



The International Security
Sector Advisory Team (ISSAT)

WHAT WORKS IN INTERNATIONAL SECURITY AND JUSTICE PROGRAMMING?

Preliminary findings of a scoping study which gathers and collates evidence of what has worked during security and justice programming, drawing on global evidence and donor programme documents & reviews.

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LIST OF ACRONYMS

CANADEM	Canada's Civilian Response Corps
DFID	Department for International Development
FBA	Folke Bernadotte Academy
IGP	Inspectorate General of Police (Uganda)
ISSAT	DCAF's International Security Sector Advisory Team
JSSR	Justice and Security Sector Reform
MFA	Ministry of Foreign Affairs
MoD	Ministry of Defence
NGO	Non-Governmental Organisation
NORAD	Norwegian Agency for Development Cooperation
NORLAM	Norwegian Mission of Rule of Law Advisors to Moldova
OECD-DAC	Organisation for Economic Co-operation and Development – Development Assistance Council
ODA	Official Development Assistance
PJDP	Pacific Judicial Development Program (New Zealand)
PFM	Public Finance Management
PSF	The Peace and Stabilisation Fund (Denmark)
RAMSI	Regional Assistance Mission to the Solomon Islands (Australia and New Zealand)
SGI	Security Governance Initiative (USA)
SNCA	Swedish National Courts Administration
SSD	Security Sector Development Programme in Burundi (Netherlands)
SSR	Security Sector Reform
START	Stabilization and Reconstruction Task Force (Canada)

EXECUTIVE SUMMARY

This preliminary scoping study was commissioned by the Department for International Development (DFID), with the aim of considering the security and justice sector reform efforts of 19 of the main Organisation for Economic Co-operation and Development – Development Assistance Council (OECD-DAC) donors. It focuses on the efforts of each nation’s foreign affairs, development, defence, and justice agencies, and provides an initial assessment of how policy and programming are linked, what evidence of good practice has been collected, and what knowledge and programming gaps exist currently.

This study has identified a number of points of interest on national policy and practice:

- **Coherent, empowered, and well-resourced national justice and security reform coordination structures are a more important determinate of programming effectiveness than policy is.**

National whole of government policy and principles are useful for setting the strategic direction, and in enabling coordination through explicitly recognising the roles and responsibilities of agencies, but are not as relevant to programmatic implementation. Current national priorities, the national structures to coordinate information and decision making, and the partner country specific context are more relevant to programmatic implementation. .

Coherent whole of government programming was best supported by enabling and resourcing one national agency as the lead coordination actor. The use of whole of government assessment processes, with the full range of national actors involved, allowed coordination of the national approach to be integrated from the start of programming.

- **There is a substantial evidence base of good practice approaches, covering issues of politics, local ownership, sustainability and risk, but more could be done to disseminate this knowledge to ensure it is integrated into programming.**

The determining factor in countries being able to tackle political challenges is regular, sustained engagement at political levels, and ensuring that political dialogue is used to create mutual understanding and partnership. Effective partnerships and the ability to engage on politically sensitive issues is typically enabled through conscious effort to ensure the work is perceived as lacking of political agenda.

One simple method of improving national ownership over programmes, that remains underutilised, is to ensure that national actors have a greater role in selecting or staffing the programme implementation structures. Programmes with empowered integrated local staff are more aware of the local context, better able to adapt programming to the specific context, and more capable of building local ownership over the programme and outcomes.

Nations which make evaluation reports of JSSR programmes available to the public are demonstrably more accountable for their programming, but are also promoting the information exchange required for improvements in JSSR internationally. Equally, several nations are failing to document programme approaches that could potentially be of value to the international community but, through a lack of evaluation, cannot be assessed.

Joint evaluations are one method of implementing monitoring and evaluation in a way that improves coordination between donors, decreases the resource burden on individual programmes, while also contributing to the transparency required for lesson sharing. Evaluations are also at their most useful when they are focused on the learning aspect, and minimise the audit role.

- **The main programming and knowledge gap at this time is the lack of information on military sector reform effectiveness, which results from the lack of a shared system of rules for evaluation.**

Military led reform efforts have the least integration of OECD-DAC principles for justice and security sector reform, and continue to have the least institutional pressure encouraging their implementation. Without consistency in the JSSR framework it is difficult for national actors to coordinate programming effectively and consistently. Furthermore the lack of implementation of the OECD-DAC principles means that the principle of transparency remains underappreciated in military JSSR, which results in an almost complete lack of evidence assessing outcomes and demonstrating good practice lessons. As the military is one of the main components of the security sector it is difficult to see how coordinated whole of government programming can be effectively implemented so long as the principles governing implementation remain so different.

- **Justice agencies focus on their domestic remit, and struggle to provide consistent and adequate resources to overseas development efforts.**

While most nations have achieved some inclusion of judicial sector agencies into their JSSR activities, few have managed to create whole of justice sector approaches to JSSR. One of the key issues noted was the inability of judicial agencies to focus on their international remit when domestic responsibilities have precedence. Nations that have achieved better outcomes tend to have ensured their justice agencies are sufficiently resourced to create and staff internal structures to support JSSR programming.

The current UK study on DFID's security and justice sector programming is a good first step towards collecting and collating comparable good evidence, but should be replicated across all the nations involved in security and justice sector reform. The lack of evidence of good practice is undermining national efforts to explain what is being achieved.

It should be stressed that the current report represents only an initial scoping study, and should not be seen as a definitive description of national structures and good practice.

INTRODUCTION

In light of the 2014 Security Council resolution on security sector reform (UNSCR 2151) it seems timely to review Justice and Security Sector Reform (JSSR) practice across a number of the key Organisation for Economic Co-operation and Development – Development Assistance Council (OECD-DAC) nations. UNSCR 2151 provides a clear and internationally agreed definition of security sector reform, and includes in the definition a strong link with Rule of Law, the importance of a focus on developing the accountability, oversight and governance of security sector organisations, and an endorsement of the comprehensive sector wide nature of Security Sector Reform (SSR).

This scoping study was commissioned over the period March – May 2015 by the Department for International Development (DFID), with the aim of considering nineteen of the main OECD-DAC donors, focusing on three issues:

1. Providing an initial assessment of how policy and programming are linked;
2. What evidence of good practice has been collected; and
3. What knowledge and programming gaps exist currently.

To deliver this report ISSAT has conducted a series of interviews with the relevant agencies, primarily with the sections involved in coordination and programme management, and supported these interviews with an extensive review of relevant and available evaluation reports of security and justice programmes.

This report is structured around answering the three questions identified above. Section one identifies the national approaches to creating JSSR policy, examines the extent to which policy and programming are linked, and discusses the types of national structures that have been created to support the coordination of policy implementation. Section two collates and analyses some of the evidence that has been collected so far on good practice approaches to justice and security reform. Section three considers the gaps that remain, both in terms of national coordination and policy to justice and security sector reform, and the extent of available knowledge on good practice.

The authors would like to stress that the current report represents only a preliminary scoping study, and should not be seen as definitive. The range of national actors involved in justice and security reform, the range of agencies within those actors, the fragmentation of documented evidence, and the intent to deliver a short and focused research document to meet DFID expectations and timeframes, have all constrained the ability of this research project to cover the full range of national efforts and good practice evidence. Indeed a striking element of this research has been the lack of national coordination and analysis of the information they have already collected on reform good practice. ISSAT see the current process as the initial phase of a broader collection and organisation of good practice knowledge in JSSR, and hope that it will serve to prompt more sharing of the, no doubt large number, of national examples of specific good practice.

1. NATIONAL POLICY, COORDINATION APPROACHES AND STRUCTURES

1.1 NATIONAL POLICY APPROACHES

This study found that the OECD-DAC countries could be loosely divided into two categories regarding their approach to national policy. The first category is the group of countries that have created, or are in the process of creating, whole of government policy and guidance specifically focused on justice and security sector reform. The countries with existing policies include the United Kingdom¹, United States², Canada³, Sweden⁴, Germany⁵, France⁶, Denmark⁷, Finland⁸, and Austria⁹. These countries have both identified the importance and position of JSSR in their national priorities, and have created some form of framework for the relevant agencies to engage in any reform efforts. Within this group, however, the identification of specific ministries as authors of the national policy is dependent on the national structures for involvement in foreign affairs. Notably the ministries with direct authority over justice and the police, while explicitly included in the policy coverage, are less commonly primary authors on the national document.

All national policy documents state some principles of JSSR, although there is no consistency in what is identified as the principles, and it is not clear that differences in principles are linked to differences in practice. All acknowledge the importance of local ownership, and most the political nature of JSSR. France, Finland and Denmark address multilateral approaches and coordination of JSSR, but this is not clearly an indication of a greater national focus on multilateral approaches. The Austrian guidelines do not mention multilateral actors, despite multilateral contributions representing the greater element of Austrian programming. Guidelines normally (US and Canada) provide some direction to programming steps, but not in detail. Strategy documents (Sweden and Finland) discuss funding for JSSR activities. Canada and France have sections addressing the types of JSSR programming they have conducted. In summary, none of the documents are sufficiently detailed to

¹ FCO, MOD & DFID (2011), Building Stability Overseas (BSOS), London. Stabilisation Unit (2014), The UK Government's Approach to Stabilisation, London.

² USAID, DoD, & DoS (2009), Security Sector Reform, Washington.

³ Government of Canada (2011), Canadian Guidelines for Security System Reform, Ottawa.

