

Weapons of the Weak State: How Post-Conflict States Shape International Statebuilding

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Abstract

International Organizations (IOs), such as the United Nations (U.N.), engage in statebuilding in a range of post-conflict states. Statebuilding scholarship largely assumes these IO statebuilders are the dominant authority, at least temporarily, in seemingly “weak” states. We argue, in contrast, that the post-conflict state retains authority over the IO statebuilding effort via incomplete contracts that give the post-conflict state the residual rights of control over the unnegotiated components of their *statebuilding contracts* with IOs. Statebuilding contracts provide procedural “weapons of the weak state,” enabling the post-conflict state to shape the content of the IO’s mandate, where it intervenes, whom it hires, and when it exits. Using quantitative text analysis of U.N. Security-Council speeches, analysis of 35 U.N. interventions, and in-depth case studies, this article demonstrates the potential of statebuilding contracts to give post-conflict states power over IO statebuilders, with important implications for scholarship on statebuilding and global governance.

1 INTRODUCTION

Post-conflict statebuilding seeks to help war-torn states build liberal democratic institutions grounded in rule of law and a market-based economy.¹ To do so, international statebuilders work with the post-conflict government to implement programs focused on

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¹Barnett (2006); Paris and Sisk (2009); Lake (2016)

stabilization, security sector reform, judicial practices, socio-economic development, and democratic governance.² These statebuilding efforts are a core activity of international organizations (IOs), such as the United Nations (U.N.), that are mandated to guarantee peace and security; nonetheless, after almost 30 years, IO statebuilding has not fully delivered on its promises.³ While IOs have successfully used peacekeeping and mediation efforts to help post-conflict states reduce civil war recurrence,⁴ they have been less successful at contributing to their more ambitious statebuilding aims.

Scholarship attributes the successes and failures of IO statebuilding to the IOs themselves, arguing that IO missions are not sufficiently robust, impose western norms, support loyal leaders instead of legitimate leaders, reinforce elite pacts among illiberal warlords, lack adequate democratic provisions, support liberalization rather than institutionalization, or undertake tasks that are too complex.⁵ With a few exceptions, this literature views IO statebuilding as an endeavor undertaken by an intervening IO, not by the post-conflict government, even though it co-implements many of the IO statebuilding efforts and consents to the deployment of these international statebuilders on its territory.⁶ We bring the everyday behavior of the host state back into the theory of international statebuilding, showing how contracts between the IO and host government, when used, provide systematic tools for the post-conflict government to shape and, at times, resist international actors' efforts.⁷ Challenging assumptions about global hierarchy, we show how seemingly "weak" post-conflict states use a contractual mechanism to wield power over much stronger international actors.⁸

²UNPBSO (2010)

³Statebuilding refers to efforts to transform the functioning of post-conflict states, including peacekeeping, peacebuilding, or development interventions, all of which IOs implement in post-conflict countries under similar contractual arrangements.

⁴For example, see Fortna (2008); Beardsley (2011).

⁵Paris (2004); Fearon and Laitin (2004); Krasner (2004b); Doyle and Sambanis (2006); Risse (2011); Mukhopadhyay (2014); Krasner and Risse (2014); Lake (2016); Sabaratnam (2017)

⁶For scholars that emphasize the role of post-conflict governments in shaping IO statebuilding, see: Englebert and Tull (2008); Barnett and Zürcher (2009); Mac Ginty (2011); Barma (2016); Duursma (2020)

⁷Host state/government refers to the government that hosts the external actor on its territory (Muller, 1995).

⁸Lake (2009); Beardsley et al. (2020).

We advance a theory that IO statebuilding increasingly functions through incomplete contracts that give the post-conflict state the authority to resist or alter the IO statebuilding effort.⁹ Incomplete contracts, by definition, are not fully specified; they require the contracting parties to engage in continuous negotiation during the contract implementation.¹⁰ The party that possesses the “residual rights of control” over the unnegotiated components of the contract has the authority to decide the outcome of these negotiations.¹¹ In international statebuilding, the host state’s territorial sovereignty and membership in the IO give it the residual rights of control over the unspecified components of its contracts with IO statebuilders.¹² While economic theories predict that firms will avoid incomplete contracts, IO statebuilding efforts have few other options.¹³ Once mandated by the U.N. Security Council (UNSC), or other intergovernmental body, the IO is incentivized to establish a contract, however incomplete, with the post-conflict government to deliver its non-transferrable statebuilding goods within the post-conflict state’s territory.¹⁴

The implementation of these time-delimited, task-specific *statebuilding contracts* provides the host state with a procedural repertoire that it can use to constrain the behavior of IOs operating on its territory. These *statebuilding contracts* enable systematic everyday resistance by the host government, which uses banal bureaucratic procedures to influence *what* the IO statebuilding effort is mandated to do, *where* it operates within the country, *whom* it hires, and *when* it ends. Statebuilding contracts, thus, serve as one of the primary vehicles through which host states, first, establish the conditions for contracting out their sovereignty to IOs and, then, use everyday bureaucratic procedures to retract this sovereignty by controlling how unspecified components of the contract are implemented. In identifying

⁹These are temporary agreements, generally signed for a period of one to five years, between the host government and the intervening IO, such as the country program document of a UN agency or the UNSC mandate for a UN peace operation.

¹⁰Schmitz (2001); Cooley and Spruyt (2009)

¹¹Grossman and Hart (1986)

¹²Shen (2001)

¹³Grossman and Hart (1986)

¹⁴Campbell (2018)

the host government’s procedural repertoire as “weapons of the weak state,” we build on the work of other scholars who observe the power-shifting potential of banal everyday acts by seemingly less powerful actors.¹⁵

The use of these *statebuilding contracts* is driven by emerging international norms that prioritize post-conflict governments’ consent to and ownership of international statebuilding efforts (see also Figure 1 and Appendix A.3).¹⁶ As a result, in *statebuilding contracts*, regardless of the strength of the post-conflict country, we expect the host state to use its residual rights of control over the unspecified components of these contracts to alter or resist aspects of the IO statebuilding effort.

Outside of statebuilding contracts, a smaller number of IO statebuilding efforts give the IO the residual rights of control; we refer to these arrangements as *integrated takeovers*. They are present, for example, in U.N. transitional administrations where the intervening IO holds the residual rights of control over unspecified components of statebuilding agreement. We, thus, expect *integrated takeovers* to prevent the host-state from shaping the IO statebuilding effort. Much of the international statebuilding literature has focused on these rarer takeovers,¹⁷ largely overlooking the authority and leverage that statebuilding contracts provide to host states.¹⁸

Thus, the main empirical implications of our theory are: (1) there are two main approaches to IO statebuilding (i.e., *statebuilding contracts* and *integrated takeovers*) that predict whether the host state possesses the residual rights of control over the unnegotiated components of the agreement between the IO and the host state; (2) when IO statebuilding

¹⁵Scott (2008); Tourinho (2021)

¹⁶IDPS/OECD (2011); Nussbaum, Zorbas and Koros (2012); UN Advisory Group of Experts (2015).

¹⁷Fearon and Laitin (2004); Lake and Fariss (2014).

¹⁸We are indebted to other scholars who have worked on host-state consent, host-state resistance on some dimensions, and even occasionally on contracts in peacekeeping; see Barnett and Zürcher (2009), Ciorciari and Krasner (2018), Ciorciari (2021), Duursma (2020), Johnstone (2011), Piccolino and Karlsrud (2011), Sebastián and Gorur (2018). We extend beyond this work by providing a theory of how incomplete contracts in a system of sovereign authority provide a procedural repertoire that enables seemingly “weak” states to wield power over traditionally more powerful international actors.

takes the form of a *statebuilding contract* only, the host state will use procedural tactics to shape the IO statebuilding intervention, including what it does, where it operates in the host country, whom it employs, and when it begins and ends; and (3) repeated host-state use of these procedural tactics to influence the IO statebuilding intervention will alter the IO's ability to achieve its statebuilding aims.

To test our argument, we use a multi-method research design. We focus on post-conflict states, defined as states that have emerged from civil war through a peace agreement and, often, post-conflict elections, and U.N. statebuilding interventions in these states.¹⁹ Post-conflict states have committed to the normative principles advanced by IO statebuilding efforts—rule of law and democratic institutions—at the same time that their leaders have a strong interest in demonstrating their new sovereign authority.²⁰ These characteristics increase the likelihood that these states will both enter into statebuilding contracts and use their residual rights of control to resist or alter the IO statebuilding effort.

We use quantitative text analysis of UNSC speeches to capture changes in norms around the post-conflict states' authority and ownership of interventions on their territory. We then analyze our entire universe of 35 U.N. statebuilding interventions between 2000 and 2020 to probe the plausibility of our theory that post-conflict states, when given the opportunity via statebuilding contracts, will resist or alter the IO statebuilding intervention (see Appendix A.3).²¹ Finally, we use in-depth diverse case studies of a set of U.N. statebuilding interventions with diverse mandates, statebuilding arrangement, and geostrategic ties, focusing on Timor-Leste and Burundi (with an additional test of Guatemala as an Appendix).²²

This paper has implications for our understanding of the role of contracts in liberal international institutions. Contracts—“tools for realizing individual self-determination by

¹⁹Boyce (2013); Joshi and Quinn (2017).

²⁰Brown, Langer and Stewart (2011)

²¹Goertz (2017)

²²Gerring (2006)

means of voluntarily entering legally binding agreements”—are one of the central concepts of liberalism.²³ Contracts manifest the consent of both the buyer and the seller of a good. In *statebuilding contracts*, states give consent to an IO to carry out service delivery tasks that the state is unwilling or unable to provide. Our theory implies that the broad dependence of liberal international institutions on contracts, in fact, curtails their ability to use these service delivery tasks to achieve their liberal peace aims in some of the seemingly least powerful countries on the world stage: post-conflict states.²⁴

This paper also makes important contributions to the international statebuilding literature. First, it identifies a key overlooked source of power held by seemingly weak post-conflict states: the residual rights of control over incomplete statebuilding contracts. While some statebuilding scholarship acknowledges that host states hold power over intervening IOs, it does not identify the mechanism that provides this leverage to host states or how host states use this mechanism.²⁵ Second, this paper brings the power and authority of the host state back into the discussion of international statebuilding and aid, showing a much stronger “weak” state than is typically portrayed in the literature.²⁶ Third, while the IO literature examines delegation of authority from member states to the IO bureaucracy, this paper introduces a new pathway through which member states can retract their delegated sovereignty: using their residual rights of control under incomplete contracts.²⁷

²³Gutmann (2013, 39)

²⁴For a summary of the liberal peace debate, see Campbell, Chandler and Sabaratnam (2011).

²⁵See Engleburt and Tull (2008); Lemay-Hébert (2009); Kurz (2010); Piccolino and Karlsrud (2011); Mukhopadhyay (2014); Girod (2015); Barma (2016); Cheng (2018); Adamson (2020). Some focus on complementary mechanisms, such as the state’s receptiveness to IO involvement Girod (2015). Notably, Ciorciari and Krasner (2018), Johnstone (2011), and Barnett and Zürcher (2009) have identified the importance of the contractual relationship and negotiations between intervening actors and IOs, but have not specified how the contracts distribute power between the negotiating parties, nor have they focused on the incompleteness that favors host states.

²⁶See, for example, Chandler (2006); Doyle and Sambanis (2006); Barnett (2006); Paris and Sisk (2009); Autesserre (2014); Carnegie and Dolan (2020)

²⁷Hawkins and et al (2006)

2 INTERNATIONAL ORGANIZATIONS BUILD STATES THROUGH CONTRACTS

Much of the statebuilding scholarship paints the IO-host state relationships as unidirectional: statebuilders intervene and attempt to fix conflict-affected states, which have little power or authority over the intervening actors.²⁸ We argue, in contrast, that statebuilding in the modern era often occurs through incomplete contracts that reinforce the host state's authority.²⁹ We first examine how IOs, in particular, as organizations composed of and governed by states, establish clear contracts with host states in post-conflict contexts;³⁰ we then, in the next section, examine their incompleteness.

When IOs engage in statebuilding by keeping or building peace in post-conflict states, they now often do so under contracts. What IOs provide includes assistance to disarm combatants in accordance with the peace agreement; resources, often promised through donor conferences, to rebuild destroyed infrastructure; training and other support to reform security sector institutions; and projects intended to foster democratic governance and ensure equitable judicial institutions.³¹ IOs attempt to strengthen and often reform the post-conflict state's capacity to deliver goods and services and, simultaneously, meet urgent needs the state cannot.³² The contracts that enable IOs to engage in statebuilding are grounded in these aims of reforming, rebuilding and reinforcing the post-conflict state's ability and legitimacy to govern. For example, international aid actors need permission to operate in their territory.³³ Even though these contracts may, at first, seem like technical bureaucratic agreements, it is

²⁸Fukuyama (2004); Chandler (2006); Paris and Sisk (2009)

²⁹We are indebted to existing work that shows how African leaders have attempted to take control of "relations with the exterior," including "opposing it and at other times joining in it"; see Bayart (1993, 21-24), Bayart (2000, 218-219), Clapham (1996). Of particular relevance is literature on how African leaders' agency and diplomacy have shaped donor efforts; see Brown and Harman (2013), Fisher (2013), Harman and Brown (2013). Developing from Tourinho (2021), we think about how actors with less capacity shape international order. We focus on the mechanism of incomplete contracts.

³⁰While, at times, the UNSC provides its authority to intervene in lieu of permission from the host state, the IO usually seeks cooperation on the specific conditions of the service delivery on the host state's territory.

³¹UNPBSO (2010); Corral and et al (2020)

³²UNDP (2016)

³³Shen (2001)

a “fundamental political act” “to consent to a contract.”³⁴

The international system is rooted in the dual notions that undergird statebuilding contracts: sovereignty and consent. Typically traced back to the 1648 Peace of Westphalia, sovereignty became the cornerstone of statehood and non-interference on other states’ sovereign territory the organizing principle of the international system. The end of World War II elevated the standard of sovereignty and, in 1960, the U.N. declared one of the most egregious violations of sovereignty, colonialism, illegitimate.³⁵ Sovereignty became “the only game in town,” at least normatively, as other political entities, including empires and colonies lost their legitimacy.³⁶ In fact, recent research demonstrates the importance of sovereignty in the international system, particularly after 1960, showing that territorial conflict is increasingly infrequent and that states, no matter how weak, rarely “die.”³⁷

In a system where states recognize each others’ sovereign authority over territory, consent provides a mechanism for IOs to conduct statebuilding operations, allowing host state to essentially divide up their sovereign authority.³⁸ They do so by creating contracts with external actors who temporarily “share” the state’s sovereignty by, for example, patrolling with peacekeepers as civil war factions disarm under a peace agreement’s terms.³⁹ The liberalism underpinning much of the international statebuilding apparatus has placed contracts at the forefront of these statebuilding arrangements.⁴⁰ Contracts are the main mechanism through which host states maintain their authority while consenting to external statebuilders operating on their sovereign territory, dividing the state’s sovereignty into specific functional components that the host state temporarily delegates to outside actors. In the immediate

³⁴Hurd (2008, 37)

³⁵See Philpott (1995, 366-367); Lyons and Mastanduno (1995); Spruyt (2002)

³⁶Krasner (2004a, 1077).

³⁷Zacher 2001; Fazal 2004.

³⁸Lake (2007, 220)

³⁹According to Cooley and Spruyt (2009, 4), “Sovereignty consists of a bundle of rights and obligations that are dynamically exchanged and transferred between states.” Also see: Osiander (2001); Krasner (2004a,b); Fearon and Laitin (2004); Krasner (2009); Lake (2009); Risse (2011,?); Lee, Walter-Drop and Wiesel (2014)

⁴⁰Barnett (2006); Gutmann (2013)

aftermath of the Cold War, when statebuilding became more common, IOs initially focused on a transitional administration model, where the U.N. mission temporarily took over the governance,⁴¹ but soon a broad consensus emerged in this new statebuilding era, where sovereignty still dominated, that host-state consent and national ownership were central and so contracts dominated (more on this in in Section 2.1, below, including empirical evidence).

