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What is Project Law?

A brief discussion of the research topic and its analytic potential

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1 Introduction

All development political interventions aim at societal contexts that are also marked by the legal organisation of their social, economic and political living conditions. Therefore, international development aid may directly or indirectly always influence the existing legal relationships and change the conditions under which people might make use of their rights. This is particularly true for those projects or programmes which explicitly aim at the promotion of the rule of law, good governance or justice as well as for those which are subject to the conditionality. However, all development bureaucracies refer also to a whole series of models and techniques that are subject to a growing standardisation in order to achieve a more or less well-defined progress. Thereby a particular kind of law, so-called „project law“, plays a significant role, since it structures the development political consulting process by normative viewpoints and intervenes in those socio-political contexts that are subject to any social change whatsoever. In the recipient countries project law then clashes noticeably with local customary law, religious law as well as with the state law prevailing there. Particularly in Sub-Saharan Africa there are only few actors who are locally and internationally as well networked as international development agencies. There development agencies become thus not only very important “global players”. They are also regarded increasingly as important legal pluralistic actors in a cumulatively fragmented field of competing normative systems.

However, development aid is not only a common instrument of politics in the former colonies of Africa, Asia or Latin America; it also plays an essential role in the so-called “modern” colonies such as Australia, Canada or the United States, particularly with regard to the recognition of “First Nations” – claims discussing the regulation of their property rights and their corresponding compensations. These “modern” colonies thus share with all those states that usually are identified as developing countries a whole series of power struggles, which from the perspective of the indigenous population are connected with a missing cultural legitimacy of their (imported) state law and which result in a profound and disturbing legal pluralism. In all these contexts, project law plays a key-role.

There is a legal anthropological need for more insight into the internal and external working methods of development bureaucracies. This insight, however, is still considered quite limited (cf. K. von Benda-Beckmann, 2001:37; van Gastel, 2001:6; Günther/Randeria, 2001:62). Thoughts concerning the societal impact of normative orders that are regulating the conceptualisation and implementation of development projects and refer to the socio-political power structure, which generates such regulations, are only rarely mentioned.

This paper looks at this gap in our knowledge. It has been developed in close collaboration with the former head of the “Project Group Legal Pluralism” of the Max Planck Institute for Social Anthropology (D-Halle/S), Prof. Dr. Franz von Benda-Beckmann, who sadly passed away in January 2013.

2 Development anthropological debates on Development aid

By now there is quite a considerable amount of literature on the functioning of international development agencies, also from an anthropological viewpoint[1]. However, much of this literature is biased and selective. Discussions of development agencies and projects are often quite emotional, and the critique largely resembles a "*unité de doctrine*" according to which development aid is "of no use"[2]. Lists of failed development projects are handed around, lists that could be made about any field of activity, including anthropological field studies. Basic methodological principles that should guide assessments of success or failure, for instance that statements about the efficiency of development aid are only relevant if an identical "no case"[3] can be added, are systematically ignored. And there is a tendency to contrast one's own empirical data about life in selected local communities with the typically idealistic principles and programmes of international development agencies. The visible discrepancies then confirm the "anthropological scepticism" (for a critique, see Grillo, 1997)[4]. Moreover, as van Beusekom states, many social scientists write only about "large Western-based institutions, such as the World Bank or the

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[1] See Drinkwater, 1992; Escobar, 1991; Ferguson, 1994; Hobart, 1993; Grillo und Stirrat, 1997; Pottier, 1993; Shore and Wright, 1997 and others.

[2] Also Ferguson's position is reduced to two versions: At home a political engagement against development aid and in the field a search for „counter hegemonic alternative points of engagement" (1994:287). According to Grillo (1997:20-21) there is a widespread tendency, „(...) illustrated, for example, by Hobart, Escobar and to a lesser degree Ferguson – to see development as a monolithic enterprise, heavily controlled from the top, convinced of the superiority of its own wisdom and impervious to local knowledge, or indeed common-sense experience, a single gaze or voice which is all-powerful and beyond influence. This underpins what I would call the ‚myth of development', which pervades much critical writing in this field. It might also be called the Development Dictionary perspective, as echoed throughout the book of that name (Sachs 1992). The perspective is shared by Escobar, and to a lesser extent by Ferguson and in a different way by Hobart. Like most myths it is based on poor or partial history, betraying a lack of knowledge of both colonialism and decolonization, and throughout it reflects a surprising ethnocentrism: it is very much the view from North America. Ill-informed about the history of government, it has a Jacobinist conviction of the state's power to achieve miraculous things: the title of Ferguson's book, The Anti-Politics Machine, is an eloquent expression of this. It is also grounded in the ‚victim culture".

