

What we talk about when we talk about political settlements

Towards Inclusive and Open Political Settlements
in an Era of Disillusionment

Christine Bell

Working Paper 1
01 September 2015

Political Settlements Research Programme

PoliticalSettlements@ed.ac.uk

www.politicalsettlements.org

[@PolSettlements](https://twitter.com/PolSettlements)



Political Settlements Research Programme (PSRP)

Global Justice Academy
School of Law
Old College
University of Edinburgh
South Bridge
Edinburgh
EH8 9YL

Tel. +44 (0)131 651 4566
Fax.+44 (0)131 650 2005
E-mail: PoliticalSettlements@ed.ac.uk
www.politicalsettlements.org
[@PolSettlements](https://twitter.com/PolSettlements)

Any use of this work should acknowledge the author and the Political Settlements Research Programme. For online use, we ask readers to link to the original resource on the PSRP website.

© Christine Bell 2015.

Table of Contents

About Us.....	3
Abstract	4
The Author.....	4
Acknowledgements	4
Executive Summary	5
1. The Conceptual Gap	5
2. The Violence and Conflict Gap	5
3. Political Settlements and Transition	6
4. Political Settlements and Gender.....	6
5. Political Settlements and Strategies for Transformation	6
6. Political Settlements and Defining and Measuring Transformation	7
Conclusion	7
Overview: Protracted Conflict and the Era of Disillusionment	8
The Importance of Political Settlements.....	8
The Era of Disillusionment.....	9
Political Settlements: Background to the concept	10
1. The Conceptual Gap: what are we talking about?	12
Elite-focused or Society-focused?	12
A state or a process?.....	13
The relationship of intervention to norms	13
Subjects of intervention, or globalised domestic orders?.....	15
Moving forward	16
2. The Violence and Conflict Gap: why are we talking about it?.....	16
3. Political settlements and Transition: the context in which we are talking about political settlements?	18
4. Political settlements and gender: who are we talking about?	20
5. Political settlements and strategies for transformation: how do we do it?	21
6. Political settlements and defining and measuring transformation: how do we know when we've done it?.....	22
Conclusion: From 'Thing' to 'Project of transformation'	24
Bibliography	25

About Us



The Political Settlements Research Programme (PSRP) is centrally concerned with how political settlements can be made more inclusive of those affected by them so as to make them more stable and effective. In particular, the programme examines the relationship between stability and inclusion, sometimes understood as a relationship between peace-making and justice.

The programme is addressing three broad research questions relating to political settlements:

1. How do different types of political settlement emerge, and what are the actors, institutions, resources, and practices that shape them?
2. How can political settlements be improved by internally-driven initiatives, including the impact of gender-inclusive processes and rule of law institutions?
3. How, and with what interventions, can external actors change political settlements?

The PSRP involves a consortium of five organisations, the Global Justice Academy University of Edinburgh (lead partner) Conciliation Resources (CR), The Institute for Security Studies (ISS), The Rift Valley Institute (RVI), and the Transitional Justice Institute (TJI, University of Ulster).

Find out more at: www.politicalsettlements.org

This research was funded by UK Aid from the UK Department for International Development (DFID) for the benefit of developing countries. The information and views set out in this publication are those of the author(s) and do not necessarily reflect the official opinion of DFID. Neither DFID nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.

Abstract

A discourse on the importance of understanding political settlements has achieved some salience in development academic and policy discussions. As a concept, however, the term political settlements can be (and has been) criticised: as lacking in clarity; as failing to do any real intellectual analytical work; and for being difficult to translate into practical strategies for change. This article reviews political settlement literature, and argues that 'political settlement' as an analytical concept has many of the flaws suggested, but that the central project of trying to understand the extent to which stopping violent conflict depends on powerful elites reaching deals on cooperation, and the ways in which such deals enable or limit projects of attempted transformation remains an important one. The article suggests that political settlement discourse has similarity with discourses emerging in other fields, all of which are attempting to respond to an 'era of disillusionment' in which moves towards democratisation or peace as an 'end point' of history, are now understood to have remained elusive despite sustained international intervention. The article suggests six critical research gaps which provide a focus for bringing work across the fields of development and conflict resolution together.

The Author

Professor Christine Bell is Assistant Principal (Global Justice), Co-Director, Global Justice Academy, and Professor of Constitutional Law, School of Law, University of Edinburgh.

Her research interests lie in the interface between constitutional and international law, gender and conflict, and legal theory, with a particular interest in peace processes and their agreements. She is the Programme Director of the Political Settlements Research Programme (PSRP).

Acknowledgements

This article reflects a process of deliberation by team members in the Political Settlements Research Programme, in particular Fionnuala Ní Aoláin, Catherine O'Rourke, and Zahbia Yousuf worked on underlying drafts. We invite comments on the paper through our website www.politicalsettlements.org, to help us refine and develop our ideas.

Executive Summary

As a concept, The term political settlements can be (and has been) criticised: as lacking in clarity; as failing to do any real intellectual analytical work; and for being difficult to translate into practical strategies for change. This article argues that 'political settlement' as an analytical concept has many of the flaws suggested, but that the central project of political settlements discourse in relation to fragile and conflict-affected states is one that has close connection with current conflict resolution dilemmas in the peacebuilding field. This central project is to understand the extent to which stopping violent conflict depends on powerful elites reaching deals on cooperation, and the ways in which such deals enable or limit projects of attempted transformation which aim for more inclusive political arrangements, a fair sharing of sources and just accommodation of ethnic and religious diversity and equality for women (cf. UN 2015a: para 14).

This working paper identifies six critical gaps in how political settlement analysis deals with deeply divided societies characterised by violent conflict:

1. The Conceptual Gap

On-going reviews of political settlement literature whether policy or academic, struggle with the integrity of political settlements as a concept, and its relationship to closely related concepts such as state-building, peace-building, peace settlements, and constitutionalism. Core definitional issues relating to this concept include to what extent political settlements are elite-focused or society-focused? Are political settlements 'things' or processes? Is there any normative minimal content to the concept of political settlements? Are political settlements subjects of intervention or globalised domestic orders?

2. The Violence and Conflict Gap

Political settlement discourse now appears to assume that political settlements continue through all but the most extreme periods of conflict. Conflict is often viewed as inherent to the particular form that a political settlement takes, or a 'symptom' of political settlement failures.

Despite an asserted relationship between violence and political settlement, there has been little systematic analysis of how actors use violence to shape contemporary political settlements at a more day-to-day level, including during moments of attempted transition. Neither has there been overt analysis of the multiplicity of functions violence might have, beyond being a symptom of a struggle over who will own the state's resources. Political settlements analysis focused on a statist paradigm now stands to be outpaced by the complex contemporary forms of violence, which move between ideological and organised, to criminal and diffuse, from within state borders to transnational mutations that seem characteristic of our contemporary global condition (cf. Carothers & Samet-Marram 2015).

Further under-analysed spheres in this category include: the complicated relationship between 'private/interpersonal violence' and 'public/political violence', which sees conflict mutating pre, during and post wars, through private and public manifestations; regionalised violence and the complex relationship between violence within the state's border and violence beyond it; and where to locate inter-state violence that focuses less, as in pre-cold-war days of inter-state conflicts relating to interstate relations, and more inter-state conflicts focused on intra-state relations, such as the conflicts in Kosovo, Iraq, Afghanistan, and now to some extent Syria.

3. Political Settlements and Transition

Political settlements literature to date has included little analysis of the relationship between structured attempts to transition from violent political settlements to less violent political settlements that arise through negotiated transitions from conflict. Current political settlement analysis distinctions, which view peace agreements as formal settlement 'events', misunderstand the contingent process-nature of the documents and the ways in which they attempt to capture the prior bargaining processes, so as to try to contain their violent dynamics and translate them into revised political and legal institutions.

We suggest there is a need to better understand the politics of peace processes and the relationship between their formal peace agreements and processes of political settlement. Peace processes are perhaps best understood as processes of containing fundamental disagreement as to how inclusive a political settlement will prevail, that aim to establish new modes of political bargaining that rely less on violence than before. We view better understanding of transitions as vital to understanding the different and sometimes contradictory processes of inclusion that they attempt, and the implicit trade-offs that are established between conflict-resolution goals, and different types of inclusion.

4. Political Settlements and Gender

Political settlements with their focus on elites, appear from the literature to be gender blind; there is little by way of comprehensive scholarly or policy literature available to elucidate the nature and form of the gender dimensions of political settlement, although very recently some is beginning to emerge. We suggest that the omission of gender from political settlement analysis is one that follows from its frame of analysis and focus on elite groups, rather than a simple research failure.

