be greater involvement of donor country offices and potential bidders earlier in the tendering process, for instance ToRs being accompanied by a briefing by the country office on the nature of the programme being sought, the particularities of the context, the scope of the ToRs, etc. These could facilitate better-planned programmes more appropriately tailored to context and would also require fewer contract amendments at later stages that can delay implementation. DFID Procurement has already embarked on greater 'pre-bid market engagement', including supplier open days and market testing questionnaires, and encourages bid clarification questions from suppliers during tendering. In attempting to improve communication channels and information between suppliers and donors, it is important to ensure the 'market' is construed very broadly, without privileging particular implementers or 'key suppliers' but making information as widely available and inclusive as possible.

4.5 Outsourcing and relationship between implementers and DFID

The reliance on outsourcing raises a number of questions centred on what can be outsourced, what cannot and what the implications of this are. On the whole, workshop participants suggested DFID might outsource too much – and that there was a need for DFID to be more involved at key programme decision points and in managing the political relationships that enable effective programming. Donors operate in countries only due to political relationships between their home government and partner governments, and this political relationship cannot be delegated. Yet, at the same time, this is not as straightforward as DFID simply outsourcing the technical delivery and maintaining the political relationships in-house. Security and justice practitioners at the workshop spoke about the importance of team leaders and other programme staff having political access and direct relationships with political gatekeepers themselves in order to carry out programming. Indeed, a political/technical split in what gets outsourced and what does not misunderstands the inherently political nature of virtually all aspects of programming. While it may be important for donors to be more involved in the politics of security and justice work in country, therefore, this is not to suggest this is instead of implementers also doing so. Rather, there needs to be greater engagement between donors and their implementers and, in many cases, more direction from donor country offices.

A key obstacle to this kind of closer donor–implementer relationship is the short-term nature of many DFID staff in country, meaning implementing agencies and their contractors are often in jobs for longer than the DFID staff overseeing the project. While new staff can of course bring an injection of fresh perspective, there is also a challenge of getting up to speed on the background to a programme and of maintaining political relationships. If DFID security and justice programmes are to run for four to five years, DFID staff overseeing these projects should also be contracted for that period (as previously mentioned, average posting is currently two to three years). DFID is currently exploring possibilities to overcome this; possibilities such as ensuring an individual remains accountable for a project even if they move within the civil service.

In order for donors like DFID to be more involved in the politics of security and justice and for the life of programmes, staff themselves need to be equipped for this. While the quality of some donor country staff is very good, some workshop participants felt that – particularly in more fragile and conflict-affected contexts – staff are sometimes very junior and lacking the necessary experience. It is, of course, these fragile contexts that need the most skilled staff; such countries should not be viewed as postings where junior staff 'learn the ropes'.

This relates more broadly to perceptions among some workshop participants that DFID has been 'de-skilled' over the past 10 years, and that this is also forcing it to rely more heavily on outsourcing, although there was not consensus on this point. Moreover, it may be that DFID staff are now much better equipped with skills related to engaging with the political economy of context specificity (a welcome development), but possibly at the expense of technical skills. This issue prompted suggestions that DFID not only invest in greater technical capacity but also consider what skills can be 'contracted in', especially (perhaps ironically) in relation to managing the large portfolios of outsourced work.

At the same time, the question of whether the teams put together by implementing agencies themselves were equipped with the appropriate levels of political, strategic and analytical skills – not just technical skills – was not really addressed. There is a need for a closer interrogation of what steps are undertaken to ensure the range

of necessary technical, analytical and political skills and experience feature in implementing agencies, not just donor agencies. This is a matter not only of pushing implementers to be more self-reflective about this, but also of creating systems to oversee that the necessary team skills are kept in place for the duration of programming. It can be the case that team members and CVs that feature in the procurement stage are not the same as those that are eventually involved in the programme.

However, a number of voices advocated alternative modes of operation that may involve a more 'arms-length' relationship with bilateral donors, so that implementers effectively operate as the trusted advisors of partner country governments (Andrews, 2013; Booth, 2013). In such an approach, DFID would have less control over programming itself, but local ownership would be maximised and the competing incentives characterising current approaches to SJR programming would be streamlined. The multiple lines of accountability to a confusing combination of donors, host governments, citizens of host countries and implementing companies would also be simplified. There are questions about whether such an approach would be possible in the current aid environment, with its strong emphasis on accountability to the donor's taxpayers as opposed to the end users.

