Parliaments as Peacebuilders in **Conflict-Affected** COUNTRIES

Edited by **Mitchell O'BRIEN**

Rick STAPENHURST

Niall JOHNSTON
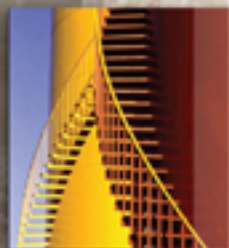
WORLD BANK INSTITUTE
Promoting knowledge and learning for a better world

PARLIAMENTS AS PEACEBUILDERS IN CONFLICT-AFFECTED COUNTRIES

Edited by

Mitchell O'Brien

Rick Stapenhurst

Niall Johnston

The World Bank
Washington, D.C.

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Foreword

The changing nature of conflict and the increase in intrastate conflict during the 1990s, followed by its slow decline since the turn of the century, have led to changing priorities in the field of conflict resolution. No longer is the international community solely concerned with resolving existing conflicts; it also is managing emerging conflicts to ensure that they do not flare into violent conflict. This groundbreaking volume argues that one of the best tools a nation has at its disposal for managing conflict and poverty is its parliament. Parliament is a pivotal institution through which to address the divergent interests of multiple groups because of the very nature of the parliamentary process and parliament's ability to build relationships among its members and within the broader community. Despite the constraints faced by parliaments in conflict-affected countries, these institutions continue to play a leadership role in their communities and have the potential to strengthen peacebuilding endeavors.

The role of parliament in conflict-affected countries becomes even more evident when the correlation between poverty and conflict is considered. This book is pioneering in that it considers what parliaments in conflict-affected countries can do, while performing their normal everyday functions, to not only contribute directly to conflict prevention but also aid peacebuilding by combating poverty. By addressing issues of poverty, equitable distribution of resources, and economic development, parliamentarians can attempt to guard against the creation of an enabling environment that is prone to the escalation of conflict.

In line with their respective missions, the World Bank Institute and the Commonwealth Parliamentary Association have examined issues facing parliamentary development in the hope of strengthening parliaments' capacity to tackle the diverse challenges they face. Among those challenges is meeting growing community expectations of the contribution parliaments make to resolving important issues and addressing community demands. In recognition of the rising number of parliaments that are operating in conflict-affected societies, the World Bank Institute has sought to better understand the challenges faced by parliaments in conflict-affected countries and the role parliaments can play in conflict management and poverty alleviation.

This book draws on deliberations and papers delivered at a number of study groups and conferences jointly organized by the World Bank Institute and the Commonwealth Parliamentary Association on this topic over the past three years. These findings are supplemented by specially commissioned chapters. The aim of this volume is to outline some of the strategies parliaments and parliamentarians can adopt to reduce the incidence of conflict and effectively manage conflict when it does emerge. It is hoped that by developing a better understanding of the nexus between parliament, poverty, and conflict parliamentarians will be more aware of the array of options open to them as they seek to contribute to conflict management in conflict-affected societies.

I would like to thank the Parliament of Finland, Finland's Ministry of Foreign Affairs, the United Kingdom's Department for International Development, and the Canadian International Development Agency for their support of the World Bank Institute's ongoing work on parliaments in conflict-affected countries and on the publication of this book.

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Rakesh Nangia
Acting Vice President
World Bank Institute

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Preface

As part of the Commonwealth Parliamentary Association's (CPA) work in the area of promoting good governance and development in conflict-affected countries, in June 2005 the CPA organized a major conference in conjunction with the World Bank Institute (WBI) and Wilton Park. The conference, "Promoting Good Governance and Development in Conflict-Affected Countries," followed up on an earlier CPA/WBI study group for parliamentarians, the "Role of Parliaments in Conflict Affected Countries," which was held in Sri Lanka in October 2004.

The result of this collaborative work is this definitive book, *The Role of Parliaments in Conflict-Affected Countries*. I believe this publication will come to be seen as an internationally acclaimed volume on the topic. The book is suitable for both political practitioners and academics alike as it explores in depth how a more constructive approach to conflict management can best be practiced through democratic governance. The major challenge in many conflict-affected countries is creating an inclusive political system. The contributors to this volume all demonstrate the need to pay special attention to the important role of parliaments in accommodating social tensions and creating stability.

The sad state is that all societies have many potential sources of conflict, from domestic pressures to national and regional concerns. Sometimes these can combine to create a volatile cocktail of cultural, economic, and political divides. In such conditions, the chances of interstate and, increasingly, intrastate conflict are always great.

More and more Commonwealth governments are seeking assistance to resolve domestic conflicts and ease tensions. Since 1991, the CPA has helped defuse conflict situations in countries such as Bangladesh, Guyana, Papua New Guinea, Sierra Leone, and the Solomon Islands. Many of the values that bind the Commonwealth together—the human values of cooperation, mutual respect, tolerance, connection building and links, valuing of differences, and respect for others' cultures—are pivotal in resolving conflicts.

The primary task where violence exists is, of course, to stop the violence. However, often the more difficult mission is the long-lasting consequences of violence—the tasks of reconstruction, reconciliation, and resolution. Various mechanisms and institutions can be established in tackling the consequences of violence. Instruments of reconciliation and confidence-building mechanisms, such as Truth and Reconciliation Commissions, have been successful in many places, the most often quoted example of which is South Africa. Irrespective, the existence of political will is paramount in order to achieve a durable peace, no matter what methods are used to achieve that peace.

One conclusion from the collection of essays in this volume is that vibrant democratic institutions enable countries to respond better to conflicts and are more likely to effectively prevent those conflicts from developing in the first place. A democratically elected parliament—in which candidates representing all shades of political opinion are free to stand and be chosen freely and fairly via the ballot box by the

electorate—is the best means of preventing armed conflict and ensuring sustain-able peace. A mature and constructive relationship must exist between the govern-ment, the majority party, and opposition. Strong links between parliamentarians and civil society are also important.

Naturally, parliaments must be accountable to and representative of the various interests and political views in society. For example, my own country, Tanzania, guarantees seats for women in parliament, and today over 30 percent of the parlia-mentarians are women. A similar stride has been made in a number of countries in the Southern Development Community, where an agreement was reached that by 2000 each of the parliaments in the region would have at least 30 percent of their members be women.

In short, this study is important because it provides a broad overview of the ways in which parliamentarians can contribute to peacebuilding in their countries, their regions, and the world, through engagement with international organizations. At the same time, it demonstrates just what is at stake if parliament, as an institu-tion, is not taken seriously as the principal institution of democracy in society.

Dr. William F. Shija
Secretary-General
Commonwealth Parliamentary Association

Contributors

Lord Alderdice

John, Lord Alderdice was the leader of Northern Ireland's cross-community Alliance Party from 1987 to 1998, and played a key role in the negotiation of the 1998 Belfast Agreement. He was the first speaker of the new Northern Ireland Assembly from 1998 until 2004, and was then appointed one of four international monitoring commissioners overseeing security normalization in Ireland. In 1996, he was appointed to the House of Lords, and since 2005 has been the elected president of Liberal International. He runs the Centre for Psychotherapy in Belfast and is a visiting professor in psychiatry and joint chairman of the Critical Incident Analysis Group at the University of Virginia. He has a special interest in the psychology of terrorism and violent political conflict.

Gregory Cran

Gregory Cran is the director of the School of Peace and Conflict Management at Royal Roads University, in Victoria, British Columbia, Canada. He has spent more than 25 years working on conflict issues, ranging from hunger fasts and blockades to bombing and burnings among the Russian Doukhobors living in Western Canada. In 1986, the intervention process he implemented in Western Canada received the Canadian Solicitor General's Crime Prevention Award for helping end 80 years of violence among the Russian Doukhobors. In recent years he has been working with the World Bank Institute and the Commonwealth Parliamentary Association to help parliamentarians from Asia and Africa enhance their governance capacity to manage conflict in their regions. Based at Royal Roads University, Dr. Cran teaches conflict analysis and management at a consortium of universities in Thailand. He is the author of a recently published book *Negotiating Buck Naked: Doukhobors, Public Policy and Conflict Resolution,* published by UBC Press.

Meenakshi Dhar

Meenakshi Dhar is acting director of programs at the Commonwealth Parliamentary Association (CPA) in London, United Kingdom, where she is responsible for developing programs on professional development, technical assistance, poverty reduction, and human rights to help strengthen parliamentary democracy throughout the Commonwealth. She also works closely with Commonwealth Women Parliamentarians (CWP) as part of the CPA's program to promote gender equity. Previously, Ms. Dhar worked at the Commonwealth Secretariat, providing management training services, and on strategic planning and evaluation issues. She has a Bsc. (Economics) in international relations from the London School of Economics and an MA in public administration from Brunel University.

Robert J. Griffiths

Robert J. Griffiths is associate professor of political science at the University of North Carolina at Greensboro. He teaches courses in comparative and international politics, with an emphasis on African politics, international security, and international law. His research focuses on civil-military relations and democracy in southern Africa, and he has written about South Africa's armed forces and the transition to democracy. He also edits the reader, *Annual Editions: The Developing World,* for McGraw-Hill.

Niall Johnston

Niall Johnston is an independent parliamentary consultant, having been director of programs at the Commonwealth Parliamentary Association from 2003 to 2007. Previously he was resident director in Sierra Leone for the National Democratic Institute for International Affairs, political development coordinator in Bosnia and Herzegovina for the Organization for Security and Co-operation in Europe, and the speaker's adviser in the Northern Ireland Assembly. He has worked extensively in parliamentary and political affairs, and was a key adviser in the establishment of the Northern Ireland Assembly following the 1998 Belfast Agreement.

Frannie Leautier

Frannie Leautier is the managing partner for The Fezembat Group, a company that advises on risk management, particularly in developing countries. Prior to assuming this position, Ms. Leautier worked for 15 years at the World Bank, where she held a number of senior positions, including vice president of the World Bank Institute; chief of staff for the president of the World Bank Group; and infrastructure director. She is recognized as a leading expert in globalization, leadership development, and infrastructure strategy formulation in developing countries. Ms. Leautier received both her MS in transportation and her Ph.D. in infrastructure systems from the Massachusetts Institute of Technology (MIT), where she has also taught in several departments, such as the Leadership Center of the Sloan School of Management, the Urban Studies and Planning Department, and the Center for Construction Research and Education.

Robert Nakamura

Robert T. Nakamura is professor of political science, public administration, and public affairs at the Rockefeller College of Public Affairs, University at Albany, State University of New York, where he teaches policy implementation, legislative development, and environmental regulatory policy. His work in legislative development began in 1975 with his dissertation on the role of experts in the California legislature. Since then, he has worked with foundations and national and international development agencies in over 30 legislative bodies at the national and subnational levels in the United States, Africa, Latin America, Asia, Europe, and the Pacific region. He has coauthored five books on policy and politics, and numerous other works, including USAID's handbook on legislative strengthening.

Raj Nallari

Raj Nallari is a lead economist and leader of the Poverty and Growth Program of the World Bank Institute. For more than 15 years he has held various positions at the World Bank. From 2001 to 2002 he worked in the Policy Development and Review Department of the International Monetary Fund. He has published widely on development policy issues and holds a Ph.D. in macroeconomics from the University of Texas at Austin.

Mitchell O'Brien

Mitchell O'Brien works with the World Bank Institute's Parliamentary Strengthening Program, and is the author of the working paper "Parliaments as Peacebuilders: Role of Parliaments in Conflict-Affected Countries" (World Bank, Washington, DC), which first examined the nexus between parliament, conflict, and poverty in conflict-affected countries. Prior to joining the WBI in 2004, Mr. O'Brien practiced international law in Asia, Australia, and the Pacific with a focus on governance, human rights, and development issues. He has also consulted for the Democracy Coalition Project, International IDEA, and the Commonwealth Human Rights Initiative. He holds an MA in international development policy from Duke University in North Carolina, and in conflict studies from the University of North Carolina in Chapel Hill, and a law degree and a journalism degree from Griffith University.

Rick Stapenhurst

Rick Stapenhurst is a member of the governance team at the World Bank Institute. He joined the World Bank in 1996 and has concentrated on anti-corruption, parliamentary strengthening, and media development. Mr. Stapenhurst has written extensively on issues related to anti-corruption and parliamentary strengthening. His most recent World Bank publications include *The Role of Parliament in Curbing Corruption* (2006) and *The Role of Bilateral Donors in Fighting Corruption* (2001). He has also written numerous articles and working papers that have been published by the World Bank and in the business and academic press. A dual Canadian-South African citizen, he completed his doctorate in business administration in 1989 and his master's degrees in both business administration and development studies. Before joining the World Bank, he was the director of the Multilateral Development Banks Unit at the Canadian International Development Agency, and an adjunct professor in international marketing at the University of Ottawa and at McGill University.

Teija Tiilikainen

Teija Tiilikainen is the State Secretary in the Ministry for Foreign Affairs of Finland. Before joining the Ministry of Foreign Affairs in 2007, she held various positions at the University of Helsinki over a period of nearly ten years, including Director of the Network for European Studies, Director of Research for the Centre for European Studies, and Acting Professor in International Relations. She has also been a lecturer in European politics at the Finnish Defence College since 1998, is a past Editor-in-Chief of Politiikka, the main Finnish political science journal, and has

been a member of the Governing Board of the Parliament Library since 1999. She holds a masters and a doctorate in political science from Abo Akademi University, and her doctoral dissertation on "Europe and Finland: Defining the Political Identity of Finland in Western Europe" was published by Ashgate in 1998.

Seppo Tiitinen

Seppo Tiitinen has held the position of secretary general of the Finnish Parliament since 1992. Prior to this he was Deputy Secretary General from 1990. Mr. Tiitinen first joined the parliament in 1972 as secretary of the Education Committee and later worked as junior secretary of the Parliament, as well as secretary of the Constitutional Committee and the Foreign Affairs Committee. Between 1978 and 1990, Mr. Tiitinen was the director of the Security Service of Finland. Mr. Tiitinen holds a law degree from the University of Helsinki and has written extensively on constitutional law. He also participated first as chair and later as permanent expert in the constitutional reform committees preparing a major review of the Finnish Constitution from 1992 to 1997.

Lisa von Trapp

Lisa von Trapp is a member of the World Bank Institute's Parliamentary Strengthening Program team, focusing on issues of parliamentary oversight. Prior to joining the World Bank in 2003, she served as a coordinator for Columbia University's Conflict Resolution Network (CU-CRN), and as a Program Officer for the Parliamentarians for Global Action (PGA) Peace and Democracy Program, developing and implementing projects in the Great Lakes Region, West and East Africa, and South Asia. Ms. von Trapp consults regularly on parliamentary programs for organizations such as UNDP. She holds a dual master's degree in international security policy from Columbia University's School of International and Public Affairs (Phillip E. Mosely Fellow) and the Institut d'Etudes Politiques de Paris.

1

Introduction: Parliaments as Peacebuilders

Rick Stapenhurst, Mitchell O'Brien, and Niall Johnston

Parliaments and parliamentarians are increasingly perceived as being perfectly positioned to contribute to peacebuilding, whether directly, through conflict-prevention initiatives, or indirectly, through programs that tackle poverty. This book, which is made up of papers prepared for a series of conferences along with a number of specially commissioned chapters, attempts to unravel the role parliaments in conflict-affected countries can play in the peacebuilding process.

Both the World Bank Institute and the Commonwealth Parliamentary Association have examined issues facing developing parliaments in the hope of strengthening parliaments' capacity to tackle their diverse challenges and meet growing community expectations. In recognition of the rising number of parliaments that are operating in conflict-affected societies, both organizations have sought to better understand the specific challenges those parliaments face and the role they can play in managing conflict and alleviating poverty.

As part of its governance program, the Poverty Reduction and Economic Reform Division of the World Bank Institute initially conducted a number of seminars and commissioned a series of working papers to address ongoing issues that affect the functions and operation of parliament, such as its contribution to the budget cycle, parliamentary oversight, and the relationship of parliament and the media. Following these initial areas of inquiry, the focus shifted to examine the environment in which parliaments function, in particular how that environment affects parliament and, conversely, how the strengths and weaknesses of parliament influence the environment in which it operates.

The Commonwealth Parliamentary Association and the World Bank Institute, with the support of the Parliament of Sri Lanka, pursued this line of inquiry by organizing the Study Group on the Role of Parliament in Conflict-Affected Countries, held in Colombo, Sri Lanka, in October 2004 (CPA and WBI 2004). A follow-up conference on the topic was held at Wilton Park, United Kingdom, in June 2005. The deliberations at these events formed the basis of an earlier World Bank Institute publication entitled "Parliaments as Peacebuilders: The Role of Parliaments in Conflict-Affected Countries" (O'Brien 2005). Following on from this, additional work has been carried out by the United Nations Development Programme (UNDP), the Inter-Parliamentary Union, and the International Institute for Democracy and Electoral Assistance (IDEA), amongst others, in parallel with the production of this book.

How Parliaments Can Help Prevent Conflict and Nurture Peace

Parliamentarians and parliaments have a key role to play as peacebuilders, in terms of both conflict prevention and reconciliation, which are necessary parts of any transition from conflict to peace and stability. Given that the root causes of conflict are often found in constitutional and electoral systems (or in how those systems are operationalized) and in the way that public resources are used and abused, democratically elected public representatives are well placed to address potential causes of conflict and thus halt the cycle of conflict before it can move beyond the initial stage. In circumstances where parliaments have not been able to address the causes of conflict, they must still engage in the transition from violent conflict toward peace by creating a forum for dialogue and by overseeing the executive's prioritization and implementation of resources.

Parliamentary Structure and Functions

As the democratically elected representatives of the people, parliamentarians have a central role to play in all the processes of government. A common misapprehension is to think of the national institutions of governance as hierarchical and constantly contesting for power and influence over policy, with the executive at the top and parliament at a lower level, but placed above civil society. This perception can lead to an antagonistic relationship between an effective legislature and the executive branch. However, an effective legislature should not be competing with the executive by focusing on power and policy control—it is the right of a democratically elected executive to govern. Instead, parliament should see itself as having the central role of making the executive more accountable to the people; in effect, when undertaking its core functions the legislature becomes a bridge in the governance system between the executive and civil society.

   The premise of this book is the link between conflict and poverty and the ability of parliaments to contribute positively to peacebuilding by addressing conflict and tackling poverty; therefore, it may be helpful to set the scene in terms of parliament being the central representative, lawmaking, and oversight body within a nation's system of governance.

Parliamentary Representation

In the modern state, with its size and complexity, the ancient democratic concept of the citizens of a city-state gathering in a conclave is impracticable. Parliaments must therefore represent the ethnic, gender, and religious diversity of individuals and groups in society so that those constituents feel able to identify with their legislators. Public confidence in parliament will be strained if its members are seen as having little in common with those they represent.

   Democratic parliaments are the most open and transparent branch of government, and when the system is truly working, parliamentarians should be the most accessible public officials at the national level. The representative function that legislators exercise operates in two directions. First, parliamentarians must ensure that they give voice to the concerns of those they represent, both as individuals and as concerned groups. Although politicians' attempts to secure election to the legislature are inevitably partisan, after the elections they must transform into

parliamentarians by representing all of their electorate and not just those who voted for them. In this way, people feel that they participate in the democratic process through their representatives who speak for them within the legislature. Members of parliament have an equal duty to ensure that their constituents are made aware of policy and legislative initiatives that may affect them in their daily lives. As representatives of the people, members of parliament are in a position to exercise enormous influence. As a result, they may find themselves called upon to undertake many roles outside those they perform strictly within parliament, such as acting as drivers for change in their local communities by disseminating information and leading community projects.

Lawmaking

Regardless of which parliamentary system a country uses, as the supreme lawmaking institution in a nation, parliament makes the rules by which society is governed. The degree to which the legislature is an effective tool for the passage of strong legislation is determined by the degree of autonomy that the parliament enjoys separate from the executive. At its best, parliament is far from being a rubber stamp and can initiate, amend, and refuse to pass legislation. Whether a parliament is unicameral or bicameral, it will have developed its own legislative procedures, usually based on the Westminster, congressional, or French system, although increasingly, developing legislatures are creating hybrid models that bring together the best of each system in a way that suits a particular country.

Whichever operational model a parliament has chosen, several factors influence how parliament will exercise its functions. A generic model of parliamentary power (detailed in figure 1.1) demonstrates how parliaments that are higher up the table are those with greater power and independence than those toward the bottom of the table (Miller, Pelizzo, and Stapenhurst 2004).

Figure 1.1 *Model of Parliamentary Power*
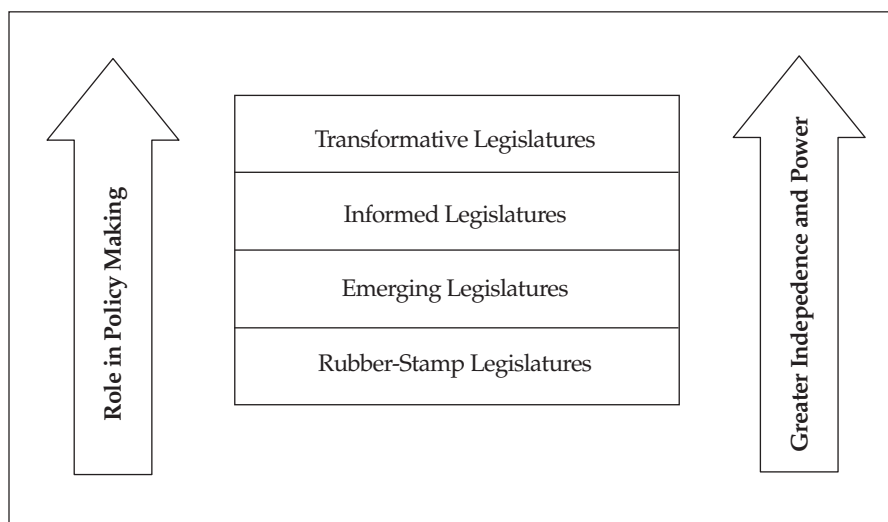
Source: Based on Miller, Pelizzo, and Stapenhurst 2004.

At the bottom of the table are parliaments that simply endorse decisions made elsewhere. These are called *rubber-stamp* legislatures. In the center can be found *arena* or *informed* legislatures or parliaments, which are places where societal differences are articulated in the form of speeches and debate. An arena or informed legislature can be thought of as a societal barometer. At the top of the scale is the rarest type of legislature, the *transformative*, which both represents diverse societal interests and serves as an independent shaper of policies. A transformative legislature is like a thermostat, a device that changes the temperature in a room. In developing countries, the legislature may be in the process of changing from one type to another (an *emerging* legislature). Emerging legislatures are often parliaments under stress, as they struggle to upgrade facilities, staffing, and information systems to handle expanding workloads; however, they also possess the political will and potential capacity to be more than a rubber-stamp legislature.

Oversight and Accountability

A responsible government is one in which the executive is accountable to the parliament. This accountability is created by a number of methods, the most routine of which is scrutiny through parliamentary debate or parliamentary questions. Oversight is not just about exposing maladministration; it is about gathering information and generating discussion on potential and existing policy issues. Parliamentary debates allow for a testing of the executive's position, which informs both the parliamentarians and those stakeholders in civil society who wish to influence policy. By their nature, however, debates are often set-piece events that deal with the broad issue rather than matters of detail. Parliamentary questions, both oral and written, on the other hand offer parliamentarians the opportunity to focus on more specific issues in considerable detail. In the case of oral questions, the executive may not even know which minister will be called upon to answer until the question is put.

When parliament is functioning at its most effective, significant oversight work is carried out by committees. The key to a successful committee is an agreement to operate in a nonpartisan manner and the extent of the powers parliament has granted the committee for calling witnesses and collecting evidence. It is in committees that one can most clearly see the transformation of an individual from politician to parliamentarian, as party-based political allegiances are given second place to parliamentary—and, by logical extension, national—imperatives.

The legislature's scrutiny of taxation, expenditure, and public services is fundamental to a democracy and to the relationship among parliament, the executive, and the people (Brazier and Ram 2006). Financial oversight is a "checks and balances" function of all parliaments, through which they seek to ensure that programs are carried out legally, effectively, and for the purposes for which they were intended. In addition to auditing expenditures, parliamentarians' oversight should include asking questions about "value for money." The legislature has a unique opportunity to authorize and scrutinize expenditure by the executive; however, in the past, legislatures have tended to focus on the oversight of funds after they've been expended (ex post); it is only relatively recently that the oversight role has been seen to be crucial within the budget process (ex ante) as well.

A Study of Countries' Experiences and Strategies

Unlike many studies that consider in a general way how parliament can better undertake its everyday functions, this book focuses on the fulfillment of these general functions within an environment of conflict. In particular, it looks at how parliaments could contribute to peacebuilding. Much literature is available on conflict prevention and resolution; however, that is not the case when studying the contribution of parliaments and their elected members.

