



Report

Context-relevant, flexible and transnational programming

The future of security and justice?

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1 Introduction

Security and justice (S&J) programming remains a critical part of international aid efforts. Persistently high levels of insecurity and injustice facing many people around the world demand a response; we know improvements in S&J increase prospects for development and that these improvements benefit the international community, not just direct beneficiaries. At the same time, S&J programming faces challenges regarding how it can best be deployed. A number of recent reviews and evaluations have noted deficiencies in current modes of support, including over-ambition, lack of clear objectives, a fallback on established but often ineffective approaches, a focus on quantity rather than quality of results and limited learning or sustainability (Cox et al., 2012; ICAI, 2015; INCAF forthcoming; Pasara, 2013; van Veen and Price, 2014). The deeply political nature of how S&J forms and functions have evolved further complicates the challenges of programming. These processes are neither linear nor predictable and are driven by the political economy of the time and location in which they happen.

The S&J agenda is also becoming increasingly concerned – for better or worse – with transnational concerns related to people flows, organised crime and terrorism. This means S&J questions are attracting the involvement of a broader range of donor country government departments and agencies. Of course, while many of these challenges are not new, the pace of change has increased. And the internal political dynamics in donor countries by means of which these transnational issues are identified as relevant for the development and aid agenda have ushered in new sets of objectives and concerns in an already ambitious S&J agenda.

This report sets out three trends that are changing the S&J space internationally, and examines what this might mean

for programme implementation. It draws on a one-day workshop hosted by the Overseas Development Institute (ODI) in September 2015, as well as ODI's ongoing research on security and justice (see, e.g., Denney and Domingo, 2014; Denney and Kirwen, 2014; Domingo and Denney, 2012). The report proceeds by first explaining three trends in S&J programming that are increasingly influential to varying degrees. The first is the increasing recourse to political economy analysis (PEA). The second is the heightened focus on problem-driven iterative adaptation (PDIA) approaches to inform programming. And the third is the broadening of S&J agendas to include transnational problems associated with organised crime, people trafficking and even terrorism as development issues.

Those working in the field of S&J programming find themselves at an important moment. While security and justice are increasingly placed (at least in policy, if not in practice) at the heart of development, they are also beset by a range of challenges relating to the effectiveness of programming and the need to respond to emerging trends. Practitioners are increasingly pushed to think in context-specific, politically aware, problem-driven, flexible and adaptive ways in their response to an increasing array of S&J threats. Yet what it takes for this to concretely alter ways of working in practice remains underspecified. To address this, Section 2 of this report examines these trends and what they mean for S&J programmes, with a view to encouraging further reflection, discussion and debate on the future of S&J assistance. Section 3 discusses what it means when these trends are operationalised and the difficulties confronted in turning changes in discourse into changes in practice. The final section, Section 4, sets out challenges and opportunities emerging from these developments.

2 Emerging trends: how the S&J space is changing

Aid has long been criticised for at least two recurrent features. First is its chronic failure to engage meaningfully through deep and nuanced understanding of the political economy of context, with specific issues at stake in the different development, governance and sector areas of support. Second, aid is seen as slow, rigid and prone to repeating the same mistakes over and over again in different contexts, seemingly without learning from past experience (Duffield, 2001; Eyben, 2005; Ferguson 1991).

There has been some progress but there has also been recognition that aid continues to often produce changed institutional forms without their actual functions taking hold. For instance, more effective accounting systems and information technology (IT) and more progressive legal change have been implemented, yet the underlying philosophies of accounting, information and rule of law that shape these institutional forms are absent. Accounting systems, IT systems and new laws become a thin transplant but do not actually beget more accountable finances, more effective information flows or improved rule of law. This phenomenon has been labelled ‘isomorphic mimicry’, meaning developing countries mimic the institutional form of more developed countries but those forms do not perform the function intended (Pritchett et al., 2010).

The aid industry has recognised these problems. One result is new thinking on how to approach issues of relevance and local ownership of internationally supported reform agendas, and how to engage more meaningfully with the precise nature of institutional dysfunction and related development consequences.

2.1 Understanding the political economy of security and justice

The need for programming to be informed by a deep and nuanced understanding of the political context and for political realism about the scope for change and the role of international actors is widely accepted. There has been a growing focus and, indeed, widespread consensus on the need to take account of the political economy of different contexts in much more meaningful ways (Carothers and de Gramont, 2013; Collinson, 2003).

Accordingly, donor narratives underline the merits of drawing on political economy analysis approaches to provide them with the necessary insights on issues of political risk, relevance, plausible entry points and realistic objectives in programming (e.g. DFID, 2009; Fritz et al., 2009; Unsworth, 2009; among others). Different iterations of this thinking have developed in the past decade, but the basic tenets are at the heart of much of the current language around engaging in ‘politically informed ways’ (Leftwich, 2011; Wild et al., 2015). The premise is that politically informed ways of working should at the very least take into account the complexity of governance and development change processes and how the nature of the political settlement and the related balance of power mediate these, as well as the features of the prevailing institutional realities (formal and informal). Associated with this, it is also by now a familiar refrain that change processes are plausibly viable only if they are ‘locally driven and locally owned’ (Booth and Unsworth, 2014).¹

More recently, PEA has become problem-specific, with the purpose of focusing programming on the specific features of the development or governance problem (Fritz et al., 2014; Harris and Booth, 2013). There are variations on this approach, but for the most part these recent iterations have in common the rather appealing premise that, by applying a political economy lens to the concrete problem at hand, it is possible to build the beginnings of a roadmap that the analyst or programme design architect can use to navigate the problem. It also helps move away from a more general focus on institutional reform, which can end up being relatively aimless, as well as overwhelming, towards solving particular problems, which may involve working across multiple institutions but with a more discrete focus.