[3] According to Dewald (1997:20) a "no case" refers to "the (social/MW) development that would have occurred if there had not been any development aid in the past (my translation MW)." This "no case" cannot be adequately simulated because of the complexity of economic and socio-cultural processes (ibid.). Giddens (1984:12-14) also points at this problem and calls it "counterfactual analysis".

[4] „The compassion for the ‚people' which runs through the work of anthropologists stems in part from the natural sympathies engendered by living at close quarters with the members of the communities they study, learning the local language and so on. It comes with the fieldwork and is often associated (...) with cynicism about the aims, objectives and practices of development. In the anthropologists' experience, many development projects of which they have knowledge and with which they have direct contact (because they happened to be located in their area of field research, for example) appear misconceived and misdirected. In the developing world, says Hobart, things are getting worse, and ‚development projects often contribute to the deterioration' (1993:1). ‚Most development projects', he adds, ‚fall seriously short' (1993:3). This may or may not be an exaggeration, but certainly there is sufficient numbers of object failures (...) illustrating almost all the criticism one can make, to justify anthropologist's scepticism" (Grillo, 1997:10).

Economic Commission on Latin America (...). They have justified this focus, implicitly or explicitly, because of the ability of large Western development institutions to direct public discourse and financial resources away from or towards certain development policies (e.g. population control, poverty alleviation). For them, practical development experiences are irrelevant in the face of powerful individuals or organizations who take it upon themselves to redirect development" (2002:xx). Much less attention is given to bilateral development cooperation, although more money is spent through these channels than through multilateral organisations or even NGOs.[5] Also the cultural imprint of international development aid (D.Aid)[6] has rarely been examined. As a consequence, the working methods, technical applications, guidelines, motives and decision-making procedures within these organisations cannot be related to external effects and repercussions. This is why the considerations of some legal and social scientists of the transnational transfer of law remain somewhat ephemeral, constructed and unrealistic.

3 Newer challenges

After the end of the Cold War, development agencies gave up their understanding of development aid, which back then was rather transfer-oriented and technical, in favour of a more political one[7]. This turning away is influenced by a new development-political discourse order according to which political topics such as the protection of human rights, the rule of law and Good Governance have changed from basic conditions, which needed to be considered, to explicit fields of action. The so-called Stockholm Initiative (1991) can be seen as an ideal example in this context. It emphasised the need for a New World Order that, according to J.N. van Gastel, must be based on a global morale and a new system of global security and governance: "The Initiative made a number of proposals, which is in fact a set of implicit rules, in the categories peace and security, development, environment, population, democracy and human rights, and global governance, which would help to create the new world order" (2001:15). For a political oriented development anthropology such an approach could open a rich, new and also interesting field of analysis, the more so as not only the UN-conventions of indigenous peoples or the international human rights but also the economic body of rules and regulations (lex mercatoria) and interna-

[5] The same holds true for the OPEC-states, for China, India or South Korea and the former *"Eastern block states."* With contributions of around 60 billion USD per year, more money is spent through *bilateral* development cooperation than by any other international development agency including the World Bank (see Dewald, 1997:12).

[6] This paper does not use the term 'development cooperation' (DC) as a synonym for development aid (D.Aid). D.Aid is regarded as a generic term while the term DC defines, in accordance with its use within the Organisation for Economic Cooperation and Development (OECD), a particular type, namely public development aid as a special modality of the relationship between countries (Dewald, 1997:6).

[7] Of course, also the transfer-oriented technical understanding of development was politically motivated. In the past it used to accept the relatively rigid borderlines of political alliances (Cold War) and by providing single projects with western modern technology aimed at initialising economical improvements in developing countries. (cf. Diaby-Pentzlin, 1998 und 1999).