The presumption that 'political settlement' operates as a category capable of including and embracing women's needs must be critically interrogated from the outset. Indeed all the other deficits we identify in the political settlements project implicate gender. This is not just critical to achieving inclusion of women; gender analysis is an important lens through which to understand the larger questions regarding projects of inclusion, elite focus, and construction of public authority that we have identified as conceptual gaps more generally.

5. Political Settlements and Strategies for Transformation

Political settlement literature has attempted to describe and understand dynamics of political settlement and views these as closely related to the economic and participation incentives created – intentionally or unintentionally – by institutions. Somewhere between descriptive analysis of political bargaining processes, and normative institutional analysis, there is a need for systematic case-study analysis of 'strategies of change', of external and internal actors, and the roles that appeals to normative outcomes play. We furthermore suggest that engaging with strategies of change that internal and external actors attempt requires understanding of the positioning of researchers and research methodologies with relation to the political settlement.

6. Political Settlements and Defining and Measuring Transformation

With political settlements defined as on-going processes of bargaining whose end goals are often contested among elites, between elites and other internal actors, and between elites, internal interveners and external interveners, a final gap is that of how to define and measure 'transformation'.

A number of interesting attempts to measure exist in a number of different spheres, from attempts to set 'end state goals' in peace operation mandates, to attempts to benchmark peace-building, to attempts to define 'every-day peace' at a local level (Mac Ginty 2014), to attempts to measure the impact of particular peace process provisions, and attempts to evaluate projects of change as a monitoring exercise (Duggan 2012). In different ways these projects all struggle with the questions set out in this working paper.

We suggest, however, that it might now be useful to adopt a more portfolio approach to measurement that uses not just different quantitative measurements or mixed methods approaches to measuring outcomes, but fundamentally different approaches to what it is we should be measuring that then enables an interrogation of how we understand 'progress' when looking across the portfolio of possible meanings and measurements. How do international development indicators relate to conflict indicators, relate to whether a structured transformation such as is found in a peace agreement was implemented or not, relate to lived experiences of improved human capacities?

Conclusion

In conclusion, we suggest, that some of the conceptual and semantic confusion over political settlements, can be dealt with by understanding political settlements analysis as a project of engagement with the possibilities of transformation in situations where powerful and violent actors appear to hold all the cards, rather than a project of designing a 'thing' called a political settlement.

Political settlement analysis as a project should aim to better inform interveners as to how to engage with the reality of political power-balance in the societies in which they intervene, in ways that are smart both to needs to sustain elite consent if change is to be made possible, but are also smart as to how to move beyond permanent elite capture.

Processes aimed at changing political settlements are difficult and problems of conflict and state lack of capacity profound; and the global market place in which we attempt to address these difficulties is almost so fast-changing that it outpaces capacity to research. Yet conflict remains inextricably linked with the exercise of brute power and exclusion, and better forms of co-existence require the excluded to become included.

When people talk about political settlements, centrally they talk about how to navigate between elite deals and projects which aspire to transform societies away from elite capture.

What we talk about when we talk about Political Settlements: Towards Inclusive and Open Political Settlements in an Era of Disillusionment

Christine Bell

'to understand development we must understand the politics that shape it' (DFID: no date, Executive Summary)

'the [UN] Secretariat must ensure that its situation analysis is driven not by assessments of what the political market will bear, either in the host country or at United Nations Headquarters, but by an understanding of the situation, needs, opportunities and constraints.' (UN Peacekeeping Operations Report, para 169)

Overview: Protracted Conflict and the Era of Disillusionment

The Importance of Political Settlements

A discourse on the importance of understanding political settlements has achieved some salience in development academic and policy discussions. Aid organisations increasingly assert the importance of understanding political settlements if aid interventions are to be effective. The term is used by OECD (Brown & Grävingholt 2011) by Western aid organisations such as DFID (Whaites 2008; Evans 2012) and Australian Aid (AusAID 2011), by non-governmental organisations such as Christian Aid (Gutierrez 2011) and is viewed with increasing interest by the World Bank.

As a concept, however, the term political settlements can be (and has been) criticised: as lacking in clarity; as failing to do any real intellectual analytical work; and for being difficult to translate into practical strategies for change. What the term means and how it might affect how development actors carry out their business is often unclear. Similarly, insofar as the term has had a presence in academic literature, it has remained isolated in development literature: largely ignored by other overlapping fields concerned with protracted social conflict, with little

wider traction in the wider political science or economic disciplines in which it could be said to be located.

This article argues that 'political settlement' as an analytical concept has many of the flaws suggested, but that the central project of political settlements discourse in relation to fragile and conflict-affected states is one that has close connection with current conflict resolution dilemmas in the peacebuilding field. This central project is to understand the extent to which stopping violent conflict depends on powerful elites reaching deals on cooperation, and the ways in which such deals enable or limit projects of attempted transformation which aim for more inclusive political arrangements, a fair sharing of sources and just accommodation of ethnic and religious diversity and equality for women (cf. UN 2015a: para 14).

The concept of 'political settlement' is perhaps best understood in a sense as a short-hand for this project. A key goal of the project is to inform better interventions by taking a much stronger account of the political dimensions of conflict contexts. More than that, we suggest, it is a project of understanding the possibilities for moving beyond politics as a project of elite-deal-making, as the United Nations quotation at the top reflects.

The Era of Disillusionment

When put in these terms, the project finds fellow travellers well beyond development agencies. In particular, it finds a synergy with the dilemmas faced in the peacebuilding/ conflict resolution field from which it seeks to distinguish. Indeed we suggest that the development crises that has generated the turn to political settlement literature should be sociologically situated in a more general 'era of disillusionment' that has taken hold with regard to processes of state-building and peacebuilding more generally. Since the end of the cold war, a huge apparatus has developed with two tracks, one in support of democratisation and the other in support of conflict resolution in intra-state conflict. Twenty-five years later, many countries still seem intractably in conflict, dangerous new conflicts are still emerging, and countries which once seemed to be transition 'successes' unravel almost overnight. This has triggered somewhat of a crises for interveners, who are fundamentally questioning their interventions. The turn to political settlements analysis or similar by key development agencies, finds parallels in the simultaneous reviews at the UN on Peacebuilding (UN 2015b), Peace Operations (UN 2015a), and UNSC Resolution 1325 on women, peace and security (UN 2015c).

This working paper points to six critical gaps in how political settlement analysis deals with deeply divided societies characterised by violent conflict. In our view addressing these gaps is has capacity to creating a common conversation across forms of intervention in response to what we suggest is a current crises of faith manifested across diverse international interveners with diverse roles and mandates. We suggest that addressing these gaps can usefully bring together disparate academic and policy conversations at both local and international levels coming from a place of disillusionment with the practices of the last two decades, into a common agenda of inquiry focused on future intervention.

Political Settlements: Background to the concept

From the late 1990s onwards, western aid organisations such as DFID, Sida or the Dutch development cooperation began to realise that they were failing in their attempts to build political systems and public institutions that would support governments to create the conditions and deliver the services necessary to reduce poverty. In particular, development aid showed little impact in 'fragile and conflict affected states' where complex cycles of poverty-conflict-weak state institutions defied interventions aimed at breaking the cycle (Cilliers & Sisk 2013). DFID and other donors came to the conclusion that they had intervened with a set of institutional expectations that failed to account for the power-dynamics of how politics 'really' worked within such states. They came to the conclusion that 'politics matters' and that 'development is politics' (see Unsworth 2009).

One of the responses was a turn to political economy analysis that attempted to understand better how national elites understood their own self-interest and responded to economic and governance interventions. Within this analysis a particular focus on political settlements both responded to, and over time affirmed, the ways in which political context determined how external interventions impacted (or not) on development outcomes. Insofar as 'political settlements analysis' can be understood to be a distinct form of analysis it sources its roots in work which was not labelled in these terms. The intellectual origins of political settlements analysis has been found in work on industrial capitalism (Melling 1991), and in the welfare state in the 19th century (for history, see further Di John & Putzel 2009: 4). Political settlement discourse also allies itself to literature that does not self-identify in terms of the label 'political settlements', such as North, Wallis and Weingast (2012), who draw a distinction between limited access orders typically found in developing states and open access orders found in Western liberal democracies. They argued that the incentives to violence, and mechanisms for controlling it are very different in each type of order, meaning that simply supporting the development of governance institutions is unlikely to be successful.

The more recent incarnation of political settlements discourse, as used in development studies is usually traced to Mushtaq Khan (1995, 2010, 2012, 2013) who used political economy analysis to try to explain why apparently similar institutions work very differently in different countries (Khan, 2010: 4). In short, the answer he gave was: because the underlying power dynamics between political elites were very different. His work explained how economic interventions in development contexts encountered a set of rational choices by political elites which ran counter to the choices that development actors anticipated, reducing or negating the impact of their interventions. Instead of viewing development 'failures' as requiring better analysis of institutional failure, he questioned how political power was actually exercised through formal and informal bargaining processes. This analysis had parallels to North et al's work in that both approaches suggested that there is a fundamental difference between developing and developed contexts, rooted in the very different relationship in each context between institutional form and the incentive structures created for political elites (see eg North et al 2013). As a result, both rejected traditional 'good governance' approaches to development as naïve and suggested that a fundamentally different approach was needed focused on designing interventions that took account of the interests and positions of elites.

