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## Peace and Political Unsettlement



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### Description

The lens of formalized political unsettlement asks for pathways in conflict transitions where the radical disagreement at the heart of the conflict cannot be resolved. It questions the idea of conflict resolution on the assumption that power-sharing arrangements in peace agreements may indeed be able to stop violent conflict but, in turn, perpetuate the contestation between the conflict parties. In formalizing the existing political unsettlement, they cannot transform conflict into normal politics as it is often promised. They can, however, tame armed violence and so prepare the ground for creative modes of transitional engagement. Even though they may appear stuck and deadlocked, situations of formalized political unsettlement are fluid and constantly changing. Pathways for structural engagement – “hooks” – can open up and be fostered and utilized for transformational change. Conflict parties and other stakeholders also apply creative nonsolutions to avoid triggering a relapse into violence and keep the transition moving. Peace in formalized political unsettlement is,

thus, not built but instead evolves out of a long-term transitional process.

### Introduction

Forging “inclusive political settlements” has become a key vision for peacebuilding interventions in armed conflict from the year 2010 onward. For multilateral as well as bilateral actors, predominantly the United Kingdom and Australia, the notion of political settlements rose to prominence as the substitute for the statebuilding agenda that has dominated international engagement in armed conflict since the 1990s. After the projection of formal state structures based on a model of Western liberal statehood to so-called fragile situations broadly failed, the political settlements approach promised a more contextualized pathway for war-to-peace transitions. Questions of how to make a political settlement as inclusive as possible in order to work, thus, developed into major questions for international peace process support. Allegedly, the right sequence of measures, the right composition of parties to a peace process, and the broadest possible representation of stakeholders and interests could trigger a process of formal *and* informal institutionalization that would enable a sustainable post-conflict framework.

Experiences from past peace processes contradict this assumption. The power-sharing frameworks often put in place by peace agreements

rather enshrine the contestation of the conflict instead of resolving it. Transitional frameworks do not pave the way into normal politics but tend to stick, like the Dayton Accord for Bosnia and Herzegovina, as just one example, demonstrates. How is it possible to conceptualize the impact and the achievements of peace agreements while avoiding the sentiment of continuous failure? The Dayton framework may have failed to forge an inclusive political settlement and to provide a transformation into normal politics. It has, however, *formalized* the political unsettling at the heart of the conflict in a way that ended the armed contestation by institutionalizing and thus preserving radical (ethno-)political disagreement (Ramsbotham 2017).

While perpetuating radical disagreement is certainly not the outcome many stakeholders are looking for, a transitional approach accepting and working with formalized political unsettling may still provide a useful lens to conceptualize and engage with conflict transitions. It avoids the overburdening optimism of – and disappointment with – ideal-type notions such as peacebuilding, conflict resolution, or “inclusive political settlements.”

### Political Settlements and Power-Sharing

Not the least driven by policy demands for substituting the rigid institution and statebuilding approach that was perceived as failing, political settlement thinking made its way into the mainstream development and peacebuilding debate in the late 2000s. Seminal for this school of thought are the works of Mushtaq Khan. Khan understands political settlements in a Marxist tradition. They would occur “when the distribution of benefits supported by its institutions is consistent with the distribution of power in society” over the longue durée (Khan 2010). Equally influential, especially in development policy circles, became works building on critical insights of new institutional economics (North et al. 2009), which highlight the contextualized and, often, informal character of political institutions (di John and Putzel 2009).

These two attributes of political institutions in transitional processes, contextuality and informality, indeed represent a decisive shift away from traditional statebuilding, which has for long been accused of transferring Western blueprints to transitional post-conflict situations. The political settlements approach offered a viable alternative perspective for structural engagement. In the peacebuilding mainstream, the new framework enabled to rethink the institutionalization aimed for by comprehensive peace agreements and the subsequent peace process. The rationale was not only to forge an elite pact but to place elite actors into a configuration that would enable the (re-)construction of a wider political settlement and, eventually, transit to normal politics (Cheng et al. 2018; Kelsall 2018).

