THE UNGOVERNANCE OF PEACE

TRANSITIONAL PROCESSES IN CONTEMPORARY CONFLICTSCAPES

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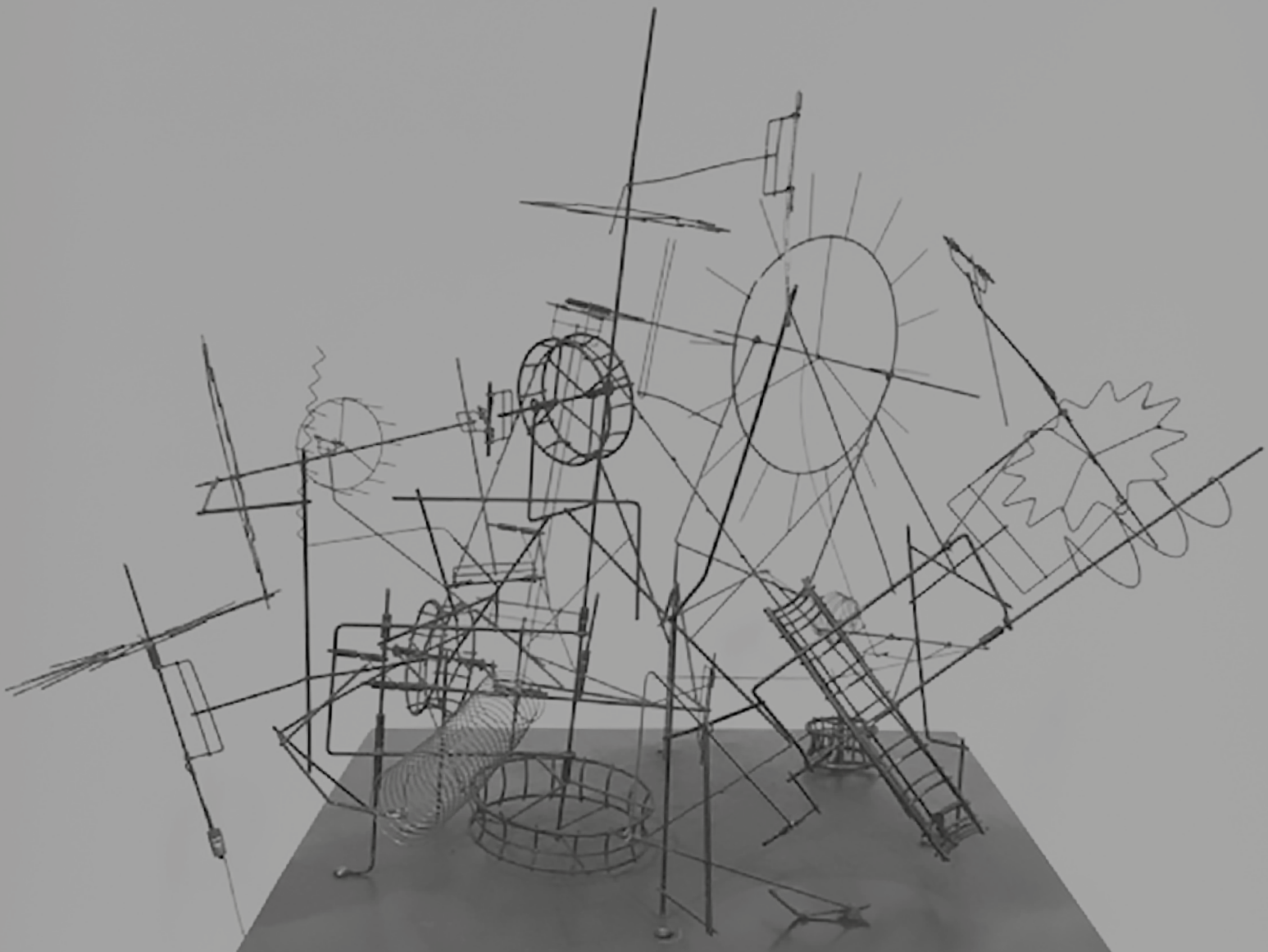by Jan Pospisil

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INTRODUCTION

Contemporary peacebuilding discourse approaches peace processes and post-conflict transitions as a predominantly governed and sequenced affair. Peace negotiations and subsequent peace agreements are meant to provide a unitary institutional framework at the national level that enables a comprehensive and inclusive pathway to the so-perceived 'normal' of liberal-democratic polities.

Against this background, the present mainstream in peacemaking and peacebuilding[1] envisions conflict-to-peace transitions as an effort aiming to engage and regulate all core functions of a nation-state. This regulation exercise involves dimensions such as security, law, politics, the economy, and the social.[2] The resulting endeavour, which we might term 'peace governance', can be interpreted as resting on three pillars: the settlement and closure of an armed conflict between the parties based on their mutual acceptance to transit to 'normal' politics, the resolution of the so-perceived 'root causes' of the conflict, and the relational endeavour of gathering all sub-conflicts and stakeholders under the umbrella of a national comprehensive and inclusive political settlement.[3]

It is widely acknowledged that this approach has failed in realising its vision. While peace governance, in a considerable number of cases, has been able to formalise the existing political unsettlement and to tame violence, it has resulted in enduring crisis management rather than in transiting to a conventional constitutional order.[4] Against this background, a vast amount of literature assesses peacemaking in need of fundamental reform to become more local, contextualised and inclusive. Moreover, a rapidly changing international context renders attempts of establishing peace governance increasingly unlikely. In places as different as Libya, Myanmar, Somalia, Syria, or Yemen, peacemaking interventions have not disappeared. However, they have transformed from Western 'coalitions of the willing' to postliberal ad-hoc coalitions forged among regional powers driven by their self-interest.

As a consequence, the environment for managing transitions from armed conflict disaggregates. Regional, sub-national, and local initiatives of negotiating or mitigating armed conflict often evolve in parallel to fragile or even failing peace processes at the national level. Recent cases of patchy in-conflict transitions, like in South Sudan, Syria, or Yemen,

have to deal with multifaceted and localised conflicts that align with a national conflict setting in complex and often only indirect ways. Neither does conflict at the national level determine local conflict settings nor do local or regional conflicts naturally accumulate into a conflict at the national level. Instead, contemporary armed conflict often appears as a mesh of hybrid conflictscapes that are in a constant process of alignment and disrelation. Usually, these conflictscapes involve a multiplicity of actors ranging from the local to the international level.

It is argued here that the approach of negotiating an inclusive and comprehensive peace agreement that shall facilitate a transition into a reconfigured political settlement post-conflict rests on ideal-type assumptions developed in the 1990s. These propositions lived through a short heyday in the mid-2000s, but their relevance has sharply declined after that. What is still the standard model of peacebuilding refers to a brief and truly exceptional period when international peace governance seemed a viable possibility. In most peace negotiations and peacebuilding efforts today, it has become impossible to identify distinct procedural pathways, common political goals, or even mutually agreeable timescales and transitional visions. The institutionalisation of transitional frameworks emerging from peace negotiations remains superficial because the radical disagreement[5] over the form and shape of a polity prevails.

