INPROL | INTERNATIONAL NETWORK TO PROMOTE THE RULE OF LAW

PRACTITIONER'S GUIDE

A Guide to Change and Change Management for Rule of Law Practitioners

January 2015

Written By:

Dr. Vivienne O'Connor

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Note:
All opinions stated in this Practitioner's Guide have been made in a personal capacity and do not necessarily reflect the views of particular organizations. INPROL does not explicitly advocate policies.

The International Network to Promote the Rule of Law (INPROL) is a global, online community of practice. Members come from a range of relevant disciplines and backgrounds. What we all have in common is that they work on rule of law reform issues in post-conflict and developing countries, from a policy-, practice-, or research-perspective. We also share a desire to learn and innovate together as a community in order to improve their rule of law knowledge and practice.

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I. Introduction

When a practitioner hears the phrase "post-conflict rule of law reform," his or her first instinct is to focus on the "law" or "rule of law" part of this phrase and the many legal and technical solutions that are routinely employed to move a country away from conflict and towards the rule of law. Less explored, and less often thought about, is the concept of reform or change. Rule of law practitioners are in the change business, yet practitioners tend to spend more time thinking about the legal and technical dimensions of projects rather than about change and how it occurs.

This Practitioners' Guide suggests that it is crucial to the success of rule of law reform efforts that they are grounded in a solid understanding of change, how it occurs and how it can be effectively facilitated by both domestic and international rule of law practitioners. There is a dearth of literature on this topic in the rule of law field. The theory and practice of change has neither been seriously studied by rule of law scholars nor critically considered by most practitioners. It is, however, a much-researched topic in other disciplines such as leadership studies, as well as psychology, conflict transformation, social change movements, social entrepreneurship, and quantum physics. The research and practice from these disciplines is directly applicable to rule of law change efforts taking place in conflict-affected countries. Thus, this guide draws upon cutting-edge research from these fields where change has been extensively studied to fill the gap in the existing rule of law literature.

Section I will outline a theory of change applicable to rule of law reform. Section II will take the abstract theory of change from Section I and apply it to the everyday business of rule of law projects--from initial project assessment to design and implementation of the project. Finally, Section III will outline the importance of having a change management plan for rule of law projects. Further, it will provide concrete guidance on the elements of a change management plan.

II. A Theory of Change for Rule of Law Assistance

A theory of change is a set of beliefs about how change happens.[1] Oftentimes, those leading reform do not take the time to think consciously about their assumptions and beliefs about change. Instead, they move from the problem straight to proposed solutions. For example, a Ministry of Justice may want better performance from prison officials so it introduces a new law. The working assumption, which is flawed, is that new laws automatically create new behaviors. A theory of change is important for designing solutions to

rule of law problems and for measuring the success of individual projects at the micro-, or project, level. It is equally important to have a macro theory of change – or an overarching set of beliefs about how change occurs - when considering an overall approach to reform and this is what Section I will focus on.

Before proceeding, it is noteworthy that the same principles apply to personal, institutional, and societal change for one simple reason: at the core of change are people; people who need to think and act differently for change to be successful and for institutions, systems, and societies to change for the positive.

A. Rule of Law Reform in a Conflict Context is Adaptive and Not Technical

As discussed previously, rule of law problems are usually approached as technical, legal problems that has corresponding technical solutions. "Technical solutions can be implemented with current-know-how. They can be resolved through the application of authoritative expertise and through current structures, procedures and ways of doing things."[2] People like technical fixes because "they reduce uncertainty and are easy to apply."[3] Often these technical fixes focus on things rather than people, even where a change has "value-laden aspects."[4] Yet, the type of transformative change that is occurring in a conflict-affected country is deeply value-laden and goes well beyond the technical.

While there are some technical change components to rule of law reform, overall it involves "adaptive change," a term coined by Professor Ronald Heifetz.[5] Adaptive change involves changes in people's priorities, beliefs, habits, and loyalties.[6] It requires everyone, whether they are in the government or not, to start acting differently and to make immense internal shifts. Even if change is structural, change manifests in personal and individual actions[7] because for anything to change, someone has to start acting differently.[8] Adaptive change involves both the rational mind and the emotional mind[9] because people bring their humanity everywhere they go, including to work.[10] Therefore, adaptive change recognizes the importance of engaging with people's feelings and emotions around change. Heifetz notes that the most common failure in reform initiatives is to apply technical solutions to adaptive challenges[11]–something that the rule of law community has done repeatedly.

While technical change can be implemented with current-know-how, expertise, and existing ways of doing things, [12] adaptive change cannot. Making progress requires "going beyond any authoritative expertise to mobilize discovery, shedding certain entrenched ways, tolerating losses and generating new capacity to thrive again."[13] According to Heifetz, adaptive change needs leadership (not expertise), creativity, and new ways of doing

and thinking about things.[14] The term "leadership" should not imply leadership from the elite, but rather a more diversified form of leadership, where a community of change leaders--from every level of an organization or from society--support the change process. In addition, Heifetz stresses that problems and solutions are "conflictual,"[15] and therefore there is a need for "courageous conversation to address conflict."[16] This highlights the fact that adaptive problems cannot be solved by foreign rule of law experts coming into a country with the one perfect technical solution or "best practice."

B. Rule of Law Reform Cannot Be Predicted or Forced; It Emerges

Many people engaged in rule of law reform unconsciously approach the field from a so-called Newtonian perspective, which derives from seventeenth century physics.[17] It asserts "influence occurs as a direct result of force exerted from one person to another"[18] and that we can predict with accuracy the effect of such actions.

More recently, the field of quantum physics has turned this outdated science on its head. In terms of being able to predict and control the impact of actions or reform initiatives, quantum physics warns that this is futile. It speaks of probabilities, recognizing that "change happens in jumps, beyond any power of precise prediction."[19] Moreover, change cannot be forced. Quantum physics instead talks about "emergent change."[20] Emergent change does not happen as a result of top-down plans or the mandate of a single individual, but instead it begins from local actions that spring up simultaneously in many different areas, a point which we will return to later in this guide.[21]

C. A Period of Chaos Is Part of Rule of Law Reform

While we would all like to believe that change happens in a linear, step-by-step fashion, this is not the reality. Figure 1 is a chart showing the typical trajectory of change. While borrowed from family therapy, and modeled on the process of change for individuals going through intensive change within a family structure, it is suggested that it is equally applicable to the individual, institutional, and societal change that countries in transition go through after the end of war.

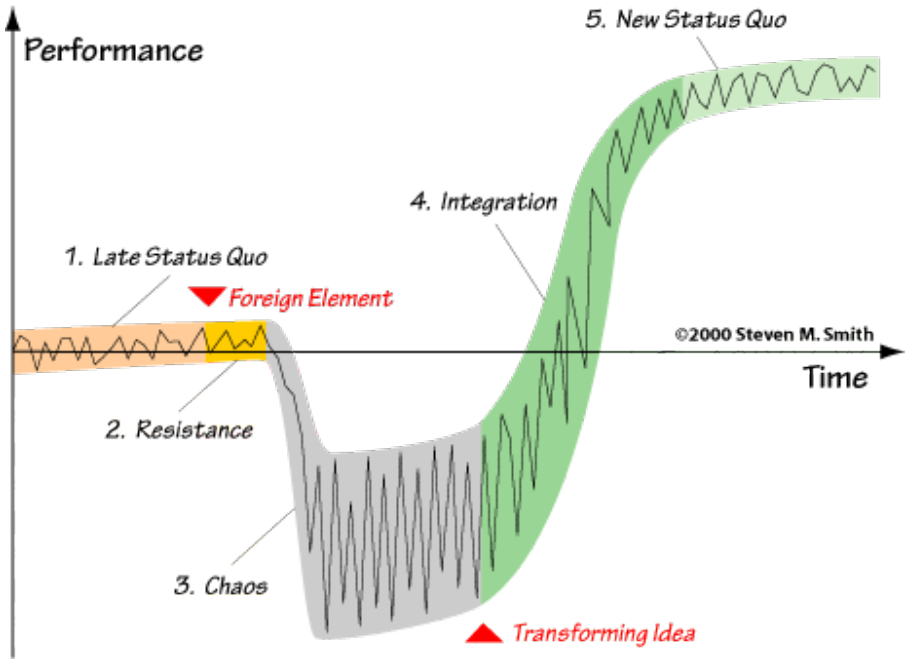

Figure 1: The Satir Model[22]

The first thing to note about this model of change is that change is not linear. Rather we see a U-shaped big dip as we move from the old status quo to the new status quo. Stage 1 of change, "Late Status Quo," will be familiar for many individuals who have lived under dictatorships. The population does not like the rules in play in their society, but they know the rules and they know how to behave. Stage 2, "Resistance," brings a foreign element that disrupts the existing status quo. For example, the Arab Spring represented a tipping point that moved societies like Tunisia, Egypt, and Libya out of dictatorships.

Typically, there is elation at the dissolution of the existing status quo. People have high expectations. They want peace, security, prosperity, economic development, and rule of law. And they want it now. But as we have seen, change does not happen overnight. Moreover, it is easier to break down the old status quo than to build a new one. As mentioned above, the development of a new status quo requires an adaptive, transformative process that redefines the nature of the state, society, and law. Stage 3 of change, "chaos," is where the real work of change lies.

A system, such as a justice system, is seen as chaotic "when it becomes impossible to know what it will do next."[23] As one scholar noted, "[c]hange always involves a dark night, where everything falls apart." [24] We see this chaos dip in countries emerging from conflict. The usual trajectory is that things are fine for about six months, at which point they start to rapidly deteriorate. For example, crime and insecurity may increase, or ethnic and religious tensions may worsen. It is at this stage that colleagues in a number

of conflict-affected countries have told me that they want the dictator back because everything is so chaotic and unstable and they do not know how to keep themselves and their families safe.

