

Thinking about Peace and the role of State Building and Political Settlement in the pursuit of sustainable peace in Africa

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This paper is a part of an African Leadership Centre Research project supported by the International Development Research Centre.

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Evolution of ideas of peace

The pursuit of sustainable peace has been an integral feature of intellectual and practical engagement across centuries – from the period of the classical philosophers to the age of enlightenment and across the 19th and 20th centuries. The founder of social contract theory, Thomas Hobbes, perceived war as the natural state and hence peace has to be crafted through a social contract establishing a sovereign whose power is 'absolute, omniscient, indivisible and ultimate'.¹ And thus peace is maintained by taming human nature and creating structures that reduce the structural dilemma, call it security dilemma, arising from the absence of overarching authority. In the International realm this served as a base for the realist school of International Relations.² His successor, John Locke, set his theory on a different notion of the social contract and by extension the reasons for the establishment and legitimacy of political authority. Starting on the assumption that the state of nature is characterized by the enjoyment of, though not secure, right to life, liberty and property, Locke squarely put peace and order on limited government that securely protects the aforementioned rights.³ Finally, Jean-Jacques Rousseau introduced the idea of the *General Will* that serves the genuine interest of every member; allows its member live under the force of law; grants them freedoms.⁴

Most prominent, in the evolution of the idea of peace, perhaps has been the development from the idea of *perpetual peace* outlined by Immanuel Kant that emphasised the centrality of states and social compact with citizens,⁵ to Johan Galtung's notion of negative peace, which he constructed as "absence of violence, absence of war" and of *positive peace*, which he first defined as 'integration of human society' and later as 'social justice'.⁶ In the last two decades, peace has been most prominently conceived of as an ideal form of "Liberal peace" sometimes

understood today as process of post-conflict intervention and a move from peace to peacebuilding.⁷

The trajectories of these narratives have no doubt been shaped by the nature of the debates of the times in which they emerged. Kant was responding to the conditions of times in which maintaining a Westphalian peace was paramount. How to achieve “eternal” peace through the ending of wars between sovereigns occupied Kant’s attention at the turn of the 18th Century. For Kant, maintaining continuous peace between states went beyond a truce but required a permanent end to hostilities. This was possible only if peace treaties were reached without parties harbouring ‘mental reservations about issues which would be confronted later’.⁸ Thus, entering into a peace treaty simply because parties were too exhausted to continue with war would be an act of “bad faith” and could not be considered peace but a mere suspension of hostilities.⁹ Attaining perpetual peace by permanently ending war between states would also require the end of annexing of independent states; and an abolition of standing armies.¹⁰

Embedded in Kant’s notion of peace however is the view that a republican system offers the best prospect for perpetual peace. Since war is inevitable in the state of nature, a state of perpetual peace must be created – first by people and then by the states that they create. To do so, it must be citizens through their inalienable natural rights as human beings, equal beings, who create a set of laws – a republican constitution to which they all subscribe and which forms the basis for governing the state. In short, such a state should be the product of conversations among its people, the whole of society. As such, the decision to wage a war is taken by the collective of citizens in a society. Were this to be so, they would proceed cautiously while ruminating over the costs of waging a war. The situation is different in democracies that are not “republican”. Subjects, as opposed to citizens, do not get to decide whether or not to go to war. That decision is firmly in the hand of the ruler(s), who can often afford to act arbitrarily. Ultimately, a ‘federation of free states’ would determine the law of nations, which invariably holds the possibility of perpetual peace.¹¹

There are clear and mutually reinforcing intersections between the Kantian ideal of perpetual peace and the notion of peace advanced by Galtung more than a century and a half later. To be certain, Kant was concerned about the nature of the society that would ultimately ensure perpetual peace between states but the permanent prevention of war between states was a major preoccupation. Galtung's idea of peace understood peace as the absence of war – more specifically the absence of violence. But that violence was not about physical violence. In his seminal piece on *Violence, Peace and Peace Research* in 1969, Galtung offered a distinction between *personal* and *direct violence*, and *structural* and *indirect violence*.¹² The absence of the first produces *negative peace*, while the absence of the latter produces *positive peace*.¹³ For Galtung:

With the distinction between personal and structural violence as basic, violence becomes two-sided, and so does peace conceived as the absence of violence. An extended concept of violence leads to an extended concept of peace. Just as a coin has two sides: absence of personal violence, and absence of structural violence. We shall refer to this as negative peace and positive peace respectively.¹⁴

Galtung was clear that this is violence, which does not cause direct physical harm. Rather it is built into the structure, 'shows up as unequal power and consequently as unequal life chances'.¹⁵ As such, this pursuit of a frame for stable peace in society is consistent with Kant's own search for perpetual peace. An egalitarian society invariably breeds peaceful co-existence and stability and a potential visioning of a common future. Arguably, societies that achieve this would invariably reflect deeply on the issue of conflict with other societies.

