

**RESILIENT  
SOCIAL  
CONTRACTS**

# Forging Resilient Social Contracts:

A Pathway to Preventing Violent Conflict  
and Sustaining Peace

**FULL REPORT**

A Research and Policy Dialogue Project





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**United Nations Development Programme**

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### **FULL REPORT**

A Research and Policy Dialogue Project

Erin McCandless

~ with Rebecca Hollender, Marie-Joelle Zahar, Mary Hope Schwoebel,  
Alina Rocha Menocal, Alexandros Lordos, and case study authors

July 2018

# Acknowledgements

This full report (with cases) were developed by the 'Forging Resilient Social Contracts' Research Director, [Erin McCandless](#), with invaluable support of Rebecca Hollender and the methods team of the project, Marie Joelle Zahar, Mary Hope Schwoebel, Alina Rocha Menocal and Alexandros Lordos. All entries of country material were developed from country cases and have been reviewed by authors and/or developed with their support. (See Annex A for list of the project working group). The case material also benefitted from extensive peer review – both by advisers within our working group and external, blind, peer reviewers. This report also benefited from the views of two additional anonymous reviewers.

Validation workshops also took place in Zimbabwe, Colombia, Bosnia and Herzegovina, and policy dialogues around our findings, in New York, Geneva, Oslo, and Washington DC. Insights from these events contributed to the strengthening of the findings.

The research framing of this project was developed by Erin McCandless, with multiple reviews and invaluable feedback from advisers, notably the project methods team.

Diagrams were developed by Gabrielle Belli and Julia Levin. Lance W. Garmer copyedited the document.

The project gratefully acknowledges the financial support of the United Nations Development Programme (UNDP)/Oslo Governance Centre (OGC), the Friedrich-Ebert-Stiftung (FES) in Berlin and New York, the Julian J. Studley Fund of the Graduate Program of International Affairs at The New School in New York, in this work.

The views enclosed do not necessarily represent the views of the donors or working group advisers.

The summary findings, and this full report, are available on the project and institutional home websites, [www.socialcontractsforpeace.org](http://www.socialcontractsforpeace.org), <https://www.wits.ac.za/wsg/research/research-publications-/working-papers/>, as well as our partner websites: [http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/oslo\\_governance\\_centre/social-contract.html](http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/oslo_governance_centre/social-contract.html). <http://www.fesny.org/>.

The full case studies are available as University of Witwatersrand Working Papers on the project and institutional home websites, [www.socialcontractsforpeace.org](http://www.socialcontractsforpeace.org), [www.wits.ac.za/wsg/research/research-publications-/working-papers/](https://www.wits.ac.za/wsg/research/research-publications-/working-papers/)

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# List of acronyms

ANC	African National Congress (South Africa)
CA	Constitutional Assembly (Nepal)
CCIs	Core Conflict Issues
CODESA	Convention for a Democratic South Africa
CPA	Comprehensive Peace Agreement (Nepal)
DAC	Development Assistance Committee (of the OECD)
DPA	Dayton Peace Accord
EU	European Union
FES	Friedrich-Ebert-Stiftung
GBV	Gender-Based Violence
GCC	Gulf Cooperation Council
GNU	Government of National Unity (South Africa)
GNU	Government of National Unity (Zimbabwe)
GPA	Global Political Agreement (Zimbabwe)
GPC	General People's Congress (Yemen)
IDEA	Institute for Democracy and Electoral Assistance
IFI	International Financial Institution
MDC	Movement for Democratic Change (Zimbabwe)
NDC	National Dialogue Conference (Yemen)
NGOs	Non-governmental organisations
NP	National Party (South Africa)
ODA	Official Development Assistance
OECD	Organisation for Economic Co-operation and Development
OGC	Oslo Governance Centre
ONHRI	Organ for National Healing, Reconciliation and Integration (Zimbabwe)
RDP	Reconstruction and Development Plan (South Sudan)
SAIS	Johns Hopkins School of Advanced International Studies
SeeD	Centre for Sustainable Peace and Democratic Development
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
TRC	Truth and Reconciliation Commission (South Africa)
UN	United Nations
UNDP	United Nations Development Programme
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNMIN	United Nations Mission in Nepal
UNSC	United Nations Security Council
US	United States of America
USIP	United States Institute for Peace
WB	World Bank
ZANU-PF	Zimbabwe African National Union – Patriotic Front

# Executive Summary

**'Forging Resilient Social Contracts: Preventing Violent Conflict and Sustaining Peace'** is an 11-country research and policy dialogue project that aims to revitalise the social contract amidst conflict and fragility and to advance policy and practice for preventing violent conflict and for achieving and sustaining peace. The comparative findings provide evidence and insight into what drives social contracts that are inclusive and resilient, and how they manifest and adapt in different contexts, transcending what are often unsustainable, ephemeral elite bargains into more inclusive ones, with durable arrangements for achieving and sustaining peace. The project involves international scholars, policy advisers and authors from the countries examined: Afghanistan, Bosnia-Herzegovina, Colombia, Cyprus, Nepal, Somalia, South Sudan, South Africa, Tunisia, Yemen and Zimbabwe. The project activities took place from 2016 to mid-2018 and include case research in these countries, a series of policy and scholarly dialogues<sup>1</sup> and this summary. The project gratefully acknowledges the financial support of the United Nations Development Programme (UNDP)/Oslo Governance Centre (OGC), the Friedrich-Ebert-Stiftung (FES) in Berlin and New York, the Julian J. Studley Fund of the Graduate Program of International Affairs at The New School in New York, in this work.

This Full Report (with Cases) introduces the project context, the project's research framing, and findings from nine of the 11 case studies.<sup>2</sup> Numerous validation workshops and policy dialogues in the case study countries and elsewhere inform the findings. Policy recommendations for national and international policymakers are shared. These findings and recommendations are providing a basis for deepened research and related project activity.

Research findings illuminate how three 'drivers' facilitate resilient social contracts to attain and sustain peace: i) inclusive political settlements addressing core conflict issues; ii) institutions delivering effectively and inclusively; and, iii) social cohesion broadening and deepening. Highlights include:

- The early stages of peace negotiations, especially the peace agreement, can redefine parameters for inclusion and exclusion and for positioning different groups and issues, often with long-term effects; advances, however, can be difficult to maintain.
- Core issues of conflict are often not effectively addressed over time or through previous peace processes and political agreements, directly undermining the inclusiveness of the political settlement.
- Social contract-making mechanisms are often not well-linked in ways that promote the coherent and effective implementation of peace agreements and

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1 Dialogues for sharing and validating our research finding have taken place in Bogotá, Sarajevo, Harare, Washington DC, Geneva and Oslo, with upcoming sessions in Stockholm and New York.

2 Afghanistan and Somalia are not included as the cases are not completed, although their high relevance to these findings must be acknowledged.

a more inclusive political settlement. This is true for state institutions, the 'hardware' for carrying forward peace agreement implementation and, similarly, for non-state and customary institutions, which are often not sufficiently or systematically engaged, especially at subnational levels.

- Vertical and horizontal social cohesion are linked in important ways and interact with the other drivers, offering apertures for catalytic action across initiatives and efforts.
- In addition to progress within the three drivers, resilient national social contracts help attain and sustain peace when: i) the drivers interact in mutually reinforcing ways; ii) resilience capacities are mobilised and supported towards peace efforts; and iii) parallel systems and structures and competing social contracts are brought into dialogue, supporting the forging of a national social contract.

Together, these findings offer a valuable way to assess and understand how peace agreements and the political settlements underlying them can deal with the core issues of conflict and can lead to a more lasting formula – namely, an inclusive, resilient social contract.

Policy recommendations, appearing at the end of this document, show how this is relevant for policymakers. Highlights include the need to:

- Identify and strengthen social contracting mechanisms (i.e. dialogue, constitutions, national development plans, subnational arrangements) that inclusively and coherently address conflict issues and new forms of responsive governance that support transforming institutions at all levels.
- Target conflict issues broadly important to state and society with the explicit goal of building consensus around the issues, and agreed mechanisms to address them, thereby building momentum and trust in the ability of these processes to address other conflicts.
- Strengthen social cohesion across drivers in catalytic and context-specific ways, such as by promoting a sense of national belonging (e.g. through a national dialogue on implementing the constitution), trust (e.g. fair provision of services) and participation (e.g. in a budgeting process).

Promoting resilient social contracts in these ways supports the new policy agendas (i.e. Agenda 2030 and the Security Council/General Assembly resolutions focusing on sustaining peace and conflict prevention) by offering:

- An inclusive concept that frames a national vision with broad appeal;
- A theory of change for how countries can develop resilient social contracts by:
  - Making political settlements more inclusive, and embedding agreements in enduring institutional arrangements (i.e. social contracting mechanisms) and efforts to deepen relationships (i.e. social cohesion programming) that support peace;
  - Charting a pathway to address intractable issues of conflict (i.e. through social contract-making spheres and mechanisms); and
  - Offering integrated, context-centred treatment of politics, security, peace and development.



# Introduction

In countries affected by conflict and fragility, the social contract is in deep crisis and requires better understanding about what this means for fostering more resilient states and societies in different settings. Leaders and citizens globally face extreme challenges and profound complexities in durably preventing violent conflict and achieving and sustaining peace. The international community has also found it difficult to support national actors more effectively and to agree on broader, collective approaches to peace and security. A rising consensus in scholarship and policy discussions suggests that i) elite-driven political settlements, while important in establishing the foundations of peaceful political orders, do not guarantee nationally owned, lasting peace; ii) externally driven, templated approaches to peacebuilding and statebuilding do not secure a path for peace; and iii) sustainability requires more than negative peace.<sup>3</sup>

Within this context, the notion of the social contract is rising as a priority policy area to revitalise thinking and practice around how to transform and prevent violent conflict and to forge lasting peace in countries affected by conflict and fragility. Leading policy actors engaging with the concept include the [United Nations Development Programme \(UNDP\)](#) the World Bank,<sup>4</sup> the United States Institute for Peace (USIP) and the Organisation for Economic Co-operation and Development (OECD).<sup>5</sup> The social contract also informs much work of the International Dialogue on Peacebuilding and Statebuilding and its 'New Deal for Engagement in Fragile States'. A driving member of this Dialogue, the g7+ intergovernmental organisation of countries affected by conflict, is also using the term to guide thinking on the transformation of official development assistance (ODA) and national policy approaches in their countries.

The [United Nations' Security Council \(UNSC\) and General Assembly \(UNGA\) resolutions](#)<sup>6</sup> emphasised the prevention of violent conflict and the sustaining of peace. In these resolutions and related policy discussions, the notion of the social contract lies at the core (though not always explicitly) of efforts to sustain peace. The twin resolutions suggest that sustaining peace is a goal and a process to build a common vision of society, ensuring that the needs and aspirations of the entire population are considered. A shared task and responsibility of the government and all stakeholders, it encompasses activities to prevent the outbreak, escalation, continuation and recurrence of conflict across development, peace and security, and human rights. This includes tackling the root causes of conflict. A prominent 2018 United Nations

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3 For discussion on these scholarship and policy trends, see: McCandless, Erin. 2018. "Reconceptualizing the Social Contract in Contexts of Conflict, Fragility and Fraught Transition." *Working Paper*, Witwatersrand University. <https://www.wits.ac.za/wsg/research/research-publications/-/working-papers/>

4 The United States Institute of Peace (USIP) is foregrounding the notion of the social contract in its work, and the World Bank has a new major study underway on social contracts in Africa.

5 See OECD. 2008. "Concepts and Dilemmas of Statebuilding in Fragile Situations: From Fragility to Resilience." Offprint of the journal *OECD Journal on Development* 9 (3).

6 U.N. Security Council, 7680th Meeting. Resolution 2282. (S/RES/2282). 27 April 2016; and U.N. General Assembly, 70th Session. Review of the United Nations peacebuilding architecture. (A/RES/70/262). 12 May 2016.

and World Bank publication, ‘Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict’,<sup>7</sup> similarly calls for a revitalised global commitment to prevent violent conflict by addressing societal grievances and building societal resilience and inclusive, risk-informed development.<sup>8</sup> Towards this end, inclusive, innovative and synergistic mechanisms that bring actors together, the report suggests, are needed. The ‘2030 Agenda for Sustainable Development’ also provides a new policy context, converging the international community around a plan that includes a commitment to peace, governance and security to facilitate coherent national action. These developments are promising, as they reinforce, on the one hand, support for national efforts to address the root causes of conflict and grievances and, on the other hand, the creation of lasting incentives for peace (i.e. through greater inclusion in statebuilding and peacebuilding processes, and the creations of national visions to drive peaceful, positive social interactions<sup>9</sup>). Nevertheless, another element can enrich policy and practice: the social contract.

The concept of the social contract is well established in political philosophy, particularly by classical Western thinkers. Enduring themes and questions, however, that lie at the heart of social contract thinking, have confronted rulers, the ruled, states and societies over time and geographical space.<sup>10</sup> These enduring themes transcend the classic ties of the social contract and speak to its lasting relevance and power to support a common national vision and to manage and transform conflict. The social contract’s contemporary application to countries affected by conflict and fragility and its use as a pathway towards more resilient and peaceful states and societies are not well understood. Over the last decade, scholarship and policy research on statebuilding and peacebuilding have investigated the role of elite-based political settlements in achieving stability; this is a critical foundation for this study.<sup>11</sup> The notion of the social contract, however, requires more than elite bargains: it requires more inclusive political settlements and systems to sustain peace – especially in and through institutions and relationships. Within this context, the study of social cohesion, and specifically building and repairing relationships in countries affected by conflict and fragility is garnering greater attention.<sup>12</sup> Social cohesion research is digging into the social and economic dimensions of how states and societies, and groups within states, create and sustain bonds across divides. It falls short however, of suggesting clear pathways to transform politics and to address the root causes of conflict, which often require structural solutions.

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7 United Nations and World Bank. 2018. Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict. Washington, DC: World Bank Group.

8 Ibid.

9 Researchers at Columbia University are seeking to compile and build evidence around how positive social acts, i.e. forging of a national vision and corresponding discourse, can support behaviours that facilitate and sustain peace. See <http://www.tc.columbia.edu/articles/2018/march/understanding-peace-to-build-peace-and-understanding/>. See also resilience for peace (cross-cutting issue) below.

10 See McCandless 2018, for discussion on the enduring themes and questions that concern: i) its nature and purpose; ii) participants; iii) the mechanisms through which it is forged and fostered; iv) moral obligations and conflicting interests; and v) wealth distribution.

11 See e.g. Rocha Menocal, Alina. 2015. Inclusive Political Settlements. University of Birmingham, June 2015.

12 See e.g. Sisk, Timothy. 2017. *Preventing Deadly Conflict in Ethnically Fractured Societies: International Development Assistance for “Bridging” Social Cohesion. Background Paper for the United Nations and World Bank report Pathways for Peace.*

Despite these promising research and policy trends, there is still a dearth of targeted, contemporary scholarship on the social contract that speaks concretely to people in different contexts, especially where they are struggling to redefine their relations with the state and regional and international actors to achieve and sustain peace. These are key concerns of this 11-country research and scholar-policy dialogue project, which has benefited from the support of an international [Working Group of scholars and policy advisers/makers](#). This research provides comparative evidence and insight into what drives and undermines national social contracts, and how they adapt in different contexts, transcending elite bargains into more inclusive ones, with durable arrangements for achieving and sustaining peace. This should inspire and support policy directions so that domestic actors can lead and own the development of common visions and autonomous, trusted pathways for preventing violent conflict and achieving and sustaining peace.

CASE STUDIES

- Afghanistan
- Bosnia-Herzegovina
- Colombia
- Cyprus
- Nepal
- Somalia
- South Africa
- South Sudan
- Tunisia
- Yemen
- Zimbabwe

# Project Framing Overview

This research and policy dialogue project is focused on countries in transition and/or affected by conflict and fragility, inspired by the question: *What drives a resilient social contract in such countries?* A social contract can mean a national agreement between state and society, including different groups in society, on how to live together and settle conflict peacefully. This study more fully defines a resilient national social contract (see Box 1). This study's fuller conceptualisation seeks to ensure attention not only to core values and mechanisms associated with the social contract, but also to the dynamism and adaptability that countries in transition from conflict and fragility demand.

## BOX 1: KEY DEFINITIONS

**Resilient national social contract:** A resilient national social contract is a dynamic agreement between state and society, including different groups in society, on how to live together, how power is exercised and how resources are distributed. It allows for the peaceful mediation of conflicting interests and different expectations and understandings of rights and responsibilities (including with nested and/or overlapping social contracts that may transcend the state) over time, and in response to contextual factors (including shocks, stressors and threats), through varied mechanisms, institutions and processes.

**Resilience capacities for peace:** Endogenous capacities to address shocks and stressors (e.g. drivers of conflict and fragility) in ways that minimally (adaptively) mitigate the effects of conflict and more maximally (transformatively) uproot drivers and foster new or revitalised structures and systems that support peace.<sup>13</sup>

**Core conflict issues (CCIs):** Overt drivers of conflict that are disputed in the policy arena nationally, over time, that are agreed by the main political parties and that resonate with most, if not all, of the population. They are ideally reflected in formal agreements or mechanisms.<sup>14</sup> Examining CCIs enables analysis of how the state and society at different levels engage the conflict issues and how they adapt.

**Hybridity:** Hybridity reflects the heterogeneity and diversity involving mixed institutional systems and political orders or even social contracts with competing rules and claims authority, power and legitimacy that co-exist, overlap and interact, reflecting mixes of Western, indigenous, formal and informal traditions. These can be international (i.e. United Nations and other external peacebuilding or military), national or local community mixed systems and structures. Part and parcel of state-formation and statebuilding processes and development processes globally, hybridity is not only in everyday life, but also in the

13 Conceptualisation draws upon McCandless, Erin and Graeme Simpson. 2015 (June). "Assessing Resilience for Peacebuilding – Executive Summary." Geneva: Interpeace & Sida. <http://www.interpeace.org/resource/assessing-resilience-for-peacebuilding-executive-summary-of-discussion/>

14 Policy attention on addressing root causes is growing and the notion of addressing grievances is experiencing a revival thanks to the United Nations and World Bank Pathways for Peace report. An approach focused on CCIs allows for engagement of both, but with a focus on tangible, more neutral expressions of conflict issues that can be examined in the context of agreements and policies.

## BOX 1: KEY DEFINITIONS, CONT.

structures and institutions that shape how society is organised. Leaders may have positions of power and authority in one, two or more systems simultaneously or sequentially, while citizens may relate to two or more systems, moving between them strategically and negotiating their sometimes contradictory obligations.

**Political settlements:** A consensus between political elites on the underlying rules of the game. Often achieved through contestation, negotiation and compromise, political settlements are ongoing political processes of interaction (that can include, i.e. bargains and peace agreements) between key elite figures and groups and between elites and the wider array of interests in society, to define and challenge the nature of their relationships. They involve the interplay of formal institutions and informal understandings and arrangements that shape governance and development outcomes.<sup>15</sup>

**'Everyday' social contract-making:** Forms of 'everyday' (or quotidian) social contract-making are daily-life forms of interaction at any level, across social, political and economic realms, that can include norms (i.e. Ubuntu), mores (i.e. zakat), and actions or practices (the use of social media, land occupations or other forms of social movements).<sup>16</sup>

**Social cohesion:** The formal and informal ties and interactions, characterised by attitudes, norms and behaviours, that bring and hold members of society (actors, groups and institutions) together horizontally (across citizens, between groups) and vertically (in the relations between citizens/groups and the state) and across domains of i) trust and respect, ii) belonging and identity and iii) participation.<sup>17</sup>

**Sustaining peace:** The project is working with the recent (2016) twin UN Security Council and General Assembly resolutions (A/RES/70/262 and S/RES/2282) conceptualisation that sustaining peace "should be broadly understood as a goal and a process to build a common vision of society, ensuring that the needs of all segments of the population are taken into account, which encompasses activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development, and emphasising that sustaining peace is a shared task and responsibility that needs to be fulfilled by the government and all other national stakeholders [...]."

**Conflict prevention** in this study, in line with the United Nations and World Bank Pathways for Peace study, is understood as a part of a comprehensive strategy for sustaining peace. Specifically, it is about proactively addressing deeper, underlying risks that prevent sustainable development and peace. It is also about fostering societies where it is easier for people to choose peace, where people feel safe, and where there are opportunities and inclusion.<sup>18</sup>

15 This draws on Rocha Menocal, Alina (2017). "Political Settlements and the Politics of Transformation: Where Do 'Inclusive Institutions' Come From?" *Journal of International Development* 29, no. 5: 559-575, who draws on numerous other scholars to develop this conceptualisation. It also draws on Di John, Jonathan and James Putzel. 2009. *Political Settlements Issues Paper*. Governance and Social Development Resource Centre (GSRDC). Birmingham, UK: University of Birmingham.

16 While this concept is often equated simply with 'local' peacebuilding, in this study it refers to both: a) the everyday at any level, including at the elite level, e.g. what elites actually do outside the formal agreements; and, b) the everyday at local levels. The concept enables a fuller examination of the degree to which the social contract is societally 'owned.'

17 Adapted from Chan, Joseph, Jo-Pong To and Elaine Chan. 2006. "Reconsidering Social Cohesion: Developing a Definition and Analytical Framework for Empirical Research." *Social Indicators Research* 75 (January): 290.