One important consideration around deciding what to outsource and what to keep in-house relates to the issue of accountability. Implementing agencies, as mentioned above, manage multiple accountabilities – to the donors as the funder (or 'client', in private sector language), to host governments, to beneficiaries and to the companies they work for and, in some cases, to the shareholders of those companies. These can exist in tension, and there are concerns about the extent to which market competition can skew programming incentives of both for-profit and not-for-profit implementers. The SJR 'market' compels competition between suppliers for winning bids. This competition is internalised within supplier organisations, with, for instance, career progression dependent, to varying degrees, on winning bids. These features of the SJR 'market' in turn incentivise unhelpful practices – such as overpromising in bids to ensure winning the contract, and then revising down what is possible during the inception phase of projects. In addition, Andrews (2013) critiques the manner in which implementers are incentivised to align with dominant policy goals in order to win projects, rather than programming being driven by on-the-ground realities that may or may not fit with policy discourse. As Sue Unsworth suggests, this is 'an environment that values optimistic action rather than reflection' (2009: 889). While market competition can promote potentially perverse incentives across all suppliers, private sector competition is particularly acute and tends to dissuade cooperation between competitors in a way that is less the case for not-for-profit suppliers.

This is not to suggest suppliers are not ever straightforward about the limits of the possible, or the dangers of, dominant approaches with their donor funders. Indeed, an organisation that consistently overpromised on what it could reasonably deliver would likely not last long. Rather, the *incentives* are skewed in such a way as to dissuade frankness about the modesty of what is feasible. This can lead, for instance, to implementers and country offices being incentivised to set unrealistically high goals during design, and then revising these down during implementation and reporting positively. More rigorous external reviews that are made publicly available could help guard against the moving of programme goalposts for perverse reasons. Moreover, business models should actively incentivise realistic programmes, in which staff are encouraged to acknowledge from the outset the limitations of what is possible.

4.6 Logframes

While logical frameworks (logframes) were pointed to as potentially being helpful in providing structure to programming, they were also considered much too restrictive, given what we know about the need for flexible and iterative programming that adapts on an on-going basis to changing local contexts. Indeed, survey responses highlighted that the vast majority of workshop participants, especially those working on the ground, found logframes unhelpful or only somewhat helpful.

The development industry inherited logframes from the business and defence industries, where problems can be of a different nature, although even there the approach has not always succeeded and has been heavily criticised (see Natsios, 2010: 15-17; Powell, 1996: 103). Logframes were first introduced by the US Agency for International Development (USAID) in 1969, following Robert McNamara's use of a RAND Corporation management tool called the Planning, Programming, and Budgeting System (PPBS) (Natsios, 2010: 15-16). This PPBS approach shifted the focus from inputs to outputs and aimed to provide a more measurement-based, non-political form of decision-making. As Andrew Natsios (2010: 15) outlines, McNamara's approach:

[...] attempted to quantify the outputs of the U.S. military in the Vietnam War in kill ratios – deaths of the enemy – for various weapons systems and military operations. The McNamara measurement edifice came tumbling down, however, as U.S. casualty rates in Vietnam rose and the war dragged on against a poor, technologically backward Communist enemy that had no performance-based measurement systems and yet ultimately triumphed in the war.

This planning tool travelled with McNamara to the World Bank, where, as Sonja Amadae notes, 'the RAND-style, objective, cost-benefit strategy of policy formation would become the universal status quo in development economics' (2003: 75). Having now taken root in most aid agencies and NGOs, logframes represent the industry standard in project planning and are largely thought to demonstrate well-thought-through interventions that are, as a result, more likely to succeed. Yet they are also at risk of becoming ends in themselves, rather than the means to the best possible SJR programmes.

There are (at least) two key problems with logframes for SJR. First, they reinforce a teleological approach to management, whereby the designer begins from the desired, predetermined outcome and works backwards to develop outputs and inputs that, in theory, match this. As Piotukh and Wilson (2009: 4) note 'many current approaches to SSR adopt, implicitly, a rationalist approach which assumes that projects can be designed and implemented with a reasonable degree of certainty based on a high-level of advance knowledge'. This assumes we know from the outset what programmes will achieve, even though this is usually not possible or even desirable, given that programming is meant to be responsive and locally owned. As a result, practitioners spoke of logframes as a bureaucratic exercise, rather than a genuine reflection of what programmes were really doing.

