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Eight steps for finding law and justice gold

A think piece by Otwin Marenin[1]

The ultimate goal of international assistance projects is locally sustainable change. Reforms introduced with outside advice and assistance have to become legitimated to be sustained. Eight minimal conditions of how the legitimation of change can happen are discussed: focus on process, specificity in advise and policy, sufficient and relevant local knowledge, create institutions, think beyond the projects, walk the talk, deliver what can be used, and leave room for adaptation. Without dealing with or solving these issues, introduced reforms may be effective in the short run but will falter and become ineffective in the long run.

It's all about legitimation

The most important point to always keep in mind is that international interventions and reform projects are temporary. Hence, the ultimate goal is to help establish a local, self-sustaining, effective and legitimate process for providing security and justice and political decision-making process which continues to abide by minimal standards of international rule of law and human rights norms while also being congruent with local conceptions of justice and being effective in providing security. Donors cannot do reforms and sustainability *for* local owners; donors need to do reforms *with* local stakeholders from the beginning.

Processes will be sustained after the departure of international donors only if the new institutions, policies and personnel gain legitimacy. Without getting into detailed discussion of the multiple meanings of legitimacy, the concept basically means that people accept the political and social institutions and persons which govern and regulate their lives have a moral right to do so and, consequently, people have an obligation to comply with stated and known rules, norms and laws.[2]

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[1] This think piece has been commissioned by the Office of Development Effectiveness, however the views and opinions expressed in this paper are those of the author only. AusAID does not guarantee or accept legal liability arising from or connected to the accuracy, reliability, currency or completeness of any material contained in this document.

[2] To state the legitimacy concept concretely, when a police officer (assuming we are in a democratic country) puts her/his hand on the gun they carry or points it at you and says show me your wallet, you have an obligation to comply; when robber points a gun at you and says give me your wallet, there is no such obligation; you obey out of fear. The trick is to know whether the person pointing the gun at you is a police or a robber; when a robber has become a police officer. It is their legitimacy which distinguishes them. That legitimacy is granted by the community to the state which delegates it to the police.

Legitimacy is not a fixed end state, but the current state of a process of legitimation (or delegitimation). Legitimacy fluctuates in response to multiple events and reasons. What most reform projects lack are theoretical justifications why what is being done will lead to legitimation. Expectations of success are largely based on common sense, experience, or lessons thought to have been gained from other projects.

The focus on legitimacy as the current end state of an iterative legitmation process highlights and draws attention to the crucial notion that reforms of law, justice, security and policing institutions and policies have to be complemented by a supportive political system. If the political and social system lacks legitimacy, focusing reforms mainly, or only, on subsidiary aspects of the state will not succeed. Reform efforts have to be more far-reaching and, to be blunt, have to seek to change political systems and personnel which were largely responsible for the failures of the state and created the need to intervene in the first place.

Interventions are attempts at social and political engineering (though the typical phrases used by interveners - stakeholders, capacity building, democratization - avoid any open acknowledgment that fundamental changes are the goals and that includes change of everything.) Tiptoeing around the potentially sensitive and offensive rhetoric of nation-building and state-building may assuage local and international defenders of sovereignty who argue that interventions are but neo-colonialism in disguise.[3] However, such tiptoeing may also mislead interveners and reformers into limiting what they seek to change, or to focus their reforms on technical and non-political issues, and doom their efforts to failure. If interveners want to create conditions which will sustain reforms of the security and justice sectors, they have to engage in local politics.

The legitimated process which should emerge if projects are to be successful should sustain both the stability and predictability of policies and practices in security and justice, but also enable adaptability and the capacity to change the process. The notion of legitimacy as a process points to the need to recreate that process on a consistent and iterative basis. It is never finished. Sustainability, in its most basic sense, happens when local people have the capacity and the political will to recreate the process, on a daily basis, by the daily decisions they make.

Evaluation issues/questions for implementation and impact assessments

- Do the reform plans limit the scope of reforms to the security and justice sectors, or focus on technical and less-sensitive, non-political issues?

