Social Contracts and Security in Sub-Saharan African Conflict States: The Democratic Republic of Congo, Sierra Leone and Somalia

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Abstract:
Those contemplating the reconstruction of order in conflict states frequently cite the social contract. We present work in progress from fieldwork in the Democratic Republic of Congo, Sierra Leone and Somalia to show that assumptions derived from the classical social contract theorists frequently lead the international community astray as it attempts to rebuild these African states. First, the historical and foundational social contract for most Africans is not between the state and individuals but is instead with communities. Second, when it comes to security, there are four contracts to consider instead of the one of classical presumptions – (i) community governance structures with local families; (ii) the regime with the military; (iii) regime and military as the state with community governance systems; and (iv) the state with the international community. Third, the military is frequently a source of predation on communities rather than of protection. And fourth, the dynamics of these contracts can be in conflict with one another.

Introduction

African states that have collapsed into prolonged violent conflict severely test the repertoires of those who would help restore their populations to security. Those who populate the international organisations and donor agencies who come forward to provide assistance have never lived for long themselves in such conditions -- certainly if they faced them with their families they quickly exited them. And the same is true of the academics and consultants who would advise them. The instinctive response is to recreate the state as it has existed in Europe since the 1648 Treaty of Westphalia. *The international community has helped to prevent crisis and the complete collapse of some states, but without necessarily creating stable conditions for the efficient performance of the whole political system. They sometimes have helped some regimes extend their control over large territories but frequently have not yet succeeded in stabilizing the various internal systems of governance which really sustain the state.* Thus, on the basis of our fieldwork in the Democratic Republic of the Congo, Sierra Leone and the former Somalia, we submit that the international community is struggling with inadequate intellectual tools.

Generally when Westerners confront collapsed states in Africa, Thomas Hobbes and the social contract is in the background. They presuppose that the structures of the state must be restored in the first stages of any solution, for, as Hobbes had it, life without it is "nasty, brutish and short" (Hobbes 1939 [1651]).[1] Also, they implicitly assume that the state must have failed[2] because the social contract it had with its citizens has been broken and the recreation of order will require that it be restored (Multiple conversations with donor staff).

Neither of these assumptions is wholly without merit. But we will show in this paper that they need to be reformulated to meet the conditions of contemporary Africa. First, Hobbes was right that states are *capable* of providing the highest levels of human security and that in their absence predatory violence by competing armed groups is likely. But some states themselves create predation and insecurity and there are non-state forms of governance that can provide better than they do for safety and economic development. The Democratic Republic of Congo, Sierra Leone and Somalia all have been responsible for the former, extreme predation, at certain periods in the last quarter century and many

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[1] For examples of such Hobbesian analysis, see Winter, J. (2004). Living in Somalia's anarchy. BBC News. London., Beichman, A. (2008). Troubled Nations' Hobbesian World. Washington Times. Washington, D.C   .

[2] The terms used to describe countries hovering on the borders of violent internal conflict are unstable and contested internationally. Some members of the international community establish a distinction between a crisis state, a fragile state and a failed state, Moving from less to move seriously challenged countries, fragile states are vulnerable to internal and external shocks and domestic and international conflicts. A crisis state is characterized by acute stress and the inability of its governing institutions to manage conflict and shocks. The state is threatened by collapse, war and ultimately the formation of a different state, if no actor succeeds in imposing a new ruling order over the territory. The idea of a failed state is more extreme. It is a condition of state collapse in which the state can no longer perform its basic security functions and has no control over its territory and borders. It can no longer reproduce the conditions of its own existence.

parts of Somalia demonstrate the latter, alternative forms of governance, today (Little 2003; Menkhaus 2006; Prunier 2009; Kamara 2010; Leonard and Samantar 2011; Leonard and Samantar 2012).

