Introductory Survey: Corruption and Reconstruction after War

DANIEL LARGE*

The shift from a political economy of war to one of peace is in itself a propitious moment for corruption as new economic activities emerge in a context of blurred regulations and persisting violence.¹

Widespread corruption is a frequent characteristic of reconstruction programs.²

I've never seen corruption like this by expatriate businessmen. It's like a feeding frenzy.³

Case studies around the world indicate that reconstruction in countries emerging from violent conflict can be particularly vulnerable to and affected by different forms of corruption. Reports of reconstruction-related corruption in Iraq range from petty examples to more serious allegations of bribery, fraud, kickbacks, and overcharging. Amidst headlines such as 'Cronies reap Iraqi contracts', serious questions are being asked about the transparency and accountability of American-led reconstruction.⁵ Afghanistan is reportedly in the grip of 'rampant corruption'; 'frequent delay in the payment of state employees' salaries, the rise in prices, not paying attention to the income level of state employers, no perceptible result of the reconstruction process, and broken economic conditions have all contributed to the spread of bribery.'7 Corruption also appears to be a dynamic in many other countries at different stages of emerging from conflict, as a few examples show. 'Corruption was a nettlesome problem for the newly reconstructed Cambodia, and its pervasiveness raised special dangers.'8 Wartorn Liberia is described as 'a country of endemic corruption'. In Sierra Leone 'Corruption, one of the causes of the war, is still stronger than law'. 10 'The end of the war in Angola means that right now the main institution in the country is corruption'; 'In the context of such pervasive corruption, the government cannot

¹ Philippe Le Billion, 'Fuelling War or Buying Peace: The Role of Corruption in Conflicts', (United Nations University/World Institute for Development Economics Research, 2001), p. 14.

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² Rex Brynen, A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza (Washington, DC: US Institute of Peace Press, 2000), p. 28.

³ 'company director for a British firm doing business in Baghdad', from Rod Nordland and Michael Hirsch, 'The \$87 billion money pit', *Newsweek*, 27 October 2003.

⁴ Paul Krugman, New York Times, 1 October 2003.

⁵ See, for example, Representative Henry Waxman, 'Evidence of Waste of US Taxpayers' Dollars in Iraq Contracts', *Middle East Economic Review*, Vol. XLVI, No 40 (2003).

⁶ 'Afghans losing faith in U.S. as corruption runs rampant', AP, 8 September 2003.

⁷ BBC Monitoring Service, 1 December 2002, citing *Anis*.

⁸ M. Brown and J. Zasloff, *Cambodia Confounds the Peacemakers*, 1979-1998 (Ithaca: Cornell University Press, 1998), p. 291.

⁹ Michael Peel, 'Liberians face challenge of rebuilding a nation left in ruins by years of abuse', Financial Times, 16 September 2003, quoting a 'foreign government official who monitors Liberia.' ¹⁰ Richard Dowden, 'Sierra Leone locked in shackles of corruption', Guardian, 12 October 2002.

address the fundamental social problems of the country.' In Tajikistan 'Corruption is systemic, permeating political and economic structures'. 12

Although corruption stories have surfaced regularly in coverage of war-torn countries undergoing reconstruction, corruption has usually been mentioned only in passing and without detailed analysis. The subject has also apparently been the object of curious mutual neglect by both international anti-corruption organisations and those active in humanitarian relief and reconstruction. Somewhat in contrast to the international anti-corruption movement's martial discourse and regular invocation of the need to wage 'war' against corruption, it would appear that corruption in humanitarian relief and reconstruction has not been researched or acted on to any substantive degree, in public at least, by anti-corruption actors. Similarly, because of the sensitive nature of the subject and the actual or potential impact upon funding and operations that corruption and the spectre of corruption can have, it appears that humanitarian and reconstruction actors have not seriously considered or investigated the issue, despite indications that it is a problem.

This paper offers a 'first-cut' survey of post-war reconstruction and corruption. ¹³ Its limited aim is to begin the process of considering the nature and impact of corruption in reconstruction, and to provide an introductory tour of the subject (as opposed to proper analysis). After defining corruption, the four sections that follow begin by outlining the nature of post-war reconstruction. Corruption in relation to armed conflict and humanitarian relief are then addressed briefly before the status and treatment of corruption in the established literature on post-war reconstruction (emanating from Europe and America) is reviewed. While not claiming to be exhaustive, the overall conclusion is that corruption is a neglected issue that has not been extensively researched.

Corruption

The mostly widely employed definition of corruption, which predates but has been popularised by Transparency International, operates with a clear but restricted definition of corruption as 'the abuse of entrusted office for private gain', a focus that in practice lends itself most readily to forms of corruption centred on and occurring in public political office and related business activity.

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¹¹ Tim Butcher, 'As guerrilla war ends, corruption now bleeds Angola to death', *Daily Telegraph*, 30 July 2002, quoting a journalist from Luanda; International Crisis Group, 'Angola's Choice: Reform or Regress', African Report No. 61 (Luanda/Brussels: ICG, 7 April 2003), pp. 5-6, quoting the 'head of a leading Angolan organisation.'

¹² International Crisis Group, 'Tajikistan: An Uncertain Peace', Asia Report No. 30 (Osh/Brussels: ICG, 24 December 2001), p. 15.

¹³ 'Post-war reconstruction' is used in a general way to refer to reconstruction occurring in countries emerging from violent conflict, and does not seek to frame a misleadingly linear sequencing between 'war' or 'conflict' and 'peace', nor, by using 'post-war', misrepresent the diversity and dynamics of contemporary armed conflict. As Rama Mani notes, distinctions between 'conflict' and 'post-conflict' and terms like 'post-conflict' are, at best, 'a simplification'. Beyond Retribution: Seeking Justice in the Shadows of War (Cambridge: Polity, 2002), p. 11.

According to this understanding, 'corruption' is used to designate a range of activities such as bribe-making/taking, embezzlement, fraudulent mismanagement of funds or nepotism that, according to the international anti-corruption discourse, are rendered normatively and increasingly legally unacceptable.