When the intervening statebuilder is an IO, the host state often has an additional source of authority as an IO member state, where the host state is a principal in the IO's governing body that mandates and finances the statebuilding intervention, such as the UNSC and General Assembly. This relationship provides additional authority to the host state in the contracting relationship.⁴² Scholarship typically refers to IOs as pooled sovereignty where "states transfer the authority to make binding decisions from themselves to a collective body of states within which they may exercise more or less influence."⁴³ While existing work focuses on how pooled sovereignty diminishes state authority IO decisions, when the IO is engaged in statebuilding on a member's territory, pooled sovereignty may, in fact, heighten that host state's authority. The majority of U.N. documents on peacekeeping, peacebuilding, and statebuilding adopt a deference to this type of national ownership and, ultimately, host-state consent.⁴⁴ Furthermore, even though the UNSC plays an important role in legitimating and leading international statebuilding that uses military force, and may otherwise be classified as intervention, it still often requires cooperation from the sitting government, even under Chapter VII mandates where consent is not strictly required.⁴⁵

The multiple layers of host-state authority, derived from territorial and pooled sovereignty, are manifest in the contracts that permit IOs to engage in post-conflict statebuilding especially in the past two decades. These contracts range from short-term UNSC mandates to

⁴¹See DiFelice (2007); Chesterman (2005).

⁴²Nielson and Tierney (2003); Hawkins and et al (2006)

⁴³Lake (2007, 220)

⁴⁴Chesterman (2007)

⁴⁵Voeten (2005); Howard (2008); Lake and Fariss (2014)

multi-year country-program agreements with U.N. development agencies.⁴⁶ They focus on establishing, in writing, the specific conditions of the agreement between the IO and the host state, including the precise goods to be delivered, the precise timeframe for delivery, and the accountability arrangements for assessing the success and failure of the contract. Due to the complexity of post-conflict contexts and changing international norms most of these contractual agreements remain incomplete.

2.1 Contracts over Time

The end of the Cold War ushered in an era of peacekeeping to help end civil conflicts,⁴⁷ and the turn of the century brought a reckoning that reinforced contracts after several major failures led to the Brahimi Report.⁴⁸ In the immediate aftermath of the Cold War, IO statebuilding focused on the transitional administration model, where the U.N. mission temporarily took over the governance of the post-conflict state and possessed the residual rights of control over the IO statebuilding effort.⁴⁹ But, as depicted in Appendix A.3, this IO statebuilding model was short lived.⁵⁰ After 2000, the U.N. did not deploy new transitional administrations; instead, broad consensus emerged around the importance of host-state consent and national ownership, even in relation to Chapter VII peacekeeping missions, as discussed above.⁵¹ The 2008 U.N. peacekeeping doctrine emphasizes this commitment: “Consent, particularly if given grudgingly under international pressure, may be withdrawn in a variety of ways when a party is not fully committed to the peace process.” (DPKO, 2008, 32).

Beyond peacekeeping missions, the New Deal on Peacebuilding and Statebuilding, adopted

⁴⁶Murphy (2006)

⁴⁷Fortna (2008)

⁴⁸Bellamy and Williams (2015)

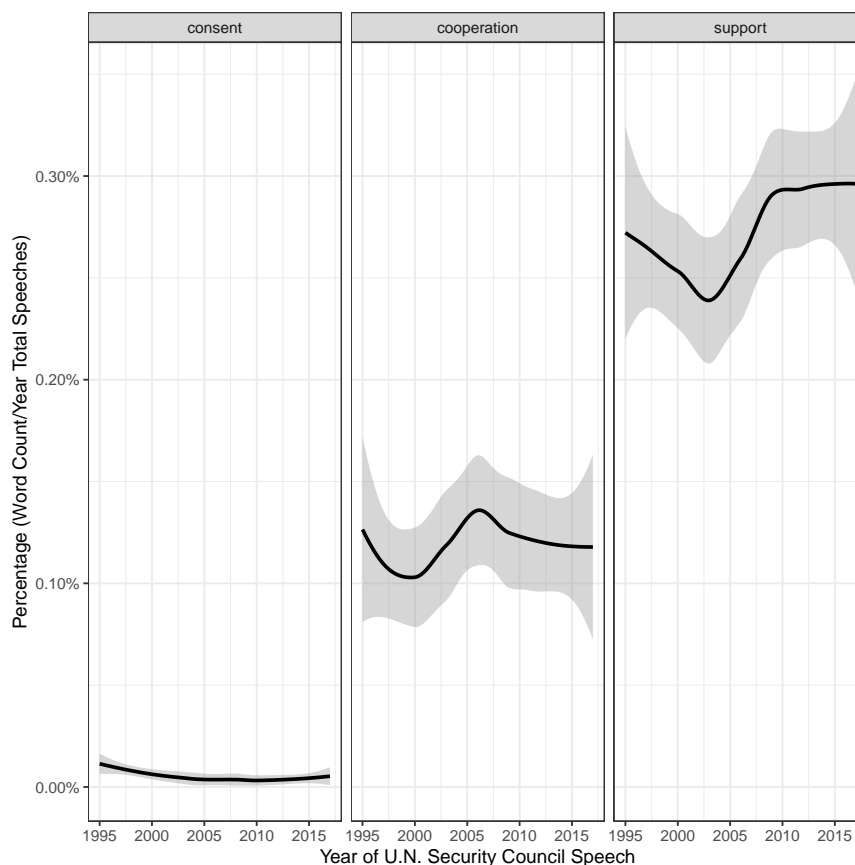
⁴⁹Between 1995 and 1999, the U.N. established transitional administrations in Timor-Leste, Bosnia-Herzegovina, Eastern Slavonia, and Kosovo DiFelice (2007).

⁵⁰Fukuyama (2004); Krasner (2004b); Fearon and Laitin (2004); Howard (2014); Lemay-Hébert (2017)

⁵¹OECD-DAC (2005); DPKO (2008); Nussbaum, Zorbas and Koros (2012); Koops and et al (2015); OECD (2016)

in 2011, offers more evidence of this growing consensus.⁵² Its innovation was that donors, whether bilateral or multilateral, committed to supporting the host government’s post-conflict recovery policy and capacity above all others.⁵³

Figure 1: *Percent Word Frequency in UNSC Speeches Containing “Conflict”*



Note: Figures depict the frequency of the occurrence of terms “consent,” “cooperation,” and “support” in 39,271 UNSC Speeches between 1995 and 2017 that also contain the word “conflict.” (Note that speeches tended to use cooperation and support more than consent, but all backed host-state sovereign authority; see Appendix A.2.) Lines smoothed using the LOESS method.

Figure 1 provides additional evidence for increased UNSC backing of host-state sovereignty. Using a corpus of 77,815 UNSC debates between 1995 and 2019, it depicts the frequency of the use of the terms *consent*, *cooperation*, and *support* in 39,271 UNSC Speeches that also

⁵²OECD-DAC (2007); Nussbaum, Zorbas and Koros (2012); OECD (2016)

⁵³The New Deal on Peacebuilding and Statebuilding was chaired by post-conflict states and extended donors’ prior commitment to aligning their aid with the needs of fragile and conflict-affected states (OECD-DAC 2005)

contain the word *conflict* between 1995 and 2017.⁵⁴ The term *cooperation* generally occurred in 10% and 15% of speeches, and *support* in 20% to 30% of speeches, with an increase in frequency after 2001.⁵⁵ *Consent* occurred in less than 3% of speeches, but, although the term appears more often in U.N. doctrinal documents than in UNSC speeches, a more detailed examination of the 2017 speeches, see Appendix A.2, demonstrates that UNSC members use *support* and *cooperation* frequently to express their backing of the host state and its sovereign authority.⁵⁶

3 INCOMPLETE CONTRACTS GIVE HOST STATES CONTROL

In an incomplete contract, the residual rights of control revert to the host state, giving it control over the unspecified components of the contract. Most contracts between post-conflict host states and IOs are incomplete contracts because of the complex nature of statebuilding tasks and the changing conditions. Complete contracts specify all possible decisions that may emerge during contract implementation, removing the need for negotiations between buyer and seller once the contract is signed.⁵⁷ Incomplete contracts specify components of the agreement but do not describe all potential contingencies that may arise during implementation, either because they are unknown or because at least one party is interested in renegotiation.⁵⁸ It is almost always the case that all contingencies that could arise during the implementation of a complex *statebuilding contract* in a dynamic post-conflict context cannot be specified *ex ante*.⁵⁹ Newly-formed post-conflict governments may also have in-

⁵⁴Schoenfeld and et al (2019); Appendix 3 presents the word frequency analysis for six additional high-frequency words.

⁵⁵There is an average of 1,985 speeches containing conflict each year between 2000 and 2017.

⁵⁶DPKO (2008)

⁵⁷Cooley and Spruyt (2009, 8)

⁵⁸Cooley and Spruyt (2009, 9) argue that incomplete contracts can be procedurally desirable in circumstances where it is difficult to: “(1) anticipate the full array of contingencies that may arise in the future; (2) negotiate optimal agreements given the asymmetries of information that characterize the contracting environment; and/or (3) negotiate an agreement that is verifiable or enforceable by the parties themselves or an outside third party.”

⁵⁹See Pritchett and Woolcock (2004); Risse (2011) for a discussion of the implications of complex tasks for service delivery and and planning.

centives to negotiate incomplete contracts that enable them to demonstrate their sovereign authority.

Theories of the firm outline the implications of incomplete contracts for the contracting parties. This scholarship refers to the contractual relationship between a buyer and seller as the “firm,” which can be governed by residual rights or specific rights.⁶⁰ Residual rights refer to the rights that are not specified in the contract, while specific rights refer to the rights that are specified in the contract.⁶¹ Accordingly, the inherent uncertainty in incomplete contracts for non-transferrable goods gives the buyer the residual rights over the contract implementation.⁶² In a situation where the seller produces a specialized good or service for the buyer, this uncertainty is likely to produce a “hold-up problem,” where the seller “holds-up” the contract negotiation because she does not trust that the buyer will fulfill his part of the contract, once signed.⁶³ Imagine a seller who produces a widget that only fits the buyer’s machines. The non-transferrable character of the widget gives the buyer the authority to determine the unspecified aspects of the contract after the seller has begun producing widgets.⁶⁴ Given the alternative of not selling the widgets at all, the seller is likely to comply with the buyer’s revised demands. Once the buyer and seller enter into a contract, the buyer retains the residual rights of control, giving it considerable leverage over the contract implementation.

When applied to *statebuilding contracts*, we consider the IO as the seller and the host government as the buyer. The host government owns the “firm,” which is the agreement between the IO and the host government, and is “buying” the statebuilding goods and services that IO is selling. The IO’s principals mandate it to deliver a specific set of non-transferable goods to the host state. By giving its consent for a specific IO to deliver these

⁶⁰In this paper, our discussion of contracts is based on economic theories of the firm, not the principles in international law.

⁶¹Grossman and Hart (1986, 692)

⁶²Aghion and Holden (2011)

⁶³Schmitz (2001, 6)

⁶⁴Hart (1995)

goods on its territory, the host government decides to “buy” the goods the IO is offering. The host state, then, possesses the residual rights of control over all unspecified, and even some specified, components of their incomplete contract.

As with the seller in the hold-up problem, the intervening IO is selling a good that is not transferable to another buyer. The IO member states mandate the IO to engage in statebuilding in the particular host country and hold it accountable primarily for delivering the specified statebuilding goods and spending the allocated funds, even if the host-state alters the terms of the agreement and the nature of specified statebuilding goods.⁶⁵ The IO is represented at the country level by its office deployed there, known as the country office or mission. The country office’s principals at headquarters hold it accountable for delivering the goods and services it has agreed to deliver in that particular context.⁶⁶ If the IO country office were to sell its statebuilding “good” to another host government, it would result in the loss of the resources allocated to IO to carry out these activities and a designation of its statebuilding effort as failed, potentially discouraging member states from funding future efforts by the IO. There is no other market for improved state capacity in South Sudan beyond South Sudan. Once an IO begins to implement its statebuilding activities, it cannot simply shift these resources to another state while fulfilling the task its members have mandated. If the IO agrees to the incomplete *statebuilding contract* and delivers the goods and services outlined in the contract, then the IO has fulfilled its part of the agreement even if the statebuilding effort is largely unsuccessful. Unlike the seller in the theory of the firm, the IO does not have an incentive to “hold up” the contractual agreement with the host state.⁶⁷

The non-transferrable nature of the statebuilding good, and the fact that the host governs owns the residual rights of control in the IO-host government contract, give the host state

⁶⁵Martens and et al (2002); Campbell (2018)

⁶⁶Natsios (2011); Bush (2015)

⁶⁷Numn (2007)

the authority to determine the unspecified aspects of the contract, and possibly some of the specified components as well. If the host state resists the implementation of the agreement, or alters it, the IO has few other options than to accept these new terms or leave the country, losing the resources invested there and failing to fulfill the preferences of its member states.

4 VARIATION IN HOST-STATE INFLUENCE IN IO STATEBUILDING

We derive implications from this theory of incomplete contracts. We focus specifically on post-conflict states because, among states with IO relationships, they may be most likely to use their residual rights of control under these contracts to alter or resist IO statebuilding efforts. The leaders of post-conflict countries have recently been elected subsequent to a civil war that challenged their or their opponents' authority to govern.⁶⁸ Given the prior challenges to their authority, these post-conflict governments are likely to have an incentive to demonstrate their newly-won international and domestic legitimacy.⁶⁹ This assumption builds on the idea that, even in stable countries, leaders typically seek not to be bound to outside actors so that they maintain maximum flexibility to respond to changing conditions and implement their preferred policies without constraints.⁷⁰ Fundamentally, then, given post-conflict governments' incentives to demonstrate their sovereign authority, and the growing acceptance that U.N. statebuilding arrangements should be "owned" by the host government, host states can use the residual rights of control over statebuilding arrangements to shape IO intervention.

In this context, we posit that a host state's ability to alter or resist the IO statebuilding intervention is determined by the type of contractual arrangement that governs the IO-host state relationship, and that host states will use a repertoire of weapons of the weak states that emerge from the contracting framework to do so. Our independent variable

⁶⁸See, for example, [Barma \(2016\)](#)

⁶⁹[Jackson and Rosberg \(1982\)](#); [Englebert and Tull \(2008\)](#); [Risse and Stollenwerk \(2018\)](#); [Malejacq \(2020\)](#)

⁷⁰[Moe \(1990, 227\)](#), [Landes and Posner \(1975, 896\)](#), [Moravcsik \(2000, 228\)](#), [Pasquino \(1998, 49\)](#)

captures the difference between two contractual arrangements: *statebuilding contracts* and *integrated takeovers*. *Integrated takeovers* are seemingly complete contracts in which the IO obtains the residual rights of control over the statebuilding arrangement, governs the state and, effectively, determines how the host state is built for a period of time.⁷¹ In *integrated takeovers*, we do not expect the host government to resist or alter the IO statebuilding effort because it has relinquished its authority to do so.

In contrast, *statebuilding contracts* are incomplete contracts where the host government maintains the residual right of control of the unspecified aspects of the IO-host state agreement. *Statebuilding contracts* include Chapter VI and Chapter VII peace operations, excluding transitional administrations, as well as delegation agreements where the host state invites an IO to engage in a joint statebuilding effort.⁷² As the “buyer” of the statebuilding good that the IO is selling, the host government negotiates the content of the *statebuilding contract* with the IO and, during the contract implementation phase, holds the residual rights of control over the unspecified components of the contract. While there is variation in how contracts are established that can alter when and to what extent states are especially effective, in *statebuilding contracts* generally, and as opposed to *integrated takeovers*, we expect the host states to alter or resist the IO statebuilding effort using their particular *procedural repertoire*, as depicted in Figure 2.