Much of the ideals advanced by Kant and later by Galtung, remains a work in progress. To be sure, the annexation of states is arguably a thing of the past among Western democracies. Wars of aggression are a rarity today in inter-state relations even outside of Western democracies. This is notwithstanding the reversals experienced from time to time. Iraq's annexation of Kuwait in 1991, which was

repelled by a global coalition and Russia's more recent annexation of Crimea, which saw a timid response from the international community are cases in point. Standing armies have remained a core feature of states. The reality of a nuclear arms race in a post-WW II period, the accompanying danger of nuclear annihilation; and a fiercely fought Cold War between the great powers, were not conducive to the idea of states without armies. Neither the 'federation of free states' nor a world of republican systems has been realised in the vast majority of states of which those in Africa are still evolving. Nor is this realisable under existing global conditions in a post-Cold War world. Progress has nonetheless been realised in patches. War between states is reduced but remain a feature outside of Western democracies. Violent conflicts remain a reality in many societies.

Evolving narratives and recent developments in peacebuilding

As the incidents of violent and armed conflict have continued to evolve in the period since the end of the Cold War, ideas of peace and how to build peace in places experiencing the outbreak of violence has been a preoccupation of academic and policy communities alike. The shift in the nature of threats to international peace and security was inevitable in a changed post-Cold War dispensation. Outbreaks of violent intra-state conflicts in the period since 1990 and the resultant humanitarian tragedy in a number of conflict situations in former Yugoslavia and Africa – Liberia, Sierra Leone, Somalia and Rwanda among others – drew global attention to the need to find peaceful resolution. Boutros-Ghali's *Agenda for Peace* in 1992,¹⁶ and its sequel in 1995 were a result of the UN's attempt to find a framework for bringing about stable peace in armed conflict situations in Africa and other regions where the sheer magnitude of human suffering provoked global outcry.

Implementation of the Agenda for Peace created fertile ground for the evolution of ideas of liberal peace. Boutros-Ghali's initial conceptualisation of peacebuilding in Agenda for Peace reflected a sequential approach and at the same time served to build a consensus around the concept of "liberal peace." Returning war-affected societies to stable peace would entail a multi-level effort to build

governance from local to international levels through preventive diplomacy, peacemaking, peacekeeping, peacebuilding and peace enforcement.¹⁷

On the surface, the idea of liberal peace is not inconsistent with the earlier Kantian ideal or indeed, Galtung's notion of absence of violence and social injustice. Oliver Richmond, in the *Transformations of Peace*, breaks down the constituent parts of the liberal peace theory into the following – democratisation, human rights, civil society, rule of law and liberalisation most visibly reflected in free market reform and development – what Richmond refers to as the 'technology of the liberal peacebuilding process'.¹⁸ While it is difficult to dispute a claim for people to have equal rights in a society where the rule of law prevails this has evolved into a template for building particular types of states. The notion of liberal peace has therefore become the framework by which the international community seeks to bring peace to war-affected societies.

Roger Macginty and Oliver Richmond analyse four main threads of 'evolved thinking' on peace and peacebuilding – victor's peace, institutional peace, constitutional peace and civil peace – which they sum up into the 'conservative' and 'orthodox' models of liberal peace.¹⁹ The conservative model consists of 'top down' approaches to peacebuilding and it is underlined by practices of coercion, domination and hegemony.²⁰ The orthodox model of state building, on the other hand is sensitive to 'local ownership' in the building of liberal institutions although still inherently top down. It projects peace 'as being state led... representing top down and bottom up at the same time... with emphasis on the former.'²¹ It is not inconsistent with the conservative model as it sees the provision of security as a starting point and proceeds to undertake peacebuilding 'based on international assumption of technical superiority over its subjects via the claim of normative universality of the liberal peace'.²² The bottom up approach, which places emphasis on social justice, is its added value.

Thus, the sooner one begins to talk about peace building the sooner one slips into discussion of state-building, and the sooner one ventures to talk about peace the sooner one runs into the idea of the state. This is not problematic in and of itself. The problem is that the idea of the state one has is a particular kind of state so

detached from the context in which one is talking about peace. That social order requires some sort of governance arrangement is not questionable, but to state that social order needs to be based on a liberal state in situations where a liberal order is neither feasible nor probably desirable (at least from the viewpoint of actors at the domestic level) is at best misleading.

State-building as peacebuilding

This “backdoor” entry of state-building into the peacebuilding discourse introduces a complexity. The nature of liberal peace that is used to reconstitute states after conflict in the post-Cold War world is essentially a one-size-fits-all paradigm that is used to bring peace and democracy to war-affected societies. On the surface, the idea of supporting societies where conflict has degenerated into violence, to pursue their nation building and state-building efforts seems logical. But the assumption that one template will suit all conflict situations is faulty at best. This is compounded by the fact that contemporary approaches in peacebuilding have largely focused on “packaging” efforts meant to transition post-conflict states from war to peace and based on itemised “pillars” and “timelines” to be achieved in a specific timeframe.²³ This has come to characterise institutional approaches of the United Nations and its partners. Rather than an approach, which facilitates a return, (although not guaranteed) to the non-violent pursuit of the state and/or nation building *conversations*, which degenerated to violence, the need to end violence becomes an end in itself. Ultimately, what is achievable under such circumstances is negative peace and not positive peace.

