



THE FLETCHER SCHOOL
TUFTS UNIVERSITY

**The Nexus:
Corruption, Conflict & Peacebuilding Colloquium**

***Thought Piece: Anti-Corruption in Post-Conflict Societies:
Do they also do harm?***

Fighting corruption has become an increasingly important topic for governments of the industrialized donor nations and the institutions whose membership they dominate. The World Bank and US government are at the forefront of this agenda, though most of the European nations have subsequently added it to their foreign aid policies in recent years.

Despite the increasing attention placed on this issue by the international community, very little exchange occurs between those working on conflict/peacebuilding and those engaged in fighting corruption. The de-facto pillars operate simultaneously and often in overlapping sectors yet without co-ordination or purposeful mitigation of possible consequences (positive or negative) each may have on the other.

The Institute for Human Security within the Fletcher School at Tufts University hosted a select group of thinkers and policy makers to discuss the critical questions related to the nexus of conflict, corruption and peacebuilding on April 13, 2007. The *purpose* of the event was threefold:

- 1.) Finalize a map of existing research and activity related to the nexus;
- 2.) Exchange views and ascertain thinking about gaps and emerging questions; and
- 3.) Determine the questions of significance for a research agenda and attendant activities moving forward

In preparation for the colloquium, each participant was asked to draft a short *Thought Piece* on a specific aspect of the agenda in order to fuel the discussion. These pieces were intended to be ‘food for thought’ and not academic, formal publications;¹ nor were they intended to be made public. However after much discussion regarding the paucity of existing literature it was felt, where authors permitted, that there was value in making them available.

For further information on the Colloquium, contact Professor Cheyanne Church at Cheyanne.church@tufts.edu or visit <http://fletcher.tufts.edu/corruptionconf/index.html> .

¹ Further information on the agenda and the parameters provided on the Thought Pieces may be found on the Colloquium website.

THE NEXUS: CORRUPTION, CONFLICT & PEACEBUILDING THOUGHT PIECE

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Anti-Corruption in Post-Conflict Societies: Do they also do harm?

Introduction

This Thought Piece will address the possibility that anti-corruption measures could, if not taking into account the context of post-conflict, exacerbate grievances, potentially lead to renewed violence or hinder peacebuilding efforts in countries that are emerging from recent conflicts.

How do we define corruption? For this Thought Piece we define corruption as the abuse of entrusted authority for illegitimate private gain and include the following caveats:

- In a conflict or post- conflict society the notion of entrusted authority must be understood in the context of extreme insecurity. The entrusted authority can take on the role of ultimate ‘protector’ or ‘predator’ due to the lack of other functioning systems like rule of law or media. This makes the stakes higher for the individual who choose to not partake in a corrupt system and the potential ‘profits’ so much greater for those who do choose to partake.
- Private gain – may mean personal as in the individual but also gain for a group, often in conflict dynamics the group is connected by clan, ethnicity or tribe.

In reflecting on the possible interactions between anti-corruption measures and conflict four main considerations became apparent; conflict sensitivity, political will, expectations and disappointment and using anti-corruption mechanisms as a new tool in an old conflict. These are not mutually exclusive categories. The reader will note that they overlap and combine in a number of ways.

I. Conflict Sensitivity of Anti-Corruption Mechanisms

No one would argue that the state of governance and society are different in countries that have experienced long periods of peace compared with those that have recently suffered the devastating effects of a conflict. The ramifications of war on the structures, systems, people, and cultural norms alter the context in such a way that requires consideration and adaptation when designing any development or assistance programme

(anti-corruption measures are included in this grouping). Non-consideration of the interplay between the development project and the conflict can, at best, lead to a missed opportunity to support peace and, at worst, result in exacerbating the conflict – or so goes the theory behind conflict sensitive programming.²

This raises the question, do anti-corruption efforts take into account the conflict context and make appropriate adaptations? Do experts behind the design of these measures apply a Do No Harm approach to ensure that they do not negatively affect the conflict? After a reasonably robust literature review³, neither of these concepts in relation to corruption appears to have received adequate attention. Yet, as Le Billon argues, it is the change in corruption patterns that is most likely to spark new conflict. As such it would appear to be important to study the way in which anti-corruption efforts may alter the forms of corruption in a given country and the ramifications of these alterations.