Insofar as this work and that which followed constitutes a 'field' of political settlements analysis it can be viewed as a sub-field of statebuilding literature and analysis, and closely allied to political economy analysis. From this perspective, one of the main contributions of the concept has been to challenge more normative accounts of state-building and democratic consolidation rooted in institutionalist analysis. Political settlement analysis is descriptive rather than prescriptive: unlike traditional institutionalist analysis it does not assume a particular normative end-point such as 'democracy'. Rather, political economists have taken as their starting point the observation that linear processes of democratisation often seem illusive in ways that democratisation literature failed to capture.

Political settlement analysis has been influential with international aid and financial organisations, who have used it to develop new policy tools for fragile and conflict-affected states. The literature for example, has been used by DFID to develop its 'Drivers of Change' analysis (DFID 2004), a 'How to' note on political economy analysis (DFID 2009), and 'How to' note on fragile and conflict-affected states (DFID 2012), all focused on mapping and better understanding political dynamics in countries in which they intervene. As a result, key interventions have been significantly re-shaped – often to involve new forms of 'convening and brokering' between actors, interests and institutions (DFID 2009 (case studies)). More recently, in Denmark a 2012 evaluation study by the Ministry of Foreign Affairs in Denmark found, in a review of 100 documents aimed at assessing international statebuilding engagements, that few studies have employed a much needed political settlement lens to their analysis (Grävingsholt et al. 2012: 31-33). Yet, despite some clear policy gains and the enduring sense that understanding political settlements is important to addressing contemporary development failures the definition of political settlements remains unclear with development organisations still deliberating its usefulness (see Dressel & Dinnen 2014: 3; Green 2014).

As a result, political settlement analysis has not been of great influence beyond development discourse with little specific take-up in related academic fields, and remains on an unclear three way border between: first, a common-sense term (hence a confusion with peace settlements); second, an academic concept, and third, a practitioner 'term of art'. Neither democratisation literature, nor conflict resolution literature, nor new global governance international relations literature, nor international and constitutional legal literature relating to fragile and conflict affected states explicitly reference or acknowledge the insights of political settlements literature. Yet, all of these literatures, in different ways, also deal with the gap between how external actors try to create open, inclusive and democratic political settlements and the realpolitik of how power is actually exercised in practice.

In this piece we set out conceptual and research gaps in political settlements literature today, with particular reference to the era of disillusionment that surrounds deeply divided and conflicted states. This working paper argues that 'political settlements' as an analytical concept has many of the flaws suggested, but that the central project of political settlements discourse in relation to fragile and conflict-affected states, is one that has salience across not just development but peacebuilding communities. This central project is to understand the extent to which addressing violent conflict depends on powerful elites reaching deals on cooperation, and to explore the strategies which might lead to broader forms of inclusion which seem important to longer term transformation.

We suggest that addressing the gaps we identify might move political settlement discourse beyond understanding how to understand and respond to elite bargaining processes, towards trying to engage in a more transformative project which remains alert to the need to engage with elites.

1. The Conceptual Gap: what are we talking about?

On-going reviews of political settlement literature whether policy or academic, struggle with the integrity of political settlements as a concept, and its relationship to closely related concepts such as state-building, peace-building, peace settlements, and constitutionalism. A full review is not possible, but a few examples illustrate some persistent definitional issues. Di John and Putzel define political settlements as ‘the forging of a common understanding usually between political elites that their best interests or beliefs are served through acquiescence to a framework for administering political power’ noting that they are the outcome for bargaining and negotiation between elites (Di John & Putzel 2009: 4); Mushtaq Kahn initially suggested a political settlement connoted ‘the overall balance of power in society’ (Kahn 1995: 83), and more recently has suggested that political settlements are a compatible, viable and sustainable ‘combination of power and institutions’ (Kahn 2010: 4), working as a process (Laws 2012: 38); the OECD has stated that ‘generally speaking, every political regime that is not in the midst of an all-out civil war over its basic parameters is based on some kind of settlement’ (OECD 2011: 9). These definitions raise two persistent questions as to how the term political settlement is used, which have implications for how external interveners should understand their projects of intervention.

Elite-focused or Society-focused?

With its focus on elite bargains, political settlement literature varies on whether and how broader projects of inclusion can be effectively promoted, and which groups in society are relevant to the political settlement. Some literature understands inclusion to be a product of elite bargaining and incentives that *may* become more inclusive over time. However, they view that inclusiveness – initially at least – in terms only of other elites and not society or other groupings (for example ‘women’), more broadly. North et al (2012), for example, view inclusiveness to be a product of the need of elites to trade-off exclusive ‘rent access’ against the need to limit violent competition from other elite groups. Inclusion on this view, happens incrementally almost as a form of evolution, to include over time, elite group by elite group, determined by each excluded group’s capacity to force their own inclusion by destabilising rent access through organised violence (North et al 2013). Elites and their organisations are the central focus, with political order evolving from their interactions and violence or its threat as a necessary part of political settlement.

The holy grail that North seeks, is to understand the shift between limited access orders and open access orders, in short: to identify the doorstep conditions for the shift from systems of patronage and corporate clientelism to rule bounded impersonalised forms of power transfer such as is characteristic of stable Western democracies. This is a shift not just to greater elite inclusion but to ‘openness’ to broader participation. As North et al set out their research agenda, while moves from more exclusive to less exclusive limited access orders can be traced, the moment and processes by which a limited access order moves to an open access one remains wide and little understood. Historical analysis of how Western liberal democracies achieved this, have not proved helpful to enabling this shift in the contemporary world. The

process by which transformation would occur, however, is curiously lacking in agency – the political settlement (North et al use the term ‘limited access order’), is a ‘social arrangement – simultaneously political and economic – that discourages the use of violence by organisations’ (ibid: 3). The move from violence and institutionalisation the enables this, arises almost magically from the self-interested bargaining of powerful actors.

Other political settlement analysis has understood the political settlement to implicate more than ‘elites’ and understand the term ‘inclusion’ less as a term of art and more to mean inclusion of previously excluded groups whether elite or not. For example, some research has suggested that elites might influence and even be constrained by their followers, meaning that elite-follower relationships are a part of the political settlement picture. Others have suggested that political settlement analysis requires analysis of the entirety of state-society relations (see DFID 2010a). These definitional re-workings, respond to the reality that non-elite actors assert agency over political settlements – often in moments of attempted fundamental transformation - sometimes with some effectiveness, in ways that elite theories of production of political order do not adequately account for. On the whole, however, political settlement analysis has left it unclear what role and non-elites play in transforming political settlements.

A state or a process?

Political settlement definitions also elide between viewing political settlements as a ‘thing’ and viewing them as ‘a process’. In eliding between ‘a state’ and ‘a process’, whether political settlements are something that need to have some sort of normative or threshold content is implicated. Does a political settlement (as opposed to some other unsettled state) connote a thin normative content such as being capable of delivering stability or is it merely a label to attach to describe any balance of power? For many, political settlements are normatively neutral: there are good ones and bad ones (cf. the definition given by Di John & Putzel 2009: 4). New adjectives are therefore needed to distinguish between more and less desirable arrangements, such as ‘stable’ or ‘unstable’ political settlement, resilient political settlements, or inclusive or exclusive political settlements, or an open or closed political settlements.

A lack of clarity persists as to whether political settlements are ‘things’ which imply some sort of settlement as in a form of equilibrium or stability. A second related question is whether having a political settlement implies having something ‘good’ or not. While the very term ‘political settlement’ would seem to imply that some sort of settlement indeed exists, definitions struggle to capture the reality that no settlement is ever static and continues to be re-worked. Once political settlements are viewed as involving on-going processes, then it is possible to understand deeply unsettled contexts as having those same bargaining processes, and – paradoxically perhaps – political settlements as ever-present processes in all but the most chaotic of violent contexts. Political settlement is then understood to exist even in the midst of deep political unsettlement with no normative content or direction of travel.

This lack of clarity makes it difficult to talk intelligibly about ‘political settlements’ or to agree on what it might mean to support their emergence. The definitional lack of clarity underwrites disagreement as to what it would mean to intervene to ensure that a political settlement is reached: can they ever be ‘produced’ or must they just arise? Is the term a descriptive one, or does the term ‘political settlement’ carry some normative content?

