

Peacebuilding and Responsive Governance Project

Discussion Draft

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Research Aims

The main aim is to test and inductively develop from case studies of international and national interventions intended to promote peace (ranging from minimalist peacekeeping to multidimensional peacebuilding) an integrated theory of the governance of peacebuilding in societies suffering armed conflict. Because we are interested in assessing what works and what backfires, we adopt a broad conception of peacebuilding that maximizes the diversity of types of interventions we can test.

This is a 20 year project supported by from the Australian Research Council. By 2021, national peacebuilding case studies will be grouped into 6 books on *Peacebuilding in Indonesia and the Pacific* (Bougainville, the Solomons, West Papua, Aceh, Timor Leste being the main case studies), *Peacebuilding in Asia, Europe, the Middle East, Africa and Latin America*. The *former Soviet Union* could become a 7th regional volume. From 2021, the data set would be deployed for works of more general social science theory development led by John Braithwaite and development of a theory of evidence-based international law led by Hilary Charlesworth. Training scenarios for peacebuilders would also be designed. Each national study would seek to develop a contextually appropriate explanation for that case. Each book would group the cases into a contextual regional story about distinctive regional institutions. The hypothesis there is that Pacific peacebuilding is different because it is in the Pacific; African peace is shaped by African regional institutions (Hampson 1996).

The fieldwork commitment will be formidable. During the 15 years of core data collection, John Braithwaite will spend 6 months of each year in the field doing thousands of interviews of key players. The other Chief Investigators will also spend many months in the field. For each major country case, an Advisory Panel of longstanding experts on that country will be established. Occasionally joint fieldwork will be done with these researchers, and sometimes they will become co-authors of chapters. We hope to have a dozen post-doctoral fellows and a couple of dozen doctoral students engaged with the project and the fieldwork, some of them becoming co-authors of chapters as well. A capacity-building aim of the project is to train PhDs from wartorn societies. Numerous opportunities for joint fieldwork of Chief Investigators with PhDs and post-docs will enable an unusually hands-on research training experience.

Each of the 6 volumes will discuss all of the major armed conflicts in a region since the end of the Cold War, considered in the context of the pre-Cold-War histories of those societies. An ultimate aim will be to discern changing macro patterns in the nature of conflict around the globe during the three decades after the Cold War. We aspire to wider comparative breadth and synthesis than is available from existing research, while leaning on the greater depth and more intensive local engagement in the work of area experts. Breadth of ambition will be combined with an attitude of

humility and appreciation for learning from the more nuanced work of those with stronger local language skills and deeper knowledge of single sites.

Methodological aspirations are for:

1. Micro-macro synthesis – integrating individual, local (village/clan/community), national, regional and global action by *actors* who use a variety of recurrently occurring *strategies* for making war or peace that invoke recurrent normative *principles*. Data analysis will display large matrices of actors, strategies and principles across all cases;
2. Integration of normative and explanatory theory through the study of patterned principles of peacemaking;
3. Simultaneous study of problem-solving and strength-building;
4. Clinically diagnose the complexity and partial unpredictability of the issues case by case at the same time as coding cases in search of predictable patterns;
5. Respond to that unknowability by inventing and evaluating redundant suites of responsive strategies ordered into pyramids (meaning when one strategy fails, a theory of what strategy to try next).

The Promise of Peacebuilding

Iraq, Rwanda, Somalia and other failed international peace efforts leave many pessimistic about intervention. Some think it best to be passive when violence erupts in failing states. Best to wait for the victory of one group or mutual exhaustion of combatants. Then there might be an occasional role for traditional peacekeeping, but not for peacebuilding. The best evidence is to the contrary. Not only was the Marshall Plan an expensive, but economically efficient, investment in nation building after World War II (compared to the approach in 1919), recent evidence from developing states points in the same direction (Doyle & Sambanis 2000; Human Security Report 2005): it may be good economics to increase investment in peacebuilding. While it is mostly true that once war has commenced, only the logic of force will end it, a level of mutual exhaustion can be reached where a logic of negotiated power sharing can prevail (Hampson 1996; Stedman 1988:9). Hampson (1996) shows that sustained engagement by international actors enhances prospects of durable peace. Third parties can restructure issues, identify new alternatives, make side payments and contribute to the rebuilding of that good governance and civil society which are essential to sustainable peace.

Doyle & Sambanis (2000) have undertaken a systematic quantitative study of 124 post-World War II civil wars. Multilateral enforcement operations were found usually successful in ending violence and increasing prospects of democratisation following civil war. UN involvement in negotiating treaties increased prospects of peace. In this data set, while traditional peacekeeping such as simply monitoring a ceasefire or border did not have a significant effect, the strongest predictor of success was multidimensional peacebuilding with extensive civilian functions in economic reconstruction, institutional reform, election oversight and brokering of a participatory peace. While causal inference from such data is difficult, we can put more nuanced qualitative studies together with quantitative work to conclude that while nation building is always difficult, and often fails, quite often it works. That said, there is not an impressive body of theory and evidence for the conditions of success.

The High-Level Panel on Threats in its December 2004 report to the UN Secretary-General recommended the establishment of a Peacebuilding Commission and a field-oriented mediation group with “Competence on thematic issues that recur in peace negotiations, such as the sequencing of implementation steps, the design of monitoring arrangements, the sequencing of transitional arrangements and the design of national reconciliation mechanisms” (High-Level Panel on Threats 2004). As the UN establishes the Commission, an aim of this study is to provide an evidence base for that competence and develop a framework for international law in this context.

The most recent regulatory theory has taken that field to a remarkably similar place to that revealed by the Doyle & Sambanis (2000) results on multidimensionality and peacebuilding. While most single regulatory interventions do not deliver overwhelming evidence of their effects, regulatory intervention can change the world greatly when a whole web of controls and capacities are put in place (Braithwaite & Drahos 2000). Each strand in the web might be weak, but the whole fabric of intervention may be strong. The empirical challenge is to understand which strands tighten the web of controls and capacities, and which cause it to unravel when we tug at them. Established responsive regulatory theory provides only a starting framework. Not only will specific cases fail to confirm the value of the framework to that case, aggregation of cases will inductively revise the starting theory, or jettison it. The point of collecting more detailed, systematic data is to build exciting new theory inductively.