Thinking in terms of 'global ungovernance', as this special issue proposes, and the related idea of non-closure is a helpful attempt to overcome the limitations of contemporary peace governance, which is deeply entrenched in liberal institutionalist reasoning. Indeed, what is emerging in conflict transitions are modalities of 'peace ungovernance' that fundamentally contradict the liberal governance paradigm. In many cases, these forms of ungovernance evolve as hybrid intersections involving international attempts of peacemaking and long-existing practices of traditional conflict management.[6] By overcoming the fixation on the 'big leap' that contemporary peacemaking still nurtures, a reasoning in terms of ungovernance may enable more pragmatic transitional pathways and open up the perspective for the value of, however limited, real gains and achievements.

By definition, peace ungovernance eschews any clear, structured, uniformed description. It can only be understood as

a wide variety of practices that need to be accepted in their own right. Nevertheless, they share some common characteristics, which this article elaborates and explores. Instead of consolidating in a unitary, related, national process peace ungovernance unfolds as an assemblage of conflict transitions. The 'root causes' of conflict are rarely resolved. In contrast, the disagreement at the heart of the conflict is continually mitigated and moderated, which results in these transitions not becoming settled or closed, but remaining in an enduring, permanently unsettled stage.

The characteristics of peace ungovernance are neither entirely new nor surprising. However, the current global context of peacemaking has changed in a way that involved actors begin to accept the severe limitations the dogmatic paradigm of liberal peace governance inherits. Better understanding and embracing peace ungovernance, thus, might be a prerequisite of overcoming the perpetual sentiment of 'failure' that seems to inevitably accompany so many peacemaking efforts.

The argument proceeds in four steps. The article's first part tells the story of liberal peace, focusing on its contemporary decline. Part two critiques the habitual misunderstanding of the process of conflict transition as a governed pathway towards normal politics. This misperception is reflected in the three core elements of peace governance: settlement and closure, resolution, and relation. The third part reflects on the realities of conflict non-closure as it is already visible in most constellations of contemporary conflict transitions. Peace processes hardly ever settle conflict, neither between the signees of a peace agreement nor regarding the conflict's heterogeneous societal implications. However, peace processes may succeed in establishing a formalisation of this political unsettlement that initiates an enduring conflict transition. Finally, part four explores the main characteristics of peace ungovernance with regards to the often-contradicting politics of time, space, and relationality emerging in transitional processes. As a consequence, it argues for a sensible alignment with the grain of transitions.
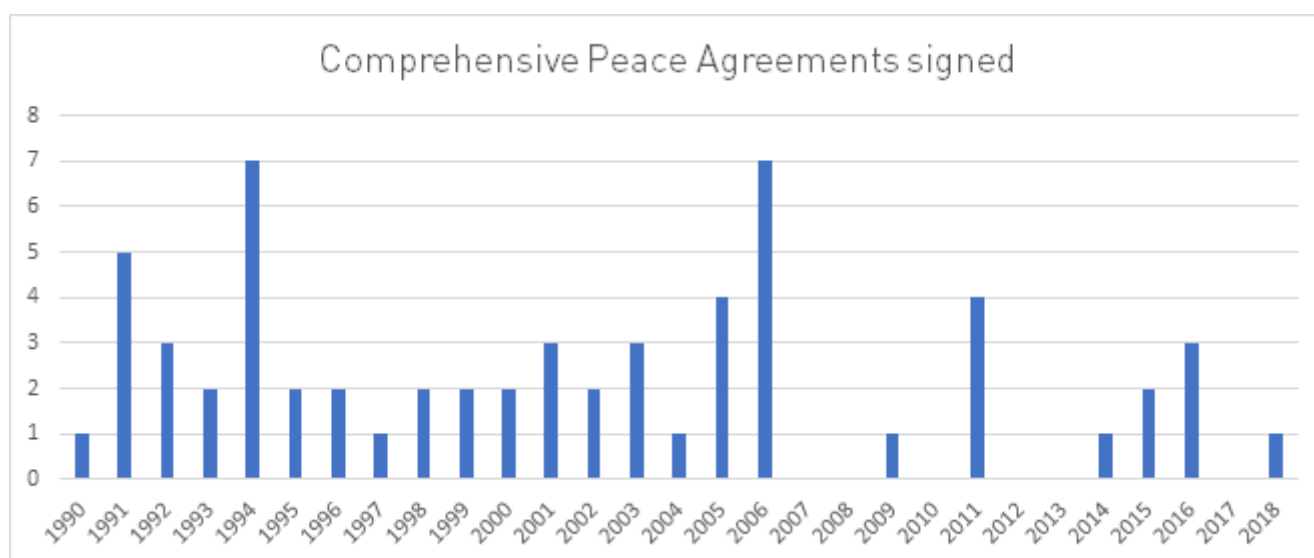
Graph 1: Number of comprehensive peace agreements signed per year[14]

PEACEMAKING'S FUKUYAMA-MOMENT

The liberal story of peace is intrinsically tied to the objective of establishing a unitary, governed polity. It proposes that if actors are serious about achieving peace, they will be able to agree on a contractual settlement and to implement the measures required to institutionalise it. In the aftermath of the First World War, peacemaking became an essential element of liberal governance, especially at the international level.[7] Peace turned from the private concern of sovereigns into the public responsibility of sovereign states and, as such, into a global common good. Kant's 'Perpetual Peace' provides an early account of such reasoning, which is eternal, global, expansionist, and governed: 'For, if Fortune ordains that a powerful and enlightened people should form a republic, – which by its very nature is inclined to perpetual peace – this would serve as a centre of federal union for other states wishing to join, and thus secure conditions of freedom among the states in accordance with the idea of the law of nations. Gradually, through different unions of this kind, the federation would extend further and further.'[8]

What Kant laid out in his influential essay established the underpinning of liberal peacemaking and, in later stages, humanitarian interventionism, conflict resolution, and peacebuilding. While it took long for this agenda to take roots, it finally emerged as a powerful paradigm. Following Kant's argument, peace is the rational conduct of functional nation-states and its governance the normal state of liberal internationalism. The attraction the logic of peace governance entails is its alleged impeccability. In ideal liberal conditions, war has to decline once the responsibility for war-making is taken away from the single sovereign and handed over to the public via representational politics. If asked, the people, so Kant's logic, would never opt for war. Therefore, democratic governance per se equals both peaceful governance and the governance of peace.