This book addresses key considerations, such as potential entry points for parliamentarians to intervene, and the nature of those interventions, in the context of a system that ensures that parliament represents the entire nation and also holds accountable all stakeholders in the transition out of conflict. Throughout this book, the authors of the different papers and chapters describe the relationship between parliamentary democracy and conflict, as they consider how to ensure democratic institutions in general and parliaments in particular do not allow themselves to be sidelined by either internal state actors or the international community.

The options discussed in this book are not likely to apply or even be pragmatic for every parliament operating in conflict-affected countries. Some of the ideas will be more pertinent for some parliaments than others, depending on, among other things, whether the parliament is an established or new institution, where in the conflict cycle a country is, the types of tensions present in a society, the extent to which the culture in which the parliament operates is democratic, and the resources and infrastructure available for implementing the ideas presented. However, this analysis is based on a belief that parliaments can play a role in *preventing* violent conflict from occurring in the first place or, in situations where parties have resorted to violence, from occurring again. Therefore, the analysis and strategies contained in the following chapters have been included to offer parliamentarians and practitioners potential options for tackling these complex issues and contributing to peacebuilding and conflict prevention in their countries. It is the editors' hope that this book will provide parliamentarians with both encouragement and practical advice on how they can discharge their responsibilities to their electorate and to the nation as peacebuilders.

Prior to examining how parliaments in conflict-affected countries can contribute to conflict prevention, it is important to appreciate the correlation among governance, poverty, and conflict. Accordingly, in chapter 2, Mitchell O'Brien discusses the links among parliament, poverty reduction, and conflict prevention using the most recent empirical research. Essentially, parliaments in conflict-affected countries can contribute to peace directly, by implementing strategies to prevent conflict, and indirectly, by tackling poverty. This nexus among governance, poverty, and conflict is the analytical framework through which the book examines the role of parliaments in conflict-affected countries.

The book then proceeds to systematically examine how parliaments can prevent conflicts and build peace while undertaking their three primary functions—representation, lawmaking, and oversight. In chapter 3, O'Brien starts from the premise that democratic systems require meaningful participation and representation. Such systems integrate all societal groups into the decision-making process, including religious, ethnic, tribal, political, socioeconomic, cultural, and other minority groups. Parliament is a forum that uses dialogue and discussion

to transform friction between divided communities into solutions that satisfy all parties. Groups that are able to advance their overarching interests by participating in the governance process will continue to do so without resorting to violent conflict. Furthermore, meaningful participation and representation will confer greater legitimacy on democratic institutions, including parliament, while instilling greater public confidence in the democratic process.

Parliament's representative capacity, its legitimacy and degree of public confidence, and its ability to contribute to a dialogue to resolve society's problems depend on the electoral system. In chapter 3 it is argued that a fair and transparent electoral process is one that is designed to allow the participation and representation of all stakeholders. However, representation extends beyond elections; the chapter examines the role of opposition parties in parliament in representing the interests of their constituents in peace, along with the need for parliamentarians to exhibit community leadership. A case study examining the most recent parliamentary elections in Afghanistan is presented as an annex to highlight the importance of elections and electoral management bodies in peacebuilding efforts in conflict-affected countries.

Chapters 4 and 5 focus specifically on how parliaments in conflict-affected countries conduct legislative business and make laws. For decades, parliaments, through their legislative processes, have been at the vanguard of preventing conflict by providing space for dialogue and compromise. However, as populations become more heterogeneous, parliaments in conflict-affected countries can benefit from learning how they can contribute to conflict prevention and poverty reduction while going about their normal legislative functions.

First and most importantly, parliaments in conflict-affected countries can have an acrimonious atmosphere. Before parliaments can fulfill their legislative functions, they must address any long-held antagonisms and attempt to build a culture of cooperation. This issue is broadly addressed by O'Brien in chapter 4, which considers the contributions different actors can make to parliament's legislative process. Whether through debate in the chamber or through committee deliberations, cooperation will ensure that parliament reaches its potential to transform problems into solutions. O'Brien also explains how parliaments can advance a legislative agenda that strengthens the potential for peace by creating an informed and accountable democracy. In chapter 5, The Lord John Alderdice draws from his experience as the speaker of the Northern Ireland Parliamentary Assembly to examine in greater depth some of the strategies parliaments can implement to overcome animosities between parliamentarians that may inhibit legislative functions.

Chapters 6 and 7 examine the third function of parliament—namely, oversight—and how parliament can contribute to peacebuilding, conflict prevention, and poverty reduction while conducting this function. In chapter 6, O'Brien details how government oversight and accountability build public confidence in the democratic process and provide incentives for disparate groups to continue using the democratic process to have their interests met. Parliament can provide direct oversight of the government and public officials using parliamentary oversight committees. Certain subject-specific committees are especially important to a parliament fulfilling its oversight function in a conflict-affected country in a way that encourages peace and stability. Specifically, these include public accounts committees, or their equivalent, which oversee the budgetary process, and parliamentary commit-

tees that oversee the security sector to strengthen democratic control of the military, police services, and intelligence sector. Parliament is also able to keep government and public officials accountable by supporting the formation of autonomous accountability institutions and providing for their oversight.

To illustrate the important role parliaments can play in security sector oversight Robert Griffiths, in chapter 7, looks more closely at the role of the Parliament of South Africa in providing oversight of defense procurement. The issue of security sector reform is particularly important in South Africa because of the role the armed forces played in repressing opposition to apartheid. Also, South Africa's role in regional peacekeeping and as a regional hegemon reinforces the need for democratic oversight of the security sector. Griffiths notes that, although parliamentary oversight has been firmly established in post-apartheid South Africa, the tendency is still to try to centralize power in the executive, which should be avoided.

Having highlighted the effect accountability has on conflict prevention and peacebuilding, the book turns to examine how parliament can help other stakeholders support its accountability function. In chapter 8, O'Brien weighs the social accountability provided by citizens, civil society, and the media, all of which have a role to play in fostering greater accountability. Ultimately, social accountability increases development effectiveness by making delivery of public services more responsive. Parliaments can strengthen social accountability by reaching out to their constituents to better understand the needs and wants of the community, facilitating the development of a lively civil society that can support parliaments' understanding of community issues, and building an informed society through the development of a strong, diverse, and independent media.

In chapter 9, Robert Nakamura questions how parliament can contribute to peace by examining the three incarnations of the Rwandan legislature since 1993, including the pre-genocide legislative assembly and the present bicameral parliament created by the 2003 constitution. Nakamura suggests that the minority protections included in the legislative system foreshadowed in the 1993 Arusha Accords were not enough to guarantee an end to violence as the Hutu extremists, who were not parties to the agreement, plunged Rwanda back into civil war through a program of genocide. He compares the operation of the Arusha Accords parliament with the subsequent Transitional National Assembly and the present parliament, which seeks to suppress ethnic and cultural differences rather than provide these diverse groups with explicit representation. Finally, Nakamura draws lessons from his comparative analysis to suggest how a parliamentary body can behave in such a context to assist peacebuilding objectives.

In chapter 10, Meenakshi Dhar analyzes the gender dimensions of conflict. Dhar argues that the role of parliament in conflict-affected countries becomes even more important when its potential to promote gender equity is considered. Parliament can promote gender equality by having a gender-balanced parliament, passing gender-responsive legislation and budgeting, and overseeing policy implementation to ensure that it meets the needs of both men and women. (The chapter notes define gender equality, gender equity, and gender mainstreaming.) Moreover, it is important for parliamentarians to view post-conflict economic development through a gender-specific lens, especially considering parliament's strategic position in helping to overcome poverty. Ultimately, though, the solution does not rest with just ensuring greater participation of women in parliament; also important are building

the capacity of women parliamentarians to influence policy making and ensuring that male parliamentarians understand the importance of and reasons behind supporting greater parity between women and men in society.

In chapter 11, Gregory Cran discusses whether dialogue alone can aid in overcoming rising tensions. Using the tensions in southern Thailand as a backdrop to his analysis, Cran argues that a well-managed conflict-resolution process is a skill that is developed through emulation and practice rather than acquired through position or rank. This observation has implications for parliamentarians who believe that their leadership role in society is enough to navigate complex conflict-resolution processes. Rather, training to build skills is imperative for leaders of peacebuilding initiatives, along with a grounded understanding of the nature of conflict. Using the situation in southern Thailand as an example, Cran highlights some of the contributing factors that strategic interventions must consider if a negotiation process is to lead to constructive change.

To provide a more rounded picture of the conflicts Thailand is facing, in chapter 12, Tarnthong Thongswasdi provides an overview of the recurrent military interventions in Thai parliamentary democracy. Thongswasdi argues that, by concentrating constitutional power with the prime minister, the 1997 Thai Constitution, which was designed to overcome the anarchy of previous coalition governments, weakened Thailand's parliament to the point that it was unable to effectively undertake its accountability function. The lesson that parliamentarians can learn from this analysis is that when the key mechanisms for parliamentary oversight cease to function properly, and when independent accountability institutions are captured by the executive, then oversight of government action is severely tempered. The lack of accountability, and the resulting deterioration of the public's confidence in parliament and the democratic process, can create an environment conducive to the overthrow of democracy.

In chapter 13, O'Brien outlines initiatives that parliament can advocate in its initial stages to build an informed democracy. These initiatives go beyond the legislative agenda outlined in chapter 4. This chapter encompasses broader conflict-prevention strategies aimed at developing an environment conducive to building peace and reducing poverty. O'Brien drew upon the experience of parliamentarians attending the Sri Lanka Study Group and Wilton Park conference to identify these broader development strategies; their insights reflect a growing understanding of the need, not only to strengthen parliament, but also to support and strengthen complementary institutions and broader initiatives that can similarly contribute to preventing conflict and alleviating poverty. Parliament can seek to ensure that conflict does not arise as a result of socioeconomic inequality, and it can manage the environment so that all members of society, particularly the rural poor, can benefit from its resources. In addition, parliament can support decentralization programs by empowering as many citizens as possible and thus ensuring responsive decision making, and it can bolster the independence of the judiciary as a conflict management tool. These broader strategies are all efforts to help foster a more extensive institutional environment that works toward reducing poverty and preventing conflict.

Building on the analysis surrounding the nexus among parliaments, poverty reduction, and conflict prevention, in chapter 14, Raj Nallari takes a specific look at the macroeconomic challenges faced by parliaments in conflict-affected countries.

Nallari suggests that in the 1990s parliaments' role in budget formulation and execution expanded. With this increased responsibility, parliamentarians and parliamentary committees can play a much greater role in all aspects of fiscal, monetary, exchange rate, trade, labor, and other macroeconomic and structural policies to assure the community and international donors that the country's financial resources are well managed. This can be achieved only if parliament works closely with other stakeholder groups to provide effective oversight of the government.

In chapter 15, Niall Johnston addresses the growing trend among parliamentarians to represent the interests of their constituents in forums outside parliament, such as in international initiatives and processes sponsored by multilateral development agencies. The chapter considers how parliamentarians can contribute to peacebuilding and conflict resolution, either in their own countries or regionally, by looking beyond their lawmaking and accountability functions and by working with parliamentary colleagues across international borders to encourage dialogue, build confidence, and facilitate peer-to-peer learning.

Following on from Johnston's description of how parliamentarians can engage in conflict prevention and peacebuilding strategies beyond their borders, Teija Tiilikainen, in chapter 16, takes a closer look at how the Parliament of Finland has been able to provide substantial input into the development of Finland's regional and international initiatives aimed at preventing an escalation of conflict. Although Finland can no longer be classified as a conflict-affected country, the lessons learned from the period before the Cold War and the subsequent transitional period in which Finland moved toward greater engagement with the international community serves as a positive example of how parliaments can take the initiative and contribute to conflict prevention, even in situations in which they have traditionally been a minor player. To provide a greater understanding of the operation of Finland's parliament in the present day, an appendix to chapter 16, prepared by Seppo Tiitinen, provides an insightful look at the operation of the parliament after the introduction of the revised Constitution of Finland (2000), which consolidated the four previous fundamental laws and confirmed Parliament as the supreme organ of state.

Finally, in chapter 17, Frannie Leautier concludes that conducting everyday parliamentary business, in and of itself, may not suffice to manage issues and relationships that may foster conflict. If parliament and parliamentarians are to reach their potential as peacebuilders, they must be conscious of the ways they can contribute to conflict management, namely, by creating an enabling environment and developing the sustainable long-term relationships, within and outside parliament, that are needed to ensure that emerging conflict does not spiral into violence. By understanding the nexus among parliament, conflict prevention, and poverty reduction, parliamentarians can ensure that parliament reaches its potential as a peacebuilder.

Parliaments and parliamentarians are perfectly positioned to contribute to peacebuilding. This book seeks to clarify the role parliaments in conflict-affected countries play in preventing conflict and reducing poverty. It is hoped that the ideas and research contained within this volume will interest parliamentarians and parliamentary staff, development and conflict-management practitioners, students of development and conflict studies, and those interested in helping countries around the globe both avoid and recover from conflict.

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2

The Nexus Among Parliaments, Poverty Reduction, and Conflict Prevention

Mitchell O'Brien

Over the past few decades the world has witnessed a transformation in the nature of conflict (Human Security Centre 2005). Traditional interstate conflicts have become rarer as nontraditional intrastate conflicts continue to wage worldwide, in the form of civil wars, armed insurrections, violent secessionist movements, or domestic warfare (Harris and Reilly 1998).[1] Moreover, although interstate conflict may have declined, intrastate conflict has tended to spill over to neighboring states, reflecting the growing interdependence of states within regions. This "process of diffusion and contagion" can result in low-level intrastate conflicts potentially escalating into more intense interstate conflicts, jeopardizing the recent trend toward a decline in traditional intrastate hostilities (Harris and Reilly 1998). Ethno-national conflicts are also at their lowest levels since 1960, as are the number of major self-determination conflicts. Similarly, the repression of ethnic minorities is decreasing, corresponding with a decrease in the number of autocratic regimes around the world since the 1980s (Marshall and Gurr 2005).

These impressive gains, however, belie the fact that the world is still plagued by the ever-present threat of violent conflict that can flare up at any moment. *Peace and Conflict 2005* suggests that 31 of 161 countries surveyed were at great risk of "neglecting or mismanaging emerging societal crises such that these conflicts escalate to serious violence and/or government instability," with an additional 51 countries that have "struggled recently to keep rising social tensions within manageable bounds" (Marshall and Gurr 2005; 2). This means that half the countries surveyed are at risk of developing some form of dangerous conflict. Compounding these concerns is the fact that once a country has suffered from conflict, it is 40 percent more likely to fall back into conflict within one year of the conflict being resolved than a country that has not experienced conflict (Halperin, Siegle, and Weinstein 2005).

It is evident that despite the decline in major armed conflict, there is still much work to be done to tackle new and emerging conflicts. As Kofi Annan noted in his

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1. According to calculations by the Human Development Report Office, the 1990s saw a decline in the number of deaths caused by interstate conflicts, to 220,000 people (down three times from the 1980s death toll), whereas nearly 3.6 million people died as a result of intrastate conflicts in the 1990s, and the number of refugees and internally displaced people grew by 50 percent in the same period (UNDP 2002).

report on the implementation of the Millennium Declaration: "even greater efforts [are needed] to prevent the outbreak of violence well before internal tensions and conflicts have eroded politics and economies to the point of collapse" (Annan 2003). In other words, it is important that conflict be resolved before it escalates into violence and that ongoing tensions, once a country comes out of violent conflict, be addressed to prevent parties from regressing back to hostilities. The evolving nature of conflict has created an impetus to reassess which actors can contribute to conflict resolution and, more importantly, how these actors can contribute to conflict prevention and the peacebuilding process. Parliaments are coming to the fore as uniquely designed forums to address contentious issues and relationships in conflict-affected societies. The role of parliament in conflict-affected countries becomes even more acute when considering its potential contribution to reducing poverty and the well-recognized correlation between conflict and poverty, namely, that poverty increases a society's vulnerability to conflict, while conflict itself generates poverty (Collier and Hoeffler 2001).

Conflict-affected countries have been defined as those that have recently experienced, are experiencing, or are widely regarded as at risk of experiencing violent conflict; however, for the purposes of this book, *conflict* is defined as the "pursuit of incompatible goals by different groups" (Miall, Ramsbotham, and Woodhouse 2003). This is a much broader definition than that of armed or violent conflict, and it makes it possible to consider how parliaments can manage and transform conflict at all stages of the conflict cycle, not just conflict that has reached the crisis stage.[2] Figure 2.1 illustrates the escalation and deescalation of conflict through the different stages of the conflict cycle. Adopting a broader definition of conflict and what constitutes a conflict-affected country ensures that the scope of this book extends to all those countries that are neglecting or mismanaging emerging societal crises or struggling to keep rising social tensions within manageable bounds.

Broader definitions of conflict, particularly those with a development-oriented approach, have been gaining favor more recently because they better reflect the complex nature of conflict and its many catalysts. For instance, the United Nations Panel on Threats, Challenges, and Changes used the term *civil violence* to refer to situations in which issues such as poverty, environmental degradation, and disease threaten international peace and security (United Nations 2004). By being aware of the complex nature of conflict, and understanding strategies to tackle conflict at an earlier stage, parliaments can help prevent conflict from escalating to crisis point, thereby stemming the incidence of violent conflict (Collier et al. 2003).

Irrespective of which stage of the conflict cycle is being examined, the general understanding is that conflict is a phenomenon that results when people with competing interests seek to fulfill those interests at the expense of others. It is not the purpose of democratic institutions to completely resolve tensions; rather, there has been recent recognition that "all societies are inherently conflictual, and that

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2. Different authors use different terminology to label the conflict cycle or different stages of conflict. A conceptualization that is commonly referred to is one proffered by Michael Lund, who argues that there are five stages of conflict: (1) war, (2) crisis, (3) unstable peace, (4) stable peace, and (5) durable peace. Furthermore, *unstable peace* is broken down into three substages: (i) near crisis, (ii) low-level conflict, and (iii) unstable peace (Lund 2001). Swanstrom and Weissman (2005) agree with the five stages of conflict, but they refer to the stages as (1) war, (2) crisis, (3) open conflict, (4) unstable peace, and (5) stable peace.

Figure 2.1 *The Conflict Cycle*

War

Durable Peace

Crisis

Escalation   De-escalation

Unstable Peace

Stable Peace
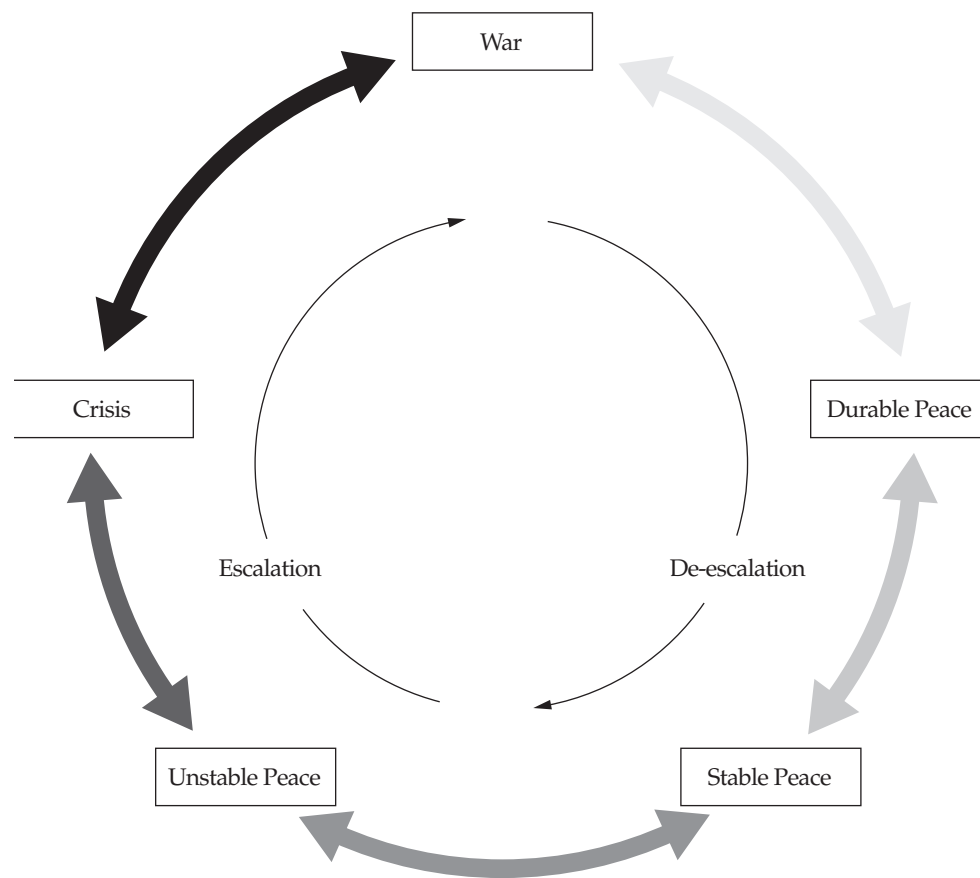
Source: Based on Lund 2001.

democracy acts as a system to manage and process conflict" (Reilly 2001). The issue is less how to eradicate conflict and more how to effectively manage conflict as it emerges so as to prevent it from escalating into violent conflict. Thus, managing conflict needs to be undertaken while building relationships and common understanding within a given community so as to prevent conflict from reemerging.[3]

The Relationship between Poverty and Conflict

The intricacies of the correlative relationship between poverty and conflict have been explored by Collier and Hoeffler (1998, 2002, and 2004). Quantitative research has shown that countries with a high level of dependence on commodity exports are at higher risk of experiencing conflict, whereas countries with higher levels of secondary schooling and economic growth have a reduced risk of conflict (Collier and Hoeffler 2001). From 1980 to 2002, low-income countries with a per capita income of less than US$2,000 experienced conflict approximately one out of every

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3. For a complete description of the behavioral and structural contexts of peacebuilding processes and operations see Jeong (2005).

five years.[4] This figure dropped to one in every eight years when a country's per capita income grew to be between US$2,000 and US$4,000, and to one in every 33 years in countries with per capita income in excess of US$4,000 (Halperin, Siegle, and Weinstein 2005).

Civil conflict has an acute impact on economic growth and food production (Stewart and Fitzgerald 2000). Such conflict leads to the destruction of infrastructure, loss of life and social capital, and a curbing of direct capital investment. Food production cannot occur in regions where violent conflict is being waged; fields are laid to waste and the means for production are destroyed. Therefore, when the violence stops, a considerable period ensues between the cessation of conflict and the resumption of food production. Furthermore, provision in national budgets for important areas such as education, health, infrastructure, and agricultural development are often diverted for military purposes, to the detriment of economic growth and the well-being of the population. The average per capita income of countries engaged in conflict over the last 20 years is significantly lower than the average per capita income for developing countries as a whole.[5] Moreover, the impact of conflict on the economy of a country lingers well beyond the cessation of conflict, making the country vulnerable to a return to violent conflict, a phenomenon commonly referred to as the *conflict trap* (Collier et al. 2003).

Given the mutually reinforcing relationship between poverty and conflict, it is pertinent to consider how parliament can contribute, not only to managing and transforming conflict, but also to addressing poverty, lack of growth, and commodity dependence—conditions that are conducive to conflict. That is one of the purposes of this book.

The Relationship between Democracy and Conflict

Commentators have argued that democracies generally operate under restraints that make them more peaceful in their relations with other democracies; therefore, democratic states rarely, if ever, go to war with one another, and no mature democracies have ever fought a war against each other (Mansfield and Snyder 2005). However, this concept of *democratic peace* does not necessarily mean that democracies do not wage wars against nondemocratic states, nor does the concept of democratic peace necessarily extend to democratizing countries. Indeed, democratic transitions often lead to war rather than peace: the "chance of war arises mainly in those transitional states that lack the strong political institutions needed to make democracy work." According to Mansfield and Snyder (2005), when these institutions are weak, "politicians have incentives to resort to violent nationalist appeals" (also Mansfield and Snyder 2002). In short, conflict among democratizing countries may occur with greater frequency than among established democracies; nevertheless, countries in transition to democracy are still more peaceful than nondemocratic countries with

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4. A conflict is defined as being more than 1,000 deaths directly related to an episode of armed conflict per annum (Halperin, Siegle, and Weinstein 2005).

5. The average per capita income for countries involved in war over the last 20 years is US$421, compared to US$538, which is the average per capita income for developing countries over the same period of time (Halperin, Siegle, and Weinstein 2005). Also see Collier et al. 2003.

similar incomes in terms of the frequency of conflict (Halperin, Siegle, and Weinstein 2005).

It has been suggested that the main feature that promotes peace among democracies is that the countries discourage the use of force as a means of solving problems; rather, people use institutionalized conflict-resolution methods to reach fair and just resolutions. This norm extends to relations between democratic states; therefore, democratic states favor democratic political processes when faced with disputes with other democracies (Russett 1993). Furthermore, democracies experience structural and institutional restraints that make it more difficult to go to war. These restraints range from needing to develop a broad community consensus before engaging in war, to gaining the explicit approval of democratic institutions, such as parliament, before declaring war. It is argued that these constraints not only make it harder to go to war, particularly if the conflict is with another democracy, but also inhibit a surprise attack by a democracy on another country. These guarantees provide reassurance to the democratic parties to a conflict that they have the time to find alternate routes out of conflict before escalating to war (Russett 1993).