Since political settlement institutionalization cannot rest on formal state institutions alone, contextualized forms of elite bargaining became acceptable for development policy and peacebuilders. However, the emancipatory social agenda related to international peacebuilding would not accept pure elite bargains. For guaranteeing a sustainable transition in the view of most peacebuilding practitioners, therefore, political settlements needed to generate a far-reaching public buy-in. Settlements had to be “inclusive”: “our aim is to promote inclusive settlements that meet public expectations and address the underlying causes of conflict and fragility” (DFID 2010, p. 24; see also Hirblinger and Landau 2020).

Inclusion was and still is perceived by a relevant strand of the contemporary peacebuilding debate as a panacea for overcoming the limitations of peace deals resting on “handshake moments” that only involve a vastly limited number of (mostly male) actors. For turning limited elite peace settlements into sustainable political settlements, “horizontal inclusion” had to increase the number of armed groups and political actors involved in the negotiations, while “vertical inclusion” had to guarantee the active participation of society at large, in particular habitually neglected groups such as women, victims, the youth, or disabled persons.

Contrasting reservations of experienced mediators and diplomats that such an undertaking would make negotiations overcomplex and impossible to handle, creative ways of public participation were developed in the course of peace talks, ranging from regional consultations to online fora. The Colombian FARC negotiations from 2012 to 2016 emerged as the test case of crafting an inclusive political settlement by expanding public participation. Many suggestions and concerns of the population were structurally channeled into the Havana talks, which remained enclosed and limited to the two parties to keep the process efficient. As a result, the most extended comprehensive peace agreement produced so far was drafted by the negotiation teams. However, much to the shock of the negotiators and the international peacebuilding community, the peace agreement subsequently got rejected in a public referendum, bringing to the fore the severe limits of inclusivity.

Contrary to the idealist assumptions of many peacebuilding practitioners and academics, inclusive approaches do not automatically transcend conflicting interests or guarantee majority buy-in for a peace process. Not all political contestations provide an escape in the form of a mutually fertile middle ground. Political settlements, as well, remain tied to power and interests. Expanding the stakeholder base does not make these interests and tensions go away.

Besides the convincing conceptual critique on inclusive peacebuilding (de Waal 2017), it appears predominantly the power dimension of peace talks that limits inclusion's effectiveness. In many instances, even comprehensive peace agreements that address a fair number of public concerns introduce wide-ranging power-sharing frameworks that shape the political institutionalization in conflict transitions. It would be misleading to think of power-sharing between elite actors as exclusive per se. Armed actors are often forced to demonstrate successes and hands-on outcomes in peace negotiations toward their constituencies in order to gain or at least retain legitimacy. In turn, increased public participation does not make

the conflict fault lines go away. Depending on the context, increased stakeholder participation can mitigate radical disagreement (Bell 2018). At the same time, it can result in hardened political positions as well.

## **Introducing Formalized Political Unsettlement**

Peace agreements have a limited chance in succeeding to transcend the radical contestation and, thereby, forge a new political settlement. Even if a transformation happens, it is likely because of contextually supportive factors and less because of the agreement itself. More often, the conflict's political contestation is enshrined by power-sharing arrangements that are part and parcel of many negotiated peace deals. The Dayton Accord for Bosnia and Herzegovina is a typical example of a multilevel power-sharing (territorial, political, military) that institutionalizes in the aftermath of the deal. In contrast to ambitions by mediators and peacebuilders, the transitional arrangement produced by the agreement did not trigger a transition to normalized politics. Decades after the accord was signed, Bosnia and Herzegovina's polity is still characterized by the same unsettled framework that in December 1995 has been agreed upon as being transitional.

Several other examples from peace processes across the globe show similar characteristics: multiple peace agreements in the Sudans have led to comparable outcomes, as well as peace processes in Lebanon, Mozambique, Sierra Leone, or the Philippines. While power-sharing arrangements in Northern Ireland and Nepal have been able to provide a path toward normal politics to some extent, the gains remain fragile and contested. Other attempts, such as in Yemen, Libya, Somalia, or CAR, fell apart.