What is Distinctive About the Project?

The project seeks a generalizing test of responsive regulatory theory previously applied to a narrower set of problems. This ambition springs from a view about paradigmatic change in social theory, which hypothesises that regulatory theory has something of general value to offer in an era of networked governance (Castells 1996) and globalizing regulatory capitalism (Levi-Faur 2005).

On this view, the social sciences might benefit from the kind of shift the biological sciences has seen, where organization around categorical referents – like zoology (animals), botany (plants), entomology (insects), microbiology (microbes), anatomy (body parts) – has been substantially supplanted by organization of work around theoretical themes that cut across these categories (ecology, evolutionary biology, the new molecular biology of the DNA revolution). For the social sciences this would mean that categorical units like economics, political science, law and international relations are obstacles to progress. It is a mistake for criminologists to study and respond to crime within their domain of special expertise in categories of institutions, criminal justice systems – what state police do, what happens in prisons. And it would be a bad idea for IR scholars to understand war from what foreign ministers and national armies do. Of course these disciplines have pluralized, especially in recent times. Paradigmatic change is not about razing disciplines; it is about reconfiguring the invaluable work pursued within them.

This project explores only one option for transcending what we posit is the categorical referent error in the intellectual organization of social science. Responsive regulatory theory has shown some generalizing promise as a competitor to criminological theory for explaining crime and its control and for understanding the whole of law (Braithwaite 2002); obversely, criminological theory has contributed to reframing

theory that helps us understand the regulation of business and the challenges of sustainable development (Braithwaite 2002). Regulatory theory has encroached into international relations, in the domain of the globalization of business regulation. The *Peacebuilding and Responsive Governance Project* seeks to investigate if the framework adds any value closer to the heartland of international relations scholarship – the study of armed conflict and its aftermath. It appropriates common elements from IR theory, with elements from political, criminological, sociological, psychological, legal, economic, globalization and networked governance theory. The result is a project ambitious and distinctive in the following ways:

- It is a big new generalizing test of theory that cuts across social science categories.
- It starts with a theory of armed conflict that is more integratively micro-macro than most IR and international legal theory. This might give it policy value for commending micro action productively connected to a doctrine of long-run transformation.
- It will consider systematically (historically, quantitatively, qualitatively) a larger number of peacebuilding cases than previous studies. It will do so by one scholar co-ordinating the recording of both micro and macro variables in a consistent way across 48 country cases, over 70 separate wars, and 60 separate UN peace operations. The unit of analysis becomes brief periods of history in the 48 countries – some where peace prevails, some where different forms of armed conflict are coded.
- It will collect interview data from large numbers of different kinds of participants in each case and systematically analyse thousands of interviews from around the globe.
- It will juxtapose contextual historical analysis that values each country as a unique, historically contingent case, with quantitative indicators that place the case in clusters of like cases, distinguish it from unlike cases, through multivariate clustering and causal analyses of peacebuilding.
- The inductive qualitative understandings from the slow aggregation of individual cases over 20 years will lead to adjustment of the starting regulatory theory and collection of additional coded information on all subsequent cases to assess whether the adjusted theory explains better than the starting theory.
- Multivariate explanation of violence will compare states that have suffered armed conflict (with and without international peacebuilding) with states that have suffered no armed conflict. The quantitative analysis will move down to examine differences in the nature of armed conflict among peacebuilding cases.
- The method will not only pursue global and contextual explanation, it will also pursue regional explanation by within and between region comparisons.

The Starting Theory of the Governance of Security

Social Structural Conditions for Armed Violence

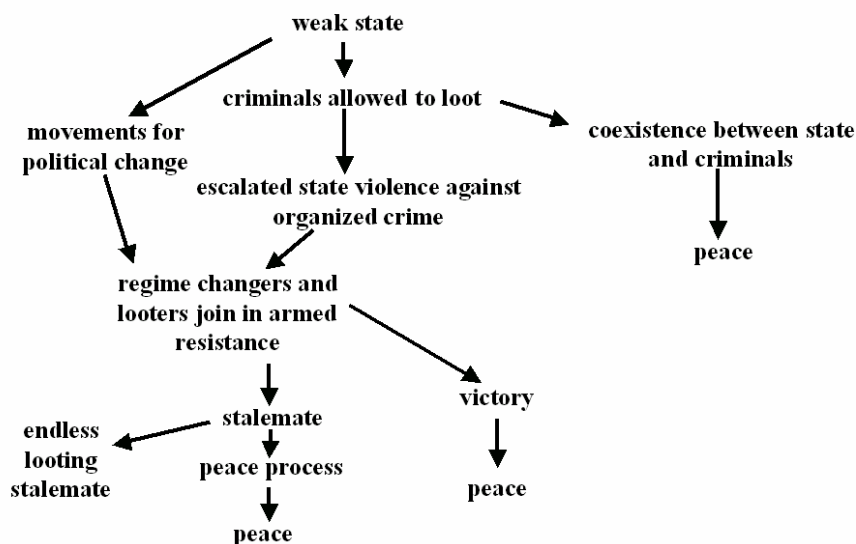
The theory integrated from disparate sources under a responsive regulatory framework first identifies the structural conditions of peace that might be pursued by a peacebuilding strategy. In a society with a strong human rights culture, citizens find shameful the idea of achieving objectives by directing violence against others or abusing rights. Societies where violence with guns is not shameful have more of it.

Societies where there is organized subcultural support for armed violence have more of it. Subcultures of violence are in part a reaction against majoritarian peaceable values precisely because the majority have rejected subculture members. Valuing violence can be a way for the rejected to reject their rejectors.