This approach – of state-building as peacebuilding – is no doubt informed by the idea that states that experience armed conflict are inherently weak. Contemporary ideas of state-building have not only been predominantly founded on European experiences,²⁴ but they have since the end of the Cold War and post 9/11 terror attacks in the United States, gone through a conceptual and pragmatic evolution by adopting aphoristic concepts such as “collapsed states”, to their subsequent corollaries, “failed state” and “weak states”.²⁵ Equally today, “liberal

peace” sets a standard by which “failed states” and “bad civil societies” are judged according to ethical, spatial and temporal markers.²⁶

The basis, though theoretical, of state-building as peacebuilding, is founded on two central tenets. First is the state’s capability to perform functions or the ability to achieve specific outcomes. The two functions and outcomes, which are important to highlight here are usually founded and advanced on a *Weberian* philosophy of coercive and non-coercive functions of the state.²⁷ The coercive functions are considered as the state’s capacity to successfully and legitimately monopolise the means of violence and thus possess the capability to enforce extractive functions such as revenue collection, taxation or exploiting resources, maintain law and order, and provision of security within a given territory.²⁸ The non-coercive functions, mainly characteristic of modern states, are described in terms of the state’s provision of social goods and services, the durability and efficacy of a state’s governance structures and its social and economic redistributive functions.²⁹

These concepts are widely held with reference to ideas of state-building in Africa both in theory as well as in practice.³⁰ The premise therefore is that, a state that performs these functions is considered successful while those that are unable to perform them are failed. The implication of this is that when violent conflict occurs in a state that is deemed to have “failed”, the solution to that conflict must of necessity be found in constructing this ideal state. This approach to building peace has gained prominence in the last two decades. In this regard, state-building is thus often constructed as a prerequisite to peace. To be certain, this logic is not entirely unfounded. The assumption that the state was neither well-constructed nor based on the recognised paradigm might lead one to conclude that if only a particular type of state was built, a peaceful order would prevail.

The challenge however lies in the fact that a particular kind of state, namely a liberal state, is proposed as offering the potential for lasting peace particularly in contexts of armed conflict. Liberal states cannot be built as conceived by liberal state builders and even the most sophisticated attempts at doing so ends up building a state that remotely resembles a liberal state. Such an approach ignores

the path, time, sequences of events and processes (which are path dependent) taken by liberal states to acquire their current form. It simply aims to build such states by crafting 'liberal-like institutions' that are supposed to embody liberal values which in the end brings 'liberal-like states' with 'liberal-like values' that are actually far from how a liberal state actually behaves. How these kinds of institutions come about bring us back to the notion of *conversation*, which is discussed later.

There have been inter-elite and elite-society and elite-outsiders conversations and these are segmented and fragmented, reinforcing and contradicting institutions with all their complexity. The way situations unfold in practice, thus, reveals these complex and context specific paths that cannot be viewed because of the dominance of the 'liberal way of seeing' that assesses state and peace building experience in terms of becoming more or less of the liberal variant (they are not qualitatively different whatsoever). However, shifting the analytical lens may increase the visibility of alternative ways of looking at actual state and peace building practices that would potentially give rise to a different approach to peace and state building by local and international actors and hence the need to approach the subject from a different perspective.

The second basis of the state-building as peacebuilding orientation is the resurgence of theories of conflict that emphasise the opportunity structure of violence and the lack of state capacity as a determining factor of conflict across the world. Often based on econometric analysis, these studies associate conflict primarily in terms of the human, financial and organizational feasibility of rebellion, which among others, is determined by the availability of exploitable resources, the existence of large pool of illiterate youth, and weakness of the state. Work by Collier and Hoeffler,³¹ and Fearon and Laitin,³² among many others, demonstrated the centrality of state-building for peacebuilding, which later informed policy making ranging from the extraction and trading of natural resources exploited from conflict affected countries to IFI's policies towards conflict affected countries. Using the proxies of rebels' access to finance, the cost of rebel recruitment, and governments' military capability Collier and Hoeffler argued that the phenomenon of civil war is largely explained by the greed motive. Similarly, Fearon and Laitin argued that civil

wars are largely explained by factors favouring rebellion that are found in financially and bureaucratically weak states. The logical response to this entails strengthening the capacity of the state and delivery of services so as to reduce the opportunity cost of rebellion and increase the states capacity to deter rebellion and deliver services.