[3] There is some substance to this argument, and one can point to candid arguments by supporters of interventions that re-imposition of external control is and should be the goal. Since local leaders and populations have not been capable of governing themselves efficiently, effectively and rationally, outsiders should take over for a while at least, *vide* the Francis Fukuyama paper for the World Bank which argues that international tutelage of failed states in three Pacific Island nations is the only to save them from themselves.

- On what theoretical bases are projects expected to become legitimated and sustainable? Do plans exhibit any notion or theorization on how legitimations happen or how reforms become delegitimated?

Process, process, process

Reform processes may differ by the functional domains in which donors and recipients operate. One can think of technical, policy and political processes which, together, are needed to achieve sustainability of reforms. Technical simply points to technological needs which can be met and for which support processes have to be developed (more below). Policy processes refers to the ability of local owners to think and act in terms of basic policy concepts relevant to sustainable security and justice reforms (such as proper agenda setting, implementation and assessment skills, or the ability to adapt policies to changing conditions.) Political processes are the ultimate support, since security and justice policies and priorities will be decided by the dynamics of local politics, the distribution of influence and power, and the willingness by local elites to continue reform projects. For all three processes donors need to ask themselves, when looking for stakeholders, why would they want to continue the project? What is in it for them - in materially and symbolic rewards that would motivate them to sustain a reform project?[4] Is it enough that the reform is considered successful when donors leave?

An example that shows how this issue stretches way beyond the leaving point is the discussion in the US of when to withdraw troops from Afghanistan. After the Obama administration announced a firm date for withdrawal, critics argued that insurgents would simply wait out the US until it withdrew its forces. Instead, they argued, withdrawal should depend on 'conditions on the ground', basically that security had been sufficiently enhanced and that local security agents (police, military, intelligence) were capable of maintaining that (non-perfect) level of security. The problem with the 'conditions on the ground' argument is threefold. There is no agreement on what specific 'conditions' show success and permit leaving. Secondly, the argument misses the major point that conditions when leaving are less important than expectations that local stakeholders will have the will and the capacity to maintain what has been achieved - and that knowledge is open-ended. One can never be certain, hence one can never leave. Thirdly, the decision that 'conditions on the ground' are good and can be maintained is turned over to local stakeholders, who can always say 'but we cannot do it ourselves', and interveners always have to

[4] For example, the OSCE (2008, 57) suggests that inviting local stakeholders for study tour abroad "could be very valuable in winning their commitment. Key political stakeholders will be motivated by 'what's in it for them'", but the OSCE also warns that these should be real study tours and not subsidized shopping trips.

come back. The decision to leave has to be made by the interveners, not local stakeholders. Interveners have to say, 'that's it, we are done, you take it from here'.[5]

Local process raises the issue of whom to engage with in seeking to establish that process. The normal phrases are find or create 'local stake-holders', 'create buy-in', or establish 'local ownership'.[6] The practical issue is that local buy-in means selecting and supporting local people, from all strata and groups in society who will become the 'favorites' for external donors. The net in the search for likely local owners and stakeholders should be cast wide and not concentrate on known big names or important people. Donors have to ask and foresee what other local owners are out there who might be engaged and that there will be, as projects take off, people who have sat on the sidelines but now realize that there is something for them and for society if the project actually succeeds. They better join up or loose out. Should latecomers be brought into the reform project, and on what basis?

The reform literature on security and justice, and policing, has increasingly focused on the need to include representatives from all formal and informal security people into the planning and implementation of reforms. As Bruce Baker (2009), especially, has pointed out, informal policing and security providing groups and mechanisms are the most common form of security which local people in rural and also urban neighborhoods depend on, since the state is not around to provide security, and lacks the legitimacy that would lead people to come and ask for help. A focus by donors on state-centric security and justice reforms will simply miss opportunities for creating effective and long term security systems and mechanisms. The basic point is that donors should engage with all groups which have some social capital and capacity to support and sustain reforms and not focus almost exclusively on building up the capacities and authority of the state. States matter but so do local communities in efforts to ensure security. (The need for involving informal security systems and actors is a theme routinely emphasized in reform handbooks, such as Ball and Fayemi, 2004; Hansen and Whiharta, 2007; Hansen et al, 2007; OECD, 2007.)