The important question is what are the societal conditions that give rise to armed violence ceasing to be a matter for shame and attracting organizational support? One condition is that legitimate means for citizens to achieve their objectives must be blocked to them (Merton 1957). Blocked legitimate opportunities are manifest in extreme inequality, mass starvation, exclusion of ethnic/religious minorities, unavailability of judicial remedies to abuse of power. But closure of legitimate opportunities is not enough. Illegitimate opportunities must be open as well. So for armed violence to occur, opportunities to get hold of arms must be open. Someone must provide money to buy them. That may be a state backing insurgents or an ethnic diaspora backing aspirations for justice in their homeland. Illegitimate opportunities feed on themselves when the structural conditions for armed violence prevail. When one warlord decimates a despised ethnic group, the victimized group creates a demand for protection from their own warlord. The next step is the belief that “If we do not dominate, we will be dominated” (Lederach 1997). Once warlords move into the violence business, recruitment into their organization creates new illegitimate opportunities. The armed power to protect their ethnic group constitutes new organized criminal activities, for example to erect roadblocks to collect “taxes”, gunrunning, drugs, counterfeiting. Organized crime groups can ultimately corrupt and criminalize the state, rendering the state incapable of controlling their violence, or allowing warlords to become the state.

Like Sambanis (2004) and Collier and Hoeffler (2002), we assume that opportunities for loot and for political power are pursued through a variety of violent and non-violent means. Organized criminal violence, rioting, ethnic cleansing, military coups, terrorism, insurgency and foreign invasion are all possible peace and violence trajectories that arise in the pursuit of loot and regime change (“greed and grievance”). National cases may cluster into different types of trajectories to peace and to violence as hypothesised in the final slides of the powerpoint at <http://cigj.anu.edu.au/peacebuildingprojects/index.php> (click on powerpoint at the bottom of page). Here is an example of just one of these hypothesised trajectories:

Organized criminals capture state trajectory



The above trajectory goes to the importance in peace building of controlling organized crime. This is because armed criminal gangs pose a constant risk of descent of the society into an endless stalemate of a war that it does not suit opposed warlords to resolve. This is because the war allows each to continue looting a different region. A purpose of the project is to revise such hypothesised trajectories, count the frequency of different paths and the contexts in which they occur, and comprehend how such different trajectories shape the more micro trajectories of peace processes.

State Control of the War of All Against All

States control armed conflict when they have an effective monopoly on the use of the most sophisticated armed force. But to be effective in regulating violence, the state needs more than guns. It needs a pyramid of regulatory escalation (Ayres and Braithwaite 1992). At the base of the pyramid it needs the capacity to regulate conversationally (Black 1998). To be effective at this, the state needs legitimacy in the eyes of its people (and the international community). It also needs an image of invincibility – a belief on the part of regulated actors that if they walk out on dialogue, the state will be sure to escalate its regulatory response. It needs to be able to escalate through various more potent forms of deterrence, until ultimately it incapacitates insurgents through imprisoning or killing them.

An invincible state will still be vulnerable to externally funded armed malcontents, however, if those malcontents do not have their own capability to influence the state. It is such an ability to influence the state, especially through dialogue and elections, that constitutes state legitimacy. Actors in a differentiated civil society need access to their own regulatory pyramids, so they can regulate the state and other elements in civil society, such as a religious group that vilifies them. If the only weapon they have is to negotiate, if they have only a base to their enforcement pyramid without any bargaining chips above it, they are vulnerable to predation. If they have no base to their pyramid but only guns that give them the one big bargaining chip of war, they are liable to be predators. Indeed, the more factions there are in a society with a capacity for armed force and without ability to influence deliberation, log-rolling and power sharing, the less likely peace is (Doyle & Sambanis 2000: 789). It follows that peace is more in prospect when a rich plurality of constituencies in civil society, including all vulnerable ones, have an escalated set of deliberative and deterrent regulatory tools available to them, but not the tools of violence¹ (see a dynamic powerpoint of this model at <http://cigj.anu.edu.au/peacebuildingprojects/index.php> - click on powerpoint presentation at the bottom of the page). Second, peace is more likely when a state with legitimacy has available to it an escalated set of deliberative, deterrent and incapacitative tools. Part of what is required for the state's legitimacy is

¹ An alternative formulation that will be considered here is that in societies that are heavily armed for “network wars”, the conditions of peace may not be so radically different from the conditions of war, and the levels of violence may not be dramatically less (Duffield, 2001). As the Iraq case illustrates, violent deaths may even go up in “post-war” conditions. On the Duffield analysis, the key variables become capabilities to network financial, business and military support for war options versus capacity to network such support for peace options.

that the use of incapacitative tools is tightly regulated by a rule of laws supported by the people and enforced by courts that are independent of the executive.

The military must also be effectively regulated by the executive of an elected government, by courts that are not intimidated by them and by the consent of the people who they perceive themselves as serving. Peacebuilding is achieved by constituting a complex separation of powers in a society where each separated power has enough independence of action to regulate other powers and not so much unregulated power that it can dominate all other sources of power in the society. An all-powerful presidency is conducive to dictatorship, an all-powerful army to military coups, all-conquering multinational business to economic dependency. None of these circumstances is conducive to long run peace. States where power is too unitary are especially vulnerable in societies divided into two or more major ethnic groups (Maley 1995). If a unitary presidency controls all power that matters, when the Hutus control it and exploit it for the benefit of Hutus, legitimate opportunities are blocked for Tutsis. Tutsis will then be tempted to remedy this by seeking illegitimate opportunities to seize that unitary power. State structures thus must disperse powers responsively to historical context so as to give all nations, religions and peoples within the state some meaningful sense of self-determination. The effective responsive regulatory capacity of the state requires leadership, professionalism and training of state officials at the micro level.

Peacebuilding in a Fragile State Without these Governance Capabilities

A state can fail so badly to regulate armed violence that international intervention becomes legitimate in the eyes of its citizens, and internationally, to establish supra-national authority to prevent war. It is hypothesised that legitimacy is especially likely if the intervention is UN sanctioned. Peacekeepers only maintain that legitimacy if they are procedurally just (Tyler 1990), administratively efficient (Fishel 1998; Manwaring and Joes 2000), enabling of humanitarian assistance and long-term development, and eschew predation themselves (especially crimes like rape and corruption).

Peacebuilders depend on the same capabilities to secure peace as a competent state – legitimacy, leadership, effective monopoly of armed force, responsive regulatory capability to escalate from conversational to deterrent to incapacitative regulation, professional competence and training, non-corruption, commitment to a rights culture, rule of law and procedural justice (Brahimi 2000), commitment to pluralizing governance, to separations of powers, to building collective efficacy in civil society so even formerly excluded fractions of civil society have a range of responsive capabilities to regulate the polity without armed force. The starting theory posits that peacebuilders will be effective to the extent that they enable an opening of legitimate opportunities to all sections of society and the closing to all of illegitimate opportunities to deploy armed violence. Peacebuilders can work with NGOs and UN agencies that provide humanitarian assistance with competence and in ways that do not sustain the domination of warlords (Andersen 1996).