The functions of S&J are first and foremost political processes. What these functions look like, who delivers them and according to what normative precepts vary greatly across and within national contexts (Albrecht and Kyed, 2011; Baker and Scheye, 2007). This relates to the complex realities of socio-political, economic and institutional histories, features of legal and normative pluralism and the different manifestations of the political

¹ See critical reflections also in Hudson and Leftwich (2014).

settlement at national and subnational levels (Isser, 2011). Inevitably, therefore, what S&J provision looks like in practice is shaped by the features of the reigning political settlement and the balance of power between who wins and who loses – that is, between those served by S&J mechanisms and those not. Security needs and challenges are different for different parts of the population, both between countries and within countries.

For instance, the experience of access to justice for women in Kenya is very different between Nairobi and Garissa. Thus, identifying problems and possible entrypoints requires not only thinking at the national level but also ensuring there is capacity to meaningfully address subnational variation, as this can be significant and has implications for how to consider S&J challenges. Often, the S&J actors are themselves an important source of the problems of insecurity. In Mexico, there is often more public distrust of the police than of the local organised crime leader in terms of guaranteeing order. Elite capture – in different ways – of S&J actors (both state and non-state) is a reflection of other governance and resource distribution realities, so that the source of the S&J problems lies not only, or even primarily, with S&J mechanisms but rather with the political order they are part of and the interests they serve.

The use of the often neutral language of ‘service delivery’ in much S&J programming limits the degree to which the specificities of the problems as they feature in a given context truly guide decisions about programme design, engagement and implementation. This has the problematic effect that, even when international actors very diligently conduct PEA, often undertaken by external consultants during design or inception, these are often disconnected from the practical dynamics of programming choices and implementation. A clear challenge, therefore, lies in giving life to PEA (in whatever form this takes) so it can be meaningful and a living analytical tool rather than a static descriptive report. The final section of this report revisits some of these issues.

2.2 Problem-driven iterative adaptation

For PEA to become meaningful, it is increasingly acknowledged that there is a need to focus on concrete S&J problems, politically plausible and constructive entry points and adaptive programming that responds to local opportunities and evolving locally driven agendas that ongoing PEA helps reveal.

One idea gaining considerable traction is that of PDIA. Andrews et al. (2012) argue that:

the politics and processes of development interventions have fostered and exacerbated capability traps in many developing countries, wherein governments are being required to adopt best practice reforms that ultimately

cannot work and end up crowding out alternative ideas and initiatives that may have emerged from local agents.

To move on from predesigned programming based on best practice approaches that have contributed to the development of such capability traps, PDIA suggests drawing on a wider literature that has emphasised, among others, ‘good enough governance’ (Grindle, 2004), ‘upside-down governance’ (Unsworth 2010) and ‘best fit approaches’ (Booth, 2011).

The problem-driven component of PDIA can help focus minds on a particular problem, or set of problems, rather than on general issue areas (like ‘governance’) or on preconceived assumptions about what improvement looks like. This can help change our mental models, which tend to view development challenges through a deficit lens – that is, implicitly comparing institutions in recipient countries with those in Northern countries, and finding the gaps and dysfunctions, around which we then programme. This lends itself to programming through templates – taking what we know works in our own countries and trying to superimpose the steps to get to it on recipient countries. The problem with the deficit approach is that it assumes the problem is one of capacity – that if only donors can strengthen the capacity of a police force, or a government ministry, then a given service will be delivered more efficiently. But, of course, we know often dysfunction is the result not only – or even mainly – of lack of capacity but rather of vested interests that sustain the status quo. Achieving change in S&J provision, therefore, is about fundamentally addressing the interest structures, incentives and culture of organisations that benefit from the status quo or prevent improved delivery.

Starting with building an understanding of a specific developmental or governance problem, therefore, allows programmers to dig into why the problem persists and to understand its usually multiple components – not just weak capacity but also entrenched interests preventing change, information blockages and so on. Developing a detailed understanding of a problem in this way then opens up a range of options for how to address it.

In this way, problem-driven approaches to programming can also help shift away from a default position of pre-established assumptions about the trajectory of institutional change towards one that focuses on specific development problems. That is, rather than assuming improving S&J outcomes is best achieved by strengthening the state police, the Ministry of Justice, etc., problem-driven programming takes as its starting point a specific S&J problem, the context, specific interest structures and power relations that shape it (e.g. who gains and who loses by as a result of the status quo) and then, and only then, considers the relevant entry points. For instance, addressing women’s access to justice in cases of inheritance or land ownership issues needs to take into account the social norms and institutional reality that shape whether

formal justice or non-state dispute resolution mechanisms are likely to align with and reproduce a patriarchal order or to be progressive forums for women's rights protection.

As Andrews et al. (2012) note, a problem-driven approach should begin by asking 'What is the problem?' instead of 'Which solution should we adopt?' (p.9). For instance, if the S&J problem identified is girls being raped while collecting water, the most effective interventions might not be to work on general institution-strengthening but rather collaborating with ministries responsible for sanitation and infrastructure to discuss the location of water pumps/wells, or working with local neighbourhood watch groups to encourage protection or accompaniment of women. Of course, it might also involve working with police and courts to punish perpetrators, as a deterrent but problem-driven programming recognises the potential role institution-strengthening can play in solving a particular problem (and it might not always be a relevant intervention) rather than assuming it is the entry point to solve all S&J problems.