Of course, informal systems of security and justice have their drawbacks, but so do state-centric security systems. Which way the balance tilts between informal and formal security – which is more attuned to local and universal/democratic justice norms and provides more security – is not clear in the abstract or by existing empirical studies, but will depend on the specific conditions of a country and its communities. Who has the social capital, the political skills and the (potential) legitimacy to sustain an effective security providing local process cannot be decided a priori.

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[5] Interveners may be reluctant to state their exit this bluntly, as there may be recriminations back home and locally should reforms not be sustained. (E.g., the likelihood that once the US leaves and were Afghanistan to descend again into conflict, would they point an accusing finger at the government?) There will always be recriminations - that is unavoidable - because there will always be failures. The fear of being accused that the job of reform was not done just right (supposing it was done as best as could be at the time) should not deter reformers from saying 'we are done here' and leave.

[6] The term 'local ownership' is contentious. (For an extended discussion of problems with local ownership see the chapters in Donais, 2008; and Scheye and Peake, 2005). For one, some local owners are the ones who caused the problems leading to intervention in the first place; and they will try to remain as spoilers if sidelined and have to be deactivated with (Boucher and Holt, 2009).

An important question in selecting stakeholders, or vetting self-nominees, is who will be around for a while and who will leave the country, and what are their motivations? The educated class may leave and seek brighter material fortunes elsewhere (and contribute to the brain drain typical of many developing countries), and there will be illegal migrants seeking a somewhat brighter future than at home, often under misconceptions about what that future will be. Donors should not, by their policies encourage brain drain and seek to create equivalent opportunities for survival for the less educated at home. If donors put all their eggs into the educated elite basket they are likely asking for failure.

For example, placing locals in charge and training them to be good managers, accountants, counselors or evaluators, may encourage their exit (while donors are still there or after donors have left) to other opportunities. Selecting local owners, hence, has to be committed to and informed by a long term perspective and not just by the immediate needs for specific skills and commitments.

There is a second group of people, who can be a mix of locals and internationals, and who are members of NGOs. NGOs typically have a longer time span to which they are committed; they often have extensive local knowledge and some legitimacy in the eyes of the public and the political leadership by their prior actions; and could be leveraged as agents to support reforms and change. Relevant NGOs should be part of donor planning and implementation, and impact assessments.

Donor reforms should be evaluated on their ability to properly balance, by having prior knowledge and the commitment to provide donor resources to all groups which have some capacity to be effective and legitimate security providers. Balancing the distribution of international resources by this criterion will require that donors, working among themselves and with local groups, establish priorities and justifications on who is most likely to provide security and justice given new resources. Some security and justice tasks and jobs can and should be done by mainly the state and others mainly by informal and semi-informal groups. Such 'tiering' decisions have to be arrived at by negotiations with all involved, and can take the form of 'lists' of security providing and policing tasks and competences (such as India has with federal, local and concurrent lists, and Nepal is trying to develop as that country moves toward a federal system).

Evaluation issues/questions for implementation and impact assessments

- Donor reforms should be evaluated by on the ability to properly balance, by having prior knowledge and the commitment, the distribution of donor resources to all social groupings which have some capacity to be effective and legitimate security and justice providers.
- Are representatives of all Australian aid agencies involved in a project on the same page on the inclusion of informal security and justice actors? How much compromise are agencies willing to engage in order to have a whole of government approach to a project, and if not, who (what agency or agent) has the ability to urge and achieve compromises which are likely to lead to more integrated and effective implementation of projects, and is that agency willing to do so?

- Are the people staffing the intervention committed to and skilled in including all groups and strata in society into their planning and implementation? Or are they more comfortable talking with elites and staying in the capital where the few existing amenities and like-minded implementers with whom one can commiserate may be found?
- For assessing the impact of intervention projects, are evaluation methodologies designed to capture information on all potential security providers? What have been the efforts to include security providers beyond the state? What are the strengths and weaknesses of all formal and informal security providers, and have policies been designed and implemented to capture and incorporate the strengths and avoid and exclude the weaknesses of potential providers?

