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Anti-Corruption Provisions Are Key for Making Peace Agreements Sustainable

For Immediate Release

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(Washington) – In a new study, “Negotiating Peace and Confronting Corruption” from the United States Institute of Peace, author Bertram I. Spector argues that peace and economic recovery in countries emerging from violent conflict are more likely and more durable when good governance reforms and corruption controls are included in negotiations ending the conflict..

Spector examines the negotiated peace process in six cases—El Salvador, Guatemala, Sierra Leone, Burundi, Papua New Guinea and Liberia—specifically looking at how and in what form integrity provisions were negotiated into the agreements. In each case, he identifies lessons learned, where the peace agreements and implementations left gaps, and where new solutions are still needed. Spector analyzes the six cases against a control group of seven countries recently emerged from conflict where anticorruption and good governance provisions were not explicitly elaborated in peace treaties. Comparing the two groups on indicators of official development assistance, corruption control, political stability, and economic growth, he finds that postconflict countries where reestablishing integrity was high on the agenda fared better than those in the control group.

But negotiating a good forward-looking agreement cannot by itself guarantee peace with corruption kept in check; how the agreement is implemented is just as crucial. To effectively implement an agreement, the parties to it—as well as interested bilateral donors and international organizations—must support integrity provisions and safeguards through technical and financial assistance.

Spector also contends that postagreement negotiations are essential to extend, revise, and refine the original peace treaty during implementation in response to the postconflict country's fluid political and economic environments. Postagreement negotiations bring former combatants together in a continuing forum to solve the country's problems and learn more about the other side's interests and needs. Most importantly, they reconstitute a critical element of any well-functioning democratic government: the participation of interested parties in developing decisions and future policy through peaceful dialogue and compromise.

“The prospect for a long-term stable resolution of violent conflict often emerges from a complex multistage process. Peace agreements are achieved principally through negotiations, but it takes intricate postagreement efforts to ensure that the commitments the parties made in negotiation are realized,” states Spector. “How an agreement is implemented—with what speed, with what resources, and with what political will by all parties—will directly affect the success of conflict resolution.”

Based on this multi-staged analysis, Spector offers practical suggestions and guidance for both negotiators and the implementers of their agreements.

About the Author

Bertram I. Spector, executive director at the Center for Negotiation Analysis and senior technical director at Management Systems International, has extensive experience conducting negotiation research and directing international development assistance programs in support of good governance, anticorruption, and civil society. Working with USAID, the World Bank, and other international organizations, he has advised governmental decision makers in the development and implementation of anticorruption strategies in Eastern Europe, the former Soviet Union, Africa, Asia, and Latin America. He is editor-in-chief of *International Negotiation: A Journal of Theory and Practice*.

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Negotiating Peace and Confronting Corruption: Challenges for Post-Conflict Societies

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ABOUT THE UNITED STATES INSTITUTE OF PEACE

The United States Institute of Peace (USIP) provides the analysis, training, and tools that help prevent, manage, and end violent international conflicts, promote stability, and professionalize the field of peacebuilding.

In March 2011, the Institute moved into its permanent headquarters at the northwest corner of the National Mall in Washington, D.C. The headquarters serves as a national hub for research, training, and on-the-ground work in preventing and managing international conflict and allows USIP to address the difficult problems of war and peace using cost-effective and efficient problem-solving approaches. It houses the working offices of USIP, a state of the art conference center, a professional education and training academy, and a public education center.

To learn more about the Institute and its work, please go to: <http://www.usip.org>.

Negotiating Peace and Confronting Corruption

Questions and Answers with the Author

What is the principal challenge for those negotiating peace and confronting corruption in post-conflict societies?

In many cases, a principal challenge facing post-conflict societies is how to control corruption and abuses of power. These ills, which often are among the factors that instigated conflict in the first place, continue to thrive in the uncertainty that these societies find themselves in. Without proper controls, corruption can cause a peacebuilding situation to backslide into conflict and instability. During the negotiation process and in the postagreement period, peace formulas need to consider the potential vulnerabilities to corruption in their societies and develop and implement detailed approaches to prevent, control, and minimize such risks. This book demonstrates that negotiated peace agreements that hone in on solutions to past corruption and governance abuses are most likely to be sustainable. Using both negotiation and anticorruption frameworks, six recent cases are analyzed to discern lessons learned and practical recommendations for negotiation, diplomatic and international development analysts and professionals.

Why did you select these six cases, and how did you structure your analysis of each case?