Second, states do need legitimacy if they are to succeed. The Zaire phase of Congo's history illustrates the point well – without a normative underpinning the need for coercive or material inducements for compliance spiralled upward until the resources to provide them were exhausted (Etzioni 1964). Zaire probably was no more corrupt than a number of other states that have survived but unlike them in its last 20 year it lacked any normative claim on the obedience of its citizens (Young and Turner 1985).

The 'social contract' is a thought experiment, whereby we ask when people would agree to cede authority (i.e., the obligation to obey) to a governing body in return for the social order and other benefits it might provide. The classic social contract theorists (Hobbes, Locke, Rousseau, Kant) did not posit that such an agreement was an historical act; for them it was simply a philosophical device. Nonetheless, their thought is based on clear assumptions about how humans behave, on what would lead them to consider authority legitimate, and thus on the principles from which a stable political order would need to be (re)constructed. Most important for our purposes they assumed that the state was based on a single 'social contract', which in principle could have been consummated between relatively equal individual citizens. In this paper we will show that security in the contemporary African state is actually founded on several contracts[3], in which the key actors are unequal groups rather than autonomous individuals.[4]

The Community Contract
The social contract in Africa is not between the state and individuals alone but by individuals with their communities and by communities with the state. Of course the African state in its contemporary configuration, save for Ethiopia, was a colonial creation and thus came into existence through force. The colonial state could not be efficiently maintained on coercion alone, however, even with superior military technology; some normative compliance was needed as well. (Significant material inducements were not even considered.) An implicit contract therefore was struck between local traditional authorities (either existing or newly created) whereby they would lead their communities in complying with the writ of the state and the colonial power would protect them from

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[3] Of course if we were to consider the functions of the state *beyond* security, the number of contracts might be extended almost to infinity, depending on our level of analysis. The classic work of Chester Bernard (1938) as extended by Herbert Simon March, J. and H. Simon (1958). Organizations. New York, John Wiley. [p. 84] sees all work in and for organisations as based on a quasi-contractual balance of inducements and contributions.

[4] Rousseau gives more credence to people as social creatures whereas Hobbes' analysis is narrowly individualist. [Tuck, R. (1989). Hobbes: A Very Short Introduction. Oxford, Oxford University Press., O'Hagen, T. (1999). Rousseau. London, Routledge., Wokler, R. (2001). Rousseau: A Very Short Introduction. Oxford, Oxford University Press.]. However, even Rousseau does not give the importance to community that is necessary in Africa. Ibn Khaldun, the 14th century Arab philosopher, comes closest [Issawi, C. (1987). An Arab Philosophy of History: Selections from the 'Prolegomena' of Ibn Khaldun of Tunis (1332-1406). Princeton, Darwin Press.

any local challenges (Oliver and Fage 1966)[p. 207]. In this way a necessary modicum of traditional legitimacy was captured in support of a legal-rational state, to use Max Weber's terms (Weber 1947). In most of Africa this community authority continues to underwrite the writ of the state at the local level, even where traditional rulers have been supplanted by appointive or democratic systems of governance. Mahmud Mamdani argues that this colonial legacy divides African populations between rural subjects and urban citizens (Mamdani 1996). In Congo and Sierra Leone it is clear that many town dwellers and most elites feel a powerful, unmediated commitment to their contemporary states, which has given them territorial resilience (which was surprising to many external observers of the DRC). And *legally* Africans today are bound to their states as individuals. Nonetheless, the informal reality of the community contract and its mediated relationship with the state remains, for non-elite urban Africans are still subject to the authority of their rural communities of origin if they wish to retain land rights there.

The point then is that the social contract with the state is a mediated one for most Africans in most countries. They owe allegiance to their community and the community has a contract with the state. Today the latter contract continues to involve support for the community's governance structure and usually would involve its physical security, roads and access to education and modern health care as well. In post-conflict situations the 'terms of exchange' for the contract will have slipped, however, so that just physical security is enough to assure the allegiance of the community's governance structure.