tional agencies such as the WTO, the Worldbank, the Asian Development agency, bilateral development organisations and transnationally operating NGOs have a growing influence on the social and economic development in small scale settings of non-western societies. Crucial therefore is the question of whether and to which degree the recipient countries can really participate in such developments as well as the question of the diverse facets of the resulting conflict of cultures and mentalities. Development agencies have however the tendency to only observe cultural factors, when they are seen to be located outside the development agencies themselves, and when they are features of the so-called target groups. But in one's own argumentation such factors remain unobserved. This way the danger increases that cultural factors are only seen as hindrances resulting from backwardness and traditionalism. This weakness is all the more serious as this new opportunity to directly support civil society without considering the partner country also holds the danger of misjudging the dynamics that come from the cultural disintegration of the ("modern") state administration inherited by the colonial powers and of being absorbed by a long and continuous constitutive power struggle between the central power and the regional and local power groups, which make part of the specially precarious procedures of state formation (cf. G. Hyden, 1983; G. Spittler, 1981 and 1983; von Trotha, 1988 and 1994; Tilly, 1986; F. von Benda-Beckmann, 1993; and many more.). Although it would be essential to create structures within such constellations that would enable the different protagonists to consolidate their diverging positions, interests and ideals in order to create a national legal system that is respected by society and will make part of daily life, international D.Aid, time and again, tends to only see such power struggles through evolutionist glasses. Far-reaching phenomena such as the "Parastaatlichkeit", or quasi-state status, (Rösel/von Trotha, 1999:10), cannot be anticipated early enough. On the contrary, with competitive oriented success indicators many donors position their implementing agencies in a way that they simply have to rival local traditional authorities for political leadership in rural areas (see Weilenmann, 2006: 6). It is all the more important to question such new developments and to carry out a legal anthropological research on the functioning of „project law".

4 What is 'project law'?

Project law is a new term and there is no intrinsic doctrine. Concordant, the term project law contains all those legal concepts that make part of the well-known techniques of development-political project management and aim at a social change. Indeed, many of these concepts and principles, subsumed under the term project law, are however „formally speaking (...) not yet law, but in effect obtain the same level of obligation" (Keebet von Benda-Beckmann, 2001:38; see also Kingsbury, 1999). Günther and Randeria (2001) use the term project law explicitly for the regulations and procedures of bilateral or multilateral development cooperation. They focus mainly on „memoranda of agreement, terms of reference, management systems, administrative and budgeting procedures, accounting and auditing procedures and standards, regulations of purchase, benchmarks for evaluating the progress of the projects and the attainment of project goals, operational policies and operational directives of the donor organisations which are

binding on the credit or loan recipient. Conditionality is a tool that creates slots for other instruments to be inserted into the national polity“(Randeria, 2005:5).

A controversial subject is however the question, whether the term project law contains also behavioural demands and normative concepts and goals such as „poverty reduction“, „gender equality“ or the „recognition of human rights“. Randeria (2005) suggests to relate such directives under the „policy-process“, which in recent years is largely dominated by the international development bureaucracies: „Development projects, for example in the area of family planning and reproductive health, certainly diffuse and even impose contraceptive practices, the acceptance of a small family norm, (...). But these disciplinary practices, which are often institutionalised through policy frameworks (...), are better understood as techniques of governmentality rather than project law. In my view the use of project law is a very important technique of governmentality but not all techniques of governmentality can be subsumed under project law“(2005:5). Keebet von Benda-Beckmann (2001) on the other hand emphasises the already existing normativity of so different terms like „good governance“, „participation“, „co-management“, „sustainability“, „liberalisation“, „privatisation“ etc. She argues that such normative concepts already are part of international law and therefore also part of project law, a view that is also shared by the applicants: „These principles and concepts have been developed and elaborated in various parts of international law but they show little internal coherence. To some extent they are still proto-law not yet fully developed principles. For another part they float around in development circles as abstract goals of development co-operation. These agencies of development co-operation (...) play an intermediary role in concretising rights and obligations and in implementing international law“ (2001:38).

We think this controversy requires a clarification between law and power. According to Franz von Benda-Beckmann (1986: 96), we would emphasise the typical ambiguity of law, namely that it refers not only to the regulation of those social processes which have to solve concrete problems, but also that law provides “the substantive criteria which are to be considered in the resolution of the problem”. Behavioural demands – which in the case of project law are formed at different social and political levels and refer to the underlying problem definition of development projects – are thus a very typical mark of law too. Clifford Geertz directs attention to a further quality of law, namely that “law (...) propounds the world in which its descriptions make sense. (...) The point here is that the ‘law’ side of things is not a bounded set of norms, rules, principles, values, or whatever from which juridical responses to distilled events can be drawn, but part of a distinctive manner of imagining the real” (1983:173). Law as ‘statute’ or ‘general law’ can thus also be seen as a projective cosmology. The containing values are values which allow the regulation of ‘possible’ – and this always means specific imagined – social problems. Therefore, not the images as such, but the qualities of these images point at the underlying power constellations. The various qualities of normative behavioural demands could thus also be labelled as witnesses of the underlying policy process. Franz von Benda-Beckmann points thus rightly at the development-political models that stand behind such behavioural demands and justify the chosen interventions. These models, which all contain statements about how the world is and how it should be, are not however usually based on empirical studies. In fact, they point at the corresponding power constellations and bear the mark of normativity as