In theory, logframes can be changed as part of implementation, but in practice this can be a lengthy process, in which multiple or wholesale changes are not encouraged. There are justifiable concerns about programmes moving the goalposts in order to better demonstrate 'success'. Yet, in practice, this can mean logframes are not the 'living documents' it is often suggested they should be. Interestingly, DFID is attempting to make logframes much more flexible and adapt them on the basis of annual reviews through which underlying theories of change can be revisited – yet few programmers seem to have stories of straightforward or simply multiple or substantial logframe changes. It may also be that it is implementers, rather than DFID, who are concerned about changing logframes, given concerns that this may be perceived negatively as a sign of problematic programming rather than of a more adaptive approach.

It was noted in the workshop that there is greater encouragement at headquarters level to use approaches that integrate complexity theory and to work in ways that are politically savvy and adopt iterative and adaptive approaches. For instance, DFID has introduced output-based contracts or 'payments by results', and more flexible approaches to work planning, as in the Facility for Oil Sector Transparency and Reform (FOSTER) in Nigeria. Yet, in practice, the logic of logframes reinforces linear programming that goes against more iterative and experimental approaches, which will rarely be linear. This is also related to the fact that the timing of reporting on logframes risks setting the pace of interventions and identification of results, rather than the *real time* logic of interventions and associated change. This suggests that, despite good intentions of ensuring logframes remain adaptable, they are often operationalised in ways that set the direction and logic of programme objectives agreed upon in the design phase, with less guidance *in practice* on how to integrate iterative and adaptive approaches. Instead, implementing staff are left to work this out, and concerns were echoed (as in the previous ODI expert meeting) that reporting was adapted to respond to pre-established notions of desirable results, rather than to reflect end user needs. One way workshop participants suggested this problem could be overcome was by donors and implementers agreeing the outcome level of programmes but leaving the outputs to be iteratively designed.

Second, logframes can exacerbate excessive optimism in how implementing actors report on progress. They are incentivised to report on results that match agreed outcomes, rather than to celebrate what might be less tangible but perhaps more realistic and more effective (in the long-term) change processes their actions might be contributing to. This can render SJR 'misleadingly optimistic about the prospects for change', in part because it underplays the large political shifts the success they predict would require but over which programmes have very little control (Egnell and Halden, 2009: 28). This misleading optimism also emerges from the pressures implementing partners feel they are under to demonstrate results to their funders (who in turn are compelled to report good results to ensure continued budget allocations, dependent on good performance). As a result,

logframes and the theories of change that get built into them can be more reflective of donor narratives than they are of local context and realities, because it is ultimately donors who make funding decisions and sign off on logframes (Valters, 2013). Implementing agencies may be more interested in appeasing such logframe timetables and imperatives than interrogating theories of change as a result of trial and error and learning lessons from the implementation process – including through iterative consultation with end users and other relevant stakeholders.

4.7 Monitoring and evaluation

Monitoring and evaluation are intended as key components of programming to ensure a degree of accountability and effectiveness, and to measure results and value for money, but accounts of what current approaches actually bring to programming life, and final assessments, remain mixed at best. The role and design of M&E thus need to be reviewed, including an interrogation of their value. This includes asking questions about the purpose of M&E, whether the two should be more clearly separated out and who should be undertaking these tasks and following what criteria.

It would seem that monitoring could most profitably focus on the implementation process, including to assess the relevance of underlying theories of change *as implementation takes place*, examining what efforts are being undertaken to adapt programming to either changing conditions or to ensure a better appreciation of the political economy realities on the ground. These efforts are not always evident during the design phase, in part because political economy analyses often do not sufficiently inform the theories of change that are put in place.