Over time, the framework of peace governance institutionalised this reasoning at two levels. First, the institution of sovereign war-making, enshrined in elite pacts between sovereigns and emergent nation-states, was transferred into a system of international peace governance with the United Nations at its centre. While the UN was successful in preserving world peace at a large scale, addressing the mounting challenge of internal armed conflict and 'new wars'[9] after the end of the Cold War expanded into a particularly pressing issue. These conflicts ran risk of escaping the efforts of international peace governance and, thus, ultimately undermining its credibility. In rationalising this challenge, a sequenced conceptual framework of escalation and de-escalation was elaborated: the so-called conflict curve.[10] The basic argument of the conflict curve was that if international peacemakers would take the right measures at the right time, the escalation could be stopped, the 'curve' brought to a decline, and the conflict transformed.

Even in precarious constellations of 'new wars', peace so could be constructed as an achievable prospect if only governed the right way. Following a liberal logic, the irrational chaos of war must have been the result of a failure of governance that had led to a collapse of the polity and its underpinning political settlement, the institutionalised relationships between the political elites.[11] These malfunctions had to be fixed. In the attempt to address this aim, peacemaking grew into a comprehensive effort of societal transformation. The need to increase the breadth of the transitional effort also enabled the breakthrough of peacebuilding at the international policy level.

Responses to the challenge of internal armed conflict developed in close interchange with policy practice. Comprehensive peace agreements, addressing the root causes of the conflict and stipulating a clear transitional pathway towards normalised politics, evolved as the globally acclaimed model of conflict mediation just as integrated missions became the new standard of United Nations peacekeeping.[12] 'Inclusion' emerged as the new paradigm of international peacebuilding.[13] If conflict transitions would be governed in the right way, peace as the closure of armed conflict appeared feasible.

A comparison over time reveals that comprehensive peace agreements as the model for addressing internal armed conflict appeared regularly from the 1990s, when this practice started in the aftermath of the Cold War, until the mid-2000s *(see graph 1 - left side)*. Since then, the likelihood of their occurrence declines significantly. Exceptions in the period after 2010 where mainly the largely unsuccessful Doha Peace Agreement for Darfur in Sudan, the Colombian Peace Accord with the FARC, the highly fragile comprehensive agreement in South Sudan that lives through a stage of 'revitalisation', and agreements in DRC and Guinea.

Explanations for the ever more challenging conditions of comprehensive peacemaking usually point towards shifting geopolitical conditions and an international trend towards populism and nationalism.[15] Conflict settings unrespon-

sive to international peace interventions, such as Syria, Libya, Yemen, and various armed conflicts in Sub-Sahara Africa, still show a high degree of internationalisation, yet in a highly competitive setting that Thomas Carothers and Oren Samet-Marram[16] have termed a 'global marketplace of political change'. The top-down model of liberal peace governance, as enshrined in the UN system and regional integration bodies and accompanied by concerted efforts of influential liberal powers such as the United States or European countries, meanwhile is, by and large, absent.

The once predominant model of peacemaking induced by li-keminded OECD powers in the post-Cold War period seems to have reached its historical endpoint. Given that the heyday of this model lasted for a mere 15 years, it is probably appropriate to speak of a short yet particular historical phase that one might term – with reference to Francis Fukuyama's[17] famous 'end of history'-argument of the final victory of democratic liberalism made in the same period – peacemaking's Fukuyama moment. Oddly, the predominant contemporary approach in international conflict resolution and peacebuilding still relies on the assumptions this moment has engendered.

PEACE GOVERNANCE'S THEORY OF CHANGE IN CRISIS

Liberal peace governance has shown remarkable resilience, which predominantly relies on its astonishing ability to incorporate critique in its interventions.[18] Contemporary peacemaking theory and practice have responded to the mounting challenges by embracing nominally postliberal concepts like inclusion or resilience. Nonetheless, peacemaking remains fundamentally embedded in the core principles of liberal governance. Peace governance mainly rests on the three pillars of settlement and closure, resolution, and relationality.

Settlement and closure. The conventional picture of what a peace agreement represents is well-portrayed by Nina Caspersen in the first lines of her monograph on peace agreements: 'The announcement of a peace agreement is, with good reason, marked as an important breakthrough: former enemies have managed to put their difference aside and agreed to a negotiated settlement.'[19] In short, a peace agreement, particularly a comprehensive one, is the nucleus of the forthcoming closure of the conflict by means of a peace settlement that eventually institutionalises in a political settlement and a subsequent constitutional order. The legal reasoning behind this assumption sees the conflict parties tied to their commitments. All subsequent challenges, of which all stakeholders and observers are aware, hence, can be mitigated and eventually solved by the thorough implementation of what the agreement stipulates. In this way, peace agreements turn into the manifestation of the future closure of the conflict. Its implementation has to guarantee this potentiality.

Various measures and modalities have been developed with the intention to translate what has been negotiated in peace processes into policy practice.[20] When problems are identified and solutions elaborated and negotiated, thus, the quality and quantity of implementation would decide over success and failure of the project. Validation predominantly resorts to quantification exercises, especially in peace process monitoring. The Peace Accords Matrix (PAM) initiative at Notre Dame's Kroc Institute[21] provides one of the most thorough examples in this respect. PAM measures the implementation percentage of peace agreement stipulations. However, the significance of PAM's research is not the percentage points on peace agreement implementation it produces. It is the inherent conceptual claim behind its work that is fundamental to the peace governance paradigm: implementation leads to durable peace since it is the benchmark of settlement and, in the last instance, the advanced sign of closure.[22]

Resolution. The resolution approach emanates from two fundamental principles of liberal policymaking. First, the undertaking of policy is designed as a problem-solving exercise and, second, state-based responsive governance is alleged as being able to provide the framework for respective solutions. As regards armed conflict, the so-called 'root causes' approach demonstrates this principle. Root causes, so the assumption, would increase the likelihood of armed conflict, while so-called 'trigger factors' would start off the armed conflict in conditions favourable to violence.[23]

'Proper' conflict analysis, as it is still taught in university modules and practitioner training programmes all over the world, is conceptualised as a technique for identifying root causes and trigger factors in any given context in order to alleviate their impact. These causes and factors, however, are characterised by remarkable historical contingency. The first decade of root causes theories – the 1990s – was dominated by macro-economic assessments focusing on inequality, poverty, and declining growth. During the 2000s, the assessments diversified but cumulated in emphasising the framework of functioning statehood. The predominance of the statebuilding narrative resulted in the tautological assessment that the absence of proper governance structures would be the predominant reason for the outbreak and persistence of armed conflict. Other approaches started to highlight micro-economic factors, such as Paul Collier's and Anke Hoeffler's influential study on greed and grievance[24] (and the structural possibility to act upon this greediness by armed means). Recent years have seen the return of macro-level explanations such as climate change, identity politics, or, again, global poverty.