18 United Nations and World Bank, 2018, 5-6.

Our research investigates three drivers of a resilient social contract to attain and sustaining peace, focusing on i) inclusive political settlements addressing core conflict issues, ii) institutions delivering effectively and inclusively, and iii) social cohesion broadening and deepening (see Box 2 for full articulation). We also look at cross-cutting issues: i) state formation processes, ii) exclusion and inclusion, iii) the role of international actors and iv) resilience capacities for peace.

### Study Questions, Propositions and Research

These findings were informed by the following research questions:

- *What drives a resilient national social contract?*
- *What does a resilient social contract look like, in different settings, and how is it sustained?*
- *How do social contracts evolve/adapt to facilitate and/or undermine the pursuit and maintenance of peace (top-down, bottom-up; path dependencies; sequencing; driver interactions)?*
- *What are the implications for policy and scholarship, including for how international actors support nationally owned pathways towards more peaceful and resilient states and societies?*

Research propositions were:

- A resilient national social contract is indispensable to preventing violent conflict and attaining and sustaining peace.
- A resilient social contract is forged through progress on three drivers related to the nature and quality of political settlements, institutions and social cohesion (see Figure 1 and Box 2).

Figure 1 illustrates the three drivers:



## BOX 2: THREE 'DRIVERS' OF RESILIENT SOCIAL CONTRACTS

1. Political settlements and social contract-making mechanisms are increasingly inclusive and responsive to core conflict issues.
2. Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.
3. Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (between citizens/groups and the state).

## Explanation of Drivers, Cross-cutting Issues and Sustaining Peace

### *Driver 1: Inclusive political settlements addressing core conflict issues*

The first driver engages the burgeoning literature on the need for political settlements to i) develop and expand inclusion in the peace process<sup>19</sup> and ii) address the root causes of conflict as well as the historic grievances of groups.<sup>20</sup> These two elements are interlinked, with initial agreements including more stakeholders in order to address more issues and work through the details over time.

Our research assumes the need for stronger mapping of the linkages and transitions – conceptual and practical – among peace agreements, underlying political settlements and the institutional arrangements for resilient social contracts. Thus, our research develops and employs a typology of 'institutional spheres and mechanisms of social contract-making' (see Figure 2). These are:

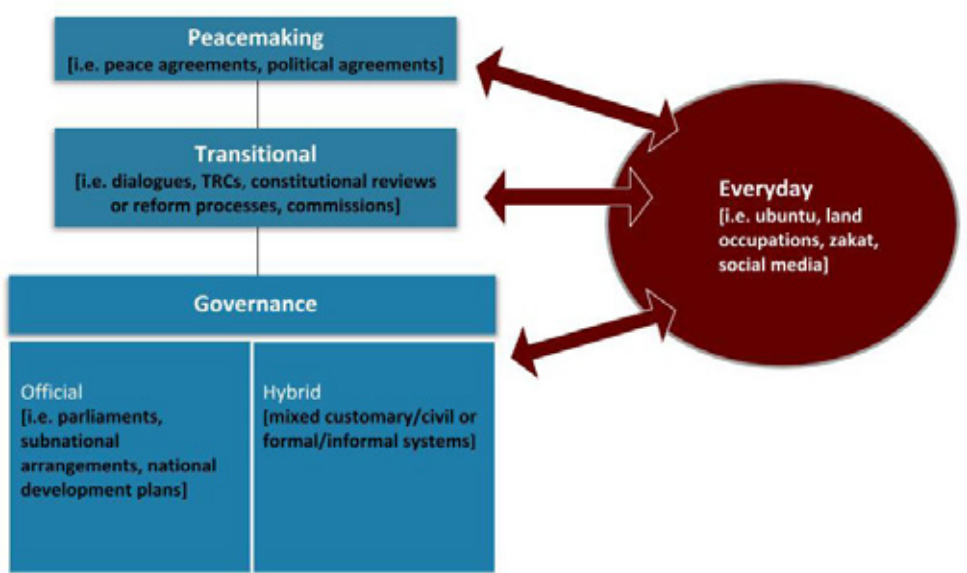
- **Peacemaking** (i.e. through a peace agreement or political agreement);
- **Transitional** (i.e. sequenced dialogues, commissions, truth and reconciliation processes);
- **Governance-related**, including formal mechanisms (i.e. codified structures of government, formal institutions, national development plans, devolution frameworks/policies) and hybrid mechanisms (i.e. where religious/customary/non-state actor and state mechanisms interact); and
- **'Everyday'** (i.e. citizen actions or practices, norms, mores). In this study, the everyday sphere also serves as a litmus test of the extent to which higher-level, formalised agreements or processes represent wider societal views.

19 The *Pathways for Peace* report exhaustively reviews the evidence base on exclusion as a core driver of conflict and violence and makes the case for greater inclusion across politics and policy (United Nations and World Bank, 2018). Research by Paffenholtz (2014) has renewed a focus on the importance of inclusion for achieving sustainable peace agreements and on the fact that the quality of participation matters. Paffenholz, Thania. 2014. "Broadening Participation in Peace Processes: Dilemmas and Options for Mediators." The Centre for Humanitarian Dialogue, 9. See McCandless 2018 for full review of literature on these topics.

20 Recent (2016) twin Security Council and General Assembly Resolutions (A/RES/70/262 and S/RES/2282) highlight sustainable peace as a primary United Nations goal, underscoring the need to address root causes of conflict and inclusive national ownership as criteria for its achievement. The *Pathways for Peace* report has revived interest in the role of grievances in conflict and the need to address them to prevent its escalation, (United Nations and World Bank, 2018).

The research considers how some core conflict issues (CCIs) – defined as those that, the main parties and society broadly agree, are drivers of conflict and discord – and addressed through these mechanisms, and whether and how this results in more broadly owned results. Consequently, this research offers rich insight into what has gone well – and what not well – in various settings and why. At the same time, recognising renewed policy and scholarly interest in what positively drives peace and resilience in society, we investigate how ‘resilience capacities for peace’ (see Box 1 with definitions above, and cross-cutting issues below) also factors into social contract-making.

**FIGURE 2: INSTITUTIONAL SPHERES AND MECHANISMS OF SOCIAL CONTRACT-MAKING**



***Driver 2: Institutions delivering effectively and inclusively***

The second driver responds to the rising awareness in the statebuilding and peacebuilding literature that a causal relationship between service provision and state legitimacy cannot be assumed.<sup>21</sup> This raises important questions about the social contract – especially about the mechanisms through which it is forged, and through which it is forged among whom and about how broadly development, prosperity and wellbeing are distributed. The research on this set of issues seeks to provide a rich comparative analysis of the different ways in which key services are delivered and how, and what actually matters to people. This is particularly important in the context of myriad actors delivering services

21 See, for example, Mallet, Richard and Rachel Slater. 2017. “How to support state-building, service delivery and recovery in fragile and conflict-affected situations: Lessons from six years of SLRC research.” Secure Livelihoods Research Consortium (SLRC) Synthesis Briefing, 2. ODI: London.



– including powerful non-state actors with considerable power, authority and legitimacy with at times considerable parts of society. It also assesses why/how this changes amidst conflict and fragility, over time, and how this relates to the way core conflict issues are being addressed. This requires an understanding of how CCI affect institutions and relationships between institutions and people and how those issues are addressed, including how institutions become more inclusive within political settlements and build social cohesion. To this end, the following issues are explored:

- **Expectations** (of society about the roles of the state and its institutions and of how these expectations change and in relation to what factors);
- **Performance** (the effectiveness and fairness of delivery and outcomes, especially for different groups); and
- **Processes** (for reliable delivery of services, for meaningful participation of all stakeholders and for effective redress of grievances).

We also consider how these issues affect societal understandings of the legitimacy of the state and its institutions, inspired by the OECD typology of legitimacy that identifies four types: input/process; output/performance; shared beliefs; and international legitimacy.<sup>22</sup> Research on hybridity is relevant to questions of legitimacy, while offering new thinking to inform alternatives in the context of templated approaches that have informed ‘liberal peacebuilding’. To date however, much of the work has overly focused on the hybridity present in the interaction between international and national actors and institutions; this has insufficiently noted how various groups holding legitimacy with parts of the population, and alternative, endogenous forms of political, social and economic systems and institutions in play, can coexist and interact.

### ***Driver 3: Social cohesion broadening and deepening***

The third driver reflects the growing consensus in the policy community around the need to better understand how social cohesion is created, that is, how people and groups bond to support peace. This is necessary for peacebuilding and statebuilding, as a lack of social cohesion contributes to conflict.<sup>23</sup> This requires more insight into the formation of relationships across society (horizontally) and between the state and society (vertically) and how the vertical and the horizontal interact. This is especially important in fragile and fragmented societies where difficult horizontal relationships are worsened when vertical relationships are considered to be the exclusive terrain of certain groups in societies.

Although there has recently been much research in this area, there is no consensus about how to define social cohesion, let alone how to measure it. Figure 3 illustrates the study’s approach to social cohesion. It examines how people bond vertically and horizontally through three domains that are grounded in policy research and scholarship: *belonging and identification*; *trust and respect*; and *access, participation and representation*. This research contributes to thinking about how social cohesion

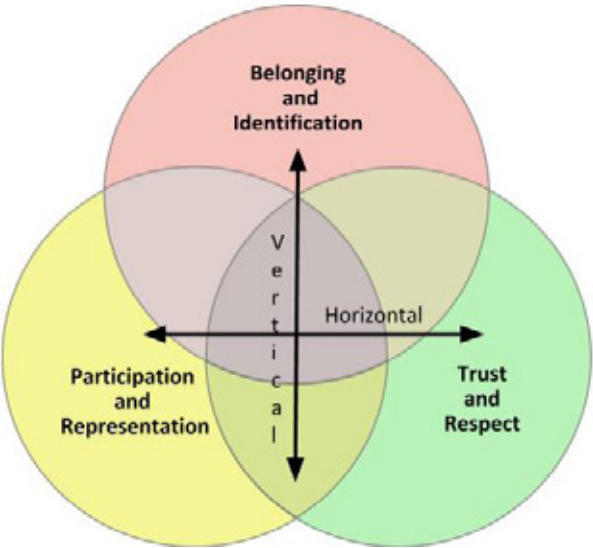
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22 Organisation of Economic Co-operation and Development. 2010. *The State’s Legitimacy in Fragile Situations: Unpacking Complexity*. OECD, p. 27.

23 Sisk, 2017, points to examples, including Turkey, Indonesia, Kashmir, Kosovo and Ukraine.

is strengthened (and/or undermined) as CClIs are addressed (Driver 1), as core state functions are undertaken and as services are delivered (Driver 2). This produces a more adaptive idea of social cohesion that can inform better policy and practice around how resilient social contracts are forged in ways that attain and sustain peace.

**FIGURE 3: SOCIAL COHESION**



The three drivers capture substantive, material aspects of the social contract: what needs to be delivered; the rights, responsibilities and expectations around these; and the process, i.e. the nature of participation, exclusion and inclusion, and forms of accountability. Their interactions are also important in thinking about a resilient social contract – how they might be mutually reinforcing through processes and outcomes that transform root causes of conflict and prevent it from recurring, and moving countries towards achieving and sustaining peace.

**Cross-cutting issues**

Across the three drivers, four cross-cutting issues are examined. The first two – state-formation processes and international actors – influence the creation of resilient social contracts. The latter two – exclusion and inclusion, and resilience capacities for peace – are cross-cutting drivers in their own right, as they directly facilitate or prevent the forging of social contracts to attain and sustain peace.

**State-formation processes**, sometimes conflated with statebuilding processes, help shape political settlements and social contracts. Research over the last several decades, by scholars from different continents, has resisted suggestions that particular

state-formation experiences (notably, those of Europe) can be generalised.<sup>24</sup> In Europe, states were forged and nations built through great expenditures of blood and money, forming and relying on bureaucracies and administrations that levied taxes. In contrast, other continents were subject to colonisation and decolonisation; they were and continue to be subject to extreme and diverse forms of international and regional intervention, which have fostered different incentive structures, societal expectations, institutions and relationships (vertically and horizontally in society and with the state). Our research considers this cross-cutting issue and the differing views underpinning it.

Intersecting with the three drivers are questions around the roles of **international actors and issues** in their influence in and support for how national social contracts are formed. This topic is crucial for international actors working in and on transitional settings seeking to ensure they do not unwittingly do harm – across work relating to political processes, political settlements, peacebuilding, statebuilding and development. There should be greater clarity about the roles that international actors can play in ‘accompanying’ local actors as they strive to understand how to live together and about how this affects understanding of the nature and durability of a social contract. How international actors support societal efforts (directly) versus government efforts (directly) and processes that link them is key; the politics around this and around the implications for a nationally owned social contract to sustain peace remains as challenging as it is important. At the same time, there is need for a much wider conversation around how exogenous factors and issues, including norms, practices and processes that transcend national borders – i.e. migration and refugee movements, trade and finance flows, and climate change – both generate and fuel grievances and drivers of conflict, and affect the shaping of national social contracts.

While recognising the importance of international actors and exogenous factors in the shaping of national social contracts, this research nonetheless takes the national context as the starting point, reflecting the agreed international consensus of the need for national ownership of peacebuilding, statebuilding, development processes. This demands greater understanding of the roles, interests and efforts of national actors at the heart of forging a national social contract.

**Exclusion and inclusion** are investigated across the three drivers and also emerge as an independent finding. In many cases, CCIs are variants on the theme of exclusion. Inclusivity is examined with respect to how CCIs are addressed through each of the social contract-making spheres. We also pay attention to how this affects adaptations of the process, as well as its results. This includes the capacity of substantive policy results or institutional practices and their implementation to produce more inclusive peace and development outcomes. In looking at service delivery, authors examine how ‘who delivers’ matters, when and how participation matters, as well as results (subjective and objective). In our social cohesion research, inclusion is examined in

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24 For example, Charles Tilly’s postulation, based on the European experience, that war makes states and states make war, does not hold true for countries in Africa, Latin America and Asia (see McCandless, 2018, for fuller discussion). Tilly, Charles and Gabriel Ardant. 1975. *The Formation of National States in Western Europe*. Princeton, NJ: Princeton University Press.

different ways, including with respect to how perceptions and practices hold people, communities and societies together.

Finally, in addition to investigating select CCI, we examine **resilience capacities for peace**,<sup>25</sup> (see Box 1 with definitions, above). This approach is consistent with policy endeavours to understand how national actors can better engage their endogenous capacities to address conflict and to understand wider shocks and stressors in ways that transform the drivers of conflict and fragility and foster new or revitalised structures and systems that support peace. The authors reflect on how resilience capacities are present in the design and implementation of peace efforts and how those capacities can better support, in mutually reinforcing ways, the achievement and sustaining of peace.

### ***Assessing sustaining peace***

While the notion of sustainable peace has long held value, neither the policy community nor the academic community has reached consensus on either its definition or the privileged way to achieve it. 'Sustaining peace' is now a top priority for the United Nations, along with a revitalised focus on conflict prevention (see Box 1 with definitions above), as is evident in the twin Security Council and General Assembly resolutions<sup>26</sup> and the 2030 Agenda for Sustainable Development. This study reflects on priorities for sustaining peace within these agendas through the forging of resilient social contracts, addressing root causes of conflict, building national visions and fostering inclusion around important issues.

While there has been much investigation of social cohesion (both vertically and horizontally), not enough attention has focused on the link between processes of trust and inclusivity, on the one hand, and the strength of commitments to implement substantive agreements, on the other hand. We know little about how keeping or not keeping commitments affects outcomes (e.g. considering institutions and policies that deliver needed services with broadly shared results, and that address grievances that led to conflict in the first place while providing ongoing and trusted means for addressing grievances). Making and measuring progress on sustaining peace requires rigorous examination of particular cases, focusing on the interactions and outcomes of these processes.

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25 This approach draws upon on an Interpeace paper that lays a foundation for conceptualising a 'resilience for peace-building' approach, distinguishing the concept that "has thus evolved from a more narrowly defined notion of a set of attributes, qualities or capacities that enable a society or community to endure, respond or 'bounce back from external shocks,' to a more process-oriented and relational concept, that speaks particularly to the agency of individuals, groups, communities, institutions and societies in shaping their environment, including dealing with stressors and conflict within the context of complex adaptive social systems" (McCandless and Simpson, 2015, p. 4).

26 U.N. Security Council 2016 and U.N. General Assembly 2016.

## Methods

The research approach was exploratory and explanatory,<sup>27</sup> involving case study analysis authored by nationals of the countries under study. Across the three drivers, authors considered the different concerns of social groups, especially women, youth and ethnic and religious communities. They also reflected on the experience of different regions in relation to the drivers.<sup>28</sup> While the emphasis of case study research is qualitative and context-rich, interviews, focus groups, a wide examination of primary and secondary material, and survey data from six major global indices were used to triangulate data and buttress research findings.<sup>29</sup> External reviewers and experts in the study's working group peer-reviewed each of the case studies. Findings have been validated in numerous ways, especially scholar-policy dialogues. The working group of the project (Annex A) and 'methods' advisers reviewed multiple drafts of the framing documents, guidance for authors and case study drafts, which independent experts also peer-reviewed.

Assessing the quality of the social contract in this study focused on how well the drivers help us understand resilience of the social contract in the countries under investigation – its inclusiveness (breadth and depth), dynamism and directional movement – and the implications of this for different countries in attaining and sustaining peace. Also, development of indicators across the three drivers supported insight into their movement, be it forward or backward. The research examined how the drivers interact with, catalyse, and mutually reinforce one another – or not.

Planned future research will draw on findings to develop a mixed method approach to assess the social contract and its implications for preventing violent conflict and attaining and sustaining peace. This may include the development of an 'expert-based' scoring scheme around the three drivers.<sup>30</sup> This will enrich the comparative policy findings and impact and serve as a pilot for the development of a social contract index and/or a participatory assessment tool.

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27 This is consistent with a pragmatic research methodological paradigm. Creswell, John W. 2013. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Fourth Edition. Thousand Oaks, CA: Sage Publications.

28 Authors were asked to investigate three locations for comparative purposes: the capital plus two regions that have benefited differentially from state-supported development supported.

29 These indices were mined by the project team with support from methods advisers to distil a strong set of existing indicators to support analysis of the three drivers. The indices included: Global Peace Index, Positive Peace Index, Fragile States Index, Commonwealth Youth Development Index, Gender Inequality Index (from UNDP Human Development Index) and Social Institutions and Gender Index (OECD).

30 The analysis's quantitative scoring dimension will draw upon the author's qualitative research as well as available quantitative data.

# SUMMARY PROJECT FINDINGS

The following findings are derived from case studies (nine of the eleven have been included at the time of publication).

## **Driver 1: Political settlements and social contract-making spheres and mechanisms are increasingly inclusive and responsive to core conflict issues.**

- 1.1 The early stages of political settlements or peace negotiations (and notably the peace agreement) or political transitions offer possibilities for redefining parameters for inclusion and exclusion, and positioning of different groups and issues, often with long-term effects (positive or negative) (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).
- 1.2 Social contract-making 'spheres' and 'mechanisms', which can trace how core conflict issues and grievances are addressed, are often treated in disconnected or parallel ways that undermine the implementation of coherent and effective peace agreements and the development of an increasingly inclusive political settlement (Colombia, Cyprus, Nepal, South Africa, South Sudan, Yemen, Zimbabwe; exception: Tunisia).
- 1.3 There are considerable commonalities of CCIs across the cases, reflecting issues around political and economic exclusion, particularly between identity groups. Common are conflicts over:
  - ~ **Power distribution and power-sharing** (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Sudan, Yemen, Zimbabwe); and,
  - ~ **Distribution of land and resources** (Colombia, Cyprus, Nepal, South Sudan, Yemen, Zimbabwe).
- 1.4 CCIs tend not to be effectively addressed, including through previous peace processes and agreements; this directly undermines the inclusiveness of the political settlement. They have not been addressed:
  - ~ In the design of agreements (Bosnia and Herzegovina, Cyprus, Yemen, Zimbabwe);
  - ~ Through poor implementation of agreements (Colombia, Nepal, South Africa, South Sudan, Tunisia, Zimbabwe); and/or,
  - ~ Due to contradictions that undermine agreements (Colombia, South Africa).

**Driver 2: Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.**

- 2.1 State institutions, which can be seen as the hardware for implementing formal agreements (including peace agreements, political covenants, power sharing agreements, etc.) and fostering more inclusive political settlements, are often not sufficiently or effectively engaged in core conflict issues (CCIs), including at subnational levels (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).
- 2.2 State institutions (electoral bodies, administrative and social services, and institutions designed through political settlements or peace agreements to address CCIs) regularly fail to deliver on their mandates (due to lack of political will, lack of capacity and resources, and corruption, all of which tend to reflect informal dynamics and power relations among actors at different levels) (all countries).
- 2.3 Societies express deep concern about the effectiveness of state institutions (especially service delivery and related poverty and inequality, as well as wider government accountability) through protest, illustrating a lack of faith in official governance mechanisms (for grievance recourse and meaningful inclusion) (Bosnia and Herzegovina, Colombia, Nepal, South Africa, Tunisia, Yemen, Zimbabwe).
- 2.4 Customary, informal and other non-state structures and systems play important, though at times contested, institutional functions, particularly at subnational levels, yet, for the most part, they are neither officially nor systematically integrated into an inclusive political settlement, resulting in overlapping – and at times competing – social contracts (Colombia, Nepal, South Sudan, Yemen, Zimbabwe).
- 2.5 State legitimacy is influenced by many variables (historical, cultural, social, economic and political), and is supported or undermined by citizen expectations around service provision, corruption, avenues for participation and delivery on promises (Bosnia and Herzegovina, Colombia, Cyprus, South Africa, Tunisia, Yemen, Zimbabwe).