In part, this is connected to an important finding that you do not always 'get security' by 'doing security' (ICAI, 2015). That is, security is not merely the outcome of effective policing and laws – it is also the outcome of a range of other non-security functions. However, one issue that remains underdeveloped on this question relates to who gets to frame the problem. Importantly, we need to keep a critical eye on ensuring problems are not framed to fit pre-existing assumptions about what the problem is, and which problems are priority issues.

If the problem-driven component of PDIA focuses on the design of programming and locating the programme's focus, the iterative and adaptive components focus on implementation and the process of programming. Two important aspects are relevant to programme capacity for adaptation and iteration. First, recognising that development problems and the context in which they are situated, especially in the S&J sector, are changeable and dynamic, embedding iteration and adaptation in programming allows programmes to respond and adapt to this changing context. This helps ensure they remain relevant and overcome the problem of remaining locked into inputs, outputs and outcomes that are fixed in a predetermined logframe.

Second, the space for adaptation and iteration allows also for embedding into the programme the possibility of correcting early misreadings of the diagnosis of the problem and for recalculating the most effective entry points. Monitoring and learning thus are especially important here, as programmes have to invest in both in order to keep abreast of changes in the context, opportunities and roadblocks that present themselves along the way and critically reflect on how these impact

programming assumptions and the theory of change. Ensuring flexibility within the programme and its management tools to then adapt the programme to this learning is key to a responsive programme that remains relevant for its entire duration.

PDIA in many respects reiterates what critics of development and governance reform practice have been signalling for decades.² But it has the important merit of developing concrete thinking on the practical ways forward. Importantly, it has informed a range of other communities of practice with similar ambitions – thinking and working politically (TWP), doing development differently (DDD) and being politically smart and locally led. These have all emerged as efforts to shift aid practice away from its worst manifestations as rigid, lumbering and of limited effectiveness to more agile, responsive and relevant programming that embraces the complex reality in which development problems are rooted. It also commits to trialling approaches, learning from them and changing course in order to develop appropriate and effective solutions that deliver real impact.

2.3 Transnational security and justice challenges

As more reflective thinking on modes of engagement becomes increasingly present in donor discourse, an additional trend that is potentially changing the S&J space is the increasing prominence of transnational challenges (Whaites, forthcoming). These include trafficking of arms, drugs and people, illicit financial flows, organised crime and terrorism. While many of these threats are not new, donor governments now recognise them as among the most pressing security challenges, including for development. Of the approximately 508,000 violent deaths that are estimated to have occurred on average annually between 2007 and 2012, the majority are owed to criminal – not conflict-related – violence (Geneva Declaration, 2015). Indeed, the death toll in 2011 from drug-related organised criminal violence in Mexico was higher than the battle-death toll of the wars in Afghanistan, or Sudan or Iraq (Human Security Research Group, 2013: 7). In addition, criminal and conflict-related violence are interlinked in important ways. Criminal networks in Latin America can sustain or support political conflicts. For instance, the illegal trafficking of narcotics in Latin America has funded armed groups in Afghanistan and Myanmar. If these transnational threats are to be a focus of S&J programmes, then existing programme approaches that have been formulated for domestic application will need to adapt.

Ironically, the new security challenges faced are a result in part of the effects of processes of development – particularly in cases where the effects exacerbate

2 In S&J reform, the critical voices have been around for a while. See, for instance, Carothers (2006); Domingo and Sieder (2001); Duffield (2001); Faundez (2005); Pasara (2013).

existing inequalities and discrimination within society. As populations have increasingly urbanised (without, for instance, the employment opportunities and services to sustain them) and technology has become more accessible, security challenges have similarly shifted (Whaites, forthcoming). S&J programming has not kept pace. If it is to do so, it will be crucial to consider the risks associated with engaging with this wider agenda, not least relating to 'do no harm' and the securitisation of the issues.

Since the 1990s, S&J programmes have overwhelmingly been developed to address the S&J needs of citizens in mostly rural areas of fragile and conflict-affected states (an exception to this would be programming in Latin America, which also focuses on addressing urban S&J challenges, more recently in response to organised crime). This focus stems from the statebuilding and fragile states agenda within which S&J programmes have sat, which has understood the challenge as one of assisting weak states in extending their authority (and their services) throughout their territory to reach all citizens. This has primarily seen threats as emerging from civil conflict or crime at the local level that could disrupt hard-won peace. As insecurity is increasingly perceived to be transnational in nature, cutting across countries and continents, nationally focused

S&J programmes are likely insufficient. Criminal gangs in Kandahar, for instance, cannot be addressed without also addressing the networks in Pakistan and Dubai that sustain them. These are not problems that can be solved purely domestically.

This challenge is only likely to continue with Western governments increasingly confronting global security challenges and aid agencies being pressured to play their part in responding. Such pressures are manifesting in a push for greater cross-government collaboration. In the UK, this is most apparent in the Conflict, Security and Stability Fund (CSSF) launched in 2015 that will provide more than GBP 1 billion under the direction of the National Security Council to prevent conflict and tackle threats to UK interests from instability overseas. This also highlights how responding to transnational threats will not purely be a matter for S&J programmes housed within aid agencies – but will speak to a wider set of actors across government, from foreign affairs to defence to domestic justice and policing agencies. The landscape is thus changed in terms of both the nature of S&J threats to be addressed as well as the actors involved in government responses.



Men line up outside of a police station in Tarmiyah, Iraq, to apply for a position in the department. Credit: Daniel Herrera

3 What does this mean for operationalisation?

What do the above trends mean for changes in approach and practice by donors and implementing organisations? Problem-driven PEA and PDIA are relatively recent additions to the development lexicon and, of course, there is a danger that such fads will receive some degree of lip service but not fundamentally change entrenched ways of working. But these approaches have developed in response to genuine flaws in development practice and the challenge is finding ways to engage with their substance. This means not only thinking much more critically about how S&J problems are enmeshed in the socio-political and institutional context in which they are located; but also looking critically at the organisational, institutional and political opportunities and constraints of the donor context itself to change ways of working.