The six recent cases of peace negotiations —El Salvador, Guatemala, Sierra Leone, Burundi, Papua New Guinea, and Liberia—were selected because they incorporated good governance and anticorruption provisions explicitly into their negotiations. The studies focus on the actors, strategies, processes, institutions, and dynamics that helped to produce anticorruption provisions in the negotiated agreements. Following a brief summary of each conflict, each case is presented in a parallel fashion, dealing with the agreement's anticorruption provisions, the negotiation process that enabled the agreement, an analysis of that process, the agreement's implementation, and the midterm effects of these processes on controlling corruption after the agreement was signed. The six cases were then analyzed against a control group of seven recent postconflict countries where no anticorruption and good governance provisions were explicitly elaborated in their peace treaties.

How do you define corruption?

Corruption is typically defined as the misuse of public office for private benefit. The volume outlines three major forms of corruption.

1. Petty or administrative corruption can be widespread, affecting all citizens when, for example, unofficial fees are charged for public services, items are sold on the black market, and ghost workers pad government payrolls. These practices can generate public cynicism and mistrust of the authorities, as well as a culture of lawlessness that can cause a relapse to earlier violence.
2. Grand corruption typically involves high-level officials and the exchange of large sums of money and resources or other competitive advantages. It often manifests as outright theft of public funds, steering government contracts to family or friends, and various forms of patronage—cronyism, nepotism, and political favoritism.
3. State capture by economic interests highlights the influence of private business on state power and collusion with public officials to extract advantage. State capture can be the

most insidious form of corruption for rebuilding states because it diverts needed assets to an elite few and prevents economic growth from diversifying across many stakeholders.

What were the findings in comparing the six case studies to the seven country control group?

While the small sample size requires us to interpret the results with caution, the analysis presented in the volume indicates that integrity provisions do make a difference. Compared with the seven-country control group, the six countries with integrity provisions had

- increased foreign development assistance,
- decreased corruption, and
- increased political stability.

What measures can be taken in postconflict reconstruction processes to discourage corruption?

The volume suggests a four-stage process that can rebuild integrity into government. The stages include

- ceasefire negotiations,
- negotiations over future governance regimes,
- implementation of the negotiated agreements with the support of development assistance, and
- continuing postagreement negotiation dialogue and public participation to improve on the original agreement.

What are integrity provisions, and how do they prevent corruption in the peace process?

Good governance reforms and corruption controls that can be negotiated into peace agreements are called *integrity provisions*. These provisions seek to make right what was wrong in the way the society had been governed. They aspire to make public officials accountable for their actions, enforce the rule of law, make it more difficult for authorities to abuse the public, and ensure that government operates on a level playing field. Integrity provisions do this by inserting control mechanisms into governance processes, simplifying administrative transactions, making the detection and punishment for corrupt behavior more predictable, and ensuring transparency and openness in government decision making. However, designing better integrity provisions will not be enough to promote lasting peace and stability; these provisions need to be put in practice.

How can negotiators ensure that the integrity provisions are implemented?

The parties to the peace agreement, as well as interested bilateral donors and international organizations, must support the implementation of these provisions and safeguards through technical and financial assistance. It is better to deal with the problem of possible corruption very early in the postconflict period; negotiating good governance provisions in the initiating peace accords or in early development assistance programs can control corruption before it becomes a

predictable, everyday transaction. In transformational countries, incentives that promote accountability and transparency need to be introduced early, as institutions and the rule of law are being strengthened or rebuilt. If action is not taken very early in reconstruction, it may become difficult, if not impossible, to turn the tide of corruptive behavior.

Why are integrity provisions essential to the peace process?

A flawed or incomplete negotiation or implementation process can set the stage for renewed conflict. Dealing effectively with integrity issues and future governance practices is essential. The conditions and strategies for negotiating and implementing peace with integrity are outlined in this book. It is up to local stakeholders and other interested parties to catalyze these processes, find creative solutions through compromise and consensus, and pledge to implement their agreements in good faith.

What prerequisites are necessary when implementing integrity provisions?

The institutions of the state and economy must be strengthened. If integrity provisions are to be implemented and the peace process is to yield a stable future, well-structured institutions need to be backed up by a trained and professional civil service, public administration standards, and audit control mechanisms that keep government decisions and actions transparent and accountable to the public. The book guides postconflict actors striving to achieve peace with integrity, providing frameworks for the negotiation process and for development assistance programs.

What are some guidelines for negotiators in postconflict situations?

Once started, the peace negotiation process ought to operate according to several key principles: inclusion, external participation, comprehensiveness, and attention to detail.