A host-state’s *procedural repertoire* refers to the range of weapons of the weak state or seemingly banal, bureaucratic tactics that the host state uses to alter or resist the negotiation and implementation of *statebuilding contracts*, as depicted in Table 1. And, when combined

⁷¹*Integrated takeovers* are equivalent to the integrated firms described in the Grossman-Hart-Moore theory of contract relations between private companies, discussed above (Grossman and Hart, 1986; Hart and Moore, 1990; Hart, 1995; Hart and Moore, 1999; Hart, 2017). Within our scope conditions of U.N. statebuilding interventions in post-conflict countries, the most obvious examples of *integrated takeovers* are U.N. transitional administrations. In these cases, the UNSC mandates the U.N. peace operation to take over governance of countries that do not have sovereign governments and govern these countries for a period of time in collaboration with unelected representatives from the country. Integrated firms resolve potential hold-up problems in the contract negotiation between the buyer and seller of a good by merging the buyer and seller into a single firm, removing the need for a contract between them.

⁷²Matanock (2014)

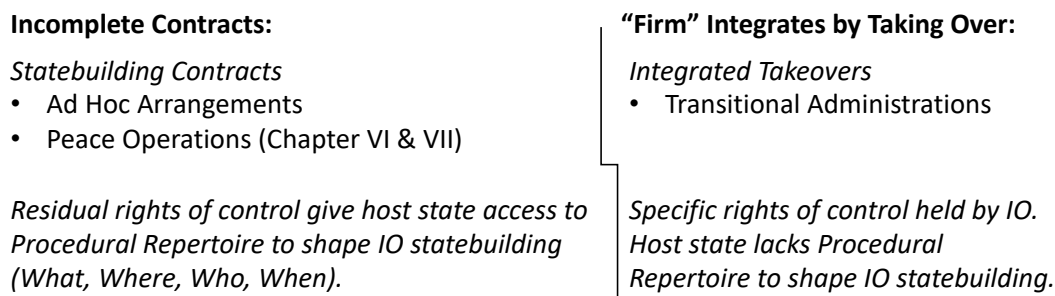


Figure 2: *Expected Variation in Host-State Influence by Contract Arrangement*

together, the use of the procedural repertoire can change how the IO implements the contract and its ability to achieve mandated statebuilding aims (see our dependent variable below). Our causal *mechanism*, the use of these weapons, can be any combination of procedural tactics to create their particular particular repertoire. There are, thus, multiple potential pathways within these repertoires that host states can use to influence their *statebuilding contracts* with IOs, all of which we expect to alter the ability of the IO to achieve its statebuilding aims.⁷³

In *statebuilding contracts*, the residual rights of control give the host state authority to deploy bureaucratic and diplomatic procedures to negotiate the *statebuilding contract* or determine the unnegotiated components of the contract, which can have a large influence over *what* statebuilding activities the IO implements, *where* on the host-state’s territory the IO implements these activities, *who* the IO hires to implement these activities, and *when* and for how long the IO implements these statebuilding activities. The particular set of procedural tactics deployed are the host state’s *procedural repertoire*. This repertoire enables the host state to resist or alter elements of the *statebuilding contract* and its implementation, in turn, shaping the negotiation of the IO contract by its principals and the ability of the IO to implement the agreed-upon *statebuilding contract*.

⁷³The presence of multiple potential resistance pathways points to equifinality within our causal mechanism, which requires the investigation of this mechanism in multiple cases.⁷⁴

Procedural Tactic 1: What statebuilding services the IO implements. Host states have the authority to shape *what* service provision the IO provides through the *statebuilding contract*, whether governance, security, economic, or social services. In the negotiation stage, host states may specify limits to the services provided as well as the degree of specificity, or completeness, around exactly which services will be provided. In the implementation stage, the host state may use any incompleteness of the contract to change what services are provided and the types of statebuilding policies that they promote, shaping the type of statebuilding outcomes produced.

Procedural Tactic 2: Where the IO implements its statebuilding services. Host states have the authority to influence *where* the statebuilding services are implemented, determining the IO's territorial access. The delivery of statebuilding services relies on state-controlled institutions, such as airports, ports, roads and other transport networks, in addition to staging bases and the like. The territorial sovereignty of the host state gives it the authority to determine, in the negotiation phase, where IO statebuilding efforts are implemented and, during the contract implementation phase, to retract or alter this arrangement, particularly in locations experiencing violence or other sources of insecurity.

Procedural Tactic 3: Who the IO hires (or fires) to implement its statebuilding services. Host states have the authority to shape *who* implements the *statebuilding contract* by giving or rescinding its permission for IO staff to operate on its territory, or by granting or refusing visas for private contractors or INGO staff. The host government often cannot negotiate which particular personnel join the IO country office, although it can threaten to declare IO staff that are already in the country *persona non grata* and force them to leave the country.⁷⁵ Further-

⁷⁵Although U.N. staff are not subject to *persona non grata* under international law, it still seems to lead

more, the host government determines which INGO staff, private contractors, or other visitors who are not in possession of a diplomatic passport, are able to receive visas to enter the country. These additional staff are often central to the implementation of the *statebuilding contract*.

Procedural Tactic 4: When the statebuilding services begin and how long they last. Host states help determine *when statebuilding contracts* begins and how long it is deployed. Because the host state's consent is necessary to achieve a *statebuilding contract*, it helps determine when the contract starts and how long it lasts once underway. Even if the host state has agreed to a contract of a certain duration, it can alter this duration by withdrawing or extending its consent.

While we are especially interested in the use of the procedural repertoire, our ultimate dependent variable is the *changed IO ability to implement the statebuilding arrangement*, as opposed unchanged ability or changes in ability due to non-host state actions. Changes in ability refers to changes in capacity, access, resources, or other permissions that affect the IO's ability to carry out its statebuilding mandate.

In sum, the empirical implications of our theory are: (1) variation in the type of statebuilding arrangement—*integrated takeover* vs. *statebuilding contract*—predicts whether the state possesses the residual rights of control; (2) when the statebuilding arrangement is a *statebuilding contract*, the host state will use our posited mechanism—the host state's procedural repertoire—to resist or alter the IO statebuilding intervention; (3) combined together, successive host-state attempts to influence the IO statebuilding intervention will change the IO's ability to achieve its statebuilding mandate; and (4) this relationship holds across diverse cases within our scope conditions: host states with diverse characteristics and dif-

to the departure of U.N. staff receiving this designation. "Persona Non Grata Doctrine Not Applicable in Respect of United Nations Personnel, Secretary-General Stresses, Expressing Deep Regret over Somalia's Action," United Nations Press Release, SG/SM/19424, January 4, 2019.

Table 1: Procedural Tactics

<i>Type of Tactic</i>	<i>Observable Implications of Tactic on IO Mission</i>
What (<i>type of service or activity</i>)	<ul style="list-style-type: none"> - Request that mandate include certain tasks and not others. - Stop mission from implementing mandated tasks by shaping where it operates and when it departs. - Request that military, police, investigators, prosecutors, and other mission staff serve certain functions and not others. - Withdraw or grant consent for the type of mission (Chapter IV or VII). - Request an increase or decrease in the number of personnel deployed. - Withdraw or grant consent for the force composition and size.
Where (<i>territorial access</i>)	<ul style="list-style-type: none"> - Request that the mission close or relocate its sub-offices or bases. - Restrict where mission personnel can travel within country. - Restrict location of mission headquarters. - Cancel, limit, or restrict purchase and rental agreements, transportation permits, access to airports, and access to goods from ports.
Who (<i>outside personnel</i>)	<ul style="list-style-type: none"> - Declare (or threaten to declare) mission personnel persona non grata. - Refuse to allow certain classes of foreign personnel into country. - Grant, refuse to grant, or delay work visas for mission personnel or implementing partners. - Grant or restrict types of immunities granted to mission personnel.
When (<i>duration</i>)	<ul style="list-style-type: none"> - Request mission to withdraw early or extend its mandate. - Request specific timeframe for new mandate. - Refuse to cooperate in implementation of mandate activities, delay appropriation of funds, or delay signature of MoUs necessary for implementation of mission mandate.

ferent types of interventions, as long as they are *statebuilding contracts*, will use a range of procedural tactics to influence the IO statebuilding intervention—including *what* types of statebuilding activities the IO implements, *where* within the host country the IO implements these, *who* leads and supports the mission, and *when* they are deployed and their agreed-upon activities implemented—and these tactics will change the effectiveness of the IO statebuilding intervention. Table 1 summarizes observable implications of each of these procedural tactics. Below, we outline our research design, which, in addition to testing these

empirical implications, enables us to investigate potential alternative explanations advanced in the IO statebuilding literature.⁷⁶

5 RESEARCH DESIGN

We employ multiple methods to show the plausibility of our theory across the entire universe of cases and test its implications through both cross-case and within-case analysis of a diverse set of cases.⁷⁷

To examine the external validity of our mechanism among the universe of cases that fall within our scope conditions, we probe these dynamics in 35 cases to provide an overall assessment of the presence of our mechanism in the entire universe of cases, seeking to establish the broad “empirical scope” of its occurrence (see Appendix A.3).²²³ The universe of cases from which we draw is composed of post-conflict states (defined as those that experienced a civil war and a peace agreement) in which a U.N. statebuilding intervention has occurred between 2000 and 2020.⁷⁸ By focusing on one IO, we are able to isolate organizational factors, such as the range of contractual frameworks deployed and the shared goal of all U.N. statebuilding interventions to increase the core security, judicial, and governance capacities in the aftermath of a civil war.⁷⁹ The short timeframe of these mandates also facilitates the involvement of the same U.N. member states in mandate decisions.

Choosing this time-period and set of cases also allows us to consider alternative factors that might predict host-state use of the procedural repertoire (see Appendix A.3). By focusing on U.N. statebuilding in post-conflict states after 2000, we include the full range of U.N. statebuilding arrangements, ranging from transitional administrations to contracts that

⁷⁶Doyle and Sambanis (2006); Walter, Howard and Fortna (2020)

⁷⁷Gerring (2006); Goertz (2017); Seawright and Gerring (2008)

²²³Goertz (2017)

⁷⁸Goertz (2017)

⁷⁹Barnett (2006); Autesserre (2014); Campbell (2018)

include Chapter VII peacekeeping missions, Chapter VI peace operations without peacekeepers, and ad hoc governance arrangements negotiated for particular states. The host states where the U.N. implements these arrangements also vary along multiple factors that could influence their willingness and ability to use their procedural repertoire: state capacity measures, history of prior U.N. peace operations, the density of the broader international statebuilding presence in the country, the strategic interest of UNSC members in the host country, change in international sovereignty norms over time, the relative age of the state, the broader U.N. policy environment, and other factors that may influence the host state's use of its procedural repertoire to resist or alter the U.N. statebuilding arrangement.⁸⁰

Our case studies, in which we seek to process trace our causal mechanism, are then U.N. statebuilding arrangements in Timor-Leste and Burundi, with Guatemala as an additional test in the Appendix. Our analysis of these cases that vary on our independent variable enable us to demonstrate the plausibility of our theory and rule out alternative explanations.⁸¹ Through comparison among these cases over time, we demonstrate the association between our independent variable (*integrated takeover* vs. *statebuilding contract*) and dependent variable (altering or resisting the IO statebuilding arrangement), as well as rule out several alternative explanations (i.e., state capacity and robustness of the statebuilding arrangement). Our within-case analysis of each case enables us process trace our posited causal mechanism—host states use of the procedural repertoire to alter and resist IO *statebuilding contracts*, when in incomplete contracts—and identify equifinality within this mechanism, demonstrating that host-states' procedural repertoires contain a range of different tactics used in different combinations.⁸²

Among these, Timor-Leste represents a canonical case of a *integrated takeover* in which we do not expect to see the presence of our posited causal mechanism. Burundi, in contrast,

⁸⁰DPKO (2008)

⁸¹(Gerring, 2006, 95)

⁸²Gerring (2005); Goertz (2017)

is an iconic case of a *statebuilding contract*, which hosts established arrangements in the form of Chapter VI and Chapter VII peace operations, but is also similar on dimensions important to assessing alternative explanations: the robustness of the statebuilding arrangement, the member states who have strategic interest in the country, the length and type of conflict, the degree of international statebuilding support, and the existence of a prior U.N. statebuilding intervention. Finally, while due to space constraints it is not included in the main text, we also examine Guatemala, which is a very different case of a *statebuilding contract*—it has an ad hoc arrangement, which may face more host-state resistance in the negotiation phase, compared to Burundi’s the more standard mission—but we expect to see the presence of our causal mechanisms across both of these cases as well as in the broader universe of cases. If we detect our posited causal mechanism across these diverse *statebuilding contracts*, this would serve as a strong test of our theory.⁸³ We turn to this evidence now.

6 EVIDENCE IN THE UNIVERSE OF CASES

Our universe of cases includes the 35 U.N. statebuilding interventions that occurred in post-conflict countries between 2000 and 2020. Within this universe of cases, we found 83 instances of host-state use of procedural tactics, including at least one incident for each case, as depicted in Appendix A.3. This demonstrates the willingness and ability of a wide range of post-conflict states to shape *what* statebuilding activities the U.N. statebuilding intervention is mandated to implement, *where* it operates, *when* the statebuilding intervention takes place, and *who* serves in its leadership roles. The use of these procedural tactics by all states within our universe of cases also demonstrates host-states’ willingness to use their procedural repertoire regardless of their capacity, the amount of aid they receive, the geostrategic interests of the UNSC (as indicated by the presence of 22 states across three continents), the state’s relative age (as indicated by the use of procedural tactics by South

⁸³Goertz (2017)

Sudan), the number of prior U.N. interventions the state has hosted, or the year that the U.N. statebuilding intervention occurs.

7 CASE STUDY EVIDENCE

Appendix A.3 provides evidence of host-states' use of their procedural repertoire across all cases of *statebuilding contracts* within our scope conditions. Our detailed case studies use process tracing to test our posited causal mechanism: *statebuilding contracts* permit host states to use a procedural repertoire to influence IO statebuilding interventions both during its negotiation and its implementation, which shapes both the content of the IO's statebuilding mandate (i.e., the statebuilding contract) and the IO's ability to achieve this mandate, while *integrated contracts* do not.

We start with the case of Timor-Leste, the *integrated takeover* case, to illustrate the relationship between the statebuilding arrangement and the host state's use of its procedural repertoire. We then examine the effect of two consecutive *statebuilding contracts* in Burundi, a Chapter VII and Chapter VI peace operation. In addition, we assess a very different *statebuilding contract* in The International Commission against Impunity in Guatemala (CICIG), an ad hoc *statebuilding contract* that authorized UN intervention directly in the Guatemalan judicial system (see Appendix A4). In each of these *statebuilding contracts*, the host government uses a range of procedural tactics to resist and alter the IO statebuilding intervention.

7.1 U.N. in Timor-Leste: From Integrated Takeover to Statebuilding Contract

In 1999, twenty-four years after Indonesian invasion, incorporation, and subsequent control of Timor-Leste, Indonesia suddenly allowed the secession-seeking state to vote on independence. This decision was part of a U.N. process to resolve the territory's status,

brokered with Indonesia and Portugal, the territory's colonial power until 1976.⁸⁴ Although 78.5 percent of the population peacefully voted to secede, anti-independence militias, with both implicit and explicit consent from the government forces, retaliated with a widespread “scorched earth” campaign.⁸⁵ Over 1,000 civilians were killed, hundreds of thousands fled, and nine U.N. observers were killed while the rest evacuated.⁸⁶ The U.N. soon returned to this context, however, with a canonical *integrated takeover*, also called a transitional administration, which the UNSC established with the support of the host government, such as it was. While politically weak, even this new state had elements of organization that could have resisted the U.N. intervention during the negotiation or implementation phase. In fact, they occasionally tried to do so but lacked the procedural repertoire. Eventually the U.N. changed this *integrated takeover* into a *statebuilding contract*, providing the host state access to the procedural repertoire, although we focus on the former case here.