They must work with the IMF and World Bank, domestic econocrats, business and civil society to stabilize the economy and rebuild investment confidence. Institutional rebuilding need not be “one-size-fits-all” (Stiglitz 2002); it can be diagnostic,

identifying the bottlenecks that chill investment (Rodrik 2004). It is most likely to sustain peace when collaboratively designed by the emerging separated powers that are nurtured by the peacekeepers. Peacekeepers can identify “islands of civility” (Kaldor 1999) where deliberative governance is possible, protect them, and expand civility out from those islands. The separated powers with capability each to responsively regulate the others can be developed contextually and nodally. This might be done by networking nodes of conversational regulation of the emerging democracy. For example, the responsive regulatory capability of a local human rights NGO can be enhanced by creating safe spaces where workers lives are safe to network with Human Rights Watch, with UN human rights officials, with journalists and womens’ groups sympathetic to building a rights culture.

Reintegration of Combatants

Peacekeepers typically face an enforcement swamping problem. There is too much murder, rape and pillaging going on for enforcement action to be taken against even a tiny fraction of perpetrators. A clear, contextually attuned, strategy is needed to resolve enforcement swamping. Usually, this will include negotiating ceasefire terms that are likely to involve qualified amnesties and protection for those that put down their guns, ignoring in the first instance enforcement against atrocities that preceded the ceasefire. This is so enforcement can be concentrated on guaranteeing escalated action against any combatants that cross the lines in the sand drawn in the ceasefire agreement. Confidence building is then needed, trust that peacebuilders keep their guarantees so decommissioning of private armies proceeds. All this means a deep peace process, not one-day meetings but multiple iterations of living and negotiating together for long periods, tackling root causes of conflict in depth.

Humiliation of combatants sets back peace processes (Kennedy 1969); it is important to save face while backing down from armed confrontation (Ting-Toomey and Cole 1990). Integration with development assistance helps when it includes retraining and creating new life opportunities for combatants (Brahimi Report 2000: 8). As illegitimate opportunities to survive through violence are closed off, opportunities to survive through legitimate means need to be opened up to combatants. Trauma counselling, medical and financial help are needed for victims on all sides. This is not only important in itself; it is also vital to trust and reconciliation. Availability of restorative justice to victims and combatants may help (Lederach 1997). If truce agreements deliver amnesties they can be qualified by perpetrator obligations to speak truth, listen to victims, answer their questions (Gibson 2004). Peacebuilders can deal with refusal to cooperate with reconciliation by widening the circle – progressively inviting more senior bosses of war criminals into the circle until undertakings of restorative justice, even at the price of amnesty, are secured. Without truth, testimony, memorialising loss, a hearing that takes seriously the ideas of victims for permanently suppressing the political project that victimized them, space for micro acts of apology and repair in local communities, national reconciliation and reconstruction, short-term ceasefires may not be consolidated into permanent peace (Braithwaite 2002: 170).

These are part of the web of conditions, according to responsive regulatory theory, for citizens to move from disengagement and defiance, to capitulation to emerging democratic institutions, to commitment to those institutions. From there, the hope is, as in Mandela’s South Africa, that there can be a move to hope and humble pride in a

better future – to engaging with active citizenship to continuously improve institutions, build a rights culture, a culture of social support and collective efficacy, instead of predation. All this means a huge investment in education of many kinds – basic education, education for participation in democratic institutions, in human rights, in respect for the Geneva Conventions, in state competence, and in peacebuilding competence itself. A shift to a new culture of learning helps; from modelling strategies of violence to learning how to prosper in peace, how to do preventive diplomacy, to regulate the pressure points that might resurrect hostilities, and learning to do restorative justice to heal the wounds that might open up at the first violent knock they receive that is not confronted and reconciled.

At least that is the responsive regulatory theory of how to build peace through justice. Doubtless any explanatory power it has is very partial. Doubtless systematic empirical enquiry will prove it wrong in fundamental ways. Doubtless our interviewees will teach us how it is wrong in contextual ways. This starting theory is laid out in tabular form in the Appendix under three headings: Theoretical Variables; Key Indicators Before and After Peace Operation; and Key Data Sources. The overarching theoretical variables under which some 200 key indicators are grouped are Legitimate Opportunities; Illegitimate Opportunities; Shamefulness of Violence; Rights Culture; State Capacity for Responsive Regulation of Violence; Non-State Capacities for Responsive Regulation of the State and of Other Powerful Actors; Peacebuilding Diplomacy; Justice in Peacebuilding; Strategy in the Peace Operation; Professionalism of Peacekeeping; Reintegration of Combatants; and Facts of Armed Violence (deaths, type of conflict – civil war, invasion etc). This means that for each case both properties of the social system and of the intervention will be coded. For each of the 200 key indicators to be coded for all 48 national cases for different periods of their history, data sources have been tabulated: e.g. interviews with warlords, former intelligence officers, peacekeepers, specific questionnaire items to peacekeepers, World Bank good governance indicators, intelligence reports, UN human rights reports, National accounts, Transparency International corruption indices, UN Development Reports, historical records, media reports, etc.²

² The degrees of freedom problem of having over 200 explanatory variables and perhaps only 70 armed conflicts is not the problem it seems for several reasons. Some of the variables are relevant to explaining the onset of war, others to explaining the success of peacebuilding in ending war. The number of observations is actually of 48 nations, each across a number of periods, some when the nation was experiencing armed conflict, some when it was not. A combination of conceptual reduction and factor analysis to empirically reduce the 200 variables to a more tractable number of factors will also be used. But most importantly, we will delete from the final model all those variables which have not proved to be important in any (or many) of the qualitative analyses across the 70 odd wars. For example, if none of the interview informants in any of the cases mentioned a political assassination as an important spark in igniting these modern wars, however important the assassination of Archduke Ferdinand might have been in igniting World War I, it will be deleted from the final explanatory model for these more recent wars and recent peacebuilding operations. When reviewers and critics assert that our final models are based on an erroneous interpretation of the qualitative data that underrates the importance of variables X and Y, we will re-run the model with X and Y included.