The peacebuilding community and often the broader population living in these countries who must cope with the political, economic, and social consequences of power-sharing tend to perceive such mid- to long-term outcomes as failures.

While perfectly reasonable, these sentiments still undervalue that power-sharing arrangements, in many instances, have succeeded in stopping the armed fighting. This is not a small achievement. When the limited traction of inclusivity and the political settlements approach in enabling sustainable conflict transitions threaten to turn into frustration again, a different, more realistic perspective on peace processes becomes necessary.

As it has been discussed, enshrining contestation is not a structural failure or a shortcoming of peace processes. Formalizing a given political unsettlement is often the only option at stake in situations when (re-)constructing a political settlement, especially by means of a unitary constitutional process, remains elusive. Radical disagreement is not just an unfortunate mistake, a temporary misperception, or even foolishness. Conflict parties usually fight for a reason. Such reasons are not necessarily approachable by the attempt to address the “root causes” of a conflict because they are essentially subjective. In a number of conflicts, root causes themselves, or the perception thereof, turn into a major factor in the radical disagreement at hand.

Understanding a peace process outcome not as a political settlement but as a formalized political unsettlement is not without precedence. Neil Walker (2014) has introduced the argument of the beneficial character of constitutional unsettlement using the example of the United Kingdom. Any attempt of sorting this constitutional unsettlement by means of a written constitution, so he argues, would most likely not result in a more stable political settlement but would instead put the UK at risk of becoming torn apart between the divergent interests of its constituent entities. The unsettled but functional arrangement between the UK’s main entities – England, Northern Ireland, Scotland, and Wales – requires political room of maneuver. Sorting and normalizing all differences in a fixed, once-and-for-all settled way would force the entities to fall back to radicalized default positions. Permanent renegotiation and informal arrangements in unsettlement may instead provide more flexible avenues to navigate divergent political interests.

## Factors Contributing to Formalized Political Unsettledness

Several factors, external as well as internal ones, have aggravated the trend to unsettled conflict transitions in recent years. Apart from growing skepticism of peacebuilders and multilateral and bilateral donor agencies alike, who all started the endeavor of transforming armed conflict very optimistically after the end of the Cold War only to enter a stage of disillusionment (Bell 2015), three trends deserve particular attention:

1. Peace processes become increasingly entrenched in what Thomas Carothers and Oren Samet-Marram (2015) have called a “global marketplace of political change.” The traditional Western donors, peacebuilders, and mediators have lost the purchase of being the only game in town. An increasing range of actors, emergent as well as regional powers, get involved in supporting parties to armed conflicts and brokering peace deals. Consequently, the leverage the “international community” of liberal state actors could rely on in a short period in the 1990s has vanished. Armed conflicts and peace processes see an increasing internationalization, albeit, in most instances, not advanced by the global superpowers but mainly from neighboring countries and regional powers.
2. At the same time, armed conflicts themselves tend to regionalize and localize. While peace processes still focus on the national level, statehood in conflict contexts often appears only in fragments and incapable of implementing a peace deal. Power-sharing agreements, in most instances, rest on the premise of sharing a cake that does not (yet) exist. At the same time, oppressive regimes, such as the Assad regime in Syria, seem unwilling to compromise even on superficial arrangements. Instead, they prefer a regional “unsettlement,” also if it implies sacrificing parts of the national territory to opposing actors. Against this background, the perspective of forging national political settlements seems more and more unlikely.

3. Many conflicts experience a blurring into a continuous no-war/no-peace situation. Even comprehensive peace agreements cannot guarantee a transformation into a tenable form of transitional partnership. They must manage existing tensions and formalize an arrangement that, at the minimum, stops the worst armed fighting. Conflicts in DRC, Somalia, South Sudan, or Myanmar show a complex mesh of different conflicts in which clear fault lines and main actors are difficult to distinguish. These situations show remarkable resilience, a “stable instability” (Verweijen 2016; Perera 2017). Conflict only exists in a blurred plurality; it is open, undefined, and nonlocalized. In such contexts, unitary settlements are unlikely to occur. Even the formalization of political unsettlement is an incredibly challenging task and, in many instances, would be welcomed by most internal and external actors.