The nature of the community social contract is quite important as well. As Mark Button suggests, social contracts are not self-enforcing. They require supporting cultural values and institutions, which will be built in interaction with the contact itself. (Button 2008) Thus the local contract has implications far beyond the community itself and powerfully shapes the discourse in the national political system as well. Authority at the local level is closely linked to control of land. In most of Africa peasants work their own land, but they do not have individually transferable ownership of it. Instead they have use rights (*usufruct*, Latin) but only as long as they occupy and till it (*mit en valeur*, French). The right to dispose of unoccupied land belongs to the state and the local authority (usually a chief). The local social contract depends very little on the delivery of 'development' services but instead relies on the perception of local citizens as to whether they are being provided with justice, which means both (a) access to land for the purposes of production and (b) local order that is balanced and not unduly oppressive, especially that judicial fines are in line with local income possibilities.

The traditional authority-holder at the base is not representative of the whole community but is the leader of what is considered the 'founding family' (usually through clearing the bush, sometimes by conquest).[5] The 'strangers' who come after the founding family are

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[5] There are places in Africa where traditional authorities do not exercise local authority and therefore the occupant is not necessarily from a 'founding family'. In Kenya and eastern Nigeria chiefs were a colonial creation. But in both countries the administrative chiefs conform in other respects to the analysis we provide here. In Tanzania party secretaries replaced chiefs at independence and the determined egalitarianism of its socialist period seems to have spared it from autochthon challenges. But this pattern is exceptional in sub-Saharan Africa.

given permission by its representative to use the land -- which creates value and adds to the strength of the community -- in return for which the 'stranger' and his descendants will give tribute and obedience to the scion of the founding family (the chief). So even if the founding social contract might originally have been between a group of relative equals, over time it becomes one between the founding families and the followers (settlers by petition, conquest or slavery).

One of the tensions underlying the local social contract in most of rural Africa is that the land frontier is now largely closed, so that these immigrant families have come to be seen as competitors, not as contributors to the welfare of the founders. There are two types of this conflict -- the first, where the settlers have blended into the original community culturally but still retain a subordinate place; the second, where they retain their cultural distinctness, in which case the conflict takes the form of autochthony (a clash over who has the right of priority because of original settlement). The second sometimes arises from state intervention to grant groups or individuals land-rights in areas where local regard them as outsiders. Parts of Sierra Leone illustrate the first type of conflict, as the sons of subordinate families now have difficulty getting farms (without which they also can't support wives) and this led them to provide early support for the civil war there (Richards 1998; Jackson 2006). Congo's South Kivu (Vlassenroot 2002) and western Cote d'Ivoire (Boone 2009) illustrate the variant of the second type where there has been initial local consent, while North Kivu and Kenya's central Rift Valley are examples of earlier state interventions. Both variants have fuelled virulent xenophobic appeals to the 'true' locals (i.e., the descendents of the first settlers).   In Somalia the concepts of descent and clanship by adoption are present but ownership is recognised as fluid and subject to conflict, negotiation and contract – which in some ways is less subject to larger-scale violent conflict than the other two.

The cultural and institutional patterns created by the rural social contract are carried over into the cities as well. In urban Bukavu (Kivu), in the absence of strong policing and with simmering rural conflict, we observed that insecure ethnic groups have tended to consolidate in exclusive neighbourhoods. During periods of conflict, groups also organise their own collective night-watch security. *Mutualités* also have developed for all the significant groups in the multi-ethnic towns. These have elected officers (and thus break with the traditional administration practice of appointment by descent). Intra-communal disputes are judged by committees of the 'wise' (*sages*) and inter-communal ones are negotiated by the officers between *mutualités*. Those who refuse to be bound by their community's decisions will be ostracised by it, thereby losing its protection and influence, which can be very dangerous for the lone individual. The pattern that has evolved of kinship-based protection, collective decision-making in a more consensual mode, and intergroup negotiation is very similar to the *diya*-paying group and clan governance processes that have survived or been revived in Somalia (Leonard and Samantar 2011).