The relationship of intervention to norms

The question of whether there is any normative minimal content to the concept of political settlement, opens up a range of wider questions as to the relationship of political settlements and norms.

Many donors are constrained by norms. Normatively constrained donors and interveners, such as Western States and international organisations, while increasingly wishing to understand how power is *actually* exercised so as to be more effective, still view themselves as constrained by their normative commitments to human rights and democratic government. They still support governance reform and still support efforts for conflict resolution undertaken by both elites and by civil society: donors such as DFID still do intervene to support good governance through democratic political and legal institutions, and by supporting the participation of civil society to push for these institutions (DFID 2007, 2011). In other words, normative donors still have a commitment to a particular normative political order based on rule of law institutions and inclusion. Yet, political settlements analysis provides little means of reconciling these commitments to normative political order, with support for political settlements understood as elite-determined bargaining processes that are normatively neutral. If supporting a political settlement means supporting an unfair and unstable set of arrangements, then normative interveners have to find another language and project in terms of supporting stable, open or inclusive political settlements.

Even if the term is understood to have some minimal normative content, using political settlement analysis to understand and respond to how elite actors perceive their own self-interest can lead to some uncomfortable advice for external actors with their own normative commitments. For example, analysis of how to use political settlement analysis to incentivize reductions in pollution, or to increase the efficiency of cross-border trade plagued by corruption may lead to strategies such as paying polluters not to pollute, and ignoring anti-corruption strategies in favour of, say, the infrastructure supporting cross-border trade, which are unacceptable politically to donors. As Khan (2013: 9-11) notes, as a result some apparently effective strategies may be simply not politically palatable to policy-makers.

In the peace-building setting, we suggest that acting in ways that are understood to lack integrity or legitimacy, are not just 'politically difficult', they also stand to undermine projects of norm-promotion that donor countries and international organisations understand to be key to peacebuilding, with consequences for their perceived legitimacy and effectiveness locally.

On the other side of the equation, local elites do not operate outwith normative influences. International legal norms and organisations now condition most forms of international intervention from when to use what form of force, what regional organization has authority, what groups to include in peace or constitutional negotiations – notably women, what forms of constitution are in fact 'constitutional', and what sort of political bargain is possible in particular with relation to 'accountability', to name a few. In short, international norms now attempt to regulate processes of political transition in all sorts of ways.

There is also a more silent but forceful normative compliance-pull lurking in the idea that 'acting like a government' involves inherently some sort of claim to be acting in the public good. This underlying normative pull can have traction on the most cynical of elites. This may be because articulating some sort of commitment to the public good is necessary to maintaining the support of a critical number of 'followers', or because power is easier to hold onto if one dresses oneself in the garb of 'democracy, rule of law and good government'.

Elites understand and use normative arguments strategically to gain international reputation and internal leverage. Indeed, given the internationalisation of processes of political transition and transnational mobilisation of internal actors, they must engage on this terrain to retain power. A feature of what Carothers and Samet-Marram (2015) call 'the new global market place' and the failure of 'transition' whether from authoritarianism or conflict, is that shifts backwards from democracy and peace now take place consistently with what donors and databases consider the indices of democracy, namely elections, constitutions, political institutions and apex courts, all remaining in place and functioning. Yet even cynical appeals

to international standards and principles, can restrain and condition some of the actions of elites at the local level in complex ways.

Non-elite internal actors also often have their own investment in norms and normative arguments. They must often rely on arguments as to what 'is right and good', to try to gain entry to formal and informal sites of power, and have few other tools at their disposal. Internal actors often appeal to norms to exert traction on power-bargaining dynamics (see O'Rourke 2013). International legal standards have also invested heavily in under-writing the normative claims of 'the excluded' to inclusion, by requiring particular forms of inclusion in political bargaining processes such as peace processes, and particular substantive normative outcomes, such as accountability or equality, which if taken seriously, impact on when and how elite military-political actors access power in any new dispensation (Bell 2008).

We suggest there is a need to understand better at a very practical level how different internal and external interveners try to effect change in the terms of the political settlement in particular countries. This involves understanding when and how internal and external actors in conflict-affected states appeal to norms, and what the impact is on political settlement. There have been interesting attempts to articulate the connection between public authority and legitimacy and political settlements. Hoffman and Kirk (2013), for example, have usefully synthesised a set of literatures, including political settlement literature, as focused on the construction of public authority. However, the inter-disciplinary net could usefully be further widened, to include, for example, accounts of political constitutionalism and legal constitutionalism as a matter of on-going elite-society political bargaining which links law with statecraft, and has a centuries-old lineage (see eg. Griffith 1979; Loughlin 2010), a matter we will return to.

Subjects of intervention, or globalised domestic orders?

The idea that political settlements are a 'thing' to be engaged with by external actors, positions the external actor as outside the frame of analysis – a sort of *deus ex machina* that periodically leans in to tamper. The focus on political settlements as a 'thing' produced by domestic elites, stands to underestimate the complex relationship between 'internal' and 'international' that characterizes our current globalized world (cf. Parks & Cole 2010: 1-4). Political settlements in fragile and conflict-affected states are often conceived of as the object of international intervention, rather than as places where international actors are often a part-and-parcel of the political settlement and on-going political bargaining processes. A final question posed by the current definitions and frameworks is the extent to which we should view external interveners as outside the political settlement, or whether their intervention means that they must be reconceived as in a sense part of the political settlement, because they have become just another elite group in the domestic fray. To put it boldly: can the subject/object distinction whereby interveners (the subject) intervene in political settlements (the object being intervened in), in a context in which settlements are understood as on-going processes which are themselves strongly conditioned by international legal norms and forms of intervention?

Recent forms of international (domestic) governance such as the international transitional administrations in Bosnia, Kosovo, Afghanistan and Iraq where international actors and organisations have undertaken governance directly, pose the question starkly. However, even where such invasive forms of international intervention are not used, there is a fine line between intervening to influence a political settlement, and becoming part of the political process. The difficulty of navigating this line is an almost daily conundrum for a range of interveners, who must act politically but whose mandate and therefore legitimacy depends on having some more normative basis from which to intervene rather than 'it seemed a good political call'. Calls, for example, as to when to live with forms of amnesty or push for accountability, how to sequence transition processes, and what civil society actors to support, are difficult. There is no apparent science to determining how these decisions will affect the

domestic political dynamic, or what which choice will be effective in terms of peace and justice – issues that political settlement literature attempts to address. However, often the real difficulty is that these are highly political decisions and that normative actors are uncomfortable in taking those decisions without being able to justify them in terms of ‘evidence-based research’ or ‘normative’ role. The observation that ‘development is politics’, does not just point to the need for development actors to understand local political actors better, it points to the fact that development actors will need to understand their own decisions as political and try to reconcile them with their normative commitments. This is institutionally difficult.

Again, a similar realization has emerged in peacebuilding fields, that peacebuilding often involves attempts to reallocate power if they are to be successful. See, for example, the dilemmas of peace-keepers and peacebuilders who must navigate the difference between ‘neutrality’, ‘impartiality’, and enforcement of peace agreement bargains that seek to redistribute power between elites (Boutros-Ghali 1992, 1995; UN 2015b). Or watch international actors trying to understand when and under what circumstances they should support truth commissions, as they realise that the mandate and prescribed role of the truth commission may be less important than the stance of political elites and the political bargaining dynamics that surround it (ICTJ & Kofi Annan Foundation 2014). Here too, while the problem can be identified as a failure to adequately understand how powerful actors receive and subvert interventions, the solution is more difficult. Peacebuilders can often neither afford to ignore political dynamics, nor just capitulate to them. As Barnett and Zürcher (2009) point out, as a result peace builders often uneasily walk a difficult tightrope: neither committed to official normative positions that appear unachievable, nor able to just accept the constraints of the local balance of power, but working somewhere in the middle in a forms of ‘compromised peacebuilding’.

All of these actors are currently struggling with how to engage more effectively with politics and the actions of elites in ways that try to move beyond dirty deals between powerful elites, to projects of inclusion and transformation.

Moving forward

These definitional and conceptual issues play out in what we suggest are a more focused set of questions for those concerned to stop violent conflict, across the practice-driven fields of development, conflict resolution and transitional justice (in its broadest sense as a project of understanding law in conflict and transition). These research gaps concern: the relationship between violence and conflict and political settlements; the relationship between peace processes and political settlements; the relationship between gender and political settlements; and the relationship between evidence and indicators and political settlement. We consider these in turn, and argue that ‘political settlements’ should be understood less as a ‘thing’ and more as a ‘project of engagement’.