The basis of democratic peace has been challenged by some who contend that the preference for nonviolent conflict resolution between democracies is not based on a clear democratic norm that people and countries should resolve their disputes through nonviolent, legal, and legitimate means. Rather, the democratic peace reflects the relative price of nonviolent conflict resolution as compared with the price of going to war (Gowa 1999)—bargaining is far cheaper than waging war. If the motivation for not going to war is based more on a cost-benefit assessment than on the presence of democratic norms, that may also apply to autocratic regimes. In addition, autocratic governments may also experience restraints on their actions through informal checks and balances placed on them by the powers and military elites that support the autocratic leadership (Gowa 1999).

A second and equally compelling argument in favor of democracy can be made when one considers what type of government more often instigates conflict. Irrespective of the types of political systems that have waged wars, only 18 percent of wars between 1816 and 1990 have been instigated by democracies (Reiter and Stam 2002), and on average, democracies fight less than autocracies (Russett and Oneal 2001). Given that it is rare for democracies to wage war against other democracies, and that democracies are far less likely to instigate conflict even against nondemocracies, one objective of peacebuilding is to consider what strategies are best suited to strengthening democracies.

The democratic peace argument focuses solely on interstate conflict, and democracy clearly has a positive effect on the rates of conflict between states; however, it is less clear that there is a positive correlation between democracy and reduced rates of civil conflict. In his earlier work, Collier argued that the risk of civil war is heightened by certain economic conditions, such as dependence on primary commodity exports and low national income, and that a lack of democracy does not necessarily have an impact on the risk of intrastate conflict (Collier 2000). Later research has suggested that countries making the transition from democracy to autocracy or from autocracy to democracy are more prone to an outbreak of civil war. However, autocracies are less stable than consolidated democracies, so the transition of countries from autocracies to democracies has a positive effect on the incidence of violent conflict (Hegre et al. 2001).

Whereas democracies may not go to war against each other and are less likely to instigate war against nondemocracies, semidemocracies or states undergoing democratic transitions are innately more conflictual and experience higher rates of intrastate conflict and civil war. The reasoning for this heightened risk of conflict varies. Hegre et al. (2001) contend that civil war is more likely in semidemocracies, which are partly open yet somewhat repressive, because the government's repressive tendencies cause discontent amongst certain groups, and the relative openness of society enables them to mobilize against the regime. In any case, improving economic conditions and political participation clearly are keys to neutralizing the potential threat of conflict posed by semidemocracies and countries undergoing a democratic transition.

The "Development First" Philosophy

The most recent analysis of the relationship between democracy and development has shown that, over time, low-income democracies consistently outperform their autocratic counterparts, although this relationship is not universal (Halperin, Siegle, and Weinstein 2005). That study is the latest in a long series of studies, which have gradually moved away from advocating a "development first" approach for building democracy to prescribing democracy as part of a broader strategy for promoting economic growth (see, for example, Barro 1996; Bhardwaj and Vijayakrishnan 1998; Feng 2003; Przeworski and Limongi 1993; Rodrik 1992; Sirowy and Inkeles 1991). This shift in thinking stems from the deeper understanding development practitioners now have of the relationship between democracy and development. More comprehensive data over longer periods of time, and decades of anecdotal experience, have resulted in a clearer picture of the situation.

The bulk of the early literature on the link between democracy and development argued that authoritarian governments are in a better position to lay a foundation for economic development and stability (see, for example, Lipset 1981). This belief was founded on the assumption that authoritarian regimes are not hampered by the politics that characterize democratic systems; therefore, they can plan for the long term and focus on the end goal rather than be distracted by immediate political or minority needs. It was thought that authoritarian governments' ability to avoid external influences ensured that they would not stray from the long-term plan. Furthermore, it was argued that resources were not wasted on policy development and decision making because decision makers did not have to engage in negotiations with minority or special interest groups, who might be adversely affected by the implementation of the long-term development strategy (Lipset 1981). An important aspect of this perspective was that these authoritarian administrations were viewed as being able to impose the rule of law, provide stability, and guarantee property rights, which are essential prerequisites for encouraging the foreign direct investment needed to fuel development.

This way of thinking conceived of democracy as a reward that was attainable only after a nation reached a certain level of development. The argument was originally championed by Martin Lipset, who based his assertions on evidence gathered in the late 1950s, which suggested an association between stable democracies and

national wealth, communication, industrialization, education, and urbanization (Lipset 1981). The idea was developed during the Cold War, when there were very few democracies in the world—in 1950, only 23 democracies existed, compared with 88 in 2005 (Marshall and Gurr 2005). Lipset argued that for political pluralism to take hold, countries must reach a particular level of income in order to form a strong middle class, attain widespread popular access to education and higher literacy rates, and meet a certain level of urbanization. He further contended that the wealthier a nation became, the more likely it would be able to sustain democracy (Lipset 1981). Ultimately, this led to economic development becoming the focus of international efforts, to the exclusion, in many instances, of building democracy and strengthening democratic institutions.

Samuel Huntington was an exponent of this thinking, advocating the advantages of strong one-party states for developing countries. He argued that these institutions, especially parties backed by the military, had a positive unifying influence that fostered stability (Huntington 1968). He later argued, in conjunction with Joan Nelson, that political participation should be temporarily held down in order to promote economic development and that an "autocratic regime that suppresses political participation and promotes economic equality through land reform and other measures may make possible . . . the subsequent expansion of political participation" (Huntington and Nelson 1976; 163).

The main constant underlying these arguments is the belief that instability, whether in the form of coups or changes in government, is bad for growth and that regime types have little direct impact on economic growth (Alesina and Perotti 1997). According to that proposition, the most important consideration in relation to development is which political system results in the greatest stability, and that previously was thought to be autocracies. However, this underlying belief has been refuted by Przeworski et al. (2000), who argue that despite there being more political instability under democratic regimes, usually in the form of strikes, protests, and riots, the impact on growth is usually only short lived and that changes in government after periodic elections have no economic consequence. Although investors seek safe haven in autocratic countries, these same investors will flee at the slightest hint that the dictator may fall (Przeworski et al. 2000). As such, instability might be present in democracies and autocracies, but instability is more likely to hinder growth under autocratic regimes.

The notion that development should precede democracy and that authoritarian regimes were better placed to promote economic development resonated until the 1990s, and in some circles, until the last few years. For instance, in the mid-1990s influential research by Barro (1996) suggested that the rule of law, free markets, small government consumption, and high human capital had a positive effect on growth, but if these variables are held constant, the "overall effect of democracy on growth is weakly negative." Barro also indicated a nonlinear relation, whereby democracy enhances growth when there are low levels of political freedom, but then depresses growth after a moderate level of political freedom has been obtained (Barro 1996).

Even as late as 1993, the World Bank, in its report investigating the "East Asian Miracle," extolled the virtues of authoritarian governments at the early stages of development, highlighting their technocratic advantages and efficiency as stimuli

for economic development (World Bank 1993). The report noted that in each of the high-performing Asian economies a:

> [t]echnocratic elite [that was] insulated to a degree from excessive political pressure supervised macroeconomic management. The insulation mechanisms ranged from legislation, such as balanced budget laws in Indonesia, Singapore, and Thailand, to custom and practice in Japan and Korea. All protected essentially conservative macroeconomic policies by limiting the scope for politicians and interest groups to derail those policies.

Unfortunately, with hindsight it became clear that without rules for transparency and accountability, systematic bribery affected the efficacy of the technocratic elite who were steering the reforms. Bribery made members of the government and public officials more susceptible to pressure from interest groups to make decisions in their favor rather than on the merits of an action, all of which contributed to the Asian economic crisis (Yusuf 2001). World Bank publications have since revised the view espoused in 1993 and now acknowledge the role democratic institutions play in promoting good governance (Yusuf 2001). However, despite these events, as late as 2002 an Asian Development Bank Institute research paper continued to support the notion that efficient, insulated bureaucracies play a role in promoting economic development, even though it was not explicitly advocating authoritarian regimes (Quibria 2002).

The Relationship between Democracy and Development

The last few years have seen a sea change in thinking on the relationship between democracy and development. The development-first argument lost momentum as it became clearer that no such trade-off between democracy and development exists. As Przeworski et al. (2000) noted, although "not a single study published before 1988 found that democracy promoted growth, and not one published after 1987 concluded in favor of dictatorships... there was never solid evidence that democracies were somehow inferior in generating growth" (178). Thus, no economic justification has been made for promoting autocratic governments and no reason why democratic institutions, such as parliaments, should not be strengthened to perform their functions with greater competency. Development strategists concluded in the late 1990s that democracy does not have a negative impact on economic development (see, for example, Bhagwati 1995)—and most recently, evidence has demonstrated a positive correlation between democracy and development.

Research on the role of democracy in low-income countries' economic growth over the past 20 years has shed light on the dynamic between democracy and development. Most significantly, these studies have been able to draw upon the experience of the "third wave of democratization," which started in Portugal in 1974 and continued into the new millennium with the democratization of countries around the globe, from Latin America to the formerly socialist countries of Eastern Europe, and throughout Africa and Asia.[6] Sen (1999a, 1999b) famously argued

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6. The third wave of democratization was coined by Samuel Huntington to describe the wave of democratizations that occurred around the globe, starting with the April 25, 1974, coup d'état in Portugal (Huntington 1991).

that democracy, characterized by civil and political rights, was the best system to prevent economic and social disasters. The most recent empirical analysis, which examined the cumulative experience of developing countries, ascertained that countries with more representative and pluralistic systems of government generally developed more rapidly and consistently than those with closed systems (Halperin, Siegle, and Weinstein 2005).

It is difficult, however, to establish a causal link between democracy and development. For that reason, the most recent attempt to analyze the relationship examined the extent to which democracy exists in low-income countries to determine whether democracy and development are compatible, and instead of looking for causality, the study compared economic performance between autocracies and low-income democracies. The analysis showed "little discernable difference in per capita growth rates between democracies and autocracies from 1960 to 2001" (Halperin, Siegle, and Weinstein 2005; 30). The aggregate gap between low-income democracies and autocracies might have been more acute were it not for the phenomenal growth rates of a few authoritarian East Asian Tigers before the Asian economic crisis and the fact most authoritarian governments do not publish comprehensive economic data, the inclusion of which would have reduced overall performance of authoritarian governments. This preliminary finding affirmed that no empirical basis exists for the argument claiming an authoritarian advantage. What differentiates the economic performance of low-income democracies from autocracies, though, is that low-income democracies are able to maintain relatively steady growth rates over time while avoiding disastrous economic outcomes (Halperin, Siegle, and Weinstein 2005).

Economic growth is often used to measure a country's development. Yet relying purely on this indicator fails to shed light on how wealth is distributed within a country, which is an essential component of development. Accordingly, in addition to gross domestic product, Halperin, Siegle, and Weinstein (2005) also compared social indicators to observe how the economies of autocracies and low-income democracies satisfy people's basic needs. The comparison revealed marked differences between the performance of low-income democracies and autocratic regimes. People in democratic countries "consistently over the last four decades, lived longer, healthier, and more productive lives, on average, than those in autocracies" (34). Other social indicators also favor low-income democracies: their secondary-school enrollment is nearly twice as high as in autocracies, which is also a factor that contributes to reducing the incidence of violent conflict; they enjoy higher yields from the agricultural sector; and their childhood mortality rates are roughly half those of autocracies (Halperin, Siegle, and Weinstein 2005). Interestingly while low-income democracies outperform autocracies with respect to an array of social indicators, expenditure in these areas has been relatively equal in both low-income democracies and autocracies. This suggests that low-income democracies are better able to, and more efficient at, harnessing resources to improve citizens' overall standard of living.

This empirical evidence supports the prevailing belief among many of the world's governments that there is a positive relationship between development and democracy. At the 2003 Commonwealth Heads of Government Meeting in Nigeria, the heads of government of 53 nations noted in the Abuja Declaration that they are "convinced that broad-based prosperity creates the stability conducive to the

promotion of democracy; and that strong democratic institutions better promote development" (Commonwealth Secretariat 2003). The question remains as to which democratic characteristics enable these countries to consistently outperform their autocratic counterparts.

This book suggests that a number of features of democratic systems aid development and performance. These features include vertical and horizontal accountability of decision makers, whether through elections or separation of powers among the executive, parliament, and judiciary; openness of governance, especially in terms of access to information; transparency within society; and political adaptability. Democratic systems provide an opportunity through which one set of decision makers is replaced with another in a nonviolent manner; thus, if decision makers and representatives are not responsive to community demands, they can be removed from office at the next election.

Parliaments as the Cornerstone

Gaining a clearer understanding of the correlative relationship between poverty and conflict requires greater consideration of the actors who are able to encourage development and reduce poverty, and thereby to reduce the incidence of violent conflict. At the same time, it is important to consider which actors are best positioned to contribute to conflict resolution before conflicts escalate to violence, because a peaceful environment is more conducive to development. As noted previously, democracies are better at promoting development than autocracies and are less likely to resort to violent conflict. Furthermore, recent studies have highlighted the links among autocracies, poverty, and conflict, and the tendency of autocracies to instigate violent conflict (Reiter and Stam 2002). Therefore, strengthening democracy may well be one of the best strategies for dealing with emerging conflict and tackling poverty.

Democracy is a system of political governance that is subject to the will of its citizens and is implemented through political institutions and established democratic practices and norms. There is growing awareness that for democracy to work, political and democratic institutions need to be strengthened and be self-sustaining (Fukuyama 2004). The Community of Democracies (2000) defined the international standard for democracy as including, among other things, separation of powers in the form of institutions of shared power. The evolving nature of conflict has created an impetus to reassess which actors or institutions can contribute to resolving conflict and, more important, how these actors can contribute to conflict prevention and the peacebuilding process. One such institution is parliament.

Parliaments are not only democratic institutions in themselves; they are also designed to exercise legitimate power to further develop other institutions. Parliaments are more representative and their members more accessible to the general public than the executive or judicial branches; therefore, parliaments come to the fore as uniquely designed forums to address contentious issues and relationships in conflict-affected societies. Parliaments institutionalize conflict; they are designed to include disparate sectors of society and to reflect and express the divergent views of those diverse groups (Olson 1994). Members of parliament are equal by design, with each member having the same standing and rights to express the interests of those they represent. For this reason, parliament is a forum whereby representatives of

different groups are able to freely air their divergent interests with the aim of resolving potentially volatile issues.

The term *parliament* is used throughout this book to refer to a representative assembly or body, at the provincial, state, or national level, that is composed of members who are either elected or appointed in conformity with the laws of a sovereign state, and that convenes to debate and vote on proposed laws and provide oversight of government decision making. Parliaments are the sole source of statutory law, which although subordinate to the constitution is nevertheless superior to all other forms of law, such as judicial decisions and administrative regulations.

The growing importance of parliaments to conflict prevention and the peacebuilding process in conflict-affected communities can be attributed to the increasing awareness of the nexus among parliament, conflict, and poverty. Indeed, this book suggests that one of the best tools a nation has at its disposal for managing conflict and poverty is parliament. Due to the nature of the parliamentary process and parliaments' ability to build relationships within parliament and between parliament and the broader community, parliament has become a significant instrument to address divergent interests of multiple groups, including those interests that have the potential to trigger conflict. Parliament can seek to ensure that emerging conflict does not escalate, thereby averting the deleterious impact of violent conflict on economic development. Furthermore, by addressing issues of poverty, equitable distribution of resources, and economic development, parliamentarians can attempt to guard against the creation of an environment that enables the escalation of conflict.

The Way Forward

This book examines the many ways parliaments are able to address the nexus among parliament, poverty, and conflict and, in turn, to better contribute to conflict prevention and the peacebuilding process so that emerging conflict does not spiral into violence. The United Nations defines *peacebuilding* as actions that identify and support structures that will tend to strengthen and solidify peace (Boutros-Ghali 1992). Peacebuilding addresses the structural issues and long-term relationships between the parties to the conflict (Miall, Ramsbotham, and Woodhouse 2003) in order to overcome the contradictions that lie at the root of the conflict (Galtung 1996). The aim of this form of conflict management is to transform potentially violent conflict into a nonviolent process of social and political change that results in lasting peace (Miall, Ramsbotham, and Woodhouse 2003).

The formal relationship between the executive and parliament is, more often than not, laid out in a country's constitution. There is a strong correlation between the strength of parliament, as established in the constitution of the country, and the country's ability to consolidate democracy. Furthermore, strong parliaments that are not sidelined in national politics are conducive to political openness (Fish 2005; Fish 2006; Fish and Kroenig 2007). Despite the evidence suggesting that strong parliaments are good for democracy, the separation of powers inherent in any democracy balances authority between the different branches of government and therefore constrains what parliaments are able to do on their own to promote a course of poverty reduction and conflict management. Depending on the constitution and practice in different democracies, parliament may not be permitted to exercise executive authority, implement policy, or even (in some instances) introduce legis-

lation. For example, some French hybrid democratic systems prohibit parliament from introducing bills that raise or reduce expenditure, and some upper chambers around the world are not permitted to introduce legislation. In some instances, such as in Ethiopia, the upper chamber is restricted to introducing legislation concerning certain issues. Constitutions also vary widely in the amount of power given to parliaments to constrain the executive branches. Some parliaments are able to defeat or significantly amend legislation initiated by the executive, but other parliamentary bodies are restrained from amending or delaying the passage of certain categories of legislation, which they must, in effect, rubber stamp.

Irrespective of the extent to which parliaments are granted formal power under the constitution to delay or amend legislation, parliaments still have the capacity to actively participate in governance and shape the actions of the executive. Parliament can influence the executive's policy agenda or implementation of that agenda through the performance of its oversight function. For instance, deliberation of proposed legislation in parliamentary committees, parliamentary debates, or questions posed to the leader of government in parliamentary systems all act as constraints on the government and are means by which parliaments can influence governance and policy agendas.

In addition to restraints placed on their formal power, parliaments operating in conflict-affected countries are often new or inexperienced and may face resistance from competing power institutions such as the military or an overdominant executive, even when simply trying to play their constitutionally mandated legislative and oversight role. Other impediments to parliaments in conflict-affected countries being able to fulfill their legislative and oversight functions include lack of basic parliamentary infrastructure and resources, such as offices, staff, communication resources, and weak transport systems that hamper parliamentarians' freely traveling between their electorate and parliament, as well as limited access to the information needed to fulfill their important role.[7]

Despite the formal power constraints outlined in a state's constitution and the lack of resources, information, and basic infrastructure experienced by many parliaments in conflict-affected countries, parliamentarians are uniquely positioned to play leadership roles in their societies and to strengthen peacebuilding from below (Miall, Ramsbotham, and Woodhouse 2003). There is always a need for institutions "that facilitate a collaborative process [because they] can help reduce transaction costs in managing relationships between various parties" (Jeong 2005; 9). At the most general level, parliaments are able to contribute to peacebuilding and conflict prevention by introducing a national policy dialogue to create a national consensus around commonly held values and goals (AWEPA 2001). However, parliament and parliamentarians also can contribute to conflict prevention and the peacebuilding process in many more specific ways, in addition to the performance of their oversight function. These are discussed throughout this book.

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7. For a more in-depth study on the comparative resources available to parliaments around the Commonwealth, refer to Commonwealth Parliamentary Association's (CPA) study entitled *Survey of Facilities and Services Available to Commonwealth Parliamentarians, 2002–2003.* Available at http://www.cpahq.org/FACILITIESANDSERVICESSURVEY_pdf_media_public.aspx. Also see CPA's *Report of the Study Group into the Administration and Financing of Parliament,*http://www.cpahq.org/TheadministrationandfinancingofParliaments_pdf_media_public.aspx.

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3

Making Parliament More Representative

Mitchell O'Brien

A democratic system requires meaningful participation and representation that integrates all societal groups—religious, ethnic, tribal, political, gender, socioeconomic, and cultural groups and other minorities—into the decision-making process. Members of parliament should ideally reflect the diverse communities they come from; thus, minority groups should not be systematically excluded from being represented (Norris 2004). Improving the representativeness of parliament strengthens its ability to reach out to all sectors of society. Furthermore, when a representative parliament is able to develop multiple loyalties through political cooperation, it lays the foundation for the emergence of a culture of constructive conflict, which is better able to manage conflict without resorting to violence (European Parliamentarians for Africa [AWEPA] 2001).

Parliament is a constitutionally mandated institution that provides a forum for dialogue and discussion to find workable solutions for problems and help shape legislation and policies. Ultimately a representative parliament is better able to contribute to peacebuilding by bringing together legislators from diverse groups in society who, through collaboration, begin to develop a common vision that accommodates the interests of all groups to a greater or lesser extent. If each parliamentarian ensures that the legislature responds to the needs of her or his community, parliament can help stop communal discord from flaring into violent conflict.

Experiences with constitutional review commissions have shown that when members of a committee work together and consult with the public or their constituents "an intriguing result has repeatedly been the transformation of the members . . . from serving primarily as advocates for their respective interest group into a more cohesive group with a greater focus on the needs of the whole society" (Kritz 2003; 3). Though it is unlikely that everyone will be satisfied with the results, parliament's compromise solutions are usually acceptable to most segments of the community (Przeworski 1995). However, for parliament to reach its potential as a forum that can resolve and prevent conflict, it must include all groups in society and represent society's diverse interests.

Groups that are able to advance their overarching interests by participating in the democratic process have an incentive to continue to do so without resorting to violent conflict. Parliament is able to develop solutions that enjoy broad community support in a number of ways, whether by enacting legislation that reflects the needs of all members of the community, by taking into consideration the views and per-

spectives of groups during committee deliberations, or by holding direct but informal discussions and negotiations between parliamentarians. Without the opportunity to transform conflict through dialogue, parties are usually limited to either inaction or the use of force to have their interests met.

Manin, Przeworski, and Stokes (1999) note some generic reasons why governments, and similarly parliaments, represent the interests of the people. Though people "who offer themselves for public service differ in their interests, motivations, and competence, citizens use their vote effectively to select either those candidates whose interests are identical to those of the voters or those who are and remain devoted to the public service while holding office" (9). Furthermore, members of the community use the potential withdrawal of their votes as a check on those in office. Public office holders who wish to pursue interests outside those of the community risk being thrown out of office. Thus, the electoral system motivates parliament to be representative; if "elections are freely contested, if participation is widespread, and if citizens enjoy political liberties, then governments will act in the best interests of the people" (29). Parliamentarians act in their own self-interest when they ensure that their actions and positions on issues mirror those of their constituents.

Most societies and groups would prefer not to live in a community where there is violence or poverty. The majority of people in most societies share this hope or aim, irrespective of whether they live in a conflict-affected country. It follows that, if parliaments in conflict-affected countries are truly representative, parliamentarians, even if they hold diverse views about how to achieve this objective, will nevertheless pursue compromise solutions that work toward this common goal rather than resort to a state of violent conflict. Although this aim is not always the case, it is a reasonable assumption to make with respect to the bulk of parliamentarians.

Meaningful participation and representation in conflict-affected countries are linked to how parliamentary elections are conducted. As such, the first half of this chapter focuses on the design of parliamentary electoral systems and the administration of parliamentary elections, the successful implementation of which is essential to the realization of a representative parliament. However, when considering the potential for parliaments in conflict-affected countries to be representative institutions, it is important to consider not only how a representative parliament is designed, but also how all members of parliament, including members of the opposition, can represent the community's collective interests in conflict prevention. Finally, the chapter examines parliamentarians' capacity to act not only as community representatives but as leaders.

Designing Electoral Systems to Encourage Participation and Representation in Parliament

Parliamentary elections mark a pivotal time in any democracy, but particularly in conflict-affected countries, because they give community members an opportunity to ensure that parliamentarians truly represent their viewpoints and interests. Elections provide successful candidates with a mandate to implement their policy proposals; elections also give the electorate an opportunity to hold a sitting parliament's representatives accountable for their performance during their preceding term in office. Under most modern democratic systems few opportunities exist

other than elections, for the community to compel its representatives to adhere to the mandate conferred on them at the last election (some countries have a provision for constituents to recall their representatives). The rationale behind this system is that the electorate is able to choose policies that represent its interests and candidates who represent the electorate as people, but the electorate also wants governments to be able to govern by taking into account changing circumstances and the best information at hand (Manin, Przeworski, and Stokes 1999).