Developing context-relevant, problem-driven, iterative and adaptive programmes is not something that can simply be tacked on to existing programming approaches. Rather, working in this way will require more fundamental changes to ways of working. It is also essential these approaches to thinking about S&J problems not be taken as silver bullets to achieve change. At most, they can contribute to making international efforts to address S&J problems more effective than current practice.

In this section, then, we revisit the three trends discussed in Section 2 with a focus on the implications for practice and programme implementation.

3.1 Focusing minds: doing problem-driven political economy analysis in practice

An increasingly cited concern is that PEA has been bad at dealing with complexity and that it provides little more than a static description of general political economy trends and conditions, often just at the national level (e.g. Hudson and Leftwich, 2014) Even when there is an intention that the PEA be problem-specific, it seems to be a challenge to break the habit of commissioning nationally focused political economy analyses as isolated exercises often disassociated from key decisions in programme design and implementation. The failure to deal with complexity and the changing dynamics of the problem at hand may lie less, then, with the analytical reading of a report and much more with the practical ways in which the analysis is used to inform programme

design and identification of entry points or to contribute to shaping a theory of change that is politically plausible and contextually relevant. PEA is not useful where it is conducted at the outset of programming and then forgotten about through implementation. It is much more useful where it forms part of an ongoing process of learning about and reflecting on the evolving context and the features of the problems being addressed. When done in this way – and in whatever form is helpful (not necessarily a written report) – it can help programming remain relevant and responsive to its environment and the opportunities and roadblocks it throws up.

There are a number of challenges in operationalising PEA related to defining the problem and intended change objectives and identifying the entry points and modes of engagement.

Who defines the problem?

First, there is the question as to who defines the problem with which a programme engages. Mostly, external policy agendas from donor countries preselect ‘problems’, often to fit ministerial priorities. Notwithstanding the fact that the problem might be a genuine security or justice challenge in the programme location, the choice or prioritisation of the problem and the precise contours of how it is defined may also mirror a need to demonstrate results (with a preference for what might show value for money and is measurable) or policy commitments set by a donor country’s own domestic political agenda. Programmes do, of course, undertake consultations with local stakeholders and have to get ‘buy-in’ from government counterparts. However, there are no known experiences where engaging recipient country expertise or ‘end-users’ to identify the problem and entry points, to conduct a locally owned political economy analysis or to develop a locally driven theory of change has been central to programme design (Valters, 2015).

This raises issues of voice and participation. Even in processes that might be intended as consultative, who gets to identify the problem is not always straightforward. It is important to ensure a range of stakeholders are involved. Including end-users in the process of identifying a problem is valuable as they have direct experience of the issues. This can be combined with drawing on sector analysts with deep knowledge of the context to identify

underlying drivers (which may lie beyond the S&J field) and entry points. And engaging with (state and non-state) S&J providers is important to draw on their experience and understand their interests – while noting that they are often part of the problem. For example, in unpacking the political economy of excessive pre-trial detention, relying on politically aware but technically informed expertise at the country level may be appropriate to identify the levers that can be manipulated (or not) at different stages of the criminal justice chain. A locally owned political economy exercise might also include in-depth engagement with pre-trial detainees and detention centre staff, who might provide particular insights on the institutional (formal and informal) dynamics within detention centre realities not easily captured by a more general and formal analysis of the justice chain (Domingo and Sudaryono., forthcoming). Problem-focused PEA therefore must start by asking who gets to define the problem and who contributes to building a representative understanding of it. The challenge lies in maintaining a critical perspective on how views are weighted and on implications for how the direction of travel adopted either reinforces or alters power.

General and specific problems:

Second, identifying a clearly defined problem is challenging, and there are varying levels of specificity at which this can be done. There is a difference between addressing the problem, for instance, of violence against women and addressing that of girls being raped when collecting water. The latter is a more specific problem than the former. Deciding on the level of specificity of the problem(s) a programme will address requires an acknowledgement of what changes are politically feasible. On the whole, the more specific the problem, the more operationally relevant a PEA can be in terms of the drivers of the problem and potential entry points for change (Harris and Booth, 2013).

Addressing violence against women is a substantial and multidimensional problem, and there are many different potential entry points at the national and subnational levels. It is a problem that needs to be broken down into more manageable constitutive components, such as girls being raped while collecting water, domestic violence and so on. Each of these more specific problems has its own political economy that can be unpacked in a much more granular way than the broader problem of violence against women and thus can help make PEA more operationally relevant. Breaking down problems into manageable sizes and levels of engagement should also make for more specific and realistic theories of change. Identifying and defining the scope of the problem is thus time-consuming and inevitably happens iteratively over time as staff learn

more about the various problems faced, and the particular features of given problems.

As part of efforts to do this practically, ODI research has focused on identifying problems at different stages of the criminal justice chain (drivers of violence/injustice, the moment of arrest, investigation, court hearing, etc.) in relation to violence against women, pre-trial detention and legal empowerment.³ However more action research is needed to test the practical utility of the criminal justice chain approach for unpacking the blockages and opportunities at each stage of the chain for each S&J problem.

Balanced against this need for specificity in relation to the problem, however, is the danger of focusing on localised problems in a manner disassociated from the wider political context. In efforts to make programmes relevant to the particularities of different subnational contexts, therefore, it is important to ensure this does not result in ‘bitty’ projects isolated from each other and not connected to the wider socio-political structures and incentives that sustain the problem more broadly. Thus, while dealing with local and concrete problems has the merit, potentially, of improving the prospects of relevance, there is the risk of not seeing them as connected to wider political dynamics at national or transnational levels.