The more difficult conflicts in Africa become rooted in disputes over these *intra*-local contracts. The *inter*-area conflicts, which are played out on the national stage, are more easily managed by negotiation and division of 'spoils'. (Examples of both types of

conflict and the differences in handling them are evident in Kenya and Nigeria.) Note that these intra-local conflicts rarely threaten state boundaries, as that is not the level at which the intense conflicts lie. Severine Autessere stresses peacekeepers in conflict states need to address conflicts at this local level, as they sustain the larger, more internationally visible ones that are directly implicated in state breakdown (Autesserre 2007; Autesserre 2010).

Illustrative Vignettes:

SOUTHERN SIERRA LEONE
The many paramount chiefs are elected for life by representatives of local taxpayers. *All* resident adults are eligible to serve as electors but only descendants of the founding family are eligible for selection. The paramount chief in Shenge is an elderly woman who had a distinguished career in education. But to be elected she had her elected brother deposed by the courts on the grounds that he had been only *adopted* into the founding family.

EASTERN CONGO:
Rwandaphone pastoralists were present in the Congo's South Kivu Province by the late 19th century, before effective Belgian colonial occupation. Official acceptance of their being there was based on their providing tribute to the bami (kings) of the already present BaBembe, BaVira and BaFulero, payment of which was abrogated in the 1920s. The right to determine who is 'present' on their land remains an important symbolic issue for the 'autochthonous' groups as it relates to the (Rwandaphone) Banyamulenge and has been a subject of occasional violent conflict since the Mulele uprising of the 1960s. (Vlassenroot 2002) BaBembe land, for example, is not scarce, but the Banyamulenge are pastoralists and come from the high plateau into the former's cultivated fields in the June to September dry season. A fee for this presence has now been negotiated by a (United Nations) MONUSCO political officer and the problem therefore *should* be solved. But the BaBembe elite continue to want the Banyamulenge to acknowledge symbolically that the land belongs to the BaBembe, just as it is important to the Banyamulenge that they be recognised as having become genuine *indigines* by the state's granting their territory a separate administrative status.

The local social contract remains hugely important even when its terms are being somewhat renegotiated. In both eastern Congo and Sierra Leone many chiefs were killed during their civil wars and most of them fled the rural areas. Some of these chiefs *(bami* in Kivu, Congo are the equivalent of Sierra Leone's paramount chiefs) have not returned to their rural posts after the war (more so in Kivu than in Sierra Leone), which has weakened their legitimacy. Customary tribunals also are not as active in either country as they were before the war. The fact that the customary tribunal judges depend on fees and fines for their income increasingly has led to their being seen as corrupt – or at least biased. Alternative, non-governmental dispute resolution services, sometimes tied to the enforcement potential of the magistrates' courts, are becoming more prominent. Thus the chiefs are less relevant in adjudication now and their legitimacy is somewhat diminished.

Nonetheless, it is striking that in both countries the role of traditional chief was quickly re-established after the wars and its fundamental legitimacy is not challenged at any level. Chiefs continue to control land allocation and only rarely have those who led self-defence militias during the wars been able to challenge their leadership more generally. The social system of the Somalis is non-hierarchical and the title of 'elder' enjoyed by all adult men in a clan *diya*-paying group. The continued civil wars have made the *diya*-paying groups less egalitarian, as the patronage of wealthy businessmen and the militia leaders they support has intruded. But the *diya*-paying groups themselves remain fundamental to the security of almost all Somalis. So in all three countries the *operation* of the local social contract is being renegotiated but not its existence.

In all three countries we see traditional authorities renegotiating their role by participating in the competition for control of the modern state. In the former Somalia, traditional structures of governance and their leading elders have been involved in negotiating successor polities. Their role was particularly central in Somaliland and these elders were appointed to an upper house of its legislature. Similarly, in Puntland these traditional structures continue to select all members of the legislature. On the other hand many elders were perceived as having been bought in the establishment of the Transitional Federal Government of Somalia and were discredited as a result. (Leonard and Samantar 2011)

In Sierra Leone democratically-elected district councils were recreated after the civil war, probably with the intention of diminishing the authority of the chiefs, whose failing in some regions were seen as having contributed to the conflict. A change in national government has led to increased influence for the chiefs, however, and election to district councils and the national parliament is strongly influenced by the endorsements of chiefs.