Taking the most extreme example, in a post-war scenario where rebel groups have been sustained through the illicit redistribution of assets and money via their commanders, the stopping of this flow of resources through anti-corruption mechanisms without providing other options to these groups has the potential to spark unrest, if not conflict and violence, as these groups struggle to maintain this flow of resources. With limited opportunities, easy access to weapons, meek police and laughable rule of law, taking up weapons to access assets may seem like the most logical option to former rebels. This conflict may also take on different forms and not be limited to the old patterns of violence prevalent throughout the war. For instance it could take the form of a marked increase in illicit criminal activity marked by extreme violence.

When considering the interaction between conflict and the effects of anti-corruption measures the litmus test should not be violence. Rather it should be all forms of negative consequence that might hinder the peacebuilding process. There are many things short of violence that can harm communities and societies.

II. Political Will: Realism in a post-conflict environment.

² The best known model of this is Do No Harm by Mary Anderson. More information on the concept of conflict sensitivity may be found at <http://www.conflictsensitivity.org/programme.html>

³ Though one would certainly not argue that it was 100% comprehensive, so please alert us to relevant literature if we have missed something.

According to the literature review conducted by Boucher et al., the evidence indicates that in order for anti-corruption measures to be effective there are two prerequisites: first, there must be an end to the fighting and second, there must be commitment (political will) from the top echelons of government.

The latter prerequisite raises a number of important questions, particularly in a post-conflict environment. What signifies actionable commitment (one that has the ability to effect change) by a post-conflict government? Although there are many angles to this question, our concern is with the often embedded nature of corruption within the support base of elected leaders. In many post-conflict situations key elected officials were previously the war leadership (or connected to it), where corrupt and criminal acts were the means to consolidate and maintain power. These networks were key to the transfer from warlord to political leadership and are often still operating as the means to retain their new 'democratic' power base.

As such the creation of a commitment to legitimate anti-corruption action requires the leadership to generate a new form of retaining their power base. It is our assertion that anti-corruption measures that are implemented without the time necessary for this shift in power base to take effect or without the available incentives to replace this power base are unlikely to be backed with real government commitment. Instead high profile lip service and even in some cases show trials will occur to appease the international community's demands, while nothing manages to reach the corrupt machinery behind the politically powerful.

Let's consider for instance, the new Presidency of Ellen Johnson Sirleaf in Liberia which at the time of writing is being lauded as a shining example of a strong anti-corruption commitment by the highest levels of government in a war-torn and highly corrupt environment. The current government is made up of warlords, rural people whose sole experience of government involves working through corrupt networks, returnees to Liberia who do not have a domestic power base of their own and a few legitimately committed individuals. The international community is demanding resources be allocated to anti-corruption efforts, the most notable of which being GEMAP and the trials of the former transitional government (NTGL). The question, however, is to what extent does this commitment go beyond the President to other key factions within her

government which are dependent on these corrupt systems for their positions? And if it does not go beyond the Executive Office can she truly effect change or for that matter is she really trying?

Let's consider the highly publicised trials of the NTGL. In Liberia, the rule of law is weak to non-existent with few qualified judges, sparse facilitates and rampant corruption raging throughout the few structures that do exist⁴. The accused members of the NTGL have the resources⁵ to hire highly-qualified lawyers while the struggling Ministry of Justice has limited qualified staff and resources. According to many in the country the result will be guaranteed acquittals as the under-resourced ministry will not be able to hold the former President accountable. [Personal Communication with Government Official]

President Sirleaf is not unaware of the weakness of her government ministries. As such can one interpret this as an instance of 'show trials' where the government can claim legitimacy in fighting corruption while accused corrupt officials are ultimately acquitted and therefore not a threat to the existing order? From one perspective this is the best of both worlds for the Government of Liberia. It can maintain its 'darling of the international community' status and continue to receive generous aid packages and obtain debt relief while simultaneously maintaining favour with the existing power networks and not fundamentally alter the corrupt systems of Liberia's political elite. On the other hand, what other options are available for a leader committed to anti-corruption in these circumstances?