Method

At least 60 UN peacekeeping operations (including all of the largest and most geopolitically significant since the cold war) will be included. Most of the major peacebuilding and peacekeeping cases in the targeted regions will be included. For a multivariate analysis, more limited comparator data will be collected from states that enjoyed peace during the same periods. The main comparison, however, will be between periods of peace versus armed conflict within the 48 country cases. Over 200 variables will be coded on each case (the Appendix is a current list of variables, which is being constantly upgraded, and on which suggestions are welcome). A variety of multivariate techniques will then be deployed both to form clusters of like cases and to undertake causal analyses of the effectiveness of peacebuilding strategies.

The principal method, however, will not be quantitative. The project will be based on systematic collection of secondary historical material followed by qualitative analysis of interviews with living actors in the cases. For each case, interviews will be conducted with leaders of peace operations (military, police, diplomatic and UN), large numbers of operational peacekeepers, mediators, key diplomats, journalists, academic experts, political elites including former warlords, judges, NGOs, international agencies, Red Cross/Red Crescent, private military corporations, econocrats (including internationals from IMF/ World Bank), former intelligence officers, national and international business leaders. The method will follow Braithwaite and Drahos's (2000) approach of moving around the world system by asking each interviewed actor to nominate the most influential participants in the events discussed and then interviewing them, wherever they are to be found. Warlords and military chiefs will be asked what their warmaking strategy was. Leaders of peace operations will be asked what their peacebuilding strategy was. More junior peacekeepers will then be interviewed about whether what they were doing on the ground bore any resemblance to that strategy. John Braithwaite will be involved in the coding of all data from all the interviews to assure comparability among cases. 100 to 200 key players will be interviewed in each country where international peacekeepers have served.

To assist with diagnosing the structure of legitimate and illegitimate opportunities, an historical sociology of each society will be constructed using Michael Mann's (1986, 1993) method of identifying the sources of ideological, economic, political and military power within each society (and transnationally in ways that impact that society). This means a "comparative institutional approach" (Evans 1995:18-20). The methodological ideal is to marshal the mosaic of qualitative evidence to inform an interpretive gestalt that is useful either because it convinces readers or provokes them. Part of convincing is to see whether the qualitative gestalt fits the quantitative data. This means confronting the qualitative interpretations not only with predicted bivariate associations and multivariate analyses. It also means a qualitative-quantitative analysis where categorical counting moves on to the qualitative re-examination of country cases in particular cells of 3- and 4-way cross-tabulations where there is a misfit of the interpretation. International law making in this area responds to the last crisis and therefore often fails to work with the next one. Charlesworth's legal method will ask what forms of law work, based on an empirical understanding of legal impacts across the globe.

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APPENDIX

Current Thinking on Variables to be Coded for Each Case

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
<i>Legitimate opportunities</i>	<p>Mass hunger</p> <p>Income inequality, unemployment, sharp GDP contractions</p> <p>Education, schools closed as a result of war</p> <p>Gender inequality</p> <p>Women in politics</p> <p>Exclusion of ethnic and religious groups from opportunities</p> <p>Capacity to take the government to court</p> <p>Capacity to take powerful businesses to court</p> <p>Perceived political/economic exclusion of warlords</p> <p>Investment</p> <p>Debt</p> <p>Micro-finance</p> <p>Exclusion from land</p> <p>Social capital, collective efficacy</p> <p>HIV infection</p>	<p>Media, FAO reports, interviews</p> <p>UN Development Report</p> <p>Interviews, historical records</p> <p>UN Development Report</p> <p>UN Development Report</p> <p>Interviews with ethnic/religious leaders, journalists, business leaders</p> <p>Interviews with judges, cases and statutes</p> <p>Interviews with judges, cases and statutes</p> <p>Interviews with warlords, local elites</p> <p>National accounts, IMF</p> <p>National accounts, IMF</p> <p>NGO, business interviews</p> <p>Interviews, Historical, census records</p> <p>Qualitative interviews, International Values Survey? Other surveys?</p> <p>Human Development Report</p>

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
<i>Illegitimate opportunities</i>	<p>Funding of insurgents by foreign states</p> <p>Funding of insurgents by foreign diasporas</p> <p>Quality and quantity of arms accessible to combatants</p> <p>Training in insurgency and terrorism accessible to combatants</p> <p>Organized crime career structure provided to combatants</p> <p>Capacity of warlords to corrupt state officials</p> <p>Can the state prevent organized crime control of lucrative private institutions such as banks, casinos?</p> <p>Is there a lucrative drugs trade that can/does support armed struggle</p> <p>Criminalization of the state</p> <p>Demand for protection from warlords by citizens frightened of other warlords or the state</p> <p>Recruitment strategies by warlords</p> <p>Numbers of combatant forces</p>	<p>Media reports, interviews with former intelligence officers, warlords, political elites, ambassadors of foreign states</p> <p>World Bank study of support of insurgents from foreign diasporas</p> <p>Interviews with former intelligence officers, peacekeeping leaders, warlords</p> <p>Interviews</p> <p>Interviews on drugs, gunrunning, protection rackets, counterfeiting, etc with domestic and peacekeeper police</p> <p>Interviews, Transparency International corruption indices</p> <p>Police interviews</p> <p>Police interviews</p> <p>Interviews. Schneider indices of size of cash economy</p> <p>Interviews. Code whether conflict was about ethnic, religious divides, whether there was ethnic cleansing or genocide.</p> <p>Interviews</p> <p>Interviews</p>

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
	Pay received by combatants Lure (Shover, 2005) of natural resources (eg diamonds, oil) of a kind that can be looted	Interviews Geography books
<i>Shamefulness of violence</i>	General tolerance in the society of achieving objectives by armed struggle Valorizing of armed struggle in major subcultures	Interviews International Values Survey? Interviews
<i>Facts of armed violence</i>	Type of armed conflict (civil war, invasion, riots, terrorism etc) Duration of armed conflict Number of conflict years since 1946 Combatants killed in armed struggle Civilians killed in armed struggle Assassinations of political leaders Gun and non-gun homicide rate Military coups Was the conflict a major concern to the major powers (Yes/No)? Was cold war rivalry played out in the conflict? Was it ever a decolonisation struggle? Does the geography of the country allow escape of insurgents into mountainous terrain	SIPRI Yearbook, Project Ploughshares SIPRI Yearbook, Project Ploughshares Human Security Report p.27 Intelligence and media reports Uppsala / Human Security Centre dataset Intelligence and media reports Intelligence and media reports Interpol, World Health Organization cause of death Intelligence and media reports Diplomatic interviews, documents Diplomatic interviews, documents Diplomatic interviews, documents Maps, geography books, interviews with combatants