In South Kivu (DRC), although the power of traditional chiefs is still respected, there are a number of new leaders who are developing new venues of power attached to their roles within a larger polity and this has brought many traditional chiefs to reconsider their role and to capitalize on it in order to provide new venues for themselves, their offspring or closely-related family members. Chiefs seeking to reposition themselves by capitalizing on their traditional authority either can compete directly with these new leaders for elective or appointive positions in the provincial or national legislatures, or they can strike bargains to influence the votes of their subjects. It is hard (even if not impossible) for someone to be elected without the backing of his/her communal base, which is heavily influenced by verbal signals from the traditional chiefs.

In all three countries (as generally in Africa) elected representatives are seen as the ambassadors of their communities (Leonard 2009), No matter whether the local authorities are 'king-makers' or clients and whether their position is traditional, appointive or democratic, they powerfully mediate the relationship between average citizens and the state, preserving key aspects of the traditional two-stage social contract.

Mahmud Mamdani in *Citizen and Subject* implies that we should be moving away from these local social contracts and embracing (the French Revolution) concept of national

citizenship. We are inclined to think this is ahistorical, since local-level social contracts persisted everywhere in the world, including the early industrialising world, until at least 1800. It is true that most Africans today see themselves as having an allegiance to their state (even if not always its regime) but this is in addition to their local allegiance and is still most often mediated *operationally* through the local social contract. The challenge therefore is not to end local social contracts but instead to make local governance more responsive and effective without challenging the deep residual legitimacy the chiefs have in most localities. At least in post-conflict situations, elected local governments and appointed magistrates courts may be appropriate but they cannot replace the chiefs. The former two are at least as corrupt as the latter and elected representatives rely too heavily on chiefs to mobilize electoral support.

Reform of traditional administration, not its displacement is probably in order in post-conflict situations. Three related possibilities occur to us. First, *all* local adults might be permitted to elect their chiefs from among the many descendants of the ruling lineage. (This is the Sierra Leone practice. unlike that of Congo where the successor is the child effectively designated by the preceding chief if confirmed by the provincial government. The Somalis do not have chiefs.)   Second, chiefs might be asked to renew their mandate every, say, 10 years by standing for re-election. (Sierra Leone chiefs serve for life. Congolese chiefs can be removed by the state for malfeasance, but of course this is not a renewal of a local mandate.) Both of these practices would make traditional administration much more accountable to those it serves (and therefore less likely to be exploitative) and would help to weed out those who have become old or have proved incompetent. Third, the practice of chiefs and customary judges deriving their incomes from the fees and fines they charge for their decisions needs to change.[6] This practice exacerbates the already prevalent problem of corruption and enhances the perception that local governance is biased. To achieve this, however, governance revenues need to be separated from the incomes of governing personnel – one of the classic steps toward modern bureaucracy that Weber chronicled (Weber 1967). In practice, Somalia has already adopted the first two points, as leadership of the *diya*-paying group is not hierarchical and most Islamic sheria court judges are not hereditary. Nor are *sheria* courts seen as being as corrupt as other government offices. Thus non-state governance has been resilient in Somalia and movements based on *sheria* have special appeal there. (Leonard and Samantar 2011)

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[6] In the DRC fees collected for judgments belong to a decentralized entity (the *chefferie or collectivité).* The mwami, as the head of the collectivity, is supposed to receive a wage. Of course the management of fees and taxes collected by the collectivity is patrimonial since the mwami effectively controls how its revenues are spent and these are used to pay his salary. When the mwami has no more land to sell or other personal resources and when he no longer receives gifts from his prominent subjects, he may end up living like a commoner if the court revenues are compromised.