A country's electoral system provides the means or rules by which parliamentary seats are filled. Electoral systems "represent some of the most powerful instruments available for institutional engineering, with far-reaching consequences for party systems, the composition of legislatures, and democratic representation" (Norris 2004; 261). According to Kurian (1998), an electoral system has three aspects:

- A districting system (single-member, multimember, or at-large)
- An electoral formula (plurality, majority, or proportional representation)
- A balloting method (the number of votes each voter will cast and a determination of whether the voter will have an either-or choice or the option of rank-ordering the candidates)

Generally, the electoral design has an important "role in newly democratising and divided societies because, in the absence of other structures, politics becomes the primary mode of communication between divergent social forces" (AWEPA 2001; 19). Electoral systems structure the arena of political competition by rewarding certain types of behavior and constraining others (Belmont, Mainwaring, and Reynolds 2002). For instance, under winner-takes-all electoral systems such as "first past the post" (used in a number of countries worldwide), when one group or party has discernibly stronger support than any other, the strongest group has little incentive to reach across the political divide and accommodate those other groups, because the majority stands a good chance of gaining a substantial number of seats. In comparison, the "alternate-vote" or rank-ordering system is designed to achieve proportional representation by giving voters the opportunity to rank the candidates in order of the voter's preference. This type of system is often proposed as an electoral design that promotes moderation (Sisk 1993).

The fact that electoral systems can strongly influence behavior, and subsequently affect policy outcomes, reinforces the need to ensure that the institutional design of parliament and the electoral system results in a representative outcome that facilitates broad-based participation in the democratic process. Younger parliaments and legislatures dominated by one party or group, to the exclusion of other groups in society, are often unable to contribute to peacebuilding because they have "limited capacity, immature internal institutional structures . . . and often a unicameral system which provides less scope for power counterbalances" (UNDP 2004; 41). Appropriate electoral designs can help ensure that all groups have a voice in parliament, thereby transforming parliament from a collection of members of a select societal group into an arena in which differences can be handled and conflict managed by representatives from all groups in the community.

Electoral systems can be designed to encourage moderation, thereby helping to diffuse extremist positions. In this way it can be said that parliaments "create the conditions for the emergence of co-operative antagonists" (Harris and Reilly 1998; 212). Selection of the electoral model is important to peacebuilding endeavors

because the "means by which conflicts are expressed within a legislature are also the means by which conflicts are resolved" (212). No single electoral system is perfect; rather, a country should pick the best system for its particular circumstances. However, when choosing a system, the impact of the resulting representation on conflict prevention and peacebuilding should be taken into account.

Design objectives that might assist in making parliament more participatory and representative, thus better able to enhance the conflict prevention and peacebuilding process, include:

- Fragmenting support for an extraordinarily large majority group
- Inducing majority groups to behave moderately toward minority groups by engaging in inter-group bargaining. This differs from fragmentation in that it provides incentives for moderation rather than trying to split the majority group. Examples of arrangements that seek to achieve this objective are the Lebanese electoral system, in which seats in parliament are reserved for specific ethnic or religious groups but all citizens are entitled to vote for each of the seats (Horowitz 2003), and the Nigerian electoral system, in which candidates for the presidency must have at least 25 percent of the vote in at least two-thirds of all of the states in order to win (Horowitz 1991)
- Encouraging the formation of political parties that represent constituents from diverse backgrounds, either through coalitions or more inclusive political parties
- Encouraging a degree of fluidity, or a situation that allows political space for new parties to form that will represent divergent groups and avoid bifurcation, as has happened in many developed democracies, such as in the United States, where seats in Congress are primarily split between only two parties. Once fluidity has been achieved, the electoral design must impede bifurcation of that system. Common strategies used to achieve this objective include adopting federalist models or requiring mixed lists
- Attaining proportionality between the number of votes and the number of seats gained by particular groups in parliament, whether social, ethnic, religious, or political groups or parties
- Reducing the potential that a group will win a majority of parliamentary seats with less than 50 percent of the popular vote
- Ensuring the accountability of members of parliament to their constituents; and
- Guaranteeing the victory of the Condorcet winner. The Condorcet winner is the candidate who would receive a majority of the vote in a head-to-head contest with each and every other candidate (Horowitz 2003). Sometimes simpler models, such as first past the post, can achieve an anomalous result (Reynolds and Reilly 1997)

Different electoral systems can achieve each of these objectives, depending on the enabling environment and myriad other factors; however, it should be noted that some of the objectives listed above are mutually exclusive. The selection of any electoral system is an inherently political decision that can be marred by multiple stakeholders seeking to implement a system that benefits their short-term interests, rather than considering the long-term impact of any potential electoral design. Whoever is charged with managing the process for designing the electoral system

needs to keep the process of selection as nonpartisan as possible, especially considering the impact the electoral system will have on the composition of parliament and, consequently, whether parliaments' membership represents the diversity of groups present in a country.

To assist the peacebuilding effort, an electoral system should have as an objective the inclusion of women and minority groups. Ensuring that minority groups are adequately represented in parliament will assist in conflict management. Minority inclusion can be achieved in two ways. The first strategy is to allocate parliamentary seats to specific groups or facilitate overrepresentation in parliament from regions where minorities reside. A number of parliaments around the world have reserved seats for minority groups, including those in Colombia, Croatia, India, New Zealand, Niger, Taiwan, and Uganda (Reynolds, Reilly, and Ellis 2005). The second strategy is to ensure that a system is implemented that provides incentives for majority groups to act moderately toward minority groups and to engage in intergroup bargaining in return for electoral success. If the second approach is adopted, parliamentarians may not come from the social groups they purport to represent, but they nevertheless have an electoral incentive to act as the minority group's representative in parliament. This ensures that a particular group's interests are represented, even if they are represented by a member of parliament who comes from a different social group, thereby allowing the minority group's participation in the political process.

Furthermore, it is not just a matter of crafting an electoral system that allows for participation and representation of all stakeholders. If a community perceives an electoral system as being unfair, or a result as unfair, it can create conflicts and work against peacebuilding efforts. This is particularly the case with new parliaments or with new electoral laws where the application of the electoral system is untested. The result is that the "lack of acceptance of the parliament by dissenting parties and the reluctance of the opposition to engage forcefully yet constructively prevents the parliament from performing its core functions" (UNDP 2004; 42). For instance, citizens in Fiji were surprised by the results of the first election held there after the introduction of the 1997 Constitution of the Republic of Fiji Islands, because they were so different from past outcomes. During the deliberations leading to the introduction of the new constitution, officials decided to implement a new alternate-vote electoral system in addition to the new multiracial constitution. Unfortunately, a lack of understanding of the new electoral system and the unexpected result meant that certain factions never accepted the result, causing ongoing tensions. To avert a challenge to the outcome of an election based on the selected electoral system, designers need to include all stakeholders in the design process to ensure that parliament not only is representative but is perceived to be representative by the entire electorate once the results of the election are certified as final.

Ensuring Just Representation and Legitimacy through the Electoral Process

The outcome of an election determines how the different groups in a society will be represented until the following parliamentary elections. Therefore, an electoral system should be simple enough for voters to understand and simple to run. The results should be fair or proportional, areas of contention should be minimized,

and the process must be transparent (Harris and Reilly 1998). Transparency is especially important, because in conflict-affected countries constituencies can view irregularities as the result of political bias or, even worse, tampering with the results of the election process, leading to greater mistrust, instability, and potential conflict.

Electoral Law

The preliminary step in ensuring a transparent and legitimate election process is to set the rules that will govern conduct of the elections, usually through incorporation into the electoral law (International IDEA 2002). The electoral law is often supplemented by regulations promulgated by government agencies or electoral management bodies. The law can be compared to the electoral system, which is the method by which votes cast in the general election translate into seats won by candidates or parties (International IDEA 2002).

Generally speaking, the issues that need to be addressed in the electoral law or the constitution include the following:

- Qualification to register as a voter, together with restrictions on such right, if any
- Qualification for and restrictions on candidacy
- Rules governing seat allocation, including minority quotas or allocations
- Qualification on terms of office
- Methods of fulfilling casual vacancies
- Removal of mandates
- Election offenses or violations, and a mechanism for dealing with them
- Secrecy of the vote; and
- Election management

The process for amending constitutions is usually more complex than for normal legislation or regulations; therefore, it is usual for the constitution of a country to contain only the most fundamental electoral rights and basic electoral principles. Examples include the right to vote and be elected, the establishment of democratic institutions with elected membership and the terms of office for those representatives, the composition of non-elected democratic institutions, and the institution entrusted with managing the electoral process (International IDEA 2002). The remaining issues can be dealt with in legislation, either in the form of general election provisions relevant to all elections or as specific provisions pertaining to elections for certain democratic institutions, such as parliamentary elections. The benefit of maintaining general election provisions and standards is that consistency between elections helps develop expectations among candidates, political parties, and the general public as to how elections are to be conducted, thereby improving their legitimacy and leading to acceptance of the outcome by all stakeholders.

According to International IDEA (2002), when it is passing the electoral law, parliament should pay particular attention to the prospective legislation to ensure (1) that the powers and responsibilities of different bodies and government agencies are clearly defined to prevent conflicting or overlapping powers; and (2) that the legislation is passed through the same procedures as all other legislation and far enough in advance so all parties have enough time to become familiar with its

contents. In addition, International IDEA suggests that parliament should consider whether other legislation is in place to support the election process, such as laws providing media freedom, citizenship laws, political party registration and regulation, national registries, voter identity documents, campaign finance rules, and criminal provisions for violations of election laws (International IDEA 2002). This extended legislative framework reinforces the important role parliament plays in making sure that elections are conducted in a transparent and efficient manner that leads to legitimate outcomes accepted by all parties.

Electoral Management Bodies

Electoral management bodies play a pivotal role in the conduct of transparent elections and are responsible for organizing the election and compiling the voter lists. One body usually undertakes the functions of an electoral management body, but in some circumstances these duties are split among different bodies. The powers and responsibilities of the electoral management body should be clearly set out in the legal framework for the elections, such as how the body is constituted and how it conducts its business (International IDEA 2002). Electoral management bodies have many varied functions, including the following:

- Conducting elections and referendums
- Compiling and maintaining a register of voters (voter lists)
- Promoting public awareness of electoral matters by conducting civic education, especially targeted at disadvantaged or disenfranchised minority groups and women
- Ensuring that women and minorities are enfranchised
- Training electoral officials and workers
- Keeping candidates and political parties apprised of the electoral process
- Providing information and advice about electoral matters to the government, the legislature, and departments of the executive
- Creating regulations to govern the electoral process
- Enforcing the electoral law and regulations
- Researching electoral policy
- Engaging in international cooperation and assistance (ACE Project 2005); and
- Certifying and promulgating results

Electoral management bodies can be situated within the government or within a government ministry but supervised by the judiciary. If it is within the government, a professional nonpartisan civil service is essential; in the latter case, selected judges oversee the conduct of elections managed by one or more government ministries. Alternatively, electoral management bodies can take the form of an independent election commission, which is separate from any government ministry and is composed of experts accountable to parliament, or a multiparty election commission that comprises representatives from political parties (Pastor 1999). Independent electoral commissions can be very credible as long as parliament is not dominated by one group or party that could potentially impinge on the independence of the commission. On the other hand, too many parties in parliament can hinder the effectiveness of a multiparty electoral commission. Irrespective of where

an electoral management body is situated, it should exhibit the following character-istics: independence and impartiality, efficiency and effectiveness, professionalism, impartial and speedy adjudication, and transparency (International IDEA 2002).

In 2000, elections were organized by independent electoral commissions in 53 percent of democracies worldwide (Lopez-Pintor 2000). This percentage may be higher now, as the recent trend in Eastern Europe and Africa has been to estab-lish independent election commissions (Pastor 1999). In 27 percent of democracies, elections were conducted by the government under supervision of an indepen-dent electoral authority, and in the remaining 20 percent, elections were conducted exclusively by the government (Lopez-Pintor 2000). According to Cheema (2005), to fulfill their functions and objectives, electoral management bodies need to be inde-pendent, nonpartisan, and professional. Historical and anecdotal evidence strongly indicates that it is preferable for countries to establish an independent electoral body, rather than one run by the government, and that permanent bodies are more cost-effective than temporary bodies (Lopez-Pintor 2004). Independent electoral commissions help separate election management from politics while promoting transparency. One example of an independent electoral commission successfully managing a parliamentary election was the establishment of the Joint Electoral Management Body for the 2005 Afghan parliamentary elections (a case study of this election is annexed to this chapter).

To facilitate a transparent election process without political bias, parliaments can encourage and support legislation that would establish both an independent electoral commission and constitutional protection of such a commission. Parlia-mentarians can develop a process to appoint members of the commission, ensur-ing that the process involves all political parties and representatives from a broad range of interests within the community. Furthermore, parliamentary committees that are similarly representative can provide oversight of the conduct of the inde-pendent electoral commission. Parliament can ensure that the electoral commission is provided with adequate funding through the budget cycle process.

Working with Election Observers to Ensure a Representative Parliament

In conflict-affected countries parliamentary elections can cause significant ten-sion, as elections constitute the means by which candidates compete for political power. Election time is the only chance for communities to hold their representa-tives directly accountable or provide them with a renewed mandate to work toward stated goals. The community does not have an opportunity to do this until the next election, so the stakes are always high. How elections are conducted can trigger conflict and fuel division, especially when there is public concern over the integrity of the election process (Bjornlund 2004). However, recent empirical studies suggest that, generally, elections reduce the risk of conflict in the year of the election but increase the risk in the year following the election (Collier, Hoeffler, and Soder-bom 2006). Apparently, in the year of an election parties focus on the political con-test, whereas once the election is concluded, if the losing parties do not accept the results, there is a strong incentive to return to violence.

Whenever possible, electoral system design and electoral management should be domestically driven rather than dictated by outsiders. However, in addition to a domestically driven electoral management body, certain national and international

actors can help instill confidence in the election process by acting as election monitors. By increasing transparency, such monitoring deters fraud, reduces irregularities, and validates the legitimacy of parliamentary elections, thereby legitimizing the mandate conferred on parliament by the people. This mandate is vital if parliament is to be able to work toward conflict prevention, peacebuilding, and poverty reduction during its term.

Election monitoring, like electoral system design and electoral management, should be domestically driven whenever possible. Regardless of whether observers are from domestic or international organizations, they must be neutral. In 2005 the *Declaration of Principles for International Election Observation*[1] outlined the standards for election observation conducted by international actors. The usual role of election observers is to gather information about the election process in order to assess the process against agreed-upon international standards and to determine whether the election reflects the will of the people. By providing the public with an assessment of the findings the observers are able to influence national and international perceptions regarding the legitimacy of the election process. Furthermore, election observation missions can make recommendations on how to improve the election process.

International electoral observation must be conducted with respect for the sovereignty of the country holding the elections and must abide by the laws of that country. As such, election observation missions must be accredited by the responsible agency in the country holding the election, whether that is the election management body or a separate entity. Where at all possible, parliament should exercise its oversight function, using transparent and unbiased methods to ensure that observers are accredited and that no unwarranted restrictions are placed on the observers' ability to perform their function. Furthermore, parliament can provide oversight of the police and other security agencies to ensure that observers do not face any intimidation, particularly when local civil society groups are also acting as election observers.

The Role of the Opposition in Representing the Community's Collective Interests in Conflict Prevention

Ensuring that parliament reaches its potential as a representative institution requires more than the successful implementation of a transparent and legitimate election process. Once a representative parliament has been elected, all parliamentarians have the responsibility, capacity, and opportunity to represent the broad interests of their constituencies and society in general in conflict prevention and poverty reduction. However, in discussions about how parliament can contribute to conflict prevention, the tendency is to focus on the role the majority plays in parliament, rather than on parliament as an institution. It is just as important for opposition and minority parties to be effective representatives and to contribute to conflict prevention and peacebuilding as it is for the majority representatives. The strategies used by opposition parliamentarians may differ somewhat from major-

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1. Declaration of Principles for International Election Observation and Code of Conduct for International Electoral Observers. October 27, 2005 <http://www.cartercenter.org/documents/2231.pdf>.

ity members, depending on their opportunities to contribute. The enabling environment—including the political, financial, regulatory, or electoral environments in which political parties, and in particular the opposition parties, operate and function—affects their capacity to fulfill their roles, while influencing their strategy and organization.[2]

When engaging in peace processes, parliament should develop a political consensus so that it can speak with one voice on important issues and provide continuity.[3] For instance, in Sri Lanka in 1997, it became clear that the peace process undertaken between the Sri Lankan government and the Liberation Tigers of Tamil Eelam (LTTE) required greater consensus between the major political parties in order for the parliament to accept and pass the outcome of the peace talks. The talks centered on constitutional reforms that required approval by a two-thirds majority in parliament. The 1997 Fox Agreement between Sri Lanka's President Chandrika Kumaratunga from the People's Alliance (PA) party and Sri Lanka's Prime Minister Ranil Wickremesinghe from the United National Party (UNP) laid out the guidelines the parties would follow during negotiations with the LTTE in order to develop consensus and continuity, where at all possible (see box 3.1).[4] The parties agreed that neither party, no matter which was in power at the time, would make any major decisions with respect to negotiations with the LTTE without consulting the other party. The party in opposition had a reciprocal obligation not to take any action that would undermine the peace talks.

Box 3.1 *Text of the Fox Agreement*

I believe that we both recognize that the resolution of the ethnic conflict will restore peace in Sri Lanka and lead to the development, progress and prosperity of the country and its people. It is an issue transcending partisan politics. The development of a genuinely bi-partisan approach to the resolution of the ethnic conflict is vital to the achievement of a permanent solution to the conflict.

Consequently I would like to suggest the following arrangements between the People's Alliance and the United National Party which I intend to put to the appropriate decision-making body of my party for ratification.

The incumbent Head of Government will brief and seek the opinion of the Leader of the United National Party on significant developments relating to the ethnic conflict, both in the strictest confidence; if in Government, the Leader of the United National Party will reciprocate; the party in opposition will not undermine any discussions or decisions between the party in Government and any other party, group or person, including the Liberation Tigers of Tamil Eelam, aimed at resolving the ethnic conflict, if these discussions and decisions have taken place with the concurrence of the party in opposition; against the background of such concurrence, on election to Government either party will honour all such decisions in full.

<div align="right">

Chandrika Kumaratunga
Ranil Wickremesinghe
April 4, 1997

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2. For an elaboration on how the external environment affects the form and functioning of political parties and the opposition, see International IDEA (2004).

3. For a fuller explanation of the notion of a "responsible opposition" see Malhotra (2001).

4. See also the Centre for Policy Alternatives Web site, http://www.cpalanka.org/.

Although the agreement was never fully honored, it provides a model for how opposition parties in conflict-affected countries can be drawn into peace talks and, more importantly, how parliament, as an institution, can develop consensus positions and represent the interests of the community in conflict prevention and peacebuilding across party lines.

Alternatively, if relations between the government and sectors of the community become acrimonious, and the conflict has the potential to escalate, opposition parties can act as a bridge between the conflicting groups and the government. This especially becomes the case in parliamentary systems in which the executive is drawn directly from the party that commands a majority in parliament; therefore, so long as the opposition party is not promoting the dispute or directly representing dissident groups, it is potentially the only democratically elected group that can act as an intermediary. This could also be the case in a presidential system in which the executive is drawn from the same party that holds a majority in parliament. By acting as third-party intermediaries, opposition parliamentarians may be able to instigate confidence-building measures, which are essential preconditions to fostering negotiation among conflicting groups. However, to achieve this level of accord, opposition parties and the executive must be willing to work together to resolve conflicts across party lines. As noted above, this would depend on the enabling environment, party politics in parliament, and the willingness of the government to forgo acrimonious politics so as to develop a national consensus in the spirit of reconciliation.

For instance, in 2002 ongoing tensions between Rwanda and Uganda, which were being fueled by the inflated rhetoric of both governments, threatened to escalate into armed conflict. In response to the escalating friction, parliamentarians from Uganda and Rwanda arranged unprecedented dialogue meetings between the two parliaments. A delegation of Ugandan parliamentarians traveled to Kigali in August 2002 to meet with Rwandan parliamentarians, and then Rwandan parliamentarians traveled to Kampala as part of a reciprocal parliamentary visit the following year. These well-publicized parliamentary visits conducted across party lines and in the spirit of friendship helped show that there were no major differences or conflict between the people of both countries. These dialogue meetings acted as confidence-building measures that helped bring about an environment that allowed rapprochement between the two countries.[5]

The influence of opposition parties and the party dynamic can change dramatically when parliament does not have a stable majority. If there are several parties, but none of them hold an absolute majority, the government will be more willing to bargain and make concessions (Wehner 2004), particularly in parliamentary systems in which the continued viability of the government depends on the support of a majority of parliamentarians. In such instances, opposition parties, which are inclined, will be better able to contribute constructively to the resolution of a conflict by representing the community's broader interest in conflict prevention, peacebuilding, and poverty reduction.

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5. Additional information concerning the AMANI Forum can be found on the homepage of the All Party Parliamentary Group on the Great Lakes Region of Africa. http://www.appggreatlakes.org/cgi-bin/site/index.cgi?back=&pid=57&keywords=&topic=Links.

Parliamentary Leadership

Effective representation requires strong parliamentary leadership to not only ascertain the needs of the community, but also promote initiatives that respond to those needs and ensure that the initiatives deliver on their intended objectives. Leadership requires parliamentarians to make hard decisions (Boutros-Ghali 1992) in order to sustain peace, often in the face of adversity and criticism, and guard against any catalysts that would lead members of society to resort to destructive and violent means to have their needs met. Lackluster leadership can contribute to the escalation of conflict, particularly when parliament does not exhibit the care necessary to ensure that all voices in the community are heard and that poverty is tackled. Meanwhile, constructive leadership can help manage existing points of conflict to ensure that they do not flare into violence.

In situations in which a country is emerging from protracted violent conflict, the social capital necessary to form institutions of governance and a robust civil society has often been devastated (Kreimer et al. 1998). In such instances the leadership exhibited by parliament, in the absence of other forums, is pivotal in ensuring the successful transition from destructive conflict to an environment in which the significant remaining human, material, financial, organizational, and social assets can be mobilized (Colletta and Tesfamichael 2003). In the aftermath of violent conflict, old political regimes are challenged or replaced, opening up more political space that can be used by parliamentarians wishing to come to the fore and exhibit the political vision and leadership required for reform (World Bank 2004). Bureaucratic resistance to change is often weakened after a country emerges from violent conflict, providing an opportunity for parliament to advocate the reforms needed to limit further conflict and reduce poverty. Furthermore, in conflict-affected countries parliament can exhibit leadership by providing ongoing oversight of the public sector to ensure that the country's remaining assets are put to the best use. By exhibiting leadership and integrity, parliamentarians can earn the legitimacy needed to function effectively as their constituents' representatives and work toward the prevention of violent conflict and the reduction of poverty.

However, parliamentary leadership goes beyond just representing the interests of the community when conducting parliamentary business; it extends to showing moral leadership and acting as exemplars of the community. Parliament has the potential to contribute to the transformation of societal mind-sets, which may be the greatest contribution to lasting peace and development. According to Colletta and Tesfamichael (2003), the mind-sets of the community, decision makers, and parliamentarians need to evolve as part of the peacebuilding process, from:

- A war mentality to a peace mentality
- Unitary thinking to pluralistic thinking
- Partisan politics to multiparty politics; and
- A militaristic, authoritarian mentality to a democratic, participatory mentality

Parliamentarians can promote a change of mind-set in a community that has recently emerged from violent conflict. In communities that have not yet experienced violent conflict but are conflict prone, parliamentarians can reinforce the peace, plurality, multiparty, and participatory mind-set through their actions and

opinions. For instance, by respecting their fellow members of parliament or promoting inclusive broad-based participation in decision making, parliamentarians are exhibiting a mind-set that is conducive to peace. Parliamentarians have the potential not only to be representatives of their community, but also to be leaders in their communities, by appreciating the diversity of people they represent and acknowledging that peace and development are best served through open, transparent, and participatory democratic processes.

Conclusion

For parliament to reach its potential as a forum that can transform conflict—whether by addressing emerging conflict or guarding against the creation of an environment conducive to conflict—parliament has to represent the community's varied interests and ensure that its work responds to the needs of a diverse society. Parliament is a forum that uses dialogue and discussion to transform problems in divided communities into solutions that satisfy all parties. As long as groups can advance their interests by participating in the democratic process, they will be less inclined to resort to violent conflict.

Meaningful participation and representation by all groups in the parliaments of conflict-affected countries are inevitably linked to the conduct of parliamentary elections. For that reason, the electoral system adopted in conflict-affected countries should aim to represent all groups, thereby transforming parliament from a collection of members from select groups into an arena where differences can be discussed by representatives from all communities and where conflict can be managed. The process for deciding on an electoral system should remain as nonpartisan as possible to increase the likelihood that people will perceive the electoral system and election outcomes as being fair. Ultimately, the objectives of any potential electoral system should consider the contribution the system can make to representativeness and conflict prevention.