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
	<p>Were various combatants more motivated by greed or grievance?</p> <p>Ethnic fractionation of the society</p> <p>Are the combatants distinguished by (a) religion; (b) other ethnicity; (c) political ideology?</p> <p>Were combatants separatists?</p> <p>Is there a contagion story about the armed conflict? Did it follow armed conflict in neighbouring states? Uprisings of a similar kind in similar kinds of states (eg former Soviet Republics)</p> <p>Code from the powerpoint trajectories (as in the example on page 5)</p>	<p>Interviews</p> <p>World Bank</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews, historical record</p> <p>Combine all data sources on history of conflict</p>
<i>Human rights culture</i>	<p>Vibrant state institutions to enforce rights</p> <p>Vibrant local human rights NGOs</p> <p>Active engagement of international human rights NGOs</p> <p>Vibrant investigative journalism on human rights</p> <p>Rule of law</p> <p>Political freedom</p> <p>Red Cross/Red Crescent operated effectively</p>	<p>Interviews with judges, cases, statutes, constitution</p> <p>Interviews with human rights NGOs</p> <p>Interviews with international NGOs</p> <p>Interviews with journalists</p> <p>World Bank Good Governance Indicators</p> <p>Political Freedom Index, UN Human Rights reports</p> <p>Interviews with Red Cross/Red Crescent, former prisoners of war</p>

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
	<p>Compliance with Geneva Conventions</p> <p>UN Refugee agencies operating effectively</p> <p>Displaced persons to their homes</p> <p>Displaced persons resettled sustainably</p> <p>Political terror scale</p>	<p>Interviews with peacekeepers, Red Cross/Red Crescent, Amnesty, Human Rights Watch, former prisoners of war</p> <p>Interviews UNHCR, NGOs, journalists, peacekeepers on ground</p> <p>Interviews UNHCR, NGOs, peacekeepers on ground</p> <p>Interviews UNHCR, peacekeepers on ground</p> <p>Human security Report website</p>
<i>State capacity for responsive regulation of violence</i>	<p>Legitimacy of the state</p> <p>Fatalities from Political violence</p> <p>Core Human Rights abuses</p> <p>How effective was the state monopoly of violence?</p> <p>Were private multinational military corporations involved? How effectively were they regulated by the state?</p> <p>Did the state regulate private armies conversationally (eg sit down with warlords and negotiate meaningfully)?</p>	<p>Interviews with all stakeholders.</p> <p>Human Security Report website</p> <p>Human Security Report website</p> <p>Interviews especially with intelligence officers, peacekeepers, state military, warlords.</p> <p>Interviews with private military corporations</p> <p>Interviews, historical record of negotiations</p>