Unfortunately, confusion, chaos, and pain are part of change. According to Heifetz, "adaptive processes will bring great distress. Pain comes from deep change,"[25] as does disequilibrium.[26] This disequilibrium is low at the beginning of change initiatives and high in the middle, and the more you move forward with change the more resistance you will meet.[27]

The good news from the field of so-called "chaos science"[28] is that crisis precedes transformation and that order emerges from chaos.[29] Chaos destroys the old way and awakens a new status quo. Wheatley tells us that the confusion and chaos are actually beneficial because they wake up our creativity and the ability to solve problems and transform.[30] Furthermore, "[c]haos' role in the emergence of new order is so well-known that it seems strange that Western culture has denied its part so vehemently."[31] Hubbard notes that when nature reaches its limitation, it does not necessarily adapt and stabilize; it innovates and transforms.[32] To Hubbard, problems are often evolutionary drivers vital to our transformation; we learn to look for innovations that the problems are stimulating.[33]

D. Resistance Is Part of Rule of Law Reform

Resistance is inevitable in the path to change. As discussed, the further into a change process one goes, the greater the disequilibrium that results. The same is true for resistance. Even people who want change often exhibit an "immunity to change."[34] They unconsciously fight change because of hidden and competing personal issues that outweigh their visible commitment to change;[35] a phenomenon referred to in psychology literature as "cognitive dissonance". Resistance to change can be present even when a person's life depends on it. For example, "a medical study showed that if heart doctors tell their seriously at-risk heart patients they will literally die if they do not make changes to their personal lives…still only one in seven is actually able to make the changes."[36]

E. Rule of Law Reform Is Difficult and Takes Time

Change is difficult. It is estimated that about 75% of all change projects do not succeed.[37] The types of change initiatives involved in rule of law reform are complex in many ways. They are dynamically complex because the cause and effect of problems are inter-dependent and far part in space and time; they cannot be addressed piece by piece but instead holistically.[38] They are socially complex because the actors involved have different perspectives and interests.[39] This means that problems cannot be solved by experts alone, but also require engagement by the actors themselves. Finally, the change is generatively complex because the future is fundamentally unfamiliar and

undetermined.[40] Therefore, we cannot simply apply "best practice" solutions.

Because of its complexity, change takes time. According to the World Bank, historically, no country has transformed its institutions in less than a generation, with reforms typically taking 15 to 30 years.[41] Jean Paul Lederach warns to "be suspicious of anybody with a quick fix solution. It is usually a trap."[42] Even though there is an obvious urgency to building the rule of law after conflict, what multiple experiences show is that quick-fix solutions that bypass process do not work. Taking a cue from hostage and crisis negotiation, rule of law practitioners need to "slow the process."[43] While it may seem absurd given the volatile situation and lives being at risk, hostage negotiation experts say that rushing the process is one of the biggest mistakes that can be made.[44] Rushed reforms are seen as illegitimate. They are often rejected by the population or never applied by those in the justice sector.

Even as new reforms are put into place, an "implementation gap" or dip in productivity should be expected, meaning a country or institution takes one step forward and two steps back while incorporating new changes. This is because people are learning and practicing new skills in the early stage of implementation of a change. Setbacks and failures should be expected. In fact, sometimes in the middle of a change process, it looks like a complete failure, so it is important to remember that this is a natural part of the learning process and not necessarily a sign of real failure of the reform initiative.

F. Relationships Lie at the Heart of Rule of Law Reform

In quantum physics, relationships are not just interesting, "they are all there is to reality."[45] Change occurs within the context of relationship webs.[46] As the Sufi saying goes: "You think because you understand one you must understand two, because one and one make two. But you must also understand *and*."[47] This is especially so in a conflict-affected country because "[g]enuine change is located at a deeper level in the complex web of social and relational histories embedded in the context of the conflict."[48] In order to facilitate change effectively, "we need to learn how to facilitate process. We need to become more savvy about how to foster relationships, how to nurture growth and development."[49]

In the field of conflict transformation, Lederach has noted that "[o]ver the years I have come to intuit more than scientifically prove, to feel more than quantify, that the center of building sustainable justice and peace is the quality and nature of people's relationships."[50] Reinforcing this position, Spies reflects that "change and conflict….are about people, not things. Every effort, therefore, to effect resolutionary change has to begin with substantial investments in building trust with and between people."[51] He further notes

that once relationships are strong, people will understand and own their problems.[52]

In a conflict-affected country, the relationship between the government and its citizens may be broken. There may be widespread distrust and a general lack of confidence in the state to provide basic services, including justice. Similarly, the relationships between different groups in society (e.g. ethnic, religious, racial) may also be damaged. Even though the conflict may be over, the underlying relationships that initially caused conflict may remain in place.[53]

Yet, rule of law is relational[54] and requires a foundation of good relationships between the government and citizens and between different segments of society. Moreover, adaptive change needs "courageous conversation to address conflict."[55] In systems where conflict has kept people apart, the first step must be to heal relational wounds before attempting change.[56] Efforts to mend and build relationships through dialogue may increase trust between all parties and the perceived legitimacy of the government, as well as help to avoid future conflict and support successful change. This is especially the case in building relationships between the "in-group" and the "out-group" or minority groups. This is because "in-groups tend to form negative opinions of the out-group. Interaction not only builds trust but helps groups see similarities and see each other as human."[57]

Coalitions

"A coalition is best thought of as an association of groups and organizations working to resolve specific problems or to achieve specific goals that are beyond the capacity of any individual member of the coalition to resolve or achieve on their own. Coalitions may be transient or longer lasting; they may be official or unofficial, formal or informal; they may be political or they may be promotional; they may be for things or against things; they may be vertical (as in corporatist arrangements), they may be horizontal as in interdepartmental linkages; they may cut across the public-private divide, as in co-production or public-private arrangements."

Adrian Leftwich and Steve Hogg "The Case for Leadership and the Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development" *(November, 2007), pg. 5.*

G. Change Occurs Through Diverse and Inclusive Networks

The emergence of change happens through critical and diverse connections.[58] **Networks and coalitions** are key mechanisms for connection and for resolving collective action problems.[59] As will be discussed in Section III, networks are also vital for sharing information effectively, seeking out innovative responses to rule of law problems, building trust and strengthening relationships and for positively influencing societal attitudes and behaviors.

H. Rule of Law Reform Can be Most Effective When Comprised of Smaller, Local Solutions Rather than Big, Global Solutions

Quantum physics talks about how all things are invisibly connected, a concept known as "non-local causality." The positive impact of non-locality means that many, small and positive changes can work to create big changes in the system, so–called "quantum leaps."[60] These are abrupt changes that occur when local actions invisibly connect to influence a system.[61] In quantum physics, the impact of local actions bears no relationship to their size,[62] so we do not need many big projects to make big changes. People think that "big problems call for big solutions," but "if you seek out a solution as

complex as the problem…nothing will change".[63] Big problems, instead, need lots of smaller and local solutions, as discussed above under the idea of emergent change.

Robert F. Kennedy eloquently captures the importance of small acts as follows:

> Each time a person stands up for an idea, or acts to improve the lot of others, or strikes out against injustice, (s)he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Therefore, the advice from quantum physics for those involved in rule of law reform is to "work where we are, with the system that we know, the one we can get our arms around"[64] because small changes can affect a global system.[65] When we act locally, we are inside the movement and flow of the system and are more likely to be sensitive to its dynamics and therefore more effective in changing it.[66] Working locally is more likely to bring about meaningful changes that are within immediate reach, something we know can result in small wins.[67]

Linked to working locally is the concept of thinking small. While this may seem counterintuitive, it might be best to start small, particularly where people are vehemently resisting change. Later on, when a bigger idea is "ripe"–meaning that there is urgency to deal with it across the system–it can then be revisited.[68]

I. Rule of Law Reform is Most Effective When it Focuses on Systems and Not Silos

Systems

"A system is a set of things- people, cells molecules, or whatever – interconnected in such a way that they produce their own pattern of behavior over time."

Donella H. Meadows, Thinking in Systems: A Primer (*Vermont: Chelsea Green Publishing. 2008), pg. 2*

A Newtonian perspective on reform separates things into parts[69] and believes that if we study the parts, we have knowledge of the whole.[70] Modern science, on the other hand, demonstrates the inter-connectedness of all parts of a system. Each part of a system can affect all parts of the system. Because of this, "we experience influences that we cannot see or test."[71] Problems and solutions are not independent of each other and in fact interact with each other in a complex **system**.[72] A symptom of a problem may manifest in a different part of the system than that which is creating it; "slight disturbances in one part of the system may create major impacts far from where they originate in highly sensitive systems. The most minute actions can blow up into massive disruptions."[73] Perceived solutions may also result in problems in other parts of the system. This is why "we thought we were doing something helpful to solve a problem, and suddenly we are confronted with eight new problems created by our initial solution."[74]

Adaptive change requires that we look at the whole system and not just its

parts. [75] The tendency of rule of law reformers is to break everything down into individual elements or silos and try to solve problems individually without reference to other parts of the system. "We have been taught to analyze, to use our rational ability to trace direct paths from the cause to the effect, to look at things in small and understanding pieces, to solve problems by acting on or controlling the world around us."[76] This approach was based on (outdated) science, logic, and reductionism over intuition and holism.[77]

Instead of breaking the system apart into small pieces to try to fix it, we need to look at the system in its entirety, identify the inter-connections and the relationships that hold elements together.[78] Because ordinary people who are within the system tend to think in terms of the whole system, while experts think in silos and specialties, ordinary people are the better candidates to diagnose systemic problems and determine corresponding system-sensitive solutions.

"Systems thinking" is a way to analyze and identify root causes of problems and think about a system as a whole rather than through the frame of its constituent parts. There are three important things to highlight from the growing field of systems thinking. The first is that "the system to a large extent causes its own behavior," even though outside events are often blamed.[79] If solutions focus on external agents that are "out there" and not "in here," they are likely to create further problems.[80] We need to look for the problems and the solutions within the system we are trying to change. The second thing is that there are inherent delays in systems. By the time a problem appears, it may be unnecessarily difficult to solve.[81] We need to understand that any solution will take a long time because adaptation takes time.[82] Thirdly, we believe that big problems in systems need to be solved by big solutions. Yet we need to acknowledge that what goes into a system may not be directly related to what comes out.[83] The good news is that, sometimes, big changes happen from small events.[84] Take for example, a huge oil tanker. This tanker will turn with the smallest movement of the lever. The lever, tiny in comparison to the tanker, once correctly positioned and adjusted, can exert enough force to change the direction of the tanker.

J. New Information is Needed to Foster the Creativity and Innovation Required to Bring About Rule of Law Reform

Change is often stymied by a lack of information. Decision-makers may not have the accurate information they need. Some scholars note that much of what goes wrong in systems is "because of biased, late or missing information."[85] Citizens in a conflict-affected country may also lack the information necessary to understand or engage effectively in the reform process. Information is critical to bring a system out of chaos and to foster new ways of seeing things.

III. Applying Change Concepts to Rule of Law Projects: From Assessment to Design and Implementation

This section will take the abstract theory of change from Section I and apply it to the everyday business of rule of law projects--from initial project assessment to design and implementation of the project.

