

## Research Brief

# Natural Connections: Linking Transitional Justice and Development Through a Focus on Natural Resources

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Natural resources are a natural connecting point for postconflict development and transitional justice. Resources play a major role in the economies of many postconflict countries and contribute to the wellbeing and livelihoods of local populations. Well-managed resources can make significant contributions to postconflict development and help build and protect human security in all its forms. Understanding the specific role of natural resources in the maintenance of authoritarian regimes and the facilitation of armed conflicts is central to transitional justice's aim of understanding and repairing the context of victimization and repression of past regimes, as well as to the development goals of addressing impoverishment and weak governance.

## Reducing Vulnerability: Commonalities in Development and Transitional Justice

The concept of *vulnerability* can be used to articulate the relationship between material deprivation and the effects of armed violence and oppression: 1) vulnerability has several planes—economic, social, political, and physical; 2) these planes reinforce one another to produce both poverty and violence; 3) both transitional justice and development have often failed to adequately grasp the interaction of different forms of vulnerability; and 4) this misapprehension has often compromised the efficacy of the interventions. A focus on the role of natural resources in forms of vulnerability can improve the effectiveness and coherence of development and transitional interventions.

## Natural Resources in Development and Conflict

Natural resources, wisely managed, can reduce vulnerability at 1) the national level, as high value resources supply investment and economic growth, and 2) at the local level, by providing subsistence and artisanal livelihoods. Weak governance institutions, however, are frequently associated with an abundance of lucrative resources and can relate to violence and massive human rights abuse in several ways. First, high-value resources can sustain repressive regimes by providing revenues to the ruling elite,

## Research Project

### Transitional Justice and Development

This project examines the relationship between transitional justice and development, two fields that, academically and in practice, have proceeded largely isolated from one another. The project identifies and analyzes specific synergies between justice and development, and articulates how the two types of initiatives ought to be designed and implemented in order to reinforce the shared goals of citizenship, social integration, governance, and peacebuilding. The project is managed by Roger Duthie, Research Associate in the Research Unit at the ICTJ.

allowing them to avoid accountability to the citizenry. Second, resource exploitation can result in rights abuses against communities in extraction areas. Finally, resources can motivate and sustain abuses committed by armed groups by financing and rewarding their activities and prolonging conflicts.

### **Transitional Justice and Natural Resources: Potential and Obstacles**

Truth-seeking and legal accountability around natural resource crimes undercut impunity and help generate public discussion and raise awareness, which helps build civic trust, facilitate democratization, and contribute to reconciliation.

#### **Legal Accountability**

Legal accountability for crimes committed during conflict has rarely addressed crimes associated with natural resource extraction. Sound arguments exist for broadening the focus of transitional justice to include legal accountability for resource crimes. First, the pattern of control and criminality in authoritarian regimes and among violent belligerents is intimately tied to the criminal financial rewards of the resource sectors. Therefore, pursuing accountability for civil and political abuses is rendered less effective by the neglect of economic crimes facilitating and motivating that abuse. Additionally, persistent impunity for widespread economic crimes with broad societal effects sends the message that there is still no rule of law. Finally, trial testimony, evidence, and arguments can generate momentum for change by raising public awareness of these issues, their connection to massive abuses, and the need for institutional reforms.

Challenges to legal accountability for resource crimes include: prosecutors and judges' unfamiliarity with pillage charges; lack of political will to pursue cases that undermine the economic interest of those in power; resistance that could have negative impacts for accountability in other areas or to the transition; difficulty of investigations due to evidence being located in remote and politically unstable places and to frequently unreliable (criminal) witnesses; costs in other areas due to increasing effort in prosecutions; and trials providing only partial solutions, leaving untouched large sectors of actors who participated in some way in the crimes. These are serious considerations that must be weighed empirically, but many of the most serious are similar to those challenges to legal accountability for human rights violations more generally.