The Military Contract
The effective contract between an African country's military and its governing regime (and hence the state) is the most problematic and unstable of the four social contracts. Coups have been notoriously common in independent sub-Saharan Africa. Civilian leaders have found it hard to create bonds of legitimacy with militaries; the result has been not real social contracts but bargains of temporary convenience. There are exceptions: The presidents of Ethiopia, Rwanda and Uganda came to power at the head of rebel armies. In Tanzania Nyerere instituted universal six-month military service, so that career officers command only conscripts (who are driven by civilian concepts of loyalty to the state). The Kenyan military seems to have concluded from its participation in UN peacekeeping missions that military interventions in politics are always disastrous, and the Nigerian army is kept in check now by the widespread view that military rule was a failure. In our three countries, however, the civil wars were prompted at least in part by military predation and incompetence. In all three, the government was unable to pay either the army or the police an adequate salary and they proceeded to live off the communities where they were posted – which made them militarily ineffective as well. It is an error to see the military in a failing state as an instrument for the provision of security to citizens. In fact in conditions of instability army and police instead tend to be predatory – in which case it may or may not be possible for local authorities to make a purely local supplementary contract with them. In Congo it is quite explicit in the constitution and law that even the police are concerned with the security of the *state*, not the population (Thierry Nlandu, work in draft). In eastern Congo the situation is even more extreme. What began as a Rwandan invasion to root our the Rwandan Hutu forces that carried out the genocide and threatened the country from nearby refugee camps in the DRC has evolved into an occupation of North and South Kivu by a Rwandaphone, even if nominally Congolese national army. This is not the place to describe the complicated process by which this took place. But *Congolese* Hutu now combined with the Tutsi in that part of the newly integrated Congo army stationed in North and South Kivu and the two have turned their attention from the Hutu *genocidaires* to the local Mai Mai rebels who have consistently resisted the Rwandan invasion. The presence of this army thus exacerbates rather than solves the local security problem and serves to de-legitimate the national government and UN peacekeeping forces (MONUSCO), which are seen locally as having condoned this development.

The more general issue is the relationship that the army and police have with the populations in the areas they 'serve'. These aspirants to a 'monopoly over the exercise of legitimate violence' (to use another concept from Weber) in failing states actually are rarely paid properly or on time and thus must derive their incomes from local resources if they and their families are to survive. In the worst instances they simply predate on the locals without limit. In Sierra Leone people consistently spoke disparagingly of the predation of the 'sobels', soldiers who had joined the rebels against the government. In Kivu local chiefs optimally negotiate an agreement with the army and police that the community will provision them as long as they don't otherwise predate on people. In between are soldiers and police who don't murder or rape locals and take only what they really need. (Congolese informants speak of this type of predation as 'well disciplined'.) We found several instances in Kivu where 'living off the land' created severe local

tensions and petitions from communities that that the army be *removed* from their areas (because they found it a source of insecurity, not protection). The chiefs who negotiated local provisioning essentially have adopted an ancient practice – as paying armies (rather than having them live off enemy land) is no more than a century and a half old anywhere in the world). One of the American grievances in its revolutionary war was the British practice of 'quartering' individual soldiers abroad on specific families/ households, who then were responsible for their room and board. Similarly, Napoleon expected his armies 'live off the land' in the countries he conquered.

Such 'quartering' is an unsatisfactory practice, however, as it was for Napoleon on Spain and for the British in the Americas. Proper provisioning through the national budget is much to be preferred. This can be expensive, however, particularly in the aftermath of a civil war. In Somaliland approximately 70 per cent of the government budget goes to the army, which is the remnant of the forces that won the country's independence in 1991.

Provisioning and reorienting the military and police has been easier in Sierra Leone, as the original army was completely decommissioned after it joined the rebels and its replacement was trained and financed by the British. Similarly the police in Sierra Leone were reformed with British help to orient them to the protection rather than control of the population (Charley and M'Cormack, work in draft). But even when the police and army cease being predators, the major instrument of local order is through communal authority. National police and army can keep *others* from predating, which *does* improve local security but only by stabilizing the predation.