In another, more challenging, definition, corruption can refer to 'decay', 'degeneration' or 'disintegration', which may occur through the presence of 'some foreign element that debases or undermines the whole.' With historical antecedents in different settings, and political and religious variations, this is a broader understanding founded in concern with moral or political decline, or the cumulatively negative impact of imported ideas or forms of behaviour deemed 'corrupting,' and has been used in the sense of 'a disease of the body politic.' The concern was vividly illustrated in a war-torn context by a billboard formerly displayed outside Freetown bearing the message: 'Welcome to Sierra Leone. If you can't help us, please don't corrupt us.'

Both uses of corruption are evident in coverage of post-war reconstruction but this paper confines itself to addressing the more restricted parameters of the former. Corruption is located in political context and is viewed as one factor in reconstruction relating to others (that should not, as such, be accorded the status of primary explanation). However, coverage of war-torn societies undergoing reconstruction does contain references to and interest in the latter idea of corruption, as two examples show. First, Stiefel illustrates an articulated but unelaborated concern with the idea of 'corrupting': 'Even if external assistance does not carry hidden agendas, it can unintentionally have a divisive, corrupting or debilitating impact'. Echoing Cuny's view that frequently 'inappropriate' disaster responses by external actors can amount to 'a second disaster' for the area affected, 16 Stiefel also observed that 'present forms of assistance are often ineffective, inappropriate, and can be harmful.'17 Second, in the wake of criticism of 'legitimised corruption' by international organisations in East Timor and that 'an international consumer class' was 'distorting the socio-economic fabric of' the 'already damaged country', 19 and on the basis of personal experience of UN-led reconstruction there, Chopra wrote: 'The mission itself was corrupting, even for individuals who were not already pursuing power for its own sake...foreign staff exhibited colonial-style behaviour. 20 Elsewhere, after noting that 'it is true that

¹⁴ J. Peter Euben, 'Corruption', in Terrence Ball, James Farr and Russell L. Hanson (eds.), *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press, 1989), p. 222.

¹⁵ See the 'thin conceptual genealogy' of Euben, ibid.

¹⁶ Frederick Cuny, Disasters and Development (New York: Oxford University Press, 1983), p. 89.

¹⁷ Mathias Stiefel, 'Rebuilding after War: Lessons from WSP', (Geneva: War-Torn Societies Project, 1999), from wsp.dataweb.ch/wsp_publication/toc-6.htm.

¹⁸ Denis Dragovic, 'Racist, cynical, wasteful: how UN workers 'help' Timor', *Sydney Morning Herald*, 8 January 2001.

¹⁹ 'email Kelly Morris@Dili', Guardian, 10 July 2000.

²⁰ Jarat Chopra, 'Building State Failure in Éast Timor', *Development and Change*, Vol. 33, No. 5 (2002), p. 981. See also the work of La'o Hamutuk (www.etan.org/lh), the East Timor Institute for Reconstruction Monitoring and Analysis, which actively attempted to make UN-led reconstruction more appropriate, effective and accountable to the East Timorese.

corruption has accompanied peace operations',²¹ he identifies a 'sub-cultural tendency' of 'structural corruption' by international officials, denoting a behavioural tendency characteristic of risk-averse international civil service bureaucracies whose staff safeguard careers through conservative behaviour.²²

Post-War Reconstruction

Reconstruction currently occupies a prominent place in international affairs. For governments, academia, international organisations, NGOs, and the private sector, 'post-war recovery has become a specific area of focus'.²³ Part of the reason for this is the number and visibility of armed conflicts: there were 57 different conflicts in 45 different locations between 1990-2001, of which only 3 were interstate conflicts, and 21 major armed conflicts in 2002.²⁴

Reconstruction takes place in diverse contexts but in environments commonly characterised by widespread damage to social relations, infrastructure, housing, production facilities and agriculture, with large numbers of internally displaced and refugees. States or surviving governing structures frequently have weak financial, fiscal, administrative and regulatory capacities, limited 'absorptive capacity' for managing and disbursing aid effectively, and limited control over informal and criminalised sectors, and predatory actors that have profited from war. In many cases there is potential for renewed tensions, and/or the re-emergence of violence, coupled with continuing humanitarian needs and the presence of a myriad of international organisations and peacekeeping forces.²⁵

Following post-Second World War Germany and Japan, the basic underlying liberal model of the ideal ends of post-war reconstruction that has evolved in the post-Cold War period has done so under the framework of 'post-conflict peacebuilding.' Seeking, essentially, to promote and consolidate processes and structures of 'peace', and thereby prevent further conflict, this projected as desirable a combination of three transitions, which were held (publicly, at least) to be mutually interrelated to the point of being interdependent.²⁶ The so-called

²¹ In Kosovo, for example, UNMIK was reputedly known to locals as the 'ten percent administration', a reference to the habit of certain international contingents to demand kickbacks. B. Latifi and N. Mekolli, 'Trial and Error: Kosovo's Fledgling Justice System', Institute for War and Peace Reporting, October 2001.

²² Jarat Chopra, *Peace-Maintenance: The Evolution of International Political Authority* (London: Routledge, 1999), pp. 196-197.

²³ See Roger MacGinty, 'The pre-war reconstruction of post-war Iraq', *Third World Quarterly*, Vol. 24, No 4 (2003), pp. 601-617 for a more thorough analysis.

²⁴ See Peter Wallensteen, 'Patterns of major armed conflicts, 1990-2001', in *SIPRI Yearbook* 2002: *Armaments, Disarmament and International Security* (Oxford: Oxford University Press, 2002), and Sharon Wiharta and Ian Anthony, 'Major armed conflicts', *SIPRI Yearbook* 2003 (Oxford: Oxford University Press, 2003).

²⁵ See War-Torn Societies Project, including 'Economic Rebuilding: What Role for the State?', Update 4, March 1997.

²⁶ See Roland Paris, 'Peacebuilding and the Limits of Liberal Internationalism', *International Security*, Vol. 22, No. 2 (1997), pp. 54-89.