⁴ Regeringskansliet (2010), Peace and Security for Development, Stockholm. Regeringskansliet (2007), Swedish security sector reform (SSR) strategy, Stockholm.

⁵ AA, BMVg & BMZ (2012), For a coherent German Government policy towards fragile states, Berlin/Bonn.

⁶ French Interdepartmental Coordinating Committee on SSR (2008), Security System Reform: France's Approach, Paris.

⁷ MFA, MoD, MoJ (2013), Denmark's integrated stabilisation engagement in fragile and conflict-affected areas of the world, Copenhagen. MFA (2010), Peace and Stabilisation: Denmark's policy towards fragile states, Copenhagen.

⁸ MFA (2009), Finland's Comprehensive Crisis Management Strategy, Helsinki.

⁹ BMVIA (2011), Security and Development in Austrian development policy, Vienna.

allow for a strong influence on programming, nor indeed does that seem to be the intent of the documents.

Norway and the Netherlands are both in the process of developing whole of government JSSR policy documents. The Norwegian policy in particular is near completion, and explicitly identifies the Ministry of Justice and Public Security, Defence, and Foreign Affairs as holding joint responsibility for justice and security sector reform, with the Norwegian Agency for Development Cooperation providing advice as necessary.

In the second category, where countries have not created a specific JSSR policy, the national policy framework takes varied forms. The Swiss Federal Department of Foreign Affairs has identified peace, human rights and security as a priority area of international engagement¹⁰, but does not seem to have codified this into a formal position that specifically details justice and security sector reform policy. In Japan the national development agency has guidelines that identify development efforts on the security sector as a priority for Japanese peacebuilding assistance¹¹. Ireland focuses its efforts on support to peacekeeping, mainly delivered through its police and military, but has not currently detailed a specific policy regarding this. Spain likewise has no formal JSSR policy, and does not identify JSSR as a strategic line of action in its National Security Strategy, but it does identify security cooperation as an important element when discussing several key regions. Australia and New Zealand do not tend to use security sector reform as an organising terminology, with rule of law terminology more commonly applied to Asia-Pacific development efforts. ISSAT have been so far unable to identify any relevant national policy documentation for Belgium, Italy, Spain or Slovakia.

1.2 LINKAGES BETWEEN POLICY AND PROGRAMMING

Regardless of the specific form of policy guidance, or national preference for terminology, few officials reported that policy had a significant impact on programmatic priorities and implementation. The policy documents included the well-known higher level principles that govern DAC funded assistance efforts, referring to governance, accountability, local ownership, sustainability, and a focus on improved delivery of services¹². However these high level principles, while relevant, were less important for programmatic implementation than were current national priorities, and the partner country context. National priorities often identify geographical regions and target partner organisations without much reference to policy guidance on principles for engagement and successful programming. These national priorities are often about country or regional focus areas, but can be conceptual (e.g. counter terrorism and counter piracy have been focal priorities in a number of governments). The impact of these priorities can be fairly fluid, with effects that occur through working group meetings and decision making processes. They are often captured in related documentation, but rarely in JSSR specific policy. Many nations set the specifics of programming decision at the embassy level, and not at the national headquarters, which reduces the extent of common approaches to programming implementation. Most individuals interviewed were of the

¹⁰ FDFA (2012), For Peace, Human Rights and Security; Switzerland's commitment to the world, Bern.

¹¹ JICA (2011), Thematic Guidelines on Peacebuilding, Tokyo.

¹² OECD (2007), OECD DAC Handbook on Security System Reform: Supporting Security and Justice.

opinion that policy documentation, while useful for setting strategic direction and enabling coordination, was of little specific use to inform programmatic approaches and priorities. The more relevant difference between nations seems to be in the extent to which each nation has created a coherent set of identified organisational structures to support the implementation of justice and security efforts specifically. In the current scoping study the extent to which a nation had a clear set of organisational structures, most notable an identified, empowered and permanent coordination agency, strongly influenced the ability of the nation to explain the range of its JSSR activities, and the availability of supporting evidence for good practice in JSSR programming. Hence it is more useful to assess the range of organisational structures that countries have created to coordinate the national deliver of justice and security sector reform support, as this seems to influence outcomes more than does the policy content.

1.3 COORDINATION STRUCTURES

As with the structure of policy documentation, there are significant differences between nations on what structural elements of coordination they use, with nations combining multiple forms to create unique combinations of national coordination. It is, however, difficult to assess to what extent any individual structure has caused improved programmatic coordination, as in most nations several level of national structure will have influence over any specific programme.

PERMANENT JOINT COORDINATION OR ASSESSMENT STRUCTURE

In terms of national structures to encourage justice and security reform sectoral coherence, the most obvious form is the creation of a permanent joint coordination or assessment capability. The primary example of this is the UK's own Stabilisation Unit, combining staff from the relevant government departments, including police and military officers, to create an operational support agency to coordinate the delivery of UK government efforts in fragile and conflict-affected states. Canada created a similar capability in the Stabilization and Reconstruction Task Force (START), a whole of government group to provide leadership and coordination to justice and security responses.

A distinct but comparable level of coordination is Sweden's creation of a security sector reform capability in the Folke Bernadotte Academy (FBA), which acts as the focal point for the National Contact Group on security sector reform. While the formal role of this bimonthly group is information sharing, the development and maintenance of organisational knowledge and focus within the FBA is a core component of the consistent implementation of security sector reform policy. More impressively, as the National Contact Group has developed it has been mandated to undertake joint assessment missions to Colombia and Nicaragua, using multiagency teams to assess and recommend SSR approaches. The ability of the group to conduct joint multiagency assessments allows a larger degree of coordination of effort to be built into programming at initiation.

All of these approaches provide a more consistent national approach to justice and security system reform efforts, by allocating clear agency resources and responsibility to joint efforts. While by no means perfect in resolving coordination issues, the identification of a lead agency and group as responsible for JSSR is probably the most important component of improving the alignment of programming. Without an internal champion for the coordination of efforts the different mandates

of each agency differences in approach are likely to lead to significant gaps in interagency programming coherency.

JOINT FUNDING

Another form of encouraging multiagency attention onto the coordination of reform efforts is to structure a joint funding mechanism. In the UK context this is the Conflict Stability and Security Fund, a DFID, Foreign and Commonwealth Office, and Ministry of Defence fund to provide flexible financial resources to prevent conflict. The intent of the fund is to integrate and coordinate the ministries' efforts, notable on the priority of effective and accountable security and justice. In order to allow greater flexibility of programming support the financial resources included both Official Development Assistance (ODA) and non-ODA funding.

At a programming level, Denmark uses a similar funding mechanism, The Peace and Stabilisation Fund (PSF), to coordinate joint cross government efforts in both multilateral and bilateral initiatives, likewise combining DAC and non-DAC funding to enable flexibility. An inter-ministerial Steering Committee that oversees the fund includes the Prime Minister's Office, MFA, MoD and the Ministry of Justice.

Several nations, notably Norway and Australia, coordinate funding by assigning most justice and security reform funding to a single department, which then controls allocation to contributing departments. While this increases the coordination of a range of national financial decisions, it does tend to be limited to ODA funds, and thus exclude the majority of military security reform efforts, to the detriment of whole of government coordination.

As funding mechanisms these approaches have been evaluated to have positive effects on coordination of implementation, albeit with a number of caveats on the extent of the specific contribution to the success of the joint efforts¹³. Coordination of funding is obviously an important component of coordination of effort, most notably in bringing non-ODA funded programmes into the same assessment and resource allocation framework as the ODA efforts. However funding coordination does not obviate the requirement for clear national leadership over the coordination of efforts, it mainly enables ease of comparison between the various programme and agency elements.

NATIONAL INFORMATION SHARING STRUCTURE

A number of nations use security and justice specific working groups, run at regular intervals, as the primary level of coordinating interagency efforts. For instance Germany has a significant national infrastructure devoted to security and justice efforts, with the primary coordination of information occurring through a specialised working group on security sector reform, which is located within the Federal Inter-Ministerial Steering group for Civilian Crisis Prevention. This working group brings together the full range of German government agencies involved in JSSR.

¹³ ICAI (2012), Evaluation of the Inter-Departmental Conflict Pool, London.

MFA (2014), Evaluation of the Danish Peace and Stabilisation Fund, Copenhagen.

Switzerland uses a similar mechanism, with an interdepartmental working group specifically for security sector reform. This serves to share information between the Federal Department of Foreign Affairs, the Swiss Agency for Development and Cooperation, and the Federal Department of Defence, Civil Protection and Sport, with the position of chair rotating through the different departments.

Austria has an annual working level coordination group, within which the primary partners are the Federal Ministry of European and International Affairs and the Ministry for Defence and Sports. The collaboration with other ministries efforts is nascent, in part because the military is structured for deployments abroad, and so is the agency most involved in the delivery of security sector reform efforts.

While there is clear value in the sharing of information, such groups tend to have less of a coordination effect than do assessment or decision making structures. The act of sharing information, while necessary for coordination, is not itself sufficient to encourage closer alignment of programming in the face of differences in departmental focus and capabilities.

JOINT INTERAGENCY TEAMS

An alternate form of coordination is to create joint interagency teams around specific programmatic areas. An example of this is the recently announced (August 2014) United States African Security Governance Initiative, covering six countries in Africa. The key element of coordination is the creation of a joint Department of Defence, Justice, State and Homeland Security team, working as part of the Department of State Bureau of African Affairs. All the agencies involved in the programme have contributed staff members to the team, to allow for joint planning and management of the implementation.