Poorly conducted elections can trigger conflict and fuel divisiveness, particularly when participants have concerns about and distrust the integrity of the election process. Accordingly, the election process should be completely transparent and preferably be managed by an independent electoral commission, separate from any government ministry, that is composed of experts and is accountable to parliament. It is desirable that the electoral management body be developed by a parliamentary process involving all political parties and representatives from a broad range of interests. To encourage the independence of the electoral commission, parliament can ensure adequate funding through the budget process. Furthermore, parliament can facilitate the accreditation and protection of independent election observers to ensure the transparency of the election process, which will reinforce public confidence in the outcome and give a truly representative parliament the legitimacy it requires to undertake its important legislative business in conflict-affected societies.

Finally, parliamentarians can work together across party lines to achieve the shared objective of creating a community absent of violence and without poverty. When a conflict-affected country is engaged in a peace process, parliament can take the important step of developing a political consensus so that it can speak with one

voice on important issues and provide continuity. Furthermore, in circumstances in which relations between the government and other actors become acrimonious and the conflict has the potential to escalate, parliamentarians or opposition parties may be able to instigate confidence-building measures and act as intermediaries to facilitate a nonviolent solution to rising tensions. That opportunity is particularly true in the year following elections; empirical research suggests that elections shift the risk of conflict, reducing the risk the year before the election, but increasing the risk of conflict the year following. Thus, parliament has a greater imperative to show leadership and work together to prevent rising tensions that could evolve into violent conflict. Naturally, the success of such a strategy depends on the government's willingness to put aside acrimonious politics and on all sides' willingness to work toward a nonviolent solution.

Annex: Management of the 2005 Afghan Parliamentary Elections[6]

After the fall of the Taliban in Afghanistan, the 2001 Bonn Conference was the first step in a multiyear process that involved constitutional and electoral components aimed at establishing a fully representative government. The Bonn Agreement called for a succession of interim and then transitional authorities, with the appointment or election of key leaders, the interim application of the 1964 constitution, the adoption of a new constitution, and finally presidential, parliamentary, and provincial elections.

The Afghan Constitution dictates that the National Assembly will be a bicameral parliament consisting of the 249-member lower house, called the *Wolesi Jirga* (a house of people), and the 102-member upper house, called the *Meshrano Jirga* (a house of elders). Members of the *Wolesi Jirga* are directly elected by eligible voters for a five-year term. Membership of the *Meshrano Jirga* is drawn from three different groups: one-third of the members are appointed for five-year terms by the president, one-third are elected from the provincial councils for a four-year term, and one-third are elected to three-year terms from the District Councils of each province. After the successful completion of the presidential elections in 2004, the *Wolesi Jirga* and provincial council elections were set for September 2005.

The process for administering the parliamentary and provincial council elections was set out in the Electoral Law adopted prior to the 2004 presidential election and amended in May 2005 in the lead-up to the parliamentary elections.

The Joint Electoral Management Body (JEMB), a joint commission of representatives appointed by the Afghan government and the United Nations, was responsible for administering the 2005 parliamentary and provincial council elections in Afghanistan. The JEMB was a legal-administrative body in charge of issuing and publishing regulations, procedures, instructions, notifications, and guidelines for the registration process. The United Nations modeled the JEMB on an independent electoral commission and dissolved it at the end of the transitional period, at which time the Independent Electoral Commission, without the assistance of the United Nations, took up its constitutional mandate to supervise and administer elections in Afghanistan.

The exact number of representatives elected to the provincial council and to the *Wolesi Jirga* from each province was determined using the formula established in the 2005 Electoral Law for defining constituencies and the population data for each of the provinces. Population data were provided to the JEMB by the Central Statistics Office in Afghanistan. Ultimately, 34 constituencies elected members to these

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6. Case study prepared using the reports from the Joint Electoral Management Body (JEMB) archive Web page www.jemb.org and interviews with Richard Gee, senior legal advisor to the chief electoral officer of Afghanistan during the 2005 Afghan parliamentary election.

two institutions, and a nationwide nomad constituency elected representatives to the *Wolesi Jirga*.

The inclusion of a nomad constituency for the Kuchi required a new legal framework for the elections that catered to nomadic voters as well as an entirely new set of electoral regulations and procedures. Kuchi polling sites were identified by examining the nationwide migratory pattern of the nomadic group. The JEMB, with the assistance of eight regional Kuchi liaison officers, analyzed the Kuchi registration data and reviewed previous polling sites. This process resulted in the creation of 1,616 Kuchi polling stations, in 32 provinces, catering to this nomadic constituency.

The JEMB faced a number of major challenges in ensuring that the election was held on time and conducted in a manner that resulted in a legitimate parliament accepted by all candidates and all communities. The first major hurdle the JEMB had to overcome was completing the candidate nomination process in a timely manner, as 6,103 Afghanis sought nominations as candidates by filing nomination papers. It was then the responsibility of the independent Electoral Complaints Commission (ECC), a separate and independent body established in the Electoral Law to adjudicate complaints concerning the electoral process, to review all of these nominations to confirm the candidates' eligibility to stand for election. In conflict-affected countries it is common to exclude those who are responsible for war crimes or responsible for continued conflict from standing for election. In the case of the Afghani parliamentary elections, 11 of the 17 nominees excluded from standing were rejected for having links to illegal armed groups.

A ballot lottery was held in Kabul to decide the order the candidates' names would appear on the ballots. International stakeholders, political party representatives, and observer groups attended the lottery, which was drawn by children from a Kabul school. Unfortunately, the JEMB could not invite all of the candidates to the lottery because of the size of the group. Custom-designed ballots that used a "newspaper" format were printed and included the candidates' photographs, names, and unique symbols allocated to candidates during the nomination process.

Transitional authorities implemented a comprehensive voter registration program before the 2004 presidential election, during which approximately 11 million Afghans registered to vote. Prior to the parliamentary and provincial council elections, a limited voter registration exercise was conducted to update the registry with those Afghans who had returned to Afghanistan after the initial registration program, those that had recently turned 18, those living in regions where they were unable to register previously because of insufficient registration facilities, and those who needed to update the information on their voter registration cards. In the run-up and concurrent to this limited registration period, the JEMB ran a nationwide voter information campaign to tell voters that they could only vote in the constituency (province) identified on their voter registration card, a departure from the system used during the previous presidential election.

Despite this attempt to update the registry, it still did not reliably link voters to specific voting locations. As such, it was not possible to properly estimate voter turnout at each of the polling stations, and hence it was impossible to produce an accurate voter list in each polling station. For this reason, the JEMB decided to produce 40 million ballots to ensure that individual polling stations would not run out of ballots, even if a much larger than expected number of voters reported to any one poll. As a potential voter could only vote for candidates running in the constituency identified on his or her voter registration card, estimates were made of potential voter

turnout in each province so allocations of ballot papers could be achieved accordingly. Through such planning, the JEMB avoided a situation whereby individuals or specific groups could claim they were unfairly disenfranchised because they were unable to cast their ballot.

To improve the transparency of the election process, the JEMB accredited more than 240,000 national and international representatives (including observers, political party and candidate agents, and media representatives) to monitor the elections. The large numbers of agents monitoring the election process, and the fact that many displayed a poor understanding of their role, proved problematic in some areas.

According to estimates, 51.5 percent of those who were eligible turned out to vote. The overall voter turnout was lower than that of the presidential elections in all major urban areas, including Kabul, and throughout the southern region. The fact that voters could only vote in the province identified on their registration cards, the large number of candidates, widespread reports of voter intimidation, and security issues could have contributed to the reduced voter turnout.

It is rare that an election in a post-conflict environment proceeds without suffering from some form of irregularity. The objective is to implement processes and safeguards to minimize the incidence of irregularities and, when they do arise, to deal with them in a transparent manner so that the legitimacy of the election is not called into question. Irregularities in the parliamentary and provincial council elections were definitely present, including attempted use of fraudulent voter registration cards, double voting, proxy voting, misapplied procedures, intimidation, and disruptions by agents. Despite the presence of irregularities, there was no suggestion that the election suffered from any systemic problem. In the end, the incidence of irregularities did not significantly undermine the legitimacy of the outcome. According to the Electoral Law, provisional results were declared by the JEMB at the completion of the initial count, after which people had five days to challenge the results. Once any complaints had been adjudicated and recommendations implemented, the results were certified as final by the JEMB.

Thirteen million ballots were cast in the 2005 Afghanistan National Assembly and provincial council elections. Counting began the day after the election at 34 count centers in 32 provinces across Afghanistan. The counting of the ballots took three weeks, which was longer than anticipated, as the process for auditing the results became more protracted than election teams expected. Widespread allegations of fraud required a much longer period of investigation by the JEMB. Some delays were also observed in the handling of complaints by the ECC, which contributed to the delay in final certification.

Ballot quarantine and audit procedures were established before polling day and implemented in the count centers to detect fraud. The procedures included material inspection and interviewing of electoral staff and domestic and international observers. However, problems arose in some provinces when these measures were not implemented systematically, from the initial intake of ballots through the receipt of the last ballots from the polling centers. When combined with reports of polling irregularities, this failure negatively affected the credibility of the process in some provinces. Many of the 5,060 losing candidates and their agents blamed their loss on electoral fraud. Though the vast majority of complaints could not be substantiated, the allegations of fraud sounded more credible owing to the presence of limited fraud on Election Day and by isolated instances of fraud in some of the count centers.

The quarantine and audit procedures were comprehensive; however, the inadequate implementation of the procedures by some JEMB staff early in the count, and the fact that they were not properly publicized before the election, contributed to a lack of transparency and fueled candidates' suspicion when polling stations were quarantined. As a result, losing candidates did not immediately accept the results and mounted protests and demonstrations in Kunduz, Kandahar, Nangarhar, and Kabul over the exclusion of fraudulent polling stations from the count. In total, 703 polling stations, or just over 2.5 percent of polling stations, and 74 additional ballot boxes were excluded from the count because of instances of fraud, most commonly ballot stuffing. The JEMB erred on the side of exclusion when it believed fraud had occurred at certain polling centers, to send a strong message that fraud will not be tolerated. Furthermore, approximately 50 electoral staff implicated in fraud were immediately dismissed, reported to the Afghan authorities, and banned from working for the Afghan election administration again.

In its final report, the JEMB recommended that the following steps be taken in future elections:

- Quarantine and audit procedures should be made available in advance of the counting process to ensure full understanding by all stakeholders
- Counting staff should be fully trained on quarantine and audit procedures to ensure consistency in the implementation of these procedures; and
- The election administration should, in future elections, be rigorous in excluding all polling stations in which ballot boxes display evidence of irregularities, erring on the side of exclusion, to continue the strong message that fraud will not be tolerated

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Declarations

Declaration of Principles for International Election Observation and Code of Conduct for International Electoral Observers. Signed at the United Nations, October 27, 2005, http://www.cartercenter.org/documents/2231.pdf.

4

Advancing Parliament's Legislative Function in Conflict-Affected Societies

Mitchell O'Brien

Regardless of the type of democratic system in which they operate, all parliaments perform certain core functions (Johnson and Nakamura 1999). Broadly speaking, all parliaments perform three main functions: legislating, representing citizens, and exercising oversight of the executive branch.[1] This chapter focuses on how parliaments in conflict-affected countries perform the first of these three main functions—specifically, how they conduct their legislative business and make laws. The chapter will address how former antagonists who have become members of parliament can best work together to conduct legislative business.[2] In addition, this chapter looks at the process of conducting parliamentary business in conflict-affected countries, whether through debates in the parliamentary chamber or through the committee system. The roles certain actors play in the conduct of parliaments' legislative business is also analyzed, notably the role of political parties and presiding officers. Finally, the chapter looks at the legislative agenda that parliaments in conflict-affected countries can adopt to facilitate conflict prevention and peacebuilding, specifically by creating an informed and accountable democracy, protecting fundamental freedoms, and working toward reconciling conflicting parties.

Building a Culture of Cooperation in Parliament

As a precondition for parliamentarians being able to conduct their business, members must respect parliament as an institution and exhibit a willingness to work together to solve common problems. For this reason, before seeking to conduct parliamentary business, whether on the floor of parliament or in committees, the parliamentarians need to address any potential or existing animosities. Only after parliamentarians from previously hostile factions reconcile to work together through the political process can they build relationships across party lines and beyond their original group allegiances. For parliament to exercise a leadership role in

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1. Different parliaments around the globe perform many other functions, depending on the type of democratic system, parliamentary capacity and resources, and responsibilities and constraints placed on parliament by the constitution of the country.

2. This topic is examined in greater detail in the following chapter, which looks more precisely at the case of the Northern Ireland Assembly.

a broader reconciliation process, parliamentarians themselves need to be able to work together. Parliament must consider confidence-building measures between the governing party and opposition. The level of confidence between different sides of parliament can be bolstered, for example, by ensuring transparency in decision making, by placing greater importance on the committee structure, and above all by ensuring that all parliamentarians participate in parliamentary business, rather than sidelining certain groups or members.

Parliaments have the power to develop a nonpartisan parliamentary code of conduct that reflects its standing in the community and contains a standard of conduct expected from members when they are in and out of parliament. Codes of conduct are basic documents that are written in language that is easily understood; ideally they set forth broad legislative goals and objectives and outline the principles of proper conduct (National Democratic Institute for International Affairs 1999). A code of conduct can also set out expectations of how parliamentarians conduct themselves in relation to one another, namely with due respect and in the spirit of cooperation, with breaches of the code being referred to the presiding officer, or speaker, a parliamentary committee on standards or privileges, or some other complaints mechanism (Stapenhurst and Pelizzo 2004).

In addition to producing a code of conduct, parliaments can promote constructive dialogue among their members. Parliamentarians have voiced concerns that traditional adversarial politics can impede reconciliation, saying that, where possible, consensus-based decision making and dialogue should be encouraged that will help to build bridges between parties with conflicting interests (O'Brien 2005). Dialogue differs from debate in that it encourages members to air diverse ideas instead of arguing to suppress one perspective in favor of another. Dialogue aims to promote mutual understanding of shared problems and different points of view in order to work toward a shared resolution based on consensus. In practice, "there is an agreement that one person's concepts or beliefs should not take precedence over those of others, and that common agreement should not be sought at the cost of individual integrity" (Von Meijenfeldt, Santiso, and Angeby 1999). This approach is in line with the objectives of peacebuilding processes, which seek to build relationships and networks, including between representatives from divergent groups in parliament.

Conducting Parliamentary Business

Building a parliamentary culture in conflict-affected countries based on cooperation naturally requires an examination of how parliament goes about its legislative business, namely, the use of parliamentary debates and committee deliberations to make laws. In particular, it is important to consider how parliamentarians respond to the needs of the community and contribute to peacebuilding as they undertake their legislative business in the chamber or in committee.

Debates in the Parliamentary Chamber

Parties are often at their most partisan during parliamentary debates. For that reason, the procedures for parliamentary debates should be transparent, well-defined, and closely adhered to by members. Only then can the chamber serve as a

conflict-management tool, rather than as a place to entrench positions of conflicting parties. The rules of procedure, which determine how to conduct the business of parliament and define the relationship between the majority and minority parties, need to be fair and applied impartially. Discussion of bills should not be blocked by majority parties, and legislation should not be passed without debate or, when the legislation being considered is important or detailed, without referring it to a committee. This is particularly important in parliamentary (as opposed to presidential) systems, when the executive belongs to the majority party in parliament, because without proper debate, parliament is unable to fulfill its oversight of the executive. Sometimes members have little choice but to pass legislation quickly, particularly when the executive holds some legislative power. For example, in Brazil's constitution, the president has a right to bring a bill to a vote using urgency procedures (Macedo 1999). In such instances the government can effectively curtail the ability of parliament to fulfill one of its core functions.

Concerns over the fairness of debate in the chamber always arise when one political party commands a clear majority. Parliamentary rules of procedure set guidelines for debate in the chamber and, when applied impartially, can be relied on by both parliamentarians and minority parties seeking to use the chamber as a forum to discuss controversial issues.

The rules of procedure are important when the peacebuilding potential of parliament is being considered, because they provide the framework within which parliamentarians voice their concerns on the floor of parliament, while ensuring that the focus remains on the issues at hand. Clear rules of procedure and the resulting structured debate facilitate parliaments' conflict-prevention efforts by providing a more orderly debate about the issues. If rules of procedure are not fair and reasonably enforced, parliament runs the risk of allowing debates to degenerate into personal attacks rather than focusing on important policy considerations. If debates are seen as unsuccessful, parliament may be marginalized, and antagonists may decide to revisit disputes outside of the parliamentary forum. The presiding officer and political parties have a vital role to play in ensuring that the floor of parliament achieves its potential as a forum for dialogue.

Presiding Officer of Parliament

Often the presiding officer or Speaker is a member of parliament chosen to preside over, and be in charge of, the business proceedings and administration of parliament. In a bicameral system there is a presiding officer for each of the chambers. They are the most prestigious and important figures in parliament because they serve as the arbiters of two equally important, yet competing, principles of parliament: the right of the majority to conduct parliamentary business in a reasonable and efficient manner and the right of the minority in parliament to be heard and to keep the majority accountable (Levy 1998). Parliaments do not have a universal process by which they appoint presiding officers or Speakers; a common method is through a vote of the chamber, whether by voice vote or secret ballot. As such, it is typical that the presiding officer belongs to the majority party in parliament. The legal basis for the position of presiding officer differs among countries. Some countries define the position in their constitution; in other countries, the position has evolved over time and is based on tradition and convention.

At all times presiding officers should strive to be neutral, independent, and impartial when executing their duties (Pharanthi 2000). The presiding officer's principal responsibilities include the following:

- Acting as the spokesperson for the house in its dealings with outside authorities, in particular with the government
- Presiding over sittings of parliament and enforcing the rules of procedure to maintain order in the chamber and to allow the house to undertake its legislative business while allowing the minority to be heard
- Performing general administration (Hamilton 1998)

For the presiding officer to maintain his or her standing as an impartial figure in the chamber, many parliaments use some common conventions to reinforce the neutrality of the office. For instance, the presiding officer usually does not participate in parliamentary debates, only votes in the case of a tie, and, in some parliaments, relinquishes his or her affiliation with a parliamentary party (Hamilton 1998). However, this is not always the case. For instance, in the United States, the Speaker of the House of Representatives is traditionally the leader of the majority party, so not only does he or she set the agenda, he or she also controls the debate. In France the presiding officer may also participate in debate (National Democratic Institute for International Affairs [NDI] 1996b).

Presiding officers are able to make one of their greatest contributions to peace-building in their dealings in the chamber. Parliamentary debates provide an avenue for parliamentarians to voice their concerns on the floor while ensuring that the focus remains on the issues. The tradition in many parliaments, whereby parliamentarians address their speeches and comments directly to the presiding officer rather than to another member, provides for a degree of civility in the debate on the issue and minimizes the potential for the debate to become personal. If the parliamentary chamber is to reach its potential as a forum where differences can be aired and discussed through a political process, and not addressed through violence, the presiding officer needs to keep the parties working together and defuse tensions in the chamber (Commonwealth Parliamentary Conference 2003). He or she is able to do this in part by determining whether parliamentarians' speeches are relevant to the issue being discussed, or even whether it is appropriate for certain issues to be discussed during the question period (NDI 1996b).

Furthermore, the presiding officer, by ensuring that parties are working together and that tensions are defused during debate on the chamber floor, enables parliament to fulfill its legislative function and helps build public confidence and respect for parliament in the community as an effective democratic institution. Normally the presiding officer is not in charge of the legislative agenda but ensures the smooth and fair operation of parliament. However, in a small number of countries around the world, such as the Philippines and the United States, the presiding officer takes a great deal of responsibility for the legislative agenda and therefore has an enhanced role in promoting conflict prevention and poverty reduction.

Presiding officers do face special constraints. Parliamentarians have a primary duty to represent the interests and concerns of the people in their constituency, including speaking out in parliament and participating in other forums, such as parliamentary committees. That duty directly contradicts the responsibility of the presiding officer to act as an impartial arbiter and enforcer of the rules of procedure

(Hamilton 1998). It also runs contrary to restrictions placed on the presiding officer in parliaments that derive from the Westminster tradition, in which the presiding officer does not participate in debate. Thus, to ensure that good candidates come forward to become the presiding officer, and also to guarantee that the presiding officer can live up to the hefty responsibilities of the office, parliaments in conflict-affected countries need to provide avenues outside of the chamber where the presiding officer may air the concerns of her or his constituents. According to Hamilton (1998), those avenues can be achieved by giving the presiding officer priority access to the executive to discuss constituent concerns or by encouraging a bureaucratic culture that places a priority on resolving the concerns raised by the presiding officer. There are also alternative models, such as that used by the United Kingdom's House of Commons, where the Speaker's constituents are represented by a neighboring member of parliament.

Political Parties

Political parties and their leadership have a dual role, in that they define conflict while also seeking to build majority support to resolve those conflicts (Harris and Reilly 1998). More generally, according to Bartolini and Mair (2001), in a democracy, political parties have a long list of possible functions, including the following:

- Integration and mobilization of citizens
- Articulation and aggregation of interests
- Formulation of public policy
- Recruitment of political leaders
- Organization of parliament and government

A political party can be formed and function even if it does not have representation in parliament. However, it is the *parliamentary* branches of political parties—also known as the parliamentary parties—that are responsible for organizing their members and for the conduct of parliament, whether through agreeing to procedural rules or setting the parliamentary agenda. For a group of parliamentarians from the same party to be designated a parliamentary party they must hold a specific number of seats in parliament. The specific number is usually set out in the parliamentary rules and once a political party achieves that threshold number of representatives in parliament it will be recognized as a parliamentary party. Recognition as a parliamentary party often has implications for the allocation of parliamentary resources and for the organization and leading of parliament.

Political parties are not necessarily static, particularly in conflict-affected countries, countries that have recently experienced a regime change, or countries with a strong reform movement. For instance, in the wake of the breakup of the former Soviet Union, after democratic systems were implemented in many Eastern European countries, the broader reform movements broke down into two or three smaller groups, each forming smaller distinct political parties (Olson 1994). This trend makes logical sense—if the main objective of a reform movement has been achieved, the common bond unifying parties in a reform movement may dissipate, exposing differences. In Eastern Europe, new parties that were not associated with the old regime or the reform movements began to appear in each of the newly emerging democracies. It was observed that, with time, the smaller parties tended to consolidate into several larger parties (Olson 1994).

The number of parliamentary parties may also change over time. This may result when the number of parliamentarians in a specific political party falls below the threshold number of representatives set out in the rules as constituting a parliamentary party, or when one party transforms itself into another party. Irrespective of the make-up of parties in parliament, they are one of the most important mechanisms for organizing parliament, if not the most important. Parliamentary parties contribute to the internal conduct of parliament, develop party caucuses, ensure that parties' policies are reflected in legislation, nominate members to participate in specific committees, elect parliamentary leaders and committee chairs, and develop strategies to pass legislation. The party whip usually has the task of ensuring that members of a parliamentary political party attend parliament and vote as the party desires. It is clear that the organizational work undertaken by parliamentary parties helps administer the very forum that defines and manages conflict while seeking to build majority support or consensus on issues for consideration (Harris and Reilly 1998).

Parliamentary Committees

Though parliaments and parliamentarians are able to contribute to peacebuilding in a number of ways, the most notable is through the committee system. Committees are "small groups of legislators who are assigned, on either a temporary or a permanent basis, to examine matters more closely than could the full chamber" (NDI 1996a; 3). A successful consensus outcome on critical issues, achieved through committee negotiations, will act as an incentive for disparate groups to continue using parliament as a means of resolving conflicting interests in the future (Przeworski 1995).

The extent of work that parliaments must undertake in conflict-affected countries, the often limited resources of parliaments, and the complex nature of many peacebuilding initiatives can be overwhelming. Lees and Shaw (1979) noted that the devolution of responsibility by the parliamentary chamber to committees has been embraced by parliaments across the globe because it enables parliament to work through a greater volume of parliamentary business, use specialist knowledge and experience of parliamentarians and outside experts, and encourage the development of specialist knowledge by providing avenues for its use. Parliaments use committees to fulfill their major functions: representation, lawmaking, and oversight. With respect to lawmaking, in particular, reviewing bills and investigating issues, the roles committees play in amending government bills vary widely from country to country, from merely recommending amendments to having the power to reject government bills or initiate their own bills (Shaw 1979).

The number of committees in a parliament, on average, varies from 10 to 25 (Harris and Reilly 1998), although many examples can be found of parliaments that have more or fewer committees. Despite clear advantages in using committee structures, no single model exists for the conduct of parliamentary committees. Even as early as the late 1970s, comparative research on the conduct of parliamentary committees in several countries identified that the work of committees is "distinctively affected in each case by their political and social environments" and that, depending on the parliament, committees varied in importance, structure, and function (Lees and Shaw 1979). That assessment still holds true today, with some countries

delineating committee structure in their constitutions, some countries' parliaments using sectoral committees, and other countries instigating ad hoc specialized public interest committees whenever need arises. Some systems form a new ad hoc committee tasked to review each new piece of legislation that is introduced instead of ad hoc specialized committees that focus on specific issues (Olson 1994). Naturally, the purview of permanent committees extends beyond just one piece of legislation or one specific issue. In some parliamentary systems, committees consider prospective legislation before a floor debate has occurred, whereas in other systems committees are used only to consider prospective legislation after it has been approved, at least once, by one chamber of parliament (Olson 1994).