'triple transition' involves a 'security' transition from war to peace; a 'political' transition from relative anarchy or authoritarianism to human rights-supporting democracy; and a 'socioeconomic' transition from a command or informal war economy to an 'open' market economy.²⁷ Reconstruction, commonly thought of in terms of synergistic pillars (humanitarian, social, political, or economic), thus encompasses establishing security, rebuilding physical infrastructure, rebuilding, reforming or creating public institutions and legitimate government, and carrying out economic reforms. Fundamental aspects are the social and political dimensions of reconstruction and peacebuilding, which can be vital for any kind of viable long-term settlement.

Structures and networks of corruption and criminality predating (and even contributing to) armed conflict are one aspect that political settlements to conflict may have to navigate. In transitions from a political economy of 'war' or protracted armed conflict to a political economy of nominal and fractured 'peace' involving international intervention and the injection of human, material and monetary resources, reconstruction potentially provides abundant opportunities and incentives for incidental and more systemic corruption by numerous actors. This is especially the case for those militias and entrepreneurial elites who have profited from violence and for whom peace and reconstruction may be viewed ambivalently as representing a mixture of economic opportunity, in an environment of fledging regulation, and with the prospect of a restoration of law, potential threat, requiring economic or political inducements to be overcome.

What makes corruption in reconstruction after war different to conventional approaches to corruption using a 'development' lens are the particular characteristics that environments affected by violent conflict can be said to have. To assert that corruption in reconstruction is 'merely' a 'development' issue, to be treated according to orthodox economic prescriptions, misconstrues the nature of reconstruction and the sheer complexity of rebuilding after war. There are, naturally, similarities and commonalities between developing countries and those recovering from war - economic hardship; weak, ineffective or predatory national institutions; high levels of debt and aid dependency, to name a few - but reconstruction has its own 'peculiarities' before entering a phase that might be termed 'development'.28 For Stiefel, post-war rebuilding 'is essentially a development challenge in the special circumstances of a war-torn society.'29 These 'special circumstances' – politicised post-war tinderbox; risk of recrudescent violence or continuation of low-intensity conflict despite nominal, declared 'peace'; a legacy of human and material devastation, and intervening organisations including military forces – are important. In sum, 'reconstruction problems can be specific to post-war environments and demand a specialist approach that is mindful of the peculiar context of the aftermath of a violent

 ²⁷ Shepard Forman and Stewart Patrick, 'Introduction', in Shepard Forman and Stewart Patrick (eds.), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder: Lynne Rienner, 2000), p. 5.
 ²⁸ See Graciana Del Castillo, 'Post-Conflict Reconstruction and the Challenge to International Organisations: The Case of El Salvador', *World Development*, Vol. 29, No. 12 (2001), pp. 1969-1970.
 ²⁹ Stiefel, 'Rebuilding after War'.

conflict' and sensitive to the continuation of factors contributing to conflict.³⁰ The existence of 'special circumstances' should be underlined. It assumes particular significance with regard to corruption, which can, for example, undermine the fundamental process of 'restoring confidence and trust in the legitimacy of public institutions.'³¹

Corruption and Armed Conflict

The relationship between corruption and armed conflict is too rich a subject to cover adequately here.³² However, recent literature on the political economy of armed conflict has shown that war economies can be globalised zones of dynamic interpenetration between local and global business networks and coercive systems for the extraction and transmission of profit. In this literature, corruption is sometimes identified as a characteristic of 'new war' economies, ³³ although despite the influence of economic approaches to conflict analysis, the empirical study of war-affected economies, including corruption, has been somewhat neglected.³⁴

Debate and publicity about the economic causes and dynamics of conflict and such subjects as natural resources and transnational business operations in conflict zones has implicated corruption as a factor 'fuelling' conflicts. As such, corruption lends itself to arguments that emphasise economic motivations ('greed') behind violence, in conflicts that can be profitable for key protagonists. Given that conflict-related corruption involves complex social dimensions that are by no means restricted to the grand corruption of armed elites, it should not be too readily subsumed under an econometric umbrella nor its role in motivating or contributing to conflict simplified and exaggerated. Corruption, as a factor that can contribute to conflict, extends and relates to far more than high-profile diamonds, oil or other natural resources. In this vein, the work of Paul Richards exploring social exclusion as a conflict dynamic in Sierra Leone has

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³⁰ MacGinty, 'The pre-war reconstruction', p. 604.

³¹ Stiefel, 'Řebuilding after War'.

³² It also has a long history. For example, such issues as corruption precipitating rebellion, concern with the 'corrupt' degeneration of society under the impact of war, or 'war profiteering' involving forms of corruption. For an interesting example of the latter, see the revisionist study of wartime Britain by Donald Thomas, *An Underworld at War: Spivs, Deserters, Racketeers and Civilians in the Second World War* (London: John Murray, 2003).

³³ See, for example, Mary Kaldor, New and Old Wars: Organized Violence in a Global Era (Cambridge: Polity Press, 2001).

³⁴ The premise of Frances Stewart and Valpy FitzGerald (eds.), War and Underdevelopment: Volume One: The Economic and Social Consequences of Conflict, and Volume Two: Country Experiences (Oxford: Oxford University Press, 2000).

³⁵ See the work of Global Witness (www.globalwitness.org). Examples included Chechnya: 'Rampant corruption has emerged as a strong driving force of the conflict.' Vladimir Radyuhin, 'Corruption fuels a war', *The Hindu*, 2 September 2001. Sidney Jones even suggested that if the Indonesian government wanted to end conflict in Aceh, 'it would not be talking about a military solution. It would be talking instead about ending corruption, upholding the law, and making the conflict less profitable for all parties concerned.' 'Corruption blocks Aceh peace', *Straits Times*, 24 July 2002.

noted how at a basic, everyday and important interpersonal level corruption can detrimentally affect social relations and contribute to conflict. 'Corrupt dealing on various levels destroys discernible relationships between natural ability, hard work and achievement.'³⁶

In the apparent absence of serious and comprehensive research into corruption and conflict, Philippe Le Billion provides a rare survey and analysis. His overall argument is that:

Corruption can lead to and sustain violent conflicts in the context of patrimonial regimes degenerating under local or international shocks and pressure for reform. Yet, corruption can sustain a degree of stability, and even peaceful consensus. This apparent contradiction can be explained by the legitimacy of pervasive corruption and the effectiveness of corruption in building order within a context of relative anarchy.³⁷

Two clusters of arguments he identifies as emerging out of the literature are those of 'corruption fuelling war' and 'corruption buying peace'. The former perspective makes three claims: first, 'corruption can increase grievances and conflictual demands for political change', and can generate instability in the form of popular mobilisation for political change; second, 'the availability of rents for the leadership can constitute the prize for capturing the state'; and third, 'political corruption and the concomitant corruption of politics undermine institutionalized public affairs, including processes of political change and conflict resolution mechanisms.' According to the 'corruption buying peace' argument, 'corruption allows for the creation of political order and the cooptation of opposition groups, thereby providing a useful means of political stability allowing for the avoidance of conflict.' For its proponents, political stability 'can be promoted by sustaining legitimate corruption through political handouts, public subsidies, air or commercial activities.'

Le Billion contends that analysing the political consequences of corruption in conflict demands a properly contextual approach that differentiates the types of corruption involved. He underlines the issue of whether or not corruption is perceived as 'legitimate'. Patronage and associated means of redistribution can sustain political stability. Legitimacy is connected to 'control of resources; with conflicts arising when this control extends beyond the mutually recognized resource boundaries of social networks or fails rules of reciprocity.' Le Billion concludes that corruption should be seen 'as being partially driven by internal processes of capital accumulation and global structural forces', and that rather than representing a breakdown of political and economic order, criminal corruption can be viewed as 'its rational degeneration under changing global and domestic conditions.' Finally, he writes: 'Although the role of corruption should

³⁷ Le Billion, 'Fuelling War or Buying Peace', p. 1.

³⁶ 'Are there Common Causes to Recent West African Insurgencies? Economic Opportunities and the War Economy', paper presented at the international seminar on 'Conflict and Development Policy in the Mano River Region and Cote d'Ivoire: 'The Regional Stakes for Stability and Reconstruction', Sahel and West African Club - OECD, Paris, 13-14 May 2003, p. 7.

not be overstated, its positive functions may need to be acknowledged when dealing with a country facing the prospect of anarchy.'38

Corruption and Humanitarian Relief

Corruption in humanitarian relief has not been seriously investigated or analysed: the subject 'has been inadequately covered up to now.'³⁹ It is, however, an issue that undoubtedly exists for and affects conflict-affected populations - refugees, for example, are frequent targets of predatory bribery and extortion at checkpoints and international borders⁴⁰ - as well as humanitarian organisations.

Corruption controversies surface periodically in the humanitarian context. Bracketing debates about the 'corrupting' influence of humanitarianism, these can be broadly separated into two categories: corruption in humanitarian relief, that is, occurring endogenously within the humanitarian system, and the corruption of humanitarian relief, or the exploitation of humanitarian organisations and operations by external actors. Within the former, longstanding concern within humanitarian organisations and donors about appropriate budget allocations for administration or fundraising vis-à-vis field operations are more a matter of 'good practice' but can involve corruption. It also embraces 'diversion of funds' and different forms of embezzlement. 41 Recent prominent examples of corruption-related stories include allegations of corruption and intimidation by UNHCR officials in Tanzania,⁴² and reportedly corrupt aid workers and sexual abuses in Guinea, Sierra Leone and Liberia. 43 The second category is of greater concern to humanitarian agencies. It might narrowly include such practices as 'drug dumping' by businesses on relief agencies or aid 'diversion' for strategic objectives, and more broadly the manipulation of humanitarian aid for 'non-humanitarian' purposes.

Corruption in humanitarian relief seems to be a feature of hostile conflict theatres characterised by predation and resource scarcity, and there is the potential for corruption at certain opportunity outlets, including procurement,

³⁸ Le Billion, 'Fuelling War or Buying Peace', p. 15.

³⁹ Georg Cremer, 'On the Problem of Misuse in Emergency Aid', *The Journal of Humanitarian Assistance* www.jha.ac/articles/a042.htm posted 3 June 2000. Corruption in development aid has received more attention. See Brian Cooksey, 'Aid and Corruption: A Worm's Eye View of Donor Policies and Practices', presentation at the 11th International Anti-Corruption Conference, Seoul, 29 May 2003 (available on www.11iacc.org/iacc/html/confer_3_s5.html#a6).

⁴⁰ See Maureen Lynch, 'Border bribery: the price of being a refugee', Refugee International, 22 September 2003.

⁴¹ See Cremer, 'Problem of Misuse', for a more thorough analysis of 'internal corruption'.

⁴² For an official version, see UN OCHA 'Tanzania: UNHCR denies corruption, intimidation claims', 15 March 2002.

⁴³ See Audrey Gillan and Peter Moszynski, 'Agencies hid scandal of aid workers who bought child sex with food', *Guardian*, 28 February 2002; 'Note for Implementing and Operational Partners by UNHCR and Save the Children-UK on Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone based on Initial Findings and Recommendations from Assessment Mission 22 October-30 November 2001', (February 2002).

transport, customs, distribution and staffing.⁴⁴ According to Davies, relief agencies live with and can add to corruption, which increases transaction costs:

Although no relief agency can individually put a stop to it, the extent to which agencies are implicated depends on the degree to which they acquiesce in corrupt practices. For example: accepting loose financial controls, accepting misuse of fund or project proposals that are obviously "fattened", putting up with high "wastage" levels of goods brought in, tolerating a certain amount of pilferage, turning a blind eye to the existence of organized prostitution in camps, or going along with patronage for the sake of a quiet life, accepting the levying of internal taxes on food aid, etc. ⁴⁵

Davies also observes that 'blatant corruption has an alienating effect on ordinary citizens. If this resentment is not to spill over onto the international community, then the latter must be seen to be doing something tangible about it.'