they not only derive chosen rules of behaviour and target definitions from assumed social consequences, but also the legitimacy they are based on. According to F. von Benda-Beckmann (1989:134), we therefore assume that development projects have the form of law.

Together with this general debate, we would like to stress John T. Thomson's contribution (1987). Thomson used the term project law for the first time, but he focused mainly on the normative frames that are in everyday life of projects forming the multiple relationships between the project personnel and its target groups. In 1989, Franz von Benda-Beckmann reconsidered this viewpoint by analysing the role of project law during the phases of institutionalisation and implementation.

5 The two dimensions of project law

For analytical purposes, we prefer distinguishing two types of legal schemes of project law, namely legal schemes that refer to the planning and conceptualisation process of development projects and programmes in general (variant 1) and legal schemes that are negotiated between the project personnel and their target groups and thus applied in specific development project contexts (variant 2).

- Günther/Randeria's approach (section 3) on the one hand is predominantly relevant for those legal rules that guide the planning and conceptualisation phase of a development project as well as their monitoring and the transfer of the project responsibilities to local implementing organisations. Such legal rules emanate from *"regulations and procedures of bilateral or multilateral development agencies, either made by these (organisations) or borrowed from their own national legal system"* (Günther/Randeria, 2001:70). They regulate a distinct understanding of D.Aid and shape the stated policy objectives and their reasons. While such project law comes into existence and is reproduced within the development organisations and/or in interaction with their partners in developing countries, project law of a different kind emerges during the phase in which development projects are institutionalised and implemented.

- Project law thus can also refer to those legal rules, which are formed by the project personnel during the implementation process and in interaction with the so-called target groups (see Thomson, 1987). Such project law lays down behavioural demands for the local population, devises new structures for decision making and the allocation of resources and also regulates the various relationships between the project personnel and their target group(s). Examples are so-called new fora for dialogue and peace with local stakeholders. These stakeholders are identified by the responsible project personnel; or the concretisation of general terms as regards content like sustainability, participation, the target group concept and the like. Here, the benchmark depends on the country specific requirements of a project related target system. However, such target systems match closely with the corresponding time frames and budget items of the project. Therefore, project law also disposes of criteria for the in- or exclusion of parts of the to-

tal population and it regulates in this way the access to scarce - and frequently also disputed - resources in the local settings.

Both levels interfere continuously with each other, shape the development political framework of the recipient countries and lead to new alliances and networks which in their turn again reshape the development political landscape.

6 Possible research topics

In close collaboration with the "Project Group Legal Pluralism" of the Max Planck Institute for Social Anthropology in Halle (Germany), the head of the Office for Conflict Research in Developing Countries, Dr. Markus Weilenmann has already published several articles, book chapters and one working paper on project law. These papers are based upon literature research and upon four case studies from his consultancies for different development agencies in Burundi, Ghana, Malawi and Senegal (cf. Weilenmann, 2004; 2005a; 2005b; 2005c; 2006; 2009a, 2009b). All these papers suggest focusing on the following four topics:

a) *The critical role of problem definitions*. Various authors have stated that development agencies time and again oversimplify the social complexities of the environments in which they operate.[8] When searching for the reasons causing these simplifications one becomes aware of the ways in which social concerns are turned into development-political questions. In essence, topics that are suitable for D.Aid first have to be identified as 'problems' in order to become the subject of development projects. These problem definitions are fabricated within the structures of project law. During the processes of problem definition western societies and their organisational forms become idealistic models. These models then contour the problems of developing countries. But what is in the beginning just a figure of thought, risks shifting in the course of time to become an objectified assumption[9].