Getting beyond siloed approaches to problems:

Third, once a problem has been locally defined to a sufficient degree of specificity while still being embedded in the wider socio-political context, there is a challenge of getting beyond siloed programming. As with other sectors, the default practice in S&J programming is to work through S&J actors and institutions to resolve S&J problems. Cross-sectoral engagement is rare, despite the fact that we know S&J problems are rooted in wider socio-political processes. Addressing the problem of girls being raped while collecting water, for instance, might sensibly involve projects with water and sanitation actors, for instance. Understanding the PEA of the specific S&J problems being addressed should help show up where cross-sectoral engagement is helpful. Translating this into practice, however, requires other changes. The practice of S&J programming is often to draw on the usual pool of experts who know about concrete areas of programming in the S&J sectors. The result is that particular bodies of knowledge are prioritised because that is where the expertise of the team lies. Technical expertise is not unimportant – but it is likely to form just one part of a range of interventions to improve S&J. Enabling PEA to open up a wider range of programming entry points is critical to getting away from the siloed programming approach.

3 On pre-trial detention see Domingo and Denney (2013); on violence against women see Denney and Domingo (2013) and Denney and Ibrahim (2012); and on legal empowerment see Domingo and O’Neil (2014) and O’Neil et al. (2015).

Operationalising PEA, therefore, requires grappling with the challenge of changing practice to ensure programming is put to the service of locally driven change processes and reformers who have the legitimacy and political capacity, as well as the understanding of context, to inform strategy and choice on a wide range of entry points and direction of travel. This will help alleviate the worst of the ‘deficit’ approach to S&J programming and build a more relevant and responsive response. Of course, it is also important not to idealise the ‘local actor’, either for the production of knowledge on the political economy of the problem or in the category of reform champion.

Doing ‘real’ PEA that gets to the heart of power relations and our efforts to change them raises real ethical issues (and issues of neo-colonialism). Donor involvement in S&J programming – as with development policy and practice generally – is of course political and normative. Honesty about normative positioning is to be valued. There is a fine line to be navigated between acknowledging the political nature of programming and finding ways to navigate political risk and not jeopardise the programme and partners organisations, while remaining politically savvy. Related to this is the inevitable tension between maintaining aid effectiveness principles to observe country priorities and ownership and the ‘dark arts’ of donors trying to fundamentally contribute to transformative change that is inevitably political in partner countries. Problem-driven PEA does not resolve this tension.

3.2 Being iterative and adaptive in practice

Design, implement, redesign

Current programmes focus on investing in development of a particular design that is then tendered for implementation. Or, in some cases, one implementer is contracted to both design and implement a project. Either way, a logical framework (logframe) is developed that sets out the key inputs, outputs, milestones and results that guide the programme. With the increasing recognition that such logframes can be unhelpfully restrictive, donors and implementers have been experimenting with more flexible logframes. For example, to create room for flexibility, some contracts specify that only a certain percentage of results will be met; in other cases, work plans or ‘nested logframes’ that are more flexible than logframes are used to enable change throughout the life of programming (e.g. LASER, 2015).

Yet PDIA approaches to programming, in principle, would hold that it is not possible to pre-design a project upfront because it is not yet clear what the specific problem (or problems) to be focused on are, there are too many information gaps and the situation at the time of conducting the design is likely to change. This may mean one of two things. Some in ODI’s S&J workshop argued PDIA called for much longer design phases that

are exploratory in nature – building relationships, trialling (and monitoring) small-scale projects and deepening the understanding of the problem. While there is no ideal length of time for this phase, those advocating this approach highlighted that time was necessary to build the required relationships and develop sufficient local understanding. With this more thorough design phase complete, implementation can begin based on a deep understanding of the problem and several well-tested approaches to addressing it.

On the other hand, others suggested PDIA in practice requires the collapsing of ‘design’ and ‘implementation’ stages and an obsession with design is likely to result in rigid programming that remains committed to a design that can quickly become outdated. This second approach is more in keeping with advocates of ‘purposive muddling’, which focuses on developing quick feedback loops with a heavy focus on monitoring so you trial different approaches to a problem as you learn more about that problem and then quickly feed back into your programme what you learn from the interventions you try (Faustino and Booth, 2014). This approach recognises that you will never have a complete picture of the problem and that programmers are always working with partial knowledge. By ‘probing’ the problem from different directions through different strategies, programmers build a more detailed – although never complete – picture of the problem, as well as learning about what does and does not work.

However, it is important to make a distinction between informed probing and more ad hoc ‘guessing’. While learning and adapting requires rapid responsiveness, there is a danger that this comes at the expense of evidence-based programming decisions and a lax approach to issues of potential harm. Given the nature of S&J and the kinds of actors this can mean working with, the risk of doing harm in this sector is perhaps higher than in others. Having a robust knowledge of the issues and the context and constructive engagement with both S&J providers and communities programming is intended to serve can limit the risk of doing harm. Adapting programming should mean strategic, considered change – not ad hoc guessing that may do more harm than good.

Many programmers would argue that, in their best programmes, this kind of process has already been applied – even if it is not captured necessarily by logframes or formalised theories of change in programme documents. While it may be the case that, in the best scenarios, programmes have been learning and iterating, the PDIA ‘purposive muddling’ approach requires not just a reliance on good people who may implicitly do this already but also programme procedures that encourage trialling of multiple approaches to a problem, monitoring of those approaches and then critical reflection on which (if any) of the approaches have been useful, what has been learnt and what this means for the programme’s next steps. It is about making such ways of working the default approach, not

relying on a handful of good programmers to work this way in spite of the usual procedures.