New Zealand has successfully used this model, by placing its police development capabilities (notably in the Pacific Prevention of Domestic Violence Programme¹⁴) under joint management of the Ministry of Foreign Affairs and Trade, the New Zealand Police, and the Pacific Island Chiefs of Police. The inclusion of representatives of the partner countries in the headquarters management of the regional programme is an especially notable feature of this coordination approach.

Joint interagency teams seem to work well to coordinate efforts on specific programmes, either at the country or conceptual level. The focused nature of the coordination encourages specific efforts to align programmatic approaches, monitoring, and the creation of agreed target outcomes. The limitation of the approach is that it may have minimal effect on overall national coordination of JSSR efforts, and the development of integrated cross-departmental understanding of coordinated approaches, if not combined with structures to support the integration of the joint approach in other settings.

INTERAGENCY LIAISON OFFICERS.

A less resource intensive method used for encouraging coordination is the joint transfer of liaison officers between agencies to specifically facilitate joint approaches to JSSR. The Australian Federal

¹⁴ MFAT (2012), Pacific Prevention of Domestic Violence Programme Activity Design Document, Wellington.

Police and the Department of Foreign Affairs and Trade have exchanged high level liaison officers, provided with a remit for both information sharing and encouragement of coordinated approaches. The transfer of positions was also instrumental in building the knowledge and implementation of developmental approaches within the police.

JOINT INTERNATIONAL COORDINATION

An innovative form of international coordination of security sector reform efforts can be found in the recent memorandum of understanding between the defence ministries in Ireland and the United Kingdom. This MOU creates a formal structure to maintain and build the relationship between the two militaries, notably in the role of the Irish military in a training role to transfer some of the extensive peacekeeping experience they have developed. The MOU is explicitly designed to enable future collaborative work in support of international peace and security operations.

A similar approach to coordination can be found in the 2009 MOU that created the Nordic Defence Cooperation (NORDEFECO). This is a structure to create cooperation on all defence activities, including security sector reform, between Denmark, Finland, Iceland, Norway and Sweden. One of the 2015 objectives is the establishment of a joint capability to conduct defence sector capacity building, through NATO, EU and UN engagements, as a method of further developing the, already significant, level of coordination for security sector reform activities.

Several nations have chosen to explicitly forfeit national efforts in JSSR programming in favour of focusing resources through multilateral organisation like the EU, the OSCE, and the UN. Multilateral contributions represent the majority of justice and security sector reform contributions from Austria, Belgium, Finland, and Switzerland.

OCCASIONAL COORDINATION OR NATIONAL POLICY DISCUSSION

A number of countries have put in place occasional focal group meetings to discuss and coordinate efforts, but have not felt the requirement for a more regular process. Several actors have integrated justice and security policy and coordination as a specific topic into yearly coordination meetings between the key agencies.

France's security system reform guidelines set out an Interdepartmental coordinating committee to guide the national implementation of reform approaches and define priorities. This committee meets on an irregular basis, making it less relevant to programmatic information sharing and coordination.

INTEGRATED RESEARCH SUPPORT

A common method of supporting the development of justice and security reform expertise across government is to develop and fund a close link with a research institute. This allows the nation to access relevant research, and use expertise for internal training. In some instances, notably the Conflict Research Unit of Clingendael in the Netherlands and NUPI in Norway, the relationship extends to involvement in the development of justice and security sector reform policy. In others, such as the Crisis Management Centre in Finland, the research capability is a formal institution of the government.

In addition to the research mandate, Finland's Crisis Management Centre is the governmental institution with the responsibility to manage the recruitment and preparation of civilian experts for JSSR programming. The German Centre for International Peace Operations (ZIF) holds the similar mandate for maintaining German civilian capabilities. In contrast in Australia the research mandate sits with the Australian Civil Military Centre, with the recruitment and management of civilian specialists sitting with the Australian Civilian Corps.

COORDINATED APPROACH TO COUNTRY LEVEL SUPPORT

Country-level coordination is carried out by most nations, although there are significant national differences in the extent to which the full range of agencies are involved in this process. However, for some nations, notably Australia and Japan, primary coordination for justice and security reform happens at this level, rather than cross-government within capitals, as integrated national programmes across agencies within a specific country allows a greater degree of freedom to adapt the approach (and the level of coordination) to the specific country context.

2. IDENTIFIED GOOD PRACTICE APPROACHES

This second section is composed of specific examples of good practice in JSSR efforts. These cover successful practices in both the methods of programme delivery and the technical content of programming. This section has organised the presentation of examples under three of the research questions: How do countries organise and adapt their JSSR support; how are choices made on implementation partners and monitoring and evaluation; and what lessons have been identified on issues of politics, local ownership, sustainability and risk.

2.1 ORGANISATION OF SUPPORT

The survey and interviews during this study confirm that across the international development community there is little consensus on what constitutes the most effective approach to JSSR. Rather, it is evident that there are competing, if not contradictory, views on what approaches tend to yield the greatest impacts. In this regard, the individual donor's perception of the effectiveness of top down, bottom up, problem solving, or criminal justice chain approaches tend to be justified by singular examples of successful or failed JSSR programmes. In the absence of robust meta-evaluations, there is limited evidence that can conclusively determine what approach to JSSR typically yields the best results.

The overall approach to organizing JSSR programmes is often steered by national practice, policy directives and overall development priorities of the Government. As an example Government wide prioritisation of human security in development assistance has explained why the Swiss Development Cooperation has numerous examples of JSSR programmes that focus on citizen security, civil society capacity building and direct beneficiaries which are not consistently, however, labelled as JSSR. Similarly, strong Government wide focus on gender in Sweden, Denmark and UK explains why comparatively gender is more regularly mainstreamed in their respective JSSR programmes. The national policy on the criminal justice system in Norway has also been reflected in the tendency of Norwegian development assistance to also adopt a similar 'criminal justice system' approach in organising its own JSSR programmes. In the case of the US Security Governance Initiative (SGI)

programme, the ability to create a whole of Government and governance focused programme was enabled by the Presidential Policy Directive 23, which defined security sector assistance and established the framework for greater departmental coordination of programming.

The domestic agenda also has a very strong influence on determining the type of intervention and organisation of the JSSR support that is provided. In country contexts where there is a strong domestic interest, such as illegal migration or transnational organized crime, donors have stated that their programmes focus on building institutional capacity to deal with those justice and security challenges rather than assessing what is most relevant for the beneficiaries. The typical lack of coherence between the development and domestic agendas can be addressed by improving coordination at headquarters levels which can help outline the different interests and possible contradictory objectives. At field level, it is also important to develop a common framework to channel assistance, such as a joint country strategy paper, which can help reconcile the two agendas and ensure they are mutually reinforcing. The aforementioned SGI programme attempts to accomplish this by creating an overarching programme under which all technical, equipment, and training assistance fits. It is notable that this single framework also allows flexibility for individual agencies to implement and design their own programmes. The coherence in approach within SGI is further promoted by a dedicated SSR officer that coordinates the efforts and identifies linkages or gaps in approaches.

Some level of donor self-interest is not necessarily a problem for effective JSSR programming. The Danish piracy programme was largely effective in addressing its thematic programme in the Horn of Africa by deploying a holistic and comprehensive approach. In this regard, the Peace and Stability Fund simultaneously financed prison development and transfer of prisoners, enhancing rule of law through community outreach in Puntland and wider rule of law capacity building support, while also building the capacity of regional armed forces through capacity building and strategy development, including the Kenyan Navy, Africa Standby Force, and African Union's Maritime Strategy. This comprehensive approach led to improved prosecution of pirates, improved rule of law, greater deterrence and enhancement of regional enforcement capacity, which in turn has played a contributing role in decreasing the number and frequency of incidences of piracy in the Horn of African and the Indian Ocean.¹⁵

Yet, the influence of individuals and the structure used for JSSR remains the dominant factor in determining how JSSR programmes are organized. Countries that deploy a largely centralised system to programme design and identification, which constitutes roughly half of the country case studies under review, tend to apply a largely similar approach to JSSR across their development portfolio. The key characteristic of centralised systems is that the same personnel are involved in identification and design across the entire portfolio of JSSR. The specific organisation of programmes in centralised systems naturally reflects the personal experiences and expertise of such personnel. This tends to lead to recycling of tried and tested concepts, with slight variations and improvements based on local context. Yet the challenge remains that the system promotes a certain bias towards doing what you know rather than pursuing the priority needs of the national stakeholders. In fragile or transition environments it is often easy to justify the need for any activity, as virtually all activities can be

¹⁵ MFA Denmark (2014), "Evaluation of the Danish Peace and Stabilisation Fund"

classified as a need. The bias is then usually reinforced by narrow terms of reference for assessments, which tend to simply validate the original perceptions on programming priorities. Nonetheless, the advantage of centralised approaches include: centralised collection of lessons identified from programmes, greater specialisation, and easier access to engage in sensitive governance issues due to direct affiliation with Government.

In contrast, there is less evident commonality and patterns in approaches applied by development agencies that have decentralised programme management processes, such as USAid or the European Commission. In decentralised systems, programme design and identification is more commonly sub-contracted to various companies or organisations. The comparative advantage is that sub-contracting tends to lead to more varied approaches and innovations being applied to programme design. Yet, comparatively within such systems there are a different set of issues, such as a tendency for programmes to repeat previous mistakes that are often not well documented and available to the broader JSSR practitioners, less continuity from previous programmes, greater emphasis on technical approach to reform, and inconsistent quality in the identification or design of the programme.