b) *Project law as a Euro-American power instrument*. Project law is largely defined by the staff sections of development agencies (cf. Weilenmann, 2004, 2005b); this way, it guarantees the dominant influence of donor countries in decisions on what rules are to be applied when a development plan has to be set up. Instead of involving local actors in 'real' participation, these actors are ordered to participate according to the conditions set by project law. And because project law is an important tool for the transfer of Euro-American behavioural demands, the donors might have a considerable political impact on the social life of developing countries.

c) *Spheres of intervention.* The degree of coordination between the various multi- and bilateral donor agencies has already achieved previously unknown levels, but unfortunate-

[8] see Benveniste, 1972; Merry, 2002; Page, 1985; Shore and Wright, 1997:3-39; Sutton, 1999; van Gastel, 2001 among others.

[9] cf. Günter and Randeria, 2001; Randeria, 2003; Rottenburg, 2002; Weilenmann, 2004, 2005

ly, this does not hold true for the application of their internal rules and procedures or their corresponding behavioural demands. In addition, because project law is always tailor-made for the substantiated development projects, it can only be applied in the project region of the responsible development agency and only during the effective period of the corresponding project. Randeria (2005: 155) thus points at the limited spatial, temporal and institutional validity of the individual project laws. For recipient countries like Burundi or Ghana, different development agencies thus implement separate projects with different, partly even contradicting objectives, and therefore also particular groups or types of project law are applied[10]. In addition, the big donors tend to subdivide the recipient countries into different spheres of influence and intervention. The various development projects might thus not only conflict with distinct sets of local customary law, but also with state law and international law.

d) *The phenomenon of 'Parastaatlichkeit' or quasi-state status.* Project law also contains the potential to fragment the prevailing legal and political orders in the recipient countries and in this way to weaken their rule of law, since many projects provide of alternative processes of legal decision making and refer to competitive success indicators in order to rival local traditional, religious or governmental authorities for political leadership in rural areas (see Weilenmann, 2009a:171f). This process occurs, however, stealthily, as a result of the actual design of many project laws and belies the State's required adherence to notions of sovereignty and territoriality. It also questions the former concepts of law, power and control which referred to the State as the decisive power centre. However, with an understanding of law that only connects the existence of law to a state-controlled organisation of power it will not be possible to register the increasing legal fragmentation of the political and social landscape in developing countries.

Therefore, comparative country studies are strongly recommended.

References

Benveniste, G. 1972. *The Politics of Expertise*, Berkley: The Glendessary Press

Benda-Beckmann, Franz von, 1989. 'Scapegoat and Magic Charm: Law in Development Theory and Practice', *Journal of Legal Pluralism,* **28**, 129-48.

[10] In Burundi's north-east for instance the Americans are implementing a human rights programme, largely influenced by Anglo-Saxon case-law, while the Belgian General Direction of Development Cooperation (DGCD) launches a reprint of the old (colonial based) '*Codes et Lois du Burundi*' for the whole territory of Burundi; and the British NGO International Alert supports national and regional NGO networks which exclusively train women in conflict mediation techniques, teach them to have an 'ethnic identity' and denounce the official state courts as macho-driven, both, in Burundi's capital Bujumbura-ville, as well as in the countryside. In addition, all these development programmes ignore the social impact of Burundi's pre-colonial state law which still transports very different normative standards, as for example in terms of gender roles and identities, kinship models, succession rights, contraceptive strategies, access to land and power, honour and reputation, reasonableness and so on (cf. Weilenmann, 2005a).

- 1993. Le monopol d'état de la violence dans la perspective de l'anthropologie juridique. In: E. Le Rois und T. von Trotha (Hg.) *La violence et l'état*. Paris: Harmattan, pp. 35-57.

Benda-Beckmann, Keebet von 2001. Transnational Dimensions of Legal Pluralism. In: W. Fikentscher (Hg.) *Begegnung und Konflikt. Eine kulturanthropologische Bestandsaufnahme.* München: Verlag der Bayerischen Akademie der Wissenschaften, Heft 120: 33-48.

- 2002. Globalisation and Legal Pluralism. In: *International Law/FORUM du droit international* 4: 19-25.

Beusekom, M. M. van 2002. *Negotiating Development. African farmers and colonial experts at the Office du Niger, 1920-1960.* Portsmouth (NH), Oxford and Cape Town: Social History of African Studies

Dewald, M. 1997. *Komparative Vorteile in der bilateralen Entwicklungshilfe. Ihre Relevanz und Identifikation.* Chur/Zürich: Verlag Rüegger, WWZ-Beiträge, Band 29.