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
	<p>Can the state escalate to a variety of increasingly severe non-military means of deterring private armies or their political wings?</p> <p>Was the state capable of arresting combatants and putting them on trial?</p> <p>Did the state have an image of invincibility?</p> <p>What was the level of professionalism and training of state officials?</p> <p>Did group identities trump national identity? Was national identity seen as inimical to group identities?</p> <p>GDP and state expenditure as a % of GDP</p>	<p>Interviews to ascertain the intuitive understanding of state officials of responsive regulatory principles. Analysis of statutes and the historical record for evidence of rewards that can be withdrawn or sanctions that can be imposed by the state.</p> <p>Interviews with judges, records of cases</p> <p>Interviews with all actors with an interest in challenging the state</p> <p>Interviews, training documents, World Bank Good Governance Indicators</p> <p>Interviews, anthropological research</p> <p>Human Development Reports</p>
<i>Non-state capacities for responsive regulation of the state and of other powerful actors</i>	<p>Was there a rich and plural separation of powers both within the state and between state and civil society?</p> <p>Did separated private and public powers each have capacities to escalate up a regulatory pyramid from dialogue that was listened to, to different levels of deterrence, to incapacitation? Was incapacitation through armed force an option for each of them? How many factions had warmaking capability?</p>	<p>Interviews, legal texts, historical record</p> <p>Interviews, historical record</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Did separated private and public powers each have capacities to escalate up a regulatory pyramid through networked governance (harnessing the regulatory capability of network partners)?</p> <p>Were there local restorative justice traditions and were these drawn upon for reconciliation and healing?</p> <p>Was the state military: (a) Under the authority of an elected/unelected executive? (b) Vulnerable to the authority of the courts? (c) Did the military see itself as a servant of the people and vulnerable to “people power”?</p> <p>Did all nations, religions, peoples within the state have some meaningful sense of self-determination?</p> <p>Elections with what degree of universality of suffrage?</p>	<p>Interviews, historical record</p> <p>Interviews, ethnographies published by anthropologists, existing law and society research</p> <p>Interviews with state and military elites</p> <p>Interviews with judges</p> <p>Interviews with military, NGOs</p> <p>Interviews with religious and ethnic leaders</p> <p>Historical record</p>
<p><i>Peacebuilding variables:</i></p> <p>Peacebuilding diplomacy</p>	<p>What kinds of preventive diplomacy were deployed?</p> <p>Was there international mediation of ceasefires, safe havens, territorial partition etc? Who did it?</p> <p>Were mediators powerful enough to orchestrate a stalemate themselves, eg by regulating the flow of arms?</p>	<p>Historical records, interviews with UN, US, EU and local diplomats</p> <p>Historical records, interviews with UN, US, EU and local diplomats</p> <p>Historical records, interviews with UN, US, EU and local diplomats</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Were the mediators a group of powerful “friends” (a contact group of states more powerful than the combatants)? The UN or UN envoy? A regional grouping like the AU? The US or envoy? Another major power? A neutral minor power (eg Norway, Austria?) A neighbouring state? Track 2 professionals? Other NGO? A respected domestic figure?</p> <p>Were all, most, some or none of the external patrons of the combatants on the contact list?</p> <p>Was there is sequencing of different types of mediators (eg track 2 professional to AU to powerful contact group) (Berridge, 2002: 196). Did this help or hinder peacebuilding?</p> <p>Did key mediators have continuous involvement over a long period (Berridge, 2002: 198-99)?</p> <p>Were most key negotiators partial to one side? (Berridge, 2002: 203).</p> <p>Were deadlines in negotiations set for different levels of settlement/ Did this help sustain momentum?</p> <p>Were there peace negotiations in advance of a stalemate/ Why did they negotiate if they might still prevail militarily?</p> <p>Did the parties have (see themselves as having?) strong common interests as well interests that divided them?</p> <p>Was issue linkage used effectively to increase prospects of a peace settlement?</p>	<p>Historical records, interviews with UN, US, EU and local diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Did mediators take the initiative to float a formula, framework, roadmap for settlement?</p> <p>Did mediators or parties “talk up the talks” (Berridge, 2002: 68)?</p> <p>Was there more optimism or pessimism in advance of most talks? (Berridge, 2002: 204)</p> <p>Were the following used: (a) face to face negotiation between combatants (yes/no); (b) proximity talks (mediator and parties in one city or hotel); (c) shuttle diplomacy at a distance</p> <p>Were peace talks: (a) parallel bilateral negotiations (yes/no); (b) multilateral conference</p> <p>Were venues for negotiations: (a) neutral territory; (b) territory of one side; (c) territory of both or all sides?</p> <p>What were the levels of channels of negotiation (Berridge, 2002: 69-70; 169-72, 194): (a) Was there a high level track of the principal combatants themselves personally – a Kissinger “backchannel” (yes/no); (b) Was there a standard senior diplomatic channel (plenipotentiaries); (c) Second track diplomacy; (d) Were track 2 professionals involved?</p> <p>Were blockages of negotiation dealt with by “widening the circle”?</p> <p>Did the combatants live and negotiate together for long periods, in multiple iterations, in a deep peace process that addressed all the root causes of the conflict?</p>	<p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats. Media reports. Press releases.</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Historical record, interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, diplomats</p> <p>Interviews with combatants, historical records, interviews with UN, US, EU and local diplomats</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
Justice in peacebuilding	Were the negotiations “deductive” or “step-by-step” (Berridge, 2002: 47).	Interviews with combatants, diplomats
	Were there major disagreements within the negotiating teams of one or more combatants?	Interviews with combatants, diplomats
	Was there serious (a) deceit; (b) perceived deceit in the negotiations?	Interviews with combatants, diplomats
	Did peace negotiations do more to increase or reduce trust?	Interviews with combatants, diplomats
	Did international regulation stem the flow of finances and firepower to combatants?	Historical records, interviews with UN, US, EU and local diplomats
	Did international peacekeepers go in?	Historical records
	Was the peacekeeping formally sanctioned by the UN?	Historical records
	Was it a traditional peacekeeping or a complex peace (peacebuilding) operation?	Interviews with commanders of peace operation (military, police and UN)
	Which major powers were involved and who called the shots?	Interviews with commanders of peace operation (military, police and UN)
	Was it managed by the UN or a regional operation?	Diplomatic records
How were spoilers dealt with, and tactical agreement to weaken opponent and strengthen self (Stedman)	Interviews	
Did the peace operation have domestic legitimacy?	Interviews with combatants, historical records, interviews with UN, US, EU and local diplomats.	