An apparent trend, not unconnected with the points noted above, is that this evolving analysis of state-building on the basis of the functions and outcomes described above does not limit itself to only war-affected situations. Rather, part of this analysis lends itself to the possibility of state-building even in non- or pre-armed conflict situations. One area, for example, which would be true for pre- and post – armed conflict situations is that of resource extraction. One of the themes not keenly emphasised in the extractive element of the state is taxation.³³ Although interveners recognise the impacts of longstanding aid reduction on government capacity to generate revenue, writers have not adequately elaborated at what point international development partners should withdraw support to post-conflict countries. Consequently, the solutions, therefore prescribed by policymakers have been hasty institutional reforms, building state capacities. Furthermore, the main challenge identified in these reforms is that donor programmes tend to be conceived with “do no harm” assumptions, which presume that African countries are trapped in perpetual institutional failure hence, they require more aid support.³⁴

The main argument is that, in post-conflict countries, a functional public financial system that is, the capacity of the state to collect and expend revenue, is not only essential for state making but also peacebuilding. However, studies of a number of African countries indicate that taxation goes beyond collecting revenue. The main concerns lie in the social contract between the taxpayers and the state; that is tax compliance is related to state provision of services including security.³⁵ Successes therefore of the state in revenue extraction and, ultimately successes in statebuilding, are imperative on the state advancement of the social contract, which depends on how it negotiates with the society in revenue raising among other things.³⁶ Imperatively rather than emphasise a donor-driven process of assisting developing states to build a tax regime, it is essential to build on the willingness of

the society to pay taxes and the role played by taxation in state-society bargaining as well as the creating stimulus taxation that provides the capacity of the state to develop other sectors. This argument resonates with the central idea in this study that the nature of internal conversations between leaders and peoples determines the path to a viable, peaceful state.

The notion of “conversation” as the missing piece in the peacebuilding discourse

The centrality of inter-elite and elite-society conversation in the course of building sustainable and peaceful states means that the conventional assumptions linking peace building and state-building need to be problematized. The mainstream literature, especially but by no means exclusively in post conflict contexts, depict statebuilding as the solution to and part of the process of peacebuilding, and to this end advocates building a particular kind of state that inevitably leads to a particular kind of peace. While this literature, on certain occasions, acknowledge the possibility of tension and parallelism between the two,³⁷ in its contemporary incarnation, it dominantly sees peacebuilding in terms of crafting and institutionalizing architectures of peace. Rarely does it present peacebuilding as a separate agenda from which institutions upholding it (the state) evolve except adding certain issues of consideration in the course of ending war, which includes themes such as DDR and transitional justice and reconciliation.³⁸

Even the most systematic assessment of the peacebuilding enterprise going on so far focuses on dynamics of democratization and marketization and end up recommending institutionalization before democratization.³⁹ Though this argument is neither problematic nor unsound in the face of dominant practices of peacebuilding, it overlooks the deeper issues involved in the process of institutionalization at the core of which is the difficulty to chart a non-violent inter-elite and elite society conversation and without which institutionalization will be shallow. It underestimates the fact that ultimately institutionalization (later research took the spirit of this point to mean state building)⁴⁰ is centrally all about the messy political processes involved in inter-elite and inter-society conversation and that peacebuilding entails shifting such conversations in non-violent directions.

This shift in the framing of peacebuilding and state-building endeavours, we hope, balances the tendency to privilege the technical over the political, and remedies the shortcomings of policy measures emanating from such biases. It also brings certain concepts and themes to the fore while relegating others to the background. Issues relating to political settlement, nation building, political and economic community, conversation, and legitimacy are some of the issues this reframing brings to the fore. This study focuses on political settlement and conversation and their interconnection with the praxis of peace and state-building. In doing so, we aim to shift the debate from a focus on which institutions, liberal or otherwise, and/or which policies are most effective for peace to how inter-elite and society-elite conversation give rise to or fail to bring a particular ensembles of institutions and policy outcomes, and demonstrate the role of political settlement in shaping the nature and outcome these conversations.

Accordingly, this research aims to reframe the state-building–peacebuilding problematique by re-centring the notion of *conversation* in the processes of building peace and state. It argues that peacebuilding conversations are not only about building peace but also are essentially about the normative and institutional underpinning of the peace (whatever its type) and hence state-building. While not wanting to invite the “chicken and egg” kind of debate, we argue that state institutions would be embedded in society if and only if they are a product of prior conversation about peace and social order among elites and between elites and society, and that non-violent conversation tends to usher durable peace and patterns of governance. This, we believe, would serve as an alternative way of approaching the state building-peacebuilding problematique, of course, with a caution or two. First, there had been violent conversations that ended up in consolidating state institutions though this is not likely in the contemporary period. Second, once emerged out of violent or non-violent conversations institutions in turn shape the kind of conversation a society is to have, and the kind of peace or war that follows from it (hence the process is essentially path dependent limiting the relevance of one-size-fits-all, template-based approach to peace and state-building).

This reframing of orientation brings the notion of political settlement to the centre of the debate in the state-building and peacebuilding endeavour.

