



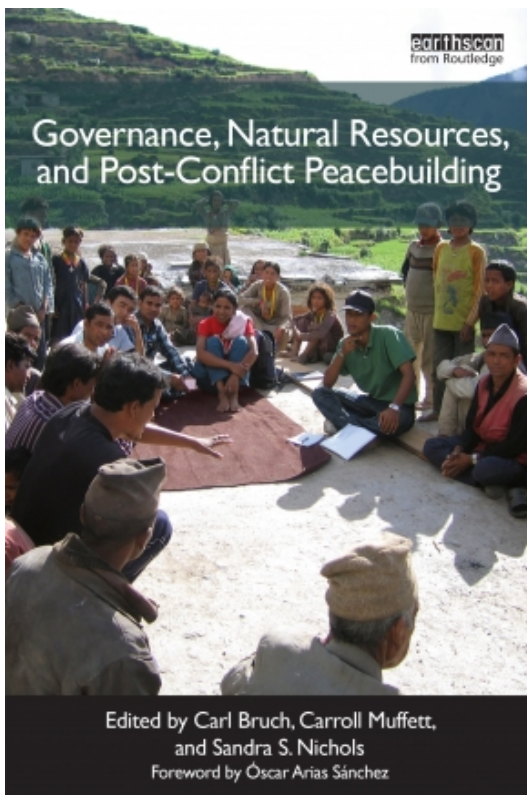
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**Natural Resources and Post-Conflict Governance:
Building a Sustainable Peace**

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Natural resources and post-conflict governance: Building a sustainable peace

*Carl Bruch, Carroll Muffett,
and Sandra S. Nichols*

On August 18, 2003, representatives of three warring parties and nine political parties signed a power-sharing agreement that ended fourteen years of civil war in Liberia. As political enemies and former combatants took posts in the new provisional government, with ministries divided among them by the agreement, the transitional government faced profound challenges.

The population of Monrovia, the capital of Liberia, was swollen with displaced persons who fled into the city ahead of the fighting, overwhelming water and sewer systems already degraded by the civil war. Some 250,000 people were dead and nearly a million more displaced from their homes, temporarily housed in camps and settlements throughout Liberia and neighboring countries. More than 100,000 excombatants were scattered in enclaves and cantonments across the countryside—still armed, unemployed, and in effective control of large swathes of timber- and diamond-producing areas, as well as two of Liberia’s seven rubber plantations (Global Witness 2006; Harwell 2010). More than 3,600 foreign troops occupied Liberia, the vanguard of a UN peacekeeping force that would eventually total 15,000 soldiers and police officers.

Diamonds and timber that had financed the conflict, and which might have helped finance reconstruction, remained embargoed under a United Nations Security Council ban. Landownership, long a flashpoint for violence, had been thrown into disarray by internal displacement, military occupation, dubious concessions, and the destruction of cadastral records. The judicial system for resolving land claims did not function in most of the country and was widely considered illegitimate among rural people who constituted 95 percent of the population.

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2 Governance, natural resources, and post-conflict peacebuilding

The questions that faced the Liberian transitional government at the close of the conflict are the same ones that confront government agencies, international organizations, nongovernmental organizations (NGOs), and others in other post-conflict countries: How to restore government services and extend state authority into areas controlled by armed groups? How to rebuild livelihoods and revive a moribund economy? How to facilitate the return of displaced people and provide restitution, while also addressing inequitable access to land? How to prevent natural resources revenues from being used to fund a resurgence of conflict? How to restore confidence in the state and trust among communities? How to address the root causes of the conflict to avoid a recurrence?

Natural resources provide a range of core governance challenges and opportunities to many post-conflict governments around the world: regulating the flow of conflict diamonds from Sierra Leone; accounting for and allocating oil revenues between Iraq and its Kurdistan region; crafting new a constitution, land law, and institutions in Timor-Leste; establishing protected areas in the formerly contested region between Ecuador and Peru following their border war; and addressing the environmental dimensions of post-conflict justice and reconciliation for the victims of war in Liberia, Kuwait and elsewhere.

Differences in the nature and impacts of the conflict, the social structure, the political system, the economy, and a host of other variables dictate that there is no single solution to these challenges (Rustad, Lujala, and Le Billon 2012). Notwithstanding these differences, there is a fundamental commonality from one post-conflict setting to the next.

Post-conflict peacebuilding requires four basic sets of activities: (1) establishing security, (2) delivering basic services, (3) restoring the economy and livelihoods, and (4) rebuilding governance and inclusive political processes (see side bar). All of these peacebuilding priorities rely on both natural resources and effective governance. The core lesson from this book is that post-conflict peacebuilding, natural resources, and governance are often inextricably linked.

This introductory chapter proceeds in four sections. It starts with a brief overview of governance and natural resources following conflict, defining key terms and concepts. It then outlines the structure of the book. The third section highlights five themes and considerations that cut across all parts of the book. The final section is a brief conclusion.

GOVERNANCE AND NATURAL RESOURCES FOLLOWING CONFLICT

The United Nations Development Programme defines *governance* as:

the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector. It is the way a society organizes itself to make and implement decisions—achieving mutual understanding, agreement and action. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences, and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits

Post-conflict peacebuilding and natural resources: Key terms and concepts

Following conflict, peacebuilding actors leverage a country’s available assets (including natural resources) to transition from conflict to peace and sustainable development. Peacebuilding actors work at the international, national, and subnational levels and include national and subnational government bodies; United Nations agencies and other international organizations; international and domestic NGOs; the private sector; and the media. Each group of peacebuilding actors deploys its own tools, and there are a growing number of approaches to integrate the peacebuilding efforts of different types of actors.

A post-conflict period typically begins after a peace agreement or military victory. Because this period is often characterized by intermittent violence and instability, it can be difficult to pinpoint when a post-conflict period ends. For the purposes of this book, the post-conflict period may be said to end when political, security, and economic discourse and actions no longer revolve around armed conflict or the impacts of conflict, but focus instead on standard development objectives. Within the post-conflict period, the first two years are referred to as the *immediate aftermath of conflict* (UNSG 2009), which is followed by a period known as *peace consolidation*.

According to the United Nations, “Peacebuilding involves a range of measures targeted to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities at all levels for conflict management, and to lay the foundations for sustainable peace and development” (UNSG’s Policy Committee 2007). In many instances, this means addressing the root causes of the conflict.

There are many challenges to peacebuilding: insecurity, ethnic and political polarization (as well as marginalization), corruption, lack of governmental legitimacy, extensive displacement, and loss of property. To address these and other challenges, peacebuilding actors undertake diverse activities that advance four broad peacebuilding objectives:^{*}

- Establishing security, which encompasses basic safety and civilian protection; security sector reform; disarmament, demobilization, and reintegration; and demining.
- Delivering basic services, including water, sanitation, waste management, and energy, as well as health care and primary education.
- Restoring the economy and livelihoods, which includes repairing and constructing infrastructure and public works.
- Rebuilding governance and inclusive political processes, which encompasses dialogue and reconciliation processes, rule of law, dispute resolution, core government functions, transitional justice, and electoral processes.

Although they are sometimes regarded as distinct from peacebuilding, both peacemaking (the negotiation and conclusion of peace agreements) and humanitarian assistance are relevant to peacebuilding, as they can profoundly influence the options for post-conflict programming. Peacemaking and humanitarian assistance are also relevant to this book, in that they often have substantial natural resource dimensions.