Be specific

Donors have developed a common language and rhetoric, replete with precise imprecisions which mean little until translated into specifics or what actions would match the language and create sought goals. Specificity can apply to larger and smaller aspects of reforms.

For example, and this seems an obvious and even simple example, reforms have to specify jobs and how those need to be done. In the end, every reform or transformation will require formal and informal security and justice personnel to do a job in a new way. That new way means that writing job descriptions and precise policy expectations and regulations are essential tasks for planners and implementers. There is nothing wrong with saying 'you will be expected to do this in this way', whereas much is left to be desired by merely stating a fairly abstract goal, e.g., 'keep people safe' or 'don't abuse your powers'. That language means little for personnel expected to do a job.

If planners and implementers do not know what the new ways of doing the jobs are, management cannot plan for current work and future contingencies, personnel cannot be retrained or trained, their performance cannot be evaluated, organizational management techniques will be unclear to workers, and the public has will have little sense of what they can ask for in terms of security and justice services.

Specificity has to extend to sensitive issues. To ensure that work is done with integrity and efficiency, and without corruption, abuses of power, and waste of scarce resources, workers (police on the street, court personnel, prison guards, legal workers) have to know, specifically, what authority they have, what are the limits on their authority, and how their performance will be judged and rewarded or sanctioned by those stated and known criteria. If they don't know what their job is and are not specifically informed what it is not, they will make job descriptions up themselves, as individuals or by talking with experienced peer workers.

For example, one should not discuss corruption, abuses of power and accountability as abstract, legal or moral issues, and think that workers will abide by stated regulations and taught norms. Corruption has to be taught by managers as a potential risk to their employment and careers faced by all who have the power to impose their will, through coercion or threat, on others; and ways to mitigate temptations have

to be discussed realistically, as they are likely to occur in the work of justice and security providers. There is no effective tiptoeing around these issues.

Evaluation issues/questions for implementation and impact assessments

- Were job descriptions written prior to or a part of planning the project? Were job descriptions operationalized in a fair and realistic manner? Were job descriptions clearly linked to goals? Would the local people being trained understand the job descriptions or are they written in donor language?
- Were integrity and corruption clearly and precisely defined in terms of actions and policies, and not merely stated moralistically ('thou shalt not be corrupt') and abstractly and semantically (e.g., 'using your office for material gain')? If training was part of the project, did the training address sensitive issues or skip right over to teaching technical skills?

Local knowledge

Planning an intervention project, hiring the proper staff to achieve effective implementations, requires the right kind of local knowledge, from the security, cultural and political conditions and needs on the ground to the kind of people who could be come stakeholders. What is the essential knowledge interveners must have for the project to succeed? Is the local knowledge from past interveners, after they rotate out, captured and fed back into new assessment of local conditions and cultures via robust and iterative feedback loops? Former interveners have a lot of insights that cold be useful for further planning and the prevention of mistakes (Goldsmith, 2009). Is robust feedback an ongoing process, rather than an ad hoc response to mistakes made that could have been avoided?

A basic issue related to the kind of skills, expertise and knowledge intervention teams will begin to the local situation. Does the reform try to sell what the donors have rather than what the local needs require? As noted by Durch and England (2010, p.56), 'matching skill-sets to the needs of a mission is crucial to its success.' One of the first questions planners and implementers need to ask is what skills are needed and does the skills-set among the intervention team members match the security and justice needs of the local conditions; can the project effectively address those needs and the can it help create local capacity to address those needs, or does the skill set reflect the priorities and availabilities of participating agencies in the project?

For example, if much of the local population depends on informal, non-state security providers, does the team in include members who are comfortable and skilled in connecting state to non-state security systems? Since most people still live in rural areas and often quite isolated villages, is the importation of urban based policing thinking and practices the most suitable way of delivering police service to villages?