More fundamentally, how is this commitment generated in a government, particularly in countries where corruption is embedded in the day-to-day functioning of society? Where do the incentives come from to motivate the individual actors, particularly those who benefited from the spoils of corruption during the conflict? Even for those who are not benefiting from corrupt actions and networks, the constant juggle of priorities between anti-corruption initiatives and basic governmental services is extremely difficult. In a post-conflict economy where there is little to no revenue being generated through taxation for the government, allocating out the meagre resources that do exist can be part

⁴ See the ICG Report on the Liberia Judiciary Summer 2006 for more information on the state of the Rule of Law in Liberia.

⁵ The former head of the NTGL, Bryant paid a USD2.6 million dollars 'criminal appearance bond'. The Observer Newspaper.

of the conflict prevention process. Showing 'the people' that change has happened through the government's investing in society and providing services can be a critical part of the momentum for consolidated peace. Of course if all the funds are being skimmed from the top then this can not happen either.

Potentially some practices from the peacebuilding profession may be of value to this process of generating political will. For instance, peacebuilding practices that work with elite decision makers to change their framework from a zero-sum game to one that recognizes the mutual inter-dependence of people can create win-win solutions that may contribute to creating this prerequisite.

However, this assumes that those in the government are the 'right' people to be effective in combating corruption. Using peacebuilding practices and pressuring nascent governments does not take into account the existence of a shadow state, whereby the real power brokers are not in the government. Where the shadow state possess the real power, all the political will and public statements by the leadership in the world will not diminish corrupt practices.

III. High Expectations May Lead to Big Disappointment

The third consideration involved expectations potentially leading to disappointment. Here the question is, does the non-implementation of highly publicized anti-corruption measures create the likelihood that grievances will increase on the part of those left out of the networks of corruption? Transitions from war to peace often create aspirations that this period of transition will result in a change in the people's lives for the better. In the case where corruption was a major cause of the conflict there is the hope that corruption will be curbed, allowing those outside the corrupt networks access to systems and resources. However, when promises are shown to be hollow and anti-corruption measures purely symbolic, the citizenry quickly realises that the government is engaged in politics as usual. This maintenance of affairs as usual in terms of governing the country runs the risk of de-legitimizing the post-war government and the peace process itself. This would seem to suggest that before such anti-corruption policies are implemented a thorough assessment should be performed in order to ascertain whether the required prerequisites

are in place to make anti-corruption measures effective in post-conflict settings so as to not risk making a bad situation worse.

The media often plays a vital role in forming expectations. As the press gains competence and momentum in the transition they can play a vital role in the fight against corruption by bringing to light corruption scandals, publicising anti-corruption mechanisms and educating the public. However when the media promotes the anti-corruption efforts and raises the awareness of the populace, expectations of change can simultaneously raise. In the case of corruption scandals they are often reported in a highly sensational manner (whether they be valid accusations or not), and inadvertently demonstrate the low risk and potentially high reward of engaging in corruption.

As time passes and evidence of business as usual persists, despite the government assertions and resources being allegedly allocated to anti-corruption, does this potentially increase the outrage of those who want a different post-war system?

IV. Anti-corruption measures: A possible new tool in an old conflict?

Consider, if you will, a situation where the first elected government in a post-conflict environment does manage to allocate the resources and identify the expertise to develop an anti-corruption strategy and associated mechanisms to fight corruption such as an anti-corruption commission. If it is a country where endemic corruption has been the norm, most leaders and citizens have either been on the supply or demand side of corruption. As such, a zero-tolerance policy is impossible because the government cannot attempt to bring all individuals to account for their acts as it would mean prosecuting a large majority of the population or a significant percentage of the elite.

Proceeding with an anti-corruption commission based on prosecuting corrupt actors in such circumstances means that a degree of selectivity will have to determine which people are brought up on charges. In an 'imposed' settlement such as Bosnia or one where political rivals are still dangerously powerful, this opportunity for selectivity can become an extension of the old conflict. In other words, it can become a new tool by which to fight an old fight. An anti-corruption commission, for instance, can be utilised to neutralize enemies and consolidate a ruler's power. For example, the International

Crisis Group in their reporting on Sierra Leone have noted President Kabbah's use of the anti-corruption commission in that country to threaten potential rivals.

One has to ask if a country has just established a peace agreement which places leaders of questionable integrity in positions of power in the government whether it is realistic to ask these same leaders to show political will to fight corruption. More than likely these leaders will use the selective application of anti-corruption measures as a source of rents and a tool to continue to fight in peace for what they previously fought for in war: power and access to markets/resources.