2. The Violence and Conflict Gap: why are we talking about it?

Political settlement discourse now appears to assume that political settlements continue through all but the most extreme periods of conflict. Conflict is often viewed as inherent to the particular form that a political settlement takes (for example, limited access order), or a ‘symptom’ of political settlement failures. Political settlements analysis sees violence as a tool to coerce those outside the settlement to adhere to the rules of the game, or used by those

outside the settlement to try and disrupt or re-organise the political settlement (see e.g. North et al 2013). Historical analysis of political settlements understands violence (the roving bandit theory, Olson 1993) as integral to understanding how the political settlement emerges as a pact between elites to cooperate rather than compete to secure their interests. In a sense, political violence is understood as integral to processes of political settlement evolution because it has the function of forcing powerful elites to include violent contenders for power in state structures.

The relationship between armed conflict and political settlement provided by North et al is a very broad-brush big picture one. Beneath the idea that elites use violence to gain access to power and revise the political settlement, are a range of contestable assumptions regarding when and how elites and others use violence, and the forms of violence that are relevant to the shape and nature of the political settlement. Despite an asserted relationship between violence and political settlement, there has been little systematic analysis of how actors use violence to shape contemporary political settlements at a more day-to-day level, including during moments of attempted transition. Neither has there been overt analysis of the multiplicity of functions violence might have, beyond being a symptom of a struggle over who will own the state's resources. Political settlements analysis focused on a statist paradigm now stands to be outpaced by the complex contemporary forms of violence, which moves between ideological and organised, to criminal and diffuse, from within state borders to transnational mutations that seem characteristic of our contemporary global condition (cf. Carothers & Samet-Marram 2015).

The use of violence is often connected to claims of legitimacy and public authority. The connection between those who directly use violence and political and military elites is often more complicated than that of 'elite' and 'follower'. Violence and delivery of public goods are often tactics used both by exclusive governments and their armed opponents, and indeed other transnational or criminal actors, to attempt to create constituencies of support or acquiescence. Moreover, the more actors claim public authority the more they may establish mechanisms of distance from their armed supporters, which even when initially postures, make over time make the relationship less direct creating future 'spoilers' of any new political settlement they then reach. Similarly, the relationship of violence to non-economic incentives, such as construction of national identity, or to functions such as maintaining organisational structures of power of non-state armed groups or the military, for example, have been under analysed in terms of their impact on the political settlement.

Also under-analysed is the complicated relationship between 'private/interpersonal violence' and 'public/political violence', which sees conflict mutating pre, during and post wars, through private and public manifestations (for partial exception see Crisis States Research Centre's research on cities, Putzel & Di John 2012: 39-46). The easy move of organised armed groups to organised criminal and back again, often using the mechanisms of structured internationally supported transitions to do so, cannot always be explained in terms of institutional incentives created by the restructured political settlement, but must take account of second order political decisions such as what happens demobilized 'followers' when they are left with arms, new capacity to move within countries and transnationally, and a lack of political project post-conflict. Failure to understand the public / private violence relationship has particular gender implications, in terms of whether systematic violence against women – such as has been seen in many large-scale conflicts – can find any explanation in political settlement analysis or must remain irrelevant to it. Understanding the political settlement as an inter-elite contract, and violence as a tool by which to gain entry to the contract, underestimates the patriarchal nature of the contract and the role that both public and personal violence and marginalisation play in ensuring that this endures through all political transitions.

Similarly, while political settlement analysis has developed some understandings of the relationship between state wide and sub-state political settlements, it has had much less to

say about regionalised violence and the complex relationship between violence within the state's border and violence beyond it. The limited focus on systems of violence also means that particular 'conflict systems' have been overlooked as an area for investigation: for example, understanding the Ogaden conflict as part of wider Somali conflict systems with linkages to other conflicts in the Horn of Africa, such as the Ethiopia-Eritrea border conflict (Hagmann 2014); or understanding the range of local processes of settlement at the local level in what is now South Sudan (Leonardi et al. 2010); or the ways in which past narratives of conflict and settlement constrain and affect new attempts to re-configure the political settlement. If a project of understanding how elites broker power between them is to be furthered, there is a need to better understand how multiple political settlements within and across states, and changing over time, can affect a conflict context and the potential for conflict resolution.

Finally, political settlement analysis now needs to take account of the complicated arena of where to locate inter-state violence that focuses less, as in pre-cold-war days of inter-state conflicts relating to interstate relations, and more inter-state conflicts focused on intra-state relations, such as the conflicts in Kosovo, Iraq, Afghanistan, and now to some extent Syria. How are we to understand inter-state use of force when directed at re-fashioning the political settlement within the state? How are we to understand processes of political settlement that arise under situations of actual or de-facto occupation or external control (using that term as a legal one), where there is little room to dispute that the external interveners are the key elite group in the internal political settlement?

3. Political settlements and Transition: the context in which we are talking about political settlements?

The broad historical analysis that has produced political settlement analysis, such as that of North et al, pays little attention to the detail of the types of transition process that are characteristic of the post-1990 era. Political settlements literature to date has included little analysis of the relationship between structured attempts to transition from violent political settlements to less violent political settlements that arise through negotiated transitions from conflict. While historical accounts of the evolution of political settlements tell a long slow story, approaches to political settlement in fragile and conflict-affected states have almost without exception seen forms of internationally supported mediation that attempt a big-bang revision to the political settlement to make it more inclusive, both of armed opponents to the state, and sometimes other social groups. This is a very different context and process, from that of a process of 'natural evolution' whereby incremental inclusion of elite groups over hundreds of years, sees a limited access order become an open access order.

In contemporary conflict-resolution efforts, three major transitions are typically attempted at once: the transition from conflict to peace; the transition from authoritarian exclusive political settlements to more inclusive forms of government characterised by the rule of law; and an economic transition from centralised to open market economy. Most peace processes, for example, centrally attempt to bring contending violent elites into a new or revised set of state institutions underwritten by a mutual commitment to move from violence. The peace agreements which result are centrally aimed at a new elite political settlement aimed at inclusion of violent contenders for power. Moreover, as we have pointed out, these processes are now the subject of multiple international and regional interventions.

Political settlements analysis that has touched on structured transitions such as peace processes has produced some general recommendations as regards forms of intervention. The Crisis States research programme, for example, suggested that there are opportunities 'for positive engagement in mediation to bring about an end to conflict' when 'the interests of belligerents align to make peace a more attractive option than continued warfare' (Putzel & Di John 2012: ix). They also suggest there is 'an immediate need for international actors to professionalise their approach to mediation', that mediation requires time rather than a 'quick fix' in peace agreements. Parks and Cole (2010: 38) suggest, in their 'six practical approaches for programme design', that 'political transitions' can be a moment in which development aid can be 'particularly influential in helping to shape the emerging political settlement.' They suggest three potentially useful roles for international assistance in this regard: (a) supporting those local actors, including excluded groups, that are seeking to broaden the settlement to be more inclusive; b) strengthening the emerging political settlement by supporting the implementation of a peace agreement, election, or new government; and c) encouraging a more pro-development settlement by creating incentives for the new elite coalition to introduce key reforms and expand development. They further suggest that 'during this period, foreign governments can help to stabilize the political settlement through diplomatic support for the new regime or peace agreement, and security assistance' (ibid).

These initial insights are important, and underline the importance of moments of potential transition to progressive social change. However, they also (paradoxically) neglect the relationship between peace processes and political settlement. In this it is somewhat disconnected from conflict resolution literature. The Putzel and Di John observation on peace mediation, for example, says little on when and how opportunities for peace might come about. Zartman (1995) has suggested that peace negotiations can only be successful where there is a 'mutually perceived hurting stalemate' between armed actors, which creates a 'ripe moment'. He suggests that external actors can, at best, create 'mutually enticing opportunities' for parties to respond to (Zartman 2001: 14). Similarly, the suggestion of improvements to mediation neglect the rather chaotic picture of international actors, lawyers and individuals which characterises peace-negotiating efforts, where mediators of different kinds, and under different normative constraints, give parties a chance of 'mediator-shopping' (see Bell 2008: 66-76).

The suggestion that peace agreement implementation should be supported, misunderstands the ways in which peace agreements operate less as a fixed governance blue-print and more as a road-map for transmuting the violent conflict into a complex set of new political and legal institutions. These institutions are often conceived of by local elites less as liberal-democratic ideal-types, and more as vehicles through which they can continue to press their desired and fought-for political end-goals. Typically, peace agreements produce a set of institutions that, while formally democratic and having a veneer of liberal democracy (a commitment to recognisable political and legal institutions, elections and human rights commitments), will in reality be based around fundamental compromises as to the nature of the state, and forms of complex 'power-dividing' which are addressed to conflict resolution goals (Bell 2008). As a result, different actors – elites, internal actors, external actors, will understand 'implementation' in different ways. International interveners tend to support implementation in their own image – namely by enforcing the liberal democratic elements of the agreement. This may involve acting to unwind group bargains, for example by working to dismantle power-sharing arrangements as a 'temporary necessary evil' that needs to be moved-on from, even when they are the only chance for political settlements based on sharing rather than separation (see *Sejdić v Finci*, European Court of Human Rights, 22 December 2009). Simple advice to 'support implementation' neglects the ways in which the peace agreement is an on-going vehicle for the conflict, meaning that 'implementing' means something different for the different internal and external actors involved (cf. Boege et al 2008 and Mac Ginty 2010, 2011, arguing that political orders that emerge as a result are 'hybrid' between internationalised liberal blueprints and local sources of legitimate order; cf. also Barnett & Zürcher 2009).