Dinnen and Braithwaite (2009) argue that the reintroduction of the 'colonial *kiap*,' 'multiskilled regulatory inspectors could be a useful piecemeal solution' (p. 336) to effective service delivery.[7]

In the justice and rule of law domain, what kind of skills are needed on the ground to give people access to the law, as the first step in any rule of law reform. In many developing country, the most important persons for local people is someone who can read, write and fill in forms needed to present to a court. One finds such non-legal people who have some understanding of court procedures sitting outside rural and urban courtrooms, with a battered typewriter. For a little money they will type out the proper forms to hand to the court clerk. Without them, most rural and illiterate people could not access the law, and would have to depend on other means to get their case into the courts system. In Latin America, city phone books are filled with hundreds of names for so-called 'expediters' who will provide 'legal' advice and fill out papers since most people cannot afford or find lawyers. Accessing the law via lawyers is a costly enterprise for those seeking justice.

The expensive and frequent unavailability of lawyers raises the question – what does a good rule of law or justice reform need? What should its goals be? Does effective and fair rule of law depend on having more lawyers or does it need paralegals, literate typists, 'bush lawyers' – people who can give information on how to approach and deal with courts? Does the reform team include people skilled and knowledgeable about what kind of local people, in addition to lawyers, would need to be trained as part of reforms?[8]

Evaluation issues/questions for implementation and impact assessments

- Local knowledge does not lie around, but has to be found, analyzed and converted into useable knowledge. Not everything about local conditions can be learned by the team members, nor is it needed. The basic assessment question is this: has the minimally needed local knowledge been converted into teaching materials and has that material been effectively communicated to team members before they go? Has local knowledge been used to establish the required skill sets among team members? For example, is a paralegal part of the team? Is someone with knowledge of local non-state security systems part of the team? Did local people participate in asking for skills sets? In contrast, how much of the selection of teams members has been driven by local needs and wants and how much be donor availability and agency priorities?

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[7] In a conversation with two high ranking officer of the Royal Solomon Islands Police (in July 2009), both thought that the reintroduction of a colonial type village constables program would be a good solution to the absence of regular police in outlying villages. A similar idea was implementing in the state of Alaska by the Village Public Safety Officer (VPSO) program (Marenin, 1992).

[8] For example, an article by Goldston available on the Justice Initiative website (sent to my email address) deals with Rule of Law reforms, and argues among other criticisms that "too much decision making power is held by a 'narrow and unrepresentative set of actors'." The Justice Initiative is funded by the Open Society Institute, one of the major NGOs engaged in and supportive of security and justice sector reforms.

Empty institutions

There is nothing wrong with creating institutions, as long as institutions are transformed into functioning organizations. Institutions often exist as paper projects – all the relevant goals, tasks, resources, organizational structures and responsibilities are stated – but the people recruited to bring paper organograms to life are not capable or have little commitment to the formal goals and responsibilities of the institution.

Functioning organizations are staffed by people who have, for their own reasons or by training, encouragement and effective management policies acquired the occupational and organizational values needed to achieve the stated goals of the organization.

For example, creating an effective looking police structure is straightforward – one can find multiple examples of organizational arrangements in any management text. The difficult part is imbuing old police officers and new recruits, locally experienced lawyers and informal 'legal' experts with those new values which will convince them to do their work in the proper manner. Drawing up institutions is easy; creating the proper formal and informal cultures is hard and takes a long time.

Most donor projects are a response to the failures of existing institutions, in this instance security and justice institutions. Those failures are not remedied or overcome by creating new structures with new formal tasks usually reflecting donor and international regime norms of what good performance of security and justice actors should be like. Empty institutions, that is, organizations staffed with people who have little commitment to their tasks and lack the appropriate working skills knowledge and norms will not be sustainable, since they do no function in ways that would create the local support necessary. They will slide right back into dysfunction, ineffective performance, corruption and abuses, and can lead to another round of donor interventions.