One risk with this latter approach where design and implementation are entirely collapsed is that there may be limited opportunity to learn from various approaches. If programmers are incentivised to change course as needed to achieve results, there is a danger that particular strategies for change are not pursued for long enough to build an understanding about their effectiveness or otherwise. Given that we know improving S&J is a long-term change process, this is potentially problematic. To guard against this risk, changes in programming direction should not occur at the whim of a team leader but rather be based on some reported logic or reasoning agreed with the donor. Of course, to remain flexible and responsive this should not be excessively detailed but rather take the form of a conversation and a short narrative write-up of the reasons why a particular course of action is understood not to be working, and why an alternative course of action is thought to be more effective. This would help guard against rudderless programming that moves only with the wind and is not anchored by some degree of rigor and critical reflection (or indeed honesty about the normative and ideological anchoring inherent in all programming) but that nonetheless enables programmes to make calculated strategic shifts as necessary.

Embracing and learning from failure

A critical issue in both approaches – longer designs followed by implementation or the collapsing of design and implementation – is the need to accept some degree of failure. More so than in conventional programming, PDIA approaches are unapologetic about the fact that some approaches trialled in attempting to solve a problem will fail. Not every intervention is going to be a success. While there is much talk about the importance of failure, very few implementers are actually willing to openly embrace it when it happens – and few donors appreciate acknowledgement of failure in practice. This is a real sticking point that needs to be addressed if we are to move towards more flexible programming approaches. A culture needs to be built in which failure is acceptable. The challenge in S&J programming is the higher risk threshold of failure in terms of ‘do no harm’ and the potential for worsening human rights violation, for instance, by getting things wrong.

Of course, this is not to suggest there should be no accountability for results. The key point here is that failure is an important and necessary part of finding ways to address difficult problems. Think about the high levels of failure we accept in the search for cures for disease or male baldness. We should also not lose sight of small-scale experimentation that can incrementally nudge us to better

understand what is working and what is not. If we accept that improvements in S&J are complex processes with many unknown variables and interactions, then we must equally accept that failure is part of the road to success. As long as failures are attributable to the complexity of the problem, rather than the negligence of the implementer, then these can be embraced as a learning opportunity.⁴ And learning is crucial. As one of the workshop participants noted, ‘Failure plus learning is fine, surprises are not.’ This suggests that, where failure happens because of the complexity of the problem and we learn from that about what works (or what does not) and previously underappreciated dimensions of the problem, this is acceptable and indeed useful for programming (both the current programme and to inform the evidence base for future programmes). Less acceptable are failures that come as a surprise and are swept under the carpet as a mistake, rather than embraced as a learning opportunity.

Donor–implementer relations

Connected to the issue of failure is the relationship between the donor and programme implementer. The commercial relationship that exists between donors and implementers in the S&J space disincentivises frank conversations about programme challenges. This is not to say such frank discussions do not take place – but often they do so on the basis of good personal relationships rather than on the basis of standard practice. While everyone agrees flexibility in programming is important given the dynamic nature of S&J, especially in fragile and conflict-affected contexts, this is only possible where the donor and implementer trust each other and have open and regular channels of communication. A relationship needs to be cultivated that is less a service-providing contract and more of a partnership. This requires the relevant donor representative be engaged, attend implementer meetings regarding the direction of programming and be viewed as a resource person who can assist in navigating problems the programme comes up against. Of course, this implies also that the donor representative must be capable of and willing to play such a role. Donor staff are of course responsible for multiple programmes, not only those in S&J, and this limits the time they have to dedicate to operational issues. However, if donors wish to see improved results from programming, a more collaborative relationship with implementers should help foster the flexibility necessary to respond to the changing dynamics of the context. This would also help promote improved learning within donor organisations, with staff having a better sense of approaches being trialled in the S&J sectors across country programmes, thus allowing for cross-fertilisation of ideas.

4 Of course, negligence itself is a learning opportunity – not least if it was not initially identified or if it is inadvertently supported by the political economy of the donor organisation.

Encourage adaptation

With a more flexible approach to design and logframes, greater tolerance for failure and improved donor–implementer relations, how then do programmes go about adapting the programme? A number of mechanisms facilitating this are being trialled and there is certainly room for further experimentation.

In some cases, strategy testing is used, providing programmers with a regular (every three to four months) occasion to revisit current programme activities, theories of change and assumptions, changes in the context and the programme’s knowledge of it and new relationships and opportunities as well as roadblocks (Ladner, 2015). Staff then critically reflect on whether these changes mean existing assumptions no longer hold and whether activities and theories of change need to be adapted. Any changes are then written up as a form of narrative reporting and also provide the institutional memory for the programme as an account of what approaches were trialled and why they did (or did not) change over time.

In other cases, problem diaries are used to keep track of context and its impact on programming, with staff recording on a fortnightly or monthly basis. The diaries document changes in the context, roadblocks and opportunities and feed into team discussions every one or two months to check assumptions and trigger any changes. They also provide an evidence base for the donor and demonstrate context awareness.

Other examples include more ad hoc reflection sessions that create the space to ask questions. In this process, bringing in outsiders can be helpful to act as a kind of challenge function. This may include donor representatives, local partners or others at a slight remove from day-to-day programming but familiar with either (or both) the country or the sector. Some S&J programmes have undertaken components of this, for instance with an advisory board that acts as a check and a resource for decision-making. In the reflection sessions, however, the idea is to have such advisors more actively involved in discussions with the team about the direction of programming.