7.1.1 INTERFET/UNTAET

Established under U.N. Charter Chapter VII, the International Force for East Timor (INTERFET), composed of 12,000 primarily Australian troops, deployed in September 1999.⁸⁷ INTERFET was an urgent mission to restore order in Timor-Leste, leading to the exit of anti-independence militias and the Indonesian military. After five months, it was replaced by the the U.N. Transitional Administration in East Timor (UNTAET), a canonical *integrated takeover*. UNTAET viewed Timor-Leste as a context in which some of “the attributes of the state had been removed.”⁸⁸ UNTAET set up external structures to do “civilian policing, humanitarian assistance, and, in a unique move, the governing of an entire country”⁸⁹ and

⁸⁴Cotton (2001)

⁸⁵The campaign killed independence voters, destroyed their villages, and more (Braithwaite 2012; Robinson 2003).

⁸⁶Robinson (2010); Howard (2014, 127)

⁸⁷U.N. (2000)

⁸⁸Cotton (2001, 138)

⁸⁹Howard (2014, 128)

acted as both the “state and state builder.”⁹⁰

7.1.2 *Negotiations*

Rather than “negotiate,” the U.N. “dreamed up its own plan.”⁹¹ Tasked with maintaining order, establishing government capacity, and administering the country, and, given executive authority,⁹² INTERFET and UNTAET were far from contracts with the host state. INTERFET was an urgent Australian-led response to the violence: the initial election observation mission received initial approval from Indonesian officials,⁹³ but the former Australian Deputy Secretary for Strategy in the Department of Defense outlined the requirements for the mandate, in consultation with other major power, but without explicit consent from Timor-Leste’s leaders.⁹⁴ Once violence was under control, UNTAET’s mandate was negotiated through internal U.N. discussions but without the direct involvement of Timor-Leste. Although a National Council on Timorese Resistance (CNRT) was formed to fight for independence, and its leaders were expected to participate in the transition,⁹⁵ local involvement was reduced during the negotiations. Instead, the mission was established under Chapter VII, and Resolution 1272 only stated a vague need to “consult and cooperate closely with the Timorese people to carry out its mandate effectively.”⁹⁶ Little else in the negotiation process included an explicit decision-making role for Timorese officials.⁹⁷ Local officials, frustrated about not being consulted, called for the UN’s prompt withdrawal after six months, without success.⁹⁸ Although initial mandate drafts included proposals for Timorese political leaders to act as advisors within the mission, factions within the U.N. lobbied for control over

⁹⁰Howard (2008, 139)

⁹¹Howard (2008, 274)

⁹²Howard (2014, 119); Uesugi (2018, 114)

⁹³Jago (2010)

⁹⁴White (2008)

⁹⁵Ingram (2012)

⁹⁶Goldstone (2004, 87)

⁹⁷Ingram (2012); Suhrke (2001)

⁹⁸Goldstone (2004, 88); Dee (2001)

planning and Timorese participation dwindled.⁹⁹

7.1.3 *Implementation*

Timorese officials were uninvolved in the mission though local participation increased over time.¹⁰⁰ Initially, the UNTAET mission excluded all Timorese to avoid any potential for “derailment” due to fears of politicization as well as a limited budget to carry out the mandate.¹⁰¹ Consequently, only staff in support positions, such as security guards and interpreters, were hired locally. The U.N. responded to progressive criticism by slowly increasing the number of Timorese in support positions, while maintaining control of finances and key institutional positions.¹⁰² UNTAET was undermined by its failure, “to share power sufficiently with Timorese counterparts early on and failing to shift power more fully to them early enough.”¹⁰³

In terms of what UNTAET was mandated to do, the U.N. did not just import police forces, but “also laws and courts; not only administrators, but administrative structures and tribunals.”¹⁰⁴ Scholars find that missions such as Timor-Leste, which have a presence of police forces and involvement in ending the conflict, have a positive effect on the duration of peace.¹⁰⁵ Nonetheless, these findings focused on peacekeeping missions, whereas Timor-Leste was one of the first cases of actual statebuilding.¹⁰⁶ Ambassador Peter Galbraith, who served as Head of Political Affairs for UNTAET, wrote that the mission faced uncertainty around its scope, which stemmed from the lack of a political settlement that would dictate its mandate. Consequently, UNTAET officials had to decide whether the mission should create an entirely

⁹⁹Suhrke (2001, 10)

¹⁰⁰Goldstone (2004); Suhrke (2001)

¹⁰¹Suhrke (2001)

¹⁰²Suhrke (2001); Howard (2014); Uesugi (2018)

¹⁰³Braithwaite (2012)

¹⁰⁴Cotton (2001, 139)

¹⁰⁵Caplan and Hoeffler (2017)

¹⁰⁶Suhrke (2001)

new system of laws and how/when to return authority to domestic officials.¹⁰⁷ Timorese leaders had little power to resist UNTAET, although they did attempt some pushback.¹⁰⁸

7.1.4 Conclusion

The U.N. largely dictated what INTERFET/UNTAET would do and who would be involved in Timor-Leste. This was a classic transitional administration where the U.N. intervention largely operated only under its own authority. This was just one mission of several sent to Timor-Leste, and some of the later missions were *statebuilding contracts*, as the U.N. came to act as the “navigator” for the Timorese leaders who were placed in the “driver’s seat” and eventually took full ownership.¹⁰⁹ We would expect for each subsequent mission to face more resistance, and these case studies suggest that is true. While scholars debate the effectiveness of transitional administrations such as the one in Timor-Leste, many consider the results of UNTAET positive because of the steady increase in Timor-Leste’s economic and social development scores,¹¹⁰ although identifying the contribution of each aspect of the mission is more difficult. While the neo-trusteeship certainly enabled the U.N. to take actions it might not have otherwise taken, the lack of domestic involvement in UNTAET’s structure and decision-making may have contributed to producing authoritarian and dysfunctional dynamics in the state’s later institutions.¹¹¹

7.2 The U.N. in Burundi: Statebuilding Contract for Peace Operations

Burundi, one of the world’s poorest states, faced a devastating civil war that lasted from 1993 to 2005. Ending the conflict required a series of ceasefire agreements and the implementation of the main provisions of the Arusha Agreement, a comprehensive framework

¹⁰⁷Galbraith (2003)

¹⁰⁸Uesugi (2018)

¹⁰⁹Uesugi (2018); Richmond and Franks (2008, 111).

¹¹⁰Howard (2014, 126)

¹¹¹Braithwaite (2012); Richmond and Franks (2008); Uesugi (2018, 299), Howard (2014, 129).

for political, security, and economic reform.¹¹² The agreement, signed by 19 political parties in 2000, established a three-year transition period to implement the most critical security and political reforms and organize the first post-conflict democratic elections. Arusha dictated that this transitional period, which began in 2001, was to be governed by the Transitional Government of National Unity, led for the first half by the main Tutsi party and for the second half by the main Hutu party, and overseen by the top U.N. official in Burundi—the U.N. Special Representative of the Secretary-General (SRSG)—who would serve as the head of the Arusha Agreement’s Implementation Monitoring Committee (IMC). In so doing, the Burundian signatories to the Arusha Agreement gave the U.N. SRSG the authority to oversee the first peaceful transfer of power between opposing political parties and the implementation of Arusha’s main security and governance reforms. After the end of Burundi’s transitional period, Burundi continued to permit a U.N. statebuilding mission to operate on its territory, although with much less authority and capacity.

In this context, Burundi’s peacekeeping missions represented canonical *statebuilding contracts* under both Chapter VI and VII of the U.N. Charter. First, in 2004, under Chapter VII that allows the U.N. to act on its own authority, the United Nations Operation in Burundi (ONUB) deployed.¹¹³ Next, in 2007, under Chapter VI that formally requires host-state consent, the Integrated United Nations Office in Burundi (BINUB) followed. Both of these U.N. peace operations were statebuilding contracts: the Burundi Government held the residual rights of control and used this authority to deploy its full procedural repertoire to influence the content these IO statebuilding mandates and their implementation, fundamentally reshaping what these two U.N. peace operations were permitted to do in Burundi.

¹¹²(Parties to the Arusha Agreement, 28 August 2000)

¹¹³UNSC (2004)

7.2.1 ONUB

ONUB was mandated by the UNSC to oversee Burundi's transition, but the Transitional Government of Burundi retained the residual rights of control over the unspecified components of this *statebuilding contract*. ONUB was composed of over 5,600 military personnel and 1,100 civilian personnel—stationed in five regional offices around Burundi and in the capital, Bujumbura—and an ambitious mandate that ranged from deploying peacekeepers to monitor the ceasefire and the disarmament of ex-combatants, providing training to a newly-reformed security services, and organizing and overseeing the peaceful organization of Burundi's first post-conflict elections, including the passage of the prerequisite constitutional and electoral reforms.¹¹⁴

7.2.2 ONUB Negotiations

Despite the provisions in the Arusha Agreement, the U.N. was initially reluctant to send a mission in the absence of a ceasefire between the Burundian army and rebel groups,¹¹⁵ so the African Union's first peace operation, the African Mission in Burundi (AMIB), was deployed instead. Once a comprehensive ceasefire was reached, the Transitional Government of Burundi, in concert with its regional and international allies, as well as the African Union,¹¹⁶ called on the UNSC to deploy the promised Chapter VII peacekeeping mission.¹¹⁷

Despite ONUB's Chapter VII mandate, the Burundi Government helped to determine when the UNSC deployed ONUB and the content of the *statebuilding contract* that ONUB implemented on its territory. For example, in January 2004, the Burundian Permanent Representative to the U.N. asked that the UNSC mandate a "Takeover of the responsibilities

¹¹⁴UNSC (2004)

¹¹⁵ICG (2000); (Parties to the Arusha Agreement, 28 August 2000, 93).

¹¹⁶Peen Rodt (2012)

¹¹⁷UNSG (2003, para. 30)

of the African mission in Burundi (AMIB) by a United Nations peacekeeping operation.”¹¹⁸ U.N. Secretary-General Kofi Annan sent assessment missions to Burundi in December 2003 and January 2004, which consulted with a range of Burundi’s transitional government officials, rebel group leaders, the South African mediation team, other regional and international diplomats, and civil society actors, and led Annan to recommend the deployment of a Chapter VII peacekeeping operation in Burundi.¹¹⁹ According to one participant, these assessment missions “consistently heard from Burundian stakeholders that the peace process was now on an irreversible course and that a UN peacekeeping operation would be welcomed.”¹²⁰

In March 2004, the Burundian Foreign Minister sent a letter to the UNSC outlining the specific aims of its hoped-for UN peacekeeping mission, including monitoring the ceasefire, supporting ex-combatant disarmament and the creation of a new security force, enabling post-conflict reconstruction and development, and helping to establish the overall conditions for free and fair elections.¹²¹ In April 2004, the Burundian Permanent Representative to the U.N. sent a follow-up letter to the UNSC, expressing additional preferences for the U.N. peacekeeping force’s mandate and composition, supporting the proposed mandate submitted by the U.N. Secretary-General, which closely mirrored the aims outlined in the Foreign Minister’s March 2004 letter, and calling for the UNSC to endorse these proposals and mandate the U.N. peacekeeping operation in Burundi, as it had in other contexts.¹²² On May 21, 2004, the UNSC adopted Resolution 1545 that deployed a Chapter VII peacekeeping operation in Burundi, ONUB.

¹¹⁸Nteturuye (2004b)

¹¹⁹UNSG (2004)

¹²⁰Jackson (2006, 9)

¹²¹Simunguruza (2004, 3)

¹²²Nteturuye (2004a, 2)

7.2.3 ONUB Implementation

Once Burundi and the UNSC had established their *statebuilding contract* in the form of Resolution 1545, the Burundi Government used its residual rights of control to push back on the intervention, initially shaping how long ONUB would be deployed and, as discussed in the next section, who would lead ONUB. ONUB was initially mandated to withdraw from Burundi by the end of the three-year transitional period on October 31, 2004, only five months after its deployment. Different forces within the Transitional Government of Burundi tried to slow ONUB's withdrawal, while others tried to keep it on track. Some transitional government officials in key positions attempted to delay ONUB's withdraw, and the consequent end of the transitional period, to avoid losing their coveted, and often lucrative, positions in government.¹²³ Other members of the Transitional Government of Burundi aimed to speed up the transition period because they believed they would gain more power in Burundi's general elections.¹²⁴

This inter-party competition led representatives of one former rebel group, National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD), to threaten that “a ‘return to war’ remained an option” if the the transitional period did not end and, generally, resulted in significant delays in the end of Burundi's transitional period—and forced extensions of ONUB's mandate.¹²⁵ For example, the National Independent Electoral Commission (CENI) twice postponed the date of the constitutional referendum, which directly delayed in the elections that ONUB was mandated to help organize and led to the UNSC twice extending ONUB's mandate.¹²⁶

In 2005, the Burundi Government finally organized the post-conflict elections, with the support of ONUB and other international actors, and Pierre Nkurunziza, the former head

¹²³ICG (2004, 13)

¹²⁴ICG (2005)

¹²⁵UNSG (2005*b*); ICG (2005); Jackson (2006)

¹²⁶UNSG (2005*b,a*, 3)

of the CNDD-FDD rebels, was elected president in August 2005.¹²⁷ Even though the UNSC had mandated ONUB under Chapter VII, it mandated ONUB to help the Burundian parties implement Arusha's conditions for the end of the transitional period and these same parties retained the residual rights of control over the government's *statebuilding contract* with ONUB, both of which enabled the Burundi Government to determine if and when ONUB's mandate was fulfilled.

7.2.4 ONUB to BINUB Transition

In October 2005, the newly-elected Burundi Government notified the U.N. that it wanted ONUB withdrawn, which led the U.N. to initiate extensive negotiations with the Burundi Government to try and enable a U.N. peace operation to remain in the country; they agreed to a *statebuilding contract* for a pared-down political mission, without peacekeepers, that would prioritize post-conflict reconstruction.¹²⁸ The Burundi Government used its procedural repertoire to full effect to end ONUB's *statebuilding contract* and establish the terms of its successor. In public statements and in letters to the President of the UNSC, the Burundi Government argued that it did not need further U.N. oversight of Arusha's implementation and had "never asked for it."¹²⁹

Analysts argued that Burundi's first post-conflict government employed these resistance tactics because it was "eager to demonstrate its sovereignty and emboldened by what it interpreted as a crushing victory at the polls."¹³⁰ The Burundi Government also admitted to being inspired by Paul Kagame, Rwanda's president, whose party had forced the UN Assistance Mission for Rwanda (UNAMIR) to leave after it failed to prevent the 1994 Rwandan genocide and had, subsequently, expelled international actors, "readmitting them slowly

¹²⁷Reyntjens (2006)

¹²⁸Jackson (2006); Houngbo and K (May 24, 2006); "Burundi tells U.N. it needs schools not soldiers," Reuters, November 8, 2005.

¹²⁹"Burundi: Government rejects UN envoy's proposal on donor forum," *The New Humanitarian*, February 15, 2006.