Corruption in humanitarian relief has been neglected in the established academic literature, in the sense of research into the ways in which corruption is and can be involved in humanitarian aid and the impacts it can have. Randolph Kent, however, discusses corruption briefly and instructively in *Anatomy of Disaster Relief: The International Network in Action* (from 1987). He presents corruption as a multifaceted issue in which all actors can play a part and in which the experience of the affected should be appreciated and corruption stories contextualised.

Corruption for one society may not be the same for another. Corruption is also a perceptual matter. Its significance in a relief operation may often be exaggerated far beyond its practical effect. Nevertheless, corruption is indeed real. It does exist – amongst donors as well as recipients.

Warning that inevitable 'sagas of corruption' can articulate and serve to perpetuate a misplaced moral superiority, he writes that these 'fuel the righteous indignation of many donors, and perpetuate the condescension that permeates many aspects of relief work. Donors are the purveyors of acceptable values; governments of the afflicted and even the afflicted themselves are frequently viewed as betrayers of fundamental articles of faith.' For Kent, this is unfortunate since 'corruption is by no means the sole prerogative of either. If corruption can be defined as intentionally deviating from a norm of acceptable behaviour, then one is confronted with the problem of determining what is indeed acceptable behaviour in a disaster relief operation.' By suggesting that corruption, on one level, 'is often a question of who is defining the term', he implicitly raises issues of how power relationships between those that provide and those that receive resources are mediated and presented. Kent asserts that

⁴⁵ Robin Davies, 'Humanitarian assistance: negative spin-offs for the host country', 'FORUM: war, money and survival' (1 February 2000), from www.icrc.org.

⁴⁴ Tara Polzer, 'Consultation Report: Transparency and Accountability in Humanitarian Aid', (Berlin: Transparency International, 27 August 2001).

⁴⁶ The following draws on Randolph C. Kent, *Anatomy of Disaster Relief: The International Network in Action* (London: Pinter Publishers, 1987), pp. 17-20.

the impact of corruption on relief operations 'is generally accepted to be of limited consequence. The real issue is the impact of corruption not upon relief operations but upon the perceptions of the relief culture.' Kent concludes that 'disaster relief operations create many opportunities for those people outside the disaster-afflicted area.' One illustration of this comes from after NATO's campaign in Kosovo where an Albanian journalist was quoted as describing profits been harvested from humanitarian and military operations on the border between Kosovo and Albania 'as like the Klondike during the Gold Rush'.⁴⁷

Corruption and the Literature on Post-War Reconstruction

Contemporary literature on post-war reconstruction consists of a range of institutional material and academic/practitioner contributions, which are mostly concerned with analysing the impact of conflict, the challenges of reconstruction and peacebuilding, evaluating projects in progress, or reflecting on best practice. Corruption has not received prominent attention in the established literature, and there seem to be no published studies focusing on corruption. To find serious debates over the nature, role and impact of corruption in reconstruction, it would appear that we have to look to history and thus before surveying the literature, this section begins with an interesting historical case.

American Reconstruction, conventionally dated 1865-1877, provides a rich historical example of corruption as a salient issue after war. With the exception of large-scale interventions by external actors, post-civil war southern America was marked by many characteristics familiar today: military occupation after a devastating conflict; refugees and displaced people; demobilisation; rebuilding of destroyed infrastructure, and reform of political institutions based on new constitutions drafted and imposed by the victors. Reconstruction-era America experienced the continuation of corrupt practices from the pre-war period, including the established spoils system, embezzlement, patronage, bribery, kickbacks, political lobbying and rigged electioneering. However, it also provided 'an ideal climate for corruption', 49 which 'thrived' because of the 'specific circumstances of Republican rule. The expansion of public responsibilities and the rapid growth of capitalist enterprise linked to the state dramatically increased both the size of budgets and the demands placed upon them.'50 Forms of corruption included bribery of public officials and lawmakers to obtain war-related pardons or business contracts; prominent politicians who had to resign; customs fraud scandals, and major scandals over railroad aid,

⁴⁷ Frank Viviano, 'War leaves drug, arms traffic up for grabs', San Francisco Chronicle, 11 May 1999.

⁴⁸ For example Krishna Kumar (ed.), Rebuilding Societies After Civil War: Critical Roles for International Assistance (London: Lynne Rienner, 1997); Mary Anderson and Peter Woodrow, Rising from the Ashes: Development Strategies in Times of Disaster (Boulder: Lynne Rienner, 1998); Geoff Harris (ed.), Recovery from Armed Conflict in Developing Countries (London: Routledge, 1999).

⁴⁹ John Hope Franklin, Reconstruction after the Civil War (Chicago: University of Chicago Press, 1994 [1961]), p. 34.

⁵⁰ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Harper and Row, 1988), p. 385.

which 'generated the most corruption.'⁵¹ After rapid economic expansion during the war, there was 'graft and corruption among those afflicted with get-rich-quick fever'.⁵² Overall, although corruption was a problem in reconstruction, its social and political effects had broader ramifications. Summers contends that the issue of corruption and its politicisation was more salient and consequential than actual corruption: 'corruption had less important consequences that the *corruption issue*.' It became one of the leading arguments of counter-reconstruction, and was manipulated to discredit the reconstruction governments. This helped destroy a commitment to the South, and confined the meaning of reform narrowly to public administration. In sum, 'corruption had very real costs.'⁵³

Turning back to the present, corruption in reconstruction after war has a much less prominent and debated position. The issue is addressed to some extent in the institutional and policy-oriented literature on conflict and reconstruction, falling within the sphere of 'governance'. Three examples demonstrate awareness of, interest in and some engagement with corruption. First, the Report of the Panel on UN Peace Operations makes a passing reference to anticorruption as an 'essential' complement to peacebuilding. Second, a World Bank report observes that corruption 'represents a far more serious challenge in post-conflict situations. Issues of governmental accountability, transparency, and corruption take on heightened significance in post-conflict entities, because large amounts of donor funds flow through nascent polities composed of weak or even nonexistent institutions.' The Palestinian Holst Fund is cited as an example of a donor initiative that 'used built-in auditing controls and other checks and balances to prevent misuse of their funds.' The last paragraph, transferring corruption away from donor-supported activities, states in general terms:

The real source of corruption in post-conflict entities appears to lie in the misuse of domestic revenues, direct cash transfers (made on the side by donors and/or the Diaspora), customs revenues, taxes, and monopoly rents. These revenues have been held 'off-budget', and have been used to support political patronage, military/security forces, and other activities that the international donor community cannot – or will not – finance.