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Was there international legitimacy and unity of purpose among the peacekeeping states?</p> <p>Did the peacekeepers seek to enforce peace by military action?</p> <p>Did peacekeepers resort to political assassinations targeted at obstacles to the peace process?</p> <p>Did peacekeepers lend tacit support to local assassination squads?</p> <p>Did peacekeepers torture or kill prisoners?</p> <p>Did peacekeepers rape civilians?</p> <p>Was there a pattern of peacekeepers stealing valuable property from civilians?</p> <p>Was there a pattern of the peacekeepers paying bribes to get things done?</p> <p>What was the prevalence of serious crime by peacekeepers?</p> <p>What is the nature of evidence of disciplinary actions taken against peacekeepers?</p> <p>What percentage of the peacekeepers were police?</p>	<p>US coding of SWORD “Unity of Purpose” variable. Diplomatic interviews to code whether there was US support, Russian support, EU support, support of relevant regional organisation (eg African Union, South Pacific Forum). Systematic monitoring of coverage of conflict and peace operation in New York Times</p> <p>Historical record</p> <p>Historical record. Interviews</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p> <p>Police, military police records, interviews</p> <p>Police, military police records, interviews</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
Strategy in peace operation	<p>Was there a pattern of peacekeepers from any countries showing cultural or religious insensitivity</p> <p>Was there clarity about the mission that was generally understood by operational peacekeepers?</p> <p>As the operation moved into new phases, was its mission re-clarified, re-focussed?</p> <p>What was the sequencing of the objectives of the peacekeepers (eg where was disarming combatants , securing the government’s base areas, in the sequence)?</p> <p>General timing: Did international interest in peacebuilding coincide with the historical moment when the belligerents were ripe for reconciliation?</p> <p>How much delay was there in getting peacekeepers in place once it was agreed they were needed?</p> <p>What were the detailed building blocks of the strategy?</p> <p>Did the strategy rebuild legitimate opportunities?</p> <p>Did the strategy close off illegitimate opportunities?</p>	<p>Questionnaire ratings by peacekeepers</p> <p>Interviews with commanders on what the mission was and with operational peacekeepers on whether they understood what it was</p> <p>Interviews</p> <p>Interviews with commanders on what the sequence strategy was and with operational peacekeepers on whether this was what they implemented on the ground</p> <p>Interpretation of interviews with combatants.</p> <p>Historical records</p> <p>Interviews with commanders on what the concrete strategy was and with operational peacekeepers on whether this was what they implemented</p> <p>Interviews and post measures under legitimate opportunities above. Dollars invested in humanitarian and development assistance</p> <p>Interviews and post measures under illegitimate opportunities above</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Was there sufficient transparency of disarmament so that nervous conflict might be avoided from fear of what adversaries might actually be doing?</p> <p>Were peacekeepers deployed to separate combatants from civilian populations that might be sources of recruitment?</p> <p>Was there a strategy for changing the culture of violence and subcultures of violence?</p> <p>Was value change created by nurturing international, national, regional and local reconciliation meetings?</p> <p>Was there a strategy for protecting and nurturing a local human rights culture?</p> <p>Did the peacekeepers themselves acquire a capacity for responsive regulation of violence?</p> <p>Did the peacekeepers quickly establish a pattern of compliance with its authority?</p> <p>Did the peacekeepers leave behind a state with strengthened capacities for responsive regulation of violence?</p> <p>Did the peacekeepers leave behind strengthened non-state capacities for regulation of the state and regulation of other powerful actors?</p> <p>Did the peace process leave behind commitment to a future road-map to sustain peace and a framework for future preventive diplomacy?</p> <p>Were elections held?</p>	<p>Interviews with combatants</p> <p>Interviews with peacekeepers</p> <p>Interviews and post measures under shamefulness of violence above</p> <p>Interviews and post measures under shamefulness of violence above</p> <p>Interviews and post measures under human rights culture above</p> <p>Interviews and post measures under responsive regulation of violence above</p> <p>Interviews</p> <p>Interviews and post measures under responsive regulation of violence above</p> <p>Interviews and post measures under non-state capacities for regulation of the state and other actors above</p> <p>Diplomatic interviews</p> <p>Historical record</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Were the elections fair and free of coercion?</p> <p>Was democracy maintained?</p> <p>In what proportions did war criminals get impunity, criminal punishment, or amnesty conditional upon truth and participation in national reconciliation processes?</p> <p>To what extent did peacebuilders transplant solutions from elsewhere without intelligent local adaptation?</p> <p>Was strategy informed by some kind of root cause analysis of the armed conflict?</p> <p>Was there “thinking in time” about the root cause analysis that informed anticipation of future issues and responses to head them off</p> <p>To what extent did peacekeepers organize music/sporting events?</p> <p>Were mines cleared?</p> <p>What was the nature of the strategy for building confidence and trust in the peace process?</p> <p>Was the peace operation mandated by the UN to use force?</p> <p>Any SWOT analyses by UN and humanitarian agencies on strengths and weaknesses of national organizations in promoting peacebuilding? Is it possible to code strengths, weaknesses, opportunities, threats from interviews in a comparable way for countries where there are no SWOT analyses?</p>	<p>Interviews</p> <p>Historical record</p> <p>Interviews</p> <p>Interpretation of interviews</p> <p>Intelligence officer interviews and others</p> <p>Interpretation of interviews</p> <p>Peacekeeper interviews</p> <p>Peacekeeper/NGO interviews</p> <p>Peacekeeper interviews</p> <p>UN records</p> <p>Coding of SWOT analyses by UNDP and other organizations. Interviews/</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
Professionalism of peacekeeping	<p>What was the military and administrative professionalism of the peacekeepers?</p> <p>Were there challenges to the authority of the peacekeepers that went unchallenged?</p> <p>Was the command structure clear and was communication effective up and down it?</p> <p>Was there clarity of roles and clear accountability?</p> <p>Was the coordination with humanitarian agencies effective?</p> <p>Was humanitarian assistance delivered in a way that strengthened the domination of warlords?</p> <p>Was the coordination between police and military peacekeepers effective?</p> <p>Was the coordination between peacekeepers and econocrats (development banks, IMF, econocrats of the host state) effective?</p> <p>What was the quality of peacekeeper intelligence?</p> <p>Did peacekeepers have good specialised training in peace operations?</p>	<p>US coding of other SWORD variables</p> <p>Interviews with peacekeepers</p> <p>Interviews with peacekeepers</p> <p>Interviews with peacekeepers, NGOs, UN humanitarian agencies.</p> <p>Interviews with peacekeepers, NGOs, UN humanitarian agencies. Questionnaire ratings of the quality of the humanitarian effort/professionalism</p> <p>Interviews with peacekeepers, NGOs, UN humanitarian agencies.</p> <p>Interviews with domestic police and military and police peacekeepers</p> <p>Interviews with IMF, World Bank, domestic econocrats</p> <p>Interviews with peacekeepers, especially intelligence officers</p> <p>Interviews with peacekeepers, military records. Subjective questionnaire items to tap ethos of training.</p>

<u>Theoretical variables</u>	Key indicators before and after peace operation	Key data sources
	<p>Did the peacekeepers have good specialised training in the culture and language of the society?</p> <p>Did peacekeepers establish their own media network?</p> <p>Was there a learning culture in the peacekeeping organization or fear of reporting mistakes?</p> <p>What were the problems with equipment and logistic support?</p> <p>How experienced were the peacekeepers? How did rotations work?</p> <p>How long were they there? What was the total budget for the operation?</p> <p>What was the numerical strength and gender ratio of the peacekeepers?</p> <p>Was this sufficient to create an image of invincibility?</p> <p>What was the quality of the peacekeeping leadership?</p> <p>Peacekeepers killed/wounded/captured</p> <p>Were domestic troops integrated into the peacekeeping force?</p> <p>Were peacekeeping police integrated into domestic police?</p> <p>Was there an effective building of capacity in locals to take over peacebuilder roles?</p>	<p>Interviews with peacekeepers, military records</p> <p>Peacekeeper interviews</p> <p>Peacekeeper interviews Debriefing on learnings after returning from field (as Swedes and Norwegians do for a week).</p> <p>Peacekeeper interviews</p> <p>Official records</p> <p>UN and other official records</p> <p>UN and other official records</p> <p>Questionnaire ratings by peacekeepers</p> <p>Questionnaire ratings by peacekeepers</p> <p>Official records</p> <p>Interviews</p> <p>Interviews</p> <p>Interviews</p>

<u><i>Theoretical variables</i></u>	Key indicators before and after peace operation	Key data sources
	Did humble pride in a better future emerge? Did an ethos arise that now hope and history might rhyme (as in South Africa 1992)?	Interpretation of interviews
<i>Motivational Postures</i>	Code all motivational postures of key players for micro-macro analysis.	Interviews