¹³⁰Jackson (2006, 26)

later once it had established its right and ability to negotiate from strength.”¹³¹

Recollecting the U.N.’s negotiations with the Burundi Government, ONUB’s SRSG, Carolyn McAskie, indicated that she tried to convince the newly-elected President that she could, in fact, control the terms by saying: “You’re the boss. We’re not trying to run anything here. Take advantage of the UN. You have the right as any member country to take what the UN can offer. We’re here to help you.”¹³² But the government responded by forcing SRSG McAskie to leave the country before ONUB’s mandate was finished.¹³³

In August 2006, the government declared McAskie’s successor, Nureldin Satti, *persona non grata*, although they later rescinded this designation and allowed him to remain until ONUB’s mandate ended on December 31, 2006.¹³⁴ While ONUB achieved its most important goal—facilitating Burundi’s successful post-conflict transition—its forced departure and the contentious relationship with the new Burundi Government led it to fall far short of the longer-term security-sector, governance, and judicial reforms outlined in its mandate.¹³⁵

7.2.5 BINUB

On January 1, 2007, the U.N. deployed BINUB, a Chapter VI peace operation without peacekeepers that was mandated to “consolidate” peace in Burundi.¹³⁶ To achieve its post-conflict peacebuilding and reconstruction tasks, the UNSC mandated BINUB’s civilian peace operation staff to work directly with other U.N. development, humanitarian, and human rights agencies in three integrated units: security-sector reform, rule of law and human rights, and governance and peace.¹³⁷ Building on its experience with ONUB, the Burundian

¹³¹Jackson (2006, 26); “UNSC Ends UNAMIR Mandate on 8 March 1996, Adjusts Objectives, Responds to Wishes of Rwandan Government,” United Nations, Press Release, SC/6141, December 12, 1995.

¹³²“Understanding Burundi as it Implodes Again,” Barbara Crosette, PassBlue, December 19, 2015.

¹³³Molenaers, Rufyikiri and Vandeginste (2017, 14); Jackson (2006, 23)

¹³⁴“Burundi: Government asks for recall of UN diplomat,” *The New Humanitarian*, August 30, 2006.

¹³⁵Jackson (2006)

¹³⁶UNSC (2006)

¹³⁷UNSC (2006); Basagic (2008)

government continued to deploy its procedural repertoire to resist and alter its *statebuilding contract* with BINUB, both during the negotiation and implementation phases.

7.2.6 *BINUB Negotiations*

With the promise of millions of dollars in peacebuilding aid, the Burundi Government and the U.N. finally concluded a bilateral agreement to establish a U.N. peace operation that would have the dual focus on both development, as demanded by the Burundi Government, and peacebuilding, as requested by the U.N.¹³⁸ The U.N. also agreed to change the title of the head of the mission to Executive Representative of the Secretary General (ERSG), rather than SRSG, providing another signal that BINUB was a different type of mission, as the Burundi Government demanded. UNSC Resolution 1719, which mandated the establishment of BINUB, reflected the precise wording suggested by the Burundi Government in this agreement.¹³⁹

7.2.7 *BINUB Implementation*

The Burundi Government played a central role in the implementation of BINUB's mandate. This was guided, in part, by the newly-created Joint Steering Committee, composed of the Burundian and U.N. civil servants, which oversaw the allocation of U.N. Peacebuilding Fund (PBF) aid to support projects that were jointly-directed and implemented by BINUB and the corresponding Burundian ministry.¹⁴⁰ To appease the Burundi Government, ERSG Mahmoud also required all staff to ensure that their governmental counterparts could take credit for BINUB's successes.¹⁴¹ He argued that "building national ownership takes time,

¹³⁸Houngbo and K (May 24, 2006); The negotiated agreement was signed by Ramadhan Karenga, the Burundi Minister of Information, Communication, Relations with the Parliament and Spokesman, and Gilbert Foussoun Houngbo, the U.N. Assistant Secretary General and the Director of the U.N. Development Program Regional Office for Burundi.

¹³⁹UNSC (2006)

¹⁴⁰Basagic (2008); "Deputy Secretary-General hails new monitoring, tracking mechanism for Burundi as practical, powerful tool to ensure dialogue," *United Nations Press Release*, December 5, 2007

¹⁴¹Interview, UN staff member, code 28, Bujumbura, June 25, 2009

patience and requires humility.”¹⁴² Mahmoud viewed government appropriation as essential to BINUB’s success.¹⁴³ “We have to ensure that this strategy is owned and that the Burundians define the priorities and design the projects and who implements it.”¹⁴⁴ This approach generally enabled BINUB to carry out its mission in the sectors and locations to which the Burundi Government consented;¹⁴⁵ although, this working relationship began to fall apart in the lead-up to the 2010 presidential elections.

In December 2009, the Burundi Government asked ERSG Mahmoud to leave the country, threatening to declare him *persona non grata* if he refused to go; ERSG Mahmoud complied with their wishes.¹⁴⁶ The government claimed that Mahmoud had sided with Burundi’s Independent National Electoral Commission, which Nkurunziza viewed as a threat to his continued hold on power.¹⁴⁷ In reality, Mahmoud had tried to preserve the independence of the electoral commission as the elections approached, a central component of its UNSC mandate, in the face of the Burundi Government’s increasing violence and intimidation of opposition politicians and civil society actors.¹⁴⁸

After winning the highly-contested 2010 elections, Nkurunziza’s government requested that BINUB, which had been unable to consolidate peace in the face of Burundi’s increasing violence, to leave and be replaced by an even weaker U.N. peace operation.¹⁴⁹ The U.N. complied.¹⁵⁰ The Burundi Government had used its residual rights of control over its *state-building contract* with BINUB to determine what tasks BINUB carried out, who would lead BINUB, when BINUB’s mandate ended, and, ultimately, whether BINUB fulfilled its UNSC mandate.

¹⁴²Mahmoud (2009)

¹⁴³Interviews with UN staff, including: code 1.17, Bujumbura, May 25, 2009; code 1.36, Bujumbura, June 25, 2009.

¹⁴⁴Interview with UN staff, code 62, Bujumbura, June 25, 2009

¹⁴⁵Campbell, Kayobera and Nkurunziza (2010)

¹⁴⁶HRW (2012a)

¹⁴⁷Ghoshal (2010a)

¹⁴⁸ICG (2010); UNSC (2006); Ghoshal (2010b, 20-21)

¹⁴⁹HRW (2012b)

¹⁵⁰U.N. (2010)

7.2.8 Conclusion

As the cases of ONUB and BINUB demonstrate that both Chapter VII and Chapter VI missions, respectively, can operate as *statebuilding contracts*. The Burundi Government used its procedural repertoire to determine what these missions could do, when they could do it, who led them, and even where they operated on Burundi's territory. This case demonstrates that even a highly aid-dependent country with weak state capacity and escalating violent conflict is able to use its authority over incomplete contracts to shape the form and function of U.N. peace operations, helping to determine when they succeed and when they fail.

8 CONCLUSION

IO statebuilding scholarship largely assumes that post-conflict states are passive recipients of international statebuilding efforts over which they have little control.¹⁵¹ Building on literature that highlights the authority and agency of post-conflict and African states,¹⁵² we argue that seemingly weak post-conflict states shape IO statebuilding, but we also go beyond existing work by theorizing about how *statebuilding contracts* that give post-conflict states residual rights of control over the unnegotiated components of the contract empower these states. It is through these incomplete contracts that even seemingly weak post-conflict states can influence the IO's mandate, where it implements its activities, whom the IO hires, and when it withdraws.

The procedural repertoire through which host states use their authority appear to be banal and procedural, but they provide a primary source of power over IOs operating on their territory. IOs are likely to accept this host-state resistance, without "holding-up" the

¹⁵¹Krasner (2004b); Chandler (2006); Krasner and Risse (2014); exceptions include: Johnstone (2011), Duursma (2020).

¹⁵²Englebert and Tull (2008); Mukhopadhyay (2014); Barma (2016); Cheng (2018); Bayart (1993)

contract,¹⁵³ because IO member states have been tasked to pursue their liberal statebuilding aims.¹⁵⁴ We test our argument using a multi-method research design that investigates our posited mechanism in case studies (Timor-Leste, Burundi, and Guatemala), examines the generalizability of this mechanism among the full population of cases within our scope conditions, and investigates changes in U.N.-Security-Council support for host-state authority using text analysis.¹⁵⁵

This article contributes to the international statebuilding literature by demonstrating that post-conflict governments actively shape the IO statebuilding effort at all stages via statebuilding contracts, challenging the common assumption that post-conflict states lack the capacity or authority to engage in their own statebuilding. In addition, this article brings the recipient state back into the discussion of global governance. The global governance literature largely views delegation of sovereignty as something that happens at the global level, arguing that states delegate sovereignty to IOs and then attempt to exercise preference control through shared decision-making processes within the IO.¹⁵⁶ We show that another avenue through which states can reclaim their delegated sovereignty: the residual rights of control over the unspecified components of an incomplete *statebuilding contract*. In so doing, we contribute to a growing strand in the literature that investigates the hierarchical underpinnings of theories of global governance.¹⁵⁷

Our investigation of the authority available to host states via *statebuilding contracts* also points to several additional avenues for research. Future research could investigate variation among contracts, examining whether different types, and different implementation strategies and capacities, elicit variation in the host-state response. New research could also examine variation in host-state responses to *statebuilding contracts* and how these responses change

¹⁵³Hart and Moore (1999)

¹⁵⁴Easterly (2006); Bush (2015); Natsios (2011)

¹⁵⁵Gerring (2006); Grimmer and Stewart (2013); Goertz (2017)

¹⁵⁶Nielson and Tierney (2003); Koremenos, Lipson and Snidal (2001); Hawkins and et al (2006); Lake (2007)

¹⁵⁷Acharya (2017); Tourinho (2021)

with the characteristics of host-state leadership, the proximity of elections, and degree of consensus between the host state and the IO on the statebuilding activities.

Finally, our findings have significance for policies relating to international statebuilding efforts. Host-government ownership of IO statebuilding is becoming the global norm.¹⁵⁸ If the host government and IO statebuilders are committed to the same liberal statebuilding reforms, then their statebuilding contracts are likely to support these reforms. If the host government is not committed to some or all of these liberal statebuilding reforms, then the IO statebuilding effort, no matter how robust, is unlikely to contribute to these aims. Only by accounting for the full range of procedural tactics available to the host government can international policymakers and practitioners accurately assess the need for an feasibility of international statebuilding in post-conflict states.

¹⁵⁸UN Advisory Group of Experts (2015); Aning and Okyere (2016)

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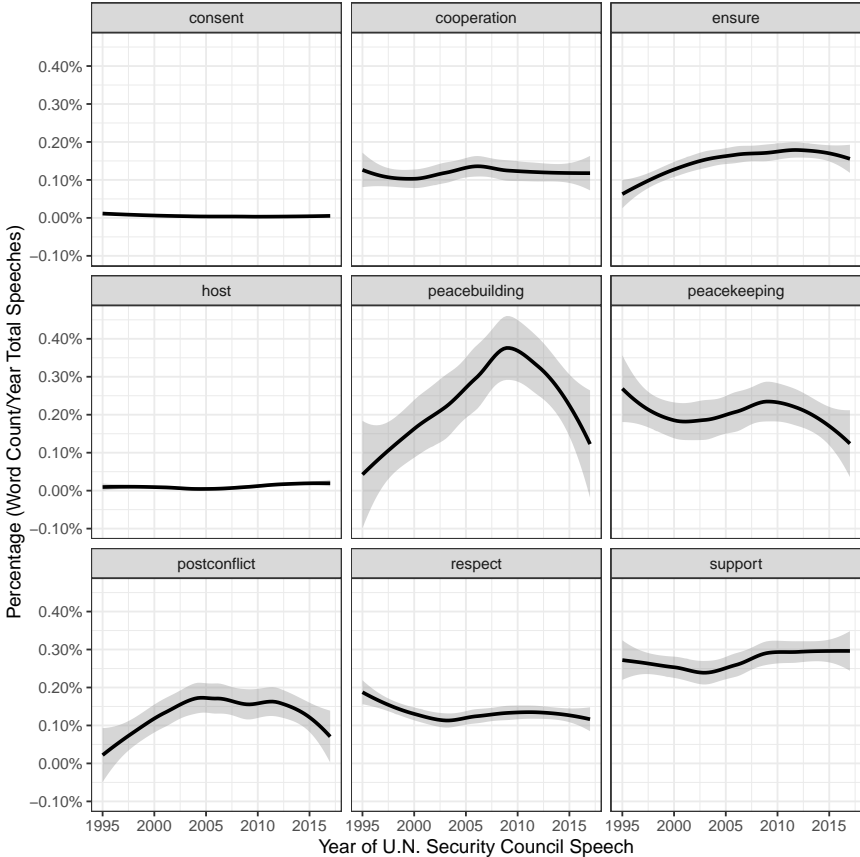
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A APPENDIX

A.1 Word Frequency Analysis of UNSC Speeches

Figure 3: Percent Word Frequency in UNSC Speeches Containing “Conflict”



Note: Figures depict the frequency of occurrence of terms “consent,” “cooperation,” “ensure,” “host,” “peacebuilding,” “peacekeeping,” “postconflict,” “respect,” and “support” in 39,271 UNSC Speeches between 1995 and 2017 that also contain the word “conflict.” Lines smoothed using the LOESS method.

A.2 Indicative Quotes Using “Support” and “Cooperation” from UNSC Speeches Made in 2017

Below, we provide indicative quotes from UNSC speeches in 2017 related to the Afghanistan peace process and the U.N. Assistance Mission for Afghanistan (UNAMA), a Chapter VII peacekeeping operation.¹⁵⁹ The country of the speaker precedes the quote.

Kazakhstan: “Let me once again reiterate our full **support** for the government and the people of Afghanistan in achieving lasting peace and reconciliation, and offering solidarity with their aspirations for progress and prosperity.”

Uruguay: “Uruguay reaffirms its **support** for the Government of Afghanistan, as well as for a peaceful, Afghan-led resolution to the conflict.”

Germany: “We fully **support** a credible, comprehensive and inclusive political process....We continue to **support** the Afghan Police.”

Russia: “It is Kabul that should play the principal role in [launching] that [national reconciliation] process, but the international partners providing external **support** for it should **cooperate** on an equal basis and take into account the national interests of every country in the region, without exception.”

Afghanistan: “Collectively, we should seize this opportunity to strengthen consensus and partnership, in a spirit of **cooperation** to buttress Afghanistan’s rightful status as an asset and platform of cordiality for all. . .”

¹⁵⁹Schoenfeld and et al (2019)

Below, we provide additional indicative quotes from UNSC speeches in 2017 related to the United Nations Support Mission in Libya, a Chapter VI peace operation. The country of the speaker precedes the quote.

U.N. SRSG Salame: “In any case, any efforts to forge a solution must be Libyan led and Libyan owned. The United Nations is here to **support** them in their endeavours and certainly not to replace them. We will in particular work with them to promote the rapid reunification of their political and financial institutions.”

Senegal: “Therefore, the implementation of the action plan proposed by Mr. Salame deserves to be **supported**, while also taking advantage of the better coordination of numerous initiatives for the resumption of internal dialogue and Libya’s geopolitical situation. That is why the work of UNSMIL, which has been led in an outstanding manner by Mr. Salame on the ground, is essential and deserves our full **support**.”

China: “China **supports** the efforts of Libya to safeguard its national security and stability, and hopes that the Libyan parties will strengthen their dialogue, set aside their differences, and continue to **cooperate** in areas of common interest to the Libyan people, such as fighting terrorism and accelerating economic development.”