A. Project Assessment

The project assessment phase of a rule of law initiative involves an analysis of the context of operation, the various stakeholders, and the rule of law challenges and opportunities that exist. The "old" way of doing rule of law assessments was for a team of legal experts to go to a foreign country – typically for three weeks – and talk to stakeholders, usually only in the capital city. They would then write up a report with recommendations for what to do to solve the problem. These recommendations would then form the basis of the project design phase.

More recently, the rule of law community is recognizing that proper analysis takes time; that it should involve multi-disciplinary teams and not just lawyers, prison officials, or police officers; that the reach of the analysis should extend far beyond the capital city; that the formal justice system is usually not the primary manager or deliverer of justice in the country (customary or other informal justice mechanisms need to be studied as key parts of the justice landscape as well); and that social science research methodologies and surveying the views of the local population is key to fully understanding the justice system in practice.

The modality of how to conduct an effective rule of law assessment/analysis is beyond the scope of this paper. Instead this paper offers some thoughts--grounded in the theory of change outlined in Section I–as to how to improve current rule of law assessment methodologies to strive for project effectiveness and ultimately to support effective rule of law reform.

Understand Rule of Law Problems Fully Before Attempting to "Treat" Them[86]

Given the emergency-type setting of a post-conflict state, there are many who are eager to do something, and do something fast to address the rule of law deficit. Treatments are often offered before a proper diagnosis. It is not only international actors who are guilty of this. In fact, those leading change in their own country can fall afoul to the belief that it is their country and they

know what is going on. They may fail to reach out to those beyond their immediate circle or those outside the capital city to get a more nuanced understanding of what the problems are from the perspective of the population. So whether you are an international actor working in a post-conflict state or a national actor working in your own country, first and foremost, you need to cultivate a nuanced and sensitive understanding of the context you are working in and fully understand the problem and its root causes.

In addition to failing to understand problems before acting to find solutions, another challenge in the rule of law field is the tendency to define rule of law problems by a lack of favorite solutions. For example, many assessments will list rule of law challenges like an absence of police training or a shortage of prisons. But are these really the problems? As was discussed above, the actual problem underlying these symptoms may exist somewhere far away in terms of time and location.

National, regional, and local surveys, focus groups, or in-person interviews (as well as the many participatory methodologies outlined below in Section III) may need to be conducted with a wide range of stakeholders to get a nuanced understanding of what the problem is from the perspective of the users of justice, i.e. the population. Of course, this is far more challenging than a three-week assessment mission based in the capital city, but it will yield a more comprehensive truth upon which to base future reforms.

Find Individuals Gifted in Researching and "Sensing" Problems to Be Part of the Assessment Team

There are certain personality traits and so-called "soft skills" that are required for those engaged in the assessment/analysis phase. Good diagnosticians are needed, rather than individuals picked based on their technical legal expertise, which can so often get in the way of seeing the bigger picture. Margaret Wheatley warns against an "aggressive" approach to analysis.[87] Instead, she notes that in order to conduct a diagnosis or to sense rule of law problems, a person needs:

1. Objectivity and distance from the system;
2. Humility and non-judgment;
3. Curiosity; and
4. The ability to listen.[88]

Think Carefully About the Role of "Outsiders" in Rule of Law Assessments

International rule of law practitioners are often involved in conducting assessments in foreign countries. At times, this analysis is welcomed and

well-received by national partners. On the positive side, outsiders bring objectivity and distance from the system. Within the rule of law field, outsiders could also bring comparative knowledge of other countries and the experience of having worked in a post-conflict transitions in the past.

However, there are a few potential challenges with international actors undertaking an assessment. First, the international actor might stay in the country only a few weeks, which is too short a time to really understand what is going on. Second, the outsider will never know the system as well as someone on the inside. The outsider might miss subtle clues or cultural components that only someone from the country would know. Spies notes, "[a]lthough there is no question about the value of analysis by outsiders, there is often not enough effort to assist adversaries to share their own analysis and understanding."[89] Third is the issue of the multiple, and often overlapping assessments being conducted by the various international rule of law organizations. The sheer volume of assessments may put pressure on those within the justice system, taking their time away from doing their jobs. Spies notes that "[t]oo often outsider experts produce reports after 'consultations' that cause additional strain on the time and energies of people who are already over-burdened."[90] Instead, he suggests that the international rule of law community should support national actors building strong relationships and should help people "understand and own the problems."[91]

Ensure that the Scope of Rule of Law Problem-Analysis Is Broad Enough

The old saying, "he with the hammer, thinks everything is a nail," is very true within the rule of law field. Practitioners tend to think both the problems and accompanying solutions to societal problems are all rule of law/legal problems. As will be discussed below, the problem may not be legal in origin, nor may the solution. Moreover, "extra-legal" aspects of the problem or the solution are integral to ensuring the success of even the most technical rule of law project.

It is crucial for the rule of law community not to stick to only narrow legal issues when undertaking a contextual, problem-analysis. It needs to take into account the human aspects of rule of law problems.[92] The common tendency to treat the diagnostics tasks like any other analytical expert task that can be separated from the cultural and political human dimensions of the situation is the primary cause of low implementation rates of new ideas.[93] More and more, the rule of law community is drawing from other analytical tools such as conflict analysis tools, political-economy analyses, and even psychosocial studies on trauma to gain a true understanding of the broader human, societal, cultural and political dimensions of rule of law problems.

So, what exactly should a broad analysis look at? It needs to:

1. *Observe how rule of law and governance structures and the system*

act. This would include both state and non-state structures. Meadows notes that "[b]efore you disturb the system in any way, watch how it behaves…If it is a social system watch it work."[94] She further cautions us that "[w]atching what is really happening instead of listening to peoples' theories of what happens, can explode many careless, casual hypotheses."[95] This means you need to observe how the system is acting and behaving. This will require intensive monitoring and observing the system over time.

2. *Understand the history of system or organization*. It is vital to learn the history of a system or organization. The best way to do this is to ask people who have been around for a long time to tell you what has happened.[96]

3. *Understand the culture (including group and organizational culture) and* ***mental models***[97] *at play within a system or organization*. This can be challenging if you are outside the system. There may also be sub-cultures within different parts of the system, but it is worth emphasizing this and trying to talk to as many people in the system as possible. Assessing group culture, we can begin to determine what aspect facilitates change and what stands in the way.[98] Furthermore, a comprehensive assessment needs to get a picture of the structures, culture, and defaults, namely, the habitual ways of responding to the problem.[99]

4. *Map the network of political relationships involved in reform*.

5. *Determine who is for and against change*. It is vital to know who are allies, who are against change, and whether there are any hidden alliances (either for or against change).[100]

6. *Analyze the hidden functions and purposes or organizations or a system*. The rule of law community makes assumptions about the purpose of a system (e.g. the justice system is there to serve the people). It knows, however, that under a dictatorship, the justice system is there to serve only the dictator's interests. This is an extreme example, but it is worth investigating the always hidden functions and purposes of a system or an organization in that system. The actual function or purpose of a system or organization "is not necessarily spoken, written or expressed explicitly, except through the operation of the system. The best way to deduce a system's purpose is to watch for a while to see how the system behaves…Purposes are deduced from behavior and not from rhetoric or stated goals."[101]

7. *Use the Assessment to Deeply Understand the Rule of Law Needs, Problems, and the Vision of Ordinary Members of the Public and Other Stakeholders*. During a dictatorship, decisions about reforms

Mental Models

A "mental model" is an explanation of someone's thought process about how something works in the real world. It is how someone views the world and how things should happen. Understanding the mental models of those in the justice system will provide explanations for behaviors and will help define the root causes of problems. All rule of law problems will have a mental model dimension to it. Mental models will be part of the problem and part of the solution.

are made by the dictator and his core group for the express purpose of sustaining and protecting the regime. During the transition from dictatorship, it is crucial to move in the direction of a justice system and institutions that instead serve ordinary people. Research should be conducted to engage comprehensively with ordinary members of the public through national, regional, and local surveys, focus groups, in-person interviews, or other modes of participation outlined in Section III.

Understand the Systemic and Complex Nature of Rule of Law Problems

Rule of law issues are both systemic and complex; "[t]hey come from and affect the entire justice system. Because there are so many institutions and actors involved, the problems are complex. In fact, the problems may go beyond the justice system and involve other systems. This is because systems rarely have real boundaries."[102]

However uncomfortable it may be, rule of law practitioners need to accept and embrace the complexity and ambiguity of the rule of law situation in a conflict-affected country and they must understand that they should feel confused. Many people--and particularly the international rule of law community--get scared when they look at the complex problem and try to simplify and find solutions immediately. Unfortunately, this approach does not work. Instead, one needs to complexify before one can simplify.[103]

The system being looked at–in this case the rule of law system--needs to be looked at from a "systems thinking" perspective. What do we mean by "a system?" It is an "inter-connected set of elements that is coherently organized in a way to achieve something."[104] Because of the inter-connection and linkages required within a system, it is not helpful to break the systems into parts and analyze each independently.[105] Instead, we need to see the whole system at once and the relationship between the parts, so that we can get an idea of the root cause of the problem and how the problem is spread across the system.

Breaking the system down into parts does not work also because the cause and effect of a rule of law problem are often not linked in time and space. Oftentimes, external events are blamed for problems. The problem in the system may be caused by an external event but often the system causes its own behavior. The root causes of systemic problems are more likely found in systemic patterns, structures, and cultures within the system.

Do Not Get Stuck in Analysis, Yet Recognize the Need for Ongoing Analysis

It is tempting for some people to stay in the analysis phase, often criticizing those involved in trying to fix the problems. They may suffer from "analysis

paralysis." It is easy to critique but hard to create.[106] Even though analysis is hard, acting to address problems is even harder. There is a balance that needs to be struck between analysis and acting. Acting without understanding the problems – as discussed above – is not sensible. However, too much analysis can equally doom the effort.[107]

An assessment should not be just a one-time event but rather an ongoing process. A rule of law practitioner will be moving back and forth between analysis, interpretation, and acting. With each new bit of information the practitioner gains from analysis, he or she may change the way you are acting to address the problem. It is particularly important to keep coming back to diagnosis, especially in a post-conflict setting where events on the ground change rapidly.

B. Project Design and Implementation

Once the initial analysis has been completed and root causes of problems have been adequately identified, the next step is to design effective responses to those problems and determine what projects or activities can effectively address these rule of law problems. The assessment phase is all about "sensing"[108] the reality and its problems, while the project design phase is about "presensing" and asking the question: what do we want to create?[109] In a post-conflict setting, there are numerous competing rule of law needs and many problems that you could focus on. Through project design, an organization or group of individuals determines which problem they will focus on and what potential approaches they will pursue to address the problem.