Diaby-Pentzlin, F. 1998. Förderung von Rechtsstaatlichkeit mit den Mitteln der Entwicklungszusammenarbeit – ein Hindernislauf? In: *NORD-SÜD aktuell,* Jahrgang XII, Nr. 1: 91-104

- 1999. Technische Zusammenarbeit und die Förderung politischer Prozesse in autoritären Staaten. In: R. Frey, W. Heinz, L. Heinzerling, R.M. Peters und P. Müller-Rockstroh (Hrsg.) *Entwicklungszusammenarbeit mit autoritären Regimen? Die Entwicklungspolitik auf schmalem Grat.* Berlin: Berliner Gesellschaft für internationale Entwicklung e.V., pp. 29-50.

Drinkwater, M. 1992. ‚Cows Eat Grass don't they?' Evaluating conflict over pastoral management in Zimbabwe. In: E. Croll und D. Parkin (Hg.) *Bush Base, Forest Farm: Culture, environment and development.* London: Routledge, pp. 169-188

Escobar, A. 1991. Anthropology and the Development Encounter. In: *American Ethnologist,* 18/4: 658-682.

Ferguson, J. 1994. *The Anti-Politics Machine*. *"Development," Depoliticisation, and Bureaucratic Power in Lesotho,* Minneapolis: University of Minnesota Press.

Gastel, I. N. van 2001. Governing ‚Good Governance'. An analysis of the policy process from sociological and anthropological perspective. Thesis. Wageningen University, Faculty of ‚Development Sociology' and ‚Law and Governance', Wageningen.

Geertz, C. 1983. Local Knowledge. Further Essays in Interpretative Anthropology, New York: Basic Books

Giddens, A. 1984. *The Constitution of Society. Outline of the theory of structuration*. Cambridge: Polity Press.

Grillo, R. D. und R. L. Stirrat 1997. *Discourses of Development. Anthropological perspectives*. Oxford/New York: Berg.

Günther, K. und S. Randeria 2001. *Recht, Kultur und Gesellschaft im Prozess der Globalisierung.* Schriftenreihe Suchprozesse für innovative Fragestellungen in der Wissenschaft Nr. 4. Bad Homburg: Programmbeirat der Werner Reimers Konferenzen.

Hobart, M. 1993. Introduction: The growth of ignorance? In: M. Hobart (Hg.) *An Anthropological Critique of Development: The growth of ignorance*. London: Routledge. pp. 1-29

Hyden, G. 1983. *No Short Cuts to Progress. African development management in perspective.* London: Heinemann-Verlag

Kingsbury, B. 1999. Operational Policies of International Institutions as Part of the Law-Making Process: The World Bank and indigenous peoples. In: Goodwin-Gill und Talmon (Hg.) *The Reality of International Law. Essays in honour of Ian Brownlie.* Oxford: Clarendon Press, pp. 323-342.

Merry, S.E. 2002. Global Knowledge, Culture, and the Making of Vernacular Human Rights. Draft, October 2002

Morse, B. W. and G. Woodman (eds.), 1988. Indigenous Law and the State, Dordrecht – Holland/ Providence RI – USA: Foris Publications

Page, E. C. 1985. *Political Authority and Bureaucratic Power. A Comparative Analysis*, Knoxville: The University of Tennessee Press

Randeria, S. 2003. Footloose Experts vs. Rooted Cosmopolitans. Biodiversity Conservation, Transnationalisation of Law and Conflict among Civil society Actors in India, in: Tsantsa (8) 2003 pp 74-86

Randeria, S. 2005. 'Mutual Complicity and Project Law in Development Cooperation', *Entwicklungsethnologie*, **14**, 1+2, pp 149-157

Pottier, J. (ed.) 1993. *Practising development.* London: Routledge.

Rösel, J. und T. von Trotha 1999. Einleitung. In: (dies.) *Dezentralisierung, Demokratisierung und die Lokale Repräsentation des Staates.* Köln: Rüdiger Köppe Verlag, pp. 7-34.