A.3 Universe of Cases: U.N. post-conflict statebuilding missions from 2000 to 2020

The tables on the following seven pages present at least one procedural tactic per U.N. post-conflict statebuilding mission between 2000 and 2020, which constitute the universe of cases that fall within our scope conditions.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1	Universe of Cases: U.N. post-conflict statebuilding missions from 2000 to 2020													
2	Country	Mission Name	Mission Acronym	Mission Years	Year of Incident	Type of Procedural Tactic	Description of the Procedural Tactic	Indicative Quote	Source	Statebuilding Arrangement	Type of mission	UN Chapter	State capacity ¹	Average Net ODA per capita ²
3	Afghanistan	United Nations Special Mission in Afghanistan	UNSMIA	1993-2001	2001	Tactic 3: Who	Taliban officials harassed, arrested, and physically abused UN staff. They would not issue visas to staff who would not sign a contract to follow Taliban rules.	"The United Nations Coordinator reported increased interference by Taliban officials in the work of United Nations personnel, indicating that some United Nations staff had been arrested and even physically abused by the Taliban. The Information Ministry announcement indicated that foreigners, including aid workers, must sign a contract agreeing to abide by Taliban rules before they can be issued a work visa, which would substantially subject them to Islamic laws applying to Afghans and expose them to similar corporal and capital punishment."	"Situation of human rights in Afghanistan (A/56/409)." Sep 21 2001. UN General Assembly. https://reliefweb.int/report/afghanistan/situation-human-rights-afghanistan-a56409	Statebuilding Contract	DPPA	Chapter VI	-2.18	10.25
4	Afghanistan	United Nations Special Mission in Afghanistan	UNSMIA	1993-2001	2001	Tactic 2: Where	Taliban officials forced the closure of four regional offices, forced the relocation of the Kabul office, and tried to threaten other offices into closing or relocating.	"My Personal Representative was obliged to direct many of his endeavours towards preventing, or at least postponing, the threatened closure by the Taliban of the Mission's offices in Afghanistan. The four regional offices in Taliban-held areas were eventually forced to close in mid-May. Another issue to which Mr. Vendrell devoted considerable time was the forced relocation in July of the Mission's premises in Kabul following the repossession of its compound by the Deputy Chairman of the Taliban Council of Ministers, Hassan Akhund, for his personal use."	"The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General (A/56/681-S/2001/1157)." December 6, 2001. UN Security Council. https://reliefweb.int/report/afghanistan/situation-afghanistan-and-its-implications-international-peace-and-security-8	Statebuilding Contract	DPPA	Chapter VI	-2.18	10.25
5	Afghanistan	United Nations Assistance Mission for Afghanistan	UNAMA	2002-present	2007	Tactic 3: Who	Afghanist officials asked one UNAMA official to leave the country.	"Afghanistan has asked two foreign officials, a Briton and an Irishman, to leave the country for 'activities incompatible with their mandate,' apparently for contacts with Taliban insurgents, official Afghan and diplomatic sources said on Tuesday. The two foreigners are of 'British nationality and the other holder of an Irish passport,' said a spokesperson for the United Nations office in Afghanistan (UNAMA). One is an employee of UNAMA and the other of the European Union, according to European and UN diplomatic sources."	"Persona non grata en Afghanistan: l'UE espère une 'solution rapide'." Agence France Presse. December 25, 2007 mardi. https://advance.lexis-com.proxyau.wric.org/app/document?collection=news&id=urn:contentItem:4WF9-32W0-TWMD-5199-0000-00&context=1516831	Statebuilding Contract	DPPA	Chapter VII	-1.57	141.67
6	Afghanistan	United Nations Assistance Mission for Afghanistan	UNAMA	2002-present	2007	Tactic 2: Where	Taliban officials made it difficult for UNAMA to reach populations in need by harassing and abusing UN staff members and by requiring male escorts for Muslim women to be able to meet with foreign workers.	"In July the Taliban issued a decree formalizing restrictions on the activities of foreigners. That decree, inter alia, reconfirms the requirement for female Muslim foreign workers to be accompanied by a mahram (male escort) and seemingly prevents foreign workers from meeting with or interviewing Afghan women...United Nations staff and aid project managers have frequently been subjected to coercion and abusive behaviour by the Taliban authorities. As a consequence of those restrictive measures and actions, aid organizations have found it increasingly difficult to reach populations in need, in particular women."	"The situation in Afghanistan and its implications for international peace and security: Report of the Secretary-General (A/55/1028-S/2001/789)." Aug 17, 2001. UN Security Council. https://reliefweb.int/report/afghanistan/situation-afghanistan-and-its-implications-international-peace-and-security-7	Statebuilding Contract	DPPA	Chapter VII	-1.57	141.67
7	Bosnia and Herzegovina	United Nations Mission in Bosnia and Herzegovina	UNMIBH	1995-2002	2001	Tactic 3: Who	Bosnian political leaders threatened the UNMIBH's Mission's international Police Task Force (PTF) over the choice of the new director of police.	"The Mission's International Police Task Force (IPTF) is led by Commissioner Vincent Coeurderoy." But "certain Bosnian political leaders, who reject the possibility of a Croat being Director of Police, have recently threatened IPTF personnel, including the Commissioner, and have sought to undermine and remove the Interim Director and his (also Bosnian-Croat) Deputy Minister, who have made considerable strides in reintegrating Bosnian and Croat officers and reorganizing the Ministry."	Report of the Secretary-General on the UN Mission in Bosnia and Herzegovina - Bosnia and Herzegovina. (2001, June 8). ReliefWeb. https://reliefweb.int/report/bosnia-and-herzegovina-report-secretary-general-un-mission-bosnia-and-herzegovina-0	Statebuilding Contract	Peacekeeping	Chapter VII	-1.19	226.61
8	Burundi	United Nations Operation in Burundi	ONUB	2004-2006	2006	Tactic 1: What	The Burundian government notified the UN that it wanted ONUB to withdraw and for the UN to prioritize development, not peacekeeping or peacebuilding. In the negotiations, the Burundian Government insisted that BINUB be a political mission, or one without any peacekeeping troops.	"It was their [members of the Government of Burundi] general view that security had been restored in most areas of the country, and that international support, including that of the United Nations, should now be particularly focused on assisting in institutional capacitybuilding and supporting recovery, reconstruction and development. Consequently, the Government indicated that it favoured an early withdrawal of the ONUB military component, while acknowledging the important role ONUB could continue to play in support of the Government's efforts in other critical areas. A joint Government of Burundi-ONUB technical working group held extensive consultations in Bujumbura from 4 to 14 November to consider the nature of the support that ONUB could provide in the next phase. The major challenges in consolidating peace were discussed and ONUB and other United Nations partners highlighted all the areas related to the Mission's mandate in which its support might continue to be very useful. However, the Government indicated its strong preference for an early disengagement by ONUB in the areas of the military and police. With regard to other areas, the Burundian authorities felt that they should be progressively assumed by the United Nations country team and other international partners during 2006."	"Fifth Report of the Secretary-General on the United Nations Operation in Burundi." November 21, 2005. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/609/25/PDF/N0560925.pdf?openElement	Statebuilding Contract	DPPA	Chapter VII	-1.10	61.93
9	Burundi	United Nations Operation in Burundi	ONUB	2004-2006	2006	Tactic 3: Who	The Burundian government was also adamant that the Special Representative of the Secretary-General (SRSG) who had led ONUB, Carolyn McAskie, be removed from her post in Burundi. To avoid formally being declared persona non grata by the Burundian government, SRSG McAskie left Burundi in April 2006.	"The government has also compelled three successive heads of the UN mission in Burundi to leave: Carolyn McAskie and Nureldin Satti in 2006, and Youssef Mahmoud in December 2009.(182) The government claimed that Mahmoud, who was widely known for his evenhandedness in fostering the peace process and the opening of political space in Burundi, was too close to the opposition. His expulsion came shortly after the UN Group of Experts on the Democratic Republic of Congo, an entity separate from BINUB, released a report linking Burundian officials to the illegal arms and minerals trade in eastern Democratic Republic of Congo."	"Closing Doors? The Narrowing of Diplomatic Space in Burundi." November 23, 2010. Human Rights Watch. https://www.hrw.org/report/2010/11/23/closing-doors/narrowing-democratic-space-burundi	Statebuilding Contract	DPPA	Chapter VII	-1.10	61.93
10	Burundi	United Nations Operation in Burundi	ONUB	2004-2006	2006	Tactic 3: Who	After the former SRSG McAskie left Burundi in April 2006 to avoid being declared persona non grata, her deputy, Nureldin Satti, took over as acting SRSG until August 2006 when the Burundian government declared him persona non grata.	"The government of Burundi, faced with accusations of human-rights abuses, has asked the United Nations to recall its acting special representative in the country, Nureldin Satti...Batumbwira said the request to recall Satti had begun several months ago. "It doesn't have anything to do with the current situation, with the attempted coup plot," she said. However, Satti has been raising questions about the government's recent actions over the alleged coup plot. On 11 August, following a meeting with the government, Satti issued a statement in which he said, "We will see to it that all rights are respected and that all current procedures are in accordance with the laws and constitution of Burundi..."	"Burundi: Government asks for recall of UN diplomat." August 30, 2006. The New Humanitarian. https://reliefweb.int/report/burundi/burundi-government-asks-recall-un-diplomat	Statebuilding Contract	DPPA	Chapter VII	-1.10	61.93
11	Burundi	United Nations Integrated Office in Burundi	BINUB	2006-2014	2009	Tactic 3: Who	The Burundian government asked Executive Representative of the Secretary General (ERSG) Youssef Mahmoud to leave the country, threatening to declare him persona non grata if he refused to go. They claimed he had sided with Burundi's Independent National Electoral Commission instead of the government.	"The government has also compelled three successive heads of the UN mission in Burundi to leave: Carolyn McAskie and Nureldin Satti in 2006, and Youssef Mahmoud in December 2009.(182) The government claimed that Mahmoud, who was widely known for his evenhandedness in fostering the peace process and the opening of political space in Burundi, was too close to the opposition. His expulsion came shortly after the UN Group of Experts on the Democratic Republic of Congo, an entity separate from BINUB, released a report linking Burundian officials to the illegal arms and minerals trade in eastern Democratic Republic of Congo."	"Closing Doors? The Narrowing of Diplomatic Space in Burundi." November 23, 2010. Human Rights Watch. https://www.hrw.org/report/2010/11/23/closing-doors/narrowing-democratic-space-burundi	Statebuilding Contract	DPPA	Chapter VI	-1.10	61.93
12	Burundi	United Nations Office in Burundi	BNUB	2011-2014		Tactic 3: Who	Burundi denied UN officials access to the country, declared members of the Commission on Inquiry on Burundi persona non grata, opposed dialogue with the Commission, rejected the Commission's report on human rights as biased.	"The Committee deplored Burundi's increased lack of co-operation with the international community and called on the Government to re-engage with the UN Human Rights Office."	"Denial of access and lack of cooperation with UN bodies will not diminish scrutiny of a State's human rights record - Human Rights Council 35th session: Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights." June 6, 2017. UN Human Rights Council/ UN Office of the High Commissioner for Human Rights. https://reliefweb.int/report/world/denial-access-and-lack-cooperation-un-bodies-will-not-diminish-scrutiny-states-human	Statebuilding Contract	DPPA	Chapter VI	-1.06	57.88
13	Burundi	Special Envoy in Burundi	Special Envoy	2016-present	2020	Tactic 3: Who	UN Human Rights Office and WHO not permitted to enter the country. Burundi shut down the country's United Nations Human Rights Office in early 2019. A UN-mandated Commission of Inquiry on Burundi has never been given access to the country, despite repeated requests.	"Burundi refuses to cooperate with international and regional human rights mechanisms and shut down the country's United Nations Human Rights Office in early 2019. A UN-mandated Commission of Inquiry on Burundi has never been given access to the country, despite repeated requests."	"A Perfect Storm is Brewing in Burundi." May 14, 2020. Human Rights Watch. https://reliefweb.int/report/burundi/perfect-storm-brewing-burundi	Statebuilding Contract	DPPA	Chapter VI	-1.10	57.29
14	Central African Republic	United Nations Integrated Peacebuilding Office in the Central African Republic	BINUCA	2009-2014	2011-2012	Tactic 1: What	State security forces attacked humanitarian workers and convoys, preventing humanitarian activities.	"Attacks on humanitarian workers and convoys and the looting of supplies and assets continue to threaten humanitarian activities in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen. State security forces, non-State armed groups and criminal groups have all been implicated in these kinds of incidents."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/full_report_4150.pdf	Statebuilding Contract	DPPA	Chapter VII	-1.41	68.30