Successful peacebuilding is a transformative process in which a fragile country and the international community seek to address grievances and proactively lay the foundation for a lasting peace. As part of this process, peacebuilding actors seek to manage the country’s assets—as well as whatever international assistance may be available—to ensure security, provide basic services, rebuild the economy and livelihoods, and restore governance. The assets of a post-conflict country include natural resources; infrastructure; and human, social, and financial capital. Natural resources comprise land, water, and other renewable resources, as well as extractive resources such as oil, gas, and minerals. The rest of the book explores the many ways in which natural resources affect and are affected by post-conflict peacebuilding.

These activities are an essential component of environmental peacebuilding. *Environmental peace-building* is the process of governing and managing natural resources and the environment to help lay the foundation for an enduring peace. It includes efforts to prevent, mitigate, resolve, and recover from violent conflict, and involves renewable natural resources, non-renewable natural resources, and eco-systems and their services.

* This framework draws substantially from the Report of the Secretary-General on Peacebuilding in the Immediate Aftermath of Conflict (UNSG 2009), but the activities have been regrouped and supplemented by activities articulated in USIP and U.S. Army PKSOI (2009), Sphere Project (2004, 2011), UN (2011), UNSG (2010, 2012, 2014), and International Dialogue on Peacebuilding and Statebuilding (2011).

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and provide incentives for individuals, organisations and firms. Governance, including its social, political and economic dimensions, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe (UNDP 2007, 1).¹

This definition highlights a few key aspects of governance as understood in this book. First, governance relates to norms, institutions, and practices. Second, governance is practiced by multiple actors at multiple levels (not just by a national government). Third, governance is multidirectional: it relates to how institutions act on their subjects, how the subjects act on the governance institutions, and how third parties are addressed. Fourth, governance includes social, political, and economic dimensions, among others. Finally, in addition to national and local statutory law and government institutions, governance includes traditional authorities and customary norms, private sector processes, and military institutions and norms—all of which can play a significant role in natural resource governance.

Increasingly, though, attention focuses on good governance. As the Commission of the European Communities noted in 2003, “As the concepts of human rights, democratization and democracy, the rule of law, civil society, decentralized power sharing, and sound public administration gain importance and relevance as a society develops into a more sophisticated political system, governance evolves into good governance” (Commission of the European Communities 2003, 4). Following years of debate about what constitutes “good governance”—and indeed whether the notion is purely a western construct—there appears to be global agreement on a set of core principles of good governance.² As articulated by the United Nations, good governance includes the following core principles: participation, rule of law,³ transparency, responsiveness, consensus oriented, equity and inclusion, effectiveness and efficiency, and accountability (UNESCAP 2009). These principles are reflected in most regional and global articulations of good governance, although the specific formulations may vary (Lausche 2011).

Good governance has been shown to be essential to reducing the risk of conflict recurrence. Håvard Hegre and Håvard M. Nygard found that the risk of renewed conflict in countries with good governance drops rapidly after conflict, while the countries with poor governance remain more vulnerable to conflict relapse for much longer (Hegre and Nygard 2014). They also found that informal aspects of good governance are at least as important as formal institutions in preventing conflict.

¹ For other definitions of *governance*, see AFDB (2010), ADB (1999), Commission of the European Communities (2001, 2003), OECD (2007), UNESCAP (2010), World Bank (2009), and Fukuyama (2013).

² On principles of good governance, see UNESCAP (2009), Lausche (2011), IFAD (1999), Ray (1999), Johnston (2002), Kemp, Parto, and Gibson (2005), Weiss and Steiner (2006), OHCHR (2013), and UNDP (2014); on principles of good governance in land and natural resource tenure, see Grover (2009); on principles of good governance for planted forests, see FAO (2006).

³ On the rule of law, see UNSG (2004).

Natural resources hold tremendous potential to generate revenues, be a driver of economic growth and livelihoods, and constitute a means to finance education, construction of infrastructure, and other public goods. Paradoxically, however, the opposite is too often the case. Natural resource wealth is often associated with a phenomenon known as the resource curse. The “resource curse” or the “paradox of plenty” occurs when a state has an export-driven natural resources sector that generates large revenues for the state, and these revenues paradoxically lead to negative development outcomes, including economic stagnation, social grievances, large-scale environmental degradation, and political instability (Auty 1993, 1994). The resource curse has been tied to corruption, waste, debt, political repression, and conflict. While there are various theories regarding potential factors influencing the resource curse to materialize, quantitative analyses strongly suggest that institutions and governance are the most important factors (Hendrix and Noland 2014).

Natural resources themselves are not a curse. Rather, it is weak natural resource governance that triggers negative social outcomes and conflict. The resource curse is also not inevitable. Establishing good resource governance as a core component of peacebuilding can increase the likelihood that natural resources will be a blessing rather than a curse. Experience has shown, moreover, that the quality of preexisting institutions is important. Thus, it is important to build institutions, rules, and capacity before natural resources are extracted (Rustad, Lujala, and Le Billon 2012).

Armed conflict is “development in reverse” (Collier et al. 2003, 13). It ruins lives, destroys national and local economies, and undermines good governance and confidence in the government. With physical, human, and social capital heavily impacted from conflict, instability, and low levels of investment—often over a period of years or even decades—the most readily available asset to kick-start post-conflict stabilization and recovery is often natural capital. Staff may have been killed or driven from the country, equipment looted, and infrastructure destroyed or fallen into disrepair; but the natural resources persist. Over 80 percent of the forty-seven fragile states listed by the Organisation for Economic Co-operation and Development in 2013 are rich in one or more natural resources of global economic importance (OECD DAC 2013). At the same time, they are precisely the countries that lack the institutions, capacity, and safe-guards to transform these natural assets into the revenues, jobs, and infrastructure needed for peacebuilding without triggering the resource curse or causing substantial social and environmental impacts.

How governments govern and manage⁴ their natural assets after conflict can fundamentally influence the course of peacebuilding, helping to determine whether

⁴ Christina Cook distinguishes the terms *governance* and *management*: “Often used interchangeably, management and governance are distinct, but related concepts. Governance is the process through which decisions regarding allocation, use, and access are taken. Management refers to the quotidian activity of executing the decisions made in governance processes.” (Cook 2014, 192).

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peace persists or there is a relapse to conflict. A quantitative study of ninety-two countries between 1996 and 2006 measured the impact of resource governance on conflict, finding that good governance of natural resources significantly reduced the likelihood of violent conflict in resource-rich countries (Franke, Hampel-Milagrosa, and Schure 2007). Within the broad rubric of good governance, five dimensions were found to be particularly important, namely democratic oversight, transparent revenue-sharing, corruption control, a stable investment environment, and the implementation of international control regimes.

The challenge for post-conflict countries, then, lies in effectively and equitably governing the use of those natural resources and then converting the revenues derived from their extraction into jobs, infrastructure, and the basic services needed to consolidate and sustain peace. Effective and equitable governance of natural resources has the potential to transform post-conflict countries by providing tangible peace dividends that can propel the peace process forward while also kick-starting economic growth and supporting statebuilding.

In order for natural resources to be used successfully to support long-term development, extraction must be done without triggering new conflicts, fueling corruption, causing macroeconomic instability, or exceeding the carrying capacity of the environment to accommodate development over the long term. While few post-conflict governments have managed to overcome all of these challenges, there are many principles and examples of good practice that can enhance post-conflict peacebuilding. The resource curse can be overcome if governments and their partners take into account these lessons on good governance of natural resources.

