Peacebuilding in the Political Unsettlement: impossible or inevitable?

The project of ensuring that political settlements are inclusive is key to the attempts of negotiating transitions from violent conflict over the last 25 years. Examining such transitions, we point to the emergence of the 'formalised political unsettlement' as a new state configuration in place of a 'political settlement' as normally understood. The formalised political unsettlement in essence translates the disagreement at the heart of the conflict into a set of political and legal institutions for continuing to negotiate it. It has emerged for both reasons of pragmatic politics and the structural conditions of the global political marketplace, and as neither of these are likely to go away the formalised political unsettlement may well be here to stay. The panel will evaluate the possibilities of the 'formalised political unsettlement' for different projects of inclusion with a view to informing political settlement analysis more broadly.

Keywords: Gender Politics; Humanitarian Intervention; Institutions; Civil Society; Statebuilding; Peacebuilding; Peace Agreements

Chair and Discussants

Chair: Aisling Ann Swaine (The George Washington University)

Discussant: Nicolas Lemay-Hebert (University of Birmingham)

Paper Abstracts

International Law – Unrest in Peace?

Author: Philipp Kastner (University of Western Australia)

International legal norms and obligations that are created and assumed by peace negotiators and mediators can contribute to the peaceful resolution of armed conflicts. However, in most instances, international law is associated with externally pre-determined and fixed outcome-oriented normative standards and is hence considered a constraint to reaching a peace agreement. By relying on a socio-legal and pluralistic conception of law that highlights and tolerates normative disagreement, this paper emphasizes the norm-creative capacity of all the actors involved in peace negotiations and the continuous creation and adjustment of legal norms. Moreover, instead of being associated only with short-term, measurable outcomes, legal norms also facilitate and empower human behaviour and can be understood according to their process-related and aspirational character. More specifically, the papers argues that although peace negotiations are not founded on generally accepted, democratic rules of representation and participation, certain legal obligations regarding the involvement of civil society actors in peace negotiations have emerged. Studying the negotiations in Darfur, Sierra Leone, Guatemala and Israel/Palestine, and considering peace itself as a process, the paper imagines the ways in which international law mediates the inclusivity-exclusivity continuum of peace negotiations and, more generally, frames the ongoing process of peacebuilding.

Keywords: Law and Norms; Elites; Peace Agreements

Stabilised (Un)Settlements? – Frozen Conflicts and de facto Regimes in the Post-Soviet Space

Author: Cindy Wittke (University of Konstanz)

The paper departs from the investigation of post-Soviet secessionist de facto regimes like Abkhazia, South Ossetia, Transnistria, and Nagorno-Karabakh. In the course of the past two decades these entities have built up quasi-state institutions based on quasi-constitutions. Their formalised de facto statehood, however, is not recognised de iure by a majority of the international community of states. From a political settlements perspective these (frozen) conflicts about the status of these de facto entities float between formal and informal political settlements and unsettlements. For example, various multilateral elite negotiation mechanisms have been established to address these conflicts; in all of them the Russian Federation plays a key-role. On the one hand, there is no feasible settlement of these status conflicts without Russia's engagement in these negotiation mechanisms. On the other hand, Russia plays in several cases the ambivalent role of a kin-state for the putative internal stabilisation of secessionist de facto state entities that will be analysed as conceptual and empirical examples of formalised political unsettlements. In the course of this analysis the paper will also address the Ukraine Crisis, i.e. the annexation of Crimea by Russia, and the self-proclamation of the Luhansk People's Republic, of the Donetsk People's Republic in the East of Ukraine.

Keywords: Conflict Management/Resolution (Mediation, Negotiation); Institutions; Ukraine; Peace Agreements

Negotiating Inclusion: The Space of the Formalised Political Unsettlement

Author: Christine Bell (School of Law, University of Edinburgh)

This paper argues that in the contemporary world, the international response to violent conflict in many cases has resulted not in political settlement, but in what we have termed 'formalised political unsettlement'. Formalised political unsettlement is often the only available alternative to an absence of political settlement because a transformed settlement with settled institutional arrangements is not possible. The formalised political unsettlement of post-conflict states is founded on the attempt to reconcile the different forms of elite inclusion viewed necessary to sustaining and legitimising the state, coupled with international pressures to compromise with a more normative vision of the state based on rights and equality. It has emerged therefore both as a result of incorporating competing local visions of the state, and also as the product of local-global statebuilding tensions. This paper will frame the space of the formalised political unsettlement conceptually, as it needs to be better understood when thinking about the hybridity of international intervention and local initiatives to build peace. Furthermore, many of the deficits and dilemmas of the 'political settlement' concept can be better addressed by understanding the opportunities and challenges for inclusion which the formalised political unsettlement presents.