It is rare to find effective lesson learning processes and knowledge dissemination or needs based approaches to programme design that could overcome these challenges and address potential complacency. Yet, as a response to emerging lessons identified, various development partners are shifting towards more whole of government approaches to baseline and needs assessments, such as the African Union Joint Assessment Missions, and deploying multi-disciplinary teams that are able to challenge thinking, inject different perceptions, and drive innovation. The common factors of success in such assessments include: the pooling of technical, development, thematic, and context expertise from across government, assessment team division of labour based on comparative strengths and knowledge of team members, agreed expectations and understanding of issues, and using a robust and agreed methodology within the team that examines a wide spectrum of capacity, governance development, and technical issues across the sector.

In Ukraine, Norway has deployed an assessment team that includes institutional experts from the judiciary, prosecution, penal and corrections institutions, police and Ministry of Justice. The team was also assisted by Norwegian Agency for Development Cooperation (NORAD) experts who complemented the technical skills of the team with developmental experience, context awareness, and assessment methodology experience. The joint approach is a response to previous Norwegian lessons identified, which highlighted the challenges associated with deploying a sector wide approach in the programme implementation if the needs assessment itself was institution specific and neglected various areas of the criminal justice chain, notably the police. In this regard the aim of the joint assessment in Ukraine is to provide a basis for understanding the challenges across the criminal justice chain, identify the key gaps and reform priorities within the chain, as well as from the onset promote a more holistic and sectoral approach in the planning and prospective programming that will stem from the assessment. The assessment itself explored institutional level capacity, legal frameworks, and institutional culture across the criminal justice chain, but also examined issues of service delivery at local levels in two regions.

A similar multi-disciplinary assessment team was deployed by the US within the SGI to Niger, where a team consisting of rule of law, development, and defence experts collectively reviewed policy and strategic planning, public budgeting, and management and oversight across the sector. The mixed

teams, both in regards to the agencies and Ministries included but also in the combination of headquarters and field based staff, have been credited with leading more comprehensive understanding of the challenges faced in regards to context, systems and political dimensions. In addition, the diversity of expertise has provided an opportunity to simultaneously explore governance issues (eg. strong focus of Department of State and USAid), technical challenges (eg. strong focus of Department of Defence, Department of Justice and Department of Home Affairs) and target beneficiary needs (eg. strong focus of USAid field based staff).

In Uganda, Ireland and the UK conducted a joint assessment of public order and community policing which ultimately also helped to foster a joint approach to supporting the JSSR process thereafter. This includes the development of a joint programme, joint political dialogue with senior level national counterparts, and an agreed and complementary division of labour whereby the UK focused on public order policing and Ireland took on the responsibility of supporting community policing reforms. The joint approach also influenced the wider establishment of a sector wide approach to security reform in Uganda.¹⁶

2.2 IMPLEMENTATION PARTNERS AND MONITORING AND EVALUATION

For basic training missions for police and defence it is still common place for national institutions to directly manage and staff programmes. Yet, such bilateral programmes are typically short-term and narrowly focused and many countries are decreasing the number and size of such programmes altogether. A lack of long term focus and planning is very common for justice agency actors, as JSSR and international development are secondary priorities to the main remit of supporting domestic rule of law. Very few countries can afford to create significant organisational components within justice departments that directly support the delivery of JSSR. A notable exception is the International Deployment Group of the Australian Federal Police, which was created in the wake of evident need for significant support to the rule of law in the Pacific region, and which provides greater consistency in personnel and planning to Australian police development efforts.

As JSSR support programmes continue to grow in scope and size, an alternate approach has been to increasingly use private sub-contracted companies to direct bilateral programmes. Across the development community experience with using sub-contractors for complex reform programmes continues to have mixed results. The challenges of sub-contracting include a tendency for accountability for programme performance and delivery being highly skewed towards contractual obligations, rather than the needs and absorption capacity of beneficiaries. It is common place that privately managed programmes sacrifice ownership and sustainability simply to get quick wins as a means to meet criteria for payment. More donor flexibility, improved programme monitoring and less rigid planning is an effective means to ensure that such privately contracted programmes are driven by the necessary impact and long-term thinking. The Netherlands Security Sector Development programme in Burundi managed to promote more iterative planning and management by abandoning rigid log-frames, and focusing on incremental programme design cycles.

¹⁶ ISSAT (2012), "Evaluation of the Irish Aid/An Garda Siochana programme to support community policing within the Ugandan Police Force"

There are also an increasing number of examples of pooled resources between donors that are proving to enhance the effectiveness of JSSR programmes and overcome financial or technical limitations of individual donors. The Regional Assistance Mission to the Solomon Islands (RAMSI), is an example of a successful long-term programme whereby 18 countries pooled resources through a common programme¹⁷. This programme has enabled smaller nations to contribute directly without setting up their own programmes and costly programme bureaucracies. The added benefit of the programme is that a regional approach has enhanced the visibility and legitimacy of the programme itself. The successful penal and justice programme working with paralegals and corrections institutions in Bangladesh, managed by Germany, is an example of a successful programme run by a bilateral, which was then reinforced through additional technical assistance and up scaled through funding by the UK.¹⁸ Slovakia has overcome its limited capacity to manage JSSR programmes by partnering with Slovak Non-Government Organisation's (NGO) to implement programmes that shared the Slovak transformation experience in countries such as Georgia, Serbia, Tunisia and Ukraine. In this regard, pooled resources are most effective if there is an honest self-assessment of limitations and recognition of the comparative advantage of other partners. The New Deal country compacts, or agreed division of labour such as the EU-UN training arrangements in Mali, can be effective mechanisms that encourage donors to use their resources more efficiently.

MULTILATERALS

Some nations have begun to consider the limitations of their internal capacity to effectively and efficiently manage their, often limited number of, JSSR programmes. Several nations have responded by channelling a larger part of their funding and resources through multilateral organisations and organisations such as DCAF's International Security Sector Advisory Team.

After identifying gaps in international support to JSSR, yet also acknowledging its own financial limitations in supporting large scale programmes at country level, from 2006 Slovakia committed its primary attention to supporting the enhancement of the UN capacity for JSSR. Slovakia initiated the UN Group of Friends of SSR and sponsored UN wide debates on the role of security sector reform in peacebuilding and development. The advocacy approach is credited with promoting security and justice sector reform within the UN agenda, helping to review effectiveness of existing approaches, sharing lessons amongst member states and encouraging the UN to develop its own guidance and capacity. Similar efforts have recently been launched by Switzerland and Slovakia to support such capacity development and policy coherence within the OSCE. In addition, the EU, UN, Netherlands and Norway have provided similar capacity building support to the African Union.

Switzerland recognised a comparative advantage in public finance management (PFM) expertise, and that there is a substantial gap in JSSR in this field. Swiss Armed Forces are no longer focusing on bilateral programmes, and have shifted towards seeking to deploy PFM experts to UN peacekeeping missions. This approach has also raised awareness of the importance of integrating PFM into the

¹⁷ AusAID (2012), Solomon Islands Case Study: Evaluation of Australian Law and Justice Assistance. Canberra.

¹⁸ GIZ, "Improvement of the real situation of overcrowding in prisons in Bangladesh" (October 2014)

wider justice and security sector reform process, and ensuring that the UN integrates the issue into its governance activities.

CHOOSING THE RIGHT EXPERTS

As in any development programmes, the effectiveness of international support is largely contingent on getting the right expertise in place at the right time. In fact, having the right experts in place has often proven to be more influential than effective programme design. In bi-lateral programmes that rely on national civil servants or national uniformed staff, the inability to find available private consultants quickly or to ensure national civil servants are made available by their institutions have been cited as key difficulties. The key factors in getting the right expertise have included effective screening processes, large databases that need continuous updating and review, mixed and diverse skill sets of country teams, and local ownership in staffing and recruitment.

JUSTICE AND SECURITY ROSTERS

As a response to the challenges of getting the right expertise, Canada, UK, Netherlands, Norway, EU, UN and Australia have created security and justice rosters for civil servants and practitioners. The functionality and effectiveness of the rosters depends on administrative capacity to ensure the rosters are up to date, that proposed candidates have been screened, administrative arrangements encourage and enable staff to join and deploy when needed, and the rosters contain a diverse set of skill sets that range from specific technical expertise to more development experience.

Canada's Civilian Response Corps (CANADEM) has served as useful a database of qualified personnel who are willing and interested in deploying abroad. The size of the CANADEM roster, with over 800 registered experts in security and justice, means that at all times the Canadian Government has an extensive pool of experts that they can then cross-reference with vacancies or staffing needs to find potential candidates. The roster largely depends on national staff applying to join the roster. CANADEM in particular has been praised as enabling Canada's engagement to continually find suitable candidates with relevant expertise and language skills.