The International Contract
In practice weak Sub-Saharan African countries experience a fourth contract with the state as well, one that generally is essential to the other three but is destabilising to them as well. Poor countries lack sufficient domestic finances for the roads, health and education that their communities expect in their social contract with the state and their governments also will strain to pay their civil and military servants without international development assistance. Many failed states in Africa have been infected as well with conflicts from their neighbours and need regional and 'northern' assistance with their attempts to find peace. These forms of aid in effect are contractual and come at a price.

First, the various donors have their own agendas. Some are very much driven by their own domestic interests, such as do Eritrea, Ethiopia, Kenya and the US in Somalia and Burundi, Rwanda and Uganda in eastern Congo. Others are more selfless, such as Britain and Nigeria in Sierra Leone or the UN in all three. Even the benign agendas may be discordant with local priorities, however.

Thus, second, international military and budget support is likely to have a shorter time horizon than the 10 years most observers have concluded is necessary for reconstruction (Collier 2007; Collier 2009). And the countries that prove willing to commit troops may have a counter-productive effect, as did Ethiopia in Somalia and Rwanda in Congo.

Third, international efforts at peacekeeping and state reconstruction are focused on *national* institutions and conflicts. The internationals tend to have a very weak ability to understand and support the resolution of purely local conflicts (which may actually be sustaining the larger ones) or to buttress the reconstruction of effective local governance, as is evident in both eastern Congo and Somalia (Menkhaus 2006; Autesserre 2007; Autesserre 2010; Leonard and Samantar 2011; Leonard and Samantar 2012). Relatedly, the rules of engagement for UN peacekeeping forces limit contact with local communities to a few officers and reduce tours of duty to six months, effectively prohibiting understanding of local realities.

Fourth, internationals conceive of rights in terms of individuals rather than collectivities. Thus their interventions have a poor 'fit'. The impact *can* be positive. Women in Sierra Leone are much better off since the war. They paid a terrible price of rape during the war itself, but the post-war reconstruction efforts unleashed a huge amount of female consciousness-raising by NGOs (both local and international) and by the British with the police. The result is that women (at least in the south and east) are much more conscious of their rights today, they are much less willing to accept abuse from their husbands, they are more aggressive about protecting their rights in court and supporting other women in doing so, and the traditional authorities feel (some reluctantly) that they must respect and enforce these new rights. The same efforts are underway in Congo. But we believe UNIFEM erred in 2007 when it advocated a change in the electoral system for proportional representation with reserved female seats. Such a system would have significantly reduced the sense of Congolese *communities* that they were represented nationally, with a reduction in the prospects for peace. We believe that rural women have a greater interest in not being raped and murdered than in the advancement of *individual* female elites. (Leonard 2009)

None of this is to say that international involvement in conflict and post-conflict situations is unnecessary or generally counter-productive. The huge imbalance between domestic and international military and financial capabilities, however, gives unusual weight to the internationals. And it draws attention away from the local levels to which much more attention must be given if the human security of the populations is to be recreated.

Conclusions

The classical concept of the social contract leads us astray in our attempts to provide human security in conflict-ridden countries in Sub-Saharan Africa. It causes us to think of bonds of legitimacy between the state and a citizenry of individuals. Instead the foundational social contracts in Africa are between families and their local authorities and between communities and the larger state. Complicating these two contracts are other implicit ones the state has with its military and with the international community.

In addition, the focus of the classical social contract on individuals leads to a liberal set of values that steer us away from the core issues needing attention in African conflicts – the central role that contested land rights have in the local social contract, the relationship that communities (rather than individuals) have with the state, and the impact that the

unstable loyalties of underfunded militaries have directly and indirectly on community security.

References

Autesserre, S. (2007). "D.R. Congo: Explaining Peace Building Failures, 2003-2006." Review of African Political Economy **34**(113): 423-41.