Evaluation issues/questions for implementation and impact assessments

- Does/did the interventions team include experts in management or practitioners with experience in designing and standing up organizations? What were/are the job descriptions and the needed skills to do that job donors are/were looking for in applicants for work? What are/were the guidelines for vetting existing personnel? Are these guidelines agreed to by all participants?
- In assessing impacts what methodologies are used to determine if the success or failure of projects, or elements of projects, are attributable to staffing decisions at all levels of the organization? Have workload studies been designed and done for the donor participants and for local participants to find out what staff and line are actually doing with their time? Are they working as expected? If work is not done as required, projects will not be properly implemented and cannot be successful (assuming the underlying reasons why planners expect a project to work as designed are correct).

The networks of reforms

Specific and targeted donor projects (e.g., a police academy or law school) are enmeshed in multiple contexts. One can conceive of various targets of reforms as nested in concentric circles (or nestled in larger societal networks or, if one is artistically inclined, as Matryoshka dolls with different faces and costumes). Donors have to be clear that the ultimate goal of intervention in failed and post-conflict states is helping to shape a new and democratic society. Focusing on security and justice are essential aspects of societal reforms but they are not the whole goal nor can security and justice by the motor for further and large reforms. Security and justice cannot be the engine of the democracy train, but it should not be the caboose. Security and justice have to be integrated aspects of government reforms and public empowerment.

At the center of donor reform projects are specific activities and policies pursued by various security and justice organizations which are the ultimate targets of reforms. Looking at security, or specific program of training or technical assistance to the police, (but the same argument can be made for justice), the next circle would be the formal and informal security, or policing, providers and institutions. The next circle or network would by their connections to the wider criminal justice system with which security and justice agencies will have to work – such as courts, correctional facilities, aftercare, and legal training and employment institutions. The next network is normally defined as the security sector, or system (in the language of the OEDC, 2007), which typically includes the four basic security protecting institutions of the state (police, border guards, armed forces, intelligence agencies) but also includes, in more generous conceptions of the security sector, the facilitating and enabling legal, financial and formal and informal security systems supporting the security sector. The next circle would be the political structures, dynamics and regimes which surround and enable the security sector and its various agencies. Lastly, there is the international circle which impinges on local conditions by the conditioned flow of aid, the propagation of what are the appropriate conceptions of security and justice suitable for local democratic life, and by political pressures and persuasions.

No specific reform program can respond to and affect all networks but will focus on one circle or parts within. Whatever the specific focus of reform, or the stated goals in plans and implementations and the criteria for assessing success or lack thereof, donors need to keep contexts in mind even when those are not the specific targets, for contexts will affect the sustainability and legitimacy of reforms.

For example, a reform of state policing will not be sustained if there is no corresponding reform of courts (if such reforms are needed) since the police will have to turn arrested suspects over to the courts. And courts will need correctional facilities if they impose confinement or intermediary sanctions. In the same way, state police reforms are unlikely to continue unless local community involvement and security providers and community involvement and part of planning and implementation from the beginning.

Evaluation issues/questions for implementation and impact assessments

- Are donors thinking about how their specific projects and goals mesh with or connect to contexts or are they stove-piping their plans, implementation processes and assessments? Are specific projects designed with some consideration for the necessary connections to other contexts to sustain specific projects over time, or at least with the notion that planning and implementation of projects should not complicate or prevent the establishing of connections to other networks and contexts?

Congruent accountability

It should be a given that donor personnel, in their reform work, need to abide by the same rule of law, human rights and fair treatment standards which they are seeking to teach to recipient security and justice personnel. Accountability and transparency matter for democratic and effective reforms, but it matters for all involved in reform projects (DCAF, 2008). For example, appropriate gender representation in security and justice institutions is a normal goal within security reform projects. Do donors have similar expectations about gender representation in their personnel and are those expectations being met?

If reform personnel misbehave, in minor ways or by serious victimizations of local people, are they being held accountable for their actions in transparent and legal/legitimate ways, or are their actions excused and minimized (such as shipping them home for sanctions which will be unknown to local people).