Good governance of natural resources is essential to post-conflict peacebuilding. With industrial and service sectors underdeveloped, natural resources play a significant role in the economies of post-conflict countries. More than one-third of post-conflict countries since 1989 have derived more than 30 percent of their gross domestic product from extractive industries (Webersik and Levy 2016*; Harwell 2010).⁵ Natural resources also play an important role in subsistence farming and rural livelihoods. In Afghanistan, for example, 80 percent of the population relies directly on land, water, and other natural resources for their livelihoods (UNEP 2003). With the government weakened by thirty years of conflict (especially in the rural areas), a 2008 Oxfam survey found that land and water were the two most common sources of local conflict in Afghanistan (Waldman 2008).

At the same time, poor governance of natural resources can undermine post-conflict peacebuilding. In the push to rebuild the economy and generate revenues, governments often encourage commercial investment in the mining, petroleum, forestry, and agricultural sectors. Many concessions, however, are on lands held under customary tenure, and the rapid proliferation of natural resource concessions have led to claims of land grabbing, as well as tensions and even localized conflict in Liberia, South Sudan, Peru, Afghanistan, Timor-Leste, and

⁵ Citations marked with an asterisk refer to chapters within this book.

many other countries emerging from conflict.⁶ The situation has been exacerbated by the globalization of the extraction of and trade in primary commodities, with post-conflict countries often seen as the last frontier for extractive industries—in contrast to countries not affected by conflict, where rights to oil, gas, minerals, and other resources have already been largely allocated (Klare 2012).

Good governance of natural resources in post-conflict countries is complicated by many challenges. Information about the location, condition, and ownership of resources may have been lost or destroyed (Conca and Wallace 2012). More fundamentally, both the status of resources and the nature and distribution of human demands on them may have changed profoundly during the conflict, and may undergo further change as forces demobilize, displaced persons seek to return home, and rebuilding begins (Brooke and Matthew 2016*). In addition, the political economy and maintenance of elite interests are often fundamentally underpinned by control of natural resources and their revenues (Garrett 2016*).

The complexity of post-conflict peacebuilding—including the governance dimensions therein—is illustrated by an example from Afghanistan. In April 2010, the *New York Times* published a leaked presentation slide that sought to encapsulate, in a single conceptual map, the profound complexities facing ongoing stabilization efforts in Afghanistan, from limited governance capacity to tribal structures to corruption and popular support for insurgents still in control of large sections of the country. The conceptual map identified eight main topics affecting the outcome of the counterinsurgency, subdivided these into thirteen categories and 107 nodes, and then linked these subtopics to one another with 255 criss-crossing arrows, some of them multidirectional, marking thirty of the arrows with slashes to indicate significant delays in implementation. The resulting dia-gram prompted General Stanley McChrystal, then-leader of the United States and NATO forces in Afghanistan, to quip: “When we understand that slide, we’ll have won the war” (Bumiller 2010).

Six weeks later, the *New York Times* published a map documenting nearly one trillion dollars in mineral wealth estimated to lie below Afghanistan’s surface (Risen 2010). Many of the richest reserves underlie regions without the roads, rail lines, or the industrial infrastructure necessary to exploit them effectively. More significantly from the perspective of peacebuilding, many of these reserves underlie areas which, as late as 2015, were under the control of insurgents or otherwise at risk.

Governed well, these resources—including iron, copper, cobalt, gold and lithium—could not only help to rebuild Afghanistan, but they could also provide a substantial financial endowment for long-term development (UNEP 2013). Realizing this promise, however, would require substantial efforts to build institutional capacity in a war-torn country whose mineral industry has been historically dominated by small-scale, artisanal mining. Moreover, corruption

⁶ See, for example, Unruh and Williams (2013).

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has been a pervasive problem in Afghanistan, both in the mining sector and more broadly.⁷

A previous Afghan government attempted to expedite the development of the extractives sector by splitting its efforts into (1) large, strategic projects requiring international investment and expertise, and (2) medium-scale mining projects which were preferentially awarded to Afghan companies. The government advanced the concept of so-called *resource corridors*, which leveraged large investments in extractive industries to create growth opportunities, employment, and diversification in other sectors, including infrastructure, agriculture, construction, and enterprise development. By this approach, the government sought to expand the economic benefits beyond the confines of a concession and into a whole region.

This strategy has encountered multiple problems associated with governance failures. The large mining projects have faced problems associated with insecurity, damage to national heritage, mismanagement of resettlement operations, local protests, and contract violations and disputes. The medium-scale mining projects have suffered from deeply flawed processes for awarding contracts; conflicts of interest; contract violations and disputes; nonpayment of royalties, rents, and taxes; a failure to submit reports and other key documents; and a culture of impunity that has developed around these mines. Furthermore, artisanal mining is unregulated, and thus informal and often criminalized, with local conflicts over the control of mines and illegal taxation by armed groups commonplace. Governance problems across the mining sector are exacerbated by flawed, conflicting, and missing legislation and a dearth of regulations, policies, and guidance necessary for implementation.

To date, the U.S. government has invested more than US\$280 million to build capacity of the Afghan government to govern and develop its oil, gas, and mineral reserves; and the World Bank, the United Kingdom, and Finland have contributed millions more (SIGAR 2015). Notwithstanding the millions of dollars in technical assistance, policy advice, capacity building, and other aid, pervasive governance problems have led to project failures and ultimately caused the new Afghanistan government to rethink its approach.

Afghanistan's situation is not unique, nor are the challenges limited to mining. The country's struggles with institutional and political gaps, weak governance capacity, an insufficient reach of state authority, and the threat of continued violence—all of which undermine good governance of natural resources—is shared by most post-conflict countries (UN DESA and UNDP 2007). A multitude of international, domestic, and foreign civil society, government, military, and private sector actors are involved in overlapping and sometimes conflicting activities throughout the peacebuilding process. Corruption and malfeasance are common problems, often linked to the political influence generated by the disproportionate

⁷ The Independent Joint Anti-Corruption Monitoring and Evaluation Committee—an independent agency comprising Afghan and international experts—has produced several reports addressing various aspects of corruption in the country. See www.mec.af/#publications.

economic role of natural resource–related industries in a country’s economy.⁸ In the Democratic Republic of the Congo (DRC), for example, mining concessions were granted at such a substantial discount that the government lost an estimated US\$5.5 billion, leading the International Monetary Fund to suspend its economic assistance to the country (OECD 2013). Additionally, governments must manage citizen expectations, especially when they see high economic growth rates fail to translate into commensurately better services and governance. Military involvement in key natural resource sectors—for example in the DRC (Garrett 2016*)—create additional governance challenges, and climate change and variability add yet another layer of uncertainty (Matthew and Hammill 2012). These dynamics, as well as those described in the box below, place additional pressures on already weak post-conflict institutions.

Key governance challenges for post-conflict natural resource management

Countries emerging from conflict face numerous governance challenges with substantial natural resource dimensions.