- **Inclusion.** Every attempt should be made to ensure that all factions are included in the peace talks and have an opportunity to state their positions and make their demands. Excluding one or more factions can create an opening for spoilers of the peace.
- **External Participation.** Outside parties can contribute in many ways to peace negotiations. They can motivate innovation by injecting new ideas from a neutral position. They can speed up the process by introducing deadlines. They can also influence the issues considered and the shape of the final outcome.
- **Comprehensiveness.** Attention to the initiating and underlying causes of the conflict, including corruption and abuse of power, necessitates a comprehensive, multifaceted, and whole-of government negotiation formula.
- **Attention to detail.** Experience has shown that vague or imprecise provisions are not very useful. The more specific and detailed the formulations, the more implementable they are. It is worth spending time during the peace talks to introduce and agree on detailed approaches to achieve the broader principles of integrity.

What key principles should guide development assistance programs in the peace process?

Several major principles should guide development assistance responses after the peace agreement is signed: rapid response, sequencing, coordination, and local ownership.

- **Rapid Response.** Experience shows that there is limited time after a peace treaty is signed within which the goodwill engendered by completion of the agreement and the process supports and motivates implementation of the provisions. Once an agreement is signed, donors need to align their resources and capabilities to facilitate quick action.
- **Sequencing.** Establishing physical security is clearly the first order of business after the peace agreement is signed. But soon after, the host government and donors should immediately begin the rebuilding of administrative institutions and delivering public services with integrity, followed by reforms to the economic, political, and judicial sectors that include transparency and accountability provisions.
- **Coordination.** The rapid ramp-up of funding and vast resources made available during the early rebuilding period makes this stage extremely vulnerable to corruption and abuse. Coordination strategies are essential for donors and host governments to ensure effective implementation of the provisions.
- **Local ownership.** Donor participation in implementing the peace agreement needs to be tempered by judiciously involving and promoting local stakeholders. Their buy-in and active participation in implementing the agreement's provisions will help to sustain the peace after donors have left.

What makes this a unique resource for those on the ground negotiating peace and confronting corruption?

This book lies at the intersection of the fields of negotiation, international development, anticorruption, and peacebuilding. While existing literature focuses on how conflicts end through negotiation and mediation processes, this volume stands out in its examination of how major initiating causes of civil conflicts—corruption and governance abuses—are resolved through negotiation and mediation and then how those negotiated agreements are implemented and with what effect. As a result, the book analyzes the entire life cycle of these conflicts through to resolution and draws practical lessons that should be of interest to both researchers and practitioners in several fields.

Praise for *Negotiating Peace and Confronting Corruption*

“This book effectively analyses the characteristics and effects of building anticorruption provisions into negotiated settlements in post civil war situations.”

—**Jens Andvig**, Research Professor, Department of International Economics, Norwegian Institute of International Affairs

“The enduring prevalence of corruption in conflict-affected countries is frequently bemoaned, but rarely addressed in ways that lead to its reduction. Bert Spector’s *Negotiating Peace and Confronting Corruption* fills this gap with a cogent analysis that connects symptoms to causes of corruption, and recommends paying attention to corruption as an integral component of negotiating peace and mitigating conflict. Through a comparative analysis of six cases, the author illustrates lessons learned related to reducing corruption and improving governance, and provides practical advice on how to incorporate anticorruption measures into peace accords and improve the prospects for successful implementation.”

—**Derick W. Brinkerhoff**, Distinguished Fellow in International Public Management, RTI International

“Most contemporary anticorruption strategies employ the language and symbolism of struggle, and emphasize law enforcement and punishment. Yet many of the worst corruption problems arise in postconflict societies, where institutions are weak and trust is fragile—at best. In those settings confrontational reforms are unlikely to be credible, and may well make matters worse for citizens who have suffered much already. In this book, Bertram Spector lays out constructive and useful anticorruption alternatives based on careful analyses of tough cases. Negotiation can build trust and encourage the development of incentives and consensual standards that can not only check the abuse of power but also contribute to peacebuilding and reconstruction. Reformers in many places will look at their challenges differently, and in more constructive ways, once they have considered the lessons Spector develops in these pages.”

—**Michael Johnston**, Colgate University

“This volume is a very important piece of work that demonstrates that anticorruption measures need to be introduced early enough alongside other provisions for good governance to achieve results.”

—**Diana Klein**, International Alert

“Bert Spector has written an extremely useful study, conceptually focused and framed in its analysis, and most pertinent for bringing conflicted states back into responsible governance. His cases studies are concise and comprehensive and his conclusions are sharp and insightful for practitioners and analysts. A most excellent and unusual treatment of corruption and, better yet, how to handle it.”

—**I. William Zartman**, Jacob Blaustein Professor Emeritus of International Organization and Conflict Resolution, Johns Hopkins University, School of Advanced International Studies