Conventionally, as noted above, the enigmas involved in state and peace building often lumped under the notion 'building a peaceful state' is approached through privileging state building as the key to lasting peace. In this process, the task of interveners would be building the coercive and non-coercive functions of the state, and this privileges the technical over the political no matter what level of attention and caution is foretold regarding the importance of the latter. These functions are not assumed to be based on a certain underpinning conversation as they are rather assumed to shape the form a conversation would take and hence political settlement understood in its broader sense as power balance and intermediation/conversation among different groups, classes, actors in society has little relevance.

Stated starkly, in the liberal approach to peace, a particular ensemble of institutions leads to peace whereas we argue inter-elite and elite society conversation, on some conditions, leads to certain institutions rooted in society, meaning that legitimate institutions which are products of and under which lies a particular kind of peace (the property of which cannot be stated before the fact). One fruitful label of these ensembles of institutions and their underpinning normative order would probably be *hybrid state and peace*. Given the global dominance of liberal actors, and structures supporting that ideology the kind of institutional/governance arrangement inter-elite and elite society conversation will give rise to will be hybrid one that combine liberal elements (to accommodate the leverage of liberal actor and their ideology) with local notion of what constitute legitimate governance and legitimate actors.

This forces us not to define what state-building and peacebuilding entails in advance. The only point we can make is that state-building entails supporting and facilitating conversation that leads to a legitimate set of institutions and strengthening the effectiveness of existing institutions governing the collective life of the society through supporting inter-elite and societal conversation as deemed appropriate. And peacebuilding entails facilitating conversations that minimize

what a society (not external peace builders) considers as violent, and building what a society inter-subjectively agreed to be peace. Hence, building peace is all about charting conversation among contending actors in non-violent ways, and that the end of that is not simply how war is to be ended and peace restored. It is also about the transformation of normative and institutional pillars that follows from charting such conversation. Needless to say, the notion of political settlement both in its broader and narrow conception becomes a relevant tool of analysis for such an approach.

The notion of Political Settlement and its role in peace and state building

The concept of political settlement has its origin in historical political economy,⁴¹ and has different meaning and analytical utility for development oriented scholarship and conflict studies. In much of the literature on development, political settlement is understood as the basic, implicit and explicit, rules ordering society and economy in a state which often end and prevent conflict and hence its linkage with war and peace. It is the extent the institutionally regulated distribution of rights is compatible with societal power balances, and results in sustainable economic and political outcomes.⁴² Institutional structures that allocate benefits and burdens disavouring powerful groups do not generate sustained economic and political outcome and hence unstable. DFID defined political settlement as 'the deeper, often unarticulated, understandings between elites that bring about the conditions to end conflict, but which also in most states prevent violent conflict from occurring'.⁴³ According to this perspective, a peace agreement can be part of a political settlement though the latter is not reducible to the former.

A victorious party could impose a political settlement. An imposed settlement develops when a defeated party renounces war as an option to advance political demands either because it has a chance to engage in politics through election, or because it believes that violence is not a viable means to achieve its goal.⁴⁴ This perspective accepts that political settlements are not static and that there could be violent changes of government while the settlements remain intact. The concept also refers to agreement among elites on the basic rules of the political

game governing the exercise of political power to serve their best interests and beliefs in the political organization of the state⁴⁵. The nature of elite bargain is essential for understanding trajectories of state failure and resilience. Political settlements that are inclusive of all major elite groups and that link political power with economic interests tend to be durable, whereas those that are exclusionary are likely to be fragile and vulnerable to failure.⁴⁶ However, the inclusiveness of a political settlement should not be judged by looking at the participation in the bargaining process or official appointment. The distribution of entitlements and rights to various groups and classes is the main determinant of the level of inclusiveness of a settlement.⁴⁷

The OECD paper entitled *From Power Struggles to Sustainable Peace: Understanding Political Settlements*, understands political settlement as an event and a process. As an event, it entails the historical and political processes that culminate in a peace agreement and/or the transition from an old political order to a new order, and, as a process, it is envisioned as a specific condition or property of society.⁴⁸ Every political system, except those that are in the midst of civil wars, has its own underpinning political settlement and hence political settlement, as employed by OECD, does not necessarily mean the forging of full-fledged consensus. The OECD underscores that the concept could serve as a conceptual bridge between the twin processes of peacebuilding and state-building though it falls short of stating the mechanism that links the two processes⁴⁹. The event dimension of a political settlement is essential to end violence, whereas this starting point is assumed to substantially affect the subsequent trajectories of state-building.

The problem of such understanding of political settlement relates to the counters of the concept. There is the risk of it becoming a “catch-all” concept that potentially includes a broad range of issues. This limits the analytical utility of the concept as it would be difficult to disentangle the effect of different variables on political settlement and the extent a given political settlement affects other variables of interest. This is further complicated by the difficulties of identifying observable elements of the concept. While some point out the lack of political settlement by the prevalence of widespread violence others contend that governments might be

changed violently while the settlement remains intact. Hence, the analytical utility of the concept is impaired by contentions over its nature, conceptual boundary and observable implications.