Accountability mechanisms being urged or demanded from local recipients and institutions need also be imposed upon donor personnel. Accountability, as it does for local owners, can be tasked across the range of activities done or avoided by personnel. Are they showing up for work for which they are getting paid? Do staff receive little and bigger favor to benefit some local individuals or groups over others in the distribution of their services? Do they abide by rules of fair play and rule of law expectations in how others are treated? Do they engage in serious malfeasance?

Evaluation issues/questions for implementation and impact assessments

- Are accountability measures in place and being used when needed? Is information collected and analyzed and kept for further design of donor projects, to avoid instances where accountability would come into play?

- An important consideration for assessing impact of projects and the sustainability is the level and details of knowledge local recipients have about congruence in accountability. If locals believe that what they are expected to do does not apply to donors, why would they take those a policies seriously? Do evaluation methodologies attempt to get at that information?

Only the best is too much

One of the first questions donors should ask themselves is this: 'what is the absorption and sustaining capacity of local governments and communities'? The temptation for many donors is to provide the most up to date and best technological equipment, the latest in management thinking and resources allocations, the lessons which have been learned at home or from comparative evaluations of prior reforms. There often is an excessive and unrealistic faith in technology as the solution to effectiveness and efficiency deficits. In fact, security is provided by people who know what they are doing. Technology is not the solution to insecurities. But it is easier to provide and teach than the serious building of functioning organizations and relevant networks. There is a lot of over-planning, spelling everything out while leaving little room for the inevitable need to change plans when conditions change or projects are not working as they should.

The main problem with this approach is that what can be sustained in one setting may not be sustainable in others. Any resources provided, in order to be sustained, require a local supporting system. In short, give what is needed and best for the recipient, not what you have or can afford.

For example, take computers, a common, desirable and even extremely useful piece of equipment. Computers are necessary for any aid projects and for collecting and analyzing the information to assess impacts. Most planners and implementers, nowadays, cannot think and work without computers.

But computers need to be thought, not as a stand-alone technology, but as parts of information systems. Computers will work and be sustained only if human and technological support systems come with them. There has to be software, updated routinely, at some costs; there have to by technicians who can fix hardware and software glitches, and have to be trained and retrained; electricity has to be reliably supplied, by regular systems or by standby generators; and computers become outdated quickly and new ones, to be able to communicate with other computers, will have to be bought; and users have to be trained, and retrained, on how to use computers efficiently. Unless all elements of such a system are supplied and sustained, computers will turn into idle pieces of hardware, akin to the common finding that donated automobiles have been stripped of spare parts to keep another one running.

The temptation to be modern and up-to-date extends to recipients. They will not ask for cast-off equipment and technology or used goods and second hand material. Donors have to be honest and up-front about what is appropriate for local contexts. If we give you the latest and smartest, can you maintain and sustain it or will you come back and ask us for further assistance every time part of the information

system breaks down? What kind of training are you willing to undergo in order to sustain the system? What capacity building processes will you participate in and use?

The same standard applies to policies. Will they work and can they be sustained without much international assistance? What is realistically possible in local contexts? 'Feasibilities' have to be assessed based on good information and analysis. There have been projects in which implementers on the ground did that, such as DFID personnel in Sierra Leone which developed the notion of 'basic needs policing' as the first step toward more sophisticated and extensive reforms (Olunisakin, 2007). The basic goal of any security and justice reform is that people are safe, feel more secure, and believe they are being treated fairly. What that means depends on the objective and subjective (in)security conditions of local communities.

If an analysis of what is 'possible' is not done, resources will be misallocated, wasted and ineffective. One can expect that local owners will have a different conception of what is possible, possible confusing what is desirable with what can be sustained locally, and those differences will have to be negotiated out among donors and local owners. A discussion of that topic should not be avoided in order to not offend local sensibilities and wishes. The notion of 'possible' is not an easy one. Donors can be accused of having low and paternalistic (if not racially tinged) opinions of the skills and capabilities of local owners. True enough, but avoiding a serious discussion of possibilities helps neither the donors nor the recipients.