The current focus on inclusion is built on an all-encompassing amalgamation of root causes in order to represent all possible grievances and interests in a kitchen-sink approach. In doing so, inclusion responds to but also augments identity politics. The inclusion paradigm demonstrates the negotiated and responsive character of root causes in an armed conflict setting. Every debate on root causes is nothing else but an expression of the contestation in which the conflict is embedded. To ascribe impartiality and causality as needed by objectivised 'conflict analysis', root causes need

to be separated from the narrow political interests of the conflict parties. Such an effort demands the construction of an ideal potentiality against which a particular contextual setting can be measured. Unsurprisingly, the so-generated wish list represents the political orientation – and societal visions and hopes – of the liberal advocates of peace governance: either strong security structures for those on the political right (reasoning that dominates peacemaking and peacekeeping) or the vision of an equal, economically just, ecologically sustainable and identity-responsive society for those on the political left (a vision commonly found in civilian peacebuilding).

Relationality. Peace governance strives for relating all conflict parties, involved communities, and external stakeholders in a principled operation. The relational operation commences with the negotiation process, which is called upon to include as many stakeholders as possible and is meant to conclude by reaching the 'normalcy' of the ultimate relational equalizer of joint citizenship. Peace governance has even created a term for those resisting this operation: 'spoilers', those who 'actively seek to hinder or undermine conflict settlement'.[26] The inclusion paradigm, currently dominating the liberal peacebuilding discourse, is the unmistakable call of conducting peace as a whole-of-society effort that should enable the social fabric in increasing social cohesion at the national level. Nobody shall be left behind in this effort; everybody needs to be associated with one another and integrated into the transitional process.

Peace governance always works as relational governance. The ethical foundations it rests upon are universal and, as a consequence, incorporate the whole of what is constructed as a society in a unitary legal, social, and political framework. This framework is an expression of the fundamental postulate of political liberalism that renders peace as a global common good.[27] Peace as governance is a societal endeavour aiming for one unitary polity. As it is liberal, it cannot be divided or separated; its effort towards relationality, therefore, is essential and non-negotiable.

The institutional crisis of peace governance is as old as the model itself. Neither proper planning nor concerted efforts by international powers and their various policy muscles have been able to provide a projectable and transferrable pathway for post-conflict transitions. This inability has resulted in a common sense of disillusionment in both the academic and policy community.[28]

Termed in contemporary peacemaking language, the endeavour of closed post-conflict transitions should evolve from ceasefires over first framework agreements towards a comprehensive peace agreement, which should already outline the process of political resettlement and the rebuilding of the state. The whole process would then ideally result in a constitution-building project that legally institutionalises the newly founded or reshaped polity.

This linear storyline raises serious doubts. Recent comparative work by the Political Settlements Research Programme, a research endeavour exploring the relationship between political settlements and peace agreements, on the transitional sequences of peace processes[29] has demonstrated the non-linearity and unpredictability of conflict transitions. The empirical comparison of the about 150 peace processes occurring after 1990 does not allow for any valid generalisation of peace process patterns. In other words, the ideal-type peace process never happens.

Peace processes evolve contextualised and in apparently random shapes. If a pattern can be identified, it is the constant back and forth, up and down between various stages of a process. Graph 2 on the left illustrates the real-world chaos of conflict transitions based on the development between various forms of peace agreements that are believed to be sequenced in the peace processes after 1990 documented in the PA-X database over time. Such randomness puts the theory of change behind liberal peace governance in question. Achieving peace through a comprehensive and concerted effort by international, regional, and national actors along several pre-identified lines of peacebuilding interventions such as political power-sharing, disarmament and demobilisation, security sector reform, transitional justice, and a constitutional process leading towards elections has hardly ever been an auspicious recipe.

Unsurprisingly, peacebuilding policy, entrenched in the image of post-conflict transitions' eventual linearity towards normalised and just politics, cannot escape the sensation of perpetual failure. David Chandler describes this sentiment as peacebuilding's 'twenty years' crisis'.[31] The crisis is not the result of a lack of effort, competence, or coordination.

It is the result of a governance-based theory of change ever more encountering the conditions of its own impossibility. This relentless confrontation results in continuous contingency management and, at last, the acknowledgement of existing practices of peace ungovernance.

Such acknowledgement is contradictious and contested. The paradox inherent to critical liberalism is that enlargement – the deepening and widening of governance – is presented as progress. Peacebuilding and international peace governance indeed seek success by expanding to all spheres of human life and nature (e.g. by including the 'local'[32], or by increasing the control regimes of natural resources and linking them to discourses on the interrelation of human/non-human spheres[33]). When peace is rendered as a global common good and, hence, as a global responsibility, the acceptance of failure is not an option. Instead, it is a constant demand for 'more' that has to be met, a demand, however, that only reaffirms the impossible departure point of peace governance.[34]

Falling short of capturing this fundamental flaw in reasoning, critical responses often exhaust themselves in aiming for superficial signs of a tempered liberal order: regulated markets, the rule of law, democratic representation, and statehood. Even when arguing for embracing contextualised approaches and the need to understand peace in the realities of the 'everyday', many accounts struggle to overcome the paradigm of responsive governance.[35] The call for contextuality is often combined with the quest for liberal structures of regulation, which only had to be transformed from oppressive into progressive ones. 'Peace formation, however, indirectly influences the state, drawing on custom, religion, social associations, historical institutions, and practices: it is producing in a "local" form progressive thought and practices'.[36]