#### **Truth-Seeking**

The scope of the research and expertise that well-funded truth commissions can marshal makes truth recovery the most useful way to publicly reveal the linkages between resources and abuses, thereby generating public support for reform and even legal action. Few truth commissions have conducted investigations into the role of resources in violence and the targeting of victims for abuse, and have rarely investigated violations of economic, social, and cultural rights that stem from these linkages. Nor have commissions commonly made recommendations for reform of resource

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institutions to prevent recurrence of abuses. Truth commissions in Sierra Leone, East Timor, Liberia, South Africa, Peru, and Guatemala have examined the linkages to good effect, but opportunities have been missed.

There are potential drawbacks to expanding truth commissions' focus to include natural resources. First, commissions typically face short deadlines, tight budgets, and low institutional capacity; truth recovery regarding grave abuses may be seen as the most urgent priority. Additionally, those who may have benefited from resource extraction and remain influential in government may obstruct commission operations if they believe it endangers their economic interests. At the same time, popular pressure for attention to economic crimes and impunity may overwhelm resistance, with the public demanding a full accounting of such abuses. Truth commissions must not follow a cookie cutter approach but rather balance the empirical priorities for investigations necessary to understand the nature of the conflict and its impacts and taking measures to prevent a reoccurrence; that resonate with the public; and that are strategic in building momentum for change.

## Conclusion

One lesson of this paper is the overarching obstacle of insufficient political will. There is an urgent need to be strategic, given the breadth of problems to be addressed and the entrenched political and economic interests at play. Actors from both arenas should seek to coordinate among programs *within* development and *between* development and transitional justice arenas. The aim should be to build off each other's efforts in ways that strengthen awareness within constituencies that will feel ownership over the agenda and will use their networks and social capital to push for reform.

Transitional justice can contribute to development through investigations that help target aid toward victims, and contribute to momentum for initiatives that build accountability and the capacity of government law-enforcement institutions. Development can contribute to transitional justice by undertaking reforms that use this information to help prevent future abuse and promote equity and transparency in natural resource benefits. These steps build civic trust, help restore legitimacy and capacity of government, and work toward reconciliation.

## Recommendations to Development Practitioners

- Build consensus, not cookie cutters: Frequent and varied public consultations can help build consensus around goals and priorities for resource management in order to avoid arbitrary decision-making that enables corruption.
- Do no harm: Development programs should focus on the impact of the international community on the conflict through markets and the contribution

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### About the Authors

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of donor money. Development workers should encourage buyers and financiers to push for reforms promoting human security and conflict prevention through sound resource management, equity, and transparency of resource flows.

- Do not sacrifice good governance and human security for quick economic recovery: Transitional governments are often characterized by a rush on resources under the guise of economic rehabilitation, to the disadvantage of the politically voiceless and the advantage of those with power. Entrenched corruption does not advance economic growth over the long term. Conversely, resource allocation and oversight mechanisms can, when equitably and effectively designed and enforced, foster a sense of entitlement over revenues among the population, building incentives and accountability mechanisms to protect revenues from misallocation by governments and extractive industries.

### **Recommendations to Transitional Justice Practitioners**

Transitional justice advocates should take seriously the importance of context and timing in considering the potential unintended consequences of their efforts. Where the circumstances are relevant and political climate permits, a modest expansion of the transitional justice mandate should include:

- Rigorous truth-seeking into the role of natural resources in facilitating the conflict and targeting of victims, the linkages between this form of economic criminality and human rights abuse, and specific institutional weaknesses that enabled resource crimes; and key prosecutions of those most responsible for certain crimes associated with natural resource extraction and closely linked to gross human rights abuse.

Transitional justice advocates should coordinate with development workers using information derived from truth-seeking and trials to:

- Improve natural resource and fiscal institutional reform to prevent armed conflict and improve equity and sustainability of resource management; coordinate security sector reform and institutional vetting to exclude both human rights abusers and the worst perpetrators of resource crime from politically exposed positions; and encourage the use of seized assets from resource crimes for reparations.

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The International Center for Transitional Justice assists countries pursuing accountability for past mass atrocity or human rights abuse. ICTJ works in societies emerging from repressive rule or armed conflict, as well as in established democracies where historical injustices or systemic abuse remain unresolved. To learn more, visit [www.ictj.org](http://www.ictj.org).

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