The literature on peace and conflict studies uses political settlement to refer to either war termination of any type or negotiated settlement of civil wars only. Understood as ways of terminating wars, three different types of political settlements are identified in the literature: victory based settlement, negotiated settlement, and ceasefire/stalemate.⁵⁰ While victory based settlement refers to a situation where one side is declared winner and the other admits defeat and surrenders, negotiated settlement refers to a situation where each side agrees to end violence and devise a common framework for post-war governance. Ceasefire is an ending of a war without a common agreed framework for post-war governance. Hartzell and Hoddie added a fourth way of ending war where one party negotiates with an outside third party that is part of the conflict as when the Sri Lankan government negotiated with the Indian government to end the war with the Tamil separation movement⁵¹. Kreutz also added a fourth type under the category of other outcomes, which includes civil wars that end just because rebels decided to end the conflict without any reciprocal action on the part of the government.⁵² For di John and Putzel this understanding of the term political settlement is 'theoretically unattractive'.⁵³ However, scholars interested in war termination have advanced insightful theoretical arguments about war termination and the possibilities of durable peace⁵⁴.

This study understands political settlement as an activity or decisive action that marks the end of armed conflict or a transition from violent conflict to the pursuit of conflict by non-violent means. This decisive moment embodies, implicitly or explicitly, the terms under which conflicting parties would live together regardless of the extent to which these terms are consensual or imposed. Every political order, however dictatorial, always depends on some sort of acceptance, as there always is the possibility to subvert imposition from above no matter how grave the consequences might be. Thus, this helps us to discern not only the processes through which terms of shared lives or/and agreement come about but

also the substantive content of the arrangement by which contending groups live together. We do not presume, at the outset, that such an arrangement would be procedurally and substantively better in negotiated settlement than victory based ones. The only point we wish to emphasise is that such an arrangement, drawing from Khan,⁵⁵ is supported by the power balance among contending actors external influence being accounted for.

Nonetheless, understood as the decisive event marking the end of armed conflict and the introduction of a new political order, political settlement does not simply refer to the way war terminates but also the changes in the warring actors and their relationship during the course of the termination. This refers to changes in the organizational, ideological and mobilization capacity and will of warring actors, the inclusiveness of the actors and/or processes ushering in the termination, and the level of consensus in the arrangement by means of which a transitioning society is going to live together. This understanding is informed by the assumption that the end of civil war is not only about the end of armed activity but also is about change in a range of organizational and political dynamics. Understood this way, our definition combines elements that simultaneously exclude and include, compare and contrast the two types of settlements. By this, we mean, first, settlements based on victory are presented to be qualitatively different from settlement based on negotiation and in this sense we want to compare processes giving rise to that decisive moment marking a transition to another form of order and the extent this shapes consequent processes of conversations, violent or otherwise, about peace and state building. We use the notion of conversation here to refer to implicit and explicit interaction and dialogues among collectivises or their elected or self-proclaimed agents pertaining to issues of central concern for the groups or part thereof.

The normative, institutional and organizational form these conversations are manifested in and are materialized through is an essential aspect of the process that set countries on different trajectories to peace and state building. At one level, they are the manifestation of these conversations and at another level they are the medium through which these conversations are materialized. In other words, once

in existence they shape the kind of conversation to be had and they manifest the kind of conversation that had been going on. Arrangements that institutionalized a particular form of governance (ethnic federalism in Ethiopia, devolution in Kenya, justice management in Rwanda, resource governance in Sierra Leone), for instance, indicate the kind of conversation that was central before and during the settlement and at the same time shapes the subsequent conversations to be had.

Driven by this logic, we imagine, a particular settlement sets the context about what is possible, imaginable and practicable, and what is not a thinkable course of action given the (perceived) power balance among contending actors. In other words, while it facilitates certain courses of actions, it inhibits others. It also determines which actors are legitimate, to what extent and to take which course of actions (either due to the leverage they command or their past conduct), as well as which actors are not legitimate to engage in the peacebuilding and state-building enterprise. Hence, we presume that different settlements would have different peacebuilding and state-building ramifications, and the extent different settlements determine the consequent peace building and state-building dynamics in different countries is part of the insight that we seek to gain from this study.

Second, by including processes of changes in organizational, relational and political dynamics in the course of the way war terminates, our definition also includes elements that dilute this stark difference and binary juxtaposition of victories based and negotiated settlements. As a transition from war to peace or from one form of conversation to the other, they both exhibit features that mark such a transition. By including this aspect, we are in a sense arguing that perhaps there is not that much difference between the two types of settlements as both ultimately embody the central issues involved in all transition from one form of social order to the other and that the difference might be a matter of degree than substance. Even when significant difference is observed regarding their ramification on peace and state building it might be the result of a specific aspect of a settlement. Some features so common in one form of transition may be present in another form to a lower degree. This not only helps us to approach the issue from a totally different angle but also helps us to particularize each settlement. By this, we mean,

one form of victory-based settlement may display so-close-a-resemblance with another form of negotiated-settlement than the resemblance it would exhibit with another form of victory-based settlement.