The Norway Rule of Law Roster has been praised for consistently providing highly qualified and motivated staff who are able to deploy quickly. The Norwegian Ministry of Justice has ensured that roster candidates are first reviewed and pre-selected by the Judicial Board, an internal administrative board of the judiciary. Successful candidates are then subject to further screening and interviews by the Ministry of Justice who take the final decision on who gets selected for the roster. Roster members are then invited to periodic roster trainings covering the basics of development programming and good practice. Roster members are invited to apply for any subsequent vacancies and are subject to country and position based interviews. Deployment through the roster is attractive to national civil servants and members of the judiciary because it guarantees through formal administrative agreements and arrangements that staff deployed from the roster are allowed to return to their previous work after completion of their deployment without conditionally and with the same benefits enjoyed previously. To ensure currency of practice as well as prevent long-term gaps in capacity for national institutions, those deployed on missions are not allowed to re-deploy for another two years. The positive experience with the roster has been reaffirmed through evaluations which have highlighted a consistent high performance of the personnel deployed.

MIXED TEAMS

A common limitation highlighted in evaluations is that teams of practitioners lack development experience, and thus focus on technical solutions without applying a more developmental approach. Canada has addressed this issue by deploying development specialists to embassies as programme managers in order to introduce developmental approaches into technical assistance programmes. In Afghanistan, JSSR programmes implemented by technical staff and national practitioners were managed by a development programme manager in the Embassy. Norway has also built an effective system of reinforcing technical experts from the Norwegian justice sector by deploying a NORAD development specialist to periodically work with the technical team in country. Such an approach is used to compensate for the lack of development or programming experience amongst the mostly practitioner staff from the judiciary, prosecution and probation.

Switzerland has addressed limited availability of specialised expertise within the Armed Forces in various governance areas of JSSR by developing a public-private partnership as a means to reach out and identify potential suitable candidates. By being able to advertise within the websites of private institutions, participate in seminars to sensitise interested individuals on SSR, and to create agreements on availability of staff for deployment, the Swiss Armed Forces have been able to recruit qualified experts in public finance management and in turn fill a gap in capacity and available expertise within their own staff. It is also important to note that this modality was also largely enabled by Switzerland's militia system which allows reservists leave of absence from work as part of national service.

New Zealand has tried to ensure a gender balance within its deployment teams, which has been seen as playing a positive example for the local context and facilitated gender mainstreaming and targeted gender reform targets within police assistance. This is critical in police development in the Pacific, where the main issue in many countries is gender based violence.¹⁹ Similar emphasis on gender in team composition was applied by Canada in Haiti.

MONITORING AND EVALUATION

Effective monitoring and evaluation (M&E) is commonly highlighted as one of the key problems in evaluations of JSSR programming. Common challenges include the lack of resourced monitoring components in programmes, poor emphasis on lesson learning, and lack of clear, measurable outcome and output indicators.

In programming designs, Germany and Switzerland have deliberately chosen less ambitious targets as a means to curtail expectations but also to ensure that the expected outcomes and outputs are largely aligned to realistic capacities and timelines of national counterparts. This approach has also ensured that the programmes are not overstretching their resources and as a result failing to achieve substantive results in any single area.

¹⁹ Law and Development Partnership New Zealand, "Strategic evaluation of police work funded under the New Zealand Aid Programme 2005-2011"

In the case of the Sweden, Norway, New Zealand and the UK there has been a conscious and deliberate intent to make evaluation reports of JSSR programmes available to the public, which has improved accountability of the programmes but has also been cited as a means to promote results. The publication of evaluations has also facilitated lesson learning in the wider JSSR community and improving coordination. The effect of this can be seen immediately in the greater number of examples that were available to this scoping study from these bilaterals.

For large scale programmes the UK has commonly requested annual evaluations of progress made. In the case of the Security Sector and Police Reform programme in the Democratic Republic of Congo, the evaluation team requested the programme to report on how the previous evaluation report recommendations have been addressed and to provide direct evidence of achievements and outcomes as a means to triangulate and verify the achievements. The programme was substantially altered year to year through the evaluation process, and as a result there was a measurable increase in performance.²⁰

In most nations the development agency has the greatest M&E expertise. Improvements in JSSR programme level M&E tend to occur where a clear link between that expertise and the programme management occurs. In Norway, NORAD has supported the Ministry of Justice in developing evaluation frameworks, log frames, theory of change and appropriate indicators. This cooperation has enabled the MoJ to access expertise and advisory support on indicators, results based management, and theory of change which has improved the monitoring frameworks of its projects and developed coherence in approach.

Joint evaluations are one method used to implement M&E to improve coordination in a country. In Burundi, key donors conducted a joint evaluation which included the justice and security sectors. The evaluation included the EU, Burundi, Belgium, France, Germany, NL, Sweden and UK. As a consequence of the evaluation, the various partners were able to change their approach from an activity level cooperation to a more strategic sector wide approach.²¹ There can be multiple positive consequences of joint evaluations, notably including improving the shared understanding of issues and approaches between different national programming, decreasing the cost and increasing the efficiency of the M&E, and ensuring that the lessons of specific programme good practices are widely shared.

In Serbia, the Swedish police assistance programme transformed its internal programme mid-term evaluation to also serve as a stock taking assessment of the broader reforms and developments within strategic planning and management within the Ministry. This approach allowed the programme to evaluate the effectiveness and impact of its support but also to gauge wider progress made in reform efforts within the Ministry and identify remaining gaps. In this regard, the assessment was seen as a useful and efficient tool for both the programme and the Ministry, without creating parallel processes and demanding additional time resources of national actors to perform an evaluation. Similarly, USAID has on occasion commissioned impact studies in the justice and security

²⁰ ICAI (2015), "UK Development Assistance for Security and Justice"

²¹ EuropeAid (2014), "Joint evaluation of the cooperation with Burundi of Belgium, the European Commission, France, Germany, Netherlands, Sweden and the United Kingdom"

sectors in which have served to inform their own programmes but also inform national governments of emerging gaps in the reform processes.²²

The common characteristics of effective monitoring and evaluation across the examples have included joint approaches to M&E that have reduced the resource burden on national institutions to support the process, regular evaluations that are integrated into the management and implementation processes of the programmes, and M&E focused on lesson learning rather than audit of activities undertaken. In cases where M&E is subcontracted clear and standardized methodology has enhanced the quality and relevance of the evaluation process itself. Conversely, monitoring and evaluation that is simply a procedural issue that is under resourced or poorly timed to coincide with planning cycles have proven to have negligible impact on improving the effectiveness and impact of the respective programmes.

2.3 TACKLING POLITICS, OWNERSHIP, SUSTAINABILITY, AND RISK

TACKLING THE POLITICAL DIMENSION OF JSSR

The interviews and the survey confirmed that political engagement and the lack of political will are common and recurring challenges faced by programmes across the donor community. Political challenges are frequently cited in evaluations as a reason for limited effectiveness, impact and sustainability of donor engagement in the sector. Programmes that have proven successful in tackling difficult issues such as change management or accountability have typically been reinforced by senior level political dialogue, developed dedicated advocacy activities, utilized an approach that ensured mutual trust and partnership, or adopted an approach that provided incentives for reform. The determining factor in countries being able to tackle political challenges is sustained and regular engagement at political levels and ensuring that political dialogue is not simply used for problem solving but rather to create mutual understanding and partnership. In this regard, it should be noted that political dialogue that is ad hoc and only responds to crisis rarely proves effective.

POLITICAL DIALOGUE TO SUPPORT PROGRAMME DEVELOPMENT AND IMPEDIMENTS TO REFORM

The US SGI programme has emphasised the crucial role of the State Department and the corresponding US Embassies in helping to pave the way and political space for SGI programmes to embark on sensitive assessments of governance and accountability issues. In the case of Niger and Tunisia, the respective US Embassies are in particular credited with substantive and sustained political dialogue that had led to host governments endorsement for SGI technical assessment teams to come in and examine key governance issues, including budgeting and accountability.

In Somalia, the individual diplomatic and mediation efforts of the Danish Ambassador were cited in evaluations as being the key determining factor that influenced the Somali authorities to approve and implement the "Piracy Trial Transfer System" programme funded by the Danish Peace and

²² USAID, "Impact evaluation of Support Traditional Leaders and Local Structures in Zimbabwe" (2014), and "Impact Evaluation of USAID's Community Based Crime and Violence Prevention in Central America" (2014)

Stabilisation Fund. In this example, the Ambassador played a crucial political role in building political commitment to reform, helping to ensure that there was high level political awareness, commitment and ownership of the reform proposals, and that political impediments to reform were continuously discussed at senior political levels.²³

The EU high level political dialogue with Eastern Partnership countries has also been a prominent example of the positive outcomes when political and technical work are mutually reinforcing. In this regard, the EU dialogue with Moldova and Georgia has extensively and continually discussed justice and security reform issues with high level officials from across government. This dialogue was complemented by significant technical and financial assistance to the security and justice sector. In the case of Moldova and the justice sector reform sector budget support, the use and enforcement of conditional budget support disbursement based on progress in critical areas of reform, was credited as being the key political incentive to take ownership, demonstrate political commitment and to drive the reform process. In the case of EU State Building Contracts for fragile states, the EU has commonly included security and justice reform indicators in the variable tranche in the general budget support, including in Cote D'Ivoire, Liberia, Madagascar, Mali, Burundi, and Mauritania. These new contracts are explicitly intended to ensure that financial disbursement is complemented by frequent and substantive political dialogue on reform substance.²⁴