Focus on Finding Fundamental Rather than Symptomatic Rule of Law Solutions

Just like during the assessment phase, where it is possible to focus on symptomatic problems rather than their root causes, so too in the project design phase, it is important to identify fundamental--not symptomatic--solutions to problems. Symptomatic solutions are "quick fixes" that address the superficial symptom of the problem.[110] On the other hand, fundamental solutions look at deeper causes and address underlying causes.[111]

Understand the Importance of Symbolic Actions and Solutions in a Post-Conflict Context

In a post-conflict society, it is important that the government and justice system take action to show people symbolically that there is a break from the past and a new way of doing things. Symbolic actions and reforms are important to build trust with the people in the country, a key deficit in a post-conflict setting. The World Bank *World Development Report 2011* emphasizes that "[l]eaders need to send the right signals to [create] support."[112] The report, however, urges leaders to show restraint in the

number of issues they focus on. According to the report, it is better to focus on two to three key symbolic actions in the first two years after conflict than trying to do everything at once.[113]

Seek out Creative, Innovative, and Responsive Solutions to Rule of Law Problems

In figuring out what to do to address the root causes of rule of law problems, we are looking for creative ideas and potentially ideas that have not been tried before. We need creative people to work together in groups and dialogues to come up with ideas based on the context and the problem. Peter Senge notes that we do not need to know how to do something before you do it; this is the nature of innovation.[114] We see this type of approach within business and entrepreneurship but rarely in the rule of law field. Yet, when rule of law reform is approached with innovation, it can yield great outcomes. The World Bank *World Development Report 2011* highlighted the prior success of unorthodox approaches that allowed for flexibility and innovation.[115]

Innovation coupled with improvisation and experimentation will be required to solve the many rule of law problems in a post-conflict country.[116] The way to learn is to experiment, to give up the notion that you are in control and to be error embracing;[117] "pretending you are in control even when you aren't is a recipe not only for mistakes but for not learning from mistakes."[118]

This is not to say that we should return to the drawing board for each project and not identify pre-existing solutions that are working domestically or internationally to solve a similar rule of law problem. Whether they come from home or abroad, we can look for "golden innovations" that have created big and positive change.[119] A "golden innovation" is a project now working successfully that, if further developed and applied, could transform the system in which it functions."[120]

Finding golden innovations or creating new innovative approaches is sparked by the sharing of information and the use of networks, as discussed below in Section III. Once we find excellent ideas, we need to connect them to other excellent ideas because this creates more excellent ideas.

Innovation is not without its challenges. The Heath brothers remind us that one cannot innovate without failing.[121] The rule of law community needs to be resigned to failing and create an expectation of failing as part of learning.[122] To find effective and contextual solutions to rule of law problems, it needs to experiment with never-been-tried before relationships, means of communication, and ways of interacting that will help people and develop solutions that build upon and surpass the wisdom of today's expert.[123]

"Shrink" the Change into Smaller Solutions and Work Locally

When problems are really big and complex, there is a tendency to search for an even bigger solution to address the problem. Research from various fields, however, warns against this; "if you seek out a solution that's as complex as the problem…nothing will change."[124] This is because "[b]ig problems are rarely solved by with big solutions. Instead, they are most often solved with a series of small solutions, sometimes over weeks and sometimes over decades."[125]

All the little solutions add up, and over time create big change or a "quantum leap" in science-speak. Malcolm Gladwell talks about a "tipping point," where there is such strong momentum in favor of change coming from all the different small initiatives that the change has to succeed.[126] This is when you move out of chaos and into a new way of doing things.

Shrinking the change and working locally can ironically make for more success in addressing big picture problems:

> When we choose to act locally, we may be wanting to influence the entire system. But we work where we are, with the system that we know, the one we can get our arms around. Acting locally allows us to be inside the movement and flow of the system. We are more likely to be sensitive to the dynamics of the system, and thus more effective. However, changes in small places also affect the global system.[127]

Shrinking the change is also helpful because success will be more immediate, thereby avoiding a situation where people get demoralized and give up quickly.[128] Shrinking the change means working towards and celebrating "small wins" and goals that are meaningful and within immediate reach. [129] This makes people believe they can succeed and helps them remain energized to do more.[130] Psychologist Karl Wick, in a paper called "Small Wins: Redefining the Scale of Social Problems" said, a "small win reduces importance ('this is no big deal'), reduces demands ('that's all that needs to be done'), and raises perceived skills levels ('I can do at least that')."[131]

Another factor in favor of shrinking the change is that it avoids a phenomenon known as "premature load-bearing" of institutions, where too many demands are placed on nascent institutions in too short a period.[132] When the implementation of new reform measures become too difficult, justice actors within these institutions–overwhelmed by all the change imposed upon them--revert to old behaviors. The institutions either further weaken or collapse.[133]

Prototype and Pilot Projects Before Scaling Them

In reality--and despite what some foreign "experts" might tell you--there is no "right answer" to solving rule of law problems. Certainly there are things that need to be done like building up a Ministry or drafting new laws, but

they alone will not bring rule of law.

By experimenting and fostering innovation, discussed above, "prototype" projects can be created. Thinking in terms of prototypes avoids getting stuck in plans or trying to completely figure out how to solve the problem.[134] In a post-conflict context, rapid prototyping has the potential benefit of delivering early results, something the *World Development Report 2011* stresses as being vital to building confidence in the government and short and long-term stability and peace.[135]

Prototyping is helpful because we cannot get to the solution until we start engaging with the problem.[136] While some practitioners may be more comfortable to define structures and develop complex strategies, the theory of change tells us instead to do the work first and develop grander plans later.[137] Once we start engaging with the problem and acting to address it, the solution emerges more easily.[138] Better and better solutions emerge as we act. This is frightening for some people because they want to know the answer at the beginning and want to control the problem and attack it. But in reality, and as discussed in Section I, solutions emerge and are not forced.

Prototypes may need to be modified after the testing phase, and then – if they have been successful-- they can be "brought to scale" and tried in other contexts.

Leave Space for Making Mid-Stream Adjustments to Projects

After the initial innovation and prototyping phase comes the creation and adjustment phase.[139] Change experts talk about the need to plan-do-check-act.[140] Feedback from the learning process will help rule of law practitioners adjust what they are doing and do it better. Jean Paul Lederach calls this being "smart flexible."[141] "Smart flexible is the ability to adapt to, respond to, and take advantage of emerging and context-based challenges."[142]

IV. Creating a Change Management Strategy for Rule of Law Projects

The development of a deliberate change management strategy is rarely part of the planning for, or implementation of, rule of law projects. Yet, in other fields such as leadership, it is seen as crucial. In some cases, dedicated change management teams are designated to focus solely on it, as opposed to the technical or other dimensions of the reform initiative. Of course, when planning for or implementing rule of law projects, issues related to change arise that need to be dealt with. For example, a high-level politician may be opposing a proposed new law and blocking it in the Parliament. The Minister of Justice may indicate that he or she is on board with a new reform measure, but he or she may suddenly be too busy to meet with the project team to make the key decisions. The Parliament may pass new legislation, but

because of a lack of participation and inclusion of stakeholders, judges may refuse to apply the law and the public may protest the new law in the streets. When these challenges arise, they are usually dealt with reactively.

This guide suggests that change management is something that should be thought about in advance and that a proactive strategy should be developed, recognizing that unforeseen challenges will appear that will need to be dealt with as they arise. Adaptive change needs conscious management and investment of time, energy, and personnel to nurture the process whereby an individual, institution, or society moves from one status quo to another.

At every stage of the development of a rule of law initiative, it would be wise to have a change management plan in place. As discussed, a separate organization or team with "process expertise"[143] may be necessary to manage the change effort, as it is incredibly time-intensive. Unfortunately, process facilitation has been grossly undervalued by the rule of law community because it is seen as "soft." According to Peter Senge in his book *Presence: Human Purpose and the Field of the Future*, "[t]his is ironic because the soft stuff is often the hardest to do well and the primary determinant of success or failure."[144]

Recognizing that the process is as important as the ultimate outcome, this section outlines seven concrete actions that should be part of the management of any adaptive change process. The impetus behind each of these concrete actions derives from the macro theory of change outlined in Section I. The actions are not presented in the order they should be undertaken. Rather, they all need to be considered simultaneously. Each action can be undertaken before anything is formally done to address a particular rule of law problem, laying the foundation for the change process and cultivating the soil so that reform efforts may grow.

Action 1: Build Relationships and Build Trust with Stakeholders

In a conflict-affected setting in particular, trust is very low; trust between the people and the government, trust within the government agencies, and trust among the population. Relationships between the government and society and between members of society may be broken or damaged. Any initiative proposed by a group that is not trusted will be automatically viewed with suspicion and ridicule. An environment of (growing) trust and relationships that are being developed is a necessary prerequisite for any new rule of law initiative. According to Huston, "in countries that have experienced conflict, we need to first heal relationship wounds before we can attempt change."[145] Similarly the Word Bank *World Development Report 2011* noted the central importance of trust building after conflict.[146] If trust is low or non-existent, and if relationships with key stakeholders are frayed, then the chances of an effective initiative are very low.

Spies notes that everyone should expect mistrust (particularly international actors) and they should not assume that their role is understood and welcomed.[147] Trust generates energy to change. Mistrust closes down spaces for change.[148] So, how does one build trust and strengthen relationships? According to Spies what is needed is:

1. One-on-one discussions with the "strategic who;"
2. Consistency;
3. Transparency;
4. Solid processes;
5. Regular feedback; and
6. Information and knowledge sharing (discussed later on in this section).[149]

Spies also notes the importance of dialogue among key stakeholders.[150] This reinforces the points made by Heifetz that adaptive change needs "courageous conversations."[151] The more interaction various stakeholders have the more opportunities there are to build trusting and strong relationships. Interaction not only builds trust but also helps groups see their similarities and see each other as human.

Some people, often called "connectors," are naturally very good at connecting and building relationships. They should be brought into the project to assist with this:

> Connectors are often the ones who help push trends forward, and they can make or break the success of a new idea. Connectors who bridge different groups of people also play a vital role in the spread of ideas and in creating trust and good relationships among groups.[152]

Relationship building can also be achieved through the development and nurturing of networks, as well as through the participation of the general public in reform initiatives, both of which are discussed below.