### Characteristics of Formalized Political Unsettlement

The notion of “formalized political unsettlement” has not been developed as an analytical tool. It aims to provide a lens that offers a different perspective on the long-lasting, enduring transitions from armed conflict. Nevertheless, situations of formalized political unsettlement share some overarching characteristics which will be discussed in the following (see also Bell and Pospisil 2017).

First, formalized political unsettlement contains rather than resolves conflict and its main fault lines. It essentially represents a non-resolution to a conflict. It is not an unconditional compromise but a managed pathway of non-compromising while, at the same time, preventing parties to revert to their default positions. Formalized political unsettlement establishes a dialectical situation of neither/nor: neither are the parties incentivized to overcome their confrontational positions nor are they forced to rely on them entirely. They need to compromise on imposing

their default positions while upholding them politically. The tension between pragmatic politics and radical claims enables the managed and, ideally, formalized way of conflict transitions.

Second, deriving from the permanently managed character between radically disagreeing positions, situations of formalized political unsettlement are institutionally fluid and turbulent. At the same time, they are sticky and durable. Formalized political unsettlement represents a broader perspective on a situation Alex de Waal has fittingly described with an often-heard joke among international observers about Sudanese political life: “it changes from week to week, but if you come back after ten years it is exactly the same” (de Waal 2015, p. 17). What static or resolution-oriented approaches tend to neglect is that both sides need each other: the durability and stickiness of formalization and institutionalization cannot exist without the fluidity and turbulence caused by the political unsettlement and vice versa. Therefore, formalized political unsettlement is difficult to transform or to overcome.

Third, formalized political unsettlement contains a hybrid institutional space situated between and incorporating both substance and process. This hybridity derives from the highlighted dialectical relationship between fluidity and turbulence and institutional formalization and stickiness. Formalized political unsettlement attempts the irresolvable task of establishing a unitary polity without the political agreement to do so. It is through this continuously rejected claim that the formalization evolves and progresses. The agreement between the conflict parties is precisely on their disagreement. Just as in conflict, disagreement appears as the predominant connecting factor. The formalized agreement on radical disagreement can only occur in a constantly managed process of which it becomes the primary substance.

Fourth, formalized political unsettlement is characterized by its specific nonlocal dimension. It is “glocalized,” incorporating international, regional, national, and local actors and their discourses. They all overlap and even appear interchangeably as one another depending on situation and context. Formalized political unsettlement is

nonlocalizable. It occurs in peace processes happening at various peace process “levels,” relying on an assemblage of comprehensive national peace agreements, traditional methods of conflict management at the local level, and everything in between. It integrates all these “levels,” both building on and triggering them and yet, by doing so, renders stratification impossible.

### **Modes of Transitional Practice and Engagement**

Considering these four characteristics, formalized political unsettlement appears as a complex constellation that cannot be grasped by sequencing and spatial hierarchization. Its characteristics explain why traditional types of peace- and statebuilding analyses and intervention often result in what is perceived as a failure. However, for supporting to bring about better modes of engagement in conflict transitions, the perception of failure needs to be further disaggregated. As already highlighted, misguided visions, aims, and expectations are often the primary reason for such sentiments. The main benefit of constellations of formalized political unsettlement is that, by relying on power-sharing arrangements or related types of constructions, armed conflict can indeed be stopped and transferred into less violent politics of radical disagreement. Although this might resemble of what Michel Foucault (2003), in paraphrasing Clausewitz, has called “politics as the continuation of war with other means”, formalized political unsettlement still represents a significant change in the living conditions of a large part of the population. Few would think of formalized political unsettlement as peace, but it is certainly preferable to war.