Third, for the OECD conflict prevention includes the need to counter 'negative economic forces' such as 'rent-seeking and corrupt resource deals that fuel and thrive on conflict.' Corruption can be 'an obstacle to civil peace'. It identifies two corruption-related issues in conflict prevention: the need to 'enhance transparency in trade transactions, eliminate corruption at all levels'; and

⁵¹ Foner, *Reconstruction*, p. 385.

⁵² Franklin, *Reconstruction*, p. 47.

⁵³ Summers, *Era of Good Stealings*, pp. x, 157 (italics in original).

⁵⁴ Report of the Panel on UN Peace Operations, (2000), para. 14.

⁵⁵ World Bank, 'Aid Coordination and Post-Conflict Reconstruction: the West Bank and Gaza Experience', *Precis*, No. 185 (1999).

⁵⁶ ÔECD DAC Guidelines, Helping Prevent Violent Conflict (OECD, 2001), p. 21.

'Working with countries in troubled regions to prevent the spread of cross-border corrupt business practices and illegal resource flows.'57

In the academic literature, corruption is sometimes implicitly assumed to be an actual or potential problem, but not considered beyond this perception or expectation. Kathleen Hawk, for example, expresses a widely held view that a "leaner" state would be less susceptible to corruption (since less money would be passing through it). She calls for a reconfiguration of operational responsibility between states and NGOs in favour of greater involvement of NGOs, who are presented as more flexible than bilateral assistance programmes and less prone to corruption. 'Smaller, more widely spread lending programs may also both reduce the incidence of corruption... and would reduce the number of hands the assistance must pass through, getting it there faster and with less lost to corruption.'58

Generally speaking, corruption is mentioned in passing, if at all, in the literature on reconstruction. Three examples of references to corruption that are not pursued at any length can be found in the book *Regeneration of War-Torn Societies*. First, one chapter notes that 'developing payment mechanisms for police salaries...renders the breeding ground for corruption at least a little less fruitful and increases the accountability of donor funding.'⁵⁹ Second, another chapter states: 'In post-conflict societies, which inherit a culture of corruption and abuse on the part of the security forces, good levels of pay may not in themselves be sufficient to eliminate abuses of power.'⁶⁰ A final example, provided by Peirce and Stubbs in their chapter on Travnik, Bosnia, serves as a summary of the place of corruption in the literature more generally, attests to the importance of the issue and suggests lines of enquiry for further analysis:

It is rare to see 'such basic questions as widespread criminalisation of the economy and international criminal networks, competition for the control over resources and trading routes...economic survival strategies, [the] role and impact of the booming informal sector, (or) widespread corruption', being analysed, much less addressed specifically in peacebuilding projects. However, these issues are crucial determinants of whether such programmes will have any success or, simply, have multifarious unintended negative consequences.⁶¹

The potential for exploring the political economy of corruption in reconstruction is shown by Michael Pugh's analysis of 'protectorate political

⁵⁸ Kathleen Hill Hawk, Constructing the Stable State: Goals for Intervention and Peacebuilding (Westport: Praeger, 2002), p. 129.

⁵⁹ Annika Hansesn, 'International Security Assistance to War-torn Societies', in Michael Pugh (ed.), *Regeneration of War-Torn Societies* (London: Macmillan, 2000), p. 50.

⁶⁰ Neil Cooper, 'Raising the Costs of Conflict, Lowering the Price of Peace: Demilitarisation after Post-modern Conflicts', in Pugh, *Regeneration of War-Torn Societies*, p. 64.

⁵⁷ OECD, Helping Prevent Violent Conflict, pp. 73-74.

⁶¹ Philip Peirce and Paul Stubbs, 'Peacebuilding, Hegemony and Integrated Social Development: The UNDP in Travnik', in Pugh, *Regeneration of War-Torn Societies*, p. 171, referencing Francois Jean and Jean-Christophe Rufin (eds.), *Economie de Guerres Civiles* (Paris: Hachette, 1996).

economies' in Bosnia-Herzegovina and Kosovo. ⁶² He disaggregates the region's post-war political economy into four interconnected strands First, the 'official/white economy', essentially the regulated framework used for management purposes by external actors and government departments. Second, the 'clientist/nationalist economy, which forms the core of the 'spoils of peace': the war gains inherited from dismantling former Yugoslavia'. Third, the "survival"/grey economy', only partially recorded and formal, involving diaspora money, aid, barter, tax avoidance, and cash transactions. This 'enables the majority of the population to get by in a situation where half the adult population is formally unemployed'. Finally, the 'mafia/black economy is outside regulation and beyond accountability...it relies on the existence, or deliberate creation, of scarcity and on the absence of social welfare.' Although the 'grey' and 'black' economies are designated criminal, Pugh writes that 'they clearly perform a service in a welfare vacuum, including providing means of escape, sustenance, employment and the prospect of personal enrichment.'

Pugh argues 'that international agencies that claim to be promoting economic liberalisation in the protectorates of south-east Europe are in practice reinforcing the dominance of clientist {sic} and mafia political economies.' Observing that 'for local elites, the spoils of peace legitimise the war', he examines the refraction and consequences of interventions by external actors in the post-war political economies, particularly collaborative efforts to 'implant neo-liberal principles' and the profit seeking opportunities this provides for conflict winners. According to Pugh, the 'spoils of peace' have been considerable for war elites: they have maintained power, and as entrepreneurs adapted to the post-war context by metamorphosing into peace profiteers or reconstruction racketeers. This continuation of wartime economies in situations of nominal peace is illustrated 'in Lebanon and Croatia where militias and political elites became 'legitimate' reconstruction racketeers, dealers and directors taking advantage of the state's marginalisation and an ultra-liberal, unregulated economic environment in which public government has been paralysed.'63 Pugh argues that the economies of Bosnia-Herzegovina and Kosovo display a mixture of 'pre-war and wartime clientism': patrimonial distribution of assets and access to economic opportunity; corporatism, or 'continuation of the vertically integrated control by political parties and patrimonies that link the welfare of the kerbside cigarette sellers to global trafficking and tie small businesses to major banks'; prebendary elites concerned with controlling rents; nationalist politics, and 'market principles directly imposed by "protectors". According to Pugh, the imposition of economic restructuring according to neoliberal prescriptions produces unintended consequences including 'the reinforcement of corrupt elites, the siphoning of privatised public assets into private pockets and the privatisation of government.'