**Driver 3: Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (in the relations between citizens/groups and the state).**

- 3.1 The legacies of state formation and poor progress in achieving inclusive political settlements and providing fair service delivery can weaken vertical cohesion (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

- 3.2 Horizontal inter-group social cohesion holds promise at the level of daily interactions, i.e. between neighbours (Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Tunisia, Zimbabwe), but tends to be negatively affected by the polarising political dynamics and non-inclusive governance practices that can weaken vertical social cohesion (Bosnia and Herzegovina, Colombia, Cyprus, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

## Cross-cutting issues

### *Exclusion and inclusion*

- 4.1 Inclusive processes do not automatically or quickly produce more inclusive results, as intervening factors can affect outcomes (political will, misuse of power, capacity and resources, poor design and/or process, poor or lacking implementation frameworks) (Bosnia and Herzegovina, Colombia, Nepal, South Africa, Yemen, Zimbabwe).

### *International actors and issues*

- 5.1 While the international community (including regional actors) vitally supports countries in transition, their positions in support of peace agreements and the social contract-making mechanisms that follow can undermine the ability to address CCI (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

### *Resilient social contracts and sustaining peace*

- 6.1 A resilient national social contract is an indispensable component of preventing violent conflict and of attaining and sustaining peace. Resilient national social contracts contribute to more peaceful and resilient states and societies when one or more of the following factors is present:
- ~ There is virtuous movement of drivers (all countries) and virtuous, mutually reinforcing interaction among the three drivers (virtuous cycles: Tunisia; vicious cycles: Cyprus, Yemen, Zimbabwe).
  - ~ CCIs are attended to in inclusive ways, in and through social contract-making spheres and mechanisms (positive: Tunisia; negative: Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Yemen, Zimbabwe).
  - ~ Resilience capacities in society are mobilised and supported for peace (positive: South Africa, Tunisia, Zimbabwe; negative: Cyprus, Nepal, Yemen).



# Findings

The following findings with case illustrations are drawn from comparative analysis and considerable discussion and validation through policy dialogues (see Acknowledgements above). The summary findings, and this full report are available online,<sup>31</sup> as well as a detailed framing paper that outlines the scholarly and policy discussions and bodies of literature around these issues.<sup>32</sup> The validity of our research substantially derives from triangulating data, considering alternative hypotheses and conducting rigorous analysis. External reviewers and experts in the study's working group peer-reviewed the case studies.

The conceptual framing of the project (described above) in relation to the three proposed drivers of a resilient social contract, cross-cutting issues and how such contracts can facilitate attaining and sustaining peace is utilised to frame the following findings.

## **Driver 1: Political settlements and social contract-making spheres and mechanisms are increasingly inclusive and responsive to core conflict issues.**

**1.1 The early stages of political settlements or peace negotiations (and notably the peace agreement) or political transitions offer possibilities for redefining parameters for inclusion and exclusion, and positioning of different groups and issues, often with long-term effects** (positive or negative) (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

Findings from the case studies indicate that this redefinition of the parameters for inclusion/exclusion and positioning of groups and issues occurs through:

- The catalysing of more inclusive politics (Colombia, Nepal, South Africa, Tunisia);
- The development of separate ethno-nationalist institutions (Bosnia and Herzegovina, Cyprus, South Sudan);
- The feeling of exclusion (Nepal, Yemen, Zimbabwe) or disaffection (South Sudan), which sometimes transforms groups into spoilers; and,
- The propensity for informal agreements to undermine official agreements/processes (Yemen, Zimbabwe).

Some power-sharing (South Africa, Nepal, Zimbabwe) and transition-monitoring mechanisms (Colombia) have brought new parties into national governance. Similarly,

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31 See project and institutional home websites, [www.socialcontractsforpeace.org](http://www.socialcontractsforpeace.org), <https://www.wits.ac.za/wsg/research/>, as well as our partner websites: [http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/oslo\\_governance\\_centre/social-contract.html](http://www.undp.org/content/undp/en/home/ourwork/global-policy-centres/oslo_governance_centre/social-contract.html), <http://www.fesny.org/>.

32 McCandless 2018.

some peace negotiations (Yemen, Nepal) have guaranteed the participation of diverse actors (although not always in meaningful ways – Cyprus). These have allowed societies to more inclusively overcome the historical impasses around core conflict issues. Progress is, however, difficult to sustain (Yemen, Nepal, South Africa). In South Sudan and Zimbabwe, where power-sharing arrangements were negotiated, these reflected entrenched elite political settlements and ultimately failed; in South Sudan there was return to full scale war, while in Zimbabwe power sharing produced a promising new and more inclusive constitution but policy efforts were stymied by an end to the power sharing in 2013.

**TUNISIA:** Elite compromise and power-sharing has proven to be an important component of Tunisia's transition. Following the 2011 revolution, Tunisia's elite class, with the blessing of the then-interim Prime Minister, created the Higher Political Reform Commission, which became the *de facto* legislative branch until it was disbanded after the 2011 elections. Despite free and fair elections and progress toward the new constitution, the country experienced severe stress in late 2013, as tensions between Islamist and secular political parties and segments of society came to a head, in the wake of the assassinations of two prominent secular political leaders and activists. These tensions would have escalated out of control had it not been for the intervention of four mass membership civil society organizations known as The Tunisian National Dialogue Quartet. These two political settlement processes, exemplary in their inclusiveness, culminated in paving the way for Tunisia's widely adopted 2014 Constitution.

**COLOMBIA:** The 2016 peace agreement includes provisions to address root causes of exclusion and violence at the heart of the conflict. These include long-standing issues in relation to land use and ownership and effective political participation of minority groups in the political process. Transitional justice mechanisms were also designed to compensate the more than eight million victims with reparations that seek to address fundamental social inequalities. The fact that an agreement has finally been reached suggests that a window of opportunity has emerged for a more inclusive social contract and that there is some institutionally embedded social support for profound transformation. At the same time, the 2016, peace agreement only had the support of 41 percent of voters. This suggests that there still remains a schism between the ambitions of those who drafted the agreement and the political and social preferences of large portions of society, who are fearful that too much inclusion will affect their privileges and undermine their world views.

**NEPAL:** Nepal's democratisation and peacebuilding process from 2006-2015 was designed to create a "New Nepal" based on inclusivity, fairness, and remediation of historical injustices and inequalities. The 2006 Comprehensive Peace Agreement (CPA) provides an ambitious roadmap for the peace process including the restructuring of the state in an inclusive, democratic and progressive way by ending its present centralised and unitary structure, designed to address the concerns of the marginalised groups.<sup>33</sup> While quotas and anti-discrimination laws ensured that 2008 and 2013 Constituent Assembly (CA) elections achieved historically high levels of representation by Madhesis, Janajatis, Dalits and religious minorities, internal squabbling within minority parties and elite capture and power politics within the CA have led to instability and delays in Nepal's transitional justice process. There continue to be entrenched grievances, ethnic mobilisation, and divisive political mobilisation that undermine the resilience of the newly emerging social contract.

**SOUTH AFRICA:** Negotiations that began with the release of Nelson Mandela in 1990 and ended along with apartheid were deemed successful in laying a path for a new, democratic South Africa. Despite the more radical commitments that would have addressed historical grievances and resulted in a transformation of the economy envisaged by anti-apartheid South Africans and enshrined in the Freedom Charter, concessions were made, including to protect the individual property rights of the wealthy, that were embedded in transitional agreements and later the Constitution.<sup>34</sup> These undermined the ability of the state to transform the highly unequal relations and deal with violations of collective human rights, and resulted in a further politicisation of identity. The transition process also failed to create safeguards to prevent what is now commonly referred to as elite capture, by the African National Congress (ANC) government. This has also contributed to a deficit in inclusion ideals translating into a more inclusive political settlement.

**Ethno-national social contracts and institutional arrangements** have evolved and become entrenched through the peace process, creating strong structures of inclusion and exclusion (i.e. of minorities) through institutions that have developed (see 2.1), which in turn has affected social cohesion (see 3.1).

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33 Comprehensive Peace Agreement (2006), para 3.5.

34 The pursuit of the latter was from the onset framed as necessary but limited by state resources, which were in turn limited by subsequent economic policies that protect the individual property rights of the wealthy. Framing transitional justice in relation to individual victims of gross human rights violations further failed to account for the broader injustices experienced by different identity groups and communities, which now need to have their grievances addressed through development plans – which are dependent on state resources.

~ In **CYPRUS**, power-sharing neither in 1960s nor within the current parameters has guaranteed the meaningful participation of actors, nor satisfied their demand for fair representation. Unsuccessful efforts to forge a political agreement that would reflect a more unified and inclusive political settlement to address core conflict issues CCI, have been hampered through an excessive focus on formal track 1 peace negotiations within a framework of “nothing is agreed until everything is agreed,” side-lined the need for horizontal inter-group social cohesion. While the protracted division of the island saw two competing subnational social contracts mature, over-dependence on exclusive track 1 level behind closed doors resulted in diminished reflectivity on the parameters of the peace agreement, as well as diminished accountability and commitment to peacebuilding.

~ In **BOSNIA AND HERZEGOVINA**, the Dayton Peace Accord (DPA) has profoundly entrenched and structured politics and the resulting institutions along ethno-nationalist lines. The process involved only elites and excluded all minorities and civil society, with lasting policy implications. The resulting elite social contract, representing different ethnic groups, exists alongside an ‘everyday’ social contract that representing ordinary citizens struggling to make ends meet (see 6.1).

~ In **SOUTH SUDAN**, the Arab-Islamic hegemonic policies pursued by the northern elites in post-independent Sudan (1956-) united the people of South Sudan to fight for independence. While Sudan People’s Liberation Army/ Movement (SPLA/M) mobilised support throughout the southern Sudan, the two largest ethnic groups – the Dinka and the Nuer – were predominant in the rebel movement. The process of transition to statehood and formation of the post-independence national governments and the peace agreement signed after independence in 2011 between the national government in Juba and rebel groups have to a large extent handed power to the ex-combatants and the competing elites of the Dinka and Nuer, through power-sharing agreements that have reinforced the side-lining smaller ethnic groups. The way the transition to statehood was managed and the post-independence national governments have been constituted failed to forge a nationally owned social contract, resulting in the eruption of civil war in 2013.

**YEMEN:** The transition process outlined by the 2011 UN-backed Gulf Cooperation Council initiative (GCC) created the power-sharing agreement that included factions from the Joint Meeting Parties and the former ruling party of the General People’s Congress (GPC). The subsequent National Dialogue Conference (NDC) aimed to bring parties under one unified umbrella to draft a constitution rooted in the values of freedom, human rights and democracy, and ultimately aimed at stemming the conflict. The vibrant NDC process – often referred to as highly inclusive (see 4.1) – originally restored hope in the transitional process to bring positive change among activists. While its objectives were partially achieved, the process faltered when a ‘federalism’ proposal was introduced by President

Hadi's committee without sufficient debate or consensus among the NDC working groups, and fears that it ceded more fiscal powers to Sana'a, the capital. This proposal was counterproductive to the idea of equal representation under federalism. The NDC also lacked a clear mechanism to deal with spoilers, and backdoor deals became common amongst many participants, undermining the legitimacy of the process.

**ZIMBABWE:** The 2009 Global Political Agreement (GPA) fostered a Government of National Unity (GNU) power-sharing agreement between the Zimbabwe African National Union – Patriotic Front (ZANU-PF, in power for 28 years at the time) and the two Movement for Democratic Change (MDC) parties. The GPA offered hope for a more inclusive path to addressing Zimbabwe's historic grievances (see 1.3), and for transcending the 'political contracts'<sup>35</sup> dividing Zimbabweans: one built around the nationalist, anti-colonial liberation narrative championed mainly by ZANU-PF and another around civil, political and socio-economic rights, constitutionalism and democratisation emerging from the late 1990s through a broad front of churches, labour, students and civil society. The GPA, however, ultimately manifested as 'an agreement to disagree,' reflecting ZANU-PF positions on land, the liberation struggle and sovereignty, and MDC positions on constitutional reforms, human rights, rule of law, the impartiality of chiefs and state organs, and free political activity. This ultimately meant that reforms existed on paper, without sufficient attention to transitional mechanisms (see 1.2), and resistance to GPA implementation. In 2017 ZANU-PF's leader of 37 years of rule, Robert Mugabe was forced to resign following a military intervention.<sup>36</sup> The mass protests in support of this intervention illustrate the strong demand for a more inclusive political settlement. However, there are concerns by civil society, opposition parties and some regions, that the lack of movement towards devolution, civil and political reforms indicate business as usual.

## 1.2 Social contract-making 'spheres' and 'mechanisms', which can trace how core conflict issues and grievances are addressed, are often treated in disconnected or parallel ways that undermine the implementation of coherent and effective peace agreements and the development of an increasingly inclusive political settlement (Colombia, Cyprus, Nepal, South Africa, South Sudan, Yemen, Zimbabwe; exception: Tunisia).

35 Deeply polarised contracts between political parties and societal groups that undermine the ability to forge a resilient national social contract.

36 Whether or not this was a military coup is debated among Zimbabweans and international actors. Some prefer 'military assisted transition' since the military did not take-over the running of government but for a period neutralised other security arms of state and facilitated transfer of power from one civilian leader (Mugabe) to another (Emmerson Mnangagwa). Still, others (academics, civil society, opposition parties, and even Mugabe) call it a coup because by intervening in this manner the military without doubt usurped Mugabe's authority as the civilian authority.

The case studies illustrate that this occurs through:

- Missing or ineffective transitional mechanisms (Cyprus, Nepal, Zimbabwe);
- Peace agreements or political agreements that contain or allow for the development of provisions that do not align with previously stated visions (South Africa) or follow-on agreements or policies (Colombia), preventing them from fundamentally altering power relations. In cases of intractability, processes may depend on parameters that do not reflect current contextual realities (Cyprus); and,
- Successive social contract-making mechanisms not maintaining or implementing agreed approaches to issues (i.e. constitutional reform processes, Nepal, Zimbabwe) or not ensuring a more inclusive political settlement (i.e. by engaging customary systems, Yemen, Zimbabwe) – see 2.4.

In some settings, inclusive constitutional reform and referendum processes widened inclusion in political settlements and created societal ownership around policy directions (Nepal, Tunisia, Zimbabwe). Implementation of these, though, has broken down for reasons such as instability, the frequent rupture of political parties (Nepal), and a lack of political will, resources and capacity.

**CYPRUS:** Efforts to conceive a political agreement in Cyprus have remained largely theoretical, with decades of political talks failing to produce tangible impacts on institutional functioning or the daily life of communities. While great emphasis is being placed on the peacemaking sphere of social contract-making, minimal effort is being invested in needed transitional mechanisms. For instance, five decades following the cessation of hostilities, neither truth and reconciliation processes nor formal political apologies to address mutual suffering have been initiated. Also, the public participation and deliberation measures that were designed to bridge peacemaking and transitional spheres were either not effective or not implemented through institutional reform. In addition, Cyprus peace agreement parameters are overly dependent on 1977 agreements that no longer adequately reflect current realities, but are resistant to change due to attitudes that it is too late, too big of a project, or too firmly entrenched.

**ZIMBABWE:** Political agreements have not been sufficiently embedded in consecutive institutional mechanisms, leading to poor implementation. While the GPA created several commissions, these were not supported by clear implementation mechanisms. Successive political agreements have made no meaningful attempt at national reconciliation by addressing past violence and abuses and peacemaking efforts are hindered by the long-standing culture of impunity. While the 2009 GPA held promise, rooted in a power-sharing arrangement, the transitional mechanism designed to support healing, the Organ for National Healing, Reconciliation and Integration (ONHRI), was from inception

handicapped by a lack of funding and compromised leadership.<sup>37</sup> The Constitution Parliamentary Committee (COPAC), fostered an elite-(political party) driven process. It took three years to manifest results, where it became an arena of contestation between parties, with some violence. While the new Constitution was approved with a 98 percent 'yes' vote in 2013, confirming societal faith in the vision and content articulated, most provisions have yet to be implemented. Progress has been stifled by the end of the power-sharing agreement and a ZANU-PF 2013 election win. The post-Mugabe leadership has expressed a commitment to democratic reforms and implementing the 2013 Constitution, even though there are questions about the extent to which they are prepared to implement devolution.

**SOUTH AFRICA:** The transitional negotiations (1990-1996) between the African National Congress (ANC) and the National Party (NP) included formal negotiations of the Convention for a Democratic South Africa (CODESA) I & II, the Interim Constitution, the Government of National Unity (GNU), the Truth and Reconciliation Commission (TRC), and the adoption of South Africa's existing Constitution in 1996. The radical transformation needed and desired, as set out in the ANC's guiding document, The Freedom Charter, was, however, undermined by the nature of the inherited state, post-apartheid political will and the state's capacity to meet commitments (as indicated by post-transition revelations of poor governance practice and ongoing corruption scandals). Parallel concessions to white-owned businesses at the time also contributed to the continued concentration of wealth in the hands of the white minority, although this minority has racially diversified post-1994.

**COLOMBIA:** The 2016 peace agreement accurately sets out to address the main challenges for sustainable peace in the country, such as rural reform (including improving possibilities for land ownership, productivity, and competitiveness for poor farmers and small-scale peasants), illicit crops, political participation of minority groups, and transitional justice. These have gained international acknowledgment. Yet competing visions about how to manage land use and ownership and illicit crops are an obstacle to a smooth unfolding of transitional justice mechanisms and the extent to which they can redress structural conditions related to victimisation. There is also little coordination among and within state institutions promoting implementation of the peace accords, especially at the subnational level.

**NEPAL:** Despite the commitment to a "New Nepal" (see 1.1), transition has been episodic, 'non-linear,' and fraught with instability (see 1.4) (through the CPA, the interim period, the first and second constitution-making processes, and most recently through the reconstitution of local authorities). The second Constitutional

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37 Paradoxically ONHRI was headed by ZANU-PF, perpetrator of the 1987 Gukurahundi massacre as it sought to build a one-party state. Societal calls for both retributive and restorative justice have largely been ignored. Attempts by ONHRI's successor the National Peace and Reconciliation Commission (NPRC) to hold public consultations have been met with apathy due to low public confidence in the process and political polarisation.

Assembly (CA-II) election took place in 2013 and the representation of the historically marginalised groups in the CA-I was reduced. Further, the vision of a “New Nepal” disappeared from political discourse. The 2015 Constitution reversed many of the achievements guaranteed by the 2007 Interim Constitution, according to excluded groups. For example, it resulted in an electoral system that left the marginalised groups underrepresented in the national legislature, while the federal boundaries were carved out in a manner to suit the ruling elite. This led to violent protests and deaths in 2015 (see 2.3).

**YEMEN:** The 2011 GCC agreement was introduced to end the deadlock in Yemen’s political transition after the Arab Spring and begin a transition period whereby the National Coalition Government (General People’s Congress and its allies) and the National Council (Joint Meeting Parties and partners) would share power in governing the country under Abdo Rabu Mansour Hadi’s presidency for two years (February 2012-2014). However, the NDC process lacked societal buy-in as it side-lined subnational players and failed to incorporate subnational mechanisms capable of addressing issues at local levels. Ultimately, it was seen as a power shuffle among competing parties, turning the NDC into an intellectual, capital-driven exercise. Yemenis registered great dissatisfaction with the process through protests, strikes, and sit-ins that demanded the removal of (now late) ex-President Ali Abdullah Saleh’s family members and affiliates from influential positions within the security apparatus, government and public institutions (see 2.3). Public discontent over the role of state institutions demonstrated a fundamental disconnect between the spheres of social contract-making and the aspirations of people. Although the political settlement was a compromise geared towards preventing conflict, Yemeni citizens resisted submitting to a process that simply reshuffled power and did not change the system.

**TUNISIA:** Several key post-revolution initiatives (formal and informal) can be viewed as a series of social contract-making mechanisms struggling to forge a nationally owned social contract. These include a high-level national dialogue, a forward-looking constitution adopted by broad consensus, and multiple participatory commissions launched to examine and resolve challenging issues, including fighting corruption and coming to terms with the painful legacies of past human rights violations. Of particular importance is the 2014 Constitution, hailed as a model for what consensus-based politics, dialogue, and compromise, can achieve between Islamists and secularists. Key drivers of its success were: inclusivity, participation, transparency, consensus, national ownership, and the Assembly’s early decision to require a two-thirds majority for adopting the final text of the constitution, rather than a simple majority. The devolution of power to subnational levels, however, which is a constitutional provision, is sluggish, resulting in ongoing exclusion and neglect, notably in northern and interior regions. Another implementation deficit is the enduring delay in setting up the constitutional court designed to protect the rights and freedoms of citizens.



### 1.3 There are considerable commonalities of CCIs across the cases, reflecting issues around political and economic exclusion, particularly between identity groups.

Common are conflicts over:

- ~ **Power distribution and power-sharing** (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Sudan, Yemen, Zimbabwe); and,
- ~ **Distribution of land and resources** (Colombia, Cyprus, Nepal, South Sudan, Yemen, Zimbabwe).