Along with the required adjustment of aims, approaches and methods of transitional engagement can profit from taking the characteristics of formalized political unsettlement into account when designing interventions. Textbook-style peacebuilding interventions understanding peace processes as sequenced transitions that progress from ceasefires over comprehensive peace agreements toward constitutional processes and,

eventually, normalized politics. Established peace process “package deals” such as disarmament, demobilization, and reintegration (DDR), security sector reform (SSR), or transitional justice are substantially limited in facilitating transitional progress. Instead, the outcomes in situations of formalized political unsettlement, in most instances, are contradictory, unforeseeable, and, considering the initial aims, unsatisfactory. Being an essential part of the formalized fundamental contestation between parties, these procedures will always turn into modalities of political power play.

Formalized political unsettlement invites to rethink the modalities of engagement and external intervention in conflict transitions in a way that questions the focus on solutions and their orientation on so-called best practices. However disappointing, the acceptance of the incomplete and procedural character of transitional processes is pivotal. Recent works (Pospisil 2019; de Waal et al. 2019) have explored several existing practices of usefully maneuvering formalized political unsettlement.

A critical assessment of interventions in formalized political unsettlement invites to accept a new perspective of what is implemented or supported. Contemporary peacebuilding rationalizes institutional setups that it implements based on success or failure. Does a certain stipulation work, has it been adequately implemented? Such reasoning is deeply entrenched in the linear logic of sequencing. It neglects that conflict transitions do not simply progress.

In contrast to solution-based approaches, institutions, concrete structural setups, as well as legal or normative frameworks as foreseen in peace agreements may be interpreted as “hooks.” Such hooks may have a role to play, they may become critical in a transitional process, or they may not. It is impossible to know beforehand, at the time these measures are negotiated and inscribed in agreements, whether they will turn into real levers for change. The complexity of transitional processes in a conflict mesh entails the impossibility to accurately project the future role of particular measures and institutions. Therefore, measuring success only in terms of implementation and

outcome, and not in potentialities, can result in short-sighted and limited assessments.

Other modes of navigating conflict transitions evolve out of the contextual surroundings and fundamentally contradict the Western action-oriented approaches. Some of these modalities creatively play with time and space. They intrinsically accept transitions as a long-term project. One practice that directly challenges the predominance of the implementation paradigm is the enduring postponement of contractual obligations that may take the form of “creative nonsolutions” (Pospisil 2019, pp. 127–164). Such nonsolutions can occur in relation to referenda foreseen in peace agreements: the postponement or even cancelation of referenda, habitually condemned and bemoaned by international stakeholders, is indeed common practice. Not even a fifth of the referenda stipulated in peace agreements are held (more or less) on time.

Resolution- and implementation-based logics interpret delays as structural problems. They might be the exact opposite. The Comprehensive Peace Agreement between Sudan and now independent South Sudan did foresee a referendum on the status of Abyei, a region that remained contested between both states ever since the beginning of the peace negotiations. This referendum should have been held at the day of the South Sudanese independence referendum but was postponed indefinitely since then. The postponement enabled both sides to uphold their claim on the territory and, by doing so, to satisfy the expectations of their local constituencies. Would the referendum have been held, the losing side would have come under immediate pressure not to accept the result and act decisively against the opponents – or people in the region themselves would do so. In contrast to textbook peace process knowledge, the chances are that the implementation of the referendum would likely trigger a war between the two countries, whereas a permanent postponement enables a creative management of tensions that does not hamper the broader transitional process.

Alex de Waal and others (2019) have referred to the traditional Sudanese negotiation method of “tajility,” the strategic politics of delay. Instead of

falling into the paradigm of acting, political negotiations in the Sudanese context often turn into a waiting game, usually to the frustration of external observers. Interpreting this waiting game as the unwillingness to settle or pure ignorance would be a severe misperception. In contrast, the ability to wait can be seen as a powerful action, whereby such power can only come to the fore in political configurations favorable to political non-closure, such as formalized political unsettlement. Western peacebuilders tend to dismiss “tajility” as counterproductive to conflict resolution. But, as another saying in the Sudanese context goes, “you have the clock, and we have the time.” In a transitional perspective focused on the long term, this approach might have considerable advantages compared to the often short-sighted implementation paradigm.