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⁶² The following draws on Michael Pugh, 'Protectorates and Spoils of Peace: Intermestic Manipulations of Political Economy in South-East Europe' (COPRI Working Paper, 2000).

⁶³ See Charles Adwan, 'Corruption in Reconstruction: The Cost of National Consensus in Post-War Lebanon', in this report.

Rex Brynen's A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza examines the history and evaluates the impact of external assistance between the 1993 Washington donors conference (whose pledge of over US \$2 billion in aid over a five year period grew to over US \$4 billion) and the election of the Barak government in May 1999. More generally, he addresses 'the politics of giving' and 'the politics of getting'. He writes that 'donor assistance 'represents a potent *political* resource – the external goose laying the domestic golden eggs. For this reason, a variety of actors are likely to seek to use assistance to further their own political agendas.'64 For political elites, external support is about regime consolidation as well as state building, and funding or reconstruction and development initiatives are resources that can be used for the purposes of rewarding loyal constituencies, co-opting opponents, and changing the domestic balance of power. Reconstruction programs, according to Brynen, are commonly characterised by 'widespread corruption' and to a significant extent this can be attributed to the conflict itself, criminalised war economies and 'an array of parasitic actors' that sustain themselves on the humanitarian relief. 'To the extent that such endemic corruption represents a manifestation of both economic entrepreneurship and local survival skills, its eradication is difficult despite the gradual reassertion of state authority.' In addition to 'inevitable bureaucratic disarray' and disorganisation, 'The huge disparities between foreign aid and local poverty create myriad opportunities and incentives for corrupt behavior, whether grand (embezzlement, extortion, contracting irregularities) or petty (thefts, small bribes to and from officials).' Donor measures to promote reform:

often fail to adequately recognize that patronage and the official toleration of corruption may fulfil a certain political rationality—the needs of immediate political survival—even if they have substantial long-term social, economic, and political costs...To the extent that donors treat corruption as if it were simply a moral or administrative lapse, and fail to take political considerations into account, donor-supported reforms potentially undercut their own effectiveness. They may also invite perverse effects. A cutoff of external support, for example, may not promote reform but rather may force a government into even greater reliance on extralegal mechanisms of revenue generation, thereby achieving the opposite effect to that intended.⁶⁵

Whilst recognising that corruption may undermine the credibility and capacity of states, and contribute to re-igniting violence, Brynen suggests that corruption can perform a significant political role: 'corruption may be (as in the West Bank and Gaza, and indeed many other places) a mechanism of neopatrimonial political management, used to consolidate regimes and maintain political stability (and perhaps even peace).'66

An important area concerning corruption in reconstruction is the restoration or creation of the institutions of government and the administration of justice. This is affected by circumstances preceding conflict together with the impact of

⁶⁴ Brynen, A Very Political Economy, p. 27.

⁶⁵ Brynen, A Very Political Economy, pp. 29-30.

⁶⁶ Brynen, A Very Political Economy, p. 224.

conflict on public institutions. Independent Eritrea, for example, inherited a corrupt civil service from Ethiopia, whose regime had 'introduced lengthy, tedious and unnecessary chains of paperwork, ostensibly to control corruption. In actual fact, it bred corruption, misappropriation and fraud.'67 Rama Mani identifies one dimension of justice after war as 'legal justice', or the rule of law, that must be restored. 'The need to address legal justice stems from the rampant legal injustice, exemplified by the breakdown or corruption of the rule of law and absence of legal redress, that is a common symptom preceding and during most conflicts.' Identifying one possible task in post-war institution building, she notes in passing that 'legal justice may require the dismantling of a corrupt judiciary', 68 a problem also facing newly independent Eritrea. 69 Mani identifies one of the 'states of disrepair' scenarios for the rule of law after war as that of 'corrupt and dysfunctional'. Here the appearance of the rule of law remains but it masks the judiciary's loss of independence to, and manipulation by, the executive, and the erosion of impartial justice under corruption, contributing to a loss of public trust. 'The rule of law in El Salvador and Guatemala at the end of their respective conflicts are cases in point.'70

Good Intentions: Pledges of Aid for Postconflict Recovery is a comparative examination of the pledges and delivery of post-war multilateral aid in Cambodia, El Salvador, Bosnia-Herzegovina, Mozambique, South Africa, and the West Bank and Gaza. It documents how 'in many situations a significant proportion of the pledged resources has either never materialized or done so very slowly. Despite ostensible good intentions, too often aid promised has not been committed, aid committed has not been delivered, and aid delivered has arrived too late.'⁷¹

In the context of donor aid for reconstruction, one sub-issue in the book is donor reluctance to disburse aid because of concerns about corruption, and the manipulation of accusations of corruption for political purposes as a pretext for delaying or not dispensing aid, or for justifying its slow deployment. In Cambodia, for example, where absorptive capacity was 'limited' and aid coordination initially weak and compounded by 'rampant corruption', the 'problem of "rent seeking" was prevalent, as government officials sought to benefit personally from external and public resources.' As a problem, corruption 'remained unresolved, partly because the salaries of civil servants were extremely low (not more than \$20 per month). That said, the root cause of corruption was the state's inability to meet social needs and to regulate social behavior.'⁷²

⁶⁷ Alemseged Tesfai, 'Issues of Governance in the Eritrean Context', in Martin Doornbos and Alemseged Tesfai (eds.), *Post-conflict Eritrea: Prospects for reconstruction and development* (Asmara: Red Sea Press, 1999), p. 260.