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Country	Mission Name	Mission Acronym	Mission Years	Year of Incident	Type of Procedural Tactic	Description of the Procedural Tactic	Indicative Quote	Source	Statebuilding Arrangement	Type of mission	UN Chapter	State capacity ¹	Average Net ODA per capita ²
2	Central African Republic	United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic	MINUSCA	2014-present	2020	Tactic 3: Who	The Central African Republic declared three UN officials persona non grata and requested that they leave the country.	"Some 2,000 people 17 Feb demonstrated in front of UN offices in capital Bangui to demand departure of three senior MINUSCA officials over allegations of collusion with armed groups; govt next day declared same officials persona non grata and requested that MINUSCA transfer them out of country."	"Tracking Conflict Worldwide." February 2020. Crisis Group. https://www.crisisgroup.org/index.php?qr=crisiswatch/databas&location=58%5D&date_range=last_12_months&from_mnth=01&from_year=2016&to_mnth=01&to_year=2016	Statebuilding Contract	Peacekeeping	Chapter VII	-1.85	121.75
15	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2007	Tactic 1: What	The Government of Chad requested specific MINURCAT activities and shaped how the mission operated.	"During the delegation's visit to Chad, Government representatives expressed a desire for the prompt deployment of a civilian United Nations mission, as a first step towards addressing urgent security concerns, particularly with respect to the refugee camps in eastern Chad. They also indicated that a United Nations military presence was not favoured by the Chadian Government, although it could eventually be discussed as a second phase of a United Nations deployment...the head of the United Nations delegation met with President Bozize, who reiterated his appeal for a strong international commitment in support of the efforts of the Central African Republic to bring peace and stability to the country. He also confirmed his request for a peacekeeping presence to be deployed in the north-eastern part of the country, in order to secure the tri-border area in conjunction with FACA, and underlined that insecurity in Vakaga prefecture was directly linked to the conflict in Darfur."	"Report of the Secretary-General on Chad and the Central African Republic." United Nations Security Council. August 10, 2007. https://minurcat.unmissions.org/sites/default/files/old_dnn/SG%20Report%2019%20August%202007.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
16	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2008	Tactic 4: When	The Government of Chad and Central African Republic delayed signing a memorandum of understanding with MINURCAT, which delayed the mission in training police officers and gendarmes as well as implementing other security activities.	"A number of challenges affect the full deployment of United Nations police and DIS officers, the greatest being the absence of infrastructure for office and living space, inadequate logistical support for the training facilities and delays in refurbishing of the National Police Academy. Limited ground and air transportation also represent a challenge in the face of the upcoming rainy season. Other issues have been the absence of a legal framework establishing DIS, which is linked to the delay in signing the memorandum of understanding between the Government of Chad and MINURCAT on DIS, and the delay in selecting the first batch of 220 police officers and gendarmes that will integrate with DIS."	"Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad." United Nations Security Council. July 8, 2008. https://minurcat.unmissions.org/sites/default/files/old_dnn/SG%20Report%208%20July%202008.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
17	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2008	Tactic 1: What	The Government of Chad requested that the mission increase the number of security personnel beyond what had been initially proposed by the mission. The Government also delayed signing the necessary presidential decree to allow the military component of the mission to operate in eastern Chad.	"MINURCAT will continue to support the establishment of DIS. The Government of Chad has requested that the total strength of DIS be raised from 850 to some 1,700 elements. The Department of Peacekeeping Operations will examine this request on the basis of lessons learned and a needs assessment mission after the first elements of DIS have been deployed. It is therefore critical that the presidential decree enabling the deployment of DIS to eastern Chad be issued at the earliest possible date. An expanded area of operations of DIS may necessitate a review of the concept of operations of the proposed United Nations military force in order to ensure that the force has the capability to ensure the security of United Nations police deployed to monitor and provide on-the-job training for DIS elements. It may also necessitate the expanded deployment of human rights, rule of law and civil affairs elements of the Mission."	"Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad." United Nations Security Council. September 12, 2008. https://minurcat.unmissions.org/sites/default/files/old_dnn/SG%20Report%2012%20September%202008.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
18	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2008	Tactic 1: What	The Central African Republic Government requested that the mission take on military activities from an EU-led mission to address cross-border violence from Darfur.	"During its visit to Bangui, the United Nations-European Union team met an inter-ministerial committee chaired by the Prime Minister. On that occasion, representatives of the Government requested that the United Nations take over from EUFOR (European Union-led military force in Chad and the Central African Republic) in order to address possible cross-border violence from Darfur."	"Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad." United Nations Security Council. September 12, 2008. https://minurcat.unmissions.org/sites/default/files/old_dnn/SG%20Report%2012%20September%202008.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
19	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2008	Tactic 1: What	The Government of Chad requested that MINURCAT provide more support for internally displaced person and to address the crisis in Darfur.	"In Chad, President Deby agreed to the deployment of a United Nations follow-on operation, including a military component, to replace EUFOR. The President recognized that further progress was required in the implementation of the 13 August agreement and noted that the European Union and UNDP were assisting the Government to that end. In that regard, President Deby requested that the United Nations follow-on presence remain within the framework provided under Security Council resolution 1778 (2007) to address the spillover of the Darfur crisis and help create conditions conducive to the return of refugees and internally displaced persons. President Deby called for greater support for the internally displaced and an increase in the MINURCAT presence at the sites. The President also appealed to the international community to address the causes and consequences of the Darfur crisis."	"Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad." United Nations Security Council. September 12, 2008. https://minurcat.unmissions.org/sites/default/files/old_dnn/SG%20Report%2012%20September%202008.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
20	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2007-2010	Tactic 1: What	In response to host government requests and expectations, MINURCAT took on additional projects that were difficult or impossible within the context and shifted its mandate to provide a level of support to the security services that it believed would be difficult for the host governments to sustain.	"Furthermore, the establishment of MINURCAT was characterized by a discrepancy between the expectations and requests of the host Government and the actual structure and purpose of the Mission. In order to address the Government's reservations about an operation whose mandate was not in accordance with its wishes and objectives, the Mission resorted to a number of coping and mitigating strategies. These included committing to substantial projects that at times proved difficult, or even impossible, to carry out, thereby further undermining the trust and confidence of the host Government. In addition, MINURCAT, both before and after the establishment of its military component, invested heavily in DIS (Détachement intégré de sécurité) with a view to its assumption of a portion of the security responsibilities entrusted to the international military forces the deployment of which faced delays. Finally, the Mission agreed to provide, within existing resources, a level of support to DIS that will be difficult to sustain after the departure of MINURCAT."	"Report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad." United Nations Security Council. December 1, 2010. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2010/611	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
21	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2010	Tactic 1: What	The government of Chad requested that the military component of the mission withdraw.	"The government of Chad has told the United Nations that it would like to see peacekeepers leave the country in the next few months...Chad's U.N. Ambassador Ahmad Aillam-mi told reporters Wednesday that his country would like the peacekeepers to drawdown or leave completely, but that N'Djamena was willing to keep on about a thousand international and local civilian staff...U.N. Humanitarian Chief John Holmes said withdrawing MINURCAT too soon could have serious humanitarian consequences. "We want MINURCAT to stay, and we want them to stay with their full complement. Because we think they are very important for the safety and security of the people in the camps, the civilians in general, and for the humanitarian operation. So we are very concerned by the prospect of withdrawal," he said."	Chad Wants UN to Withdraw Mission. February 16, 2010. Voice of America. https://www.voanews.com/africa/chad-wants-un-withdraw-mission	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
22	Central African Republic and Chad	United Nations Mission in the Central African Republic and Chad	MINURCAT	2007-2010	2010	Tactic 4: When	At the request of the Chadian government, MINURCAT ended its mandate.	"MINURCAT completed its mandate on 31 December 2010, in accordance with Security Council resolution 1923 (2010) and at the request of the Chadian Government, which had pledged full responsibility for protecting civilians on its territory."	"Closure of MINURCAT." https://minurcat.unmissions.org/milestones-and-achievements	Statebuilding Contract	Peacekeeping	Chapter VII	-1.54/-1.63	54.72/40.71
23	Côte d'Ivoire	United Nations Operations in Côte d'Ivoire	UNOCI	2004-2011	2011	Tactic 1: What	When an opposition leader won, the government restricted UN actions with violent attacks, new restrictive legislation, and misinformation campaigns.	"Forces loyal to Gbagbo have unleashed a systematic campaign of harassment that has severely diminished the U.N. mission's capacity to protect civilians in this West African country, according to internal U.N. documents obtained by Turtle Bay. An assortment of pro-Gbagbo regular army forces, youth militia, foreign mercenaries and special forces have blocked U.N. food and fuel deliveries, torched vehicles, heaved Molotov cocktails at U.N. installations, shot and kidnapped UN peacekeepers."	"Laurent Gbagbo's guide to crippling a U.N. peacekeeping mission." April 2, 2011. Foreign Policy. https://foreignpolicy.com/2011/04/02/laurent-gbagbos-guide-to-crippling-a-un-peacekeeping-mission/	Statebuilding Contract	Peacekeeping	Chapter VII	-1.26	44.03
24	Democratic Republic of the Congo (DRC)	United Nations Organization Mission in the Democratic Republic of the Congo	MONUC	2000-2010	2000	Tactic 1: What	Although the MONUC force commander arrived in DRC in April 2000, the DRC Government did not authorize MONUC to deploy observers to monitor the Lusaka Ceasefire Agreement.	"...a summit of the Southern African Development Community (SADC) was convened in Windhoek on 7 August with a view to discussing, among other issues, ways and means to overcome the difficulties encountered in the implementation of the agreement...The summit, which ended in the early hours of 15 August after some 38 hours of continuous discussion, failed to make any progress on [these] issues...principally because of the reluctance of the Government of the Democratic Republic of Congo to allow the deployment of MONUC troops to the government-controlled territory and to accept Sir Ketumile Masire as the neutral facilitator."	"Fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo." September 21, 2000. United Nations Security Council. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/888	Statebuilding Contract	Peacekeeping	Chapter VII	-1.88	32.85
25	Democratic Republic of the Congo (DRC)	United Nations Organization Mission in the Democratic Republic of the Congo	MONUC	2000-2010	2000	Tactic 3: Who	The Congolese Government objected to Sir Ketumile Masire as the neutral facilitator appointed by the Lusaka Agreement.	"...a summit of the Southern African Development Community (SADC) was convened in Windhoek on 7 August with a view to discussing, among other issues, ways and means to overcome the difficulties encountered in the implementation of the agreement...The summit, which ended in the early hours of 15 August after some 38 hours of continuous discussion, failed to make any progress on [these] issues...principally because of the reluctance of the Government of the Democratic Republic of Congo to allow the deployment of MONUC troops to the government-controlled territory and to accept Sir Ketumile Masire as the neutral facilitator."	"Fourth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo." September 21, 2000. United Nations Security Council. https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2000/888	Statebuilding Contract	Peacekeeping	Chapter VII	-1.88	32.85
26	Democratic Republic of the Congo (DRC)	United Nations Organization Mission in the Democratic Republic of the Congo	MONUC	2000-2010	2003	Tactic 3: Who	DRC declared the Office for the Coordination of Humanitarian Affairs' (OCHA) representative in Ituri persona non grata, suggesting the reason was that they attempted to lobby for the release of a relief worker.	"The north-eastern part of the country, following the change of control in Bunia in August 2002, became once again the most dire place in DRC for civilians, as well as for basic, operational humanitarian efforts. Office for the Coordination of Humanitarian Affairs' (OCHA) representative in Ituri was declared persona non grata after attempting to plead for the release of a relief worker."	"Consolidated Inter-Agency Appeal for the Democratic Republic of the Congo 2003: Mid-Year Review." June 3, 2003. UN Office for the Coordination of Humanitarian Affairs. https://reliefweb.int/report/democratic-republic-congo/consolidated-inter-agency-appeal-democratic-republic-congo-2003-mid	Statebuilding Contract	Peacekeeping	Chapter VII	-1.88	32.85
27	Democratic Republic of the Congo (DRC)	United Nations Organization Mission in the Democratic Republic of the Congo	MONUC	2000-2010	2004	Tactic 2: Where	DRC prevented MONUC from accessing a uranium mine after it collapsed and killed several miners.	"A team from the UN mission in the Democratic Republic of the Congo (DRC), known by its French acronym MONUC, was prevented on Friday from accessing the site of a uranium mine in Shinkolobwe - in the southeastern province of Katanga - where several miners were killed or injured when the mine collapsed on 8 July, a MONUC spokesman told IRIN."	"UN mission denied access to collapsed uranium mine." 21 July 2004. The New Humanitarian. https://www.thenewhumanitarian.org/report/50751/drc-un-mission-denied-access-collapsed-uranium-mine	Statebuilding Contract	Peacekeeping	Chapter VII	-1.88	32.85

Electronic copy available at: <https://ssrn.com/abstract=3813907>

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
	Country	Mission Name	Mission Acronym	Mission Years	Year of Incident	Type of Procedural Tactic	Description of the Procedural Tactic	Indicative Quote	Source	Statebuilding Arrangement	Type of mission	UN Chapter	State capacity ¹	Average Net ODA per capita ²
2	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2014	Tactic 3: Who	DRC restricted access for UN officials and there was violence against UN officials. DRC expelled the UNHRO director after a report documenting the government's human rights violations.	"The decision to declare Scott Campbell, the director of the UN Joint Human Rights Office (UNJHRO), persona non grata, or "unwelcome person", was initially made public by the Ministry of the Interior on Thursday, a day after the release of a UN report detailing serious human rights violations by Congolese security forces, for which the Ministry is responsible."	"DR Congo: UN rights chief condemns government's decision to expel envoys" October 19, 2014. UN News Service. https://reliefweb.int/report/democratic-republic-congo/dr-congo-un-rights-chief-condemns-governments-decision-expel-envoy	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
29	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2011	Tactic 3: Who	DRC either delayed or refused visas for some UN personnel.	"In the Democratic Republic of the Congo...humanitarian activities are significantly hampered by the denial of visas or delays in their issuance to international experts."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
30	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2011-2012	Tactic 1: What; Tactic 2: Where	Local authorities harassed and extorted UN personnel, which resulted in the closure of some offices.	"In the Democratic Republic of the Congo...attempts by both local authorities and non-State groups to extort funds or appropriate assets from humanitarian actors have resulted in routine harassment, leading in some cases to the closure of offices of humanitarian organizations or the detention of staff. Demands for payment can involve tens of thousands of dollars per agency and are often made outside of official channels. When such fees were not paid or local authorities and humanitarian actors disagreed about operational requirements, humanitarian projects have been shut down by the authorities."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
31	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2011-2012	Tactic 1: What	State security forces attacked humanitarian workers and convoys, preventing humanitarian activities.	"Attacks on humanitarian workers and convoys and the looting of supplies and assets continue to threaten humanitarian activities in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen. State security forces, non-State armed groups and criminal groups have all been implicated in these kinds of incidents."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
32	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2011-2012	Tactic 1: What	State security forces attacked humanitarian workers and convoys, preventing humanitarian activities.	"Attacks on humanitarian workers and convoys and the looting of supplies and assets continue to threaten humanitarian activities in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen. State security forces, non-State armed groups and criminal groups have all been implicated in these kinds of incidents."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_4150.pdf	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
33	Democratic Republic of the Congo (DRC)	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo	MONUSCO	2010-present	2017	Tactic 2: Where	The DRC government restricted peacekeepers' access to areas where their forces had targeted civilians.	"Government forces have targeted civilians, including women and children, resulting in numerous deaths in central Congo this week and are restricting United Nations peacekeepers' access to the area, the country's U.N. mission said on Saturday."	"Congo forces targeting civilians, denying peacekeepers access UN" March 30, 2017. Reuters. https://www.reuters.com/article/us-congo-violence-un-idUSKBN16P0EJ	Statebuilding Contract	Peacekeeping	Chapter VII	-1.74	40.61
34	Guatemala	International Commission Against Impunity in Guatemala	CIIG	2007-2019	2017	Tactic 3: Who	Guatemala expelled the UN head of CIIG.	"...after the decision of Guatemalan President Jimmy Morales to declare Iván Velásquez, the head of the International Commission against Impunity in Guatemala (CIIG), and order him expelled from the country."	"CIDH publica resolución sobre derechos humanos, impunidad y corrupción" September 12, 2017. https://reliefweb.int/report/world/cidh-publica-resolucion-sobre-derechos-humanos-impunidad-y-corrupcion	Statebuilding Contract	DPPIA	Chapter VI	-0.55	26.29
35	Guatemala	International Commission Against Impunity in Guatemala	CIIG	2007-2019	2020	Tactic 4: When	Guatemala unilaterally terminated CIIG.	"On 8 January, the Secretary-General "strongly rejected" the decision by the Government of Guatemala to unilaterally terminate the International Commission against Impunity in Guatemala, an independent body set up by the United Nations and Guatemala to investigate illegal security groups and high-level corruption in the country."		Statebuilding Contract	DPPIA	Chapter VI	-0.55	26.29
36	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	1999	Tactic 1: What	The transitional government of Guinea-Bissau requested that UNOGBIS provide international military observers to monitor the situation on the border with Guinea and Senegal.	"With regard to the border security concerns that had been raised by the authorities, members of the Council will recall that, in my report of 29 September 1999, I promised to revert to the Council regarding the recommendations of a small mission I had dispatched to Guinea-Bissau to look into the transitional Government's request for international military observers to monitor the situation along the borders with Guinea and Senegal and provide a measure of confidence among the population during the electoral period."	"Report of the Secretary-General on Developments in Guinea-Bissau and on the Activities of the United Nations Peacebuilding Support Office in that Country." United Nations Security Council, December 23, 1999. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/401/16/pdf/N9940116.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
37	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	1999	Tactic 1: What	Government officials asked that UNOGBIS coordinate election observation with 88 observers from 19 countries.	"At the request of the Government, UNOGBIS coordinated international observation of the elections, with the participation of 88 short-term observers drawn from the following 19 countries, invited by the Government: Angola, Belgium, Benin, Canada, Cape Verde, Côte d'Ivoire, Ethiopia, the Gambia, Guinea, Mozambique, the Netherlands, the Niger, Nigeria, Portugal, Senegal, Spain, Sweden, Togo and the United States of America."	"Report of the Secretary-General on Developments in Guinea-Bissau and on the Activities of the United Nations Peacebuilding Support Office in that Country." United Nations Security Council, December 23, 1999. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/401/16/pdf/N9940116.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
38	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	1999	Tactic 1: What; Tactic 4: When	Guinea-Bissau officials requested that UNOGBIS extend its mandate beyond its original expiration of December 21, 1999.	"Members of the Council will recall that in my last report (S/1999/1015), I informed the Council that Guinea-Bissau's transitional Government had requested the extension of the mandate of UNOGBIS for one year, after its expiry on 31 December 1999, in order to assist Guinea-Bissau in the fragile post-electoral period; and that I should undertake to revert to the Council on the matter after consultations with the new Government that would have emerged from the elections."	"Report of the Secretary-General on Developments in Guinea-Bissau and on the Activities of the United Nations Peacebuilding Support Office in that Country." United Nations Security Council, December 23, 1999. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/401/16/pdf/N9940116.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
39	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	2001	Tactic 1: What	The Government of Guinea-Bissau requested that UNOGBIS organize a seminar on the revision of the Constitution.	"Despite the troubling climate of tension, Guinea-Bissau continues with its efforts to consolidate its fragile democratization process. The National Assembly, which resumed its annual session on 28 February 2001, has focused its debates on the revision of the Constitution to bring it into line with the norms of a democratic society. To facilitate these debates, UNOGBIS, at the request of the Assembly, organized a seminar on the revision of the Constitution from 12 to 15 February 2001."	"Report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Peacebuilding Support Office in that country." United Nations Security Council, March 16, 2001. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N01/288/22/pdf/N0128822.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
40	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	2002	Tactic 1: What	The Government of Guinea-Bissau requested that UNOGBIS establish an Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau.	"I welcome the work of the Ad Hoc Advisory Group of the Economic and Social Council on Guinea-Bissau, recently established at the request of the Government of Guinea-Bissau, as an innovative mechanism of cooperation between the Security Council and the Economic and Social Council on countries in a postconflict peace-building phase."	"Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country." United Nations Security Council, December 13, 2002. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N02/726/81/pdf/N0272681.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
41	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	2005	Tactic 1: What	The Government of Guinea-Bissau requested that UNOGBIS implement a fact-finding and project mission to examine the proliferation of small arms and light weapons.	"At the request of the Government of Guinea-Bissau, I dispatched a fact-finding and project development mission to Guinea-Bissau from 7 to 11 March 2005 to examine the challenge posed by the proliferation of small arms and light weapons. Working closely with the Government, UNOGBIS, the country team and relevant civil society bodies, the mission has established the operational and conceptual capacity-building needs for the national implementation of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons."	"Report of the Secretary-General on developments in Guinea-Bissau and on the activities of the United Nations Peacebuilding Support Office in that country." United Nations Security Council, March 16, 2005. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/267/58/pdf/N0526758.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
42	Guinea-Bissau	United Nations Peacebuilding Support Office in Guinea-Bissau	UNOGBIS	1999-2009	2010	Tactic 1: What	Guinea-Bissau officials requested that UNOGBIS offer support for a national commission of inquiry into the 2009 assassinations.	"Government officials also reiterated their commitment to fighting corruption and impunity and referred to the letter addressed to the Secretary-General requesting support for a national commission of inquiry into the 2009 assassinations."	"Report of the Peacebuilding Commission mission to Guinea-Bissau, 16-21 January 2010." United Nations General Assembly Security Council, February 9, 2010. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N10/235/63/pdf/N1023563.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VII	-1.26	70.82
43	Guinea-Bissau	United Nations Integrated Peacebuilding Office in Guinea-Bissau	UNIOGBIS	2010-present	2019	Tactic 1: What	Guinea-Bissau requested that UNIOGBIS provide assistance to combat drug trafficking and organized crime, including to develop a national strategic plan.	"At the request of State authorities, the United Nations will continue to provide assistance, including in the development of a national strategic plan on drug trafficking, organized crime and related threats and the functioning of an interministerial coordination mechanism."	"Developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau." Report of the Secretary-General. United Nations Security Council, August 19, 2019. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/248/33/pdf/N1924833.pdf?OpenElement	Statebuilding Contract	DPPIA	Chapter VI	-1.03	72.18