Action 2: Find and Support "Change Agents" or "Early Adapters"

A "change agent" identifies a societal problem or unmet societal need and invents possible solutions.[153] A change agent, commonly defined, is an advocate for a proposed change. Early adapters are "people who are interested in new ideas and have a history of championing them."[154] Leading thinkers on social change advocate for the gathering of small groups of change agents and early adapters at the outset of any change initiative. Jean

Paul Lederach says that "the key to changing this thing is getting a small set of the right people involved at the right places"[155] and that "what's missing is not the critical mass. The missing ingredient is the critical *yeast*. It is a metaphor that asks the 'who' rather than the 'how many' question."[156] Reinforcing this, Malcolm Gladwell in his book called *The Tipping Point* notes that "small, close knit groups have the power to magnify the epidemic potential of a message or idea."[157] Once the small group is strong, the group can be expanded to include others who are in favor of change. Before growing a bigger network of people with different opinions (discussed below), it is helpful to "create a support system for individuals participating in the change process. Their enthusiasm gets diminished as they face those who oppose the change. Without a support system it is hard to persevere against resistance."[158] A note of caution in seeking out change agents or so-called "reform champions" is that hopes of reform cannot be pinned on just one person. What we are learning about change is that we "cannot rely on lone wolves."[159]

Action 3: Create Change Networks

Once a key group of change agents has been formed and they have a strong base, it is then necessary to expand the group and create broader and more diverse change networks. This is because the key to creating new social realties is to open up and connect.[160] The emergence of change happens through critical and diverse networks and connections.[161] Existing networks can be relied upon if they are present. If they do not exist, or are not functioning effectively, new networks can be built. Networks can be issue specific or may focus on rule of law in general. They may be local, national, or sectoral.[162] In the early stages after conflict, recognizing the challenges of social organization, the World Bank talks about creating "inclusive enough" coalitions.[163]

Just like building relationships, networks provide the opportunity to create trust with groups we have been in conflict with. Networks can also be a vehicle to share information. Furthermore, they can generate ideas for change and foster innovation and creativity. Finally, networks can positively influence behaviors and attitudes because they create "ripples of influence" that can positively influence behavior.[164] For example, psychological studies show that when an individual starts smoking, it increases their friends' chances of smoking by thirty-six percent, and their friends' friends' friends' chances of smoking by eleven percent.[165] This is known as the "three degrees of influence rule," and it applies to a broad range of attitudes.[166] Therefore, "one implication of the spread of traits through social networks is that every time we get one person to make a change, that will likely lead others to make a change as well."[167]

Networks should be diverse because "if a group lacks information or diversity, it will not exhibit collective intelligence."[168] So it is important to

seek unexpected and unfamiliar partners from all sectors of society. Lederach suggests that we "watch for and build hubs where the cross-linking relation spaces connect the not-like-minded and not-like-situations."[169]

Realistically speaking, rule of law practitioners should anticipate challenges with collaboration and coordination:

> We have all experienced the messiness of collaboration. While collaboration seems to be the easy answer to most problems, it isn't very easy in practice…If you get more than one person in a room you have dissonance…Ensuring each voice has a place to be heard and respected can often uncover clashes. We have also found that people find comfort in pretending to think the same way and often we gravitate towards those who affirm our way of thinking…Yet, the whole reason for collaboration is a requisite diversity.[170]

If successful, networks can transition into communities of practice – meaning people make a commitment to be there for each other and that they participate not only for their own needs but also for the needs of others.[171] They may even move beyond communities of practice to become "systems of influence" – that is, systems that have real power and influence when pioneering efforts that have hovered on the periphery suddenly become the norm.[172]

Action 4: Gather and Share New Information Freely and Widely

As discussed above, new information fosters innovation, change, and transformation; "information rich, ambiguous environments are the source of surprising new births."[173] Waddell has noted that the "capacity of a nation…[for] social transformation, very much depends on its collective capacity to generate, to ingest, to reach out for, and to utilize a vast amount of new and relevant information."[174]

Where can this knowledge be acquired? Information can be gathered from new connections and from "ongoing circles of exchange,"[175] such as dialogue sessions, conferences, and training courses between people in a conflict-affected country. Information can also be brought in from the outside. Such initiatives can share comparative experiences and provide ideas and examples that might inform the local process and spark creativity. Information is not shared as "models" but instead "from each other, we need to learn what's possible. Another's success encourages us to continue our own search…"[176] Instead of "best practices" and outside solutions, the sharing of information for outsiders generates energy to create local solutions to locally-identified problems.

Information should be sought from everyone and everywhere, including

places that people never thought to look before.[177] Also, information "must circulate freely so that many people can interpret it."[178] Another key point is that an "open system does not look for information that makes it feel good. It is deliberately looking for information that might threaten its stability, knock it off balance, and open it to growth."[179] Networks are great vehicles for sharing information, highlighting further the importance of change networks discussed above. It is important to note that the information shared must be relevant and to-the-point, as a network will transmit only information it considers meaningful.[180]

Action 5: Develop a Strategy to Encourage Broad-Based and Inclusive Participation of the General Public in Any Rule of Law Reform Initiative

As mentioned above, during the conception of a rule of law initiative, it is advisable to begin work with a small group of like-minded individuals who can grow a secure base from which to launch it. Later on, however, it is crucial to encourage broad-based and inclusive participation and interaction with the particular initiative through networks but also more generally through engagement with the general public.

The more participants we engage, the more likely change is to occur. Wheatley reflects, "great things are possible when we increase participation."[181] She further states that:

> In the traditional model, we leave the interpretation of data to senior or expert people. A few people, charged with interpreting the data, observe only a few of the potentialities contained within the data…It would seem the more participants we engage in this participative universe, the more we can access its potentials.[182]

Consequently, the more participants we engage the more good ideas we will have to address challenges and meet opportunities.

Unfortunately, participation is often considered as an after-thought and something that is nice to do but impractical in the so-called "emergency culture" of a post-conflict state. New or transitional governments often say they are too busy to reach out to people for input on policy decisions. In the alternative, they say they do not know how to engage constituencies in a participatory way. Some argue that citizens participate in this decision-making process through electing representatives, who then make decisions on their behalf through a form of indirect participation.

Yet, social psychology tells us that people care deeply about their level of inclusion or exclusion in social groups. Research has shown that exclusion of groups based on race, ethnicity, religion, or geographical location and origin is associated with higher risks of civil war and violent upheaval. [183]

Conversely, participation in decision-making creates feelings of identity, inclusion, and self-determination.[184] Importantly – when done well – it can also begin to repair or build relationships and trust. Participation can also play a role in enhancing the legitimacy of the government, its policy decisions, and its actions. This is because "legitimacy is essentially a relational term,"[185] and when relationships are perceived as illegitimate, then decisions of the government are perceived as illegitimate, which undermines compliance with the law and accountability.[186]

Legitimacy

Legitimacy is a complex concept, with various organizations providing different definitions. The following are some examples:

> *Legitimacy has been defined as: "a broad-based belief that social, economic and political arrangements and outcomes are proper and just. The concept is typically applied to institutions. Legitimacy is acquired by building trust and confidence among various parties. Forms of legitimacy include process legitimacy (which relates to the way in which decisions are made), performance legitimacy (which relates to action, including the delivery of public goods) and international legitimacy (which relates to the discharge of values and responsibilities that international law view as the responsibility of the state).*

The World Bank, World Development Report 2011: Conflict, Security and Development, (Washington, D.C., 2011)

> *Legitimacy has been defined as "a property that a rule or authority has when others feel obligated to voluntarily defer to that rule or authority. In other words, a legitimate authority is one that is regarded by people as entitled to have its decisions and rules accepted and followed by others". According to Tyler, "Weber argued that successful leaders and institutions use more than brute force to execute their will. They strive to gain the consent of the government so that their commands will be voluntarily accepted". Legitimacy, therefore, is a quality possessed by an authority, a law, or an institution that leads others to feel obligated to obey its decisions and directives. This feeling of responsibility reflects a willingness to suspend personal considerations of self-interest because a person thinks that an authority or a rule is entitled to determine appropriate behavior within a given situation or situations".*

> *Legitimacy has also been defined as "authorization" to reflect the idea that a person authorizes an authority to determine appropriate behavior within some situation, and then feels obligated to follow the directives or rules that the authority establishes….One way to think about legitimacy is as the property of an institution. Legitimacy is important to the success of such authorities because they are enabled to gain public deference to a range of decisions by virtue of their social role. Legitimacy can also be the property of a person. …Legitimacy has been shown to be a predictor of rule-following behavior both in communities and in work organizations. ….Police legitimacy influence's people's compliance with the law and their willingness to cooperate with and assist the police.*
>
> *Tom R. Tyler, Why People Cooperate: The Role of Social Motivations, (Princeton: Princeton University Press. 2011), pg. 34*

From a rule of law of perspective, it is interesting to note that legitimacy derived from participation can lead to voluntary compliance with the law, in addition to increasing the odds of a successful rule of law reform. Research has shown that citizens comply with the law, not because of the threat of punishment, but because they view the legal authority they are dealing with as having a legitimate right to dictate their behavior.[187]

Not just any type of participation will do. "Token participation" (where people sit on committees or are listened to but have no power or influence),[188] "passive participation" (where people participate as passive recipients of information and are told what has already been decided),[189] "participation by consultation" (where people are being consulted, but external actors define the problem and control the analysis, and the views of those consulted does not need to be included)[190] and "functional participation" (where people participate to meet predetermined objectives, but the big decisions have already been made by external agents)[191] are not what is being sought. Instead, we are looking for "interactive participation," where participation is seen as a right and people participate in joint analysis and development of action plans.[192] It should be acknowledged that interactive participation is time-intensive but taking the time to effectuate change properly is consistent with what we learned about change.

In order to facilitate participation, spaces need to be created in which the government and citizens come together to discuss and deliberate. These spaces are sometimes called "mediative spaces"[193] or "holding environments" that provide safety and structure for people to discuss values, perspectives, and creative ideas.[194] How these spaces are facilitated is key to whether they

will be successful. According to Spies, "in spite of all the knowledge in the field of change…the issue of poor facilitation is probably the most important barrier that frustrates effective change."[195] Especially in the post-conflict period, there needs to be a way to ensure that voices that have been silenced in the past are heard.[196] A lesson learned from past participatory processes is that politicians do not make the best facilitators.[197] When they take on this role and adopt a debating style, it greatly hinders the chances of meaningful dialogue. [198] Instead, chosen facilitators should be those who have the stature and ability to facilitate open discussions and can be trusted not to be defensive or manipulative.[199] If neutral and experienced facilitators cannot be found in a conflict-affected country, efforts should be put in place to train them.

There are many modalities and platforms to choose from when seeking to ensure public participation. What follows are a few examples:

1. *The Kerala Economic Development Project[200]:* In Kerala, administrative and fiscal powers were decentralized so that local representatives had more authority over development projects and priorities.[201] Community participation was facilitated through local assemblies in which participants could discuss and identify their development priorities.[202] Seminars also took place to develop more in-depth information on local problems and needs. A multi-stakeholder task force was created to design projects to address the problem. The plans were submitted to local elected bodies for approval and then they were presented at local assemblies for discussions.