The rationale for this assumption hinges on the well-studied fact that war and conflict situations are so complex given the contradictory processes and forces are at work. There is peace, cooperation and even common norms (which is why the law of war existed!) and norms guiding combatants behaviour in wars not involving the state, like norms repudiating the killing of vulnerable including women, children and elderly in inter communal conflicts) in war and as war and violence in peace.⁵⁶ Likewise, there is negotiation in victory and victory in negotiation and this ultimately renders the difference between the two not as stark as one expects it to be.⁵⁷ Thus, while our first definition captures the discontinuous aspect of change by viewing settlements as decisive moments or as ruptures, our further specification captures processes that constitute the continuous and incremental aspects of change entailed by a transition process that eventually culminates in a process qualitatively different from the processes preceding and giving rise to it.

The specific changes war-to-peace transition entails, as noted above, includes the extent the process is more or less inclusive or exclusive, the extent there has been change in organizational, ideological and mobilising strategies, and the extent they are terminated in a consensual or imposed way. The process marking the end of the conflict could be seen in terms of the inclusive-exclusive continuum both in terms of being replica of society and in the sense of including contending actors. A settlement may include major armed powers or some of them or non-at all, and it may exclude armed actors but include non-armed ones and vice-versa. We preliminarily propose that negotiated settlements tend to include major warring parties but exclude societal groups and hence they are more likely to remain inter-elite bargain. Contending elites would have no pressure to include grassroots civil society once they are able sort out their own differences. And thus state-building and peacebuilding conversations in these countries are more likely to revolve around issues that are central for the elite than the society at large. Election, number of state institutions, distribution of political offices, for instance, might be central

areas of conversation whereas improved livelihood, poverty reduction, health coverage, and sanitation might not be that important.

We also argue that imposed settlements would be more exclusionary of contending elites while being inclusionary of societal groups. Once one of the warring party is de-capacitated, there still would be discontent within the constituency of the vanquished group the victorious party needs to take into account. Hence, this may necessitate forming alliance with the people while blaming or even punishing the elites for the societal wreck brought about by the war. In such settlements we expect conversation to revolve around intra-elite bargain and issues essential to penetrate and frame the thoughts of societal group in a way the victorious party desires while remnants of excluded actors aim to reintroduce issues of central importance to them. We also submit that the inclusionary-exclusionary momentum will be affected by the level of external interest in the settlement and hence the leverage external powers exert in the process of transition from war to peace. We presume this exclusionary-inclusionary momentum will affect the terms of the settlement and subsequent processes of peace building and state-building in a complex ways.

Transition from war to peace or simply from one type of order to the other also entails change in the mobilising capacity of contenders and the will to do so. The extents of change in these variables depend on the nature of the transition process. The transition might be brought about in such a way that the capacity of one or some of the contenders is so weakened that they cannot imagine and hence did not revert to such courses of action. Or it might be brought about in such a way that one or more of the contenders motive to mobilize for war is felt to be addressed or taken into account and hence do not need to do so. Hence, while they have their goal intact, they may go through a transformation of their tactics. At other levels they may totally shift their ideology in response to the changed circumstances. All of these affect post-war peace and state building through their effect on opportunity for violence and on motives of violence.

Organizational reformation or the merging of different organizations and personnel in the security apparatus is another apparent trend in war to peace

transition. Two extremes can be identified in this regard: one, the warring parties' security apparatus is merged together; and two, one of the warring party retain its organization intact while the other part(ies) organization structure dismantled. In the latter case the ordinary combatants will be either demobilized and reintegrated or reoriented to join part in the winning part's organizational structure submitting to its norms and organizational chain of command. These two are the extremes: in actual case the majority of cases would fall in between. We further assume that this has implication for post-war peace and state reconstitution by affecting the opportunity structure of violence/ feasibility of violence.

Finally, it needs to be acknowledged that the structural context within which the settlement is arrived at has determining effect on peace and state building trajectories. The level of economic growth, the quality of distribution, the political history of the nation, its geopolitical (ir)relevance are all factors that shape the nature of the settlement and processes of peace and state building.

Endnotes

¹ Ryan, *On politics*, 503-504.

² Richmond, *Peace in International Relations*.

³ Tuck, *The rights of war and peace*.

⁴ Ryan, *op.cit.*

⁵Kant, *Perpetual Peace*, 7-11; Starkey, *War in the Age of Enlightenment*,13-15.

⁶ Galtung, *An Editorial*, 2.

⁷ For a broader discussion of shift from classical to new ideals of liberalism, see, for example, Paul, *et al.*, *Liberalism: Old and New.*; For a summary of the liberal peace thesis, see, Paris, *At War's End*, 40-51.

⁸Kant, *op.cit.*

⁹Ibid.

¹⁰Ibid.

¹¹ Kant, *Perpetual Peace*, 7-11.

¹²Galtung, *Violence, Peace and Peace Research*, 183.

¹³Ibid.