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	Country	Mission Name	Mission Acronym	Mission Years	Year of Incident	Type of Procedural Tactic	Description of the Procedural Tactic	Indicative Quote	Source	Statebuilding Arrangement	Type of mission	UN Chapter	State capacity ¹	Average Net ODA per capita ²
2	Timor-Leste	United Nations Integrated Mission in Timor - Leste	UNMIT	2006-2012	2006	Tactic 1: What	Timor-Leste requested that the UN establish a political mission in Timor-Leste after the completion of the prior mission, UNOTIL. This new mission became UNMIT.	"Following consultations with President Xanana Gusmão, I am prepared to inform Your Excellency that we agree that the current United Nations Office in Timor-Leste (UNOTIL) should come to an end on 20 May 2006. However, in view of the political consolidation, which the elections are part of, namely the planned elections for the National Parliament and Presidency in 2007, we would like to request that the United Nations consider establishing in Timor-Leste a special political office with the following components: 1. Electoral assistance to provide the government with technical and logistical support. 2. Civilian advisers. As Your Excellency is aware, while we have made continuing progress during the UNOTIL mandate, there are critical areas that remain in need of secured and steady assistance, namely, in the justice and finance sectors. 3. Timor-Leste still needs support in the area of police training. Although, this can be provided through bilateral arrangements it is important to keep United Nations involvement in the training programme. Also, in view of the forthcoming elections in 2007 and the need to ensure an enhanced dialogue and cooperation between East Timorese and Indonesian security elements in order to prevent tensions and conflicts along the border, we believe the deployment of some 15 to 20 military liaison personnel as part of the special political office would be of crucial importance."	"Letter dated 20 January 2006 from the Permanent Representative of Timor-Leste to the United Nations addressed to the Secretary-General." United Nations Security Council. January 20, 2006. https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/216/08/pdf/N0621608.pdf?OpenElement	Statebuilding Contract	Peacekeeping	Chapter VI	-1.20	142.66
82	Timor-Leste	United Nations Integrated Mission in Timor - Leste	UNMIT	2006-2012	2006	Tactic 1: What	The government decided to largely ignore UNMIT recommendations on how to improve the police and have elected to chart their own course.	"While it is easy and at times popular to pour blame on the UN, the Timorese Government has made the decision to go it alone. Enabled by growing political confidence and a massive petro-dollar fueled 450% increase in the national budget over the past three years, the Timorese Government has elected to largely ignore the UN on matters relating to the reform of the security sector. Rather it has merged the police and military under a combined Ministry of Defence and Security, so as to minimize rivalry and build confidence."	"Time for the UN to Withdraw From East Timor?" The Atlantic December 21, 2010. https://www.theatlantic.com/international/archive/2010/12/time-for-the-un-to-withdraw-from-east-timor/68334/	Statebuilding Contract	Peacekeeping	Chapter VI	-1.20	142.66
83	Yemen	Office of the Special Envoy of the Secretary-General for Yemen	OSESGY	2011-present	2011-2012	Tactic 2: Where	Security checkpoints controlled by various armed groups in Yemen impeded humanitarian access and movement.	"In 2011, hundreds of checkpoints controlled by various armed groups significantly hindered the movement of humanitarian workers in and around the capital of Yemen, Sana'a. While most were removed at the end of the year, some remain in place and continue to hamper the movement of humanitarian workers and goods."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Ful_R_eport_4150.pdf	Statebuilding Contract	DPPA	Chapter VII	-1.15	85.46
84	Yemen	Office of the Special Envoy of the Secretary-General for Yemen	OSESGY	2011-present	2011-2012	Tactic 1: What	State security forces attacked humanitarian workers and convoys, preventing humanitarian activities.	"Attacks on humanitarian workers and convoys and the looting of supplies and assets continue to threaten humanitarian activities in the Central African Republic, the Democratic Republic of the Congo, South Sudan, the Sudan and Yemen. State security forces, non-State armed groups and criminal groups have all been implicated in these kinds of incidents. For example, during the reporting period, in South Sudan at least 51 humanitarian vehicles were commandeered by soldiers for non-humanitarian purposes."	"Report of the Secretary-General on the protection of civilians in armed conflict." May 22, 2012. UN Security Council. https://reliefweb.int/sites/reliefweb.int/files/resources/Ful_R_eport_4150.pdf	Statebuilding Contract	DPPA	Chapter VII	-1.15	85.46
85	Yemen	Office of the Special Envoy of the Secretary-General for Yemen	OSESGY	2011-present	2011-2012	Tactic 3: Who	Yemen expelled a UN official, arguing that they supported the opposition.	UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on Friday urged the Government of Yemen to reverse its decision to declare his Representative in the country persona non grata, saying that it was "unwarranted, counter-productive and damaging to the reputation of the Government and its coalition partners."	"Zeid urges Yemen to reverse decision to expel top UN human rights official." January 8, 2016. UN Office of the High Commissioner for Human Rights. https://reliefweb.int/report/yemen/zeid-urges-yemen-reverse-decision-expel-top-un-human-rights-official	Statebuilding Contract	DPPA	Chapter VII	-1.15	85.46
86	State Coactiv- This column is measured by World Bank Governance Indicators for Government Effectiveness in the first year of the mission. Data is unavailable for 1997; for missions that started in 1997. 1996 data was used. World Bank Governance Indicators are only available starting in 1996; for missions starting in 1995. 1996 data was used. Earlier data is coded as n/a.													
87	Average Net Official Development Assistance (ODA) per capita in USD during Mission Years from the World Bank Indicators. This column shows the average amount of aid during all of the mission years. Data is only available through 2018; missions that continue through the present are averaged through 2018.													
88														
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A.4 CICIG in Guatemala: Statebuilding Contract in the Courts

Since its civil war, which ended in 1996, Guatemala had been plagued by crime and impunity. The U.N. Special Rapporteur ironically said that Guatemala was “a good place to commit a murder, because you will almost certainly get away with it.”¹⁶⁰ The crime was fueled by weapons from recent conflicts, high rates of unemployment, and poor governance in the state emerging from a major civil war; however, the primary driver of impunity was embedded illegal networks in the state structures that perpetuated corruption and failed to combat crime.¹⁶¹ Specifically, criminal structures and clandestine security structures (known as CIACS for their Spanish acronym) had taken over the state institutions.

In this context, as the peacekeeping mission wound down, Guatemala and the U.N. established a *statebuilding contract* focused on the courts. The negotiations and the implementation both featured cyclic resistance from the host government. While certainly weak relative to the U.N. and the major donors to this mission, the state used the procedural repertoire provided by the process of setting up a new ad hoc contract and, later, by its residual rights of control in under the incomplete contract. Eventually, while the mission stayed for twelve years and conducted many successful cases, it was constrained and eventually pushed out in 2019.

A.4.1 CICIG

The Guatemalan Government, facing pressure and changing incentives, and after thorough negotiations, signed an agreement with the United Nations to intervene in its courts. The International Commission against Impunity in Guatemala (CICIG) was formed to “dismantle” the CIACS through two roles, according to its mandate: “promot[ing] the investigation, prosecution, and sanction of [their] members” together with domestic counterparts

¹⁶⁰Alston (2007)

¹⁶¹Reilly (2009)

and providing recommendations on “the necessary judicial and institutional reforms” to Guatemalan lawmakers. CICIG’s personnel could investigate any private person, entity, or public official, requesting statements, documents, and general cooperation from anyone, and then it could ask to join criminal proceedings as a “querellente adhesivo,” or joint prosecutor, introducing evidence, filing procedural motions, and otherwise helping its domestic counterparts run the case.¹⁶² CICIG selected and trained domestic counterparts, primarily a special prosecutorial unit, eventually known as the Special Anti-Impunity Prosecutor’s Bureau (FECI), but also National Police.¹⁶³ Beyond specific cases, CICIG also recommended reforms to the state’s policies and laws, “Acuerdo entre la ONU y el Gobierno de Guatemala relativo al Establecimiento de una CICIG” 2006, Articles 2-3 cited in [Wirken \(2011\)](#) including innovations such as providing for witness protection and wiretapping in corruption cases. CICIG also identified civil servants that committed infractions and participated in their disciplinary proceedings.¹⁶⁴ CICIG operated for twelve years until, after five renewals to its two-year mandates, the Guatemalan Government eventually did not renew the commission in 2019.

A.4.2 Negotiations

In the negotiations, even before the implementation of this ad hoc contract, the Guatemalan Government resisted both elements of authority but also completeness in myriad ways. First, before the mission even went into effect, the Guatemalan Government, through its courts, required that the contract be altered so that CICIG’s prosecutors could only serve as joint prosecutors rather than as independent prosecutors.¹⁶⁵ This meant that the Guatemala

¹⁶²“Acuerdo entre la ONU y el Gobierno de Guatemala relativo al Establecimiento de una CICIG,” 2006, Article 1; Código Procesal Penal de Guatemala, Decreto 51-92, Articles 116-121 cited in [Wirken \(2011\)](#); [Hudson and Taylor \(2010\)](#).

¹⁶³“Convenio de cooperación bilateral entre el Ministerio Público y la Comisión Internacional Contra la Impunidad en Guatemala (CICIG),” February 27, 2008, Article 308 cited in [Wirken \(2011\)](#)

¹⁶⁴“Acuerdo entre la ONU y el Gobierno de Guatemala relativo al Establecimiento de una CICIG,” 2006, Article 3 cited in [Wirken \(2011\)](#)

¹⁶⁵“Acuerdo entre la ONU y el Gobierno de Guatemala relativo al Establecimiento de una CICIG,” 2006, Article 1, cited in [Wirken \(2011\)](#) and also see [Pastor \(2011/2012\)](#)

Government could not only assert its authority on which cases CICIG could involve itself in—leaving this aspect incomplete with clear residual rights of control for the Guatemalan Government—but also that the domestic counterparts in each case could renegotiate the precise ways in which these foreign personnel were able to work on cases. While the initial proposal was downgraded, the intervention ultimately locked in some power for reform, even as it left some incomplete elements through which the new administration could resist.¹⁶⁶ The ad hoc nature of the contract meant that every aspect was up for negotiation, allowing this set-up.

A.4.3 Implementation

During CICIG, the Guatemalan Government used the incompleteness to push back on the intervention. First, in terms of “what” the mission did, the Guatemalan Government maintained the authority to sign off on the cases in which CICIG could involve itself. In both the 2011 and 2013 renewals, the U.N. agreed to make this a period of transition, steering away initially from new high-profile cases.¹⁶⁷ There were also specific cases in which CICIG sought to participate and was blocked, such as a case against a former president, in which CICIG had investigated extortion and embezzlement charges but then was excluded from the prosecution (and he was acquitted in the case before, with advice from CICIG, he was extradited to the United States and tried)¹⁶⁸; in other cases, the government just did not bring charges as quickly as CICIG requested.¹⁶⁹ In terms of reform, the Guatemalan Government maintained most of this authority for itself: for example, although a law was

¹⁶⁶CICIG ultimately was negotiated the outgoing Berger regime had an interest in locking in some reform as it lost office, and it coincided with an incident where three foreign legislators and their driver were murdered, and then the police accused of the crime were killed in prison, which added domestic and international pressure for both this administration and other Guatemalan officials to support this mission Guoz (2007); Jasper and Cook (2008); Wirken (2011); the moments during which CICIG was renewed also coincided with explosive cases or other conditions that forced the government’s hand in reestablishing the mission with some power for reform Matanock and Garbiras-Díaz (2019).

¹⁶⁷Open Society Justice Initiative (2016)

¹⁶⁸Hudson and Taylor (2010)

¹⁶⁹Castresana-Fernandez (2011); Open Society Justice Initiative (2016)

passed allowing both CICIG and domestic NGOs to participate in the selection of judicial nominees, their recommendations were not binding, so when CICIG objected to six candidates (out of thirteen) for Supreme Court, three were appointed anyway by the legislature (although all 30 out of 90 that it opposed for the appeals court were rejected).¹⁷⁰ Even more troubling, the Guatemalan president in 2011 selected a public prosecutor who fired more than 20 prosecuting attorneys working on human rights and began dismantling CICIG's domestic partner, leading CICIG's head to resign, although eventually the Constitutional Court ruled the appointment procedurally improper, so the public prosecutor was removed but not due to CICIG's direct action.¹⁷¹ Broadly, the Guatemalan Government could resist changes to policies and laws, such as ending pre-trial protections that allowed public officials to interfere with cases against them, because these final decisions were up to the domestic courts.¹⁷² Finally, and outside of the terms of the agreement, in terms of "who" worked for these missions, the Guatemalan Government also resisted. For example, some administrations, especially the Morales administration in 2019, pushed back against CICIG's work by declaring its head a persona non grata and revoking visas for other personnel.¹⁷³

A.4.4 Conclusion

Guatemala and the U.N. established a canonical *statebuilding contract* that focuses on the courts. During the negotiations of the ad hoc agreement, and its renewals, as well as the implementation, the state used the procedural repertoire to shape especially what the mission could do but also who could do it. While the mission stayed for twelve years and conducted many successful cases — securing a high conviction rate and likely lowering certain crime rates, while also training domestic counterparts and lobbying for some reforms that

¹⁷⁰Valladares (2009)

¹⁷¹Schieber (2010)

¹⁷²Hudson and Taylor (2010); Castresana-Fernandez (2011); Wirken (2011)

¹⁷³Beittel et al. (2019).

were enacted¹⁷⁴ — it was not able to more fully significantly improve the rule of law in the state, one of its aims, and it was eventually ended in 2019.

¹⁷⁴e.g. Hudson and Taylor (2010); Castresana-Fernandez (2011); Wirken (2011); Castresana-Fernandez (2011); CICIG (2015, 2019); ICG (2018); Trejo and Nieto Matiz (2019); ICG (2011); WOLA (2015); Open Society Justice Initiative (2016); Valladares (2009)