2. *Northern Ireland Police and Community Safety Partnerships[203]:* Due to a lack of trust in the police on the part of Catholics, the Good Friday Peace Agreement required the establishment of a commission to make recommendations for the reform of the police. A number of District Policing Partnerships were created to consult with the public to find out people's views about how their area was policed,[204] to identify and prioritize issues of concern, to monitor the performance of the police, and to work to gain the cooperation of the public in preventing crime.[205] This was done through public meetings, focus groups, and consultation surveys.[206] The information gathered was then used to create interventions that reduced crime and enhanced community safety in each district. The focus was on delivering practical, local solutions.[207] The information was also used in setting objectives and targets in the Annual Policing Plan.

3. *South Africa Interim Justice and Security Arrangements:* In South Africa in the transition from apartheid to democracy, there was a core period of time where there was the formal hand over of power to a new administration and where justice reform and institution

building was just commencing.[208] It was a period of increased violence and crime, and a time where huge public gatherings were taking place, during which injuries and fatalities were common.[209] There was also a lack of clarity at that time about who controlled the justice and security institutions of the state.[210]

In the wake of increased violence, the National Peace Accord was negotiated that bound the government, security forces, political parties, and the liberation movements to a set of mutually agreed ground rules.[211] In addition to creating a commission of inquiry, the National Peace Accord created a "peace infrastructure" consisting of a national committee, eleven regional peace committees, and local peace committees.[212] The regional committees had representation of the parties to the agreement at the regional level.[213] Local committees were established with the consent of the local population.[214] Where the local population did not consent, it was taken as a sign that more work needed to be done in engaging with the community.[215]

A National Peace Secretariat was created under multi-party control to establish, coordinate, and administer the regional and local peace committees.[216] The committees monitored and enforced compliance with the code of conduct, especially as it concerned the actions of justice and security actors. Arbitration was agreed upon in the case of disagreement between any parties to the agreement.[217]

The committees played an active role in preventing violence associated with protest actions.[218] Because of their social networks and closeness to the community, they acted as early warning mechanisms for impending violence.[219] Local committees mediated disputes between local political groups, between individuals and the police, and even disputes between nonpolitical groups.[220] The local committees further acted as a mechanism for the community to come together in dialogue to conduct problem solving at the local level.[221]

4. *Deliberative Polling in Northern Ireland:* Deliberative polling is a form of participation that is useful in cases where the government is seeking input from communities about a particular issue area. It can be done in one location on one topic, or it could be rolled out throughout the country and focus on a number of topics over time. Deliberative polling is especially useful where the general public has no information or misinformation about an issue. In the case of Northern Ireland, deliberative polling brought together different religious groups in a still deeply divided society to discuss the future of education.[222]

   Deliberative polling begins with administering a questionnaire on a random, representative sample of the public.[223] Those who participate in the poll are then invited to participate in a weekend

workshop on the particular issue; in the case of Northern Ireland, it was on the topic of education. In advance of the workshop, participants are given balanced briefing materials that elaborate on all sides of the issue.[224] At the event, participants are randomly assigned to small groups with trained facilitators.[225] They can pose questions chosen by the group to experts and policymakers on the issue.[226] The last phase of deliberative polling is the administration of the same questionnaire capturing participants' considered opinions.[227] The results are analyzed and released to the media after the event.[228]

Deliberative polling not only provides valuable information to policymakers but it also induces learning, fosters better citizenship, more participatory attitudes and behaviors, and greater acceptance of political differences (something that is crucial in a conflict-affected country).[229] Data from the Northern Ireland experiment in deliberative polling showed that through participating in the polling, individuals had acquired much more positive views of the other religious community and of inter-community relations,[230] proving that mass deliberation in deeply divided societies is possible.[231]

5. *Justice and Security Dialogues and Iraq:*[232] In Nepal and Iraq, a series of dialogues were organized at the national and local level between the police, political parties, civil society, and the population on the topic of justice and security. The dialogues had the buy-in of the police and its leadership, although they were not legislated for. The dialogues began with police representatives being brought together to identify problems and potential solutions from their perspective. Then civil society, political parties, and the population were brought together to do the same. Subsequently, both groups were brought together to present their findings to one another. They later worked to co-create recommendations that could be presented to policymakers at the national level. In the case of local dialogues, the community and police partnered to find immediate solutions to problems identified in the workshops. This not only solved the problems but also created increased trust, confidence, and legitimacy on the part of the population in the police. Police-community cooperation in crime prevention also increased greatly. In tandem with the dialogues, surveys were conducted to gain a broader view of perceived problems with the police.

6. *Lottery Participation in Irish Constitutional Reform:* While not technically a conflict-affected country, the use of lottery in Ireland as a means to facilitate community participation in constitutional reform is noteworthy. The so-called Constitutional Convention is a new venture in participative democracy in Ireland.[233] The Convention, established under law, is a decision making body of 100

people made up of 66 randomly selected citizens, 33 parliamentarians (nominated by their respective political parties), and an independent Chairman.[234] The role of the Constitutional Convention is to make recommendations to the government on future constitutional amendments that would then be put up for a vote by referendum (because Ireland's constitution can only be amended by popular referendum).[235] Citizens met on weekends over the course of a year to discuss the various topics they were asked to consider by the government, which ranged from increasing the participation of women in politics to same-sex marriage.[236] An Academic and Legal Support Group was created to support the management of meetings; to provide background expert advice on issues; and to select, train, and brief facilitators; among other things.[237] In the same way that deliberative polling works, the members of the Constitutional Convention were given briefing materials and experts (e.g. professors) with differing views were on hand during the meetings to answer questions. Members of the public and organizations could make submissions to the Convention and ordinary members of the public could watch the proceedings live and even ask questions on Twitter and Facebook.

7. *Crowd-Souring in Iceland, Finland, Canada, and the United States:* Like the last example, this example does not derive from conflict-affected countries but it is something that could be implemented to build the rule of law after conflict. In an era of declining trust in government and declining participation in traditional forms of political participation, a new approach to soliciting citizen input by using "crowdsourcing" has emerged. Crowdsourcing is "an open call for anybody to participate in a task open online where 'the crowd' refers to an undefined group of people who participate."[238] Participation is done online, so it is worth noting that this type of approach will work only if individuals from different groups have access to the internet or a mobile device. Crowdsourcing serves as a tool to gather collective intelligence and is based on the idea that knowledge is most accurate when it consists of inputs from a distributed population.[239] It can be used to listen to citizen's opinions and gather information whether on a budget, strategy, or law.[240] It can also be used to source innovations.[241] However, it should be noted that crowdsourcing is more about gathering information and ideas than about creating spaces for deliberation because it involves a single act of participation.[242]

   In Iceland, crowdsourcing was used in 2010 and 2011 in the constitutional reform process. In tandem with national assemblies for citizens to discuss their country's values and future, a crowd-sourced constitutional process was implemented.[243] Twenty-five ordinary citizens were elected to a council. Drafts of the Constitution

were published online and citizens were invited to comment.[244] Citizens could also send letters by post to the council.[245]

In the United States, crowdsourcing has been used by the federal government to solicit citizens' opinions[246] and at the city-level to get citizens' views on budget cuts.[247] As part of this initiative in Chicago, Facebook Town Hall Meetings were organized and broadcast on the Mayor's YouTube channel.[248]

The same input into budget preparation was sought from the local government in Calgary, Canada, where citizens could also participate by way of mobile applications on their phones, including Facebook and Twitter.[249] In-person events were also organized for those who were not comfortable with technology.[250]

Finally, in Finland where a new law required that when a petition gathers 50,000 or more signatures in six months, the Parliament needs to discuss it, crowdsourcing is used to gather signatures and to force the Parliament to discuss issues of concern to citizens.[251] Citizens can either ask the Parliament to repeal a law or provision of law or to introduce a new legal bill that is formulated in a crowd-sourced manner.[252] This allows citizens to create an alternative policymaking agenda and push initiatives to formal democratic processes.[253]

Action 6: Develop a Strategy to Address Resistance to Change

As discussed above, resistance is part of change. It is important to be mindful of the influence of those who are resisting a particular change or reform measure; to understand who is resisting change and why; and to have a tangible strategy or strategies to address such resistance.

The first step in addressing resistance is determining who is against the change and why. One strategy cannot be used against the entire group of resisters. It is key to map who is against change and who is for change. This type of analysis is often called a "political economy analysis."[254]

In addition, the sources and reasons for resistance to rule of law reforms should be explored. People may resist change simply because they lack clarity about the nature or benefits of the proposed change. Ambiguity is the enemy of successful change.[255] Second, people may resist change because they over-value the current status quo. Psychological research on systems justification theory[256] shows us that people treat the existence of something as evidence of its goodness.[257] A third reason why people may resist change is because they feel excluded from the process and unable to co-own the change. Fourth, people resist change if they have experienced trauma, which creates physiological and psychological barriers to embracing future change;

unhealed hurts of the past cause people to develop an inability to change.[258]

Fifth, individuals resist change where they have a vested interest in things staying the same. While outsiders may label a justice system "broken," for those benefitting from the status quo, it is operating exacting the way the people who work in it want it to.[259] Take the example of police who are using the system to get bribes; this is the hardest group of resistant individuals to deal with. According to Heifetz, people are not opposed to change but they are afraid of loss.[260] This might be loss of money, power, or prestige. "Whenever you get close to the heart of a system, that is when the devils will appear. By devils I mean the system's strongest and trickiest defenders: its autoimmune system. If you aren't prepared for this, then you will be overwhelmed, and your efforts to change the system will not work."[261]

Once the analysis of who is resisting change and why is complete, the change team will need to devise a strategy to address the various types of resistance that are working against the change they are seeking to promote. Some types of resistance are easier to address than others. For example, if a person is resisting because he feels excluded and not listened to, then creating a safe space where his views are received and where he feels truly listened to can be enough. If individuals resist change because they have misinformation about the change or do not have the facts, then a public awareness campaign may be required. Addressing trauma-induced resistance to change and resistance based on perceived loss will require much more intensive and multi-disciplinary approaches. The response is not about law but about people, emotions, power, and politics. The political issues intrinsic in resistance to change will be addressed next.