⁶⁸ Rama Mani, Beyond Retribution, pp. 5, 18.

⁶⁹ Tesfai, 'Issues of Governance', p. 260. ⁷⁰ Rama Mani, *Beyond Retribution*, p. 74.

⁷¹ Shepard Forman and Stewart Patrick, 'Introduction', in Forman and Patrick (eds.), *Good Intentions*, p. 1.

⁷² Sorpong Peou, with Kenji Yamada, 'Cambodia', in Forman and Patrick (eds.), *Good Intentions*, pp. 89-90.

The problem of corruption and the need for transparency in reconstruction after war is emphasised with reference to the international community, recipient governments and involved parties.

Reports of corruption in postconflict governments can have devastating consequences for continued donor support for their recovery. Donors should thus design aid interventions in ways that maximize transparency in the use of internal and external fund and that hold local officials accountable. At the same time, donors will need to be attentive to the political realities of recovering societies and the requirements of stability.⁷³

Reference to 'political realities' opens up the thorny issue of whether corruption is an acceptable price in the pursuit of peace, and if so, the extent to which this is sustainable. As Patrick writes, when donors 'tolerate' unconventional practices or 'indulge' policies that do not conform to expected standards of transparency, this poses 'a delicate issue that creates quandaries for external actors.'⁷⁴ However, a leading recommendation is the need for donors to introduce greater accountability and transparency in the delivery and implementation of aid:

Although bilateral and multilateral donors alike insist that aid recipients maintain high standards of "accountability" and "transparency," their application of these principles to their own conduct is uneven at best...Whatever the motivation, such opacity undermines the credibility of donors and their laudable efforts to encourage transparency among aid recipients.⁷⁵

This concern is currently widespread - as is the language and various initiatives⁷⁶ - but it is also longstanding. Some twenty years ago Cuny, for example, wrote that 'accountability to the victims of a disaster is a concept long overdue in relief practice'.⁷⁷ This sentiment has been frequently repeated but not, it would seem, acted upon in a meaningful and concrete manner. In the case of transparency or accountability, these would appear to be desirable ends not merely or only in themselves, but rather the beginning of more open and effective methods that constructively reconfigure working relationships and processes.

⁷³ Patrick, 'Donor Community', in *Good Intentions*, p. 58.

⁷⁴ Patrick, 'Donor Community', in *Good Intentions*, p. 58. A good illustration of this in practice: 'People in East Timor have many questions about the hundreds of millions of dollars that have flowed into the country since September 1999. Most have little idea where the money is going. The lack of public awareness, transparency, and participation in funding matters leads many to conclude that something is wrong. At the same time, there is a pervasive perception that given that, given the levels of funding, there has been insufficient progress in the rebuilding of East Timor.' From 'Funding East Timor's Reconstruction: An Overview' in La'o Hamutuk Bulletin 2, no. 1 & 2 (April 2001).

⁷⁵ Patrick, 'Donor Community', in *Good Intentions*, p. 57.

⁷⁶ Including the Humanitarian Accountability Project (www.hapgeneva.org), the Active Learning Network for Accountability and Performance in Humanitarian Action (www.alnap.org), and UN OCHA Financial Tracking System designed to 'monitor accountability amongst humanitarian actors' and indicate 'to what extent a certain population receives humanitarian relief', on www.reliefweb.int.

⁷⁷ Cuny, Disasters and Development, p. 94.

A number of analytical issues emerge from this cursory review as being significant but neglected in the existing literature on reconstruction. First, the nature and role of corruption in reconstruction after war. Second, the impact or consequences of corruption for various involved actors and affected populations in the aftermath of violent conflict and in the course of longer-term social and economic development. Third, how and in what ways corruption relates to the nature and delivery of post-war aid and reconstruction financing, particularly, the type and sequencing of aid where 'absorptive capacity' is not high. Fourth, the elusive quest for accountability and transparency in post-war interventions by external actors, and means by which such concepts can be operationalised to the benefit of affected populations. Finally, dealing with corruption in the course of institution building and creating anti-corruption safeguards within an institutional framework for a capable state that can govern effectively and contribute to social and economic development.

Conclusion

In the wake of the end of the Cold War, optimism that many wars would end and reconstruction could begin proved transient. However, concerns that reconstruction was prone to being implemented in inappropriate ways have endured. The desire to prevent 'the disaster of war being followed by the disaster of reconstruction' is equally as pertinent an issue today as it was in the early 1990s, and before. While attempts to 'learn lessons' and 'improve' reconstruction have made a certain amount of 'progress', the issues and debates reveal a familiar circularity at the same time as quite different scenarios such as Iraq emerge.

Corruption in reconstruction after war is a complex issue that has been neglected in the established literature on reconstruction after war. It has active interconnections with the political economy of armed conflict as well as humanitarian relief, relations between a variety of external actors involved in reconstruction and the contexts in which they operate, and questions of justice and the establishment of governing institutions. By no means a new phenomenon in reconstruction, corruption connects with many of its important aspects. In light of the existing research deficit and apparent need for further research on different aspects of corruption in reconstruction, the subject offers a number of possible avenues of investigation that could enhance awareness and inform practice. Besides exploring historical cases and conducting historically informed studies, there is potential in conducting more applied 'empirical' research, despite the fact that conflict-affected settings would compound the methodological challenges facing any research into corruption. Such research could investigate the nature and extent of corruption in countries emerging from

⁷⁸ For example Anthony Lake (ed.), *After the Wars* (New Brunswick: Transaction Publishers, 1990). ⁷⁹ Sultan Barakat and Charles Cockburn, 'Reviving War Damaged Settlements. Report and charter prepared in connection with the Third International York Workshop on Settlement Reconstruction Post-War, July 22-24, 1991', (University of York, 1991), p. 21.

conflict; the experience of corruption by different actors and how corruption is regarded by and/or involves external actors such as donors and intervening organisations, as well as indigenous actors, and how corruption can affect recovery processes or impact on reconstruction. Finally, the question of how corruption is dealt with (or not, as the case may be) by involved parties would help shed light on what 'anti-corruption' methods might be appropriate and effective in the context of reconstruction.