Monitoring processes could be better at capturing early-on considerations such as the degree to which local ownership is featuring in real time (and whose local ownership), and how interventions are perceived to have meaning to end users. This includes, it was noted in the workshop, introducing the possibility of failure as a valuable learning tool in order to enable redirecting programme interventions to ensure better results. Yet implementing organisations lack incentives to report failure, as this can jeopardise their relationship with the donor client (and their perceived likelihood of winning subsequent bids). There continue to be issues regarding the transparency and accessibility of monitoring processes and there is insufficient scope for using these more systematically as lesson-learning exercises, including to be shared with relevant communities of practice outside the programme. Moreover, reporting templates for monitoring are often inimical to capturing the richness of learning-by-doing and documenting what works and what does not.

While monitoring is about assessing the programme during its lifetime, evaluation is more focused on results and sustainability. Yet the workshop noted that, in SJR programming, results are likely to take place in the long run. Addressing these issues of sustainability requires a longer timeframe for impact assessment than is typically accounted for. Moreover, it was noted that the introduction of corporate business models may have increased the levels of technical and professional expertise on M&E, but has not ensured sufficient room for country/context specialists. 'Theory-driven' approaches to evaluation, which focus on reviewing the approach to ensuring the relevance and suitability of the underlying theory of change *as appropriate to context*, remain underutilised in M&E systems for SJR.

Experiences on the utility of monitoring varied among the experts at the workshop. It was noted, for instance, that annual reviews could be very helpful, including, in some cases, to reorient programming. But some important issues were raised regarding the need to ensure a degree of stability within monitoring teams so that each annual review does not start with a 'clean slate' approach (that is, with an entirely different set of individuals to previous reviews). The fact that implementing agencies are incentivised to focus on the grade of an annual review, rather than its qualitative summary as a learning tool, was also noted as problematic.

Ultimately, the value of M&E lies in the degree to which it contributes to the learning process by which programming can evolve – during the life of programming – to ensure sustained and improved relevance to context, and generate key buy-in from local stakeholders, including end users. Such exercises can also become public goods for a wider community of practice interested in the knowledge-building value of concrete programming experiences. Currently, however, M&E continues to feature inadequately as a learning tool and seems mostly to be used to demonstrate success.

4.8 Institutional learning and memory

This brings us finally to the question of how knowledge is accumulated, shared and used to inform programming, and to the realities of institutional learning and memory within donor and implementing agencies. Knowledge takes different forms, has different purposes and serves different audiences and communities of practice. Knowledge and information derived from the programming design, implementation and evaluation cycle has value in different ways for donor agencies' own learning, for recipient country stakeholders and for the community of practice of security and justice experts, practitioners and policymakers. Such accrued knowledge has a diagnostic value particularly in programme design, with knowledge drawn from past M&E processes having the potential to inform new programmes about what works with the benefit of hindsight. Accrued knowledge should also contribute to enhancing transparency and information on what works – and ultimately improving the possibility of accountability towards relevant stakeholders. However, the role of knowledge and use of evidence in security and justice programming remains poorly articulated. While evidence-based policy and programming of course has merit, in practice it is not clear how the use of knowledge to inform the procurement process, programme design and implementation is calibrated, or how the selected evidence base is judged to be relevant.

Furthermore, the organisational dynamics of programming remains deeply problematic from the perspective of ensuring knowledge is accumulated either at the country level or in headquarters in ways that enable constructive institutional memory and continuity across programmes over time. Within donor agencies, high staff turnover, particularly in country, is repeatedly noted as undermining the possibility of building up a sustained level of country expertise and hands-on knowledge and ownership of programming. Donor organisations could build in ways to ensure staff appointments are better timed to ensure improved handover structures and direct responsibilities established for programming outputs and outcomes. In addition, donors can invest more proactively in knowledge sharing, both within and outside their organisation. In the past, for instance, DFID security and justice programme team leaders met twice a year on the sidelines of DFID governance retreats, and this was seen as a good opportunity for cross-fertilisation of ideas. Such practices seem to have stopped but could be reintroduced.

Implementing agencies are themselves poorly incentivised to ensure continuity and build-up of institutional memory that draws on the experience of preceding and competitor programmes. This can mean implementing agencies are not encouraged – or required – to draw on existing networks, relationships and country-level expertise that might be associated with competitor or preceding implementing agencies. Finally, implementing agencies are not organisationally incentivised to invest in institutional memory. Without this, long-term commitment to and investment in security and justice programming, and the sustainability of gains achieved, is severely jeopardised. One response could be to assess as part of the procurement process the extent to which implementing agencies integrate lessons learnt, including from previous programming, and how they draw on relevant expertise at both country and international levels.