Formalized political unsettlement, as well, challenges the liberal relationism of contemporary peacebuilding: for peace to work, everybody and everything needs to be connected and included. Such a perspective neglects the opportunities embedded in disaggregation, disrelation, and, in the last instance, ignorance. Contemporary armed conflict rarely is an event unfolding between large standing armies, perhaps even after a formal declaration of warfare. It more resembles the weather. Armed fighting comes and goes; clouds develop locally, along with showers, hurricanes, and the occasional sunshine. In these conditions, it appears odd that peace processes predominantly focus on the national level. While it may be possible to resolve armed conflict along major fault lines, the perspective of conflict disaggregation, the disintegration of the conflict system, and a disrelation of contesting actors seem an equally likely perspective.

While the formalization of the political contestation between major parties to an armed conflict is a structural component of formalized political unsettlement, the lens still provides considerable space for non-understanding, ignorance, and disrelation. Despite going against the deep structure of liberal peace that fundamentally rests on agreement and understanding, these elements have an intrinsic peaceful quality that is ignored all too often. For example, it is worth thinking about

separating the ideas of demos (the people), polis (the political community), and territory and the ways in which these elements can be disaggregated to provide creative ways to address radical disagreement in innovative constitutional frameworks. This may require understanding post-conflict polities to function as “disrelated communities” who navigate their coexistence, rather than unified polities working based on a unitary social contract.

## Summary

Formalized political unsettlement is a likely outcome of peace processes. It enshrines instead of resolves the radical disagreement between the conflict parties. Irrespective of how the concrete methods of transition support might look like, navigating formalized political unsettlement requires overcoming the traditional conflict resolution paradigm. It favors a rationale that emphasizes process over outcomes and the acceptance of long-term transitions over resolution-based outcomes. It is an invitation to work with the grain of conflict transitions, in full acceptance of the challenging trade-offs such an approach implies.

The likelihood of failure and the unpredictability of success point toward pragmatic approaches in which the concrete goals of a transformative intervention emerge in the course of action. By no means, however, pragmatism translates into an “anything goes.” In contrast, a clear orientation based on a robust and transparent normative framework can provide guidance for actors engaging in such contexts. These two aspects – pragmatically mitigating transitions based on a well-communicated normative framework – taken together form the foundational pillars of a “principled pragmatism” in conflict transitions. This approach must accept the risk – and even likelihood – that engagement falls short of expectations. Especially in these circumstances, a principled approach is vital. Norms are always instantiated locally and incrementally, and more importantly, they are given their content through practice, rather than encapsulating static commands to behave in a certain way.

Formalized political unsettlement is a configuration difficult to like, neither for peacebuilders nor for the people having to live in such surroundings. Yet, they are able to tame armed violence and are often the only tangible results of peace negotiations in situations of radical disagreement. In many cases, agreeing on a power-sharing arrangement that formalizes and institutionalizes political unsettlement instead of aiming to resolve the underlying political conflict is simply the only deal available at the negotiating table. Against this background, formalized political unsettlement offers a humble perspective that contrasts the optimistic and visionary assumptions of liberal peacebuilding, in particular an accountable and functional state based on the rule of law. Nevertheless, if functional statehood and the creation of a unitary polity are no feasible outcomes, alternative models of designing and evaluating transitional efforts are required. Not achieving the gold standard of liberal peacebuilding does not equal failure. What many critiques of liberal peacebuilding often tend to overlook, however, is that the alternative to the liberal ideal is not necessarily better. Often, it is the reality of hard and pragmatic choices and the need to take risks to make transitions work and to create openings and opportunities for sustainable change.

## Cross-References

- ▶ [Civil Society Inclusion in Peace Processes](#)
- ▶ [Complexity Theory for Peace and Conflict Studies, Insights](#)
- ▶ [Consociationalism and Peace after Conflict](#)
- ▶ [Constitution-Making and Peacebuilding](#)
- ▶ [Hybrid Political Orders and Hybrid Peace](#)
- ▶ [Peace Agreements](#)
- ▶ [Peacebuilding: Utopia and Reality](#)
- ▶ [Stabilization Operations and Their Relationship to Liberal Peacebuilding Missions](#)

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