

Engaged Societies, Responsive States:
*The Social Contract
in Situations of
Conflict and Fragility*

CONCEPT NOTE

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Executive summary

This concept note presents an analysis of the use of a “social contract” as a way of framing UNDP’s governance and peacebuilding practices in fragile and conflict-affected contexts. It forms part of the follow-up to the UNDP report “Governance for Peace: Securing the Social Contract” (UNDP, 2012) both to contribute further to UN policy discussions and to help chart ways forward. The social contract is the process by which everyone in a political community, either explicitly or tacitly, consents to state authority, thereby limiting some of her or his freedoms, in exchange for the state’s protection of their universal human rights and security

and for the adequate provision of public goods and services. Divided into five sections, this note provides both a conceptual understanding of the social contract, as well as policy implications for UNDP projects moving forward. The note also examines case studies of post-conflict regions where the social contract has been rebuilt and proposes areas for further study in order to help fully capitalize on the potential that the social contract offers. Finally, the two annexes provide a framework for a tool to help practitioners analyze the structure and dynamics of the social contract in a fragile setting.

Timorese celebrate International Day of Peace.
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Introduction

This concept note presents an analysis of the use of a “social contract” as a way of framing UNDP’s governance practices in fragile and conflict-affected contexts. It forms part of the follow-up to the UNDP report “Governance for Peace: Securing the Social Contract” (UNDP, 2012) produced by the United Nations Development Programme’s Bureau for Crisis Prevention and Recovery (BCPR), both to contribute further to UN policy discussions and to help chart ways forward.

In developing its 2012 report, UNDP looked carefully at successes and challenges to governance interventions in fragile settings. That exercise yielded the contours of a conceptual model centred on the “social contract” seen as an outcome of governance support. “At the centre of this framework is a commitment to restoring the social contract through the application of effective development support. ... Supporting the social contract provides an overarching objective that brings together governance and peacebuilding priorities to ensure more effective coordination across diverse programmatic areas” (UNDP, 2012: 37).

The report outlined the key components of an approach that would help improve the social contract in fragile and conflict-affected contexts. These included the following:

- a) Promoting responsive public institutions at both national and local levels;
- b) Supporting inclusive politics, based on transparent and predictable mechanisms that include and engage individuals or social groupings commonly marginalized or wholly excluded from political life;
- c) Fostering resilient societies, chiefly by promoting robust state–society and society–society relations.

In order to achieve this, the report also proposed strengthening partnerships at multiple levels: at the international level, with other UN agencies, other multilateral and bilateral agencies, and non-governmental organizations (NGOs); and at the national level, with governmental institutions, civil society organizations, and the private sector, as this work would require the coherent engagement of multiple actors.

The conceptual model (see Figure 1) thus placed the social contract at the heart of an ideal UN-wide approach. These main elements, and others subsidiary to them, required further specification and analysis in order to better build the case for the social contract as a beacon to guide policy and concrete measures for positive change.

FIGURE 1



Section 1: What is a social contract?

How is the binding force of mutual rights and duties between states and society built and sustained? How is the legitimacy of public authority warranted? Answers to these questions often invoke the idea of a state-society pact or contract. Over centuries, the potentials of social contracts have engaged many minds, both in the academy and in the public realm.

One of the first thinkers to address the concept of the social contract was Jean-Jacques Rousseau. He was interested in the creation of a political community that could balance collective with individual rights and could resist prevarication and exclusion, dominant features of the mercantilist era. A social contract, thus, was to be regarded not only as a utilitarian transaction (i.e. as an agreement to forfeit some rights in return for some other benefits), but also, if not primarily, as a conscious effort to achieve an egalitarian governance system, while still respecting and guaranteeing the most fundamental individual freedoms and rights.

Since then, the concept has evolved in two main politico-philosophical lineages. For the liberal-individualistic lineage, a social contract should serve to maintain property rights and public order. For the human rights and equity lineage, social justice

defines as “limited access orders,” these societies lack the concept of a state with territorial authority and capacity to perform its core activities across the country in an impersonal, transparent, and accountable way (North et al., 2007). Political elites, non-state actors, and multiple informal institutions emerge and compete with the state (or whatever is left of it) and among themselves for the control of that country’s rents. The sort of equilibrium that they enforce is limited because access to the existing rents is allowed only to themselves and their supporters. Such a governance system is by definition exclusionary and it runs against the main principles of an equitable and sustainable social contract.

The term “social contract” can be used descriptively, referring to something substantively real; or heuristically, as an aid to analysis. In the international development community, however, it is often used normatively: an ideal that states and societies should aspire to. Thus for example in 2011, in response to upheavals in the Middle East, then-World Bank President Robert Zoellick spoke enthusiastically about the need for a “new social contract.”¹ Such utterances invoke the term without necessarily explaining fully and precisely what a social contract is and how it is made. This is understandable where the aim is to awaken interest and to persuade

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