



THE FLETCHER SCHOOL
TUFTS UNIVERSITY

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

Thought Piece: What is corruption in conflict zones?

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

What does corruption mean in post-conflict zones? Is this concept universal or context specific?

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In order to approach the question of what “corruption” means in conflict & post-conflict areas it is useful to look first at what “corruption” means in general from at least four different perspectives which are not conflict specific but contribute to setting the stage also in conflict areas (conflict specific issues will be highlighted further below): i) international anti-corruption (AC) treaties and the meaning of corruption derived from them, ii) the country’s legal and normative framework and iii) the ethical standards, values, beliefs of the local society, iv) the international community as important and often decisive actor in conflict & post-conflict areas.

i) International AC-treaties

Since the entering into force of the first anti-corruption convention (Organization of American States)², gradually a broad international consensus on a comprehensive anti-corruption framework was forged and is anchored in the UN Convention against Corruption (UNCAC). The UNCAC lays out what all State Parties to the Convention shall consider as corrupt practices and be a criminal offence (bribery of national and foreign officials, embezzlement, influence trading, abuse of functions, illicit enrichment, bribery and embezzlement in the private sector, money laundering, concealment, obstruction of justice). In addition, codes of conduct for public officials shall provide the basis for which ethical standards and behaviours are expected from public officials and which breaches shall be sanctioned.

² Followed by the OECD anti-bribery convention, the Council of Europe’s criminal and civil anti-corruption conventions, and the African Union anti-corruption convention.

Since the UNCAC has been signed and/or ratified by a significant amount of conflict & post-conflict countries, such as Afghanistan, Bosnia & Herzegovina, Colombia, Congo, Haiti, Sudan, Sri Lanka, and Timor Leste. Many of these countries are also State Parties to other regional conventions with similar definitions of corrupt practices, it provides theoretically the basis to identify and typify corrupt practices in these countries.

ii) National legal and normative framework

Every country lays out in its legal and normative system which specific kinds of practices, acts or actions are formally considered to be corrupt and this tends to vary widely. Most countries have some kind of anti-bribery legislation (which not always includes active and passive bribery), a growing number of countries have enacted either comprehensive anti-corruption laws or gradually introduced legislation on specific corrupt practices, and codes of conducts for public officials provide for further orientation of what is considered ethical behaviour.

iii) Ethical standards, beliefs and values of a society

Every society is characterized by a specific set of values and ethical standards of different natures (religious, cultural, ethnic, etc.) which orient, guide and sanction the interaction and behaviours of its members. To this the country's legal norms have to be added. In particular in countries with rather traditional societies this leads often to a complex web of overlapping and even contradictory values and norms and the line of what is considered to be a corrupt practice becomes easily blurred. For example, petty corruption is often considered as a survival strategy and therefore accepted or justified, while grand corruption may be more easily condemned. Also the assignation of public positions on the basis of family, clan, or other group loyalties is often socially accepted although this practice goes against the normative rules of a modern state administration.

iv) International community

In the international anti-corruption movement, the concept of corruption has been commonly defined in broad terms along the lines of "misuse of entrusted power or office

for private gains or benefits” which has come in more recent times to encompass corrupt practices in both the public and private sector.

The international community – to be understood as development partners – is guided in its approach to understand corruption by a) the international treaties, and b) the conceptual framework of the governance or anti-corruption strategies of their respective organizations. Although virtually all development partners emphasize the need to understand the local context, little seems to be done in practice to get explore in depth what the local society considers to be acceptable and unacceptable behaviours in terms of corruption.

Building on the above, one could venture to say that universal concepts to define “corruption” are pursued to be applied to virtually all countries – be they in conflict or not – but the specific mix of values, ethical standards and beliefs in the local society as to what is acceptable behaviour and what not combined with – at times contradictory – national normative and legal rules is often not understood and explored nor taken consciously into account. Further, while there seem to be some universally accepted understandings of “corruption” such as bribery, others will be significantly influenced by the local context such as “influence trading” or “abuse of functions”.

In addition to the above, specific issues related to the question of what “corruption” means in conflict & post-conflict areas include:

- Conflict & post-conflict areas often suffer from a traumatically broken relationship of trust, among the people themselves but perhaps more importantly between the society and the “state”. Public authorities are often not legitimate for a large amount of the population. The decision making processes are often limited to a small circle of a combination of political and bureaucratic actors, both can be at the same time intimately linked to economic elites but also criminal networks and military factions, which easily leads to both state capture and / or state predation. This kind of phenomena has been acknowledged with some force over the past years, in particular

in transition countries, and perhaps the question now lies in identifying whether and how this could be classified as corrupt practice (in developed countries lobby rules often try to address this issue).