Other groups, such as women or non-conflict minorities, may find themselves further excluded by mechanisms that focus on ethnic and religious elite inclusion, but also on occasion find ways to achieve forms of recognition and inclusion on the 'back' of peace agreement provisions framed in more general terms such as 'equality'. Even when not formally included, they can often shape agendas for change. Yet, remarkably little is known as to when and how inclusion of non-elites takes place. Even less is known about what the outcomes for non-elites are, and how the central deal between elites, for example over power-sharing, helps or hurts other forms of inclusion, for example of women.

In seeking definitional clarity as regards how a political settlement might be distinguished from a peace settlement, the close connection between the two has remained opaque. We suggest that current political settlement analysis distinctions, which view peace agreements as formal settlement 'events', misunderstand the contingent process-nature of the documents and the ways in which they attempt to capture the prior bargaining processes, so as to try to contain their violent dynamics and translate them into revised political and legal institutions. As put evocatively, these agreements are 'Clausewitz in reverse': where Clausewitz noted that war was political with the admixture of other means, so these agreements aim to create politics as war by other means (Clausewitz [1893]; Bell 2008: 200-204; Ramsbotham 2000: 172).

We suggest there is a need to better understand the politics of peace processes and the relationship between their formal peace agreements and processes of political settlement. Peace processes are perhaps best understood as processes of containing fundamental disagreement as to how inclusive a political settlement will prevail, that aim to establish new modes of political bargaining that rely less on violence than before. We view better understanding of transitions as vital to understanding the different and sometimes contradictory processes of inclusion that they attempt, and the implicit trade-offs that are established between conflict-resolution goals, and different types of inclusion. These trade-offs are institutionalised in the agreement, and will make some goals harder to achieve than others. The trade-offs have received little sustained attention and have not been the subject of detailed empirical examination across peace processes, capable of revealing both common cross-context dynamics and an understanding of how particular contexts sees those dynamics play out. Neither have the development processes they chart, been tracked against other road-maps, such as Millennium Development Goals, or the New Deal Busan indicators.

4. Political settlements and gender: who are we talking about?

Political settlements with their focus on elites, appear from the literature to be gender blind; there is little by way of comprehensive scholarly or policy literature available to elucidate the nature and form of the gender dimensions of political settlement, although very recently some is beginning to emerge. A few very recent reports have tried to synthesise the relationship between gender, political settlement, peace-building and state-building. The Overseas Development Institute's (ODI) recent literature review tried to examine what was known about gender and women, across these literatures (Domingo et al 2013), as have as have other similar reviews (Castillejo 2011; OECD 2013; Accord Insight, 2013; cf. also analysis in Ní Aoláin et al 2011). In so-doing ODI's paper has in a sense reinforced the gap around gender in political settlements analysis, by pointing to relevant and overlapping literatures which deal with women, namely: gender and peace agreement literature, feminist analysis of political participation and political process by women, a very recent body of gender and state-building literature, and broad conflict management literature that to a lesser or greater degree includes

references to women.

We suggest that the omission of gender from political settlement analysis is one that follows from its frame of analysis and focus on elite groups, rather than a simple research failure. For those who define elites and power in elite terms, women are not a relevant category of analysis (see e.g. Khan 2010, Di John & Putzel 2009, and North et al 2013). For others, such as DFID, for whom the definition of political settlement is broader one, namely 'how power is organized in a society and the rules that regulate how elites work together' (DFID 2010c: 22), there may be some room to examine the role of women: both the 'power' to be exercised and the 'elites' who exercise it, could be treated expansively. However, feminist analysis reveals the very many gendered dimensions in the existing organisation of power relationships in society, and the definition of elites in most societal contexts as being masculine in form and in representation (Mackinnon 1989; Miller 1992). Moreover, the emphasis on the role of elites assumes a top-down approach which inherits the gender hierarchies and biases embedded in all hierarchical social arrangements and institutions (see further Phillips 1991, 1995; Young 1990).

We suggest that the presumption that 'political settlement' operates as a category capable of including and embracing women's needs must be critically interrogated from the outset. Indeed all the other deficits we identify in the political settlements project implicate gender. This is not just critical to achieving inclusion of women; gender analysis is an important lens through which to understand the larger questions regarding projects of inclusion, elite focus, and construction of public authority that we have identified as conceptual gaps more generally. There is a long intellectual history of feminist engagement with these questions, as well as a rich repository of contemporary analysis on why governance reforms often fail to deliver for women in the broader peace-building/state-transformation setting (see e.g. Mackay et al 2010, O'Rourke 2013, Ní Aoláin et al 2011). This analysis is being added to by analysis produced for the UNSC 1325 review (another manifestation of the age of disillusionment).

5. Political settlements and strategies for transformation: how do we do it?

Political settlement literature, as noted, has attempted to describe and understand dynamics of political settlement and views these as closely related to the economic and participation incentives created – intentionally or unintentionally – by institutions.¹ It therefore understands the main route to transformation of political settlements to be that of re-structuring elite incentives rather than 'fixing' the democratic failings of political and legal institutions. Matters such as 'broad based participation' in processes of reform, that are often heralded as an unequivocal 'good' by international actors, are understood by political settlement analysts as sometimes unhelpful because they make elite deals more difficult. Similarly in the constitutional law setting, those engaged in constitution-making observe that there is no automatic correlation between a participative process and a successful constitution (need reference Ginsberg, Elkins and Blount 2009).

As our framing of the conceptual-normative gap indicates, somewhere between descriptive analysis of political bargaining processes, and normative institutional analysis, there is a need for systematic case-study analysis of 'strategies of change', of external and internal actors, and the roles that appeals to normative outcomes play.

¹ Institutions, which by themselves 'do not determine outcomes' (Di John & Putzel 2009: 6).

Development actors, while interested in political settlements research findings, persistently question exactly how to translate it into practice, beyond taking on board the idea that 'politics matters' (see e.g. Green 2014, Dressel & Dinnen 2014). While the idea that taking account of the political settlement can lead to more 'effective' interventions, the key 'outcome' of research on political settlement dynamics is often granulated analysis of political dynamics within a country (see DFID 2004). Important as this in-country analysis is, it does not without more translate into advice as to who or what to support, for example when in a transition process such as a peace process. In practice, tailoring external interventions to attempt to change the political settlement, involves intervening in the domestic political bargaining process and as we argued above is a political act. As such intervention raises not just capacity questions but questions of political will and the political legitimacy of international interveners (Betram 1995). These difficulties are persistent ones with regard to not just aid interventions, but a range of other interventions in fragile and conflict-affected states as the recent Peace Keeping and Peace Operations reviews testify to

A focus on strategies of change can try to explore how and why external and internal actors attempt to intervene and to what ends. It questions when and how people try to assert agency, and examines how the institutional constraints respond. When and how do international and external interveners attempt to work to change elite bargaining patterns, to achieve other forms of inclusion and to what success? From this perspective the project of engaging with political settlements tries to move away from one which either views institutions as all controlling, or agency as all important, in favour of understanding the interaction of agency and institutions.

However, we suggest that engaging with strategies of change that internal and external actors attempt requires understanding of the positioning of researchers and research methodologies with relation to the political settlement. As research, particularly in the conflict field tends to have a dynamic whereby disproportionately in terms of published work, 'Northern' researchers researcher in the 'global South', from this perspective. To add to this dynamic, increasingly research in this area is funded by international funders and organisations and the same researchers are also involved extensively in consultancy with those same organisations. From this perspective, researchers also are 'international interveners' who increasingly have to justify their research precisely in terms of how they have 'impacted on' the situations they research. Engaging with and documenting strategies of change is at once a project of research and of practical engagement. With research increasingly having to justify itself in terms of 'impact', researchers can be understood as trying to affect political settlements directly and also indirectly by affecting other external and internal interveners.