Despite the diversity of structures and functions used by parliamentary committees around the world, Olson (1994) noted that the most active and effective committee systems share several common characteristics: (1) their jurisdiction is defined by subject matter that parallels the administrative structure and agencies of the state; (2) membership is permanent for the duration of the legislative term and tends to last across a number of legislative terms; and (3) chairmanship of committees goes to parliamentarians with the longest record of service on the committee.

The size of the committee also has an impact on its effectiveness. In general, the fewer members a committee has, the easier it will be for the committee to arrive at a consensus position, and a committee reaching a unanimous position across party lines on prospective legislation is far more influential than when it issues a minority report (NDI 1996a). A study looked at the operation of committees in established and evolving parliaments and found that committees with a membership between 13 and 25 parliamentarians were optimally manageable. However, the ability for this range of members to sit on every committee is dependent on the size of the legislature.

Parliamentary committees operate as effective peacebuilding models, particularly committees that are topic- or issue-specific. Committees may be less adversarial and able to ensure that conflict moves from being centered on people and personalities to a debate about the issues; therefore they are more constructive in developing solutions (Hopkinson 1995). Committees use less formal rules of procedure than those used during debates on the floor of parliament, and the committee mechanism allows members to craft compromises to reconcile partisan differences (NDI 1996a). Parliamentarians who have constituencies with special concerns and needs, for instance rural communities or minority ethnic and religious groups, are able to voice their concerns in a more focused environment, where it is easier for their voices to be heard and where they can work with other parliamentarians to find a compromise solution. If the main concerns of all groups with vested interests are satisfied, the groups will have little incentive to resort to violent conflict to have their interests met. Furthermore, a successful consensus will act as an incentive for those same groups to continue using parliament as a means of resolving conflicting interests in the future (Przeworski 1995).

The interests of divergent groups can be brought to the attention of the relevant parliamentary committee not just by each group's representative in parliament, but by direct submissions from the group to the committee. Committees also enjoy an advantage over the full parliamentary chamber in that they are smaller and therefore more mobile. As long as the security situation permits, parliamentary committees in conflict-affected countries can conduct hearings throughout the country, traveling to

regions where legislation or initiatives may have a pronounced or specific impact. Holding hearings in the community takes the work of parliament to the people, thereby building greater public confidence in parliament as an institution and allowing greater input from those affected by the legislation being considered. Such feedback, in conjunction with parliamentarians providing views and information from the groups they represent, is integral to ensuring that parliament is truly responsive to the needs and wishes of all segments of society. The clerk of committees in the Parliament of Sierra Leone noted that because of the country's conflict, committee inquiries have been restricted to Freetown since 1996, but that with the "return of peace and the reopening of the countryside, . . . [he] foresee[s] a desire for intense committee activities in the provinces as some of the most valuable work done by the committees has taken place during formal and informal meetings outside Freetown" (Kulagbanda 2003; 285). If divergent segments of the community have confidence in parliament and their concerns are heard and considered by the committee during decision-making processes, those same groups will be far more likely to accept the outcome, even if it does not meet all their expectations.

Having received input from the community, the responsibility for reviewing the prospective legislation rests with the committee members. The decision-making process within committees lends itself to consensus decision making or using compromises to resolve issues brought before the committee. The committee system enables committee members to bring the specific concerns of their constituents to the decision-making process. Also the absence of the public and the media during private negotiations outside of committee deliberations often enables parliamentarians to make compromises across party lines, focusing on the substance of the issues without having the pressure to perform in front of a broader audience (Harris and Reilly 1998). Synthesizing the submissions and evidence provided to the committee becomes easier in circumstances in which parliamentarians remain members of the same committees for an extended period. Experience provides them with the expertise necessary to tackle substantive and technical issues that come before parliament without always needing to call on outside experts (Olson 1994). In some instances the chairs of some committees may possess greater experience with respect to the committee's subject matter than the responsible ministers. In some limited examples, such as with ad hoc parliamentary committees in Thailand, outside experts can be appointed to committees, augmenting the committee's depth of expertise (NDI 1996a). The members of the committee can use their experience to negotiate a consensus position that is responsive to community needs and palatable to divergent groups.

Creating a Legislative Agenda for Conflict-Affected Countries

Parliaments in conflict-affected countries can seek to implement a legislative agenda that is designed to promote peace, whether through building an open and informed democracy, passing human rights legislation and minority protections, or promoting reconciliation within the community. Parliament is more than just a forum in which representatives can voice their divergent views. It is an institution that can pass laws to protect minorities, remedy situations that may have led to conflict in the first place, and generally help change society for the better.

More often than not, legislation is introduced by the executive, but an effective parliament can promote the introduction of legislation or provoke it through

effective political action. In some countries, parliamentarians are free to introduce legislation at their discretion, whether in the form of private members' bills or bills supported across party lines. In the case of parliamentary systems, some members of parliament are simultaneously parliamentarians and members of the government. In such instances those members are in a prime position to play a proactive role in developing a legislative agenda that contributes to conflict prevention, peacebuilding, and poverty reduction.

Building an Informed and Accountable Democracy

The first objective of any parliament that wishes to contribute to conflict prevention and peacebuilding is to strengthen both parliament and democracy as a whole. When given the opportunity, parliament should pass legislation that creates a more accountable and informed governance environment. An informed and accountable democracy, characterized by the free flow of information in society, helps decision makers and parliamentarians identify priorities and be more responsive to the needs of the community. At the same time it builds confidence in democratic institutions through greater transparency and accountability. Supporting policies or legislation where there is clear community demand for action not only makes parliament more responsive, but also means those initiatives sponsored by parliament will have a greater likelihood of being embraced by the community and implemented successfully. The successful implementation of legislation and initiatives passed by parliament also helps strengthen community confidence in parliament, not only as a democratic institution but as an institution that can contribute to poverty reduction and peacebuilding.

To develop an informed and accountable democracy, the *Principles for an Informed Democracy*[3] recommends that governments and parliaments take the following actions:

- Pass freedom-of-information legislation
- Resist privacy legislation that could be used to suppress freedom of speech and the media
- Apply parliamentary privilege fully to all fair and accurate reports of parliamentary proceedings, including committees
- Reject or repeal legislation to license media, journalists, and presses
- Repeal criminal defamation laws so that the media are no longer subjected to punitive controls that curb freedom of expression
- Exercise caution in the passage of antiterrorism legislation that may limit society's freedom or make the state less accountable
- Reject or repeal laws that empower the state to censure or punish political opponents and the media for partisan reasons

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3. See Commonwealth Parliamentary Association, Commonwealth Press Union, Commonwealth Journalists Association, and World Bank Institute. 2002. *Cape Town Principles for an Informed Democracy*. Cape Town: Commonwealth Parliamentary Association. http://www.cpahq.org/uploadstore/docs/CapeTownAccord.pdf. And see Commonwealth Parliamentary Association. 2004. *Recommendations for Transparent Government*. Accra: Commonwealth Parliamentary Association. http://www.cpahq.org/Recommendationsfor TransparentGovernance_pdf_media_public.aspx.

The right to information is usually enshrined by governments in access-to-information or freedom-of-information laws and regulations. The two terms often are used interchangeably to describe the same type of legislation; however, this chapter refers to access to information because it better describes the rights provided by these pieces of legislation.

Access to information is the notion that the public can obtain information possessed by the state—and, in some countries, information possessed by private entities—to be informed about the activities of the state. Invariably, there are some limitations on the public's ability to access certain types of documents and information; however, decision makers should always proceed with a presumption in favor of disclosure, and parliament should promote a culture of openness.

The first access-to-information legislation was enacted in Sweden in 1766 when the government passed the *Swedish Freedom of the Press Act*. Since then, more than 50 countries around the world have enacted legislation to foster access to records, and dozens of countries have legislation pending. Access to information furthers the public's right to know and helps build an informed society. Model legislation and regimes implemented in countries around the world share a number of thematic underpinnings (CPA 2004). These thematic areas are described below:

- *Maximum disclosure.* The purpose of access-to-information legislation is to provide the framework or process through which the public can access general information, or information pertaining specifically to the person seeking the information, held by public authorities. When deciding whether to release information to a person seeking access, decision makers should always proceed from a presumption in favor of disclosure, and parliament should promote a culture of openness to support this presumption. A presumption in favor of disclosure is based on the public's right to know.
- *Routine publication.* The legislation should promote the regular publication and dissemination of key information and documents in a manner that is easily accessible to the public. The more the state routinely publishes information, the less often citizens will need to apply to public authorities to access specific documents, thereby reducing the administrative burden.
- *Processes to facilitate access.* No citizen should have to state a reason for requesting public information. To support the community's right to know, legislation should require public authorities to respond to a request for information within a set period of time. If the public authority refuses to release documents to a citizen, it should provide reasons for its refusal.
- *Costs.* Citizens should only have to pay for the cost of reproducing the information; costs should not be so high that it deters people from accessing the information. Preferably, costs should only be charged in the cases of large or complex requests. Personal information should be provided for a low cost or preferably for free. For instance, a citizen seeking information in accordance with the new Right to Information law in India only has to pay a fee of 10 rupees (Dummett 2006).
- *Independent administrative body and right of review.* Legislation ensuring access to information should provide for the formation of an administrative body or an already established independent administrative agency to take on

responsibility for adequate implementation of the legislation. The administrative agency should also hear appeals following any refusal by a public authority to provide access to information. The independent administrative body should be given adequate resources and shielded from interference.

- *Exceptions.* Exceptions to the public's right of access to information that is held by state authorities should be narrow and should only apply where the harm of disclosing the information is greater than the public interest in having the information disclosed. It is important for the legislation to identify categories of information to which access is guaranteed.

The content of legislation providing access to information varies from country to country; however, the above thematic areas form the basis of any comprehensive regime for access to information. A leading example of a model access-to-information law is the Mexican transparency law. In 2002 the Freedom of Information legislation unanimously passed both houses of the Mexican Congress in response to the public's and civil society's rising demand for government accountability and transparency (Sobel et al. 2006). The legislation provided important mechanisms, in the form of the Federal Institute for Access to Information in Mexico (IFAI), to further the release of information and encourage a more open and transparent society (Sobel et al. 2006).

In addition to providing rights of access to information, parliament can work in other ways to help build an informed society. For instance, parliamentarians can play a leadership role in addressing the pervasive culture of secrecy present in many democratic institutions and public authorities. Parliament should lead by example and open up parliamentary business as much as possible, including committee deliberations. A survey of 82 national parliaments found that only 21 of the parliaments always or usually held open or public meetings, whereas 49 always or usually held closed or private meetings and 12 held both private and public meetings (NDI 1996a).

To facilitate transparency, the agenda for committee deliberations should be published ahead of time, committee meeting transcripts should be published after the fact, and an attendance record should be kept and published. Similarly, an attendance record for parliamentarians' participation in parliamentary debates should be kept and published, along with the voting record attributable to each parliamentarian (Rossi and Santillan 2004). Not only should parliamentarians be exemplars of openness, but they should encourage all elected officials and those in charge of the public authorities to follow suit.

Parliament can review access-to-information laws on a regular basis, to ensure that it meets its objective of furthering the public's right to know. To ensure the smooth operation of the access-to-information regime, all public authorities can be required to submit an annual report to parliament outlining their activities in relation to fulfilling the objectives of the access-to-information laws. Furthermore, parliament can hold ministers accountable for any failures or delays with respect to implementing the access-to-information regime. Parliament, by embracing a twofold strategy of passing well-drafted legislation that fosters access to information, and then showing leadership by making parliament more open, can make a large contribution to building an informed society based on the right to know.

Protecting Fundamental Freedoms

In addition to strengthening the flow of information and accountability in a democracy, parliament can promote conflict-prevention and peacebuilding efforts by passing legislation that protects fundamental freedoms. The indivisibility of security, economic development, and human freedom is widely accepted (United Nations 2004). Inequality and discrimination stoke grievances, which in turn can ignite violent conflict. Countries that have a significant number of ethnic minorities face an increased risk of civil war (Collier, Elliot, and Hegre 2003). Parliaments are able to contribute to conflict prevention and peacebuilding by addressing inequalities and discrimination. For instance, parliament can pass laws that entrench and strengthen human rights protections, minority rights guarantees, and nationality legislation as set out in the core international human rights instruments and the universal human rights instruments.[4] The entrenching of such protections by a government demonstrates its willingness to take seriously the role of minority groups within the larger community by enabling them to participate in society on an equal footing without fear of discrimination.

In addition, passage of legislation that provides for equitable opportunities among different groups in society can help reduce animosities. Enmity can grow among groups, whether ethnic, geographical, or cultural, as a result of a disparity in wealth, resources, and opportunities. An example of an initiative that provides equitable opportunities for disadvantaged groups is the reserving of positions in government, the civil service, and educational institutions for naturally disadvantaged groups. For instance, the "scheduled castes" in India and the guaranteed regional representation and participation of women and tribal groups in the Bangladeshi civil service are used to attain more equity in government in those respective countries. Experts disagree over the benefit of quota systems and in what context they may yield positive results; however, such systems are, at the very least, a good-faith effort by an advantaged group to provide equal opportunity for those who are disadvantaged. Such initiatives can contribute to the peacebuilding process by recognizing and seeking to diminish the disadvantages suffered by some groups, thereby building trust among groups in the community.

Enacting legislation that entrenches the universal and international human rights instruments promotes peace by creating an environment in which aggrieved parties can resolve a conflict through the court system and by obtaining recourse in accordance with rights conferred on them by legislation, rather than by resorting to violence. For instance, if a member of a minority group faces discrimination from government officials or other members of the community, she or he will be able to remedy the situation by applying to the courts and relying on laws and human rights protections. As such, it is important that, in addition to passing the requisite legislation, parliament also encourages the formation of agencies and programs to implement and enforce these protections, such as independent human rights commissions. Parliament can also establish community-based education campaigns that explain human rights and ensure adequate funding for the implementation of the legislation. Many of these legislative initiatives traditionally fall within the

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4. For a list of the core international human rights instruments and the universal human rights instruments, see the home page of the United Nations Office of the High Commissioner for Human Rights at http://www.ohchr.org/english/law/index.htm.

ambit of the government's responsibility; however, parliament, as the direct representative of the people, can promote the introduction of such legislation and make its implementation as robust as possible. As for the development of human rights institutions, parliament can ensure, through its budgetary role, that such institutions are adequately funded to carry out their mandate.

Working toward Reconciling Conflicting Parties

A return to political activity after the cessation of active violence in divided societies can lead to strengthening ethnonationalism, politics of exclusion, and partisan loyalties (Jeong 2005). According to Jeong, such fragmentation cannot be overcome unless there has been a reconciliation of social divisions (2005). Reconciliation in conflict-affected countries often takes the form of either repairing relations strained by the events surrounding the conflict or forging of new relations between former antagonists. In both cases, reconciliation seeks to normalize relations between people and has a therapeutic component. For this reason reconciliation is an essential component of any durable and sustainable peace process (Galtung 1998). Reconciliation can occur between individuals or between communities. Irrespective of whether the reconciliation process takes place between individuals or communities, it is invariably a long-term process. Reconciliation processes focus attention on the harm caused by previous actions and attempt to make amends for the harm, rather than focusing on individual actors. Reconciliation initiatives take many forms, including fact-finding bodies, such as truth and reconciliation commissions, or reparations for harm sustained, whether they are symbolic or designed to act as restitution for victims of past acts. Other transitional justice mechanisms, such as retributive justice processes in the form of trials, focus on the perpetrators themselves. The three main phases of any reconciliation process are the removal of fear, confidence building and trust, and the creation of empathy (Freeman 2005). The emphasis on creating new relationships and mending old ones means that reconciliation processes should be at the core of any peacebuilding strategy.

Parliamentarians can help contribute to a reconciliation process in a number of ways. Parliament can create ad hoc parliamentary committees on reconciliation, create national dialogues on reconciliation, and promote and support the creation of national bodies to advance reconciliation, such as the Council for Aboriginal Reconciliation in Australia (Freeman 2004), or establish truth commissions with investigative powers, as was done in Guatemala, South Africa, and Peru. Such initiatives focus on repairing and forging relationships and establishing the truth of what occurred so as to debunk any revisionist accounts of the past. Parliament can pass enabling legislation needed to establish these state-sponsored initiatives and institutions, participate in the selection of commissioners, ensure that adequate resources are allocated in the national budget, and endeavor to implement the commissions' recommendations at the end of its term (Freeman 2005).

However, such "psychological transformation" must be supported by efforts to correct the damage and loss inflicted on the victims of oppression and violence; this must be coupled with structural reforms to guard against a resumption of the intergroup dynamics that led to the oppression in the first place (Jeong 2005; 4). In situations that have a history of mass human rights violations, for which prosecuting large swaths of the population is neither practical nor possible, parliament

can address victims' claims for justice by repairing some of the harm that has been suffered. Reparations recognize victims and can "foster a collective memory of past abuse and social solidarity with victims," while restoring confidence in the state (Freeman 2005; 14). Confidence in the state can also be bolstered by ensuring that those in the government who perpetrated human rights abuses or condoned them are investigated and removed through a transparent process that allows the accused to contest the allegations brought against them (Freeman 2005).

It is clear that parliamentarians are able to act as peacebuilders by reaching out to the community and to civil society to properly understand the harm caused and to promote legislation and institutions and initiatives that address the injuries suffered and that bring about the structural reform needed to ensure that such events do not occur again. Once an attempt has been made to overcome the harm suffered, people and communities will be able to start building more positive relationships.

Conclusion

Even before specialists in conflict resolution started to understand the nature of conflict in its modern incarnation, parliaments have been acting as a forum that brings together representatives from divergent backgrounds with conflicting interests. These representatives attempt to find common solutions through a political process that, in effect, can prevent groups from descending into violence. Parliaments, through their legislative processes, have been at the vanguard of preventing conflict by providing a space for dialogue and compromise in nations around the world. However, in today's world with its more heterogeneous populations, parliaments in conflict-affected countries can benefit from learning strategies to prevent conflict and from using these strategies when undertaking their everyday legislative functions with the goal of contributing more fruitfully to preventing conflict and reducing poverty.

Parliaments in conflict-affected countries experience certain obstacles specific to the environment in which they operate. In particular, a culture or atmosphere can exist within parliament that, because of the conflict-prone environment, goes beyond being adversarial to being acrimonious. To effectively fulfill its legislative function, parliament needs to address long-term antagonisms and build a culture of professionalism and cooperation. Members can then focus on conducting parliament's legislative business.

Parliament's legislative process, whether through debate in the chamber or committee deliberations, has the potential to transform problems into solutions. However, the legislative process will meet its potential as a conflict-prevention tool only if all actors, including presiding officers, parliamentary political parties, and parliamentarians in general participate in the process in a spirit of cooperation to find constructive resolutions that meet the needs of their different constituents. Codes of parliamentary conduct, fair rules of procedure applied impartially by the presiding officer, structured debate on the issues, and a strong committee structure that encourages community input and seeks to develop parliamentary leadership and expertise on important issues will help ensure that the legislative process contributes to conflict prevention.

Parliamentarians can also use the legislative process to advance a legislative agenda that strengthens the potential for peace. First and foremost, parliament can

fortify an open and participatory culture by building an informed and accountable democracy. The most prominent tool for achieving an informed society is legislation that ensures the public's access to information. Parliament can show leadership by opening up parliament's legislative processes to the public so that its actions are more transparent. Furthermore, parliament can ensure that laws protect fundamental freedoms, communities are aware of their human rights, and mechanisms exist to enforce these rights. Finally, once parliament has built its own culture of cooperation, it can champion a reconciliation process that brings groups in the community together to repair strained relationships or forge new relationships as part of a broader peacebuilding process. In these ways parliament can use the legislative process to create an environment favorable to both preventing and resolving conflict.

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5

Creating a Shared Parliament in a Divided Society: Lessons from the Northern Ireland Experience

Lord Alderdice

When the civil rights marches of the late 1960s broke down into serious civil disturbance and violence in Northern Ireland the first reaction of the provincial government was to deal with the problem as a matter of internal security. However, it soon became obvious that while the trouble was within Northern Ireland, the context was the still-unresolved relationship between Britain and Ireland. Britain had hoped in vain that it had laid the matter to rest through the 1922 settlement that partitioned Ireland. Since then it had in practice treated Northern Ireland largely as a self-governing dominion, though it remained part of the United Kingdom. The southern Irish state meanwhile emphasized and developed its independence by leaving the British Commonwealth and becoming a republic, by remaining neutral during World War II, and by refusing to join the NATO military alliance.

Fifty Years of Drift

During the period from 1923 to 1968, when there was only sporadic terrorist activity, much could have been done politically to address the needs of the substantial Catholic minority in the North and the small Protestant minority in the South. Cross-border economic cooperation would also have made a substantial difference to relations. Instead, little was done, and after 50 years of partition few Protestants remained in the Irish Republic, and the large Catholic minority in Northern Ireland felt isolated, alienated, and resentful. Breakdown was almost inevitable and when it came it was bloody. In a population of only 1.5 million people, about 3,500 were killed and tens of thousands were injured in the subsequent 30 years of internecine violence. The provincial government was prorogued by Westminster in 1972, and the Protestant and Catholic power-sharing arrangement that followed collapsed after only six months in operation.

Moderate politicians and civil society, in the form of the churches, trade unions, the business community, and nongovernmental organizations, all worked very hard for a settlement over the next two decades, but to no avail. In the mid-1970s a major peace movement was led by women reacting against the death and injury brought about by terrorism. These "Peace People" held marches and organized many activities, bringing ordinary people from the two sides together. It seemed to have mass appeal, and its leaders Betty Williams and Mairead Corrigan were awarded the Nobel Peace Prize, but in the end it also came to nothing. Business and

professional people who had been the backbone of the public institutions left political life, while the terrorist paramilitaries on both sides appeared oblivious to the suffering and economic havoc they were causing. It all seemed hopeless, the more so after a further attempt to establish a power-sharing assembly in the early 1980s failed to reach any cross-community agreement at all.

Development of the 1985 Anglo-Irish Agreement

By a fortunate turn of history, the United Kingdom and the Republic of Ireland joined the European Economic Community (EEC) on the same day in 1973. As a result, British and Irish government ministers and civil servants began to meet regularly within the structure of the EEC, and this slowly started to change the context of Anglo-Irish relations. Mutual respect grew as practical working arrangements developed, and 12 years later, in 1985, an Anglo-Irish Agreement was signed, laying the foundations for unprecedented cooperation between the two states in addressing the Northern Ireland conflict. In today's world, wars between states are less common than intrastate conflicts, but even internal conflicts may be symptomatic of wider issues. This is one of the many reasons why international cooperation is so important in addressing internal conflicts.

The 1985 Anglo-Irish Agreement improved relations between Britain and Ireland, but although Catholic Nationalists felt less isolated, the Irish Republican Army (IRA) continued its terrorist campaign, and Protestant paramilitaries, feeling betrayed by Britain, took revenge through further sectarian killings. It took another six years of diplomatic activity to get political representatives of the two main elements in Northern Ireland to sit around a table to talk, and even then the parties with terrorist involvement were not present; that took another five years. Such processes often do take a long time. During all of this period, whoever was prime minister and whichever party was in power in London or in Dublin, the Peace Process continued. Margaret Thatcher, John Major, Tony Blair, Charles Haughey, Garret Fitzgerald, Albert Reynolds, John Bruton, and Bertie Aherne all led different governments in London and Dublin during this period, but each regarded the Irish Peace Process as something that transcended party politics. This national commitment by both Britain and Ireland was critical to the stability of the Process.

The degree of painstaking administrative and procedural discussion necessary in the pre-negotiation period should also be noted. During those years of what became known as "'Talks about Talks," the parties edged slowly toward the negotiating table, not by exploring the substantive issues, but by discussing how the senior political figures and their parties could begin to engage. This required commitment and devotion by small teams of civil servants and party officials behind the scenes, setting up arrangements, smoothing the way, and keeping records, notes, and contacts in place. This work was necessary to hold the Peace Process together over the years and to facilitate the involvement of people in all the communities through their own elected representatives, without which little progress can, in the end, be made. People will not feel a sense of confidence in, or ownership of, a process (or its outcome) unless their own representatives are involved, but it should be understood that creating the structure and the political context where this can happen is painstaking and frustrating work. In Northern Ireland those years were not years of perfect achievement—mistakes and misjudgments were often made—but the consistent, gradual, and increasingly inclusive approach was essential.