1. *Restoring governmental legitimacy* through the provision of basic services. This requires generating domestic revenues, including from resource contracts and taxes.
2. *Firefighting versus governing*: Meeting short-term economic and security needs while enabling sustainable and lasting economic, social, and political development.
3. *Managing powersharing* agreements between parties to a conflict when they allocate political authority over natural resources and then have difficulties cooperating.
4. *Decentralizing authority* for natural resource management providing oversight to fight corruption, address bias, and ensure respect for human rights.
5. *Progressively projecting state authority* into resource-rich areas controlled by armed groups, with a particular focus on addressing illegal exploitation of natural resources and the role of organized crime.
6. *Progressively formalizing* natural resource sectors (which were often governed largely informally during conflict) and applying the rule of law in those sectors.
7. *Decision making in the absence of reliable, comprehensive, and timely data*. In natural resource sectors, this can be especially challenging when the private sector holds more data than governments and communities, leading to undervalued natural resource concessions, inequitable provisions, or both.
8. *Attracting responsible investment*, especially in natural resource sectors, from socially and environmentally responsible investors in the context of political uncertainty and insecurity. In such cases, governments often lack leverage to set strong ground rules and are willing to make sacrifices in terms of taxation and performance standards in exchange for timely investment. Promoting a good investment climate in natural resource sectors also depends on regulatory certainty.
9. *Responsibly issuing contracts for natural resource extraction even before governance capacities are fully entrenched*. This may be done in a stepwise manner, closing loopholes to ensure maximum rents are captured.
10. *Conducting public consultations* on natural resource contracts and legislative reforms in situations where there is little trust in the government or governance.
11. *Equitably distributing revenues and other benefits* from natural resource extraction across the country, in producing regions, and for future generations.
12. *Promoting economic diversification* to avoid overdependence on resource rents generally and on any particular natural resource.
13. *Managing expectations* of the public regarding the scale of natural resource revenues and how they will be utilized.

⁸ Sierra Leone, for example, has experienced substantial economic growth associated with two iron ore mines. In 2013, the country had a growth rate of 20 percent, and nearly 72 percent of the growth was due to the new Marampa and Tonkolili mines (Fofana 2014).

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Post-conflict peacebuilding provides societies with a window of opportunity to remake their governance structures to become more effective, efficient, and equitable, and to address problems and injustices in previous structures, which may have contributed to the conflict. The post-conflict period is also a time of great fragility. Newly built or rebuilt governance structures are fragile and at risk of collapse. If the government fails to act or fails to act appropriately, bad governance can be entrenched; misdirected reinforcement of authority and governance systems can lock in norms and institutions perpetuating inequity, encouraging environmental degradation, or disregarding human rights.

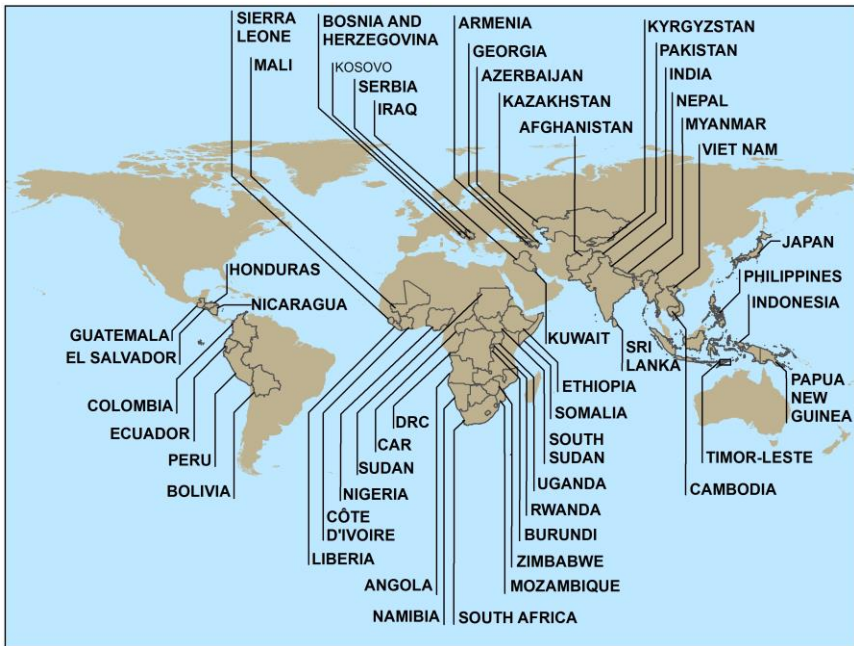
While estimates of conflict recurrence vary, war is substantially more likely in countries with a history of conflict than in those with a recent history of peace, with the risk of recurrence highest during the immediate post-conflict period (Webersik and Levy 2016*). A major risk factor for conflict is the availability of lootable natural resources, particularly high-value resources (Webersik and Levy 2016*; Rustad, Lujala, and Le Billon 2012). Failure to establish appropriate, effective, and equitable governance can undermine and endanger environmental and economic sustainability, stunt recovery, and undermine peacebuilding. From a more positive perspective, good governance of natural resources can support the reestablishment of security, delivery of basic services, strengthening of the economy and livelihoods, and improved legitimacy and cooperation.

ORGANIZATION OF THE BOOK

This book examines the theory, practice, and realities of post-conflict governance, natural resources, and peacebuilding in fifty conflict-affected countries and territories (see map on page 11). It includes thirty-nine chapters written by more than seventy researchers, diplomats, and practitioners from governmental, inter-governmental, and nongovernmental organizations, as well as military personnel. These chapters draw on case studies, field experience, academic theory, legal and policy documents, and economic, social, and environmental data to analyze approaches for addressing natural resources and governance following conflict, and the implications of those approaches.

The book highlights the mutually reinforcing relationship between natural resources, good governance, and peace. Drawing on analyses of the close relationship between these themes, the book explores lessons from past and ongoing peacebuilding efforts; illustrates how those lessons may be applied to the formulation and implementation of more effective governance initiatives; and presents an emerging theoretical and practical framework for policy makers, researchers, practitioners, and students.

The book is divided into seven thematic parts covering (1) peace agreements and peacebuilding strategies; (2) peacekeepers and the security sector; (3) laws and institutions; (4) local authorities and marginalized populations; (5) transitional justice, liability, and compensation; (6) transboundary governance and environmental



Conflict-affected countries and territories from which lessons have been drawn in this book, either through case studies or broader thematic analyses

Note: UN member states are set in bold.

cooperation; and (7) mainstreaming environment into post-conflict humanitarian and development programming.

Peace agreements and peacebuilding strategies: Frameworks for peace

Peace agreements and peacebuilding strategies create frameworks for rebuilding governance structures, including for natural resources. However, in the rush to end a conflict, address immediate crises, and avoid volatile issues that may hinder conclusion of a peace agreement, consideration of natural resources were often omitted from peace agreements. Approximately one-half of all peace agreements concluded between 1989 and 2004 (51 out of 94) contained direct provisions on natural resources (Mason et al. 2016*). Increasingly, belligerents and peace negotiators have recognized the significant role of natural resources as a contributing cause of conflict or in helping to finance armed conflict. As a result, every major peace agreement from 2005 to 2014 explicitly incorporated provisions related to natural resources (DPA and UNEP 2015).

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The failure of a peace agreement to address natural resource issues that contributed to a conflict can increase the risk of conflict recurrence. In Sierra Leone, for example, diamonds became a substantial source of revenues for the Revolutionary United Front, generating an estimated US\$25-125 million per year for the rebels (UNSC 2000). The 1996 Abidjan Peace Agreement and 1997 ECOWAS Six-Month Peace Plan were negotiated and broken—neither addressed diamonds—before the 1999 Lomé Accord explicitly addressed control of the diamond sector. Notwithstanding implementation challenges, the Lomé Accord has held (Mason et al. 2016*).