In Burundi, the Netherlands Security Sector Development (SSD) programme was also able to gradually build political will by initially focusing on activities that primarily aimed to build partnerships and trust with local counterparts as an entry-point to discussing and addressing governance issues. In this regard, by first focusing on 'train and equip' activities in the initial phases of implementation the programme was able to build credibility and a strong reputation that gradually created the political space and willingness of the Burundian Government to engage on more substantive JSSR governance issues. It is notable that the political dialogue between Burundi and Netherlands takes place regularly and includes periodic mutual high level state visits that discuss and review progress in JSSR. The dialogue is also inclusive in nature, with a large number of national oversight and management bodies included alongside civil society and media. The inclusive nature of the dialogue itself has been a contributing element in the effectiveness of the programme in promoting transparency and accountability as part of its governance reform agenda. The key lesson learned from the SSD experience is that political dialogue is an important enabling instrument for implementation. It is also notable that this political dialogue was complemented by further joint political dialogue of the key donors involved in police reform, including the Netherlands, Belgium, France and Germany, with the Ministry of Public Security.²⁵

In Uganda, the quality of high level political dialogue of the Ireland and UK joint programme with Ugandan senior officials is credited as being a key factor in the effectiveness of the programmes. This included substantive dialogue between Ambassadors and Ministers on a regular basis. This dialogue

²³ MFA Denmark (2014), "Evaluation of the Danish Peace and Stabilisation Fund"

²⁴ ODI (2015), "EU State Building Contracts": early lessons from the EU's new budget support instrument for fragile states"

²⁵ Clingendael (2014), "Putting governance at the heart of security sector reform"

was also complemented by a country visit to Ireland by the Ugandan Inspectorate General of Police (IGP) to see how community policing works in practice. This visit was recognised as playing a critical role in persuading the IGP that such a system of community policing was beneficial and worthwhile for Uganda as well. It is notable that the cooperation between Ireland and the UK in joint dialogue originated from the joint assessment process.²⁶

POLITICAL ADVOCACY

In certain contexts long-term and substantial advocacy efforts in the form of study visits, peer-to-peer exchanges and seminars have proven to be successful technical approaches to addressing initial political reluctance. Such a deliberate and concerted investment of resources and time in advocacy has proven to be a contributing factor to helping overcome common misconceptions linked to specific reform proposals of development partners, and to gradually build interest in reforms when initially political will was lacking.

This advocacy approach has been used by Sweden and Norway to gain political traction for several proposed reform objectives. In one instance, the Norwegian Mission of Rule of Law Advisors to Moldova (NORLAM) invited an entire Moldovan Government working group on juvenile justice to Norway to help showcase the type of programmes that Norway was proposing and to explain how they could be applied and tailored to the Moldovan context. The concepts of probation and a Children’s Home for justice, which were previously seen as contentious and impractical in the Moldovan context, were more readily accepted by the Moldovan counterparts once they had witnessed how these worked in practice. In both examples the study visits have been credited as being the turning point in national acceptance and buy-in for the establishment of both concepts in Moldova. In Serbia, the Swedish policing programme shared similar successes through study visits regarding advocacy for gender sensitive approaches to policing and for strategic planning.²⁷

In Turkey, the Swedish Programme implemented by the Swedish National Courts Administration (SNCA) proved successful in overcoming initial reluctance in Turkey to considering conciliation and mediation as an alternate dispute resolution through a series of study visits, seminars and even mock trials. These advocacy events helped to gradually reduce the pre-conceptions that conciliation mechanisms increase workload or are overly difficult. Ultimately these advocacy activities contributed to the introduction of laws that allow for conciliation in cases and there is evidence of growing use of conciliation in labour and family courts. In the same programme, a system of sister court cooperation between selected Turkish and Swedish courts also yielded positive changes in attitudes and views. In this regard, through direct exchanges and visits between the courts of the two countries, Turkish and Swedish counterparts were able to develop a system of mutual understanding and trust that gradually facilitated discussions on challenging reforms. The specific and limited focus of the cooperation – juvenile justice – helped in building the partnership and providing a framework

²⁶ ISSAT (2012), “Evaluation of the Irish Aid/An Garda Siochana programme to support community policing within the Ugandan Police Force”

²⁷ ISSAT (2014), “Review of NORLAM”

for cooperation. The peer to peer nature of the exchange was seen as a key factor of success in changing the approaches to interviewing juveniles, including social support during the process.²⁸

New Zealand's Pacific Judicial Development Program (PJDP) programme saw similar evidence of the advocacy effects of workshops and seminars, whereby it contributed to change in attitudes and behaviour and resulted in greater enthusiasm and motivation of local counterparts to develop their own reform proposals and programmes. The catalytic effect of the trainings was evidenced in participants embarking on self-initiated steps for greater communication within the judiciary on decisions or court interpreters developing a gender sensitive dictionary for translating sexual abuse cases. This approach is complemented by the support to a Chief Justices' Leadership Forum which has provided a forum to discuss challenges, provide peer support, and used as a mechanism to enable senior leadership to drive the reform process.²⁹

Given the political sensitivities of JSSR, development partners commonly face difficulty in finding effective entry-points to engage in substantive and difficult reforms. New Zealand, Norway, Switzerland and Ireland, for instance, have highlighted that their success in building effective partnerships and ability to engage on politically sensitive or contested issues, even through modest programmes, is typically enabled through their conscious effort to ensure their work is perceived as lacking of a political agenda. Similarly, these countries have made a concerted effort to ensure that there is no associated domestic or political agenda associated with their reform programmes.

Ireland has committed to integrating modules on importance of context, dealing with national counterparts, and being an advisor to pre-deployment training of staff. This has been credited with ensuring that staff members deployed to the field adopt a supporting rather than leading role in the reform process and are seen by their local counterparts as not being intrusive. Such an approach at the initial stages of the community policing project in Uganda was seen as necessary to gain the trust and approval of the local authorities for the proposed project design. In the case of Irish support to Liberia, there was a deliberate choice made by IrishAid not to push for visibility of their support. This approach was a means to empower Liberian National Police to fully take credit and pride in the programme.³⁰

Norway has also helped to build a strong reputation and trust with senior officials of the Moldovan Government by rarely seeking [Norwegian] visibility of their work, as well as relying on practical examples of how things can improve or be done differently, rather than only highlighting what is wrong. As a consequence the supportive demeanour and advocacy approach of the programme has been praised by senior Moldovan justice sector leadership as being more productive. Gradually the trust and reputation established by Norway has provided an entry-point for the programme to

²⁸ Sida (2014), "Evaluation of the Development Programme for Turkish Judiciary"

²⁹ New Zealand MFA (2013), "Evaluation Report for Pacific Judicial Development Programme"

³⁰ ISSAT (2012), "Evaluation of the Irish Aid/An Garda Siochana programme to support community policing within the Ugandan Police Force"

support sensitive regulatory reforms or changes in case management and case handling, areas in which other donors have struggled to achieve results or to gain the same level of access.³¹

In Honduras, Switzerland has also gradually developed political space to support more ambitious reforms in the security sector by being seen as a neutral mediator and facilitator, and initially having modest ambitions that matched the political will of national institutions and politicians. Switzerland built trust with national institutions by making clear that the objective of the programme is citizen security, rather than power structures or institutional competencies, and by embedding conflict sensitivity analysis within its technical support. This conflict sensitivity analysis was continually reviewed and adjusted, which allowed it to identify new opportunities and adapt their approach if necessary. As a result the programme has gradually built in components of institutional reform as the mediation process has progressed, and governmental and non-state actors have felt more comfortable with the objectives.³²

SUSTAINABILITY AND LOCAL OWNERSHIP

Sustainability of security and justice programmes is commonly identified as the biggest challenge faced by development programmes. Yet, a consistent and evident limitation in the sustainability of JSSR programmes is the lack of understanding of the actual re-current cost implications of development programmes on national budgets. This includes programme management staff not understanding financial gaps and trends, and limited dialogue with national counterparts taking place to discuss actual costs of the programme in the medium to long-term. Few programmes commit resources and time to understand what financial sustainability of the programme implies in actual costs and develop sufficient plans outlining map what sustainability implies.

Similarly, it is common place to find that the donor commitment to local ownership is in practice undermined by the reluctance to change programme management, accountability and reporting lines. These are typically skewed towards the needs of the donor rather than being tailored to the needs of national beneficiaries. This includes how programme progress or evaluation reports are structured and who is the principal target audience of such reports, how decisions are made in regards to what the programme does and how it does it, and who the programme staff feel they need to report to in regards to results or if they would like to change activities. Also, programme management systems which are reliant primarily on steering groups as a mechanism for ensuring national ownership are commonly finding that such steering groups are ineffective, irregular and largely procedural rather than action oriented. Local ownership and sustainability is more likely in programmes that provide substantial and leading roles and responsibilities for national beneficiaries in direct management of the programme. Such programmes are typically also characterised as being more transparent and inclusive in how they operate on a day to day basis.