By emphasising the non-closed element of 'formation', however, Oliver Richmond's notion of 'peace formation' is still one of the few accounts that, in principle, acknowledge limitations of perpetual regulation and, thus, point towards what could be termed peace ungovernance.[37]
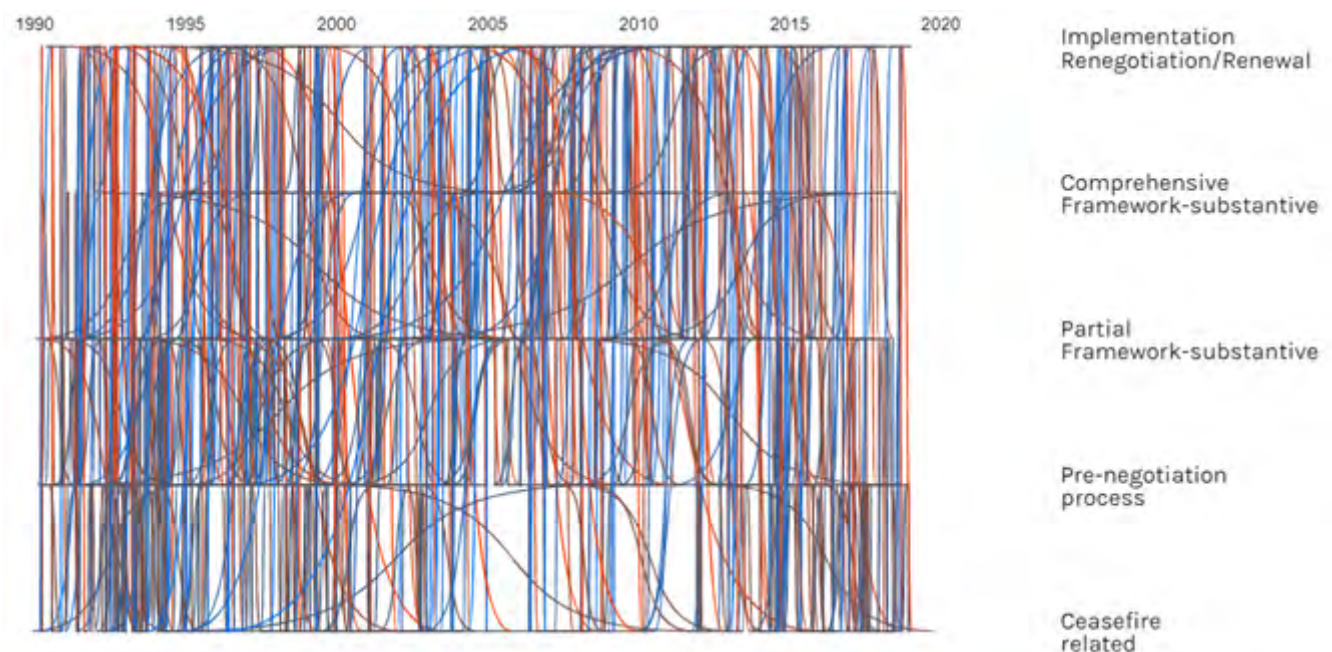
Graph 2: Observable 'conflict curves' over time[30]

THE NON-CLOSURE OF CONFLICT TRANSITIONS: FORMALISED POLITICAL UNSETTLEMENT

The normalcy peace governance wants to achieve may be imposed (such as in traditional peace enforcement), restored, or, especially in the context of the present revival of authenticity and indigeneity[38], formed and accepted.[39] Nevertheless, the everyday practices of peace processes unfold as a continuous exception. Instead of resolving conflict and forging a novel or re-established political settlement, the reality of peace governance is often only able to stabilise and institutionalise the contestation that underpins an ongoing conflict. What formalises is not settlement or closure, but political unsettlement.[40] Peace agreements tend to enshrine the conflict fault lines by forming power-sharing arrangements that echo the pre-existing tensions prevalent during the armed conflict.

While such 'formalised political unsettlement' is designed as interim and transitional, it proves to be long-lasting. Formalised political unsettlement relies on the establishment of a transitional framework that rests on a mixture of formal and informal institutions and is apt to tame violence. Formalised political unsettlement, hence, is both sticky and fragile at the same time.

Peace processes usually proceed in tacit acceptance of the realities of formalised political unsettlement, mainly due to two reasons. On the one hand, national and local actors have learned to manipulate international peace governance and to 'compromise' it.[41] On the other hand, in most instances, the goal of forging inclusive political settlements proves to be elusive, given the radical disagreement between the conflicting parties and the deeply unsettled conflict setting. The example of Bosnia-Herzegovina demonstrates that even the most favourable international conditions – only minor fragmentation among external actors combined with the, however vague, perspective of accession to the European Union – do not suffice to overcome the condition of formalised political unsettlement towards normal politics. The institutionalised power-sharing set-up perpetuates the ethnopolitical logic.

Furthermore, there is a second dimension contributing to formalised political unsettlement. Contemporary armed conflict, in most instances, in itself is an unsettled affair. In places like Syria, South Sudan, Libya, Somalia, or Yemen, there is no national-level conflict that is trickling down to all parts of the country, nor can what appears as a national conflict be understood as a mere accumulation of conflicts at the regional and local level. Referring to an influential suggestion by Arjun Appadurai, these settings can be described as permanently moving 'conflictscapes'. Such conflictscapes may be experienced and observed, but they eschew any analysis based on a cause-effect model. In contrast to other terms such as 'conflict setting', the 'suffix -scape allows us to point to the fluid, irregular shapes of these landscapes'.[42] What we witness as a seeming accentuation of conflictscapes is the result of two trends that are, paradoxically, ongoing at the same time: the parallel internationalisation and localisation of internal armed conflict.

While streamlined efforts of international peacemaking certainly have declined, international involvement in contemporary armed conflicts is still substantial. The case of Libya prototypically demonstrates the marketplace logic at play in such involvements: even European Union member states find themselves teaming up with dissenting sides in the ongoing civil war. Other international players like Russia and Turkey, as well, support opposing belligerents and so perpetuate the conflict logic. However, this support does not automatically turn the conflict into a simple proxy war. In Syria, for instance, the competition between Russia and Turkey has developed into a contesting and rapidly shifting alliance that reveals the fast-moving divergence between many of the international actors involved in contemporary conflict settings.

At the same time, armed conflicts tend towards localisation. The revitalised peace process in South Sudan that only recently succeeded in forming a so-called Revitalised Transitional Government of National Unity almost failed because of the issue of states and the boundaries between them. The South Sudanese state question was not one of effective governance or even one of only delivering payroll peace[43] through an inflated number of government employees. The issue expresses the highly localised and unsettled character of the conflict.[44] The protagonists of the national-level peace process had to persistently manage and mitigate the unsettledness between various conflictscapes in order to sign a peace deal and, after severe complications, to form a transitional power-sharing government.

South Sudan's revitalised peace process is a striking example of a two-dimensional formalised political unsettlement. The unsettled peace reflects both the radical disagreement between the main contesting parties at the national level and the unsettled, assembled character of the South Sudanese conflictscapes. The localised conflicts, in turn, are deeply intertwined with interventions from neighbouring countries, especially from Uganda, Sudan, and Ethiopia.

This double-edged unsettledness strongly affects the transitional process. It produces practices of peace ungovernance. Following from the unsettledness at the political level and the unsettledness of the war setting, the actors engaged in a peace process do not necessarily relate to the same conflict. They do not work along compatible understandings of time and space, nor do they subscribe to the same theory of change.[45] While they might accept to participate in a peace process, it is impossible for them to reach a mutual understanding of the subjects and objects of governance this process seeks to unfold. This impossibility is not a result of bad will or a lack of capacity and effort. Peace governance finds itself in the conundrum of being structurally impossible while still having to take place.

Formalised political unsettlement inevitably generates an antagonistic dualism between governance and ungovernance. Actors have, even tacitly, to agree on leaving things unsettled and institutionalising accompanying arrangements. Institutional arrangements are indeed what peace governance can deliver, even though they inhere an antagonist character. Through the institutionalisation of contestation, however, peace processes produce the condition of their ungovernance. They provide an institutional framework that generates divergent meanings and triggers dissonant behaviours and practices by the involved actors. In contrast to liberal expectations, these meanings, behaviours, and practices do not respond to what observers perceive as rational reasoning. Moreover, they do not follow a uniform logic. The attempt to force conflictscapes into uniformity exacerbates their fault lines, among them and vis-à-vis what is negotiated as the national conflict.