Issues left out of a peace agreement may receive less attention and funding in the peacebuilding process, and are thus less likely to be addressed in post-conflict governance reform processes. Addressing natural resources in peace agreements and peacebuilding strategies can be complex and difficult. In some cases, it may not be necessary to resolve a particular natural resource–related issue. For example, it may be possible to provide for the establishment of a mechanism or process to undertake land reform, rather than negotiating the details for inclusion in a peace agreement (Unruh and Williams 2013; DPA and UNEP 2015).

The five chapters in the first part of this book survey considerations and approaches for incorporating natural resources in peace agreements and peacebuilding strategies. Drawing upon lessons from the Central African Republic, the DRC, Guatemala, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, South Sudan, Sri Lanka, and Sudan, these chapters address not only illustrate how to integrate natural resource–related issues into peace agreements and peacebuilding strategies, but also when doing so is appropriate and feasible. They provide lessons for practitioners and policymakers in establishing the frameworks that shape post-conflict governance.

Peacekeepers and the security sector: Enforcing peace

Once a peace agreement is in place, the immediate priority is to establish and maintain security so that other peacebuilding efforts can proceed. Establishing security includes three broad sets of activities, namely peacekeeping (whether by UN or regional peacekeeping forces or by national militaries), security sector reform (SSR), and disarmament, demobilization, and reintegration of ex-combatants (DDR) (USIP and U.S. Army PKSOI 2009).

Natural resource governance problems can undermine efforts to reestablish and maintain security. Natural resources may have financed armed conflict; they may still be controlled by vested interests; and they may provide an incentive and means for resuming conflict. Armed groups or criminal networks may control resource-rich areas or impose fees for the transport of extracted resources. In the eastern DRC, for example, UNEP estimates that the illegal and illicit exploitation of minerals, timber, and other natural resources exploitation totals more than US\$1.25 billion per year, with 98 percent of the net profits flowing to transnational organized criminal networks (UNEP 2015b). These revenues help to finance more than twenty-five armed groups, contributing to the ongoing instability in the region.

Accordingly, a top priority after conflict is to secure and demilitarize resource-rich areas to prevent them from providing the incentive or means to renew conflict.

Peacekeeping and military missions can have significant (albeit unintentional) impacts on natural resources. Missions require water, land, and building supplies, and they generate large volumes of solid, liquid, and hazardous waste which can contaminate land and water. These impacts can create tensions with local communities, affecting both the mission's security goals and the establishment of good natural resource governance (Waleij et al. 2016*; UNEP 2012). In some cases, individual peacekeepers may become involved in illegal markets for natural resources, undermining the legitimacy of the operation (Waleij 2016*).

Increasingly, the UN Security Council has provided an explicit mandate for specific peacekeeping missions to address natural resources and environmental considerations (UNEP 2012). When the Security Council empowered the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in 2013, it required the mission to “consider the environmental impacts of the operations of MINUSMA when fulfilling its mandated tasks . . .” (UNSC 2013, para. 32).

The international community has similarly begun to consider natural resources and the environment in planning and carrying out peacekeeping and military operations in post-conflict areas. The UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS) developed an environmental policy and draft guidelines addressing environmental problems associated with peacekeeping missions (DPKO and DFS 2009a, 2009b; Ravier et al. 2016*). National and international peacekeeping and military operations have begun to consider potential environmental problems when designing camps and sourcing water, wood, and other necessary resources (Waleij et al. 2016*).

The six chapters in part 2 explore connections between natural resources, governance, and post-conflict security goals, focusing particularly on peacekeepers and the security sector. It draws upon case studies from Afghanistan, Angola, Cambodia, Colombia, Côte d'Ivoire, the DRC, India/Pakistan, Iraq, Kosovo, Liberia, Mali, Sierra Leone, Sudan, and Viet Nam. The first chapters explore impacts of peacekeeping and military operations on the natural environment and governance of natural resources, and ways in which peacekeeping and military operations can prevent and manage these impacts. The final chapters discuss the potential for cooperation between militaries and between military and civilian entities on issues of environmental conservation and natural resource management, not only as a means to promote sustainable development and associated security goals, but also as a way to build relationships of trust and goodwill that can spill over into economic, political, and other areas.

Strengthening laws and institutions: Rebuilding governance frameworks

A fundamental component of building effective governance following conflict is strengthening (and sometime developing) laws and institutions that follow principles

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of good governance, such as inclusion, equity, rule of law, transparency, and accountability. Many principles of good governance are articulated in the 1992 Rio Declaration on the Environment and Development (UN 1992).⁹ For example, the principles of transparency, inclusion, and accountability enshrined in principle 10 of the Rio Declaration are critical to supporting post-conflict peacebuilding by fighting corruption (especially in the natural resource sector), empowering communities to participate in decisions regarding natural resources affecting their livelihoods and welfare, and building governmental legitimacy. As such, they can help to address the resource curse and reduce the risk of conflict relapse.

The existence of high-value natural resources can hinder the establishment and implementation of such laws and institutions by providing an incentive for rent seeking, spurring conflict and motivating corruption (Hendrix and Noland 2014). In the extreme, the presence and bad governance of high-value natural resources and their revenues can motivate secessionist movements, as in Aceh, Kurdistan, and southern (now South) Sudan (Collier and Hoeffler 2006; Lujala 2010).

Good governance of natural resources requires current information on natural resources combined with clear and equitable legal frameworks supported by strong and effective institutions. In the wake of conflict, however, laws and institutions are often weak or non-existent, and data is usually outdated, incomplete, or even missing. Although this presents challenges, it also presents opportunities to develop new laws and institutions that not only address past problems (for example, with corruption or insecure rights to natural resources) but also learn from approaches in other conflict-affected countries. Post-conflict natural resource management also presents opportunities to rebuild the social and political relationships that are at the core of good governance (UNEP 2014).

Post-conflict efforts to reform laws and rebuild institutions typically focus on mechanisms for peacefully resolving conflict, equitably allocating natural resource rights and benefits, and promoting transparency in natural resource management as a means of fighting corruption and supporting dialogue. Indeed, the period immediately following conflict presents an unusual opportunity for a country to revise its laws and institutions, as there often is more public pressure to adopt a different approach to resource governance, more governmental receptivity for doing so, and more international technical assistance available to help countries (Nichols and Al Moumin 2016*).

The third part of this book addresses challenges and opportunities associated with developing laws and institutions governing natural resources and the environment following conflict. Its eight chapters include case studies from seventeen countries—Afghanistan, Cambodia, Côte d'Ivoire, the DRC, Ecuador, El Salvador, Ethiopia, Iraq, Japan, Liberia, Myanmar, Nepal, Philippines, Rwanda, Sierra Leone, South Sudan, and Timor-Leste—highlighting the importance, diverse roles, and various approaches of natural resource governance following conflict. Several

⁹ See note 2, above, and accompanying text.

chapters illustrate the potential for exploitation of natural resources to undermine peacebuilding goals in the absence of effective regulation and accountability. Others describe attempts at legal and institutional reform in the natural resource sector, including concession reviews, benefit-sharing arrangements, and bottom-up campaigns for increasing transparency and fighting corruption.