Contrary to aid effectiveness principles as outlined in the Paris Declaration and New Deal, in security and justice reform programming it is still common to find parallel implementation units as a predominant mechanism for implementation. In Burundi, the SSD has tried to address this ownership

³¹ ISSAT (2014), "Review of NORLAM"

³² Internal ISSAT After Action Review on Honduras (2015)

deficit by gradually and progressively transitioning from an international programme management team to the management of the programme being handled by national staff and the programme implementation structure being absorbed into national systems. The fundamental element of the programme design, which at the onset did not include strict log frames, has been the notion that the programme should take a problem solving approach and results should be established on an incremental basis. This approach has been highlighted as enabling the programme to slowly build results without sacrificing the long-term perspective. It has also allowed the programme to initially focus on building trust and capacity while slowly and progressively tackling more challenging governance and accountability issues as opportunities presented themselves.³³

In New Zealand Pacific Prevention of Domestic Violence Programme (PPDVP) local ownership of the results was facilitated by the part-time nature of the New Zealand advisors. This approach allowed the beneficiaries of advisory support to take ownership of the inputs from the New Zealand advisors in between deployments. The key success factor is that despite only part-time deployments, the advisors and mentors assigned to specific countries remained constant.³⁴

New Zealand has improved the effectiveness of its community policing approach by shaping the approach according to context. In post-conflict environments it has focused on ‘facilitated approaches’ whereby it provided support through local civil society organisations and international NGOs to develop committees that engage with the national police. In contrast, in more developmental contexts New Zealand has focused on more direct support to such committees without reliance on Civil Society Organisations. Both approaches have shown to be effective and appropriate for the given context.³⁵

The Denmark Peace and Stability Fund has ensured that from the onset it leaves a significant part of available resources untied and available to be used when needed. Following this model, 27 percent of the funds earmarked for the Afghanistan/Pakistan portfolio remained unallocated at the onset, while the Horn of Africa portfolio retained 13 percent of the total funds unallocated. This approach has enabled the programme to respond quickly and be viewed as being able to meet local needs while also being able to take advantages of new opportunities and entry-points when they presented themselves.³⁶

The success of the New Zealand support to community policing in Timor-Leste is largely attributed to New Zealand focusing on helping to operationalise the Timor-Leste design for community policing rather than advocating for a different model altogether. Within this pilot programme the focus was on developing a meaningful local community participation within a policing model that was, nonetheless, starkly different to the community policing model used in New Zealand. The

³³ ISSAT (2014), “Evaluation de la phase II du Programme de Developpement du Secteur de la Security au Burundi”

³⁴ Government of New Zealand (2011), “Independent evaluation report Pacific Prevention of Domestic Violence Programme”

³⁵ Law and Development Partnership New Zealand, “Strategic evaluation of police work funded under the New Zealand Aid Programme 2005-2011”

³⁶ MFA Denmark (2014), “Evaluation of the Danish Peace and Stabilisation Fund”

programme overall had a very strong emphasis on partnership with the Timorese National Police. The programme also focused on the realistic expectations and application of community policing rather than theoretical understandings of the concept. The evaluation of the programme confirmed that the approach of supporting the development of the local model rather than trying to fundamentally promote a different model resulted in the Timorese feeling the community policing model was their own.³⁷ Across the Pacific Region, evaluations have highlighted that New Zealand advisors and police officers are seen as working with cultural and context sensitivity. The focus on partnerships has been commended as also contributing towards improving the quality of needs assessment, as the New Zealand advisors are able to work more closely with local stakeholders. In the case of the New Zealand's Pacific Judicial Development Program, the building of strong relationships and partnerships with local stakeholders and peers have enabled the programme to transition towards remote and part-time support, that would otherwise not be feasible without the necessary familiarity and trust.³⁸

In the New Zealand PJDP programme, they have developed the Responsive Fund, which enabled national judiciaries to access funding to cover activities and reforms not covered by other assistance programmes. In turn, the financial support allowed the national judiciaries to take ownership of the activities by selecting them, developing them and managing them without external assistance. Disbursement of the fund is based on applications submitted by judiciaries and is mostly in small amounts to ensure greater probability of sustainability. The criteria for the fund encourage applications for activities focusing on strategic level priorities, rather than 'train and equip' activities and projects.³⁹

LOCAL OWNERSHIP IN RECRUITMENT AND STAFFING

There are several examples of development programmes in JSSR that have improved their effectiveness and local ownership by ensuring that national actors have a greater role in selecting or staffing the programme implementation structures. The Netherlands SSD programme in Burundi, with the exception of the overall manager the programme, has employed predominantly Burundian staff most of whom are civil servants on the national payroll. When specific technical expertise has been needed the programme has recruited short-term experts to fill needs, or has sent practitioners from Netherlands for specific assignments. A similar approach has been used by the Sida community policing programme in Albania, which has also addressed the expertise challenges by gradually transition towards using national staff in key management and implementation roles, and used international experts mostly in supporting roles. This was a means of ensuring that the skills developed in the programme management team would remain in country, and that the programme was seen as being managed by Albanians themselves. In both cases, the reliance on national staff for programme staffing has been seen as key element in improving national ownership, enhancing programme relevance, and improving the prospects for sustainability.

³⁷ NZAid (2010), "Community Policing Pilot Programme"

³⁸ Law and Development Partnership New Zealand, "Strategic evaluation of police work funded under the New Zealand Aid Programme 2005-2011"

³⁹ New Zealand MFA (2013), "Evaluation Report for Pacific Judicial Development Programme"

Similarly, the Canadian programme in Colombia and the NORLAM programme improved their effectiveness and created a coherent approach by developing a strong support team made up of local staff. This approach enabled the programme to maintain momentum and continuity despite regular rotations of international staff. In both examples, the programmes benefitted from local staff maintaining continued relations with local counterparts, ensuring institutional memory of the programme, and facilitating handover from one international staff member to the next, all commonly identified deficiencies in programmes.

The Australian and New Zealand programmes in RAMSI supporting the Correctional Services were able to deploy relevant experts by involving national actors in the recruitment and selection process of international experts. This approach is credited with also improving the collaboration and partnership between the RAMSI international experts with their local counterparts. RAMSI uses the same method to select police for the Participating Police Force (PPF) component.⁴⁰

RISK MANAGEMENT

Working in fragile contexts on JSSR is commonly a high risk endeavour. Most development partners outline risks and assumptions regarding local context in project design documentation, yet such mapping of risk is neither substantive nor comprehensive. Furthermore, it is common that such risks are not tracked during programme implementation, are not used systematically to inform decision making, and few risk mitigation strategies are developed.

Denmark has, nonetheless, made a concerted effort at periodically reviewing and updating its risk matrix as part of its internal country specific coordination meetings. Risk-taking is identified as one of the six guiding principles of the PSF and actual risk willingness has been confirmed through independent evaluations. It has committed time and resources to continually track political risks by active reporting from field levels, analysis of political and social developments by country and headquarters staff, and held high level political briefings with national politicians to discuss and review the existing risks and develop contingency plans if necessary. This approach has enabled it to identify opportunities that, while high risk, are also high reward, and gain sufficient political support to create programming to target them. As a result Denmark has engage in difficult contexts, such as Somaliland, on a sustained basis despite the significant risks that were identified during the programme assessment.⁴¹

3. OPERATIONAL AND KNOWLEDGE GAPS

3.1 COORDINATION OF PROGRAMMING

In terms of sectoral coordination, the most significant disconnect between clusters of justice and security is not between justice and security approaches, instead it is between military led/organised ones and those of all other development actors. Integration of OECD-DAC recommended approaches,

⁴⁰ Law and Development Partnership New Zealand, "Strategic evaluation of police work funded under the New Zealand Aid Programme 2005-2011"

⁴¹ MFA Denmark (2014), "Evaluation of the Danish Peace and Stabilisation Fund"

most notably transparency of evaluation, is most progressed for aid funded reform efforts, which typically encompasses most police, justice and foreign affairs efforts. Development agencies consistently, and unsurprisingly, retain a clear advantage in implementation of this. Military led reform efforts (and in some cases police led as well) have further to travel in the integration of the OECD-DAC principles for justice and security reform efforts, and also have the least institutional pressure encouraging the implementation.

This is highly problematic, as the lack of a consistent theory or frame of reference for JSSR programming makes it significantly harder for national actors to achieve real coordination of effort. Modern military's have highly developed planning processes, and thus tend to hold a significant degree of confidence in the quality of their operational (programme) management. Unfortunately many of the most critical reform issues, notably the impact of the programme and the sustainability of any effect, are treated by the military as strategic-operational level issues to be dealt with at a political level. They are often not considered from the outset by programme level planning processes as part of a handover process or transition strategy involving train the trainer, oversight mechanisms, or financial budgeting — certainly not as automatically as they are in an aid agency programme.

This problem is compounded by the lack of an accessible military JSSR evidence base, due to the lack of any DAC mandated requirement for transparent evaluation of programmes. The only analysis of military JSSR outcomes ISSAT found was a Rand meta-analysis of US capacity building efforts⁴². Unfortunately the unclassified published version lacked the data used in the analysis, making it impossible to independently analyse the findings. This study indicating findings consistent with other reform programming, and notably identified the importance of local ownership and the requirement to plan for sustainability are both correlated with improved reform outcomes.

While there have undoubtedly been improvements in the extent to which national development agencies have accepted and integrated the importance of security into the agency's work, the overall level of support varies significantly between countries. Despite the widespread acknowledgement that security and development are linked, and will require both development and police/military/justice support, the very different organisational cultures have remained a significant inhibitor of joint approaches. This is unfortunate, as the development agencies' expertise in aid approaches, and understanding of the requirements for robust monitoring and evaluation, is vital to the successful implementation of justice and security sector reform programmes by any agency.