In a procedural perspective, formalisation refers to the governable aspect of transitions. It intends working for a return to normal politics. The notion of formalised political unsettlement, in contrast, recognises that such normalisation will not occur. 'As any approach to grasp difference commits injustice to it, peacebuilding processes may be healthier if closures are constantly evaded.'[46] The unfolding enduring transitions perpetuate the logic that is driving the conflict as the indispensable trade-off for managing it. The failure of peace governance results in the indefinite non-closure of the transitional process. '[P]eacebuilding may be better if it never succeeds.'[47]

PEACE UNGOVERNANCE UNFOLDING

The substance of peace ungovernance is the outcome of profoundly dissonant behaviours towards modalities and instruments of governance. It appears as if contemporary peacemaking relentlessly insists on linking and harmonising fundamental disjuncture, of flattening the multitude of conflictscapes into one landscape of conflict. This undertaking is often advanced by a brutal assertion of time pressure. In a number of instances, such deadline diplomacy has, instead of generating momentum, persistently undermined the negotiation process.[48]

What is at stake is the fundamental dissonance between dissimilar perceptions. This issue can be illustrated by the various behaviours a red traffic light may trigger, depending on context and interest. While the traffic light metaphor might sound random at first glance, it needs to be considered that traffic light systems are a commonly used benchmarking tool in development and peacebuilding practice.[49] The linearity enshrined in the three colours, thus, represents much more than just a way to regulate street traffic.

The usual approach of liberal governance towards traffic lights is linear and straightforward: green equals a 'go', red equals a 'stop'. Similar to deadlines and commitments in peace agreements, liberal governance expects these fundamental rules to be honoured and implemented, and that there would a need if not 'right' to police these rules. However, red lights might trigger a much more diverse set of actions that all may make sense not just from an actor's perspective but also in terms of what is perceived as the common good. Red lights can provoke a rapid entering of the crossing, in order to block cars that have green, by drivers concerned not to get blocked themselves at the next 'green'-phase. They can only partially succeed by slowing down the traffic trying to cross. They can even signal danger for drivers who fear a potential assault when stopping. Red lights can of course also be ignored entirely, and traffic just moves on. When considering the issue of ungovernance, it is pivotal to acknowledge that there is no universal right or wrong in these forms of behaviour, they reflect divergent perceptions and perspectives and are essentially contextualised.

Conflictscapes, as well, are characterised by disjuncture. Applying Arjun Appadurai's definition, conflictscapes are 'deeply perspectival constructs, inflected by the historical, linguistic, and political situatedness of different sorts of actors'.[50] When behavioural patterns and approaches diverge so radically, even the most sophisticated modalities of governance cannot succeed in addressing them. Practices of ungovernance set in, as a continuous process of ungoverned and, at times, contested management. All the approaches towards traffic lights mentioned above, while each representing singular manifestations of governance, do not accumulate into one mutual problem of governance.

The multiplicity of expectations, practices, and theories of change are regular occurrences in transitional processes. Additionally, the traffic light metaphor points towards a further dimension for understanding ungovernance and its relationship to manifestations of governance. Traffic lights represent, but also alter and influence individual and collective experiences of time, space, and relationality. In armed conflict transitions, comparable processes can be observed. Unable to harmonise cognition among conflictscapes, time, space, and relationality become essentially contested and politicised. Exploring their political dimension enables us to delve into the substance of peace ungovernance. The following short vignettes on the politics of time, space, and relationality give only a first glance of what could evolve as a broad field of further in-depth investigation.

Politics of time. As a striking example of the politics of time the context of the Sudans, Alex de Waal and others describe a traditional political strategy called tajility: 'An Anglo-Sudanese term 'tajily', from the Arabic tajil ('delay') refers to the political skill of procrastination. In a situation in which there is low confidence in a durable political settlement, it makes sense for a political actor to postpone – perhaps indefinitely – making a clear and irreversible political commitment'.[51]

Such politics of delay may be perfectly reasonable from both the perspective of a stronger and a weaker party even in a strictly rationalised sense, either to defer compromises or to simply 'hang in' until the contextual surroundings for a more favourable settlement occur. 'You have the watches, but we have the time' is a proverbial saying that Western mediators have repeatedly heard in many mediation processes.[52] Yet, given that the politics of time are not referential but highly contextualised and singular, they cannot be tackled by governance. Deliberately rejecting a unitary understanding of time, these politics represent one of the dimensions of ungovernance.

Politics of space. The spatial dimension of the politics of peace ungovernance does not only refer to the well-known phenomenon of armed conflict developing unevenly, constantly moving in varied intensities over territories comparable to the weather. Concepts such as 'islands of peace' or, often contractually designed, 'safe zones', try to preserve the ebbs against the flows through spatial delineation. Contemporary conflictscapes enable additional ways of recognition: conflict and non-conflict logics can co-exist, contradict, and intertwine, even on a personal level. Conflictscapes are not 'layered'; they do not develop akin to the levels that conventional governance prescribes (international, national, regional, local). They cannot be ordered and separated while still existing in parallel. How spatiality appears is a contextualised affair.[53] It is impossible to objectively 'observe' conflictscapes; they cannot be easily distinguished and analysed in their causal interferences. Conflictscapes interrelate and 'mesh' – just like different and merging types of landscape (like cities build on hills). It is far easier to describe than to analyse or structurally explain them because their appearance is intrinsically tied to the perspectivity of perception.

Recent years have seen an increasing number of written accounts of peacemaking and conflict management at the local and subnational level. The modalities of local negotiations are, most commonly, incapable to decisively influence the 'big conflict'; they cannot be scaled up into a peace settlement at the national level. Local negotiations are concerned with specific matters, such as the shared use of infrastructure, the management of land, the movement of people and goods, or cattle grazing. They might emerge around humanitarian challenges or the settlement of local and sub-national conflict dynamics.[54] When analysed in terms of peace ungovernance, however, there are broader implications of local negotiations that give a glimpse of the potential of peace ungovernance. They might disintegrate or even disrupt conflictscapes by involving divergent transitional interests, or they might contribute to a shift in the conflict logics.[55]

Politics of relationality. Liberal peacemaking has failed in its approach to rescue its governance agenda by invoking the inclusion mantra. As shown above, the vision of closing a settlement by instituting comprehensive participation fails in light of two underlying conditions present in most contemporary conflicts: radical disagreement and the multifaceted appearance of conflict in the form of conflictscapes. Both issues cannot be solved by inclusion. Relating ever more stakeholders in a transitional process does not mitigate or dissipate the dissonances in their perceptions, strategies, and political interests. It only increases complexity. The same is true for conflictscapes: while they all are undoubtedly interrelated in manifold and complex ways, these interrelations remain unapproachable by the primarily linear modalities of peace governance.