While these are conceptualised slightly differently in the case studies, as highlighted below (1.4), they cluster around the main issues of access to, management of, and distribution of power and resources. This aligns with the United Nations and World Bank 'Pathways for Peace'<sup>38</sup> argument that people tend to fight over common, salient 'arenas of contestation' – access to power, land and resources, equitable delivery of services and responsive justice and security – that commonly involve the state. The use of CCIs enables understanding the issue more inclusively while addressing grievances and perspectives of different parties and stakeholders through institutions and sectors.

### 1.4 CCIs tend not to be effectively addressed, including through previous peace processes and agreements; this directly undermines the inclusiveness of the political settlement. They have not been addressed:

- ~ **In the design of agreements** (Bosnia and Herzegovina, Cyprus, Yemen, Zimbabwe);
- ~ **Through poor implementation of agreements** (Colombia, Nepal, South Africa, South Sudan, Tunisia, Zimbabwe); and/or,
- ~ **Due to contradictions that undermine agreements** (Colombia, South Africa).

In many cases, these CCIs can be traced back to state formation and/or to the history of decolonisation. Sometimes, they have not been effectively addressed through consecutive political agreements and social contracts (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Zimbabwe). For example, CCIs are often rooted in processes that:

- Protect the interests of elites or regions and often of particular ethnic groups via centralised vs. decentralised governance structures (see 2.1, 4.1) (Colombia, Tunisia, Nepal, South Sudan, exception: Bosnia and Herzegovina);
- Are linked to the entrenchment of identity politics (see 3.1) (Bosnia and Herzegovina, Cyprus, Nepal, Yemen, Zimbabwe); and,
- Generated conflict when performance disappointed expectations, particularly where service delivery was vulnerable to political patronage and produced uneven results (see 2.3) (Tunisia, Yemen).

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38 United Nations and World Bank, 2018, pp. 140-1.

**BOSNIA AND HERZEGOVINA:** CCIs (profound discrepancies between the boundaries of the political community and the rights of citizenship within that community and an ethnically based governance system) were problematically addressed in the DPA; they were addressed to satisfy each party's minimal demands and grievances: while Bosnia and Herzegovina was preserved as a state (reflecting the preferred option of the Bosniak leadership), it was internally divided into two 'entities' (thus meeting the Serb's demands for autonomy). The Bosniak-Croat entity was further decentralised in cantons and municipalities (granting a degree of self-governance to the Croats). This structure set up the conditions for nationalists' dominance during the agreement's implementation. Elites did not have an interest in resolving the ethnic governance issue because it would strip them of their power. As a result, the elite social contract involves the stubborn instrumental attachment to each party's respective nationalist political positions, and their electoral success is tightly connected to their nationalist political objectives.

**CYPRUS:** The two select CCIs (power-sharing and security) are intricately intertwined, and the efforts to address them at the high-level formal negotiations are equally reductionist, ethnocentric and counter-intuitive. A resilient unifying social contract needs to provide both security and effective representation through effective power-sharing all of its subjects. The reductionist and fractured understanding of power-sharing limits the concept of effective representation to elections and numbers, and the narrow and militaristic understanding of security effectively secures one group/community at the expense of the other. Instead, the formal peace talks negotiate (political and physical) security of one community at the expense of the other, and seek a compromise on the 'threshold of insecurity' each community can tolerate. Further, the ethnocentric approach that is singularly focused on Greek Cypriot and Turkish Cypriot ratios in terms of power-sharing, and treats security from a mutually exclusive positional bargaining approach, not only fails to build a unifying common vision for the future, but also disregards the needs of other groups, such as ethno-religious minorities (e.g. Maronites, Armenians and Latinos), women and young people.

**ZIMBABWE:** Zimbabwe's CCIs (distribution and exercise of political power and land distribution, access and use) have challenged peace agreements and the ability to forge an inclusive political settlement since the colonial era. While the 2008 GPA represented the first formal agreement that addressed these CCIs in a potentially transformative way, implementation has been hindered by reduced political will in the absence of power-sharing arrangements. During the GPA period modalities of political power were exploited by ZANU-PF partners in the government, including political violence, impunity, lack of rights and freedoms, and over-securitisation of the state. Despite convergence among the parties on the land question, strengthened during the power-sharing period, implementation has been slow. New problems and associated grievances are

emerging such as the diminishing powers of traditional authorities, difficulties in accessing land in peri-urban areas and challenges in accessing restorative justice. The lack of funding and the complexities of the land issue are being increasingly entangled with mining. The popular support for the 2017 military intervention illustrates widespread consensus across political divides around distribution and exercise of political power as a CCI.

**SOUTH AFRICA:** CCIs (service delivery and economic participation) were depoliticised, along with other contentious issues classified redistributive justice as “reconstruction and development” concerns.<sup>39</sup> However, like approaches to other contentious political and structural issues (land distribution, the accumulation of white capital during apartheid), this approach ignored the foundations and intractability of white privilege and wealth (operating in socioeconomic and structural realms) that could only be targeted through state-led economic transformation, distributive justice, and redress for historical injustice that addressed the consequent inequality of groups disadvantaged under apartheid.

**COLOMBIA:** The 2016 Colombian peace agreement accurately sets out to address the main, historic impediments for sustainable peace in the country, including the CCIs (land issues and illicit crops). However, Colombian society remains deeply divided over the merits of the agreement, as measures to address historical inequalities and provide for transitional justice measures exist alongside conservative political forces that will likely limit the transformative potential of the agreement. Also, state institutions, despite having been strengthened in the course of time, remain weak in terms of service delivery and in terms of building legitimacy-based authority over social processes, especially at the subnational level. As a result, agreement implementation remains slow in terms of both expectations and public capacity to respond. Whether Colombia progresses towards a more inclusive social contract will require confronting some of these deeply entrenched interests and structural conditions that operate beyond the control of the central state (namely the informal rules and institutions surrounding illicit crops and markets, see 2.4) and ensuring institutions facilitate needed transformations. This does not mean more institutions in terms of number but rather better managed and coordinated institutions.

**SOUTH SUDAN's** transition to statehood, and particularly the drafting of the transitional constitution, failed to address the CCIs (political representation and diversity question). The transitional constitution abandoned the decentralised federal system, included in the CPA to manage diversity and ensure political participation of various ethnic groups, replacing it with a centralized system that granted excessive powers to the president. The Peace Agreement on the

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39 African National Congress. 1994. Reconstruction and Development Program. African National Congress.

Resolution of the Conflict in South Sudan (ARCSS), signed in 2015, was more inclusive than previous peace agreements and addressed the CCI (at least on paper) by restoring the decentralised federal system, recognizing that federalism was a popular demand and providing a series of reforms to build inclusive institutions, limit presidential power and foster consensus-based decision-making processes. However, despite its clear provisions to address the CCI, the ARCSS has been undermined by ruling Dinka elite's self-interests.

**NEPAL:** The CPA sought to address Nepal's historic CCI (political and economic exclusion) through a complete reform of the state, making it more inclusive and offering redress for long-standing oppression, neglect and discrimination based on caste, class, region and gender. However, mistrust among the political parties led them to engage in various power games to weaken each other, rather than focusing on implementing the peace agreements. In addition, identity-based struggles made consensus building among CA members and political parties difficult, and polarization inside the CA along ethnic, geographic, gender-based, sectoral, linguistic, and occupational lines appeared.<sup>40</sup> Some ethnic groups, mainly Madhesi, feared that the constitution worked against them, as it was rushed through, with only brief public consultations. Disputes included substantial differences between ethnic-based parties on the type and criteria for federalising Nepal. The government amended the constitution in January 2016 to appease Madhesi dissenters, who initially rejected the changes on the basis that they were incomplete, but ultimately endorsed the new constitution via their participation in parliamentary and provincial polls.

**YEMEN:** The main question surrounding CCI (unequal distribution of power and service delivery) is not whether they have been addressed, but rather how. The transition environment outside of the NDC was not attended to, which affected the transitional government's legitimacy. During the transition, service delivery continued to be unequal, favouring the capital. Power distribution was described as "a game of musical chairs,"<sup>41</sup> as many actors who were engaged in activities that had institutionalised the state's malfunction, were now members of the new system. While federalism was introduced to enable regional communities to manage their resources better, as noted in 1.1, this proposal was not supported and resulted in undermining the outcomes of the dialogue. The ongoing use of identity politics has been used to extend state control in the South, lead to continued feelings of marginalisation, and has also served as a tool to mobilise fighters and supporters of Houthis and Salafists (see 3.1)

40 Dhruva, Simkhada. 2010. Sharp Polarisation in the Constituent Assembly. Alliance for Social Dialogue Policy Analysis, September 27, 2010. <http://asd.org.np/wp-content/uploads/2015/04/sharp-polarisation-in-the-constituent-assembly.pdf>

41 International Crisis Group. 2012. "Yemen: Enduring Conflicts, Threatened Transition." *Report 125*, 3 July 2012. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/yemen/yemen-enduring-conflicts-threatened-transition>

**TUNISIA:** The government's focus on political transition has neglected the economy and failed to address the CCIs (polarisation in society and economic deprivation). The results are an untaxed and unregulated informal sector (now accounting for nearly 50 percent of the economy), a downgrading of the country's credit rating, several times since the revolution, and 40 percent of Tunisians out of work, a third of whom hold a university degree.<sup>42</sup> State subsidies of oil-and-gas products and foodstuffs have grown rapidly (by 270 percent during the difficult early transition years after the 2012 Constituent Assembly) and the tourism sector has been crippled as a result of terror attacks.<sup>43</sup> There is deep concern that the fragile democratic gains made since the revolution will be derailed, unless structural reforms are initiated. In order to qualify for an IMF loan, the government has recently initiated some of these reforms. Tunisians hope that the devolution of power to local levels, stipulated in the constitution, which has faced sluggish progress, will result in economic development being driven by regional priorities instead of elite central government interests.

## **Driver 2: Institutions (formal, customary and informal) are increasingly effective and inclusive and have broadly shared outcomes that meet societal expectations and enhance state legitimacy.**

**2.1 State institutions, which can be seen as the hardware for implementing formal agreements (including peace agreements, political covenants, power sharing agreements, etc.) and fostering more inclusive political settlements, are often not sufficiently or effectively engaged in core conflict issues (CCIs), including at subnational levels** (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

The case studies illustrate that this occurs through:

- The strengthening of institutions in ways that undermine or exacerbate CCIs, i.e. by developing ethno-national, segregated, polarizing institutions (Bosnia and Herzegovina, Cyprus, Yemen) or by prejudicing the strengthening of security institutions without sufficiently addressing developmental needs, such as high unemployment rates (see 2.3) (Bosnia and Herzegovina, Tunisia);
- Failing to link peace agreement/political agreement commitments to formal governance institutions, especially through devolution and decentralization to subnational levels, and/or diluting commitments to do so (Colombia, Nepal, Tunisia, South Africa, Zimbabwe); and,
- Corruption and poor governance of institutions (South Africa, South Sudan, Zimbabwe).

42 Gall, Carlotta. 2016. "Tunisia Seeks Foreign Investment to Cement Democratic Gains." *New York Times*, November 30, 2016. <https://www.nytimes.com/2016/11/30/world/africa/tunisia-investment-arab-spring.html>

43 Ghiles, Francis. 2016. "Something is Rotten in the State of Tunisia." Open Democracy, January 29, 2016. <https://www.opendemocracy.net/north-africa-west-asia/francis-ghil-s/something-is-rotten-in-state-of-tunisia>

**See also examples in Driver 1, key message 2 [1.2]**

**Ethno-national, separate institutions** are perpetuating polarisation and discrimination, and moving both societies away from acquiring resilient national social contracts, undermining the potential for inclusive development and sustainable peace.

~ In **CYPRUS**, separate institutions and hence separate subnational social contracts are evolving and maturing over time, gaining legitimacy in the eyes of their own community while they perpetuate discriminating policies against the other community's members in their territory. Such policies include right to access property, freedom of movement and settlement, access to health care, voting rights and ethnic profiling at checkpoints. This means that while the formal peace negotiations are ongoing, the two competing institutions that serve their 'own' communities are exacerbating the they are not addressing CCIs, and hence undermining the process of forging a resilient social contract for a unified Cyprus, nor power-sharing in ways that honour the vision of national institutions that respect all citizens' rights.

~ In **BOSNIA AND HERZEGOVINA**, no attention was given to either the functionality of the institutions or, more generally, the implementation of the DPA. The new complex institutional structures went together with the creation of an unwieldy administrative apparatus. Not only has this system created an inefficient and corrupt economy, but it has also handed over the control of jobs in the bloated public sector to nationalist political parties, and established a large bureaucracy loyal to them.

**YEMEN:** The NDC federalism proposal introduced at the end of the NDC brought government hardware into the picture, attempting to address structural issues that affected the CCIs (service delivery and the distribution of political power) at regional levels. There were flaws in the conceptual design, however, such that the regional districting was considered arbitrary, putting within the same federal zones governorates not keen on cooperating. Significant powers were ceded to the capital in the federalism proposal, which was rejected by most regions. In addition, mismanagement of funds, the deterioration of the economic situation during the transition period and the increasing terrorist attacks reflected the government poor performance and inability to improve or change the lives of citizens. Ultimately, rebel groups like the Houthi militia cited corruption and mismanagement as the primary reason to discredit the 2012 transitional government, which was viewed as complicit in stifling meaningful change and reinforcing the status quo. Ongoing pervasive corruption and mismanagement of basic service provision, and increasing nepotism and cronyism in government fostered a deep sense of exclusion and frustration by those who were affected by the institutional maladies of the state and led to the overthrow of the transition government by the militia.

**TUNISIA:** Despite constitutional commitments to decentralisation, which would allow for greater attention to regional priorities and allows for localised budget autonomy, progress has been sluggish on the devolution of power from the national to subregional and municipal levels. As a result, residents of the northern and interior regions continue to experience exclusion and neglect. While state institutions are making progress, particularly with regards to fighting corruption and strengthening education (and particularly civic education), there is concern that an overemphasis on security and on democratic consolidation would further marginalise economic deprivation, one of the CCIs. The security budget has tripled, in order to fight terrorism, while many believe that different approaches (such as prevention-oriented economic incentives) may mitigate the very conditions that gave rise to terrorism, particularly in marginalised border communities. Now that security has notably improved (no major incident has been recorded over the last two years), and most democratic institutions are firmly in place, pressure is mounting on the government to implement a nationally owned economic compact.

**NEPAL:** The transition of once-unitary Nepal to a federal democracy became complete with three historic polls (local level, provincial assembly and federal parliament), however political parties differed considerably in their ideas of what type of federalism should be implemented, contributing to the failure of CA-I members to arrive at consensus on the constitution.<sup>44</sup> In the end, federal boundaries suited elite interests, leaving marginalised groups such as the Madhesi and Tharu feeling that the process was rushed through and diluted the commitments to meaningful federalism (see 1.4). For example, despite attempts to reform institutions during Nepal's transition to federalism through measures for inclusive representation (CA-I, 2008) and through affirmative action policies and related political institutions (CA-II, 2013) (i.e. through quotas in education, public employment and political representation), the representation of historically marginalised groups reduced during the CA-11. Hence, while federalism has empowered inclusion at local levels, and empowered women who have entered politics, it has not done so at the national level.

**SOUTH AFRICA:** Despite socialist foundations in the Freedom Charter, and commitments to post-transition redistributive policies aimed at addressing historical socio-economic deprivations of particular groups (including the CCIs, service delivery and economic participation), parallel concessions agreed to during the transition have undermined these goals (see 1.1). Campaigning under the banner of "a better life for all," the 1994 Reconstruction and Development Plan (RDP) inadvertently reconfigured historical human rights abuses and inequalities as developmental priorities with some elements of

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44 While the Maoists supported the establishment of ethnic provinces, the UML and NC parties fought for geographical boundaries with a mix of identity groups to be granted proportionate representation in the state.

reconstruction, particularly for local communities systematically disenfranchised during apartheid. Yet the programme was criticised for lacking substance and the practical steps to achieve broadly outlined egalitarian objectives. The promotion of business through neoliberal trade laws further contributed to long-term economic instability that resulted in increasing unemployment and constrained the capacity of the state to implement pro-labour reform. While the 1996 Constitution was successful at articulating an inclusive institutional and policy framework, the challenges and technicalities of linking a nation-building agenda as represented in the political settlement, to broader policy reforms in employment and service delivery, were underestimated.

**ZIMBABWE:** With respect to the political question CCI (see 1.4), devolution, a Zimbabwe Human Rights Commission (ZHRC), a National Peace and Reconciliation Commission (NPRC) and an independent judiciary among others have been achieved on paper, but are yet to be fully realised in practice.<sup>45</sup> On the land question, massive land transfers through the government's fast track programme have reversed the historically uneven land ownership and a Land Commission to ensure transparency and fairness now exists. However, contradictions and challenges persist, including perceptions that opposition supporters were excluded and allegations of multiple farm ownership by senior ZANU-PF linked politicians and ongoing land disputes. There are ongoing land occupations and even threats by ZANU-PF youths to occupy farms owned by some senior ZANU-PF politicians. Poor implementation of the GPA led to missed opportunities to utilise the land issue to redress grievances around fairness of process and results. Furthermore, an opportunity was missed to illustrate that institutions can deliver in ways that respond to society's expectations and build trust, and ultimately to build social cohesion between groups that feel marginalised through the process. Acting on the 2013 Constitutional provision for devolution to decentralise government authority and functions lies at the heart of addressing the political question, yet mechanisms through which this was to be achieved were not clearly spelt out and have not been acted upon.

**COLOMBIA:** Colombia was already making important progress through state institutions in strengthening social and economic conditions before the peace agreement was signed, i.e. through improving accountability and fiscal capacity. However, extremely uneven urban-rural economic and political development has persisted despite ongoing decentralisation efforts since the 1980s. Local elites and illegal armed actors have dominated and captured regions and rents. This has produced various forms of hybridity, with national-level institutions – such

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45 For example, the ZHRC and NPRC have made important rulings on human rights and started public consultations to address past abuses respectively, but they still lack the requisite independence and capacity to bring powerful politicians to account.



as the tax system – competing for allegiance with subnational, clientelistic networks – such as criminal and insurgent rent-seekers. Agreement implementation has largely been a national-level responsibility and endeavour. Subnational authorities have been spectators or clients, more than proactive actors of transformation in their respective regions. As a result, it is unlikely that the agreement will have the desired effect of including rural and marginalised urban communities, for example in relation to their integration into regional and national networks for employment and production, access to quality healthcare and education services, representation and participation in the political process, and overcoming systemic inequality.

In **SOUTH SUDAN**, where the Sudan People's Liberation Movement (SPLM) held power both before and after the 2011 vote on secession, the state institutions are weak, and the people profess strong ethnic and tribal affiliations. Smaller ethnic groups have become increasingly excluded, and nepotism and patronage along ethnic lines became prevalent. When violent conflict erupted in the national capital Juba in 2013, it immediately assumed ethnic dimensions. As violent conflict continues unabated, these subnational identities pose a threat to the unity of South Sudan. The absence of strong institutions, combined with the SPLM's sense of exclusive entitlement to political power and economic resources, have resulted in rampant corruption and limited provision of basic services to the people.

**2.2 State institutions (electoral bodies, administrative and social services, and institutions designed through political settlements or peace agreements to address CCIs) regularly fail to deliver on their mandates (due to lack of political will, lack of capacity and resources, and corruption, all of which tend to reflect informal dynamics and power relations among actors at different levels) (all countries).**

All of the cases studies report dissatisfaction with state institutions and the delivery of public services. Data from the Fragile States Index on access to and adequacy of public service provision also strongly reflects this.

**2.3 Societies express deep concern about the effectiveness of state institutions (especially service delivery and related poverty and inequality, as well as wider government accountability) through protest, illustrating a lack of faith in official governance mechanisms (for grievance recourse and meaningful inclusion) (Bosnia and Herzegovina, Colombia, Nepal, South Africa, Tunisia, Yemen, Zimbabwe).**

The case studies reveal that this occurs through:

- Expression of deep frustration with the state's ability to deliver basic services (all cases);
- Resorting to activism (Colombia, Nepal, South Africa, Tunisia, Yemen) or even violence (Nepal, South Africa) to pressure the state in the absence of responsive formal state mechanisms. However, repression and fear can circumscribe forms of protest and fuel more innovative (Zimbabwe) or informal approaches that circumvent the state (Bosnia and Herzegovina);
- Using social media can create greater inclusion and voice, allowing mechanisms for ongoing accountability, contestation and redress (Nepal, South Africa, Tunisia, Zimbabwe).

Resistance measures such as protest can be an important indicator that expectations of the social contract are not being met. While protest illustrates societal willingness and capacity to make demands of the state, it does not automatically suggest a resilient social contract. The latter depends on the state's response. Government responses are often not conducive to resolution, with the use of violence resulting in heightened civil society outcry (Nepal, South Africa, Tunisia) or coup (Yemen). In other cases, government backlash creates fear of protesting (Bosnia and Herzegovina, Zimbabwe).

**YEMEN:** Service delivery historically favoured regions with strong alliances to the state.<sup>46</sup> Marginalised communities developed their own systems and suffered further discrimination and violations at the hands of the state. The 2011 Arab Spring, which was led by multiple disenfranchised movements, sought to remedy institutional issues and bring reforms ensuring that all citizens would benefit equally and fairly from state institutions. Even as the political settlement process became more inclusive of political parties and civil society i.e. through the establishment of the NDC, Yemenis continued to register their discontent through protest, strikes and sit-ins. The government's unresponsiveness to citizens' protests, including massive demonstrations against the removal of fuel subsidies in July 2014, created a wide national support base for the Houthi militia to intervene militarily.