Local authorities and marginalized populations: Recognizing and empowering all segments of society to participate

The political, social, cultural, and legal context in which post-conflict efforts to strengthen governance take place is volatile, fluid, and multilayered, particularly with respect to natural resources. Different ethnic and social groups have interests and needs with regards to natural resources that do not always align with main-stream and national level ideas about post-conflict reconstruction and development. In many instances, women, youth, and certain ethnic and religious groups are marginalized from decision-making processes. Customary, religious, and local-level legal systems and institutions can overlap with statutory or national-level legal structures, creating uncertainty as to what laws and regulations apply to access, ownership and use of natural resources (Meinzen-Dick and Pradhan 2016*; Sait 2013; Miyazawa 2013).

In the post-conflict rush to develop natural resource wealth, the interests of marginalized groups and the complexity of pluralistic legal systems may be ignored in favor of reforming statutory laws, strengthening national institutions, and ensuring benefits for the most visible—and powerful—groups. At best, this approach can undermine the legitimacy and effectiveness of the new regime, as customary and local structures continue to compete for regulatory authority. At worst, it can create systems under which women, ethnic minorities, and indigenous groups are denied access to vital natural resources upon which they and their communities depend.

The fourth part of this book includes five chapters analyzing experiences from Afghanistan, Bolivia, Burundi, Cambodia, Colombia, the DRC, Liberia, Mozambique, Nepal, Papua New Guinea, Sudan, Timor-Leste, Uganda, and Zimbabwe. The chapters detail approaches to recognizing multiple legal and institutional systems for governing natural resources after conflict, and for empowering all segments of society to participate in resource governance. They highlight opportunities for advancing decentralization, mainstreaming gender considerations, and incorporating indigenous needs and perspectives into natural resource governance systems.

Transitional justice, liability, and compensation: Promoting peace through justice

While it is essential to rebuild governance structures after conflict, it is often necessary to address past violations. Transitional justice is the process of investigating

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legal and human rights violations committed during a conflict, publicizing the violations and the violators, and, where appropriate, holding accountable perpetrators and compensating victims (Harwell 2016*; Teitel 2014). Transitional justice mechanisms such as tribunals, truth and reconciliation commissions, and compensation funds can reduce the likelihood that perpetrators return to positions of power, address political and social dynamics and grievances that contributed to conflict-related human rights violations, and mitigate the environmental impacts of the existing conflict (by providing funds for remediation) and future conflicts (by providing a deterrent to future wrongful behavior). Transitional justice can also inform governance reforms and help rebuild trust in government.

The excesses of wartime human rights violations and atrocities often extend to natural resources. For example, the prosecutor of the International Criminal Court has charged Sudanese president Omar Al Bashir with genocide, citing poisoning of wells and a scorched earth campaign (Vialle et al. 2016*). And the Special Court for Sierra Leone convicted three defendants of crimes against humanity and war crimes associated with forced labor to mine diamonds (two codefendants died before the trial concluded). In a growing number of instances, conflict resources provide revenues to purchase arms and pay rebel soldiers. Damage to natural resources themselves can result in significant economic and physical injury that can last for generations.

Notwithstanding the severity of wartime damage to the environment, courts, tribunals, and other post-conflict transitional justice mechanisms rarely address the role of natural resources or impose liability for environmental damage committed during conflict. The four chapters in the fifth part of this book examine how international and domestic courts, tribunals, and other mechanisms have addressed natural resource-related issues after conflict. The chapters consider, for example, experiences with the International Court of Justice, the International Criminal Court, ad hoc international tribunals, national courts, the United Nations Compensation Commission, and truth and reconciliation commissions. Case studies highlight efforts to address resource-related dimensions of conflicts in the DRC, Iraq, Japan, Kuwait, Liberia, Serbia, Sierra Leone, South Africa, South Sudan, Sudan, Timor-Leste, Uganda, and Viet Nam. The chapters address specific challenges to treatment of environmental damage and crimes linked to natural resources by commissions and tribunals, and provide suggestions for future inclusion of natural resource-related issues in transitional justice processes.

**Transboundary governance and environmental cooperation:
Bringing together states and peoples around shared
environmental interests**

Natural resources that cross national borders—including watercourses, wildlife, fisheries, and oil and mineral deposits, among other resources—provide opportunities for transboundary cooperation and governance. This is especially important where countries face common threats to those resources, such as disasters

and climate change. Transboundary natural resources often require international mechanisms for effective management, conservation, and allocation of benefits. Oil, gas, and metal deposits that straddle international borders may also require a joint approach to ensure their peaceful and equitable exploitation. Even where a resource is not shared, poachers, smugglers and other opportunists may cross national borders in search of resources to exploit or markets for their illicit goods—requiring coordinated responses. Natural resource extraction and other activities in one country can cause pollution and environmental degradation in neighboring countries. In addition to threatening the resources and the communities that depend on them, these dynamics can create political tensions and undermine natural resource and environmental governance regimes.

Transboundary cooperation over natural resources or environmental conservation can have benefits that reach beyond the natural resource sector. Environmental cooperation can provide a less politically controversial starting point for building confidence and developing channels of dialogue, even between previously warring countries. Regional cooperation on environmental governance can help resolve natural resource-related disputes before they escalate. Protected areas along borders between countries formerly at war—often referred to as “peace parks”—may be managed jointly or in a coordinated manner to help resolve territorial disputes and build grassroots support and capacity for cooperation (Westrik 2015; Walters 2015; Kakabadse, Caillaux, and Dumas 2016*). Similarly, cooperative and transparent efforts to assess the potential transboundary environmental impacts of a proposed project can build trust (Nordström 2016*).

Mechanisms for transboundary environmental cooperation and governance are the focus of the sixth part of this book. The four chapters in this part present case studies from Central America (El Salvador, Guatemala, Honduras, and Nicaragua), South America (Ecuador and Peru), Central Asia (Kazakhstan and Kyrgyzstan), and East Africa (the DRC, Rwanda, and Uganda) demonstrating how regional environmental initiatives and transboundary protected areas can support and promote efforts to improve governance in post-conflict regions.

Humanitarian and development programming: Mainstreaming environmental considerations and conflict sensitivity

The final part in this book addresses the problem of integrating consideration of natural resources and the environment into humanitarian and development programming. Historically, humanitarian and development organizations working in conflict-affected settings have focused on their core competencies, ignoring or deprioritizing environmental considerations and conflict dynamics. Ignoring availability of crucial water and other natural resources can lead to shortages, complicating humanitarian assistance, as happened with water and wood in Darfur (Suliman 2011). Similarly, failing to adopt a conflict-sensitive approach to developing natural resources can generate tension and even strife, as happened in the Fadama I project in Nigeria (Ruckstuhl 2016*).

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International agencies, national governments, and NGOs are beginning to explicitly recognize the importance of considering natural resources when design-ing and implementing post-conflict humanitarian and development programming. Moreover, the private sector often recognizes the importance of good natural resource governance for creating an attractive investment climate in post-conflict countries. In most cases, the priority is on (1) being aware about how natural resource availability, dynamics, and governance could affect their programming, (2) being aware of how their programming could affect natural resource gover-nance, and (3) seeking to avoid actions that create subsequent environmental problems (such as siting camps for displaced persons in areas without adequate water) or exacerbate conflict.