The meaning of relation hence shifts. Who and what becomes related to what aims turns into a political question. Relation, a cornerstone of liberal governance, cannot be relied upon anymore in the course of conflict transitions. Instead, just like time and space, relationality becomes essentially contested and so forms a particularly unsettled strand of peace ungovernance.

In the Sudanese peace negotiations in the aftermath of the overthrow of the Bashir regime, negotiators and mediators regularly operate with requests that are structurally incompatible with already agreed transitional processes and institutional settings. Frequently, negotiating parties are jumping in and out of the process intending to increase their political leverage, often not with relation to stakes at the national level but to other conflictscapes in the region. Any subscription to the peace process, hence, remains contingent and fluid, which frustrates any attempt of long-term planning in the sense of a governed conflict transition.

Such incompatibility does not happen by mistake or by a lack of capacity. Christine Bell, in this volume, calls such operations 'strategic dissonance' and demonstrates their structural ineluctability in contemporary efforts of global governance.[56] Indeed, relation is only one modality that should eventually result in social cohesion. Disrelation is the unavoidable by-product of strategic dissonance. While dissonance cannot contribute to close out peace processes in the form of a unitary polity, it may still enable pathways of non-violent transitions that disintegrate conflict instead of resolving it. Strategic dissonance and the politics of relationality, therefore, form another dimension of peace ungovernance. They require acceptance, persistent management, and constant adaptation.

The formalisation of enduring transitions under the conditions of peace ungovernance forces actors to rely on the

politics of time, space, and relationality. To this aim, they have to invent and utilise creative practices of non-implementation and non-solution.[57] These practices work in parallel to – and contest – the established modalities of peace process management: including as many actors as possible, establishing a joint discourse on root causes and possible solutions, drafting stipulations in peace agreements aimed to implement the solutions, and, finally, implementing the agreement. Indeed, actors work hard to leave contested issues untouched or to not implement provisions, institutions or other requirements stipulated in peace agreements. In contrast to the core assumptions of peace governance, they might do so with good reason.

One indicative example is the issue of Abyei, a region disputed between Sudan and now-independent South Sudan. Initially, the Sudanese Comprehensive Peace Agreement (CPA) did foresee a status referendum among the population of the region to determine under whose sovereignty domain it belongs.[58] However, instead of conducting the referendum along with the South Sudanese independence vote, as required by the CPA, both parties worked hard and long to not hold it. This enduring postponement was undertaken for the sake of keeping the transitional process open-ended and non-closed to prevent it from becoming stalled altogether. A settlement of the Abyei issue would see one side winning its default position and so would potentially trigger another episode of violent conflict, arguably a disastrous outcome for both Sudanese countries.

Such non-solutions demonstrate the reality of transitional patchiness of peace ungovernance. Patchiness, unpredictability, and non-linearity are all condition causing the emergence of creative practices in conflict transitions. Creativity is used here in the Schumpeterian tradition as being linked to inevitable destruction.[59] While peace governance aims to appear as reasoned and 'built', what happens in the course of peace agreement implementation might as well be perceived as a process of destruction: the destruction of political claims and hopes, and of the ambiguities that nurture pragmatic political opportunities. In turn, non-implementation can be rendered as a creative process: for instance, it enables to sustain political default positions while at the same time mitigating them. Possibly, both elements require each other: there cannot be peace process implementation without non-implementation, and vice-versa.

If the structural shift associated with peace ungovernance gains traction, it could form the cornerstones of a postliberal paradigm of peacemaking. How might such a paradigm look like? One can presently observe the proliferation of 'inclusion' and 'resilience' in policy papers and concept notes, as well as in policy-oriented research. While still representing, to an extent, a liberal peacebuilding agenda, these concepts are open, vague, and indeterminate. They do not signify directly what they are aiming for, and so enable upholding the vision of liberal peace while, at the same time, opening up the potentialities of peace ungovernance.

Resilience and inclusion both are management-related concepts (they might even relate to governance[60]). Resilience is concerned with the management of effects and, in so doing, 'acknowledges uncertainty and complexity'.[61] Inclusion aims to give guidance for process management. In order to work for contemporary policymaking, they have to draw on liberal elements. Indeed, resilience and inclusion are embedded in the solutions discourse, but they turn this discourse upside down. While peace governance renders inclusion as the solution to the root cause of conflict, it still departs from the array of governance by eschewing any clear definition or closure. Inclusion always remains a vague postulate, a future-oriented potentiality; it cannot be closed or settled.

The same is true for resilience. Even though recent years have seen a proliferation of resilience indicators and measurement frameworks, resilience appears a fluid vision that invites a multiplicity of imaginations but, precisely because of its open and non-closed quality, remains impossible to be pinned down. It is not by chance that resilience's conceptual opposite – fragility – has been used in the conflict root cause debate for almost two decades: 'Most of the distressing developments dominating headlines everywhere – conflict, terrorism, homicides, the threat of pandemics, forced displacement, disasters, famine and more – have fragility at their core.'[62]

In the context of unfolding peace ungovernance, another pivotal term of the conflict resolution-debate in the 1990s – 'prevention' – has seen a remarkable comeback. However, it is not the same idea of prevention that is referred to now. Whereas the prevention paradigm of the 1990s interpreted armed conflict as a bump in the road to liberal statehood and, thus, emphasised the establishment of viable state structures, contemporary prevention leans on open-ended concepts like inclusion and resilience. 'Prevention must be inclusive and build broad partnerships across groups to

identify and address grievances that fuel violence. Too often, preventive action is focused on the demands of actors that control the means of violence and positions of power. In complex, fragmented, and protracted conflicts, an inclusive approach to prevention puts an understanding of grievances and agency at the center of national and international engagement.'[63]

In so doing, prevention accompanies resilience and inclusion in an emergent policy logic that seems ready to adapt to the conditions of peace ungovernance. What are the most prominent likely changes at the level of policy design and actual policymaking this adaption might cause? It appears as if the triad of liberal doability – providing solutions, guaranteeing implementation, establishing relations – will not get replaced, but transformed into managerial and procedural reasoning thinking in terms of perpetual transitions, fluid, open, and ungoverned in their character. The suggestion of reconsidering peacemaking as a set of practices to formalise political unsettlement (instead of solving it) and, subsequently, to proactively engage in the enduring management of conflict transitions is one attempt to make sense of rationalising peace ungovernance in a way digestible by a public policy logic.[64]

Contemporary peacemaking seems more and more willing to accept the affirmative stance that reaches beyond the narrow realm of solutions-based governance. A first visible implication of this affirmation of peace ungovernance is the astounding return of terms once discredited as being visionless and fundamentally anti-peace, in particular, 'conflict management' and 'stabilisation'. Despite being a frontrunner for inclusion-based approaches in peacebuilding, the UK named its recent guideline on dealing with armed conflict 'The UK Government's Approach to Stabilisation'[65], whereby inclusion occurs as the conceptual backbone of a long-term 'building stability framework'.[66] Both elements – the hard, visionless, managed 'stabilisation' and the fluid, hopeful, but vague notion of 'inclusion' – require one another. Taken together, they forge a transitional approach that appears to deviate from the once-famous 'transition paradigm'[67] by relieving it of its endpoint.