**TUNISIA:** Grievances stemming from economic disempowerment and exclusive development and the widening gap between people's expectations and the state's ability to deliver gave rise to the strikes and demonstrations that had fuelled the 2011 revolution. Tunisia boasts an internet penetration rate of 39 percent and, despite its small size, it ranks 10th in Africa in terms of the number of Internet users. While social media did not cause the Tunisian revolution,

<sup>46</sup> The southern region was alienated after the North-South 1994 civil war causing a mounting sense of injustice. In a similar vein, the Zaydi areas of the North were marginalised after the 1968 revolution leading to the development of a strong support base for Zaydi elites whose self-governance made them a threat to the State.

it accelerated it. Social media platforms such as Facebook, accessed by nearly 40 percent of the population, continue to be used widely to this day to share ideas and take action, including organizing mass protests against unpopular government policies.

**COLOMBIA:** Popular protests have increased in recent years. All protests have been related to unsolved problems with the state's provisions of basic services, from the failure to address challenges in the agrarian sector and in the public education sector, to infrastructure. In the aftermath of the 2016 referendum, which handed victory to the critics of the agreement due to the 'no' vote, a series of massive demonstrations took place in support of adjusting the agreement and protecting the progress that had already been achieved (as reflected in declining levels of violence).

**SOUTH AFRICA:** Poor service delivery has fuelled collective action that often escalates into violent protests and xenophobia – a dynamic further compounded by high levels of inequality.<sup>47</sup> New forms of activism draw inspiration from the anti-apartheid movements through the use of protest. Initially, local activists engage with formal structures and processes by approaching local councillors and other local government institutions, for example. However, in the face of slow or non-response, discontentment often escalated into collective mobilisation resulting in the destruction of property, vigilante justice, violent clashes with the police and, in recent years, xenophobic violence. Social media have also given rise to new forms of activism that have sought to create consensus on race, class and gender politics in the post-Apartheid era – more recently contributing to the conviction of someone because of racial slurs under *crimen injuria*. This has demonstrated a new moderation of social consciousness within the realms of non-racism, where racist language has successfully been tried – setting a precedent for future cases of hate speech.

**BOSNIA AND HERZEGOVINA:** Grassroots and informal citizen groups have challenged ruling elites and their legitimacy, grounded in ethnic mistrust, by mobilising to demand change. The 2014 protests involving primarily areas in the Federation with a Bosniak majority, but supported by a majority of the population, regardless of ethnic background, were motivated by dubious post-war privatisation deals that resulted in heavy job losses and contributed to high unemployment rates, on top of already poor working conditions.<sup>48</sup> The 2014

47 Omar, A. 2016. Social Contract Interview; Von Holdt, Karl, Malose Langa, Sepetla Molapo, Nomfundo Mogapi, Kindiza Ngubeni, Jacob Dlamini, and Adele Kirsten. 2011. *The Smoke that Calls: Insurgent Citizenship, Collective Violence and the Struggle for a Place in the New South Africa*. Centre for the Study of Violence and Reconciliation, Society, Work and Development Institute, July 28, 2016. Retrieved from <http://www.diversityjoy.nl/downloads/files/thesmokethatcalls.pdf>

48 Authorities in the Republika Srpska were able to avoid similar events by presenting protesters as enemies of their government and by repressing internal dissent.

protests were reported to have sparked a long-term shift in civic consciousness, including an increasing inclination to use violence to achieve political change.<sup>49</sup> Fear of losing jobs or facing financial penalties made the anti-government momentum difficult to maintain. The widespread practice of *štela* – the locally accepted practice of granting and receiving favours or bribes<sup>50</sup> – also highlights people's self-reliance in the absence of effective public institutions (see 2.5).

**ZIMBABWE:** While Zimbabweans have a history of protest, they have often had to be innovative given the strong and often violent state repression in the face of dissent, and limiting of civic operating space through restricting laws for civil society. Exceptionally, the state in most cases has turned a blind eye to, or even actively supported, land occupations (see 2.1). In recent years, #ThisFlag and #Tajamuka campaigns saw what started as a social media (largely Twitter) activism translate into street protests. Social media have offered avenues to amplify public outcry over the lavish salaries, lifestyles, and public spending by elites over the last decade. Displays of everyday resistance are consistent with apathy towards the limited, official platforms for citizen-state engagement. New forms of social organisation have emerged from the ever-expanding informal sector. The November 2017 massive popular uprising, illustrates the strong desire, if safe, for Zimbabweans across political lines, to get into the streets and stand for what they want from the state. The transition also opened the political space as is evident from recent peaceful opposition demonstrations.

**NEPAL:** The eruption of violence following the passing of the 2015 Constitution also illustrated deep frustrations with the state's inability to address the political, economic and social exclusion of particular groups. Madhesi and Tharus living in the southern part of Nepal (Tarai region) launched a prolonged agitation from September 2015 until February 2016 against the implementation of the new Constitution, which they felt marginalised the Tarai community. They argued that the Constitution eroded their political representation, reframed citizenship provisions and gerrymandered federal provinces in a way that hurt the interests of the Madhesi and Tharus peoples. The protests resulted in the death of at least 50 people, with violence stemming from protesters and the government alike. Many in Nepal blame India for quietly supporting the Madhesi protesters, resulting in the trending "BackOffIndia" campaign on Twitter, a charge New Delhi denies. Social media have also been harnessed by the government to coordinate earthquake relief in 2015 and by Nepali youth and intellectual groups to make it impossible for political parties and government agencies to ignore citizen discussions about issues that potentially shape the future of Nepal.

49 Cera Murtagh. 2016. "Civic Mobilization in Divided Societies and the Perils of Political Engagement: Bosnia and Herzegovina's Protest and Plenum Movement." *Nationalism and Ethnic Politics*, 22 (2): 149-171.

50 *Štela* is a culturally embedded practice of having strong links in society, a network of connections used in many aspects of public life, and involving a broad spectrum of behaviours from small favours to more blatant forms of corruption.

**2.4 Customary, informal and other non-state structures and systems play important, though at times contested, institutional functions, particularly at subnational levels, yet, for the most part, they are neither officially nor systematically integrated into an inclusive political settlement, resulting in overlapping – and at times competing – social contracts** (Colombia, Nepal, South Sudan, Yemen, Zimbabwe).

In many countries, especially during transitions but also in developing country contexts, customary authorities (i.e. kinship-based and religious authorities, chieftainships) and other non-state actors with strong constituencies (i.e. associations linked to insurgent groups) hold the allegiance of local populations and may play critical governance functions (i.e. delivering services in the absence of, in protest against and/or in an effort to replace the state). Their inclusion in political agreements and the consideration of how they can be linked to state institutions and policies help ensure that they complement, rather than undermine, state institutions and state legitimacy. The case studies illustrated that:

- Customary authorities, and other non-state actors with powerful, often parallel institutions with strong constituencies, are often side-lined in political processes, particularly at the national level, even where commitments to inclusive political settlements are in place (Colombia, Nepal, South Sudan, Yemen, Zimbabwe).
- Customary authorities, and their associated structures and systems – some that existed prior to the establishment of an independent state and some that have evolved in or through conflict and fragility to represent local populations – often hold considerable support, power and influence. The reasons for this are that they are close to local populations and that the state may be absent and may lack capacity and/or legitimacy (South Sudan, Colombia, Zimbabwe, Yemen). Support for these structures, systems and institutions can also be uneven if particular groups or the state itself (Zimbabwe) have co-opted them and they promote conservative norms that conflict with human rights and other international norms, such as women's rights (Yemen).
- While at times these actors develop and operate overlapping or competing structures and institutions with the state or each other in particular sectors (i.e. non-state actors in the security sector or NGOs in service delivery), they sometimes span multiple sectors and may be so comprehensive that they suggest the existence of social contracts that are parallel to the state (i.e. rebel groups in Colombia) or customary institutions (Nepal, South Sudan, and Yemen) that support or challenge the forging of a resilient social contract (see 2.5 and 6.1).
- In some cases, the security sector protects or jeopardises particular social contracts, frequently straddling the line between formal and informal activity (South Sudan, Zimbabwe).

**NEPAL:** Despite Nepal being an oldest country in South Asia, its laws and institutions have not been able to overwrite its wider range of customary laws, dispute resolution mechanisms and land/forest management systems that govern Nepal's ethnically diverse societies, cultural practices and values. During the Maoist insurgency, in many areas, traditional justice providers were replaced by the Maoists' people's court. Since the CPA, traditional justice mechanisms have re-emerged, creating a patchwork of ethnic and caste-based justice systems throughout Nepal. Due to Nepal's geographic diversity and weak infrastructure, people are often unable – or cannot afford – to travel to the nearest police station or access other state services. However, a nationwide survey on security and justice by Saferworld (2009) shows that most people would prefer to go to the Nepal Police and courts in order to seek justice.<sup>51</sup> Therefore, strengthening the state-citizen relationship through service delivery is an essential component of sustainable peace and development in Nepal.

**SOUTH SUDAN:** There are three levels of government (national, state, county and traditional authority) that exercise the core functions of state in South Sudan. The traditional authority is part of local government, but it enjoys its informal character. Although such traditional structures have succeeded to maintain peace within tribes, they have also contributed to conflict across tribes as well as being unfavourable to women. On the basis of the opinion poll conducted in May 2013 and before the eruption of conflict in December 2013, the traditional chiefs were viewed more favourably (87 percent) than the heads of formal institutions, reflecting lower trust in formal institutions.<sup>52</sup> The growing affiliation with ethnicity/tribe over the state after independence (see 3.1) further reveals the centrality of traditional social values and customs and national dialogue in forging national identity and building the state. As the state of South Sudan faces a legitimacy gap and fails to perform its core functions, particularly its monopoly on the means of violence, its citizens are retreating from national identity and associate themselves, collectively or individually, with the level of authority that provides greater human safety and security.

**YEMEN:** Customary rules have often been strong in the north of Yemen, where the system is based on a tribal patronage network. The NDC attempted to institutionalize policymaking to make it accessible to all Yemenis, but backdoor negotiations among elites influenced the trajectory of the NDC. Furthermore, there is generally no trust in the effectiveness of political institutions. According to a survey by the Yemen polling centre in 2012: 52 percent of Yemenis will first inform the police about a serious crime, 26.2 percent will first inform their tribal leaders about a serious crime, 6.6 percent will inform their neighbours first, and 2 percent will inform their religious leaders.<sup>53</sup> Institutional failures and

51 Saferworld. 2010. "Treading Water? Security and Justice in Nepal in 2009."

52 IRI. 2013. "Survey of South Sudan Public Opinion". Juba: International Republican Institute.

53 The State of Security in Yemen. Great Challenges and Inherent Weaknesses - March 2012 <http://www.yemenpolling.org/advocacy/publications5>

corruption that hampered the state from providing services equally, created conflict between the state and groups that defy its authority (including tribes, southerners, and Houthis). Finally, informal tribal and local resistance forces and armed local popular committees of the south of Yemen surfaced as early as 2012 when people in the south experienced abuses and discrimination by the state.

**COLOMBIA:** Formal and informal rules and institutions coexist across territories and social realms, leading to a system of multiple layers and degrees of statehood, and hybrid forms of social control in which national-level institutions compete for allegiance with subnational clientelistic networks. The interaction of illicit economies and illegal actors with legal productive activity and actors has fostered regionally specific governance structures and norms outside the formal realm of the national state. Illicit crops and markets, generally outside of solely domestic control and marked by huge vested interests and high volumes of money, will loom large over the future of implementing the peace agreement and sustaining peace. Also, hybrid institutions have developed in the course of the conflict around core conflict issues, sometimes under the leadership of insurgent groups. Regarding illicit crops, indigenous as well as peasant groups have developed coordination mechanisms with state authorities,<sup>54</sup> supplementing formal governance, albeit in a tense relationship. i.e. FARC's retreat from several crop-producing regions has left a power void that benefits emerging criminal organisations that are competing for territorial control and permeating the political system, especially at the local level.

**ZIMBABWE:** In spite of the commonly shared strong sense of national identity, subnational contracts can be identified in Zimbabwe, namely political contracts (see 1.1) between political parties and societal groups, and those related to ethnic/tribal and traditional authorities (chiefs). These allegiances are interwoven with Zimbabwe's complex land management systems with different layers of government – national, local and traditional – often duplicating or conflicting functions. The 2013 Constitution took power away from chiefs over new land allocations, restricting their jurisdiction to customary communal land, fostering social cohesion, mediating social disputes and preserving traditional customs. While, according to the law, mineral rights take precedence over surface rights, conflicts have emerged where minerals have been discovered in communal lands with chiefs (and their 'subjects') claiming mining rights by virtue of custom. The customary contract (Zimbabweans tend to identify with chiefs), however, tends to clash with the political contract, when chiefs are seen to support a particular political party. Veterans of Zimbabwe's liberation struggle, though registered as a non-profit voluntary association, see themselves as part of the country's security architecture and ruling ZANU-PF party structures often creating tension with formal structures of state and ruling party.

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54 Ramírez, María Clemencia. 2001. *Entre el estado y la guerrilla: identidad y ciudadanía en el movimiento de los campesinos cocaleros del Putumayo*. Instituto Colombiano de Antropología e Historia, Colciencias.

**2.5 State legitimacy is influenced by many variables (historical, cultural, social, economic and political), and is supported or undermined by citizen expectations around service provision, corruption, avenues for participation and delivery on promises** (Bosnia and Herzegovina, Colombia, Cyprus, South Africa, Tunisia, Yemen, Zimbabwe).

The case studies support the emerging literature on rebuilding/strengthening of state legitimacy in countries affected by conflict and fragility. This suggests that legitimacy<sup>55</sup> is highly context-specific and is informed by multiple factors and that many narratives exist. The case studies also generally agree with the ODI findings<sup>56</sup> around the need to be cautious when postulating simple causal associations between service provision, improved state legitimacy and stronger state-society social contracts. The case studies, however, are more mixed regarding the proposition that the quality of service provision is more important than access (and that these cannot be decoupled). Our findings suggest that:

- State legitimacy (and how societal expectations factor into this) often relates to citizens' perspectives of service provision, corruption, avenues for participation and delivery on promises (Bosnia and Herzegovina, Colombia, Cyprus, South Africa, Tunisia, Yemen, Zimbabwe);
- Citizens generally do want the state to deliver services, as evidenced by protests across countries (see 2.3), although their expectations can wane (or disappear) if their experience of state delivery of services is bad (poor or non-existent, discriminatory, rent-seeking) (Colombia, South Africa, Zimbabwe);
- Populations can recognise multiple forms of legitimacy with respect to government. While one form of legitimacy might weaken (e.g. around service delivery performance), another can be sustained (e.g. shared beliefs with charismatic leaders) or strengthened in political processes (Bosnia and Herzegovina, Zimbabwe);
- Low levels of state legitimacy are often rooted in expectations around state delivery of services that arose during state formation (Bosnia and Herzegovina, Cyprus, Tunisia, Zimbabwe) and transition (South Africa);
- Involvement of international actors in pursuing particular strategies and upholding international norms can undermine or enhance the legitimacy of local institutions (Bosnia and Herzegovina, Cyprus, South Africa, Tunisia, Yemen, Zimbabwe; see 5.1 for more details).

**ZIMBABWE:** The welfare state that built its legitimacy through expanding services during the 1980s, especially to marginalised rural black areas, was unravelled through structural adjustment policies in the 1990s that brought a withdrawal from service provision, diminished fiscal capacity, increased state predation and high levels of corruption. Although the People's Charter (2008)

<sup>55</sup> OECD, 2015.

<sup>56</sup> Mallet and Slater, 2017.



called upon the state “to initiate public programs” across all social service areas, public perception surveys<sup>57</sup> suggest that, since the 1990s, the state has stopped deriving legitimacy from meeting the needs of the people. Early signals from the new government are that it is seeking service legitimacy, with restoration of service delivery and fighting corruption key priorities.

**BOSNIA and HERZEGOVINA:** In sharp contrast to pre-war, Yugoslav institutions, which provided social security and universal medical assistance, in Bosnia and Herzegovina are widely perceived as inefficient, unfair, and unpredictable.<sup>58</sup> The provision of services is decentralized, shifting responsibility for welfare from the state to local-level actors, including 14 Bosnian governments and a countless number of NGOs. The increasing role of both national and international NGOs has further fragmented the accessibility and the quality of service, in the area of healthcare for example, and has contributed to obscure the responsibilities and duties involved in the vertical social contract between citizens and the state. This neoliberal shift challenged expectations for service delivery created during state formation and created ambiguity around welfare responsibilities and pushed citizens to rely increasingly on *štela* (see 2.3). Due to the failure of state institutions to meet citizens’ needs, Bosnian citizens have relied on these connections mainly to fill the void that was created by the failure of public institutions’ transition to democracy, especially in terms of service provision and employment opportunities.<sup>59</sup> International actors have also contributed to the undermining of the legitimacy of local institutions by imposing legislation, removing democratically elected officials, and becoming complicit with the mismanagement of resources (see 5.1).

**TUNISIA:** The strong welfare state that developed under President Bourguiba after Tunisia’s independence in 1957 led to a culture of dependency on the state, atrophying any sense of active citizen agency or participation. Under this model, a robust, one-way social contract was forged and imposed, wherein the state provided services, the people kept silent, and political dissent was not tolerated and at times criminalised or brutally crushed. After Bourguiba’s death (1987), the growing disconnect between people’s expectations and the state’s ability to deliver widened, and the state was no longer viewed as a common identity referent, in the service of all. After the revolution, Tunisians upended this one-way relationship, through self-organising and demanding that the state deliver better services, confront corruption, and create economic opportunities. The notion of social contract popularly arose as a framing and process to address issues.

57 Survey conducted at a focal group for this study (Fg 2, Harare 2017).

58 The perception of state performance and services is below the regional average on all indicators, including transparency, treatment of citizens, time required for getting information and obtaining services, and price of public services.

59 According to a UNDP report, 95% of over 1,600 respondents believed that *štela* is required to access healthcare, education, employment, and documents. (UNDP, *The Ties that Bind: Social Capital in Bosnia and Herzegovina*. Sarajevo: Human Development Report, 2009, p. 75.)

While the state has increased channels for its own accountability for service provision, Tunisians continue to call for more inclusion and institutionalised citizen engagement. Many also emphasise that livelihoods development and reforming the corrupt economic system are the best way to enhance state legitimacy while reversing the indignities that come with joblessness. The tripling of the security budget (see 2.1) comes at the expense of social spending on these economic incentives for peace and may unwittingly exacerbate the very conditions that gave rise to terrorism—particularly in the marginalised border communities.

**CYPRUS:** From its founding 1960, state legitimacy and citizenship in Cyprus was built upon religion and ethnicity that was imported from the large group identity from the respective and so-called “motherlands.” However, this neither represented the desires (of Greek and Turkish Cypriots), nor included them in its design, consequently failing to did not generate ownership and unity of purpose among Cypriots and lacked unity of purpose. Although peacemaking efforts have focused on reconciling the two rival subnational contracts, five decades of geographic, demographic and administrative separation led to the evolution of the subnational contracts that excluded the other community and perpetuated a narrative based on other’s illegitimacy. As such, legitimacy of one administration is strengthened in opposition of the other, and every failed attempt at peace negotiations weakens the legitimacy of the ‘other’ and reproduces the ‘legitimacy’ of the self. Today, public service delivery has become a vehicle for the perpetuation of separate, subnational and ethnocentric social contracts that reproduce the illegitimacy of the other, and the peace negotiations that are meant to restore inclusivity of institutions are ironically used as a pretext to postpone any actual reform towards greater inclusivity.

**COLOMBIA:** There is a strain between society’s growing expectation on the state to improve socioeconomic indicators and the state’s slower-growing capacities. The contrast between a state that appears to improve performance and inclusion at the aggregate level but reveals weakness at the subnational and sectoral levels, as well as a stable democratic system that seems unable to fully capture and solve popular demands, may partially explain the state’s low and declining legitimacy. The low levels of coordination and high levels of infighting among and within formal, informal and hybrid institutions (see 2.4) have resulted in state institutions facing difficulties to recruit citizen support for basic economic and social rules and state legitimacy, a crucial aspect of a resilient social contract. In addition, institutional weakness and differences between urban and rural areas have been linked to a historic inability to address and overcome the core conflict issues discussed in this study: the inequality, exclusion, and low productivity of land have been linked to poor institutional performance and capability, while illicit crops, too, thrive on state incapacity to provide alternative sources of income to coca-growing peasant communities or effectively fight the spread of plantations.

**SOUTH AFRICA:** Tensions exist between state and civil society over the rate and quality of service delivery. Despite government consultations around core development processes – as required by the Integrated Development Planning process – these do not translate into systemic and sustained change. Further complications arise where the quality of service delivery infringes on other rights, for example where access to sanitation proves to compromise the safeties and dignities of citizens, especially women and children. However, unresponsiveness and inaccessibility of local councillors to address associated grievances have often led to community mobilisation, and sometimes violence and the destruction of property, as a strategy to garner media attention and a response from the state. Without acknowledging and accounting for subnational needs, the democratic social contract is at risk of coming apart as people seek to have their basic rights realised with greater urgency. This has been exacerbated by the influence of international financial institutions in demanding neoliberal macroeconomic and taxation policies that favour the rich, while at the same time limiting the capacity for the state to deliver (see 5.1).