The six chapters in this part trace the evolution of mainstreaming consid-eration of natural resources and the environment into policies of institutions working in conflict-affected settings, as well as the development of conflict-sensitive approaches. The chapters draw upon case studies of experiences in Armenia, Azerbaijan, Colombia, the DRC, Georgia, Indonesia, Mozambique, Namibia, Nepal, Nigeria, Rwanda, Sri Lanka, and Uganda. They include examples of innovative projects that focus on natural resource management as a tool for development and peacebuilding, as well as examples of what can happen when projects fail to consider natural resource governance dynamics and deliver projects in a conflict-sensitive way.

CROSSCUTTING THEMES

Five themes recur throughout this book, cutting across the various chapters and appearing in relation to different sectors, different countries, and different con-texts. While they are not the focus of any particular part of the book, they are critical considerations in understanding the role of natural resources in post-conflict peacebuilding, and in developing and implementing effective interven-tions. The themes include (1) appropriately framing natural resource–related interventions; (2) adaptive governance to account for post- uncertainties; (3) adopting progressive and decentralized approaches to governance; (4) political will and accountability; and (5) transparency and public participation. The final chapter in the book distils lessons across the chapters, places them in the broader literature, and delves into these themes in more detail.

Framing natural resource–related interventions

Governments and institutions engaged in post-conflict peacebuilding confront a staggering array of urgent, competing priorities. They must demobilize combat-ants; ensure access to food, water, shelter, and medical care for internally displaced persons and returning refugees; establish order; restore critical infrastructure; rebuild basic institutions, services, and governance mechanisms; heal the societal rifts that engendered or emerged from the conflict; and generate economic growth

to sustain these activities, all while maintaining an often fragile peace. Most countries emerging from conflict have extremely limited human, technical, and financial resources to deploy in addressing these priorities, and environmental considerations are often viewed as matters to be addressed later, once peace has been established and consolidated.

The chapters throughout this book emphasize more than the importance of natural resources to security, basic services, livelihoods and economic recovery, governance, and cooperation in a wide variety of circumstances. They also emphasize the importance of framing natural resource interventions by their relevance to specific peacebuilding priorities (Oglethorpe et al. 2016*). The issue thus is less about choosing between natural resources and other pressing priorities, than about recognizing that the governance, management, and equitable allocation of natural resources is inextricably linked to many of the peacebuilding priorities. Growing awareness of this reality has led to increased mainstreaming of the environment-peace-development linkages into the policy and planning processes of national governments, militaries, international organizations, humanitarian agencies, and business and conservation groups (UNEP 2015a).

Adaptive governance

Governance in the wake of conflict is plagued by complexity, uncertainty, and often profound information asymmetries and gaps. Multifaceted and constantly shifting social, legal, cultural, and environmental dynamics are made more complicated by the impacts of armed conflict, including changes in formal and informal governance structures, loss of environmental and regulatory data, environmental degradation, and demographic changes. This complexity is further exacerbated by emerging environmental problems, such as those associated with climate change.

Restoring governance capacity under these circumstances requires an adaptive approach that acknowledges this complexity, addresses (or at least copes with) information gaps, and ensures the ability to adjust governance strategies to new information and changing contexts (Folke, Hahn, Olsson, and Norberg 2005; USIP and U.S. Army PKSOI 2009). While there are a range of frameworks for adaptive governance,¹⁰ there are commonalities among them. Generally, adaptive governance entails a cyclical process of articulating objectives, conducting an assessment of options, making a policy choice, implementing and monitoring, periodically assessing progress, adapting objectives and periodically repeating the process (Brunner et al. 2005; Rijke et al. 2012).

¹⁰ Steve Hatfield-Dodds, Rohan Nelson, and David C. Cook define *adaptive governance* as “the evolution of rules and norms that better promote the satisfaction of underlying human needs and preferences given changes in understanding, objectives, and the social, economic and environmental context” (Hatfield-Dodds, Nelson, and Cook 2007, 4).

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Adaptive governance recognizes that governance decisions are made with imperfect information in highly fluid contexts. While this is especially the case in post-conflict countries, this is also the case in countries not affected by conflict. Nevertheless, the greater lack of information and capacity in post-conflict countries makes adaptive governance all the more important for countries recovering from conflict (Nichols, Lujala, and Bruch 2011; Ratner et al. 2013).

Assessment is central to adaptive governance, as it provides an evidence base to inform policy choices (Oglethorpe et al. 2016*). Assessment tools help decision makers—whether in government, intergovernmental bodies, or NGOs—to understand the specific post-conflict situation and how governance interventions may affect that situation (Jensen and Lonergan 2012). Post-conflict needs assessments, post-conflict environmental assessments, environmental and social impact assessments, and strategic environmental assessments help decision makers to understand the potential impacts of their decisions on different groups within society and on the natural environment. On this basis, they can tailor programs and strategies to the specific social and environmental reality of a particular post-conflict situation.

In addition to the initial assessment, monitoring and periodic assessment processes are essential to improving understanding of the environmental, social, economic, political, and other contexts by continuing to collect information. Monitoring and periodic assessment also help to determine whether policies and other interventions are effective, or if they need to be amended.

Progressive and decentralized approaches

Effective natural resource governance depends on effective laws and institutions. Where conflict has eroded governance capacity and legitimacy, the process of rebuilding governance capacity can take many years, if not decades. The chapters in this book highlight two key strategies for rebuilding natural resource governance: (1) adopting a progressive and sequential process to governance interventions, and (2) engaging and empowering subnational institutions through decentralization and legal pluralism.

Rebuilding governance is a progressive and iterative process (Nichols and Al Moumin 2016*). Part of this is due to the sequencing that necessarily happens when there are multiple needs. For example, in Afghanistan, efforts focused initially on establishing the National Environmental Protection Agency and on developing a framework environmental law; work then focused on developing the environmental impact assessment regulation, while building capacity for environmental governance (Bowling and Zaidi 2015). In Liberia, efforts focused initially on reforming the forestry law to ensure that forests went to community, commercial, and conservation uses, and were not used to finance conflict; then attention focused on developing ten core forestry regulations; and subsequent efforts focused on building capacity for implementation and enforcement (Nichols and Goldman 2011; Altman, Nichols, and Woods 2012). Governments may adopt

a progressive approach to offering natural resource concessions, starting with a few limited offerings and then expanding, so that weak or newly established agencies are not overwhelmed at the outset. Progressive measures are also important in engaging with informal water providers. During Angola's civil war, the government had difficulty providing water services, and informal water providers grew (Cain 2014). After the war, the government engaged the informal providers and worked to formalize the sector.

In most countries emerging from conflict, governments have difficulty projecting their authority into rural areas. They often lack sufficient staff, the inadequate transport infrastructure may make it difficult for inspectors and regulators to travel, and there is often lingering mistrust of the government. The limited government presence, however, does not mean that there is a lack of governance. Customary institutions and norms often govern natural resource management; and these customary regimes often enjoy more familiarity and local legitimacy than top-down national statutory regimes. A growing number of countries have sought to engage customary institutions and norms through legal pluralism, providing a structured relationship between statutory, customary, and religious legal regimes (Meinzen-Dick and Pradhan 2016*; Unruh and Williams 2013; and Sait 2013).

Decentralization of authority to regulate and manage natural resources to local institutions is another means of simultaneously engaging communities in governing resources essential to their wellbeing and strengthening governance capacity and legitimacy (Nichols and Al Moumin 2016*). Indeed, many countries emerging from conflict have enshrined decentralization as a policy in their post-conflict constitutions. And where national governments lack capacity to resolve disputes over natural resources, more localized approaches can be successful, as seen in the resolution of disputes over land rights in Afghanistan (Stanfield et al. 2013).