5 Final reflections

The political economy of donor agencies' organisational constraints and ways of working fundamentally determine what is possible in SJR. Bureaucratic requirements and donor country political environments are critical in shaping the possible direction of programming. While there is value in fundamentally questioning those features that appear immutable in order to enable better programming in the long term (as set out in Section 2), realistic recommendations for change need to focus more immediately on 'tinkering' at the edges of the dominant implementation approaches, as it was referred to during the workshop. The section above has tried to reflect honestly on some of the challenges faced, along with some ideas as to how these can be dealt with. Here, we attempt to distil some key messages about what can be done in the key areas of SJR programming discussed to improve the current approach and make it more 'fit for purpose' in delivering improved security and justice experiences for end users.

Local ownership

Genuine ownership requires early and on-going engagement with local stakeholders (government and non-government) to ensure regular inputs into procurement and design decisions, as well as throughout the life of programming, including how the programme can be adapted to respond better to context, changing local conditions and to the needs of end users. Donor agencies and implementers should invest early on, in the design phase, and during implementation to check in with a wide range of stakeholders at the national level, including beneficiary groups and end users.

Skills

Both DFID and their suppliers need to invest in the diversity of skillsets required for effective programming – across technical, political and contextual knowledge and throughout design, implementation and M&E stages. Effort should also be made to articulate the more amorphous interpersonal skills necessary for the deeply political work of SJR in person specifications – this is especially so in the implementing team.

Procurement

The political nature of procurement processes and the influence this has on the shape of programmes must be recognised – for instance through tenders for multi-year and high-value programmes making large, private sector firms the most likely successful suppliers. Donors must consider the kinds of programmes they want in place and ensure procurement requirements are likely to cultivate this. Innovations to ensure procurement results in the best possible programming are already underway within DFID through 'pre-bid market engagement'. It will be useful to document whether these measures to improve communication channels and information between suppliers and donors contributes to making procurement a more inclusive process, and increases the relevance of the programming teams and designs that result.

Outsourcing

While perhaps necessary to fill a capacity gap and draw on required expertise, higher levels of outsourcing create a donor–implementer relationship in which implementers are incentivised to adapt programme designs and reporting to dominant donor narratives rather than to what context and end users might demand. The result can be overambitious and questionably relevant programmes. It is important, therefore, to invest in broadening relations of accountability beyond that of the donor–implementer, including through more rigorous external review exercises that can check the overpromising to the 'client'.

Logframes

While logframes are conceived of as living documents to be updated on the basis of changing realities, in practice they can remain difficult to change, teleological and a bureaucratic tick-box exercise. To become more

iterative and flexible, planning, implementing and reporting must be guided by a much looser logframe in which outputs, at least, do not need to be specified upfront. Giving greater emphasis to theory of change approaches that are embedded in implementation processes in ways that incentivise genuinely iterative, flexible and adaptive engagement can maximise the prospects of relevance and effectiveness of programming activities.

Monitoring, evaluation and institutional learning
M&E need to ensure they can contribute to reorienting programming to be flexible and adaptive to political economy realities, opportunities and constraints of context, and documenting both success and failure. In part, this involves separating out the functions of monitoring and evaluation. While evaluation is about an overall assessment of programme effectiveness, monitoring is about on-going checks throughout programming to ensure relevance and sustainability of activities and modes of engagement, as well as documenting lessons learnt. M&E should also ensure lessons learnt are embedded in longer-term systems and institutional memories within both donor and implementing agencies that ensure accountability for handover and connectedness between programmes.

These suggestions are not exhaustive and improving the ways in which international actors support SJR works will require on-going reassessments of how programmes can better meet the security and justice needs for end users. Many of these suggestions are also not new – but they have not yet been taken on board or seriously reconfigured current ways of working. The kinds of incremental changes suggested here that 'tinker at the edges' of programming is not to suggest that a more fundamental rethink of dominant approaches to SJR is not also needed, but, importantly, the incremental changes may themselves open up greater space for talking about, and perhaps even implementing, more wholesale change as well. Only by being open and frank about the challenges that are faced in procuring, designing, implementing, monitoring and evaluating SJR can we hope to ensure that the programmes that result are capable of producing the ambitious improvements intended.

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