6. Political settlements and defining and measuring transformation: how do we know when we've done it?

With political settlements defined as on-going processes of bargaining whose end goals are often contested among elites, between elites and other internal actors, and between elites, internal interveners and external interveners, a final gap is that of how to define and measure 'transformation'. Change will be incremental, go forwards and backwards, and be uneven across poverty, governance and conflict outcomes. Political trade-offs may exist between having a stable political settlement and an open and inclusive one. Here the definitional and conceptual lack of clarity affects attempts to understand what the goals of intervention are, and therefore to measure when they have been achieved. With the term 'political settlement'

arguably having no normative content and involving on-going bargaining, how are we to know when an intervention has been successful. How does one measure a process rather than a state? It is quite difficult to define in the middle of on-going processes, what 'transformation' looks like and whether it is being achieved. Is it about making a more stable political settlement, and then what price human rights, equality and inclusion? Or a more inclusive one even if that disrupts political stability? More crucially, if 'transformation' involves greater inclusion then how broadly is inclusion to be defined – to include elite groups and who else?

Or should we look at the political settlement in terms of substantive outcomes? While poverty, governance institutions, political settlement, and conflict are all linked in complex ways (Cilliers & Sisk 2013, it has proved possible to get gains in one arena, even without even gains across all arenas (DFID 2010). Ceasefires and peace agreements do often reduce deaths in conflict and create spaces in which a new political settlement may emerge; some reductions in poverty can be made, even as government institutions fail to improve; and stable political settlements can be reached indigenously even in the absence of a recognised state being supported by international actors (Somaliland). How then are we to understand and measure 'transformation' of political settlements in terms of their substantive outcomes?

Two further difficulties attend attempts to define and measure successful interventions. First, some of the end goals, such as rule of law or democracy, are themselves 'essentially contested concepts' that is, concepts about which there is fundamental disagreement over their content (Gallie 1956). A part of the function of political bargaining during transitions from conflict is to try to give these concepts some sort of local meaning and instantiation in the face of profound disagreement over what they require. However, this means that the 'thing' to be measured as a successful outcome of any process, is itself being constructed and given meaning by the never-ending political process, in ways that empirical measurements find hard to reflect (Duggan 2012). Second, processes of measurement by international actors, are themselves forms of intervention which prompt strategic instrumentalist responses from elite groups involved in rent-seeking activities (see Büthe 2012 and Davis et al 2012, more generally). In other words, the very process of measuring outcomes of political settlements itself provokes a response in political settlement being measured (Desai & Woolcock 2014).

Increasingly a part of the era of disillusionment now significantly fueled by the constraints of austerity, means that people are seeking new ways of defining and measuring the change they are supporting. Do development interventions work? Do truth commissions deliver on ambitious goals of accountability and reconciliation, and ensuring that the past never returns? Do costly governance programmes deliver good governance? Does peacebuilding assist the move to peace? These questions are becoming more pressing as the post-1990 terrain with its new modes of intervention, its new international apparatus, is now old enough to be subject to longitudinal analysis. It is also becoming critical to international interveners understanding when and how to 'exit' from countries in which they intervene substantively to human and financial cost.

A number of interesting attempts to measure exist in a number of different spheres, from attempts to set 'end state goals' in peace operation mandates, to attempts to benchmark peace-building (like the 'Measuring Peace Consolidation' research programme at the University of Oxford headed by Richard Caplan), to attempts to define 'every-day peace' at a local level (Mac Ginty 2014), and attempts to measure the impact of particular peace process provisions (see e.g. powersharing work), and attempts to evaluate projects of change as a monitoring exercise (Duggan 2012). In different ways these projects all struggle with the questions set out above.

We suggest, however, that it might now be useful to adopt a more portfolio approach to measurement that uses not just different quantitative measurements or mixed methods approaches to measuring outcomes, but fundamentally different approaches to what it is we

should be measuring that then enables an interrogation of how we understand 'progress' when looking across the portfolio of possible meanings and measurements. How do international development indicators relate to conflict indicators, relate to whether a structured transformation such as is found in a peace agreement was implemented or not, relate to lived experiences of improved human capacities? Admittedly such an approach requires further thought but some more experimental approach to measurement is now needed.

Conclusion: From 'Thing' to 'Project of transformation'

We suggest, in conclusion, that some of the conceptual and semantic confusion over political settlements, can be dealt with by understanding political settlements analysis as a project of engagement with the possibilities of transformation in situations where powerful and violent actors appear to hold all the cards, rather than a project of designing a 'thing' called a political settlement.

Political settlement analysis as a project should aim to better inform interveners as to how to engage with the reality of political power-balance in the societies in which they intervene, in ways that are smart both to needs to sustain elite consent if change is to be made possible, but are also smart as to how to move beyond permanent elite capture. This is a project that implicates the political positions and legitimacy of the interveners, and even of researchers. However, as a project of engagement, political settlements discourse as it has appeared in development discourse can find friends in other academic fields and policy arenas engaged in this same struggle.

It is important that the age of disillusionment does not lead to the baby being thrown out with the bathwater. Sure, process aimed at changing political settlements are difficult and problems of conflict and state lack of capacity profound; and the global market place in which we attempt to address these difficulties is almost so fast-changing that it outpaces capacity to research. Yet conflict remains inextricably linked with the exercise of brute power and exclusion, and better forms of co-existence require the excluded to become included. As regards resolving conflict, only three possibilities exist for international intervention: do nothing and hope that the political settlement that emerges is open and inclusive; to intervene militarily to help one side and an outcome perceived to be necessary to a more open and inclusive political settlement; or to support and encourage those at the heart of conflict to cut deals, while trying to ensure that a pathway for more open and inclusive political arrangements is created. For all the messy compromises and political difficulties of the last approach, it is often more acceptable to those who favour inclusion and equality than the former two not least because it appears more likely to succeed.

How to navigate between elite deals and projects which aspire to transform societies: in essence this is what everyone is talking about.

Bibliography

- Accord Insight. 2013. *Women Building Peace*. London: Conciliation Resources.
- AusAID. 2011. *Framework for Working in Fragile and Conflict-Affected States*. Guidance for Staff. Canberra: Australian AID.
- Barnett, M., and Zürcher, C. 2009. 'The Peacebuilder's Contract: How External Statebuilding Reinforces Weak Statehood', in R. Paris and T. Sisk (eds), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, New York, NY: Routledge, 23-52.
- Bell, C. 2008. *On the Law of Peace: Peace Agreements and the New Lex Pacificatoria*. Oxford: Oxford University Press.
- Bell, C., and O'Rourke, C. 2010. 'Peace Agreements or Pieces of Paper? The Impact of UNSC Resolution 1325 on Peace Processes and their Agreements', *International and Comparative Law Quarterly*, 59:4, 941-980.
- Bertram, E. (1995). Reinventing Governments: The Promise and Perils of United Nations Peace Building. *Journal of Conflict Resolution*, 39(3), 387-418.
- Boege, V., Brown, M., Clements, K., and Nolan, A. 2008. 'On Hybrid Political Orders and Emerging States: State Formation in the Context of "Fragility"', *Berghof Handbook*. http://www.berghof-handbook.net/documents/publications/boege_etal_handbook.pdf.
- Boutros-Ghali, B., 1992, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping*, Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992, New York, NY: United Nations.
- Boutros-Ghali, B., 1995, *Supplement to an Agenda for Peace*, Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, New York, NY: United Nations.
- Brown, S., and Grävingholt, J. 2011. *From Power Struggles to Sustainable Peace: Understanding Political Settlements*. Conflict and Fragility. Paris: OECD.
- Büthe, T. 2012. 'Beyond Supply and Demand: A Political-Economic Conceptual Model of Measurement Standards for Global Markets', in Davis et al (eds), *Governance by Indicators: Global Power through Classification and Rankings*, Oxford: Oxford University Press, 29-51.
- Carothers, T., and Samet-Marram, O. 2015. *The New Global Marketplace of Political Change*. Washington, D.C.: Carnegie Endowment for International Peace.
- Castillejo, C. 2011. *Building a state that works for women: Integrating gender into postconflict state building*. Working Paper, FRIDE. <http://www.fride.org/publication/896/building-a-state-that-works-for-women:-integratinggender-into-post-conflict-state-building>.
- Cilliers, J., and Sisk, T. 2013. *Assessing long-term state fragility in Africa: Prospects for 26 'more fragile' countries*. Institute for Security Studies Monograph, Number 188.
- Clausewitz, C. [1893] 2008, *On War*. Oxford: Oxford World's Classics.
- Davis, K., Fisher, A., Kingsburry, B., and Merry, S.E. (eds). 2012. *Governance by Indicators: Global Power through Quantification and Rankings*. Oxford: Oxford University Press.
- Desai, D., and Woolcock, M. 2014. 'The Politics—and Process—of Rule of Law Systems in Developmental States' in S. Hickey, K. Sen, and B. Bukenya, *The Politics of Inclusive Development*, Oxford: Oxford University Press, 174-194.