**YEMEN:** Yemen's 2011 uprising was rooted in the belief that regime change was necessary to end the corruption and patronage network that affected service delivery, and alienated people from representing their own constituency. During the transition period, citizens had high expectations for government performance, but later found out that change was not immediate and that their situation was in fact much worse than it had initially been. The NDC operated under the assumption that all groups would have interest in cooperating if the benefits were distributed to all, which was not the case, given the southerners' desire for self-determination and the Houthis' zero-sum political approach to power. As state services waned, especially in the security sector and service delivery, armed groups seized the opportunity to contest the legitimacy of the state.

### **Driver 3: Social cohesion is broadening and deepening, with formal and informal ties and interactions binding society horizontally (across citizens, between groups) and vertically (in the relations between citizens/groups and the state).**

#### **3.1 The legacies of state formation and poor progress in achieving inclusive political settlements and providing fair service delivery can weaken vertical cohesion (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).**

The case studies illustrate that poor vertical cohesion, evident in opinion polls and surveys, low voter turnout, protest and measures of public participation, results from:

- State-formation processes, including colonisation and decolonisation, and the historical narratives that persist and develop around them, that have enduring effects on state-society relations and that shape vertical and horizontal relationships in ways that are difficult to change. This is particularly the case if historical political settlements continue to privilege elites and to entrench ethnic divisions and inequalities (see 1.4) and generally do not address the asymmetries that underpin grievances and become core conflict issues (Cyprus, Nepal, South Africa, South Sudan, Yemen, Zimbabwe);
- Poor progress in Driver 1 (achieving a more inclusive political settlement that increasingly addresses core conflict issues) (Cyprus, South Africa, Tunisia, Zimbabwe);
- Poor progress in Driver 2, including declining trust in states and their institutions and/or dissatisfaction with performance (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

The case studies also illustrate challenges in forging a common national identity, an issue also often rooted in historic state-formation processes (Bosnia and Herzegovina, Cyprus, Nepal, South Africa, South Sudan, Yemen). Zimbabwe illustrates an important caveat, where vertical cohesion is not always tied to poor state performance, i.e. strong national identity holds weight. Trust in the state can also be increased, even when service provision is low, through formal channels of communication between citizens and the state (Tunisia).

**ZIMBABWE:** In Zimbabwe, the historical colonial legacy of uneven development and the continued poor and inequitable distribution of government services across regions and ethnic groups have undermined vertical social cohesion. Afrobarometer and Transparency International data suggest that, despite a strong national identity and belief that the state should be obeyed, there are low levels of trust in state institutions and leaders at different levels, due to rampant corruption and the state's poor track record in delivering services.<sup>60</sup> These perceptions, though varying from region to region, show how vertical cohesion is undermined by weaknesses in drivers 1 and 2.

**CYPRUS:** Vertical cohesion, increasingly present within each community separately, is almost non-existent across the two communities. State formation, the product of decolonisation in the midst of the Cold War, meant that the

60 Afrobarometer data (Afrobarometer Round 7 Survey in Zimbabwe 2017, pg 57) shows that while most Zimbabweans prefer national identity over ethnic, 84%-89% believe that government must be obeyed no matter who you voted for (2005/5 and 2013/14 surveys) and 70% consider it a duty to vote in national elections (Afrobarometer Dispatch No. 70, 27 January 2016) indicative of strong national identity, disillusionment with the state is also high, with surveys between 1999 and 2014 showing that between 45%-50% of Zimbabweans disapproved government's handling of education, while mistrust for the police ranged between 47%-62% over the same period, 58% according the 2014 survey say government official who commit crime always go unpunished and the 2016 Transparency International Corruption Index ranks Zimbabwe 154 out of 176 countries.

newborn Republic of Cyprus was an unwanted child due to competing desires of Greek Cypriots and Turkish Cypriots to unify with their large-group ethnic centres, namely Greece and Turkey. Although historic desires were long abandoned, political representation was divided strictly along ethno-religious lines since the country's founding in 1960. Failure of the peace process and institutional discrimination against citizens from the other community have exacerbated pre-existing and unresolved grievances from the period of inter-communal clashes. The political leadership of both communities has failed to implement or undermined confidence-building measures, including transitional justice, contact initiatives and daily cooperation – thus failing to address the growing rupture in social cohesion. The painful experience of the 2004 referendum in Cyprus and other failed referendum experiences (e.g. Colombia) affirm that peace cannot be made on the elite level without constructive and inclusive public deliberation, trust-building and rapprochement on the societal level.

**BOSNIA AND HERZEGOVINA:** Bosnians display a low attachment level to both their homeland and their (state) citizenship, but with some significant differences between groups.<sup>61</sup> This dates back to Ottoman and World War Two periods, when national identities in BiH did not reflect a single nation. As such, Bosnian nationality does not constitute an identity for all citizens (reflecting the core conflict issue over political boundaries, and allegiance to neighbouring Croatia and Serbia, which is exacerbated by the political influence of Russia and Turkey). Trust towards institutions has decreased considerably since 2008, when a Gallup poll found that 70.3 percent of citizens had little or no trust in government.<sup>62</sup> In addition, almost nine out of 10 citizens, with no significant variation between different ethnic groups, believe that political elites represent the major problem in the country.<sup>63</sup> The distance between citizens and the formal peace implementation process is reflected in the general lack of interest at the popular level in constitutional issues, the technicalities related to the implementation of the DPA, and the low level of interest in politics in general (best reflected in the decline in voter turnout over the years). Although the diasporas play an increasing role in service provision, which has implications for the vertical dimension of the state-citizen social contract, this is hindered by the lack of responsiveness of local politicians, and by the lack of clear legal avenues for diaspora to participate fully in Bosnian political, economic and social life.

61 82% of Bosniaks privilege the fact of being a Bosnia and Herzegovina citizen, followed by 60% of Croats. By contrast, for Serbs their ethnic identity is most important. United Nations Resident Coordinator's Office in Bosnia and Herzegovina. 2015. *Public Opinion Poll Results*. Sarajevo: UN, p45 Ringdal, Kristen, Ola Listhaug and Albert Simkus. 2013. "Bosnian Values in a European Context." In Ola Listhaug and Sabrina P. Ramet, eds., 137-157, *Bosnia-Herzegovina Since Dayton. Civic and Uncivic Values*. Longo: Ravenna.

62 Report available at [www.gallup.com](http://www.gallup.com).

63 United Nations Resident Coordinator's Office in Bosnia and Herzegovina. 2015. *Public Opinion Poll Results*. Sarajevo: UN, p15.

**SOUTH AFRICA:** The strong Rainbow Nation and Ubuntu discourses offered a unifying identity, guiding national value and measure of peace throughout South Africa's transition that supported efforts to build vertical cohesion. However, attempts during the transition period to recognise the historical obligation for redress and amend the racial class and identity divisions wrought by settler colonialism were misguided and did not achieve intended transformative goals. For example, transitional justice policies contributed to an individual-focused reconciliation process that laid the basis for the state's ongoing losses in legitimacy from its failure to address systemic exclusion. As a result, disenfranchisement from state resources, and resulting weakened vertical social cohesion, is often mobilised along historical race, class, ethnic or gender lines – where citizens perceive their receipt of services (or lack thereof) to be the outcome of their identities, particularly in instances where services are delivered unevenly across society (see 4.1). Programmes designed to improve social cohesion by primarily focusing on arts, culture, sports and recreation, failed to adequately address the structural drivers of inequality, resulting in a declining trust of the population in state institutions in the post-political settlement era.<sup>64</sup>

**NEPAL:** Nepal is a multi-lingual, multi-racial, multi-cultural and multi-religious nation-state that has yet to forge a common identity and common destiny. This has challenged the building of vertical social cohesion within a context marked by the economic, social and political exclusion of the poor and ethnic minority groups. Demands made by marginalised groups, including the recognition of cultural or linguistic diversity, political inclusion, and social and economic justice, continue to go unmet. This link between identity-based exclusion and weak social cohesion dates to state formation processes, when caste-based discrimination went hand-in-hand with a state apparatus that prioritised elite interests, characterised by rent-seeking politicians, political exclusion, and political parties dominated by upper-caste Hindus. Today in Nepal, there is still a great deal of state-driven discrimination based on socially constructed hierarchies, values and beliefs. These prevent some groups from performing certain activities or from participating in the public arena. The issues of ethnic, religious and caste identities, natural resource use and distribution, and political differences and divisions, threaten to disrupt the (limited) social cohesion that has emerged from inclusive measures in the political settlement (see 1.1, 2.1, 4.1).

64 12% trusted the courts "a lot" in 2000, a figure which peaked at 35% in 2004 and has declined steadily again to 24% in 2015, while 9% trusted the police "a lot" in 2000, peaking at 28% in 2004, and declining at a similar rate to the courts, to 14% in 2015. Sibusiso, N. 2016. *South Africa's social cohesion – inequality, interpersonal/institutional trust, identity and tolerance: Findings from Afrobarometer's Round 6 surveys in South Africa*. Presented at the OECD's Development Assistance Committee (DAC) Nation Building and Social Cohesion Workshop, Cape Town: June.

**COLOMBIA:** National independence from Spain did not aim for the equality of subordinate groups like indigenous people, blacks or mestizos and sowed the seeds of the profoundly centralised administrative system, in which the capital—despite many decentralisation efforts—concentrates budgets and decision-making power. As a result, the construction of national identity has been a highly contested process, marked by competition among national and regional levels and among socially diverse groups. A new Constitution, drafted in 1991, sought to acknowledge and integrate ethnic, cultural, and regional diversity and produce a more-inclusive social contract. Today, Colombians have a strong national identity but are cynical and critical of national state capacity, in part due to the ineffectiveness of state institutions (characterised by low performance, widespread impunity and corruption). There is little engagement in politics and a general dislike of formal democratic institutions (such as political parties and Congress). The Colombian population's satisfaction with democracy has declined since 2004. Trust in the government has also declined between 2004 and 2010.<sup>65</sup>

**YEMEN:** Mistrust in state institutions is driven by the government's institutional weakness and continued appeasement of patrimonial networks, both old and new, dating back to the wavering power distribution between northern and southern groups during Yemen's hasty merger in 1990 that created the present state. The 1994 civil war brought about marginalisation of the south, leading to southerners' calls for self-determination. In a similar vein, the six wars between Houthi rebels and the state stemmed from the Houthi's deep sense of economic inequality. Houthis and southerners felt that their issues were treated as secondary during the NDC process, which increased their distrust in the state. Beyond regional distrust, Yemen's cascading system of patronage networks serves the narrow interests of elites. Many Yemenis, especially in rural areas, view the state indifferently, in terms of implementing the rule of law in a way that would bring equal opportunity or justice. At the national level, 35.2 percent believe that the Yemeni army does not work enough to fight terrorism in Yemen.<sup>66</sup> As described in 2.4, many Yemenis place their trust in customary authorities.

**SOUTH SUDAN:** The ongoing sense of deep injustice and marginalisation is rooted in the historical isolation of Southern Sudanese in post-independence Sudan. While the feeling of identifying with South Sudan was shared by almost half of the citizens immediately after independence (2011), it then declined and reached the lowest level after the eruption of conflict in 2013, and has been gradually supplanted and substituted by a growing sense of identification with tribe or region. According to a survey conducted for the study, 55 percent of

65 Observatorio de la Democracia. 2014. *Democracia e Instituciones*. [https://obsdemocracia.org/temas-de-estudio/democracia-e-instituciones/tendencias?question\\_id=9106&year\\_from=2004&year\\_to=2016#js\\_topic\\_graphic](https://obsdemocracia.org/temas-de-estudio/democracia-e-instituciones/tendencias?question_id=9106&year_from=2004&year_to=2016#js_topic_graphic)

66 Yemen Polling Centre.

respondents do feel equally South Sudanese and a member of a tribe. Interestingly, those who feel more as members of a tribe than South Sudanese and those who feel only as members of tribe, have increased, although the percentage is still very low. The lack of a national vision for forging a unified national identity, coupled with weak institutions, resulted in the strengthening of subnational and traditional/tribal affiliations after independence (see 2.4).

**TUNISIA:** Tapping into Tunisia's reservoir of citizen-driven, social cohesion has not only helped to avoid violence during the transition but has also ensured a more inclusive public dialogue throughout the policymaking process, thus reducing public scepticism about new laws and plans, increasing buy-in, and aiding implementation of laws that are passed. Citizen-driven, social cohesion has also helped to empower ordinary people, transforming them from subjects into citizens. Active channels of communication between citizens and the state, i.e. through service provision (see 2.5) and by joining international open governance initiatives, have also increased trust and respect for the state. However, despite the inclusive nature of Tunisia's transition, there is widespread disengagement with national politics, as more and more Tunisians question whether the government can deliver the promises of the revolution.<sup>67</sup> This trend is predominant in young people (aged 18-25), a majority of whom did not vote in the 2014 parliamentary and presidential elections. Further, 42 percent are dissatisfied with the provision of justice and the rule of law; 45 percent with public service and state institutions; and 50 percent with efforts to address the economy and poverty.

**3.2 Horizontal inter-group social cohesion holds promise at the level of daily interactions, i.e. between neighbours** (Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Tunisia, Zimbabwe), **but tends to be negatively affected by the polarising political dynamics and non-inclusive governance practices that can weaken vertical social cohesion** (Bosnia and Herzegovina, Colombia, Cyprus, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

The case studies illustrate that this occurs through:

- Daily interactions between groups, such as neighbourly relations and as fostered by diaspora (Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Zimbabwe). These are often not a problem until political issues provoke, catalyse and/or enhance group divisions, whether by design or chance. This is the case especially where there are perceptions that the state favours some groups over others

<sup>67</sup> This data comes from an online survey conducted by the researchers of this study targeting voices of mainly young people from all main regions of Tunisia. Of 140 respondents, 91% were between 20 and 29 years of age, and 52% were women.



(South Africa, Yemen, Zimbabwe) or where ex-combatants are involved (Colombia, South Sudan);

- State-designed horizontal cohesion initiatives not being very effective (South Africa, Zimbabwe), while citizen-initiated ones seem to hold promise (Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Tunisia);
- Polarisation processes driven by elites, such as mobilising identity, fear, and prejudice for political purposes (Bosnia and Herzegovina, Cyprus, Yemen, Zimbabwe);
- Peace processes that are structured around strong intragroup identities can reinforce patterns of intergroup polarisation, which external state actors can exacerbate (see 5.1) (Bosnia and Herzegovina, Cyprus; see also Zimbabwe for variation on theme).

**NEPAL:** Inter-ethnic discrimination as a result of socially constructed values and beliefs, such as the caste system, continues to this day, including entrenched gender subordination, preventing some groups from performing certain activities or from participating in the public arena and weakening social cohesion (see 4.1). However, the 2015 earthquake resulted in a sense of solidarity, led by Nepal's younger generations, and mutual support among neighbours and an outpouring of goodwill from the international community. Unlike in similar disasters elsewhere, there were no major incidents of looting, pilfering of humanitarian aid, violence or breakdowns of law and order.

**ZIMBABWE:** There is fairly strong horizontal cohesion in Zimbabwe. According to Afrobarometer data,<sup>68</sup> at an interpersonal level, 93 percent to 94 percent of Zimbabweans would "strongly like," "somewhat like," or "not care" about living as neighbours of people of different religions/ethnic groups, intermarriages are very common and religious groups tend to be inter-ethnic, inter-ethnic conflict is hardly experienced and political party support goes beyond ethnic lines. Zimbabweans interviewed provide a more nuanced picture, highlighting the ways in which political representation favours the majority ethnic groups, in turn resulting in socio-economic marginalisation of some regions. Though diasporas play an important role (in terms of remittances) in easing economic marginalisation, they are excluded from political processes, and are thus less inclined to cooperate with the ruling party-led state. Also, pre-colonial ethnic and tribal identities and notions of statehood and at times bitterness over inter-ethnic historical relationships of subjugation are invoked in political discourse, either to legitimise or delegitimise claims to political leadership. This suggests that the main fault lines are political.

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68 Afrobarometer Dispatch No. 124, 1 November 2016.

**BOSNIA AND HERZEGOVINA:** Surveys indicate that the distance between ethnic groups does not play an important role in people's lives, but it continues to be important in political relations and decisions. While forms of social cohesion in Bosnia and Herzegovina remain predominantly intra-ethnic, and opinion polls show how social trust is particularly low in heterogeneous municipalities, some actors favour the development of greater cross-ethnic linkages and cooperation. Among these are diaspora groups who contribute to financial flows, transfer of knowledge, technology, and human capital that help build horizontal economic cooperation. At the same time, ethnic identity is still politically mobilised; nationalist politicians effectively utilise each group's separate 'politics of memory' in the pursuit their political priorities. Beyond the state, citizen-led economic and social cooperation facilitate forms of constructive interaction and sharing, despite difficult economic conditions. Workers across national groups are developing new forms of solidarity in the fight for their rights, as evidence by the Bosnia and Herzegovina Commerce and Services Trade Union-drawing members from both administrative entities – the Federation of Bosnia and Herzegovina, and the Republika Srpska.

**CYPRUS:** Given the solidification of two separate ethno-national social contracts, horizontal and vertical cohesion, while increasingly present within each community internally, is almost non-existent across the two communities. Greek Cypriots and Turkish Cypriots, who were demographically divided since 1974, lost all contact and communication for 30 years until the opening of the checkpoints in 2003. Given the very limited daily interactions, the parameters of the peace settlement based on ethno-centrism, and inter-group polarisation due to blame games following failed peace attempts, it is no surprise that horizontal social cohesion between the two communities is deeply fractured. Greek Cypriots and Turkish Cypriots, driven by intergroup tension and negative stereotypes of the other, along with feelings of injustice due to institutional discrimination, experience inter-communal relations that, under a superficial veneer of civility, are characterized by deep mistrust. A temporal comparison of SCORE Index findings<sup>69</sup> on inter-group cohesion provides evidence for severe deterioration when we look at how Turkish Cypriots feel about Greek Cypriots, but a mild improvement in the case of how Greek Cypriots feel about Turkish Cypriots (SCORE 2013–2017). The deterioration of intergroup feelings on the Turkish Cypriot side can easily be explained with the rejection of the comprehensive settlement plan (a.k.a Annan Plan) put to simultaneous referenda by the Greek Cypriot community, and with the amplified suffering due to the Cyprus Problem.

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69 <http://www.scoreforpeace.org/eng/team>

**YEMEN:** Regional and ideological politics in Yemen increased after the Houthis' overthrow of the government. Houthi militia replaced religious leaders with ones aligned with their sect, which stoked fears of other groups. Houthi control as well as north/south societal divisions created an unsafe and hostile environment for northerners in the south. Similarly, the Houthi rebels who had suffered a decade of prejudice against their identity and ideology at the hands of other Yemeni groups, retaliated with confrontation and violence as their power increased. Ultimately, inter-communal relations remained volatile and subnational identities gained paramount importance for the majority of groups, since many groups felt they were unable to trust that the central government would treat them fairly or consider needs and interests. The NDC did not, problematically, concern itself with repairing and fostering horizontal social cohesion.

**SOUTH SUDAN:** Most of the key informants in this study considered that the level of trust and respect between different ethnic groups was stronger during the transition period of the CPA (46 percent) than after independence (13 percent) in 2011. Despite this, daily interactions between groups were recognised by most key informants (62 percent) to be helpful in reducing fear, anxiety, mistrust and negative stereotypes. Handing over power to ex-combatants who were ill-equipped to govern and coupled with weak institutions further heightened social fracturing. In gauging the perception of respondents in relation to what would make them identify with being more South Sudanese than being members of their tribes, national elements (49 percent) and ethnic elements (41 percent) played an almost equal role in projecting national identity and the feeling of 'southernness'.<sup>70</sup>

**SOUTH AFRICA:** Horizontal social cohesion presents a mixed picture. While 92 percent of South Africans embrace the spirit of *ubuntu*,<sup>71</sup> such a commitment to non-violence and humanism has done little for South African women. South African women suffer some of the highest income inequality in the world, and one in 5 women will be victims of sexual violence during their lifetimes. Trust in fellow citizens is declining<sup>72</sup> and perceptions of improved race relations are declining.<sup>73</sup> There is some evidence of inter-racial socialisation, but it is primarily limited to middle-income and wealthy South Africans. There is not much faith in initiatives promoting social cohesion, since they do not address structural inequalities between groups.

70 Author's own survey conducted for this study.

71 De Kock, Petrus. 2016. *South African 2015 Domestic Perception Survey*. Presented at the Nation Building and Social Cohesion Workshop, Cape Town: June.

72 A survey, run from 2000 to 2011, asked South Africans, "would you say that most people can be trusted or that you must be very careful in dealing with people?" The figure answering, "must be very careful" has grown from 76% in 2000 to 81% in 2011. Sibusiso, N. 2016. *South Africa's social cohesion – inequality, interpersonal/institutional trust, identity and tolerance: Findings from Afrobarometers Round 6 surveys in South Africa*. Presented at the DAC Nation Building and Social Cohesion Workshop, Cape Town: June.