There are two key challenges associated with community-level governance of natural resources in post-conflict countries: namely, capacity and potential bias. First, local-level institutions may lack technical capacity both when navigating national standards and regulations and when negotiating with corporations on natural resource concessions. As a result, capacity building at the local and community levels can be as important as—or even more important than—building capacity of central government authorities (Van der Auweraert 2013; Alden Wily 2015). Second, community structures can also marginalize or leave out certain groups, such as ethnic minorities or women, undermining the ultimate legitimacy of such structures (McCarthy and Mustafa 2014; Karuru and Yeung 2016*). To address potential bias, national laws often prohibit such discrimination and allow people to appeal customary decisions to statutorily mandated courts that apply national law (Nichols and Al Moumin 2016*; Unruh and Williams 2013).

Political will and accountability

Governance reform is impossible without high-level political will. With the strong incentives for rentseeking associated with high-value natural resources and weakened

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governance, the will to ensure that natural resources and their revenues are sustainably and equitably managed is essential from the earliest stages of peacebuilding. Case study after case study illustrates the ongoing problems of corruption, exploitation, and mismanagement associated with natural resources in post-conflict countries.¹¹

Where there is political will and leadership, it is necessary to ensure that it is maintained, including across changes in government administration. This may be done, for example, through mechanisms for ongoing transparency and accountability, such as national-level processes for the Extractive Industries Transparency Initiative (EITI). Where political will does not exist, the question becomes how to constrain corruption and how to provide an incentive for different behavior, particularly on the part of elites. One such approach was the Governance and Economic Management Assistance Program (GEMAP) in Liberia (Hope 2010).

How natural resources and their revenues are governed can substantially influence political will and accountability. For example, when a substantial portion of the government's budget derives from natural resource revenues (rather than tax revenues paid by the citizenry), there can be less accountability to the citizenry (Collier 2010). Weak, vague, or poorly implemented regulations can allow elites to exploit natural resources themselves or gain rents through cancellation and renegotiation of resource exploitation contracts and concessions (Garrett 2016*). This can lead to a situation where it is in the interest of those in power to keep natural resource governance weak and opaque. In these cases, it is necessary to either adjust the incentives of those in power so that it is in their interest to back reforms, or in extreme circumstance to call for a change in government.

There are several potential mechanisms for increasing accountability and realigning incentives to spur reforms. The most successful examples are when the process is internally driven by government leadership supported through a robust stakeholder dialogue. The international community can encourage reforms and—in the most extreme cases (usually associated with human rights violations)—exert pressure on political elites through sanctions, supply chain mechanisms, or even, in some cases, direct international oversight such as GEMAP in Liberia (Taylor and Davis 2016*; Mitchell 2012; Grant 2012). Civil society can work with the population to exert pressure from the bottom up. One of the most effective tools for generating and maintaining political will and accountability is transparency.

Transparency and participation

Transparency and public participation in decision making are essential components of good governance, but they are also key tools for establishing governance

¹¹ See, for example, Cheng and Zaum (2016)*, Yoboué (2016)*, Garrett (2016)*, and Gould and Winters (2012).

following conflict, including in the natural resources sector (Epremian, Lujala, and Bruch forthcoming). Key dimensions of transparency in natural resource governance relate to the status of natural resources; potential projects or decisions that could affect natural resources; the flow of revenues from natural resource exploitation; and the environmental, social, economic, and political impacts of natural resource exploitation. Transparency-related provisions may be narrowly tailored, for example addressing payments associated with concessions for extractive industries (provided by the Extractive Industries Transparency Initiative), or they may be more broadly framed as a constitutional right of access to environmental information or a freedom of information law (Rich and Warner 2012; Bruch 2007).

Public participation also improves governance by improving oversight opportunities and empowering diverse voices and perspectives to be involved in governance processes. Participation can be particularly important in empowering marginalized groups that may have different interests and needs, not all of which are immediately visible. In addition, specific groups such as women and indigenous groups may have particular perspectives, strategies, or expertise with regards to natural resources and their management, which can inform the design and implementation of natural resource governance structures. A participatory process for developing laws and institutions—and subsequently in implementing the laws—can help to elicit these different interests and perspectives, and prevent the creation of formal structures that entrench discrimination or inequality.

Together, transparency and public participation can help to ensure that the government is relying on the best available information, is considering an appropriately wide range of options, and engages with its citizenry. They can also help to ensure that decisions regarding natural resources reflect the needs of a broad range of stakeholders, helping to rebuild government legitimacy.

CONCLUSION

Crisis and opportunity. Opportunity and crisis. Out of the horrors of conflict, post-conflict peacebuilding offers an opportunity to rebuild society and to rebuild it in better ways. While rebuilding the roads, water services, and other hard infrastructure is important, the process of rebuilding governance is equally important. The laws, institutions, and capacities of a country determine who has access to which natural resources for their livelihoods, food security, and cultural uses. They determine whether revenues from natural resources will flow to restoring basic services and providing public goods, or if they will be diverted for private gain. They establish whether there are impartial, effective, and legitimate means of resolving disputes over land, water, and other resources, or whether the most effective means of dispute resolution will be violence.

Governance extends well beyond governments. In addition to the national government, key governance institutions include subnational and local government, traditional institutions, religious institutions, the private sector, the military,

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and international actors. In a post-conflict context, in which national governance capacity is often so diminished that it has difficulty governing outside urban population centers, these other institutions can play an unusually prominent role in governance of natural resources. Unfortunately, organized crime and rebel groups can, and too often do, step into the new governance context.

The multipolar, multilevel, and multimodal nature of post-conflict governance of natural resources is both an opportunity and a risk. The other institutions bring resources and capacity, they may offer better ways of governing natural resources, and they may enjoy local legitimacy. They also introduce questions of sovereignty, and the potential for newly introduced governance structures to collapse once international support is withdrawn.

The challenge, then, is to manage the transition from a wartime governance system to a resilient system of good governance. The relationship between good governance, natural resources, and peace is mutually reinforcing.

The transition to good natural resource governance and to a durable peace is a long process. Returning to the example of Liberia which opened this chapter, following a brutal and prolonged civil war in which timber and diamonds provided financing for conflict, Liberia adopted a new law and new regulations, it rebuilt its regulatory institutions, and it built capacity for implementation. In 2012, scandal broke in the forestry sector as it came to light that certain individuals in government illegally granted so-called private use permits to log one-quarter of the country (Global Witness 2012; Waugh and Murombedzi 2016*). The government cancelled the illegally granted permits, indicted key officials, and—as of the date this book went to press—was seeking to improve its capacity to enforce forestry laws. At the same time, Liberia was also considering a new land law that was years in the making, with questions arising about how the new land law might intersect with the 2006 National Forest Reform Law, the 2009 Community Rights Law, and other laws governing forestry resources.

Some view the process in Liberia with cynicism, noting one problem after another. Others see hope. Liberia has a long legacy of mismanagement of land and other natural resources, and it will take a prolonged effort to rebuild the laws, institutions, and practices at multiple levels so that Liberia's natural heritage is used for the benefit of all.

Reestablishing good governance—or establishing it in the first place—in a post-conflict country takes years. There are often diversions, lapses, and relapses. But with persistence and commitment on the part of the government, civil society, and the international community, it is possible to promote good governance and thereby help to ensure that a country's natural resources are a blessing and not a curse.

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