- DFID. 2012. *How to Note: Results in Fragile and Conflict-Affected States and Situations*. A DFID Practice Paper. Department for International Development, London: DFID.
- DFID. 2011. *Governance Portfolio Review Summary*. Summary Review of DFID's Governance Portfolio 2004-2009. Department for International Development, London: DFID.
- DFID. 2010a. *The Politics of Recovery: Elites, Citizens and States*. Findings from ten years of DFID-funded research on Governance and Fragile States 2001-2010. A Synthesis Paper. Department for International Development, London: DFID.
- DFID. 2010b. *Interim Guidance Note Measuring and managing for results in fragile and conflict-affected states and situations*. Department for International Development, London: DFID.
- DFID 2010c *Building Peaceful States and Societies*. A DFID Practice Paper. London: DFID.
- DFID. 2009. *How to Note: Political Economy Analysis*. A DFID Practice Paper. Department for International Development, London.
- DFID. 2007. *How to Note: Country Governance Analysis*. A DFID Practice Paper. Department for International Development, London, February 2007.
- DFID. 2004. *Public Information Note: Drivers of Change*. Department for International Development, London.
- Di John, J., and Putzel, J. 2009. *Political Settlements: Issues Paper*. Governance and Social Development Resource Centre, June 2009.
- Domingo, P., Brandt, L., Denney, L., et al. 2012. *Development, Fragility, and Human Rights*. Commissioned by the Nordic Trust Fund and The World Bank.
- Dressel, B., and Dinnen, S. 2014. *Political Settlements: Old wine in new bottles?* Development Policy Centre Policy Brief 9, February 2014.
- Duggan, C. 2012. "'Show Me Your Impact": Evaluating Transitional Justice in Contested Spaces', *Evaluation and Program Planning*, 35:1, 199-205.
- Evans, W. 2012. *A Review of the Evidence informing DFID's 'Building Peaceful States and Societies Practice Paper*. Research and Evidence Division Evidence Products, Paper 1: Political Settlements, Peace Settlements, and Inclusion, January 2012.
- Gallie, W.B. 1956. 'Essentially Contested Concepts', *Proceedings of the Aristotelian Society*, vol. 56, 1956: 167-198.
- Ginsberg, T., Z. Elkins, and J. Blount, *Does the Process of Constitution-making matter?* *Annu. Rev. Law Soc. Sci.* 2009. 5:201-23, <http://repositories.lib.utexas.edu/bitstream/handle/2152/22257/ginsburg%20elkins%20blount%202009.pdf?sequence=3>
- Grävingholt, J., Leininger, J., and von Haldenwang, C. 2012. *Effective Statebuilding? A Review of Evaluations of International Statebuilding Support in Fragile Contexts*. Evaluation Study. Copenhagen: DANIDA.
- Green, D. 2014. 'Why "political economy analysis" has lost the plot, and we need to get back to power and politics', *oxfamlogs*, July 10, 2014, <http://oxfamlogs.org/fp2p/why-political-economy-analysis-has-lost-the-plot-and-we-need-to-get-back-to-power-and-politics/>.
- Griffith, J.A.G. 1979. 'The Political Constitution', *Modern Law Review*, 42:1, 1-21.
- Gutierrez, E. 2011. *Introducing Political Settlements*. Christian Aid Occasional Paper No. 4. Christian Aid.

- Hagmann, T. 2014. *Talking Peace in the Ogaden: The search for an end to conflict in the Somali Regional State in Ethiopia*. London, Nairobi: Rift Valley Institute.
- Hoffman, K., and Kirk, T.. 2013. *Public Authority and the Provision of Public Goods in Conflict-Affected and Transitioning Regions*. JSRP. London: International Development Department, LSE.
- ICTJ – International Center for Transitional Justice and Kofi Annan Foundation. 2014. *Challenging the Conventional: Can Truth Commissions Strengthen Peace Processes?* New York, NY: ICTJ.
- Khan, M. 2013. 'Political Settlements and the Design of Technology Policy' in J. Stiglitz, J.Y. Lin, and E. Patel (eds.), *The Industrial Policy Revolution II. Africa in the 21st Century*, London: Palgrave, 243-280.
- Khan, M. 2012. 'Governance and Growth: History, Ideology and Methods of Proof' in A. Noman et al. (eds.), *Good Growth and Governance in Africa: Rethinking Development Strategies*. Oxford: Oxford University Press, 51-79.
- Khan, M. 2010. *Political Settlements and the Governance of Growth-Enhancing Institutions*. (Unpublished), available at <http://eprints.soas.ac.uk/9968/>.
- Khan, M. 1995. 'State Failure in Weak States: A Critique of New Institutional Explanations' in J. Harris, J. Hunter and C. Lewis, (eds.), *New Institutional Economics and Third World Development*, London: Routledge, 71-86.
- Leonardi, C., Moro, L.N., Santschi, M., and Isser, D.H. 2010. *Local Justice in Southern Sudan*. Peaceworks No. 66, Washington, DC: USIP, Rift Valley Institute.
- Loughlin, M. 2010. *The Foundations of Public Law*. Oxford: Oxford University Press.
- Mac Ginty, R. 2014. 'Everyday peace: Bottom-up and local agency in conflict-affected societies', *Security Dialogue*, 45:6, 548-564.
- Mac Ginty, R. 2011. *International Peacebuilding and Local Resistance: Hybrid Forms of Peace*. Palgrave Connect: Palgrave Macmillan.
- Mac Ginty, R. 2010. 'Hybrid Peace: The Interaction between Top-down and Bottom-up Peace', *Security Dialogue*, 41:4, 391-412.
- Mackay, F., Kenny, M. and Chapell, L. 2010. 'New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?' *International Political Science Review*, 31:5, 573-588.
- MacKinnon, K. 1989. *Toward a Feminist Theory of the State*. Cambridge, MA: Harvard University.
- Melling, J. 1991. 'Industrial Capitalism and the Welfare State: The Role of Employers in the Comparative Development of Welfare States. A Review of Recent Research', *Sociology*, 25:2, 219-39.
- Miller, Jean Baker, 1992. 'Women and Power', in T. Wartenberg (ed.), *Rethinking Power*, Albany, NY: SUNY Press, 240-248.
- Ní Aoláin, F., Hayes, D.F. and Cahn, N. 2011. *On the Frontlines: Gender, War, and the Post-Conflict Process*. Oxford: Oxford University Press.
- North, D.C., Wallis, J.J. and Weingast, B.R., 2012. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge: Cambridge University Press.

- North, D.C. Wallis, J.J., Webb, S.B., and Weingast, B.R., 2013. *In the Shadow of Violence: Politics, Economics and the Problems of Development*. Cambridge: Cambridge University Press.
- O'Rourke, C. 2013. *Gender Politics in Transitional Justice*. Abington, New York: Routledge Press.
- OECD. 2013. *Gender and Statebuilding in Fragile and Conflict-affected States*. Paris: OECD.
- Olson, M. 1993. 'Dictatorship, Democracy, and Development', *The American Political Science Review*, 87:3, 567-576.
- Parks, T. & Cole, W. 2010. *Political Settlements: Implications for Development Policy and Practice*. The Asia Foundation, Occasional Paper No 2, July 2010.
- Phillips, A. 1995. *The Politics of Presence*. Oxford: Oxford University Press.
- Phillips, A. 1991. *Engendering democracy*. Pennsylvania: Pennsylvania University Press.
- Putzel, J., and Di John, J. 2012. *Meeting the Challenges of Crisis States*. Crisis States Research Centre Report. London: Crisis States Research Centre, London School of Economics.
- Ramsbotham, O. 2000. 'Reflections on Post-settlement Peacebuilding', *International Peacekeeping*, 7:1, 169-189.
- UN – United Nations. 2015a. *Uniting our Strengths for Peace - Politics, Partnership and People*. Report of the High-Level Panel on United Nations Peace Operations, 16 June 2015. New York, NY: United Nations.
- UN – United Nations. 2015b. *The Challenge of Sustaining Peace*. Report of the Advisory Group of Experts for the 2015 Review of the United Nations Peacebuilding Architecture. New York, NY: United Nations.
- UN – United Nations. 2015c. *The Global Study on Women, Peace and Security*, Draft Outline – April 2015. New York, NY: United Nations.
- Unsworth, S. 2009. 'What's Politics got to do with it? Why donors find it so hard to come to terms with politics, and why this matters', *Journal of International Development*, 21:6, 883-894.
- Whaites, A. 2008. *States in Development: Understanding State-Building*. London: DFID.
- Young, I.M. 1990. *Justice and the Politics of Difference*. Princeton: Princeton University Press.
- Zartman, I.W. 2001. 'The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments', *Global Review of Ethnopolitics*, 1:1, 8-18.
- Zartman, I.W. 1995. *Elusive Peace: Negotiating an End to Civil Wars*. Washington, DC: Brookings Institute.