Keywords: Law and Norms; Gender; Peacebuilding; Elites; Peace Agreements

Unsettled Peace or Peace in Unsettlement? The Search for Creative Non-Solutions

Author: Jan Pospisil (University of Edinburgh)

The field of peace- and statebuilding is in a state of flux: on the one hand, the approach to facilitate peace via working formal state institutions, now discussed as 'liberal peacebuilding', has shown severe limitations. On the other hand, peacebuilding's 'local turn' cannot avoid to conceptually engage with the elite political settlements in place, as these settlements play an important part in the hybrid conditions that constitute the realm of war-to-peace transitions. Against the background of three long-standing, 'unsolvable' case studies of intra-state conflict – Mindanao in the Southern Philippines, the Abyei region between Sudan and South Sudan, and the internationally not recognised quasi-state of Transnistria – this paper explores the idea of creative non-solutions as a way for peace in the condition of political unsettlement. Given the structurally complex nature of conflict settings, non-solutions, in the sense of a formalised, perpetual conflict management, might offer a perspective for protracted situations;

however, given the aim of most of the involved actors to resolve conflict, they provide considerable political and legal challenges, which is why they have to be creative.

Keywords: Conflict Management/Resolution (Mediation, Negotiation); Institutions; Localization; Peacebuilding

'Unsettled' Peace Agreements: Formalising Divided Societies?

Author: Laura Wise (University of Edinburgh)

This paper considers the role of framework peace agreements as an avenue through which political unsettlements are formalised, at times forming an outline for future state constitutions, and in which the institutional organisation of the state attempts to act as a stepping stone towards societal transformation. Furthermore, these texts can embody the tension between international statebuilding interventions, and the outstanding complexities of post-conflict elite inclusion. Widely accepted as an imperfect yet accomplished framework, the 1995 General Framework for Peace in Bosnia and Herzegovina, commonly known as the Dayton peace agreement, has been frequently challenged as entrenching the communal and territorial division which it was supposed to overcome. Reflecting on evaluations of the agreement's institutionalisation of ethno-national identity as a mechanism through which conflict is managed, this paper traces the development of the institutional structure offered by the Dayton agreement through previous internationally-brokered peace plans for Bosnia. It argues that throughout this process, the space for meaningful inclusion of so-called 'others' becomes smaller, whilst the layers of formal state institutions increase, as the possibility of resolving conflict through a peace agreement becomes more remote.

Keywords: Conflict Management/Resolution (Mediation, Negotiation); Institutions; Bosnia; Peace Agreements

International Institutional Arrangement for Peaceful International Change

Author: Clemente Quinones (Georgia Gwinnett College)

After World War II, the major powers came up with some international institutions to "keep" peace on earth as the world would go through sociopolitical accommodations. However, the series of international changes happening after the creation of the international institutions have been mostly the product of violence taking millions of human lives. Some of these changes include the collapse of the Soviet Union; the end of Cold War; Iraq's invasion of Kuwait and the resulting Gulf War; the acceleration of violent civil war in southern Europe; the September 11 attack and its subsequent international war against terrorism; the Arab Spring; the problems following the Arab Spring such as ISIS and the Syrian crisis, to mention some. The reality is that change in international politics is a constant, and the current international institutions have not been able to regulate change in such a way that it happens peacefully. The purpose of this paper is to test the hypothesis that the creation of international institutions (or a reform of the current ones) to originate and regulate international change peacefully is possible. To test this hypothesis, the paper uses a historical analysis of some peaceful international changes and their factors.

Keywords: Peacebuilding; Institutional Design; Peace Agreements

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