All of these approaches are, of course, time-intensive and place additional burdens on already busy programme implementers. If we are serious about operating in more adaptive ways, it will be important to create space for this. One potential way to address this challenge is to use the outputs of these reflection sessions as a reporting tool. As above, donor staff would helpfully participate in these sessions to build an understanding of the challenges of programming, as well as to contribute to its direction. But in addition, the documentation capturing the content of the sessions could be utilised as at least part of reporting to donors, as happens in the case of strategy testing (Ladner, 2015). Of course, if this is to happen it would be important to ensure the documentation does not become a rosy reporting of results to donors but retains a critical reflection on programme strategy.

Within the UK Department for International Development (DFID), the use of Annual Reviews could also be utilised as an opportunity for adaptation rather than purely as an accountability exercise. Currently, the value of bringing in independent experts with significant experience of programming in other contexts is not being realised. Instead, Annual Reviews should be an opportunity for the donor and implementing partner to step back and critically reflect on programme direction with the benefit of an external challenge function. This could be particularly important given the high turnover of donor (and often implementer) staff. Annual Reviews could act as an opportunity to undertake any redesign that may be necessary to ensure the programme remains relevant and thus strengthen the ownership of current staff of the programme and its strategic direction. Annual Reviews also offer far greater potential for cross-DFID learning, but these reports are rarely shared or made public and knowledge is thus not passed on.

The examples provided here of ways in which adaptation can be encouraged within programmes is not intended to be prescriptive. Indeed, there is a risk of over-technicalising PDIA and requiring all implementers to adhere to one way of operationalising it. This risks turning something intended to be relatively organic and flexible into a tick box exercise. The challenge is providing sufficient guidance to encourage behaviour change without stifling the very creativity and critical engagement that the change seeks to achieve.

3.3 Working on transnational challenges

While it is easy to note the increased recognition of transnational threats, it is less clear what this means in terms of how S&J programming might need to change. In part, this is because this is a rapidly evolving agenda that is still surrounded by much uncertainty and reactivity to unfolding events. While there are increasingly more strategic interests of donor countries at play in the S&J space, this should not crowd out donors’ priority focus on the needs of the poorest and most vulnerable. These interests remain vitally important and risk being drowned out in the clamour for programming that serves the security interests of donor publics. The challenge, then, is how the aid industry can keep pace with the changed S&J landscape, with the growing demands on its resources, while retaining a priority focus on the poor and vulnerable. There are three levels at which this may require action: across government, in national-level S&J programmes and transnationally.

Cross-government working

As the S&J space becomes more crowded, the interests involved in programming are likely to increase and render the purpose of assistance more contested. This is particularly apparent in the UK with the introduction

of the CSSF. In this process, there is a danger that DFID and other donors cede ground on S&J to other interested government departments. While it is undoubtedly the case that the involvement of other parts of government in S&J assistance will expand, this should not mean aid departments give up the lead role they have played in this assistance to date. Indeed, there is a danger in relation to the CSSF and the cross-government working being promoted in the UK, that if DFID does not proactively reach out to the rest of government to influence the agenda, then others will instrumentalise DFID itself. This means that, as other government ministries and agencies become increasingly active – or interested – in the S&J space, development agencies need to confidently inject their experience and their developmental goals into the mix to influence how this agenda takes shape.

Nationally focused S&J programming

In relation to nationally focused programming, it is important to recognise that transnational threats are embedded in national and subnational processes. There are local drivers and locally felt consequences, but these are connected up through multiple levels to respond to and shape national and transnational incentives and dynamics. The transnational nature of organised crime has local consequences. Local responses cannot be disassociated from the transnational features of the problem at root. The local, national and transitional dimensions of the problems need to be considered together in S&J programming. These can still be addressed in important ways through nationally focused S&J programmes. A broadening of the scope of the problems S&J programmes are concerned with is likely required – for instance not focusing solely on problems in the domestic context, like lack of trust in the police, but also considering transnational problems

that may be either created by factors at the national level or have consequences that are felt there – such as in international criminal networks. Programmes could remain geographically focused in particular countries but with an appreciation of the intersection of national and transnational S&J challenges.

Transnationally focused S&J programming

Beyond this, there remains a range of transnational threats that national-level programming is not well placed to address. This is not least because many security issues do not arise in fragile state or even low-income settings. Rather, much insecurity is now understood to stem from middle-income countries where inequalities in economic progress have created disenfranchisement among parts of the population. S&J programming in its current forms can do little to address such challenges, and questions around how such programmes would work are yet to be thought through. Yet the question of whether this means S&J programming should adapt to address such challenges goes to the heart of its very purpose. If one takes the view that S&J programming is to ensure international security, this may suggest programming indeed needs to change. Yet if one's starting point is that S&J programming is part of poverty reduction efforts, then the fact that the most pressing security threats have shifted away from fragile states is neither here nor there – the purpose of reducing poverty remains and thus programming can continue to focus on the S&J needs of populations in these countries. The purpose(s) of S&J programming – as set out at the beginning of this paper – remain contested and multiple. The incorporation of transnational threats onto the S&J agenda may simply push donor agencies to clarify the priorities as they see them.



Workshop on human rights for children, Sudan. Credit: Albert González Farran / UNAMID

4 Final reflections and challenges

The deficits in development – and specifically S&J – programming are not new. We have been aware of the problems associated with template approaches to reform, limited understanding of context and the technical and apolitical reading of S&J objectives for a long time. What is perhaps new is the hope that the cumulative body of work on the entrenched limitations of how donors and implementing agencies engage is beginning to open space for rethinking development practice. How deep, how far and how durable this apparent moment of self-reflection and critical engagement is remains to be seen. This is not least because geopolitics and the unfolding of global events have worrying implications for how S&J threats are conceived politically in donor countries. This has consequences and impact on S&J realities in recipient countries.