- In an effort to get specific conflict actors at the negotiation table or to agree to peace agreements and subsequent transition governments, they may be offered large amounts of money that is peace is “bought”. Crucial questions to consider here is whether this can or should be considered a form of “international” corruption and what kind of signals this practice sends to the local population in terms of the “rules of the game” that they have to expect to be pursued by those actors. This issue relates back to the legitimacy of power-holders and its effects on governance.
- The international community often plays a decisive role in conflict, but above all in post-conflict areas and comes in with an enormous man-power of well-paid experts, security personnel, etc., as well as with large amounts of money. Time and again, the rush and pressure for quick results leads to careless and arguably little ethical practices (rent of local premises at horrendous prices; pay of unrealistic and non-sustainable salaries, poaching of staff; un-coordinated, incoherent salary top ups to government officials distorting their accountability lines, etc.) that quickly distort local markets and negatively impact values and behaviours. While these practices are not “corrupt” in the strict sense of the concept, they provide ample room for conflicts of interest and lack of control. The question is if they should be classified as non-ethical or corrupting practice and dealt with accordingly and explicitly.

How is corruption different - actors, form, magnitude, consequences - from corruption in developing countries or weak states?

The following are a series of thoughts in relation to the above mentioned question which are not coherently related to each other but rather aim at raising issues to spark debate.

- Many forms of corruption in conflict & post-conflict settings are similar to other developing countries or weak states. This is particularly true for petty corruption at the service delivery points, but also for higher level corruption in the public

administration such as in procurement, the recruitment and promotion processes, the budgeting process, etc. Also the issues of state capture and state predation are phenomena found in countries with weak states across the board.

- However, in some conflict areas different types of shadow structures with self-appointed quasi “public functions” are extracting additional bribes from the ordinary people. These shadow structures can either fill the positions of the non-present state or add an additional layer, such as is the case in the “security tax” on highways in Southern Afghanistan or an extra-state tax system in Eastern Congo.
- Also, corrupt networks within the public administration may acquire greater relevance through the buying and selling of positions and promotions as power structures are maintained and sometimes carefully managed as not to offset a fragile peace and power balance between conflicting fractions. This way corrupt practices are used to create or maintain governance. However, a question to be asked is whether the short-term focus to buy peace-spoilers will generate long-term governance spoilers? If this was the case, how could this dilemma be resolved differently?
- Perhaps one significant difference of corruption in conflict areas is related to the purpose for which it is used as a means. In particular in resource-rich countries, the maintenance of conflict allows certain economic actors to further exploit the resources at little cost, with little open competition and if the resources are illicit with little fear of public intervention, the latter is the case of opium in Afghanistan and cocaine in Colombia. The actors of what some call war-economies benefit from the cycle of war fuelling corruption and vice versa. This is also an areas where the international dimension of corruption becomes relevant because the actors involved in the dynamics of resource exploitation, corruption and war or conflict are either international of nature or have close ties with the latter.

- Given that an often unrealistic and overly ambitious peace process has been agreed upon, pressures and stakes are high to achieve the intended benchmarks, in the process of which crucial principles of transparency, integrity and probity may be irresponsibly overlooked, as has happened in rushed election processes with devastating consequences for the legitimacy of such a crucial actor as Parliament (Afghanistan). Similar dynamics are at play when it comes to the physical reconstruction of the country's infrastructure. However, as long as results are achieved, corruption in this area may not be as damaging.
- One important difference to other weak states or developing countries in terms of magnitude of corruption may lie in the enormous amount of development aid flowing to post-conflict areas. The so-called "spending frenzy" leads to multiple opportunities for corrupt and other unethical practices. This situation can be compared perhaps to large humanitarian aid emergency operations and the challenge consists in switching relatively quickly from an emergency mode to a developmental approach.
- A significant aspect of the motivations of public officials to get involved in corrupt practices is the uncertainty about the future, their job-security and related issues. The "bonanza" of aid flows persists for a limited amount of time, in some countries, like Afghanistan, this has led among an important amount of people to a "take-and-get-what-you-can" attitude.