The wider international community was important, particularly the United States during the two Clinton administrations. Various countries provided economic assistance, encouragement, expertise, and mediation. Visits were arranged for Northern Ireland politicians to other parts of the world to see conflict resolution at work; South Africa was especially helpful. The International Fund for Ireland was established to channel financial aid from the United States, the European Union, Canada, Australia, and New Zealand. This aid was targeted to give training, consultancy, and advice to small businesses and community groups trying to build a more entrepreneurial economy. Just as the political task was to enable the divided community to take shared responsibility for its own governance, so the economic emphasis was oriented toward helping people in more deprived areas on both sides of the community divide to build their own wealth, take control of their own affairs, and increase their engagement in commerce and trade with the outside world.

Multiparty Peace Talks and the Belfast Agreement

The multiparty peace talks, when they finally came about, were a complex, three-stranded arrangement because of the three key sets of problem relationships that had to be addressed. The relationships within Northern Ireland required inclusion of all the Northern Ireland political parties and the British government. North-South relations needed the Irish government to be integral to the second strand of talks with all the other parties. In addition, British-Irish sovereign government issues had to be dealt with by London and Dublin in the third strand of talks, without the presence of the Northern Ireland political parties.

The approach of U.S. Senator George Mitchell, as chairman of the multiparty talks that led to the Belfast Agreement in 1998, was vital for its success. He did not bring his own solutions to the talks. He listened patiently and carefully for a very long time to all the different parties to the problem. He excluded no one and created a process in which the parties brought their proposals to him in the presence of each other. They did not reach agreement in this way, but he built such trust that when the parties had exhausted the process of talking, they asked him to bring forward proposals. This work of building a process, rather than conjuring up a solution, was the heart of the Peace Process. It required skill and stamina, and like the preparatory phase, it took years. There were many aspects to this negotiation. The careful use of deadlines, the gradual building of respectful behavior (even in the absence of *feelings* of respect), devices to assist with breakthrough when there was deadlock, and the imaginative use of different formats for the talks, which enabled all the relevant sets of relationships to be addressed. These were just a few of the skills needed in this key phase of the Peace Process.

The experience of the European Union (EU) showed itself in the content of the 1998 Belfast Agreement. EU cross-border cooperation is mirrored in the North-South Ministerial Council, which brought together ministers from Northern Ireland and the Republic of Ireland to deal with matters such as agriculture, economic development, environmental protection, and transport. The variable geometry of the British-Irish Council (a further innovative development with echoes of the Nordic Council) brought together for the first time not only ministers from London and Dublin, but also the administrations in Scotland, Wales, and Northern Ireland, as well as the Isle of Man and the Channel Islands. The political and legal protection for human rights,

which is central to the new Europe, is similarly a fundamental feature of every aspect of the Belfast Agreement and a key aspect of its implementation.

The following are vital components of conflict resolution contained in the Belfast Agreement:

- The critical part played by influential international relationships
- The sustained political commitment over a long period of time, whatever government is in power
- A significant preparatory period of pre-negotiation
- The difficult but necessary inclusion of the representatives of all parties and all three key sets of relationships
- The creation of sustainable economic development and cross-border trade
- The deployment of patient, imaginative, and skillful mediation through a long-term talks process
- An element of institutional creativity; and
- The embedding of international instruments of human rights protection

However, these components in and of themselves were not sufficient for success. In addition the Northern Ireland example has two other fundamental components: rights, responsibilities, and respect for minorities, and the rebuilding of the rule of law and a culture of lawfulness.

Rights, responsibilities, and respect for minorities are difficult issues, but they cannot be avoided because they are at the core of almost all long-standing political conflicts. The classic liberal commitment to freedom under the rule of law creates an environment for the protection of minorities, but even international legal norms and structures are rarely a *sufficient* guarantor for the partisans in a conflict. Usually particular political protections are required, at least for a transitional period. In Northern Ireland the formation of the Assembly, its committees, and even ministerial positions involve complex formulas and guarantees for both sides. It is a very tight model of power-sharing that specifies with mathematical precision how everyone is to be involved and represented.

Until people in any conflict begin to turn away from violence as a means of solving their predicament, they are unlikely to be prepared to accept that the prize of peace is worth the price of peace. The community needs to be weary of war and prepared to accept an outcome that is less than their ideal—a compromise—for the sake of peace. Central to this compromise is rebuilding the rule of law and supporting a culture of lawfulness. Demilitarization, decommissioning of illegal weapons, and reform and monitoring of policing and the criminal justice system were the most difficult and contentious issues of all in Northern Ireland and at times threatened to bring down all that had been achieved. This is an exceptionally complex and emotionally demanding area, and it is closely linked to the position of minorities.

Rights, Responsibilities, and Respect for Minorities

In any community that has been affected by serious and prolonged inter-communal violence as Northern Ireland has, the process of bringing the conflict to an end almost always involves major changes in the political institutions and the justice and security agencies. Such changes not only symbolize the commitment to a new

start; they also institutionalize real change and create the opportunity for that new start. Of course, all the same people are around, and many of the underlying tensions remain, but there is at least a chance for a new start if the rules of the game are changed.

The first change in the rules of the game is the requirement for inclusiveness and agreement. The new rules must be agreed to by everyone, or there must at least be a sufficient consensus. Even after the negotiations for the Belfast Agreement were completed by the British and Irish governments and the majority of the elected representatives of Unionist, Nationalist, and nonaligned parties in Northern Ireland, it was necessary to take the proposition to the people for their approval. The people had to be directly included, not just their representatives. In referendums in both Northern Ireland and the Republic of Ireland in May 1998, the people gave their overwhelming support to the proposed new institutions, arrangements, and structures.

The institutional changes the people agreed to were very substantial indeed. In Northern Ireland, with its deep divisions between pro-British Protestants and pro-Irish Catholics, a series of completely different forms of government had previously been tried—everything from majority rule by a single party, through power-sharing, from a first-past-the-post voting system for elections to proportional representation. In the new arrangements *everything* would be proportional. If a party received 10 percent of the vote, it would have 10 percent of the members of the Northern Ireland Assembly, 10 percent of the members on all committees, 10 percent of all the chairmanships and deputy chairmanships, and even 10 percent of the ministers in the government. In addition there was a series of complex and overlapping legal and political protections and veto arrangements so that nothing could be done that was unacceptable to a significant minority of the community. One example was that instead of a prime minister there would be a first minister and a deputy first minister representing the two main sections of the community. They had to be elected together on a joint slate, by cross-community agreement. In this vote (and all other significant votes), the representatives in the Assembly were identified not only by their membership in a political party but also by their alignment as unionist, nationalist, or other, and for a vote to pass, it required not only an overall majority but also a majority of both unionists and nationalists. Neither of the two top elected officials could act separately; they could act only jointly and by agreement.

The strengths of such a complex arrangement are obvious—the requirement that the partisan forces cooperate in protecting each section of the community from oppression by the other. However, this was also its Achilles' heel, and the new Northern Ireland Assembly was suspended on a number of occasions because of political difficulties among the representatives of the main communal groups on the issues of weapons and the use of force (to which this chapter returns later). The absence of consensus, or at least a degree of consent from both sides, resulted for some years in repeated crises in which the only options seemed to be either breakdown of the whole agreement or the intervention of the external stakeholders—the British government in cooperation with the Irish government.

However, the difficulties faced were not just institutional. There were all sorts of problems with human resources, traditions, and culture. Nationalists believed the preexisting Northern Ireland Civil Service (at least at its more senior levels)

to be a bastion of Protestant unionism and so did not trust them to staff the new Assembly; however, there was no other obvious body of people with relevant experience. It was initially agreed to take in only a small number to get started. Through a process of negotiation among the representatives of all the parties, it was then agreed that to get the Assembly up and running properly, a much larger number of civil servants would be employed, but only on a three-year fixed-term contract. During that period all posts would be advertised openly, and Assembly employees would be taken on merit only. However, the proportions of Protestants and Catholics would be closely monitored to reassure members of the Legislative Assembly (MLAs) and the wider community that the proportions were representative of the balance in the community as a whole. As the years went on and MLAs were closely involved with the recruitment exercise, the parties became much less anxious about the issue of civil servants when they realized that in the new context these people had considerable skills and developed a surprising loyalty to the new structures and to MLAs. As a result, the issue could be dealt with much more flexibly and was not a major problem later on. In other words, bringing in people from the old system was not an insuperable problem if there was a shared mechanism for taking these people on and for monitoring the process. It also helped that there was sufficient good-quality leadership to inspire loyalty to the new system from civil servants of the old system.

Regarding traditions, similar arrangements emerged. The approach of the British government tended to be that, because nationalists were opposed to British ways of doing things and unionists were opposed to nationalist symbolism, all culture and tradition should be removed and a clinical sterility maintained. This sterile approach tended to please no one, but an alternative multicultural option was developed. The following are two examples of this approach in operation.

The great symbol of unionist dominance was the Parliament Buildings at Stormont, an impressive neoclassical edifice in east Belfast. Instead of alienating unionists by refusing to go there and incurring huge costs by trying to find or construct another building, it became the purpose of the Assembly Commission to make the building, and especially the Assembly chamber, a place that could be shared by everyone. This took place through a process of meetings to discuss furnishings, color schemes, headed note paper, procedures, the use of the Irish language and Ulster-Scots in the chamber, visits by school children, concerts, musical and dance events in the building, and so on. Before long, no one wanted to leave the building. Everyone felt at home in what had now become their own shared place.

More dramatically, the same approach was taken during the Golden Jubilee visit of Her Majesty, The Queen. During the Jubilee year she was visiting every part of the United Kingdom and attending Westminster, the Scottish Parliament, and the Welsh Assembly, but the British government was fearful of what would happen if she were to come to the Northern Ireland Assembly at Stormont because of the attitude of Catholic republicans. Again a series of meetings was undertaken with all the parties. The pro-monarchist unionists who were disturbed about the problem, and wanted to protest vigorously in public about the matter, agreed to say nothing until the process of talks was completed, as did the other parties. Sinn Fein, the Republican party, considered the issue for some time, and through discussions came to realize that they could not expect to arrange visits to Stormont for the president of Ireland if the British Queen was unable to come, so they undertook not to

complain if she came and to maintain what they described as "a dignified detachment." On the morning of her visit the Republicans went further and pointed out that it was necessary that she come, because it was important to unionists, and Republicans could not expect their sensitivities to be observed if they did not cater for the sensitivities of unionists.

The question is not whether traditions are to be maintained. Some of them must be incorporated if the new regime is to be accepted. Determining how some elements can be carried on must be a matter of dialogue and creativity. Often it is not possible to get people to publicly agree, even after prolonged discussion. What may be possible is to get people to the point of *accepting* what has been implemented after genuine discussion, and then later they may warm to it. Often they may accept it only as a provisional and temporary arrangement to get through a current dilemma, but few things last longer than the provisional, because the provisional soon becomes habitual and indeed may even become a tradition. In truth, everything achieved in politics is only and at best provisional.

The same applies to political structures and procedures. Especially when working in a climate of long-standing communal conflict, the purpose of these structures is to deal with violence and aggression. Aggression is a powerful instinct, and the capacity of words to express and contain the violence depends on the robustness of the structures within which the talking takes place. Those structures must make it possible for participants to release powerful feelings with sufficient passion to give convincing expression to them without slipping into violent behavior or provoking a violent response from the other person. This combination of containment and expression is the purpose of the conventions and standing orders of a parliament. The Speaker is there to make sure that these conventions and standing orders are protected and observed in such a way that their underlying purpose is fulfilled.

If the representatives of the people are unable to give vent to the emotions of their community, the people will lose faith in the ability of their representatives and the political process to address the people's needs. However, if those same elected officials act *only* as a valve for feelings of anger and envy, then the descent into acting violently on those feelings becomes increasingly likely. Elected members have to fulfill a complex and subtle role between these two poles. In the same way, the Speaker must enable members to express concerns sufficiently strongly to have them heard but also provide a containing environment for the inevitability of conflicting expressions. The Assembly has a number of elements to support this work.

The first element is the observance of the Standing Orders. Without some rules, chaos reigns and violence breaks out. But those rules only have effect if they have the respect of the members. The best way to ensure this respect is for members to construct their own agreed-upon rules. The Northern Ireland Assembly started with a very brief and inadequate set of Initial Standing Orders provided by the British government, but the MLAs moved fairly quickly to negotiate their own more substantial arrangements.

Agreed-upon rules are a necessary but not a sufficient requirement for working together with differences. Some aspects of working together require a degree of subtlety and flexibility that is hard to encompass in written rules. These requirements can often be accommodated in conventions or mutual understandings. What sort of problem might require this flexibility? In the normal course of a debate, the Speaker may call members who represent each separate party, trying overall in the

debate to maintain the diversity of parties, the relative sizes of their groups, and the different arguments for and against the motion. However, a circumstance might arise in which a terrible tragedy occurred in a particular community or constituency, and the feelings generated might be such that some variation in this arrangement would be important; for example, an over-representation of nationalist speakers might be appropriate where a nationalist constituency had suffered particularly. If speaking arrangements are covered by a clear rule, such flexibility is not possible. If it is covered by a convention, then the Speaker can negotiate (formally or informally) some flexibility to accommodate the emotional, and therefore political, needs of the moment by going gently beyond the usual rules.

Even the flexibility of conventions needs to be enlarged, for the implementation of the rules requires a fluid appreciation of the emotional tone of the chamber at any moment—what one may call the "sense of the House." Often times of tension and high drama demand an expression and experience of the anxiety of the community if the Assembly is to perform its function. At other times, or even at other points in the same process of a speech or a debate on a bill or a motion, it is beneficial to the Assembly and the community to find ways to reduce the tension. For example, on one occasion a careful use of humor may serve the purpose. At another time humor may be absolutely the wrong approach.

Facilitating the life of the Assembly in plenary is also important in other aspects of its group expression, including social occasions with constituents or other guests in the parliament building, the practical operations of its group life in the building, the processes of its committees, and its relations through the press with the community at large. The key is to allow the fundamental purposes of containment and expression of aggression and other feelings through a sensitive conduct of the parliamentary process.

The importance of practical human needs should never be underestimated when attending to the needs of the process. If MLAs or staff cannot eat or drink satisfactorily, if they are cold or uncomfortable, or if they cannot hear each other speak clearly, they may become disgruntled. If they cannot send and receive messages from their constituents or the press they will be irritable. Their anxiety levels will rise when they are not given a reasonably clear understanding of when they need to be in the building and when they can safely be elsewhere. They feel much better about themselves and their work when they can offer constituents the patronage of visits to, or social events at, an impressive and attractive parliament building. They may find physical security too lax to be reassuring, or it may be too intrusive and obstructive of normal life and work. These may all seem pedestrian matters far from the high ground of constitutional settlements, peace agreements, and political structures, but they are the foundation for human interaction no less in a political assembly than in any other group of people.

The relationship between the government and parliament is often the element of governance that is least understood by the populace and their principal informants in the press. The government consists of those chosen to undertake ministerial roles, and with their civil servants they have direct responsibility for delivering the goods and services that the community has decided ought to be a group task, such as hospitals, schools, roads, regulatory authorities, policing and the administration of justice, and so on. The parliament, made up of all the elected members but especially those who do not have positions as ministers, has the job of sanctioning, criticizing, and holding the ministers to account and providing the government

with the funds and the legislation that facilitate and circumscribe these provisions. The ministers must be able to get their proper business through the parliament; otherwise, the community will not have proper services or regulations. However, it is essential that the members have sufficient opportunity for debate and holding to account; otherwise the proper and fair provision of the services or the quality of the legislation will inevitably suffer.

This balance is the underlying theme and task of every business committee meeting, and ultimately of every plenary and departmental scrutiny committee. The function of the ministers is to "do things" rather than discuss and debate. This is why we call them "The Executive." This must be balanced by the scrutiny and reflection that are the function of parliament. Where ministers substitute talking for doing and parliamentarians obstruct rather than scrutinize, the parliament is not working effectively but rather is sliding closer to the expression of division in the community. Where the government business receives less than rigorous scrutiny and slips through "on the nod," the parliament is not doing its job of adding value and quality to the process of making laws and governing the community.

Respect and Trust

One additional and ultimately essential element in the conduct of business in a parliament is respect. Everyone likes to be treated with respect, and politicians may well be insatiable in this regard. Someone who is not treated with respect, but rather is dismissed or humiliated, finds it difficult to forgive or forget and may well be provoked to a deeply angry response. It is essential in a parliament that people be able to disagree, but equally necessary is that they find ways of doing so without a breakdown in the working of the institution. It is sometimes suggested that trust is a prerequisite for a successful peace process, but this is not so. Trust is an outcome of a successful process and a result of undertakings freely entered upon and honored during the process. Similarly, it is not reasonable to expect people who have been at war to *feel* respectful of each other. However, it is possible to persuade members of parliament to *behave* with respect for the institution and its procedures. In this way they begin to construct a culture of respectful behavior, which can mitigate and contain all sorts of problems and make long-term working relationships possible, even between traditional enemies. The language and conduct of a parliamentary chamber may sometimes appear a little stilted or false to the outsider, but these are some of the tools through which respectful conduct is mediated, enabling those who do not even like each other to express their differences forcefully without crossing the line of disrespect and damaging the prospects for working relationships.

The whole question regarding political structures and procedures is how far they can accommodate all these complex requirements. Every community already has some traditional structures for dealing with violence and aggression or it would not have survived at all as a community. The skill is to identify these structures and either use or transform them gradually and creatively, and include people from all elements of the community, with their history and traditions. Politics must find a way of including not only all the parties but also all the people, for just as the conflict is bigger than only the politicians, so the resolution of conflict requires the involvement not only of politicians but also of all elements of the divided community outside the parliamentary chamber.

The creation of new institutions, even quite radically new democratic institutions, does not in itself resolve the underlying problems. Real change must be managed through a gradual but substantive reworking of the underlying purposes and aims of government and parliament. Then, if all goes well, the culture and relationships within the community may also change for the better, damaged as they have been, not only by recent conflict but also by centuries of mutually inflicted trauma.

Sharing Power and Serving the Public Interest

Understanding this question of underlying change requires some thought as to the purposes of government and parliament. Two main approaches can be taken to the purpose of being in government. For some people, government is simply the acquisition and exercise of power in the interests of those who form and control the government. In this way of thinking, the purpose of parliament is to facilitate the exercise of power and patronage. Those who have this view of the purpose of government and parliament will do everything possible to keep themselves in power, undermining and destroying any threat to their continuance in government. Under this view, constitutional limitations of the terms of office will be changed, opposition parties will be seen as the enemy whose only possible purpose is to replace them, and critical individuals or sections of the media will be attacked with all legitimate and extra-legal powers available. All elements of political power will be bent to this one end: staying in power. The government, the army, the police, the judiciary and administration of justice, parliament, the civil service, and all elements of public service are expected to serve the regime in power, and changes of regime are likely to be violent affairs. Such a description would be an uncharitable characterization, but not entirely inaccurate, of the position in Northern Ireland from the foundation of the state in 1922 until the prorogation of the Northern Ireland Parliament in the face of widespread civil unrest and violence in 1972.

At the other end of the scale is a model of government and parliament as a system through which a community as a whole *shares* power and manages its affairs. In this way of thinking, each element of the public service has a different role to play. An independent civil service is in place to facilitate whichever party is in the executive, but also to assist it in living within the law. The judiciary is required to implement the decisions of the legislature, but does so only in the interests of fairness, which may not necessarily be in the short-term interests of a particular government or section of the community. The defense forces are there to protect the community as a whole from external threat, not to be a source of authority that is imposed on the community, and still less to protect the executive from the people. The police are there to maintain everyone's human rights.

Perhaps most important, those who are not in the government have the responsibility to hold to account those who are in government. In a majoritarian arrangement (in which the winner takes all) this responsibility normally falls to the opposition parties. Between 1922 and 1972 in Northern Ireland, the main opposition party opted out of this role because of its objection to the existence of Northern Ireland, leaving the work of opposition to a small socialist party, the Northern Ireland Labour Party. The system did not work, partly because the main opposition opted out and partly because the majority party, which was permanently in government, took an authoritarian approach to governing.

In a power-sharing arrangement, such as that in Northern Ireland under the Belfast Agreement, the backbenchers of all parties can work together across party lines to hold the power-sharing government to account. This is a purpose quite separate from the role of being a government-in-waiting, or in the case of an individual, a minister-in-anticipation. There is a tendency for parliamentarians to see their role as being to discredit and tear down those in the administration purely to replace them. The result is almost inevitably that their claim to provide a better alternative is demonstrated to be bogus, for once in government they do all the same things that they criticized their predecessors for, all the while feeling justified on the basis that "It is our turn now." The populace meanwhile feels cheated and let down, because they did not vote to replace one set of corrupt oppressors with a different set of individuals who do the same thing. They voted for what they hoped was a different approach, and a better government. In short, those in opposition, or at least not currently in the government, have a different role to play than merely that of members of government-in-waiting. The role of the opposition parliamentarian is much underrated and undervalued. Even in the wider international community there is a tendency to train parties to win elections and take power, in the often vain hope that they will be better people than those currently in government, rather than train opposition parties and politicians to be more effective in opposition, which might also help them be more responsible in government once they do achieve power.

To put it another way, for some politicians the achievement and exercise of power in their own interests is the sum of the purpose of politics. When they do this in a particularly corrupt and abusive way they are recognized to be "bad people," and because the system has permitted such bad people to take power, it must be a "bad system." The wider community domestically, and more important, internationally, then seizes on the obvious alternative, that is to find good people to put into a good system. But the so-called good new people end up doing much the same things as their old bad predecessors, because the problem was to be found in the view of what government was about.

If one takes the view that government is there to serve the whole community, then the purpose is not just to maintain power but rather to facilitate representation. The current difficulty in Northern Ireland is that the two sides have not yet moved away from the old model of holding power to the new approach of giving service. Each side is trying to maintain an authoritarian and patronage-based approach within its own section of the community. The difference compared with the past is that the majority in the community as a whole is not imposing it on the minority, but to some extent the majority within each section of the community is trying to operate the old approach within their own bailiwick. One of the weaknesses of the 1998 Belfast Agreement is that it fosters such an outcome.

Rebuilding of the Rule of Law and a Culture of Lawfulness

During a period of conflict, when power is exercised through the use of overt and sometimes brutal force, the rule of law comes under enormous pressure. One long-term consequence is that a generation of young people grows up in a society in which there is little respect for human life and dignity and in which the culture is characterized by uncertainty, violence, crime, and lawlessness. This is particularly

the case in areas where terrorist activity and control has been most intense. The post-conflict sequelae may be found in a whole range of human behaviors and experiences affecting self-esteem, including high levels of violence against women, risk taking and suicidal behavior among young men, alcohol abuse, lack of respect for any form of authority, and organized (as well as disorganized) crime. In Northern Ireland extensive attempts have been made to address these problems and build a culture of lawfulness and respect for the rule of law.

The institutions of the administration of justice must be, as far as humanly possible, beyond reproach. Surprisingly perhaps, the judiciary in Northern Ireland has generally been regarded as free of corruption—surprising because in most other places with similar conflict this has not been the case. The intimidation of jurors in Northern Ireland led to the establishment of single-judge-only courts (non-jury "Diplock" courts, named after Lord Diplock, who recommended them). In practice, these were not the source of significant complaints of executive interference, unfairness, weakness, or corruption. Such complaints as there were tended to come from the supporters of the state, who complained of excessive adherence to the liberal laws rather than the opposite. Although in the early days of the Troubles, the British government had used executive detention (known as internment without trial), this was later abandoned and all those in prison during the later part of the Troubles had been subject to due process. Though those who were imprisoned had been duly convicted in a court of law, and in many cases found guilty of very serious terrorist crimes including bombings and murders, a key part of the Belfast Agreement, and for many people a very contentious part, required that they all be released within two years of the signing of the Agreement. This was implemented despite the IRA, Ulster Volunteer Force, and Ulster Defence Association not decommissioning their weapons as had been envisioned in the Agreement.

Major changes in policing also were proposed by the Patten Commission, set up under the chairmanship of the last British governor of Hong Kong and former EU Commissioner Chris (now Lord) Patten. The police had always been predominantly Protestant, because it was not only a community police service, but also the force mainly responsible since 1922 for the defense of the state against the IRA insurgency. During the troubles between 1967 and the 1990s, members of the Royal Ulster Constabulary (RUC), who were the police force, their families, and those who served them, were regarded by the IRA as legitimate targets for assassination, and many were killed. The particular targeting of Catholic members of the RUC, because they were regarded not only as enemies but traitors to the Republican cause, led to the RUC becoming an even more predominantly Protestant organization.