¹⁴Ibid.

¹⁵Galtung Johan, *Violence, Peace and Peace Research*, 171.

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- ¹⁶Boutros-Ghali, *An Agenda for Peace*.
- ¹⁷ Ibid.
- ¹⁸ Richmond, *Peace in International Relations*, 3.
- ¹⁹Macginty and Richmond, *Liberal Peace and Post-War Reconstruction*.
- ²⁰Ibid.
- ²¹Ibid.
- ²² Ibid.
- ²³On a broader discussion of contemporary discourses on peacebuilding see, Call and Cook, *On Democratization and Peacebuilding*, 233-246.; Call and Cousens, *Ending Wars and Building Peace*, 1-21.
- ²⁴ Tilly, *Western State-making and Theories of Political Transformation*, 601-639.
- ²⁵ The terms “collapsed state” were earlier introduced by Zartman, *Posing the Problem of State Collapse*, 1-15; Mazrui, *The Blood of Experience*, 28-34. On “failed” and “weak” states, see, Gros, *Towards a Taxonomy of Failed States in the New World Order*, 455-471; Rotberg, *When States Fail*. For a critique of these aphorisms, see, for example, Wai, *Neo-patrimonialism and the Discourse of State Failure in Africa*; Call, *The Fallacy of the failed State*, 1491-1507.
- ²⁶ Paris, *At War's End*, 159-178.
- ²⁷ Weber, *From Max Weber*, 77-128.
- ²⁸See, for example, Tilly, *Western State-making and Theories of Political Transformation*, 601-639; Tilly, *War Making and State Making as Organized Crime*, 169-191.
- ²⁹ For a general discussion on characteristics of modern states see, Pierson, *The Modern State*. Brautigam, *Taxation and State-Building in Developing Countries*.; Wai, *Neo-patrimonialism and the Discourse of State Failure in Africa*, 27-43.
- ³⁰ Some of the earlier scholars who have attempted analyse challenges of state formation in Africa include: Sandbrook, *Hobbled Leviathans*, 707-733.; Herbst, *War and the State in Africa*, 117-139.; Kirby and Ward, *Modernity and the Process of State Formation*, 113-126.; Discourses of statebuilding from and international development perspective are wide. For specific approaches in Africa of discourses see, DFID. *The Africa conflict prevention pool*.; OECD *Concepts and dilemmas of State building in fragile situations*, 61-148.; Brzoska, *Development Donors and The Concept of Security Sector Reform*.
- ³¹ Collier and Hoeffler, *Greed and grievances in Civil War*, 23-55.
- ³² Fearon and David, *Ethnicity, insurgency and civil war*, 75-90.
- ³³Lough, et al., *Taxation and Livelihoods*.
- ³⁴Birdsall, *Do No Harm*, 575-598.
- ³⁵Ali, *To Pay or Not To Pay?* .
- ³⁶Brautigam, *Taxation and State-Building in Developing Countries*.
- ³⁷ Call, *Building States to Build Peace*.
- ³⁸ See for example, Curtis, *The limits of State Building for peace Africa*, 79-97; Brown, et al., *Challenging statebuilding as peacebuilding*, 99-115; Rocha, *State building for peace*, 1715-1736; Wolff, *Post-Conflict State Building*, 1777-1802; Paris, *Saving Liberal peace building*, 337-365.
- ³⁹ Paris, *At war's end*.

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- ⁴⁰ Cooper, et al., *The end of history and the last liberal peacebuilder*, 1997-2007; Curtis, *op.cit.*,
- ⁴¹ OECD, *From Power Struggles to Sustainable Peace*.
- ⁴² Khan, *Political Settlements and the Governance of Growth-Enhancing Institutions*.
- ⁴³ Whaites, *States in Development*.
- ⁴⁴ Ibid.
- ⁴⁵ Di John and Putze, *Political Settlements*, 14-17.
- ⁴⁶ Ibid.
- ⁴⁷ Ibid.
- ⁴⁸ OECD, *From Power Struggles to Sustainable Peace*.
- ⁴⁹ Ibid.
- ⁵⁰ Toft, *Ending Civil Wars*, 7-36.
- ⁵¹ Hartzell, *Crafting peace*.
- ⁵² Kreutz, *How and when armed conflicts end*, 243-250.
- ⁵³ Di John and Putze, *Political Settlements*, 14-17.
- ⁵⁴ David *et al.*, *When Civil Wars Recur*, 171-189; Downes, *The Problem with Negotiated Settlements to Ethnic Civil Wars*, 230 — 279,; Toft, *op.cit.*; Mason, *Sustaining the Peace After Civil War*; Licklider, *The Consequences of Negotiated Settlements in Civil Wars*, 681-690.; Walter *Does Conflict Beget Conflict?*, 371-388.
- ⁵⁵ Khan, *Op.Cit.*
- ⁵⁶ Keen, *War and peace*, 1-22.
- ⁵⁷ Caroline, *Civil Wars*, 347-365.

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