Rottenburg, R. 2002. *Weit hergeholte Fakten. Eine Parabel der Entwicklungshilfe*. Qualitative Soziologie, Bd 2. Stuttgart: Lucius & Lucius

Sachs, W. 1992. The Development Dictionary. A Guide to Knowledge and Power, London and New York: Zed Books

Scott, J. C. 1998. *Seeing Like a State. How Certain Schemes to Improve the Human Condition Have Failed*, New Haven and London: Yale University Press

Shore, C. und S. Wright 1997. Introduction. Policy: a new field of anthropology. In: C. Shore und S. Wright (eds.) *Anthropology of Policy. Critical perspectives on governance and power.* London and New York: Routledge. pp. 3-39

Shore, Ch. and S. Wright, 1997. *Anthropology of Policy. Central Perspectives on Government and Power*, London and New York: Routledge.

Spittler, G. 1981. Die Struktur der Bürokratie in afrikanischen Agrargesellschaften und die Agrarpolitik. In: R. Hanisch und R. Tetzlaff (Hrsg.) *Staat und Entwicklung. Studien zum Verhältnis von Herrschaft und Gesellschaft in Entwicklungsländern.* Frankfurt am Main/New York: Campus, pp. 297-318

- 1983. Passivität statt sozialer Bewegung. Familiäre Subsistenzwirtschaft als Basis für defensive Strategien der Bauern und Passivität der Verwaltung. In: R. Hanisch (Hg.) *Soziale Bewegungen in Entwicklungsländern.* München: Campus pp. 45-73

Thomson, J. T. 1987. Land and tree issues in three francophone Sahelian Countries: Niger, Mail and Burkina Faso. In: J. B. Raintree (Hg.) *Land, Trees and Tenure.* Nairobi; Madison: International Council for Research in Agroforestry (ICRAF) and Land Tenure Centre. pp. 3-40

Tilly, C. 1986. War Making and State Making as Organized Crime. In: P. B. Evans, D. Rueschemeyer und Th. Skocpol (eds.) *Bringing the State Back In.* Cambridge, Cambridge University Press, pp. 169-191.

Trotha, T. von 1988. Zur Entstehung von Recht. Deutsche Kolonialherrschaft und Recht im 'Schutzgebiet Togo' 1884-1914. In: *Rechtshistorisches Journal* 7: 317-347.

- 1994. *Koloniale Herrschaft. Zur soziologischen Theorie der Staatsentstehung am Beispiel des 'Schutzgebietes Togo'.* Tübingen: J. C. B. Mohr (Paul Siebeck).

Weber, M. 1964. Wirtschaft und Gesellschaft. 1st and 2nd volume, Berlin, Köln (first published 1921)

Weilenmann, M. 2004. *"Projektrecht" – zum Einfluss von normativen Ordnungen der bilateralen Entwicklungszusammenarbeit auf sozialen Wandel. Zum Beispiel die Deutsche GTZ,* Max Planck Institute for Social Anthropology, Halle/Saale: Working paper Nr. 66

– 2005a. Ist Projektrecht ein Erfüllungsgehilfe von Organisationen der Entwicklungshilfe? Eine Fallstudie aus Burundi. In: Entwicklungsethnologie, 1+2, 2005, 14, 129 -148

– 2005b. "Project Law" – normative orders of bilateral development co-operation and social change: a case study from the German Agency for Technical Co-operation, in: *Mobile People – Mobile Law, Expanding Legal Relations in a Contracting World,* eds. Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Anne Griffiths, Aldershot and Burlington: Ashgate, Austin Sarat's series Law, Justice and Power, p. 233-255

- 2005c. "Projektrecht" – ein neues Forschungsfeld der Rechtsanthropologie? Juridikum 4, 2005 pp 217-220

- 2006. Disaster Management: Competing Problem Descriptions and its Impact on the Application of Project Law. A Case Study from Malawi, in: *Law, Power and Culture: Transnational, Na-*

tional and Local Processes in the Context of Legal Pluralism, ed. by the Commission on Folk Law and Legal Pluralism, Jakarta: Papers of the XVth International Congress, 2006, CD-ROM FORMAT

– 2009a. Project law – a power instrument of development agencies. A case study from Burundi, in: *The Power of Law in a Transnational World. Anthropological Enquiries,* eds. Franz von Benda-Beckmann, Keebet von Benda-Beckmann and Anne Griffiths, New York and Oxford: Berghahn Books, pp 156-175

-2009b. Project Law – a Legal Intermediary between Local and Global Communities: A Case Study from Senegal, in: *Anthropologica, Thematic Sections Rural Property,* Vol 51 No 1, 2009, 39-52