73 Department of Planning, Monitoring and Evaluation. 2014. *Development Indicators 2014*. Republic of South Africa.

**COLOMBIA:** Violence, aggression, and distrust are high among Colombians, in contrast with other Latin American countries, probably as a consequence of the protracted civil war. This represents a challenge for national reconciliation. While research points to victims and perpetrators as having a pragmatic approach to living with others,<sup>74</sup> members of the general population reveal low levels of trust in former combatants. For example, 45 percent of the general population was unwilling to have demobilized fighters as neighbours.<sup>75</sup> Trust of ex-combatant is also low in politics, for example the heightened divisions surrounding allowing FARC to become a political party, as reflected in the 'no' vote in the 2017 referendum. Despite the low levels of horizontal social cohesion reflected in practice, Colombians are optimistic about the results of demobilization. This is reflected in a 2016 survey in which the majority of respondents expected demobilisation to result in a more inclusive society (49.2 percent) and to see an increase in tolerance (46.1 percent).

**TUNISIA:** There is social mistrust among citizen groups, largely delineated by region, as people from the north are distrustful of people from the coast – the latter who have disproportionately benefited from the state's investments in tourism and infrastructure. The level of tolerance between different socioeconomic groups within the country is measured to be 3.1 out of 5, which is the same as Colombia and 0.1 higher than Bosnia and Herzegovina.<sup>76</sup> Continuing economic disempowerment and inequitable development continue to fuel these sentiments, as employment opportunities for young people are scarce and education is generally regarded as disconnected from the skills needed for the job market. Still, the active vigilance and creative contributions of a number of NGOs (non-governmental organisations), women's organisations, and citizen networks are positive examples in a generally poor governance landscape (see 3.1). Tunisia's broad civil society has shown the remarkable capacity to foster dialogue and debate, and advance proposals, especially youth movements, who helped spark the revolution, but who represent the group that feels most excluded from transitional mechanisms.

74 Daily relationships among these groups are generally peaceful, although marked by past experiences of conflict and economic precariousness. Prieto, Juan Diego. 2012. "Together after war while the war goes on: Victims, ex-combatants and communities in three Colombian cities." *International Journal of Transitional Justice*, 6(3):525-546.

75 Of the general population, a similar percentage (around 45%) would let their children attend the same schools as the children of demobilised paramilitary members or guerrillas, or would give former guerrillas a job. This contrasts with 79% of respondents who would let their children share their school with victims. To be neighbours of demobilised fighters would be acceptable to 36% of the population (in contrast with 83% for victims). (Survey done by study's author).

76 Positive Peace Index 2015.

## Cross-cutting Issues

### Exclusion and inclusion

4.1 Inclusive processes do not automatically or quickly produce more inclusive results, as intervening factors can affect outcomes (political will, misuse of power, capacity and resources, poor design and/or process, poor or lacking implementation frameworks) (Bosnia and Herzegovina, Colombia, Nepal, South Africa, Yemen, Zimbabwe).

The case studies illustrate that translating inclusive processes into sustained, inclusive results is a complex, multifaceted endeavour requiring sustained efforts. Additionally and in support of other research findings, only steadfast commitment ensures that processes target and/or create policies that are then implemented.<sup>77</sup> Tunisia illustrates how a commitment to forging an inclusive social contract through myriad (especially citizen-driven) processes for greater inclusion can produce substantive results and meaningful outcomes. This includes processes across social contract-making spheres, mechanisms and sectors.

Challenges in ensuring that inclusive processes yield inclusive results are related to the following:

- A lack of political will and/or abuse of power (Zimbabwe, South Africa, Colombia);
- Poorly run processes and/or superficial commitments (Nepal, Yemen, Zimbabwe) – specifically, politics undermining commitment to quotas (Bosnia and Herzegovina, South Africa);
- Violent backlashes (Nepal) derailing planned outputs and results;
- Incomplete or failed efforts to decentralise power, which limits the ability of citizens as they shape more inclusive social contracts (Colombia, Tunisia, Nepal, South Sudan, exception: Bosnia and Herzegovina);
- Cultural values and beliefs preventing some groups (women, minorities, castes, etc.) from taking advantage of the formal measures of inclusion established by state institutions (quotas, institutions) (Nepal, Yemen).

Inclusive processes needing to manifest more strongly as inclusive results appear across numerous finding areas above:

~ While the **early stages of political or peace negotiations** offer possibilities for redefining parameters for inclusion and exclusion, and positioning of different groups (see 1.1), sustaining this inclusion, and seeing inclusive results, is more challenging. This true power-sharing does not remain in place or is ineffective (South Africa, Yemen, Zimbabwe) or constitutions face implementation challenges (Nepal, Tunisia, Zimbabwe, see 1.2). In some cases, these processes have catalysed more inclusive politics (Colombia, Nepal, South Africa, Tunisia).

77 Donais, Timothy and Erin McCandless. 2016. "International Peacebuilding and the Emerging Inclusivity Norm," *Third World Quarterly*, 38 (2), 291-310.

~ Exclusion manifests in different ways as a CCI (Bosnia And Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe) (see 1.4). Manifesting large-scale policy change to produce transformative inclusive results to provide redress for serious horizontal, regional, rural/urban inequalities requires a supportive governance and policy environment. This can be blocked or undermined by competing concessions or visions in transitional agreements and processes (Colombia, South Africa, see 1.2).

~ State institutions are not effectively engaged in carrying forward peace agreement implementation and in fostering a more inclusive political settlement (see 2.1). Notable is the way in which state power is centralised, limiting the ability of citizens to help shape and benefit from inclusive national social contracts. While commitments to decentralisation and devolution offer myriad ways to expand inclusion in processes (governing structures) and results (bringing decision-making and service delivery closer to the people), the relative failures and limitations of these measures (Tunisia, South Sudan, Yemen, Zimbabwe), especially when combined with raised expectations about their promise, exacerbate and fuel the experience of exclusion.

**YEMEN:** Despite the push for an all-inclusive institutional process, positive results did not materialise due to the short timeline of the NDC coupled with corruption, poor governance, and human rights violations. The marginalisation of powerful actors and their identification as spoilers was short-sighted, as they eventually undermined the process and funded violence and terrorist activities (see 1.1). The process was hasty, recommendations rushed and parties were unable to come to a consensus at the end of the dialogue. In reality, 'inclusion' was little more than window-dressing that maintained the modus operandi of the dysfunctional state. While the NDC is widely considered to be highly inclusive of delegates from different political parties, regions and social groups, the NDC failed to consider subnational elites, local council members, and a representative parliamentary and civil society that represents disadvantaged communities. These are vital players in ensuring societal buy-in at all levels.

**NEPAL:** The CPA promised a complete reform of the state in a direction it called "progressive," making it more inclusive and offering redress for what it described as oppression, neglect and discrimination based on caste, class, women. However, it is unclear that the new political institutions at national and local levels offer anything more than a symbolic politics of inclusion, or whether they will prove resilient over time. There continue to be deep-seated grievances, ethnic mobilisation and divisive political mobilisation that undermine the resilience of the newly emerging social contract. Successful inclusion is divided along ethnic and gender lines: whereas the Madhesi underwent great effort before successfully creating a new political party and inclusion into security forces, the Dalits have faced numerous violent backlashes in their struggle towards equality and the end of untouchability.

**SOUTH AFRICA:** Marginalisation in post-apartheid South Africa is complex for its gendered and racialized manifestations. Rural black municipalities, particularly in areas previously governed by the apartheid bantustans, have grappled not just with under-resourcing, but also with widespread corruption, and paternalistic politics that undermine democratic processes. The discrepant experiences of these rich and poor areas are not adequately addressed in the social contract entered into during the transition. The exclusion of so many (particularly young and black)<sup>78</sup> South Africans from economic participation is a significant driver of conflict. The narrative of inclusion loses its legitimacy especially amongst these young black South Africans, a number of whom have been born into the promises of improved service delivery, employment and participation. However, the numbers indicate otherwise, where this group of citizens continues to have the worst outcomes for employment, access to services, health, education and upward mobility; the insidious nature of structural exclusion has not been addressed by the discourse of inclusion, giving rise to anger and discontentment at the reconciliation agenda articulated by the ANC in 1994. Increasingly, redistributive justice has emerged as the precursor to reconciliation and inclusion.

**TUNISIA:** Tunisia can claim to have pulled together the most progressive rights and freedoms of any constitution in the Arab world that will promote greater inclusion (see 1.2). The 2014 Constitution that followed the revolution has already served as a critical point of reference in settling tensions and disputes, given the broad-based legitimacy it enjoys. Citizens are more aware of their rights and responsibilities that enable them to participate in the creation of a more inclusive social contract, notably through an awareness of their duty to stand for their rights and challenge the government. At the same time, implementation of decentralisation called for in the Constitution, while critical to enhance accountability, transparency, and citizen participation, has been sluggish. This is largely due to the reluctance of central administrative structures to lose control and to governing elites' fear that, through decentralization, they may lose the leverage and influence they wield during election periods.

**ZIMBABWE:** Zimbabwe's GPA negotiations were a political process that was premised on greater inclusion of the main political elites represented by the three main political parties. The power-sharing that emerged favoured ZANU-PF in ways that allowed unilateral action, including pushing through the 2013 election without requisite electoral reforms, and the security sector, dominated by former liberation fighters, continued to act with impunity, curtailing the

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78 As of 2017, 27.7% of South Africa's working population were unemployed (according to the narrow definition of the term) with more than half of South Africans living on less than \$55 US per month (Africa, 2016; Nicolson, 2015). 65.1% of those aged between 15 and 24 unemployed, the clear majority of whom are black and are expected to never find regular work in their lifetime.

inclusiveness of the electoral process. The 2013 constitution-making process, though elite-driven, captured most of the citizens' demands and thus received a 98 percent 'yes' vote in the referendum. The land redistribution process illustrates that even messy, unfair processes (in this case including violence) can result in greater inclusiveness of results – that is, much wider land ownership and access in Zimbabwe. The violence, however, also deterred international donor support and lowered foreign direct investment, and the declining overall farm productivity negatively impacted the agro-industrial economy hurting development for all Zimbabweans are also common in public discourse.

The use of **quotas** and other formal inclusion mechanisms that target women and minorities can encounter challenges in transmitting intentions into results and, in some cases, result in a deepening politicisation of identity.

~ In **BOSNIA AND HERZEGOVINA**, the quota system (which designates a set number of elected seats in political and administrative positions to each ethnic group) has created an inefficient and corrupt economy, handed over the control of jobs in the bloated public sector to nationalist political parties, and established a large bureaucracy loyal to them. This has supported the development of a degree of acquiescence and apathy among the general population, whose well-being frequently depends upon political parties' handing out of jobs, perks and benefits.

~ In **NEPAL**, the state has sought to foster more-inclusive institutions since the restoration of democracy in 1990. The Interim Constitution of 2007 validated affirmative action as a matter of fundamental rights. Groups that traditionally had been marginalised or excluded from state power (ethnic and minority groups and women) were designated for proportional inclusion, mostly through quotas ('reservations'), in education, public employment and political representation. It is believed that such measures made it possible for the first female president to be elected in 2015. While existing problems are not resolved completely, new issues have emerged, most notably around the core demands of a federal structure, power-sharing and amendments to the 2015 Constitution.

~ In **SOUTH AFRICA**, advances in gender equality are occurring through measures to increase the percentage of women in legislative representation (24.5 percent in 1994, to 42.5 percent in 2014), but this has not translated into meaningful results in relation to inequality and Gender-Based Violence (GBV). South African women suffer some of the highest income inequality in the world and more than one in five will be the victims of sexual violence during their lifetime.<sup>79</sup> Furthermore, black South African women continue to be the most likely to be unemployed or employed in the informal sector – these trends representing a gap between representation and impact at more local levels.

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79 De Kock 2016.



Key to the challenges behind quotas and informal inclusion mechanisms is the difficulty of **overcoming cultural values and beliefs**.

~ In **NEPAL**, despite anti-discrimination laws, there has been no decline in discriminatory incidents against Dalit and perpetrators generally go unpunished. Female subordination also remains a dominant feature of Nepali society, with men continuing to dominate the public sphere.

~ In **YEMEN**, the incorporation of women into the private sector, public sector and civil society occurred, but only under pressure from the international community. Yemen remains an overtly traditional society with a strong patriarchal structure.

~ In **TUNISIA**, Islamic law still governs some issues, including issues of inheritance, which are discriminatory against women. In August 2017, a female-led Committee on Individual Freedoms and Equality was set up by the President to look into all discriminatory laws in the family and public spaces, including the issue of equal inheritance. The Committee is expected to turn in its recommendations in the first half of 2018.

### ***International actors and issues***

**5.1 While the international community (including regional actors) vitally supports countries in transition, their positions in support of peace agreements and the social contract-making mechanisms that follow can undermine the ability to address CCIs** (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, South Africa, South Sudan, Tunisia, Yemen, Zimbabwe).

Recognising the complex ways in which international actors and exogenous issues influence the shaping of national social contracts, this research nonetheless focuses on national actors, institutions and processes. It thus does not dwell upon the promising or problematic practices of international actors. This reflects the agreed international consensus on the need for national ownership of peacebuilding, statebuilding, development. However, some key findings emerged across the cases in relation to the roles and impact of international actors and processes, suggesting avenues for deeper research.

These findings support much of the familiar critiques in the existing literature, including that:

- International financial institutions' (IFI) policy requirements can undermine political settlement commitments (South Africa, Zimbabwe); and,
- International (and regional) actors are perceived as non-neutral and/or fuelling conflict, depending on how particular processes are promoted or facilitated (Bosnia and Herzegovina, Colombia, Cyprus, Nepal, Yemen). Specifically, international actors play conflicting roles, often undermining state and local actors and approaches by supporting conflicting agendas, strategies and programmes (Colombia, Cyprus, South Sudan), failing to respect expectations

for managing aid resources (Colombia, Nepal) and fuelling ethnic nationalism and group tension through the politicization of peace (Bosnia and Herzegovina, Cyprus, Zimbabwe).

At the same time, international actors arrive in contexts affected by conflict and fragility because the state is often not functioning or fully in control. They play critically important roles in often highly volatile and precarious contexts. These include:

- Providing vital budgetary (Nepal, Zimbabwe) and programmatic support across core government functions and service delivery that supports the functioning and capacity development of government institutions and contributes to the building of state legitimacy (most countries);
- Providing technical and financial support to peace and transition processes (Cyprus, Tunisia, Yemen, Zimbabwe).

**ZIMBABWE:** In a deeply politically polarised context, international actors have struggled to play constructive roles, often feeding into and fuelling polarisation. At independence, the UK and US played a key role in persuading the liberation war leaders to accept a clause in Zimbabwe's independence agreement, Lancaster House Agreement (LHA), that restricted land appropriation in the first 10 years of Zimbabwe's independence. The insistence by the international financial institutions (IFIs) on structural adjustment policies less than a decade after independence further undermined Mugabe's ability to transform the economy, particularly in the context of highly unequal distribution of land and resources. Throughout the 1990s and beyond, donor support for democratisation, human rights, and perceived 'regime change'-oriented civil society, without sufficient attention to economic grievances in society, clearly aligned with opposition politics, served to incense ZANU-PF and fuel state-society polarisation. At the same time, donors have contributed heavily, both financially and technically, to the functioning of service delivery during the last near two decades of 'crisis'. In 2009, South Africa played a critical role in fostering the GPA between ZANU-PF and the opposition, a process that led to the much-celebrated 2013 constitution. As critiqued by civil society, the agreement gave ZANU-PF too much power, and did not play a strong enough role in ensuring its enforcement in the face of ZANU-PF violations. Within the current context, some civic and opposition actors are questioning the wide international community support for the military coup government, and for rapid elections which will likely occur in an insufficiently reformed to ensure conditions for free and fair elections.

**SOUTH AFRICA:** The departure of the ANC from its socialist-inspired Freedom Charter to acquiesce to IFI conditions undermined the ability of the government to meet political settlement commitments needed to transform the economy and social relations. This also contributed to the eroding of state legitimacy (see 2.5). In the post-apartheid era, however, international funding organizations

(including IFIs) have been critical of supporting the development of independent knowledge and learning processes, and a thriving civil society that has been able to take on a more activist stance holding government accountable. As was the case in ending apartheid, international civil society actors, such as the current #BlackLivesMatter movement, are influential in shaping local civil society responses (such as the Black Consciousness Movement). However, the tendency of these to emphasise the race-based interpretation of the South African narrative, left other forms of oppression unacknowledged through the transition and largely untransformed to date.

**CYPRUS:** UN-sponsored peacebuilding efforts and bi-communal initiatives were the only opportunity for civil society to maintain contact and communication across the divide until the opening of the checkpoints in 2003. Since then, bi-communal initiatives started growing and maturing with financial support mostly from UN and EU institutions. These initiatives have succeeded in mobilising grassroots in support of a negotiated peace agreement, such as the large demonstrations in favour of the UN brokered Annan Plan referendum in 2004. The 'Europeanisation of the Cyprus problem' could have provided an opportunity to bridge the two rival subnational social contracts. Instead, it created a triangle of dissonance between them, in its failure to recognise the Turkish Cypriot social contract as legitimate, and its failure to foster an inclusive approach. Positively, the desire for greater acceptance by the international community (i.e. via European Union (EU) membership for Greek Cypriots and greater international recognition for Turkish Cypriots) reinforces each community's recognition that they cannot persist with discriminatory institutions (towards the other community's members).

**BOSNIA AND HERZEGOVINA:** The international community has contributed to upholding the elite social contract in Bosnia and Herzegovina by guaranteeing the ethnically based political order that emerged in the aftermath of the war. For example, the highly intrusive work of international agencies has contributed to undermining the legitimacy of local institutions in two contradictory ways: i) through the so-called 'Bonn powers', which have been used to impose legislation on local institutions, undermining their legitimacy (see 2.5), and to remove democratically elected officials; ii) through complicity with the mismanagement opposition actors are questioning the wide international community support for the military coup government, and for rapid elections which will likely occur in an insufficiently reformed to ensure conditions for free and fair elections of domestic resources during attempts to manage the dysfunctional aspects of the political system and ethnic (dis)order that emerged from the DPA. In addition, the refusal of the EU to support reformist demands put forward by citizens in a violent uprising in February 2014 over high unemployment and political stagnancy (see 2.3) reveals its concern with supporting stability rather than with building peace.

**NEPAL:** International involvement in Nepal was pivotal in helping Nepal sustain its political transition and remain focused on addressing inequality and exclusion, yet donors have at best a mixed record of support. Among the concerns about donor engagement are a lack of scale and reach, inconsistency, dialogue without results, and inability to address backlash against their support for marginalised groups. For example, a United Nations Mission in Nepal (UNMIN) special mission to assist in CPA implementation was denied enforcement capacity by the Nepali Government, and thereby limited to drawing attention to unfulfilled commitments and urging political parties to honour them. This mission eventually withdrew. In addition, while federalism was not an international donor-driven agenda, donors such as the UN and International Institute for Democracy and Electoral Assistance (IDEA) worked to support marginalised groups (addressing the CCIs), facilitating dialogue and providing technical expertise on policy and legal options. This affected their neutrality in the eyes of the government and caused a backlash. Also, the role of international actors in supporting Nepal's budget has been critical in state-making processes, but insufficiently linked to meeting citizens' expectations.

**COLOMBIA:** International actors have played diverse roles in relation to the armed conflict. The country has been an ally of the United States of America (US) in the region for decades. The US 'war on drugs' has impacted Colombia's peace process in varied ways. On the one hand, a huge military package known as Plan Colombia aimed to fight drugs but equipped the Colombian armed forces sufficiently to enable them to turn the tide against the guerrillas. This turned public opinion in favour of the state and facilitated the initiation of talks. On the other hand, the emphasis on eradication of coca – directly related to the US mandate – has biased government response towards repressive approaches to illicit crops and curtailed government autonomy in pursuing an approach that might yield more effective developmental results, e.g. through emphasis on alternative crops and sources of income. At the same time, the internationally backed financial and institutional scaffolding for peace, buttressing the nationally driven peace process, is valued by Colombians.

**YEMEN:** The international and regional community played a leading role in assisting Yemen to design the process of the NDC and extended technical assistance when necessary. Much of the NDC process was designed and heavily mentored by these external actors.<sup>80</sup> However, three fundamental problems were evident: i) external actors were heavily invested in the success of the NDC, so much so that any objective criticism about the process (such as the lack of horizontal cohesion between the groups) was dismissed and not taken into account; ii) regional actors' desires to influence Yemen's internal affairs were largely driven by security concerns and fears of a sectarian Shia/Zaydi spill-over

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80 External actors refers to the "Friends of Yemen," which encompassed the neighbouring Gulf states, the US, the EU, the UK, and other bilateral and multilateral donors.

outside of Yemen's borders; and, iii) pushing a limited time-frame (six months) to achieve a political settlement through the NDC, repeated mistakes of the past, i.e. a similarly hasty effort during the 1990 unification that unwittingly sparked conflict issues leading to the 1994 civil war.

**TUNISIA:** External support to the process was instrumental for the writing of Tunisia's 2014 Constitution, including numerous symposia on constitution-making, highlighting historical and contemporary lessons, that were hosted by local NGOs with the support of external donors. Technical and financial support from external actors, such as UNDP, proved crucial to completing the momentous task of nationwide consultations on the constitution. At the same time, international funding and assistance have largely and increasingly focused on security in the context of concern for extremism in the region. This has tended to compete for and crowd out limited peace and development funds. The approach of the international community on strengthening the state, given lessons elsewhere, also requires sensitivity in the context of Tunisia's authoritarian history.