Autesserre, S. (2010). The Trouble with the Congo: Local Violence and the Failure of International Peacebuilding Cambridge, Cambridge University Press.

Beichman, A. (2008). Troubled Nations' Hobbesian World. Washington Times. Washington, D.C.

Boone, C. (2009). "Electoral Populism Where Property Rights Are Weak: Land Politics in Contemporary Sub-Saharan Africa." Comparative Politics **41**(2): 183-201.

Button, M. E. (2008). Contract, Culture and Citizenship: Transformative Liberalism from Hobbes to Rawls. University Park, Pennsylvania, The Pennsylvania State University Press.

Collier, P. (2007). The Bottom Billion: Why the Poorest Countries are Failing and What Can Be Done About It. Oxford, Oxford University Press.

Collier, P. (2009). Wars, Guns and Votes: Democracy in Dangerous Places. London, The Bodley Head.

Etzioni, A. (1964). Modern Organizations. Englewood Cliffs, N.J., Prentice-Hall.

Hobbes, T. (1939 [1651]). Levithian, or The Matter, Forme and Power of a Common Wealth Ecclesiastical and Civil. The English Philosophers from Bacon to Mill. E. A. Burtt. New York, The Modern Library**:** 129-234.

Issawi, C. (1987). An Arab Philosophy of History: Selections from the 'Prolegomena' of Ibn Khaldun of Tunis (1332-1406). Princeton, Darwin Press.

Jackson, P. (2006). "Reshuffling An Old Deck of Cards? The Politics of Local Government in Sierra Leone." African Affairs **106**(422): 95-111.

Kamara, A. R. (2010). Post-War Reconstruction in Failed States: The Case of Sierra Leone. Kusterdingen, Germany, Flower Books.

Leonard, D. K., Ed. (2009). Journal of African Elections: Special Issue on Elections and Conflict in Africa. Johannesburg, Electoral Institute of Southern Africa.

Leonard, D. K. and M. S. Samantar (2011). "What Does the Somali Experience Teach Us about the Social Contract and the State?" Development and Change **42**(2): 559-84.

Leonard, D. K. and M. S. Samantar (2012). "What Does the Somali Experience Teach Us about the Social Contract and the State?" Development and Change **42**(2): 559-84.

Little, P. D. (2003). Somalia: Economy Without State. Edinburgh, International African Institute.

Mamdani, M. (1996). Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism. Princeton, Princeton University Press.

March, J. and H. Simon (1958). Organizations. New York, John Wiley.

Menkhaus, K. (2006). "Governance without Government in Somalia." International Security **31**(3): 74-106.

O'Hagen, T. (1999). Rousseau. London, Routledge.

Oliver, R. and J. D. Fage (1966). A Short History of Africa. Baltimore, Penguin Books.

Prunier, G. (2009). From Genocide to Continental War: The 'Congolese' Conflict and the Crisis of Contemporary Africa. London, Hurst.

Richards, P. (1998). Fighting for the Rain Forest. Oxford, James Currey.

Tuck, R. (1989). Hobbes: A Very Short Introduction. Oxford, Oxford University Press.

Vlassenroot, K. (2002). "Citizenship, Identity Formation and Conflict in South Kivu: The Case of the Banyamulenge." Review of African Political Economy **29**(93): 499-516.

Weber, M. (1947). The Theory of Social and Economic Organization. New York, The Free Press of Glencoe.

Weber, M. (1967). Bureaucracy. From Max Weber: Essays in Sociolgy. H. H. Gerth and C. W. Mills. London, Routledge**:** 196-204.

Winter, J. (2004). Living in Somalia's anarchy. BBC News. London.

Wokler, R. (2001). <u>Rousseau: A Very Short Introduction</u>. Oxford, Oxford University Press.

Young, C. and T. Turner (1985). <u>The Rise and Decline of the Zairian State</u>. Madison, University of Wisconsin Press.