More broadly, encouraging real cross agency coordination/collaboration on security and justice is an effortful process, and is highly likely to remain so. Even information sharing requires some investment in a national structure specific to supporting the development of interagency efforts. Without such a structure agencies' focus will, unsurprisingly, revert to their individual core mandates. Justice and security reform efforts in partner countries, not being the core focus of any one agency, nor indeed closely connected with that core focus (home national service delivery for most agencies other than foreign affairs and aid), struggle to retain attention and resources. Where national coordination efforts resulted in improved programmatic outcomes, this was linked with the creation of dedicated national structures to support JSSR.

⁴² RAND Corporation (2013), What Works Best When Building Partner Capacity and Under What Circumstances? Santa Monica.

Another point that became apparent through this process was that the extent to which a nation focused on multilateral support had an impact on national agency coordination. While a focus on supporting multilateral JSSR efforts is a commendable approach for improving international coordination within specific countries, and for smaller countries can be a sensible method of leveraging the available national resources, it has a paradoxical effect of decreasing the ability to create internal national coordination and coherence. Opportunities within a specific multilateral operation are often relevant only to a single agency. Even where bilateral programmes are present in a country with the multilateral effort, the multilateral control over the operational actions of the national contingents mean that coordination with the bilateral elements of a national effort is often limited.

3.2 CLUSTERING OF PROGRAMMING

It is notable that at present it is difficult to identify clear examples of comprehensive development partner approaches that simultaneously tackle security and justice challenges both vertically (eg. both Ministry levels as well as local community levels) and horizontally (eg. across Government or across the criminal justice chain) to any great extent. It is more common to find compartmentalized approaches to reform. These approaches are often reinforced by theories of change that tend to oversimplify the challenges and needs and in turn attempt to address complex issues, such as change management or institutional culture, by one off and limited approaches that lead to only temporary and marginal changes in behaviour or capability. Some of the limitations of existing theories of change are rooted in limited assessments that are unable to inform the development of more robust theories of change for development of the sector.

As an example, most development partners cluster their policing programmes around the concept of community policing. Yet, such programmes predominantly focus on capacity building of police with only limited support to capacity building at the Ministry level. As a result management, governance and state level or internal accountability reforms are typically given less attention and resources, creating imbalances in the reform process and leaving crucial gaps in reforms that eventually undermine gains in operational capability and approaches. The survey confirmed that few of the countries involved in the study regularly support reforms of horizontal or vertical accountability mechanisms and few programmes tackle governance issues alongside training and capacity building.

In this regard, addressing issues of public finance management, accountability and management is still inconsistent in JSSR programming. Yet, the Access to Justice and Security Programme, financed by the UK in Sierra Leone, was able to promote public finance management (PMF) as a key component of the overall JSSR reform agenda. By building capacity in PFM through Ministries and individual directorates the UK contributed to the improved budget request submissions of those directorates and Ministries. Those directorates that received PFM support from the UK received a 56 percent increase in their national budget allocation, while those that did not receive such support only received a 16 percent increase in their budget. The positive outcomes build trust and gradually allowed the programme to tackle issues of planning and wider governance.

Similarly few development partners systematically engage with non-state actors and traditional security and justice providers. Yet, there are increasing examples of effective approaches deployed by the UK, Canada, New Zealand, and US to address this gap. In particular, the US peace and security

programme in Zimbabwe was able to simultaneously engage with both formal and informal security providers as a means to develop local conflict resolution mechanisms that have greater local legitimacy and accessibility for direct beneficiaries. Similarly, in Haiti Canada used its own experience with traditional structures to help reform and capacitate local justice structures as an effective means to improve access to justice and reduce the burden on formal institutions which lacked sufficient capacity to deal with increasing number of cases. In Bougainville, New Zealand also supported the linkages between the informal and formal governance structures by establishing the Community Auxiliary Police. This mechanism has trained “auxiliaries” who help to bridge the two systems at the community level, increased visibility of the state at community levels, and promote systematic interaction. The community officers were popular within communities, while also representing a more sustainable delivery of policing services to the rural communities in Bougainville.

There are several national donors who have had some success at integrating a broader sectoral level approach into programming. The Norwegian NORLAM programme has been effective in deploying a criminal justice chain approach within its programme, and has been praised by development partners and national stakeholders for helping to promote better coordination and cooperation within the whole sector as a consequence. It has also raised awareness within the government reform agenda of the dangers of asymmetrical approaches to reform across the chain. NORLAM works simultaneously with the prosecution, judiciary, corrections, and penal institutions, with occasional engagement with the police. The programme has been effective in bringing together all actors in the chain through mixed seminars, which allow all the institutions to discuss common challenges, and serves as a sensitisation to the problems and limitations faced by other institutions in the criminal justice chain. In particular this approach has brought together actors that previously had no regular dialogue.

3.3 COORDINATION OF KNOWLEDGE

One of the key impacts of the difficulty in coordination has been the failure to create a coherent body of knowledge of good practice. Collection of information, notable at the analytical level of the whole sector, remains a core issue for the development of JSSR good practice. Throughout this review it proved difficult to accurately capture the extent of reform activities, along with the collected evidence at a national level for successful approaches. Information on programme successes was not stored centrally, and typically has not been collated, analysed and considered. The proliferation of programming across agencies makes it difficult to coordinate information sharing, let alone assessment and codification of lessons.

Several nations have developed robust evaluation processes that are consistently applied across programming, but coordinated meta-analysis of evaluation findings, and thus the development of a consistent national level body of evidence for good practice, has not been adequately conducted in any nation assessed so far. Where nations have conducted research efforts on lessons they have been focused on a narrowly defined version of security sector reform (and thus missed the broader justice frame of reform), and have tended to assess international good practice rather than focusing on what is known from the specific nations reform evaluation and assessment processes.

While this scoping study represents a positive step in the direction of the development of a coordinated body of knowledge, it does not fully answer this need, as the data collection possible in

the current time frames is insufficient to adequately constitute a reasonably complete record of activities and outcomes. Adequate development of domain knowledge would require a process of similar resolution to the current DFID internal assessment of its programming outcomes, but conducted across all OECD nations, and including the full assessment of the contribution of all involved national departments and agencies.

This review has also unfortunately confirmed that there is mixed consistency of independent transparent evaluative processes in justice and security reform efforts. This is a significant problem, as in a number of cases this review has identified a potentially positive practice, but has been constrained in detailing or confirming it for broader use by the lack of any formal evaluation process assessing it. This review strongly suggests that DAC nations focus on evaluation in support of organisational learning, and not in terms of audit. An increase in the emphasis of the learning aspect of evaluations should be implemented through the explicit requirement for evaluations to clearly identify and support the positive practices that are detected. This must be stressed as it is often easier to dissect the problematic elements of programmes, and fail to balance this with reporting on the elements of the programme that have worked.

3.4 GAPS IN SPECIFIC GOOD PRACTICE IMPLEMENTATION

The survey, interviews, and evaluations confirmed two further gaps in knowledge and examples of success in regards to programming modalities, not covered above. These were: how to effectively support accountability reform, how to ensure sustainability.

This scoping study in particular found that there are few prominent examples of effective approaches that tackle horizontal or vertical accountability mechanisms. This is partly explained by few programmes that were under review were directly engaged or focused on issues of accountability amongst the primary objectives.

The review team was not made aware of any available impact or sustainability studies that could conclusively determine the extent of sustainability of activities or programmes. The lack of evidence regarding sustainability is an evident knowledge gap, with evaluations and interviews only confirming that conditions for sustainability were developed but rarely confirming if these were implemented or were successful.

4. RECOMMENDATIONS

In terms of this scoping study, several recommendations can be made to the international community.

Firstly, efforts to create or strengthen a government agency with responsibility for JSSR, and notably a mandate to conduct joint assessments, are an effective method to improve coordination of joint interdepartmental efforts. Joint assessments, where all elements of the justice and security sector are represented, promote a whole-of-sector view and a common understanding of the range of issues, and do so before the initiation of specific programming.

Second, all nations should ensure they have an effective and transparent evaluation capability, and should promote a specific focus on identification and discussion of positive lessons. There is a

systematic tendency for evaluations to spend more time discussing the problems, and not enough time on appreciative inquiry and analysing what works. The identification of good practice should be supported by national systems to ensure this knowledge is disseminated and integrated into future programming. The adequate resourcing of national evaluation and lessons capabilities is a fundamental requirement of implementing the knowledge of good practice that exists to improve JSSR effectiveness.

Third, nations should work to encourage military uptake of OECD-DAC compatible evaluation criteria and approaches. Without improved consistency of assessment and transparency of findings it is impossible to compare military and civilian efforts. This is also a problem for coordination, as different agencies cannot agree on approaches and outcomes if they are using different conceptual approaches to decide on the impact, and the assessment of said impact.

Fourth, the divided focus of justice agencies should be integrated into JSSR coordination and planning. International development will remain a secondary issue, at best, for the police, courts, prisons and judges. While not all nations can afford to create permanent justice organisational elements focused on overseas delivery, such as the International Deployment Group, failure to support a level of organisational capability aimed at sustaining their overseas programmes is a reliable method of reducing the effectiveness of JSSR.

Fifth, managing the politics is more easily identified as a core issue than actually managed. Nations could promote a greater focus on this by providing appropriate sensitisation training for country level programme leadership, and to ensure that lessons from political dialogue are integrated into broader JSSR lessons processes.

Sixth, a relatively simple first step towards encouraging more sustainable outcomes from JSSR programming is to require recurrent cost implications to be calculated as part of all programme designs, and certainly when transitioning the design to implementation. Forecasted cost implications should be discussed with national counterparts, with the intent of integrating them into national budget planning processes.