**SOUTH SUDAN:** International assistance to help South Sudan progress towards the Millennium Development Goals, particularly in education and health, during the CPA and immediate post-independence era focused on building institutions in order to increase state legitimacy, for example through security sector reform. However, this assistance not only failed to address the core conflict issues, but also inadvertently contributed to accentuating the political dominance of the SPLM and the two major ethnic groups (Dinka and Nuer) over public institutions, such as the security sector institutions. Furthermore, the focus of assistance on central state institutions meant that, when these institutions crumbled during the crisis in 2013, the lower level of governments and institutions were too weak to contain the impacts of the crisis at the local level.

## Resilient Social Contracts and Attaining and Sustaining Peace

**6.1 A resilient national social contract is an indispensable component of preventing violent conflict and of attaining and sustaining peace. Resilient national social contracts contribute to more peaceful and resilient states and societies when one or more of the following factors is present:**

- ~ **There is virtuous movement of drivers** (all countries) **and virtuous, mutually reinforcing interaction among the three drivers** (virtuous cycles: Tunisia; vicious cycles: Cyprus, Yemen, Zimbabwe).
- ~ **CCIs are attended to in inclusive ways, in and through social contract-making spheres and mechanisms** (positive: Tunisia; negative: Bosnia and Herzegovina, Colombia, Nepal, South Sudan, Yemen, Zimbabwe).
- ~ **Resilience capacities in society are mobilised and supported for peace** (positive: South Africa, Tunisia, Zimbabwe; negative: Cyprus, Nepal, Yemen).

The case studies illustrate (*through positive and negative experience and evidence*) that important elements for moving a country towards a resilient social contract likely include:

- Virtuous movement of each of these drivers, as findings related to each of the three drivers above suggest, and virtuous, mutually reinforcing interaction amongst the drivers. This presumes or suggests the need to understand how the interactions of drivers can move a transition in more virtuous directions (e.g. Tunisia) or into vicious cycles of cascading failures (e.g. Cyprus, Yemen, Zimbabwe) and proactive efforts to promote the former while working to prevent the latter;
- CCIs being resolutely addressed through different social contract-making spheres and mechanisms. Cases illustrate this requires that:
  - Political settlements are rooted in official, transparent and inclusive agreements that accurately articulate and address CCIs, with power-sharing to enforce implementation that expands state decision-making, participation and the delivery of services to subnational levels (positive: Tunisia; negative: Yemen, Zimbabwe);
  - Constitutions are in place and supported, with clear provisions to resolve CCIs (positive: Bosnia and Herzegovina, South Africa, Zimbabwe; negative: Nepal);
  - Institutions (design, reform and/or transformation of) are factored into implementation of political/peace agreements, including at subnational levels (negative: Colombia, Nepal, Yemen, Zimbabwe); and,
  - There is engagement and integration (where appropriate) of informal and customary systems and institutions into peace and development processes (Bosnia and Herzegovina, South Sudan, Yemen, Zimbabwe). For example, customary systems and institutions bring marginalised actors into dialogue and foster cohesion (Nepal, South Sudan, Zimbabwe). They also offer non-state alternatives for maintaining justice, security and service provision, even if this decreases state legitimacy (Bosnia and Herzegovina, Yemen); and,
- Activated resilience capacities in and through political settlements and state institutional delivery (drivers 1 and 2), i.e. active, engaged civil society demanding accountable, substantial change (South Africa, Zimbabwe), culture of dialogue (Cyprus, Nepal, Yemen), strong sense of national identity (positive: Zimbabwe; negative: South Sudan).

Competing social contracts present clear challenges for achieving resilient social contracts that facilitate peace. The findings suggest the necessity of bringing parallel systems and structures, which may even constitute competing contracts, into greater dialogue. This means creating incentives to recognise and harmonise their contributions, and thus of ensuring that the competition between them does not undermine peace efforts. Examples include: (Bosnia and Herzegovina (elite and everyday); Colombia (FARC rebels and the state); Bosnia and Herzegovina, Cyprus and South Sudan (separate nationalist social contracts); Yemen (national/official and customary); Zimbabwe (competing political contracts)).

**TUNISIA:** From addressing core sources of conflict to building inclusive institutions and fostering social cohesion, Tunisia's state and citizens are evolving their social contract. They are doing this through a series of social-contract-making mechanisms to move the goals of the revolution forward, amid efforts to rehabilitate the state. This means building bridges and mending fences, vertically and horizontally, and shielding the country from new and enduring challenges. However, as long as economic and governance challenges are not fully addressed, the resilience of the social contract will be tested. Resilience capacities as a cross-cutting issue (across the drivers) are vital for understanding what lies at the core of understanding Tunisia's ability to withstand violence and forge a resilient social contract from the bottom up. These include: i) an ability, rooted in a history of openness to diversity, to restore social cohesion when under duress, drawing on a culture of adaptation, negotiation and compromise and ii) a commitment to gender equality, evidenced by the presence of women at the ministerial level, as parliamentary representatives and as heads of transition commissions, all of which enhances inclusive governance and prospects for sustaining peace. Without further political, economic and social reforms, such gains may, however, not reach their full potential. Tunisians are illustrating their willingness to protest towards ensuring these gains are realised, as January 2018 protests revealed.

**SOUTH SUDAN:** South Sudan emerged as a new state with optimism that it would reward its people with a better life, but has regrettably become a theatre of profound human suffering and fragility. There are, however, opportunities for leadership to forge a resilient social contract and address the core conflict issues (diversity question and political representation) as pathways to peace. An example is a genuine revitalisation of the current peace agreement that would limit handing over power to those with guns, and rather to untainted and competent citizens. Also, a reinstatement of a decentralized federal system, rebuilding inclusive institutions, particularly in the security sector, and the expeditious implementation of provisions related to transitional justice, all provide entry points into addressing CCIs and increasing inclusion. Shared history, some symbols of statehood and some ethical elements may provide basis for rescuing a South Sudanese identity and strengthening social cohesion. Forging a resilient national social contract requires visionary, strategic and ethical institutional leadership to resuscitate and implement the ARCSS (2015) (see 1.4), which calls for restoring the decentralized system of government, for recognising federalism as a popular demand and a key element in the permanent constitution-making. The ARCSS holds promise for reconstituting inclusive and accountable institutions, particularly oil and security sectors, and for providing transitional justice mechanisms for rebuilding and strengthening social cohesion. IGAD (Intergovernmental Authority on Development)<sup>81</sup> can support this process.

81 IGAD is a regional (Eastern Africa) organization for achieving peace, prosperity and regional integration in Eastern Africa.

**CYPRUS:** Five decades onwards from the cessation of hostilities, the political process that is supposed to lead to a unified national social contract is being led by political leaders and public officials who are mandated with furthering two competing ethnocentric social contracts. This involves deep conflicts of interest between unity and separation. To reconcile the two rival subnational social contracts, the case of Cyprus confirms the importance of attending to all three drivers, notably by broadening and deepening the political process, by fostering more inclusiveness in institutions, and by building trust as follows: i) between citizens of the two communities; ii) between citizens of each community and the institutions of the other community; and, iii) between all citizen groups and the political process. Societal capacities for resilience can also be better engaged, i.e. society's aversion to use of political violence, and a willingness to engage in political dialogue. In the absence of reconciliation, the inability to make progress on all three drivers of the social contract and the negative impacts and interactions that are ensuing, creates a vicious cycle of failure across the three drivers. The failure of the political process (driver 1) and institutional discrimination (driver 2, a result of the failure of driver 1) have resulted in a failure to deliver services to all communities, and worsened horizontal (inter-group) cohesion (driver 3), which makes the CCIs all the more difficult to resolve.<sup>82</sup>

**ZIMBABWE:** Though Zimbabwe's past political settlements have failed to address CCIs and transform institutions to deliver efficiently and equitably, there are several reasons for optimism that a more resilient social contract will be forged: the broad support for the 2013 Constitution, and the popular support for Mugabe's removal across divides, suggest that the country's two divisive political contracts (see 1.1) are moving towards convergence. The Constitution now provides an important basis for a shared national social contract and has become a reference point for the everyday sphere as people challenge the state and demand delivery of services. Though Zimbabwe's new dispensation holds promise, key lessons from the GPA are the need to balance political power between contesting parties, and the importance of connecting such agreements to and transparent, practical policies and accountability mechanisms (driver 1), and institutional reform (driver 2), to ensure implementation. This will strengthen social cohesion (driver 3), notably by building trust horizontally and vertically, which, in turn, will undermine the ability of elites to fuel polarisation and develop informal agreements (driver 1). It will also generate demands for better governance. While the main (political) fault lines must be addressed politically, the primary focus on political reform, managed by elites, simply has not worked. Zimbabwean resilience capacities include a strong sense of national identity and

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82 This is evidenced in quantitative studies that show a direct association between inter-group prejudice and insisting on national security guarantees following a settlement – a demand that is unlikely to permit attainment of common ground between the two communities. Similarly, negative inter-group feelings are strongly associated with lack of support for a negotiated settlement.



strong civic culture, a highly educated population and a culture of socio-economic resilience (in spite of the economic decline), as evidenced by the pervasive informal sector. These capacities need to be better engaged to catalyse virtuous movement towards a resilient social contract.

**YEMEN:** Social contract-making in Yemen has operated under the assumption that groups will cooperate if the benefits are distributed to all. However, the majority of Yemeni actors approached politics through the lens of self-interest advancing their narrow agenda to preserve their power. Resulting 'elite pacts' have come at the expense of 'grand bargains' of large coalitions, such as the alliance of the Joint Meeting Parties (JMP).<sup>83</sup> Such pacts eroded the state's legitimacy, leading groups like al-Qaeda in the Arabian Peninsula (AQAP), the Houthis of the north, and Hirakis of the south to oppose the authority of the central government. While long-standing tribal patronage networks (see 2.4) offer security and service provision where state institutions fail, informal tribal, southern, and Houthi groups, as well as local resistance forces and popular committees, often clash with the state over issues of corruption, unequal service delivery, and state-led abuses and discrimination. For social contract-making to support achieving and sustaining peace, stronger engagement between the state and society is required at the subnational level, and among various groups. This will also support a more transparent, functional and inclusive political settlement. The strengthening of vertical and horizontal societal cohesion over time and through institutions should be a foundational objective. Restoration of basic services is vital for solidifying trust and cooperation among and between group members, and groups and the state. Building on customary mechanisms, Yemenis need to better engage their primary resilience capacity – as a consensus-based society, with a strong tradition of consultation and dialogue – if they are to achieve and sustain a broad-based, societally owned peace. Capitalising on Yemen's private sector, including small businesses, and strong civil society that has mobilised massively during the conflict as a counter weight to tribalism, will be key.

**BOSNIA AND HERZEGOVINA:** Despite its survival as a state, challenges for a resilient social contract include: legalised ethnic and spatial divisions that support a nationalist hegemonic order; a cumbersome administrative apparatus with overlapping governance structures that foster opportunities for ethnic outbidding and policy paralysis; informal networks and corruption; and Europe's highest levels of unemployment. The elite social contract (see 1.1) remains decisive in constraining the boundaries within which an everyday social contract, more amenable to civic notions of citizenship, can take root. The practice of

83 The Joint Meeting Parties (JMP) was a coalition five opposition parties formed in 2005 in attempt to effect political and economic reform and stand as a strong opposition force against the ruling party of the president, the General People's Congress GPC.

štela upholds these nested social contracts: a core component of the 'everyday social contract', štela also serves to uphold an 'elite social contract', maintaining the status quo of corruption, clientelism and the pervasive use of connections for service provision. In this context, štela represents the most widely adopted means to cope with the seemingly endless post-war transition. The elite social contract places constraints and boundaries within which the everyday civic notions of citizenship take root and develop; political, economic, and social actors who benefit most from the system (including politicians, administrators and service providers) work to maintain social protection and welfare provision based on personal relationships. A revision of the constitution to support the emergence of civic identity (notably consociational elements that should enable cooperation across ethnic divides) and to simplify the governance system, could contribute substantially to move the country beyond a condition of negative peace. Bosnia and Herzegovina's resilience capacities for peace, including the large diaspora (see 3.2), and civic groups and informal networks, can support the growth of civic consciousness and wider forms of co-existence and cooperation, particularly around the economy. They should be nurtured.

**NEPAL:** A truly resilient social contract in Nepal is for now elusive. Continued progress is needed to address the CCIs, to build a more capable and effective state, to build peace among Nepalis at the local level, in particular, and to reaffirm a common national identity and sense of collective destiny. Nepalis have valuable resilience capacities that need continued engagement, including the ability to pursue dialogue to bridge differences. In the post-CPA period, a fair amount of national and international attention has been devoted to inclusion of traditionally marginalised groups. This is a very positive development however there is a need to prevent 'elite capture', given the complexities of Nepal's social stratification. For example, in the Tarai, the progress made in empowering and ensuring representation of Madhesi in politics and state institutions has mainly benefited the Madhesi Brahmins and other high-caste privileged groups, further widening the divide between them and the less privileged in the region like Madhesi, Dalits, Janajatis and others.<sup>84</sup> This also might lead to the formation of patron-client relations between the elites within certain identity groups and the rest of their population. At the same time, there is a growing anger towards the quota and reservation system because it provides undue advantages to particular groups. The 2015 Constitution needs amending in order to address these grievances and meet the aspirations of different ethnic and marginalised communities.

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84 Pandey, Devendra Raj. 2011. Looking at Development and Donors: Essays from Nepal. Martin Chautari: Kathmandu.

**COLOMBIA:** Colombia's peace agreement is providing space to reshape existing political power dynamics, yet is conditional on processes of institutional and social consolidation (progress on drivers 2 and 3) that exceed what the agreement can achieve on its own. This is further complicated by the lack of coordination among and within informal and illegal rules upheld by non-state actors, including remaining criminal and rebel groups, and institutions that compete with the state's normative structure. Two (related) factors are essential for building an inclusive social contract. The first involves strengthening state institutions at the national and subnational levels to facilitate service delivery. This involves addressing deep-seated inequalities in relation to land, lifting more of the population out of poverty, and designing effective instruments to enable the state to fulfil its developmental functions – processes that started before the peace agreement and will last long after its implementation. Second, trust must be built among Colombian communities to promote reconciliation that lays a foundation for a common vision for society. Resilience capacities need to be engaged and leveraged to support the inclusiveness and resilience of Colombia's social contract. These include Colombia's vibrant civil society, state-sponsored "'nstitutional scaffolding for peace', and legal framework for responding to humanitarian crises (i.e. forcibly displaced populations). Reintegrating former combatants, reparation processes for victims, the development of transitional justice mechanisms and historical memory mechanisms also need ongoing support.

**SOUTH AFRICA:** Active citizenship – a primary resilience capacity of South Africans – assisted by the integrity of the courts and the rights enshrined in the Constitution, has introduced a vibrancy into South Africa's social contract. Drawing on a long history of social action and a vision of a more equal and decolonised society, the confrontations between citizens and the state hold the prospect for a more durable social contract grounded in lived experience and ongoing transformation. Particularly at the micro-level, this activist culture has forced the South African state into greater responsiveness – required for a resilient social contract that can sustain South Africa's hard-won peace. This engagement between civil society, informal community movements and government has created space for democracy and development to be shaped by communities, even if in ways that are conflictual. These serve to challenge the state infrastructure to create and effectively implement policies that take into account the legitimate needs of citizens, framed in terms of dignity rather than in terms of minimum access to services and employment. They also challenge the pacts between political and economic power that prevent the undoing of ongoing forms of structural violence. Finally, these processes are serving to place positive checks on state misconduct and forge a more responsive state – vital for stronger state-society relations. Additional resilience capacities, including a constitution-affirming judiciary, watchdog media, and a state-led broad safety net of social grants, are supporting this transformation.

# Policy Recommendations

The following policy recommendations are based on the findings of our research and informed by our many validation workshops and policy dialogues and through considerable discussion within our working group of advisers and authors. The findings are organised around the main lines of the project framing: the three drivers of the social contract, cross-cutting issues and the implications for preventing conflict and attaining and sustaining peace. Our work demonstrates that the social contract has wide appeal in and across settings, making it a highly useful heuristic and normative policy tool to support national actors as they address conflict, forge a common vision and create the institutions and relationships to uphold this. The recommendations hold particular value for policymakers in the context of the revived international policy attention focused on prevention and sustaining peace.

Based on our study findings and rooted in wide bodies of scholarship, three ‘drivers’ of resilient social contracts – i) inclusive political settlements addressing core conflict issues, ii) institutions delivering effectively and inclusively iii) social cohesion broadening and deepening – should be valued and policy recommendations around them should be supported, with the following considerations for policymakers:

**Driver 1-related:** Support political settlements that build inclusion and address core conflict issues. Specifically:

- Identify and strengthen ‘social-contracting’ mechanisms (*dialogue, constitutions, national development plans, subnational arrangements*) to foster inclusion and coherence while addressing conflict issues and new forms of responsive governance that transform institutions at all levels.
- Coherently target conflict issues of wide concern across state and society in order to build consensus around the issues and construct ‘social-contracting’ mechanisms to address them. This will promote momentum and trust in these processes, which will help actors address other conflict issues.
- Endeavour to understand and engage the ‘everyday’ sphere (including communities and informal actors), incorporating perspectives in the reshaping of agreements to reflect everyday concerns and interests, building ownership in and around the issues. Otherwise, peace processes risk creating gatekeepers to and spoilers of peace.
- Approach conflict issues from a context-informed and holistic, rather than reductionist, perspective that recognises that issues are not locked in history that allows only one diagnosis and a final prescription. Rather, social-contracting efforts are dynamic and ongoing and should re-engage and respond to issues as they evolve.

**Driver 2-related:** Support institutions (formal, customary and informal) to deliver effectively and inclusively and establish and sustain more peaceful and resilient states and societies. Specifically:

- Seek to better understand societal expectations of the state's role in core functions and delivery of services, on the one hand, and participation, on the other; factor in appropriate participation and grievance mechanisms for this.
- Identify, appreciate and support locally appropriate (including non-liberal) alternatives, models and approaches to governance and delivery of services; support the harmonization of these with formal processes and each other.
- Ensure that institutions deliver in ways that deepen the inclusiveness of the political settlement and institutionalise approaches to addressing the conflict issues and ongoing grievances.

**Driver 3-related:** Support the broadening and deepening of social cohesion – horizontally between groups and vertically through groups/citizens and the state. Specifically:

- Seek means for building social cohesion across drivers in ways that are catalytic and context-specific – attuning to aspects of social cohesion most needed/ desired, i.e. promoting a sense of national belonging (*e.g. through a national dialogue on implementing the constitution*), trust (*e.g. fair provision of services*) and participation (*e.g. in a budgeting process*).
- Promote social cohesion through service delivery, that is, through concrete measures that deliver results and build connections between citizens and the state (*e.g. designed with a peacebuilding lens, having grievance recourse mechanisms, participating in local decision-making and accountability structures, etc.*).
- Create safe and constructive spaces for revelatory everyday interactions and practices among groups that may not normally come together; promote citizen-driven efforts that improve intergroup relations and foster social cohesion; recognize and support resilience capacities that serve peace.

**Cross-cutting issues-related:**

To ensure that international action supports social contracting that builds resilient states and societies and facilitates attaining and sustaining peace, international actors should support national social contracting by:

- Supporting mechanisms to address conflict issues dividing state and society.
- Preventing the uptake of conflicting provisions and commitments in political and peace agreements and implementation plans.
- Cultivating leadership for social contracting among domestic actors at the national and subnational levels, with a focus on drivers and support for locally appropriate and transformative approaches.

Ensuring that inclusive processes translate into sustained, inclusive results calls for:

- Steadfast commitment that allows for progress and setbacks; inclusive processes take more time.
- Understanding that the 'quality of inclusion', and specifically modes of and preferences for inclusion, are context-dependent; different modes of inclusion are acceptable and effective for different groups, in different sectors, and varyingly at different phases/times in transition.
- Ensuring that inclusive processes target a variety of social contracting spheres and mechanisms to support effective and coherent implementation of agreements, including policy creation and clear implementation plans.

**Preventing violent conflict and attaining and sustaining peace related:**

To support resilient national social contracts likely to achieve and sustain peace calls, policymakers should:

- Promote virtuous movement of the three drivers (as highlighted above) and virtuous interaction among the three drivers.
- Inclusively address core issues of conflict in and through social contract-making spheres and mechanisms.
- Identify and support resilience capacities in society, *i.e. aversion to political violence, willingness to engage in political dialogue, socio-economic resilience, strong sense of national identity and strong civic culture, etc.*
- Bring parallel systems and structures and competing social contracts into dialogue while creating an overarching national social contract.

Promoting resilient social contracts in these ways supports priorities of current policy agendas (*the 2030 Agenda*, and the *Security Council/General Assembly resolutions focusing on sustaining peace and conflict prevention*) by offering:

- An inclusive concept with appeal across contexts that frames the notion of a national vision, which is at the heart of the UN resolutions.
- A theory of change for how countries can sustainably pursue the development of resilient social contracts by:
  - Building more-inclusive political settlements and embedding agreements in enduring institutional arrangements (*i.e. social contracting mechanisms*) and efforts to deepen relationships (*i.e. social cohesion programming*) that support peace;
  - Resolving persistent core issues of conflict (*i.e. through social contracting spheres and mechanisms*); and,
  - Offering integrated, context-centred treatment of politics, security, peace and development.

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