Action 7: Think and Act Politically

While many practitioners continue to act as if rule of law is technical, it is inherently political. Thinking and acting politically starts with understanding "the limits of your authority, of stakeholders' interests, of power and influence networks" to (1) forge alliances with people who support effective change; (2) integrate and defuse opposition; and (3) hear valuable dissenting voices.[262]

In order to do all this, not only should those leading change strengthen relationships and find allies,[263] but also, they might consider seeking early wins,[264] such as through solving immediate technical problems that are bundled with adaptive problems.[265] They may also seek to address interests unconnected to the adaptive change, in order to support individuals they need to have on their side.[266] Importantly, and rather counter-intuitively, according to Heifetz, it is crucial to "stay connected to the opposition"[267] and to engage voices of dissent. It is crucial to listen closely to them and given them a hearing.[268] It is human nature to move away from those with different views to us or to exclude them from the change process because they are

being negative or challenging the proposed change. All of this should begin before any action is taken. This way, support is lined up to keep the intervention alive once it is implemented.[269]

Part of thinking and acting politically is in knowing what to "sell" to stakeholders. Heifetz advises to "sell small pieces of your idea" first.[270] It is better to start small and present small pieces of your change ideas rather than everything. Sometimes, people cannot believe change is possible, so once you focus on something small and show that it works, people will believe it, and you can then reveal the subsequent steps for change.

It is also essential to know when the time is right to present a new change proposal (or a piece of it). Sometimes, change can fail because the timing is not right. A project that might succeed at one point in time may fail at another because the conditions are not right. Some researchers talk about looking for "ripeness." Heifetz says we know when there is ripeness because there is an urgency to deal with the issue across the system.[271] If only a few people care about an issue, then the time is not ripe.

Action 8: Build Enthusiasm and Have Patience

The emotional elements of change, especially from the side of those seeking to promote a new idea, are rarely discussed. Yet, if change agents run out of enthusiasm and energy, the change cannot succeed. For rule of law practitioners, it is necessary to build energy, enthusiasm, and perseverance in themselves and with their broader change group to sustain the group during the long road to transformation.

According to the Heath brothers, "[c]hange is hard because people wear themselves out. And that's the second surprise about change: what looks like laziness is often exhaustion."[272] Those who have worked in post-conflict countries have likely witnessed the two-year "dip" in productivity, engagement, and enthusiasm, when change agents become sick, tired, or just disenchanted and unable to move forward. The body and mind simply cannot sustain itself with the consistent stress, lack of sleep, and overwork that many change agents inflict upon themselves. Those on the outside supporting domestic change agents should make every effort to provide emotional support to them and to help buttress their enthusiasm.

Everyone involved will also need to cultivate perseverance. In *Driving Social Change: How to Solve the World's Toughest Problems* by Paul Light, he says, "[p]erseverance not only increases the odds of success, but it also address the disappointments that every change agent faces along the path to impact."[273]

V. Endnotes

[1] Cheyanne Church and Mark M. Rogers, *Designing for Results: Integrating Monitoring and Evaluation into Conflict Transformation Programs* (Washington D.C.: Search for Common, Ground, 2006).
[2] Ronald Heifetz, Alexander Grashow, and Marty Linsky, *The Practice of Adaptive Leadership: Tools and Tactics for Changing Your Organization and the World* (Boston: Harvard Business Press, 2009), 19.
[3] *Ibid*., 71.
[4] *Ibid*., 70.
[5] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*.
[6] *Ibid*., 20.
[7] Jean Paul Lederach, *The Moral Imagination: The Art and Soul of Building Peace* (New York: Oxford University Press, 2005), 58.
[8] Chip Heath and Dan Heath, *Switch: How to Change Things When Change Is Hard* (New York: Crown Publishing Group, 2010), 4.
[9] *See generally*, *ibid*.
[10] Robert Kegan and Lisa Laskow Lahey, *Immunity to Change: How to Overcome It and Unlock the Potential in Yourself and Your Organization* (Boston: Harvard Business Press, 2009), xiv.
[11] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 71.
[12] *Ibid*., 20.
[13] *Ibid*., 19.
[14] *Ibid*., 115.
[15] *Ibid*., 114.
[16] *Ibid*., 115.
[17] Margaret J. Wheatley, *Leadership and the New Science: Discovering Order in a Chaotic World*, 3rd ed. (San Francisco: Berrett-Koehler Publishers, 2006), 7.
[18] *Ibid*.
[19] *Ibid*., 22.
[20] Margaret J. Wheatley and Deborah Frieze, "Using Emergence to Take Social Innovations to Scale" (2006), accessed April 7, 2014, http://www.margaretwheatley.com/articles/emergence.html.
[21] *Ibid*.
[22] Steven M. Smith, "The Satir Change Model," accessed December 26, 2014, http://stevenmsmith.com/ar-satir-change-model/.
[23] Wheatley, *Leadership and the New Science*, 22.
[24] *Ibid*., 170.
[25] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 29.
[26] *Ibid*.
[27] *Ibid*., 31.
[28] Margaret J. Wheatley, "Partnering with Confusion and Uncertainty" (2001), accessed April 7, 2014, http://www.margaretwheatley.com/articles/partneringwithconfusion.html.
[29] *Ibid*.
[30] *Ibid*.
[31] Wheatley, *Leadership and the New Science*, 170.
[32] Barbara Marx Hubbard, *Conscious Evolution: Awakening our Social Potential* (Novato, C.A.: New World Library, 1998), 48.
[33] *Ibid*.
[34] Kegan and Lahey, *Immunity to Change*.
[35] *Ibid*., 41.
[36] *Ibid*., 1.
[37] Margaret J. Wheatley and Myron Kellner-Rogers, "Bringing Life to Organizational Change" (1998), accessed April 7, 2014, http://www.margaretwheatley.com/articles/life.html.

[38] Adam Kahane, *Solving Tough Problems: An Open Way of Talking, Listening, and Creating New Realities* (San Francisco: Berrett-Koehler Publishers, 2004), 1.
[39] *Ibid*., 2.
[40] *Ibid*.
[41] The World Bank, *World Development Report 2011: Conflict, Security and Development* (Washington, D.C.: The World Bank, 2011), 108.
[42] Lederach, *The Moral Imagination*, 354.
[43] *Beyond Words*, "Secret Skill of Crisis & Hostage Negotiators: Slow the Process," blog entry by Jeff Thompson, February 17, 2014, accessed October 30, 2014, http://www.psychologytoday.com/blog/beyond-words/201402/secret-skill-crisis-hostage-negotiators-slow-down.
[44] *Ibid*.
[45] Wheatley, *Leadership and the New Science*, 34.
[46] Lederach, *The Moral Imagination*, 49.
[47] Wheatley, *Leadership and the New Science*, 10.
[48] Lederach, *The Moral Imagination*, 49.
[49] Wheatley, *Leadership and the New Science*, 39.
[50] Lederach, *The Moral Imagination*, 76.
[51] Chris Spies, "Resolutionary Change: The Art of Awakening Dormant Faculties in Others," in *Social Change and Conflict Transformation* (Berlin: Berghof Research Centre for Constructive Conflict Management, 2006), 52.
[52] *Ibid*.
[53] Andries Odendaal, *A Crucial Link: Local Peace Committees and National Peacebuilding* (Washington, D.C.: United States Institute of Peace, 2013), 20.
[54] Wade Channell, "Grammar Lessons Learned: Dependent Clauses, False Cognates, and Other Problems in Rule of Law Programming," *University of Pittsburgh Law Review* 72 (2012): 171, 174.
[55] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 115.
[56] Tracy Huston, *Inside Out: Stories and Methods for Generating Collective Will to Create the Future We Want* (Cambridge, M.A.: Society for Organizational Learning, 2007), 67.
[57] Nick Cooney, *Change of Heart: What Psychology Can Teach Us About Spreading Social Change* (Brooklyn: Lantern Books, 2011), 46.
[58] Wheatley and Frieze, "Using Emergence to Take Social Innovations to Scale."
[59] Adrian Leftwich and Steve Hogg "The Case for Leadership and the Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development" (November, 2007), pg. 5. Available at: http://www.dlprog.org/ftp/index.php?showcat=backgroundpapers. Last accessed: April 7, 2014.
[60] Wheatley, *Leadership and the New Science*, 43.
[61] *Ibid*., 44.
[62] *Ibid*.
[63] Heath and Heath, *Switch*, 71.
[64] Wheatley, *Leadership and the New Science*, 44.
[65] *Ibid*., 45.
[66] *Ibid*., 44-45.
[67] Heath and Heath, *Switch*, 145.
[68] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 126.
[69] Wheatley, *Leadership and the New Science*, 7.
[70] *Ibid*., 29.
[71] *Ibid*., 42.
[72] Meadows, *Thinking in Systems*, 1.
[73] Wheatley, *Leadership and the New Science*, 170.
[74] *Ibid*., 42.
[75] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 115.
[76] Meadows, *Thinking in Systems*, 3.
[77] *Ibid*., 4.
[78] *Ibid*., 13.

[79] *Ibid*., 2.
[80] *Ibid*., 4.
[81] *Ibid*., 3.
[82] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 16.
[83] Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* (New York: Little, Brown and Company, 2000), 11.
[84] *Ibid*.
[85] Meadows, *Thinking in Systems*, 171.
[86] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 47.
[87] Margaret J. Wheatley and Geoff Crinean, "Solving, Not Attacking, Complex Problems: A Five State Approach Based On an Ancient Practice" (2004), accessed October 30, 2014, http://www.margaretwheatley.com/articles/solvingnotattacking.html.
[88] *Ibid*.
[89] Spies, "Resolutionary Change," 5.
[90] *Ibid*.
[91] *Ibid*.
[92] *Ibid*., 69.
[93] *Ibid*.
[94] Meadows, *Thinking in Systems*, 171.
[95] *Ibid*.
[96] *Ibid*.
[97] A "mental model" is an explanation of someone's thought process about how something works in the real world. It is how someone views the world and how things should happen. Understanding the mental models of those in the justice system will provide explanations for behaviors and will help define the root causes of problems. All rule of law problems will have a mental model dimension to it. Mental models will be part of the problem and part of the solution.

[98] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 57.
[99] *Ibid*., 49.
[100] *Ibid*., 97.
[101] Meadows, *Thinking in Systems*, 14.
[102] *Ibid*., 95.
[103] Lederach, *The Moral Imagination*, 33.
[104] Meadows, *Thinking in Systems*, 11.
[105] *Ibid*., 13.
[106] Heath and Heath, *Switch*, 106.
[107] *Ibid*., 33.
[108] Peter Senge, C. Otto Scharmer, Joseph Jaworski, and Betty Sue Flowers, *Presence: Human Purpose and the Field of the Future* (Cambridge, M.A.: Society of Organizational Learning, 2004), 132.
[109] *Ibid*.
[110] *Ibid*., 204-05.
[111] *Ibid*.
[112] The World Bank, *World Development Report 2011*, 104.
[113] *Ibid*., 16.
[114] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 204-05.
[115] The World Bank, *World Development Report 2011*, 106.
[116] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 146.
[117] Meadows, *Thinking in Systems*, 180.
[118] *Ibid*.
[119] Hubbard, *Conscious Evolution*, 130.
[120] *Ibid*.
[121] Heath and Heath, *Switch*, 162, 164.
[122] *Ibid*., 169.
[123] *Ibid*., 2.
[124] *Ibid*., 71.