A related issue is the assessment of quality of donor personnel by locals. What kind of reformers or interveners are they looking for? Typically they are not asked. Donor personnel just show up after the political agreement for interventions have been signed. As McLeod (2009) found in her conversations with locals in PNG, expectations and preferences for personnel differed widely among donors and recipients, much of it based on social status assessments held be locals.[9] What kind of person is believable and should be trusted for advice? Are donor personnel showing proper respect for local customs and social interactions?[10] Donors tend to select personnel on the basis of professional and occupational qualifications and work history, indicating merit. In contrast, local people appreciate merit and knowledge but they also want to be treated in ways that show the donor personnel respect their traditions, norms and professional histories. Simply being knowledgeable is not enough to become an effective advisor.

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[9] In PNG, the "ideal advisor attributes" as defined by local police included, age, maturity, and being deployed at rank. From the perspective of local police at higher ranks, "it was deemed insulting by those paired with an Australian junior and was seen as an indication of Australian paternalism and perceived seniority" when Australian police were deployed above rank (McLeod, p. 317).

[10] This is an old issue. On a personal note, when I first did research on the US public safety assistance programs in Africa, I had the chance to read many end of tour and annual reports submitted by US personnel (Marenin, 1986). One of the most common themes was the lack of social respect given US personnel, as they perceived it. Rather than being grateful for assistance and advice, many US staff complained that local police had complained about them. They were too young to tell elders what to do; many local police had high level positions within the government and were now being advised by lower level personnel with little professional or political experience, which was offensive; US staff had little sense of how to behave socially and professionally within the country they were advising. US staff thought that local people should be more grateful and not play the culture, status and rank cards.

Evaluation issues/questions for implementation and impact assessments

- The question of how much donors knew about local contexts, whether they asked the right questions to find out, and had the right information for planning the project is fundamental for any assessment of donor planning and project impacts. Were personnel selected purely on professional merit or were social and interpersonal communication skills used as major criteria for selecting donor personnel?
- The appropriate evaluation question is this: was the project designed 'possible' in the local contexts? The question is not was it a good plan, based on assumptions about resource availability, political will and social commitment, but did anyone check to see if the project was really feasible and doable? What information on local contexts was collected and used? What lessons about over planning and unrealistic assumptions which may have plagued other donor projects were collected and informed this project design? Were local people ever asked what personality characteristics they wanted in advisors and capacity builders?

Shifting goals

Suppose the issues and questions raised above have been taken seriously, have been considered and integrated into plans and implementation teams. What if results are still sparse and temporary, and there is little confidence that the successes achieved will sustained and failure limited? Chances are good that whatever the goals were and however well plans were implemented, not all goals will be achieved. What then, realistically and practically, has to be the minimum that has to be achieved to allow interveners to leave with the satisfaction that the effort and expenditures on the project were worth it? What is the satisficing threshold (Marenin, 2010)?

The worth of the intervention is not a simple measure. Assessments and evaluations are not just a technical process – they require technical skills but that is not enough. Beyond the goals of more security and justice, worth may include international political considerations ('even if the project did not work quite right, the local political elite has favorable opinions about us'; or 'we have maintained a strong political presence in "our" Pacific area'); financial considerations, basically that the money and resources spent were acceptable even though results are not quite what one was looking for; professional gains – members of our team now have a better understanding of how to do security and justice elsewhere, in other interventions, or in performance back home has improved; or the home agencies have increased their status and domain protection. In short, projects may and will affect other gains and losses beyond

Things have not changed much. A recent study of Panels of Experts send to assess UN peacekeeping operations in African countries found that local leaders did not welcome the Panels, their methods or their findings. For example, Liberian bureaucrats found the requests by the Panel to be "too intrusive" and that the Panel wanted too much detailed information (Boucher, 2010, p. 22).

the stated goals of a project. What are those and what do they add to or subtract from an evaluation of the worth of what was achieved?

Related to this issue is one final consideration. What would local people have done if they had had the capacity to plan, implement and assess the intervention project? How would their plans and assessments of worth achieved differ from that of interveners? How much should that matter in the overall assessment of worth?

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