While this moment of opportunity lasts, where there are reform champions and critics nested in some donor organisations, there is a window for reflecting on what we can expect might stick in terms of how S&J policy and practice evolves. But this enthusiasm for changed ways of working is not easily translated into practice. One of the reasons why debates on PEA and PDIA, for instance, appear to have become stuck is that there is an as yet largely unmet need to move them from changing our discourse to changing our practice. The challenges donors and implementers face in fundamentally shifting gear are important, and this report has attempted to sketch out what operationalising these trends means and some of the associated challenges.

First, there is a challenge of how to ensure S&J programming benefits from the learning that has led to the emergence of the trends discussed here without slipping into mere lip service for the latest fads in development. While PEA and PDIA might be jargonistic terminology, they represent important ideas that have been developed through critical examination of the deficiencies of donor programming. This learning – and the jargon that popularises them – can be instrumentalised to good effect. It is striking that, while the aid industry cycles through fads quite quickly, donor ways of working rarely change. In S&J programming, we continue to use the same contractors, the same procurement processes, the same pools of experts and often the same activities within programming. So how can PEA, PDIA and increased

recognition of transnational S&J challenges be different and achieve real change? It is not the acronyms or lip service to the latest development fads in design documents that will transform programming – the S&J community has to use the learning at the heart of these ideas to actively make changes.

Second, it remains a problem that PEA and PDIA are still often seen as separate frameworks. Even more problematic is that, in practice, they feature in programming as separate exercises. If PEA and PDIA are to become meaningful tools to guide decisions in programming, they need to be understood as two sides of the same coin. This involves in concrete practical ways using the knowledge and understanding derived from problem-focused PEA to identify politically plausible entrypoints and strategic relationships. This is what can inform options on ways of working that are politically smart and adaptive – and thus need to be substantively embedded within programmes, not just as add-ons. Of course, this is not an easy task, as it requires a range of skills and change in mindsets. However, documenting examples where this has made a difference remains a gap.

Third, the jury is still out on the longer-term impacts of PDIA, as well as its amenability to different programme sizes. Most of the results we have pointing to its effectiveness are in relatively small programmes (e.g. Booth and Chambers, 2014). It is important, therefore, to maintain a critical view of how far the PDIA approach can go to change both practice and outcomes. Is this an agenda that can make a difference only for small-scale programming? There is currently too thin an evidence base for donors to shift all programmes towards this way of working – although some point to examples from other, non-development, fields in business and military spheres to highlight its potential feasibility. Moreover, building a ‘thick’ evidence base on PDIA is somewhat complicated by the fact that it seems to be almost in contradiction with the premise of PDIA.

Fourth, of the three trends discussed in this report, two (PEA and PDIA) focus on the process of programming rather than the content – that is, about how programming works, and less about what it does. This is reflective of a wider shift within the field of governance in development that reflects on the political economy of donor ways of working (Booth et al forthcoming). This is vitally

important and yet there is also a danger that the increased focus on the ‘how’ of programming crowds out focus on the ‘what’. We need both. A programme can be problem-focused, politically smart and flexible but it also needs to draw on the evidence base regarding what works and what does not in different contexts, then these ways of working will not be effective. A key challenge, therefore, lies in ensuring a useful evidence base in fact exists – which will require monitoring and learning processes to be taken seriously as knowledge-building efforts rather than just reporting mechanisms. It is critical that S&J programming reflect on its ways of working and how these can be improved to encourage better programming, while also continuing to learn about the content of programming – what interventions work best to reduce violence against women or increase police accountability, for example. Only by pairing more relevant, responsive and flexible ways of working with an evidence-based consideration of appropriate interventions is S&J programming likely to be more effective.

Fifth, donors are often not organisationally or politically well placed to embrace the implications of where problem-focused political economy takes them. The pressure on international actors to be politically smart, as well as adaptive and capable of learning and revising their theories of change, focuses attention on the role, organisational limitations and political economy of international actors themselves. In addition to the organisational and bureaucratic inertias that afflict donors, there are inevitable constraints associated with the need to remain in keeping with domestic political context and respond to ministerial directives, and to keep a sharp awareness of risk issues. This limits donor’s room for manoeuvre.

Finally, there is a need to be modest about what we can expect these trends to achieve. While they can assist

in ensuring S&J programming remains more relevant and more effective, they do not change the fact that S&J remain difficult arenas in which to effect change. This is related to the fact that the ways in which S&J evolve in any given society are deeply political. S&J cannot be seen in isolation from the wider political and legal-normative environment in which they sit. Improvements inevitably involve changes in the balance of power and interest structures that are served by existing systems of justice and security provision. Programming in this area can make a difference, not least when it involves working in politically informed ways to engage with the different actors who both gain and lose from changes. PDIA and problem-focused approaches can contribute to providing a more politically informed roadmap on the political and institutional levers that need to be used, be they at the subnational, national or international level. However, a measure of realism is key on at least two grounds. First, this is an area that is susceptible to resistance to progress – even violently so. And second, gaining ground on S&J requires an aptitude and appetite for engaging with the complexity of the issues involved.

If S&J is to remain relevant, to continue to prioritise the needs of the poor and vulnerable and to deliver for them, there is a need to progress the trends discussed in this report from discourse to practice. Doing so is no mean feat. In this report, we have explained these trends and clarified what their operationalisation might entail for S&J programming. The changes required do not come as a surprise and reflect longstanding critiques of development practice generally, and S&J programming specifically. However, genuinely implementing them requires a commitment to working in new ways and to changing not just our language but also our practice.



Commercial court in Kinshasa, DRC. Credit: Simone D. McCourtie / World Bank

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