[125] *Ibid*., 33.
[126] Gladwell, *The Tipping Point*.
[127] Wheatley, *Leadership and the New Science*, 44-45.
[128] Heath and Heath, *Switch*, 129.
[129] *Ibid*., 136,144-45.
[130] *Ibid*.
[131] *Ibid*., 144.
[132] The World Bank, *World Development Report 2011*, 145.
[133] Lant Pritchett, Michael Woolcock, and Matt Andrews, *Capability Traps? The Mechanisms of Persistent Implementation Failure - Working Paper 234* (Washington, D.C.: Center for Global Development, 2010), 35.
[134] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 204-05.
[135] The World Bank, *World Development Report 2011*, 128.
[136] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 146-47.
[137] Steve Waddell, *Societal Learning and Change: How Governments, Business and Civil Society Are Creating Solutions to Complex Multi-Stakeholder Problems* (Sheffield, United Kingdom: Greenleaf Publishing, 2005), 118.
[138] Wheatley, *Leadership and the New Science*, 48.
[139] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 146.
[140] Paul C. Light, *Driving Social Change: How to Solve the World's Toughest Problems* (Hoboken, N.J.: John Wiley & Sons, 2011), 109.
[141] Lederach, *The Moral Imagination*, 85.
[142] *Ibid*.
[143] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 2.
[144] Senge, Scharmer, Jaworski, and Flowers, *Presence*, 192.
[145] Huston, *Inside Out*, 67.
[146] The World Bank, *World Development Report 2011*, 13.
[147] Spies, "Resolutionary Change," 5.
[148] *Ibid*.
[149] *Ibid*.
[150] *Ibid*., 6.
[151] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 115.
[152] Cooney, *Change of Heart*, 156.
[153] David Gershon, *Social Change 2.0: A Blueprint for Reinventing Our World* (White River Junction, V.T.: Chelsea Green Publishing, 2009), 12.
[154] Waddell, *Societal Learning and Change*, 143.
[155] Lederach, *The Moral Imagination*, 91.
[156] *Ibid*.
[157] Gladwell, *The Tipping Point*, 174.
[158] Gershon, *Social Change 2.0*, 186.
[159] Light, *Driving Social Change*, 2.
[160] Kahane, *Power and Love*, X.
[161] Wheatley and Frieze, "Using Emergence to Take Social Innovations to Scale."
[162] Adrian Leftwich and Steve Hogg, *The Case for Leadership and the Primacy of Politics in Building Effective States, Institutions and Governance for Sustainable Growth and Social Development* (Birmingham, United Kingdom: Developmental Leadership Program, 2007), 8.
[163] The World Bank, *World Development Report 2011*, 104.
[164] Cooney, *Change of Heart*, 152.
[165] *Ibid*.
[166] *Ibid*.
[167] *Ibid*., 153.
[168] Kahane, *Power and Love*, 92.
[169] Lederach, *The Moral Imagination*, 85.
[170] Alycia Lee and Tatiana Glad, *Collaboration: The Courage to Step into Meaningful Messes* (Provo, U.T.: Berkana Institute, 2011), 2.
[171] Wheatley and Frieze, "Using Emergence to Take Social Innovations to Scale."
[172] *Ibid*.

[173] Wheatley, *Leadership and the New Science*, 104.
[174] Waddell, *Societal Learning and Change*, 23.
[175] Wheatley, *Leadership and the New Science*, 104.
[176] *Ibid.*, 191.
[177] *Ibid.*, 83.
[178] *Ibid.*
[179] *Ibid.*
[180] *Ibid.*, 151.
[181] *Ibid.*, 46.
[182] *Ibid.*, 66-67.
[183] The World Bank, *World Development Report 2011*, 6, 81.
[184] Tom R. Tyler, *Why People Cooperate: The Role of Social Motivations* (Princeton: Princeton University Press, 2011), 139.

[185] Channell, "Grammar Lessons Learned," 171, 174.
[186] *Ibid.*
[187] Tom R. Tyler, *Why People Obey the Law* (Princeton: Princeton University Press, 2006), 25.
[188] Lisa VeneKlasen with Valerie Miller, *A New Weave of Power, People, and Politics* (Rugby, United Kingdom: Practical Action Publishing, 2002), 88.
[189] *Ibid.*
[190] *Ibid.*
[191] *Ibid.*
[192] *Ibid.*
[193] Jean Paul Lederach, "Building Mediative Capacity in Deep-Rooted Conflict," *Fletcher Forum on World Affairs* 26 (2002): 91, 94.
[194] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 155.
[195] Spies, "Resolutionary Change," 53.
[196] Odendaal, *A Crucial Link*, 55.
[197] *Ibid.*
[198] Spies, "Resolutionary Change," 53..
[199] Odendaal, *A Crucial Link*, 55.
[200] For more information, see Thomas McInerney, "Law and Development as Democratic Practice," *Vanderbilt Journal of Transnational Law* 38 (2005): 109; T.M. Thomas Isaac and Patrick Heller, "Democracy and Development: Decentralizing Planning in Kerala," in *Deepening Democracy: Institutional Innovations in Empowered Participatory Governance* (London: Verso Publishing, 2003), 77.
[201] McInerney, "Law and Development as Democratic Practice," 137-39.
[202] *Ibid.*
[203] More information can be obtained at Policing & Community Safety Partnerships http://www.districtpolicing.com/index/whatdopcspsdo.htm.
[204] *See* Northern Ireland Policing Board, "Consultation and Policing and Community Safety Partnerships," accessed April, 7, 2014, http://www.nipolicingboard.org.uk/index/our-work/oversight-of-the-psni/content-policing-plan/content-consultation.htm.
[205] *See* Policing & Community Safety Partnerships, accessed April 7, 2014, http://www.districtpolicing.com/index/whatdopcspsdo.htm.
[206] *See* Northern Ireland Policing Board, "Consultation and Policing and Community Safety Partnerships," accessed April, 7, 2014, http://www.nipolicingboard.org.uk/index/our-work/oversight-of-the-psni/content-policing-plan/content-consultation.htm.
[207] *See* Policing & Community Safety Partnerships, accessed April 7, 2014, http://www.districtpolicing.com/index/whatdopcspsdo.htm.
[208] Mark Shaw, *Interim Justice and Security Arrangements in States Transitioning from Authoritarian to Democratic Rule* (Washington, D.C.: International Network to Promote the Rule of Law, 2012), 8.
[209] *Ibid.*, 9.
[210] *Ibid.*

[211] Odendaal, *A Crucial Link*, 39.
[212] *Ibid.*, 40.
[213] *Ibid.*
[214] *Ibid.*, 41.
[215] *Ibid.*
[216] *Ibid.*, 40.
[217] *Ibid.*
[218] *Ibid.*, 41.
[219] *Ibid.*, 42.
[220] *Ibid.*
[221] *Ibid.*
[222] *See* James S. Fishkin, Baogang He, Robert C. Luskin, and Alice Siu, "Deliberative Democracy in an Unlikely Place: Deliberative Polling in China," *British Journal of Political Science* 40 (2010): 435.
[223]The Center for Deliberative Democracy, "Deliberative Polling," accessed April 7, 2014, http://cdd.stanford.edu/polls/docs/flyers/deliberative-polling-flyer-en.pdf.
[224] *Ibid.*
[225] *Ibid.*
[226] *Ibid.*
[227] *Ibid.*
[228] *Ibid.*
[229] Fishkin, He, Luskin, and Siu, "Deliberative Democracy in an Unlikely Place," 441.
[230] *Ibid.*, 445.
[231] *Ibid.*, 435.
[232] *For more information, see Building Peace: Justice and Security Dialogue in Nepal by Nigel Quinney (2011). Available at: http://www.usip.org/publications/justice-and-security-dialogue-in-nepal*
[233] The Convention on the Constitution, accessed April 7, 2014, https://www.constitution.ie.
[234] *Ibid.*
[235] *Ibid.*
[236] The Convention on the Constitution, "About Us," accessed April 7, 2014, https://www.constitution.ie/AboutUs.aspx.
[237] The Convention on the Constitution, "The Academic and Legal Support Group," accessed April 7, 2014, https://www.constitution.ie/Documents/TheAcademicAndLegalSupportGroup.pdf.
[238] Tanja Aitamurto, *Crowdsourcing for Democracy: A New Era in Policy-Making* (Stanford: Committee for the Future, Parliament of Finland, 2012), 8.
[239] *Ibid.*
[240] *Ibid.*, 18.
[241] *Ibid.*, 31.
[242] *Ibid.*
[243] *Ibid.*, 18.
[244] *Ibid.*, 19.
[245] *Ibid.*
[246] *Ibid.*, 21.
[247] *Ibid.*, 23.
[248] *Ibid.*
[249] *Ibid.*, 24.
[250] *Ibid.*
[251] *Ibid.*, 25.
[252] *Ibid.*, 26.
[253] *Ibid.*
[254] For resources on political economy analysis, visit INPROL's Digital Library under the topic heading "Conducting an Assessment," http://inprol.org/digital-library/search/results/taxonomy%3A30.
[255] Heath and Heath, *Switch*, 52.

[256] Gary Blasi and John T. Jost, "Systems Justification Theory and Research: Implications for Law, Legal Advocacy and Society Justice," *California Law Review* 94 (2006): 1119.
[257] Cooney, *Change of Heart*, 45.
[258] *See generally*, Martha Cabrera, "Living in Multiply Wounded Societies," http://www.medico.de/download/report26/ps_cabrera_en.pdf.
[259] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 22.
[260] *Ibid.*
[261] Kahane, *Power and Love*, 68.
[262] Heifetz, Grashow, and Linsky, *The Practice of Adaptive Leadership*, 133.
[263] *Ibid.*
[264] *Ibid.*
[265] *Ibid.*
[266] *Ibid.*
[267] *Ibid.*, 138.
[268] *Ibid.*
[269] *Ibid.*, 137.
[270] *Ibid.*, 133.
[271] *Ibid.*, 126.
[272] Heath and Heath, *Switch*, 12.
[273] Light, *Driving Social Change*, 114.