CONCLUSION

The fragile management of diverse conflictscapes unapproachable by measures of peace governance has always been part of the everyday practices in conflict transitions, with only very violent and resource-intensive attempts of order and state-making able to stretch peacemaking projects to a truly national dimension. Liberal peace governance, as enshrined in the UN system and prevalent in the project of comprehensive peacebuilding in the post-1990 period, has only been a brief episode. Even in the post-Cold War period, liberal peace governance, while being the dominant approach taken by international peacemaking, has demonstrated a severely limited capacity to permeate the contextual realities of conflict transitions. The vision of peace as governance has created a default that may never have existed in most parts of the world, a default based on ideal-type pictures imagined by (mainly liberal) peacemaking agents.

The everyday practices of conflict transitions, in contrast, are habitually embracing practices of non-closure, political unsettlement, a multiplicity of transitional processes ongoing in parallel referring to a multitude of conflictscapes. Therefore, peace ungovernance is a useful notion for understanding the substance of conflict transitions that evolve when peace governance needs to happen, notwithstanding the impossibility for it to take place. Peace ungovernance accompanies all attempts of governance; it alters them and assists them to transform into practices and politics of space, time, and relationality.

When aiming to understand peace ungovernance and accepting and working with the modalities emerging from it, the liberal idea of peace is in need of substantial reconsideration. The three core paradigms of contemporary peacemaking – settlement, resolution, and relation – ought to be complemented by their respective opposite: non-closure, non-solution, and disintegration. Such practices cannot be designed, but they can be identified, embraced, and exploited.

A possible paradigm of peace ungovernance might be termed 'non-prevention'. It is neither preventing what is seen as bad practice (or non-practice) nor what is seen as 'evil' by establishing a regime allegedly 'good' or, at least, 'good enough' governance. Undoubtedly, the term 'ungovernance' contains transformative potential. Ungovernance hints at shifting the problem from organising inclusivity, regularity and contextuality, as the currently dominating critical liberal discourse suggests, to irregularities, ignorance, and perpetual navigation. More often than not, it is the big aims that get into the way of accepting 'small' successes or achievements.

ENDNOTES

[1] In the course of this article, 'peacemaking' is understood as the effort to forge a negotiated settlement with the aim to end the armed conflict, whereas 'peacebuilding' refers to broader measures designed to prevent a relapse and to create the conditions for a 'self-sustaining peace', aka normal politics. See Oliver Ramsbotham, 'Reflections on UN post-settlement peacebuilding' (2000) 7(1) International Peacekeeping 169.

[2] Roberto Belloni, 'Hybrid Peace Governance: Its Emergence and Significance' (2012) 18(1) Global Governance 24.

[3] The term 'political settlement' is distinct from a 'peace settlement'. Political settlements are not referring to signed agreements but to the underlying institutionalised framework of a polity. For a useful introduction see Tim Kelsall, 'Towards a universal political settlement concept: A response to Mushtaq Khan' (2018) 117(469) African Affairs 656.

[4] Christine Bell and Jan Pospisil, 'Navigating Inclusion in Transitions from Conflict: The Formalised Political Unsettlement' (2017) 29(5) Journal of International Development 576.#[5] The notion of 'radical disagreement' has been introduced by Oliver Ramsbotham. See, for instance, Oliver Ramsbotham, Transforming Violent Conflict: Radical Disagreement, Dialogue and Survival (Routledge, 2010).

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[13] See, for instance, Thania Paffenholz and Nicholas Ross, 'Inclusive peace processes – an introduction' (2015) 1 Development Dialogue 2015 28.

[14] These numbers are based on (at least partially signed) comprehensive peace agreements referring to an intrastate conflict in the PA-X peace agreements database (www.peaceagreements.org). Multiple comprehensive peace agreements belonging to the same conflict dyad (as counted by PA-X) have been excluded. Therefore, the numbers reflect the actual conflict dyads that have experienced one (or more) comprehensive peace agreement

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[20] Sean Molloy and Christine Bell, How Peace Agreements Provide for Implementation. PA-X Report (University of Edinburgh, Political Settlements Research Programme, 2019).

[21] https://peaceaccords.nd.edu/

[22] Madhav Joshi and Jason Michael Quinn, 'Implementing the Peace: The Aggregate Implementation of Comprehensive Peace Agreements and Peace Duration after Intrastate Armed Conflict' (2017) 47(4) British Journal of Political Science 869.

[23] See, for instance, Sida, Manual for Conflict Analysis. Methods Document (Sida, Division for Peace and Security through Development Cooperation, 2006).

[24] Paul Collier and Anke Hoeffler, 'Greed and Grievance in Civil War' (2004) 56(4) Oxford Economic Papers 563.

[25] Confer Alex de Waal, 'Inclusion in Peacemaking: From Moral Claim to Political Fact' in Pamela Aall and Chester A. Crocker (eds), The Fabric of Peace in Africa: Looking

Beyond the State (Centre for International Governance Innovation, 2017) 165–186.

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Pol Bargues-Pedreny, Deferring Peace in International Statebuilding: Difference, Resilience and Critique (Routledge, 2018).

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[46] Bargues-Pedreny (n 37) 142.

[47] See Bargues-Pedreny (n 37) 143.

[48] Laurie Nathan, 'The Failure of the Darfur Mediation' (2007) 6(4) Ethnopolitics 495; see also Alex de Waal, Alan Boswell, David Deng, Rachel Ibreck, Matthew Benson, and Jan Pospisil, South Sudan: The Politics of Delay, Conflict Research Programme and Political Settlements

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[49] See, for instance, United Nations, Monitoring Peace Consolidation: United Nations Practitioners' Guide to Benchmarking (United Nations, 2010).

[50] Appadurai (n 42) 33.

[51] See de Waal et al (n 48) 2.

[52] Depending on the source, this saying is either presented as having developed in Sub-Saharan Africa or as being an old Pashtu proverb from Afghanistan. Given that time is a socially contingent and contested process, especially in wartime, both explanations sound equally possible. Confer Mary L. Dudziak, 'Law, War, and the History of Time' (2010) 98 California Law Review 1669.

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