An essential (for nationalists) and very difficult (for unionists) component of the Belfast Agreement and its implementation were the changes to the police service. Its name, uniform, badge, structure, practices, and oversight were all radically changed, and a policy was adopted that gave preference to Catholic recruitment to achieve a balance in the religious composition of the service as quickly as possible. In addition, dozens of independent bodies, often with international membership, were established to deal with all sorts of separate issues in this area, including ombudsmen, commissions to recommend reforms of the policing and criminal justice systems such as the Patten Commission referred to above, monitors, tribunals, and implementation bodies to oversee interrogations, address unsatisfactory

practices, facilitate decommissioning of illegal weapons, and review the implementation of the enormous numbers of recommendations that emerged from the Peace Process. Many of these bodies were based on the post-conflict or reform experience of other countries, and a whole network of international experts and academics were available to be consulted and involved in these independent commissions. Apart from being publicly demonstrable evidence of the political dynamic for change flowing from the Belfast Agreement, these commissions and monitoring bodies went some way toward diluting the tendency referred to above, in which divided communal loyalties were reflected in separate fiefdoms. These commissions emphasized the need to act fairly toward every individual and to behave within the rule of law.

Efforts to reduce conflict have also involved the use of restorative justice to obviate the distance often felt between life on the street and the sometimes rarified atmosphere and arcane procedures of the courts. These schemes create opportunities for former paramilitaries to find new and more positive roles in supporting a culture of lawfulness. The schemes are also, however, vulnerable to abuse by others who have not left a paramilitary or criminal approach behind. For such people the schemes are considered a new opportunity to exert improper force and authority in the community. Public confidence in these schemes is still at the development stage.

The question of whether or not those who had been involved in terrorism were actually moving away from the use of or threat of violence was a central vulnerability of the whole process and led repeatedly to the suspension of the Assembly, though not of the other elements of the Belfast Agreement. This had not been expected. It had been assumed that the commitment and positive dynamic created by the new political agreement would be sufficient to ensure its implementation to the satisfaction, at least, of all necessary stakeholders, if not of everyone. This proved not to be the case. The necessary level of trust failed to develop, particularly because the release of former terrorist prisoners did not lead to the republicans' decommissioning of paramilitary weapons, recognition of the state, or support for the newly reformed police. They in turn insisted that all the reforms promised had not been completed and that security normalization was slow and inadequate, though in truth much progress had been made on these fronts.

Beyond the Belfast Agreement

To save the Belfast Agreement, the British and Irish governments decided to establish an international body—the Independent Monitoring Commission—with four commissioners from Britain, Ireland, Northern Ireland, and the United States. Their job was to provide regular published reports identifying current violent and criminal activity by armed groups and the process of security normalization by the British Army and Police Service of Northern Ireland. The body was also mandated to recommend sanctions or remedies for any shortcomings. This body was intended to provide an independent measure of the move away from terrorism, which would give sufficient confidence for the other parties to return to the power-sharing government. There is no obvious international precedent for this body, and its relative success to date in producing a positive result may be useful to those charged with implementation measures in other post-conflict processes.

The Irish Peace Process is coming to completion, and much more could be, and undoubtedly will be written about the details of the 20 and more years it has taken. However, it may be useful to refer briefly to an earlier theme. Case studies such as this often focus on the institutions, regulations, constitutions, and procedures that emerge from peace negotiations. Though relationships and communities cannot survive without the stability of structures and boundaries, it should never be forgotten that they are based on more than the observance of rules and laws. There must also be a spirit of generosity and respect. Without this they cannot flourish, and conflict is never truly put to the past. Rules and rights can provide the context for a conflict to be stopped, but only a new culture of mutual respect can truly bring it to an end and prevent its return. Developing that political culture of respect and trust is the task that this generation in Northern Ireland has shouldered. Should they fail they will pass on to the next generation the same poisoned legacy they inherited, and that is no commendation for any generation, in Northern Ireland or anywhere else.

6

Strengthening Parliamentary Oversight to Prevent Conflict and Reduce Poverty

Mitchell O'Brien and Rick Stapenhurst

Chapter 4 explored parliament's lawmaking role; this chapter considers parliament's oversight function and how, in fulfilling this function, parliament can help reduce conflict. Parliament's oversight function aims to ensure that the government and its agents use their powers and available resources appropriately and with probity, and in ways that respond to the needs and interests of all members of the community. In exercising their oversight role, parliaments help manage tensions that could escalate into violent conflict. Furthermore, oversight by parliaments and other autonomous accountability institutions can help guarantee that the decisions and actions of the government stay within the bounds of the law, thereby strengthening an open and accountable democracy. Ultimately, oversight enhances public confidence in the integrity of the government's activities and encourages all groups in the community to accept the policies of the executive branch, rather than resorting to violent conflict (Commonwealth Secretariat 2004).

Parliament has a specific responsibility to exercise oversight over the government to hold it and its agents accountable for their policies and actions. The notion of accountability involves two distinct stages: answerability and enforcement (Schedler, Diamond, and Plattner 1999). *Answerability* refers to the obligation of the government, its agencies, and public officials to provide information about their decisions and actions and to justify them to the public and to the institutions of accountability tasked with providing oversight, such as parliament. *Enforcement* suggests that the public or the institution responsible for accountability can sanction the offending party or remedy the contravening behavior. Different institutions of accountability might be responsible for either or both of these stages (Schedler, Diamond, and Plattner 1999). For instance, the European Parliament generally provides a discharge to the government on the completion of an audit of government expenditures. If the government's expenditures do not reconcile, parliament can withhold the discharge, potentially leading to the government being censured, the government being encouraged to provide more information, or the government initiating a consultation process. The European Parliament considers this facility a powerful political tool for holding the executive accountable (Commonwealth Parliamentary Association and World Bank Institute 2006).

Usually institutions of accountability, such as the parliament and the judiciary, provide what is commonly termed *horizontal accountability*, or the capacity of a

"network of relatively autonomous powers (i.e., other institutions) that can call into question, and eventually punish, improper ways of discharging the responsibilities of a given official" (O'Donnell 1994; 61). In other words, horizontal accountability is the capacity of state institutions to check abuses by other public agencies and branches of government, or the requirement for agencies to report to those other agencies or branches (Cavill and Sohail 2004; Goetz and Gaventa 2001; Malena, Forster, and Singh 2004; O'Donnell 1999; McNeil and Mumvuma 2006; Shah 2005). The parliament and the judiciary act as horizontal constitutional checks on the power of the executive; parliament holds the executive politically accountable while the judiciary holds the executive legally accountable. Together, these two institutions provide ongoing oversight to keep the government accountable throughout its term in office (see figure 6.1). They may also be aided by a collection of other autonomous accountability institutions, such as anti-corruption commissions and ombuds offices.

Horizontal accountability is complemented by vertical accountability, whereby citizens, the media, and civil society provide checks on all branches of government and enforce standards of good performance on officials (Goetz and Gaventa 2001; Malena, Forster, and Singh 2004; McNeil and Mumvuma 2006). Vertical accountability also includes the notion of social accountability, which is an approach to building accountability that relies on civic engagement, in which ordinary citizens and civil society organizations participate directly or indirectly in exacting

Figure 6.1 *Horizontal and Vertical Accountability Flows*
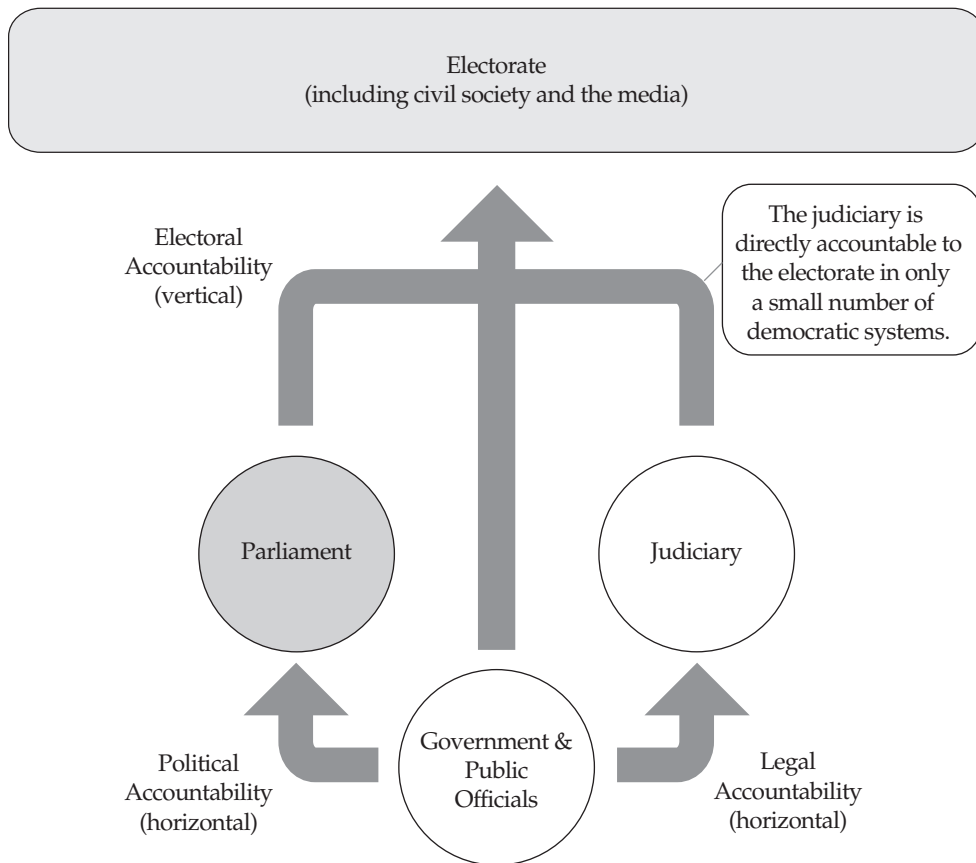
Source: Authors.

accountability (Bovens 2006; Malena, Forster, and Singh 2004; McNeil and Mumvuma 2006). The most prominent example of vertical accountability, though, is the opportunity for the electorate to hold the government accountable at the end of each election cycle, which is also termed *electoral accountability*. The role of parliament in facilitating vertical accountability by the media and civil society is examined in greater depth in chapter 8.

This chapter first examines the means through which parliament is able to directly oversee the conduct of government and public officials, in particular through the use of parliamentary oversight committees. However, because the work of overseeing the conduct of all government agencies and officials is a mammoth task, in many instances specialist knowledge is also required. As a result, autonomous agents of accountability, such as anti-corruption commissions, ombuds offices, supreme audit institutions, and access to information commissioners and national human rights institutions have been established in many countries to share the responsibility of keeping government, and in some instances parliament, accountable.[1] These institutions are usually dependent on parliament for their creation, funding, and continued effectiveness. The second part of this chapter examines the ongoing contributions of these autonomous accountability institutions to conflict prevention and peacebuilding. Finally, the chapter considers what parliament can do to aid in the establishment of autonomous agents of accountability. Specifically, a parliamentary framework for evaluating the ongoing effectiveness of such institutions is recommended to ensure that they are performing to their full potential and instilling confidence in the government and democracy, thereby contributing to peacebuilding and conflict prevention.

Direct Parliamentary Oversight of the Government

Parliaments have a number of ways to provide oversight and directly keep the government and public officials accountable. One of the most important tools at their disposal is parliamentary oversight committees.[2] Such committees have the potential to contribute to conflict prevention by (1) ensuring that the policies and actions of the government are responsive to public demand, and (2) being aware of how their work reinforces the public's belief in the integrity of the government. Two types of committees are essential to parliament's fulfilling its oversight function and encouraging peace and stability in conflict-affected countries: specialized financial, or "money," committees that provide oversight of the budgetary process, and parliamentary committees that provide oversight of the security sector so as to strengthen democratic control of the military, police services, and intelligence sector.

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1. Recent research indicates that the effectiveness of these institutions depends on a number of factors; however, they are most effective when created to respond to a national consensus and when a broad domestic coalition supports the intended reform. The political will should result in an institution that enjoys independence from the executive, has adequate budgetary support from the legislature, and has procedures for forwarding cases to judicial authorities for prosecution (see Heilbrunn 2004).

2. Other tools include questioning ministers on the floor of parliament at question time; conducting public hearings and inquiries; promoting independent and adequate staffing of supreme audit institutions, anti-corruption commissions, and other specialized agencies; promoting a diverse media landscape; ensuring the protection of journalists; and supporting freedom-of-information legislation and media accountability.

"Money" Committees

Much of the power exercised by parliaments stems from their control over the financial resources required to implement governmental policy decisions. Parliament has an obligation to ensure "[that the] spending measures it authorizes are fiscally sound, [that they] match the needs of the population with available resources, and that they are implemented properly and efficiently" (Wehner 2004; 3). In some countries,[3] there has been a historical tendency for the executive to draft the budget behind closed doors; therefore, the first opportunity for the budget process to be open and accountable occurs when the budget is tabled in parliament. Increasingly, though, despite budget secrecy, parliaments are using the time between when the draft budget is tabled and when it is enacted to scrutinize the draft budget in specialized finance, budget, or estimates committees, as well as through sectoral committees. Meanwhile, specialized committees, such as the Public Accounts Committee, review government spending after the fact, to ensure that actual government expenditures are in line with those approved by parliament.

To facilitate public debate and ensure transparency and accountability, proceedings before these money committees should be open to the media and the public. In many countries, these committees solicit submissions from civil society, academics, research institutes, and community groups to aid in deliberations. By drawing upon the social capital of the community at large, and facilitating greater participation in the budget process, parliamentarians can strengthen their oversight of the executive. An added benefit is that witnesses appearing before the committee, and journalists covering committee proceedings, will be in a position to help disseminate information about budget deliberations to the broader public.

Parliments' ability to oversee and influence the budget process differs among countries. Some parliaments have the ability to formulate and substitute their own budget proposal for the government's, others can influence the budget by amending or rejecting it, and others are only permitted to rubber-stamp the budget placed before parliament (Wehner 2004). Even if a parliament can only accept or reject a budget, it still has the political leverage to contribute to setting the budget priorities. The degree of influence parliament has over the budget process is often attributable to whether a country has a presidential or parliamentary system. Generally, in a parliamentary system, relations between the parliament and the executive are cordial and more cooperative, because the executive is dependent on majority support in parliament. As such, parliament's rewriting the "entire executive budget proposal would be tantamount to a vote of no confidence in the government" (Wehner 2004; 9). In presidential systems, the political future of the executive does not depend on gaining the support of the majority in parliament, and the executive and the parliamentary majority are not necessarily of the same political persuasion. In situations in which the political futures of the executive and the majority in parliament are not directly linked, there is a greater likelihood that parliament will be willing to amend the budget.

Even a limited amount of authority to amend or reject portions of the budget can generate a great deal of influence. For instance, rejecting certain expenditures frees revenue to be spent on other priority items. In these instances the executive,

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3. Notably, this includes Commonwealth countries that follow a Westminster parliamentary system.

to ensure a smooth parliamentary approval process, will often be more willing to seek parliament's views, or consult with parliament, prior to tabling the budget. During consultations, parliament can seek to ensure both that the budget is fiscally sound and that it balances the needs of all constituents, thereby mitigating possible catalysts of conflict.

Parliamentary Oversight of the Security Sector

A widely recognized international norm (agreed to by the Community of Democracies and subsequent United Nations reports) assumes that in a functioning democracy, a country's military must be accountable to the democratically elected civilian government.[4] From the perspective of conflict management, a security sector that is not democratically accountable not only is unable to prevent conflict but also can foster violence (Damien, Luckham, and Von Tangen Page 2002). Therefore, one the most important tasks a parliament can perform is to help the executive exercise control over the security sector, thereby providing not just civilian control over the security sector but also democratic oversight by the people's representatives in parliament.

Oversight of the security sector is traditionally vested with the executive, which has the ultimate responsibility for proper operation of security institutions. The security sector has been defined as constituting all "state institutions and agencies that have the legitimate authority to use force, to order force or to threaten the use of force" (Born, Fluri, and Johnsson 2003; 16). Recently the Organisation for Economic Co-operation and Development (OECD) defined the agencies that constitute core security actors as including the armed forces, police, gendarmeries, paramilitary forces, presidential guards, military and civilian intelligence and security services, coast guards, border guards, customs authorities, and reserve and local security units such as civil defense forces, national guards, and militias (OECD 2004).

Until recently, most parliaments did not play a major role in the oversight of the security sector and have often been excluded from any involvement in the sector in general (UNDP 2002). Critics of parliamentary oversight usually cite parliament's time-consuming procedures and protocols, its lack of expertise on security issues, its lack of access to all the requisite intelligence needed to make informed decisions (Van Eekelen 2003), and concerns over its ability to keep classified material secret as reasons for making the executive the sole source of oversight of the security sector (Born, Fluri, and Johnsson 2003). However, as Born, Fluri, and Johnsson argued, if the objective is to bring the security sector under not just civilian control but also

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4. See also *The Final Warsaw Declaration: Toward a Community of Democracies.* Warsaw, Poland, June 27, 2000 (the 2000 Warsaw Declaration). The Community of Democracies is an association of Democratic states dedicated to strengthening democratic values and institutions. The *2000 Warsaw Declaration*, signed by more than 100 governments, committed them to build a community of democracies. In 2002 the Community of Democracies Convening Group set out the criteria that countries needed to satisfy to be considered a democracy and to participate in the Community of Democracies. One of the criteria is that the military remains accountable to a democratically elected civilian government (http://www.dem-coalition.org/pdf/CD_participation_criteria.pdf). The concept of civilian control over the military and other security forces was clearly cemented as a norm in international development policy with its inclusion as a key institution of Democratic governance in the United Nations Development Programme (UNDP 2002; 4).

democratic control, then parliamentary oversight is essential. Furthermore, these obstacles to effective parliamentary oversight can be overcome, and, in a growing number of instances, they have been. The Eastern European states, such as Bulgaria, the Czech Republic, Hungary, Latvia, and Lithuania, provide excellent examples of how parliaments are overcoming hurdles in order to provide effective oversight and democratic control of the security sector (Born 2003).

Parliaments can provide oversight in a number of ways, including reviewing the security sector budget; creating, debating, and recommending amendments to security sector bills; and providing input on the security issues that cause the most concern to the community. Government has an obligation to provide security for the people, but it also has a corresponding obligation to ensure that policy makers and security forces are accountable to the people for their actions and use of public resources (UNDP 2002). In turn, if parliament provides legitimacy to the decisions and actions of the security sector through democratic oversight, it is then obligated to help disseminate information to the community about governance of the sector and to justify any decisions made or actions taken or not taken (Van Eekelen 2003).

The OECD's definition of *core security actors* includes militia and paramilitary forces (OECD 2004), which are essentially groups of citizens organized in a military fashion. As nonstate actors, they fall within a broader category of nonstatutory security forces, which also includes liberation armies, guerrilla armies, private bodyguard units, private security companies, and political party militias (Andersen 2006). These private security actors do not always come under the oversight of parliament; however, in certain circumstances, such as when these parties are signatories to peace agreements of which parliament is overseeing the implementation, there is potential to extend parliamentary oversight to the activities of these nonstatutory security forces. Irrespective of this potential, parliaments should be conscious of the role these nonstatutory forces (which are often institutions of power in their own right) play in society and with respect to the issues the parliament is considering. For example, although these groups may provide protection and security to some members of the community, they also may prevent members of the community from coming forward or being truthful about their needs and wants, therefore inhibiting the capacity of parliaments to truly understand the perceptions and needs of the people they are serving (Andersen 2006).

Autonomous Accountability Institutions

The responsibility for overseeing the activities of the government is without doubt a massive undertaking that requires extensive resources and often specialist knowledge. Parliaments are able to turn to a number of autonomous accountability institutions for aid in providing oversight of government agencies and public officials. Autonomous accountability institutions take many forms and are designed for a multitude of purposes, whether addressing corruption, protecting human rights, or resolving individuals' complaints with respect to the conduct of government officials.

The following sections examine how three autonomous accountability institutions can contribute to conflict prevention and poverty reduction and, most in particular, what parliaments can do to aid the operation of these institutions. The three autonomous accountability institutions discussed are anti-corruption commissions,

the ombuds office, and national human rights institutions. No single universal model exists for any of these accountability institutions; in many instances, models have been fused to create composite accountability institutions, such as the inclusion of human rights oversight in the mandate of the ombudsman in Latin American and Central Europe or control of corruption in the mandate of the ombudsman in Papua New Guinea and Uganda (Ayeni 2001). Finally, parliament's role in establishing and evaluating autonomous accountability institutions is discussed in greater depth.

Irrespective of the model or the purpose of each autonomous accountability institution considered, a number of general lessons can be learned from examining the performance of these institutions over the years. In particular, these institutions will have a far greater chance of succeeding in their mission if they are given operational independence, conferred with sufficient powers to perform their allocated functions, sufficiently resourced, supported by strong political will, accountable to parliament rather than to the executive, and headed by people who have high standing in the community and are renowned for their integrity.

Anti-corruption Commissions

When trying to reduce poverty and ensure an equitable distribution of scarce resources, conflict-affected countries face a major hurdle in battling a culture of corruption. Corruption occurs when there is "monopoly and discretion without adequate accountability" (Cheema 2005). As corruption becomes more sophisticated and complex, the capacity of law enforcement officials to halt corrupt practices deteriorates. Conflict-affected countries potentially face multiple streams of corruption, from high-volume corruption such as police corruption and bribes for government officials, which occurs every day, and high-value corruption, such as a lack of probity in government procurement, to politically sensitive and sophisticated corruption, such as money laundering and organized crime (OSCE 2005).

Anti-corruption strategies are more likely to be successful in working democracies because well-functioning political institutions, such as parliament, have a significant role in fighting corruption. The "political macrostructure—related to the political system, balance of powers, electoral competitiveness, and so on—determines the incentives for those in office to be honest, and to police and punish misbehavior of others, such that the effects are propagated throughout the system to the lower levels of government" (Lederman, Loayza, and Soares 2001; 31). Parliaments have many options in targeting a culture of corruption, aside from ensuring that parliament itself is not corrupt, such as ensuring transparency in political party fundraising and fair election campaigns. First and foremost, when a parliament undertakes its oversight and lawmaking functions, it can focus on ensuring that the catalysts for corruption are minimized. For instance, by reducing cumbersome and expensive bureaucratic mechanisms and improving efficiency in public sector service delivery, parliaments can minimize the incentive for parties to bribe public officials to have services delivered faster or to have applications or licenses processed more promptly. Parliaments can promote and support policies and legislation that "improve public administration including reforms of public expenditure management, procurement procedures, auditing functions, and rules governing conflict of interest" (Heilbrunn 2004; 1).

Corruption has an adverse impact on the operation of an economy, especially developing economies or economies recovering after a period of violent conflict, when resources are particularly scarce.[5] Corruption acts as a disincentive for foreign investment, increases inefficiencies, and ultimately diverts resources away from community priorities, such as health, education, and infrastructure, to the benefit of a select few (Cheema 2005). Violent conflict is more likely to erupt in situations where poverty is widespread and groups in the community do not feel their needs and interests will be met if they work within the political system. The prevalence of corruption in a society can also weaken democracy by undermining public confidence in the government and the political system, which are often used by military actors to justify the overthrow of governments (Cheema 2005). If parliaments in conflict-affected countries wish to contribute to conflict prevention and reduce the incidence of poverty, it is imperative that they tackle corruption.

Parliaments often find it difficult to provide the extensive and specific oversight needed to significantly reduce corruption in the public sector. One option available to governments and parliaments, which have sought to bolster their ability to tackle all forms of corruption, has been to create specialized anti-corruption commissions (OSCE 2005). As with other autonomous accountability institutions, no one universal model exists for establishing an anti-corruption commission. However, unlike other accountability institutions discussed in this chapter, there is no single traditional model either. Rather, there are four main types of anti-corruption commissions (Heilbrunn 2004):

- The *universal model.* This model consists of an agency with investigative, preventive, and educational functions, such as Hong Kong's Independent Commission Against Corruption (ICAC).
- The *investigative model.* This model consists of a small, centralized commission similar to Singapore's Corrupt Practices Investigation Bureau (CPIB).
- The *parliamentary model.* This model consists of an independent commission that reports directly to specific parliamentary committees, such as the New South Wales ICAC.
- The *multiagency model* This model consists of a number of distinct individual offices work together to stem corruption.

Despite their growing popularity, anti-corruption commissions have been far from universally successful. For an anti-corruption commission to succeed, the political will to tackle corruption needs to be present, and the commission must be independent, with a clear and transparent reporting hierarchy that includes government representatives, parliament, and oversight committees (Heilbrunn 2004). When overseeing the budget process, parliament needs to ensure that the budget allocates sufficient resources to the anti-corruption commission to fulfill its mission. Parliament should also ensure that legislation is in place to enforce the findings of any corruption investigations undertaken by the commission, whether prosecutions are undertaken by the commission itself or by an independent and well-resourced public prosecutor. Only when these conditions are met will it be possible for this type of autonomous accountability institution to assist parliament in providing

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5. Transparency International's 2006 Corruption Perception Index suggests a strong correlation between corruption and poverty, with a concentration of poverty-stricken states at the bottom of the Index; see http://www.transparency.org/policy_research/surveys_indices/cpi/2006.

oversight of the government and, in doing so, to contribute to conflict prevention and reduction.

The Office of the Ombudsman

The Office of the Ombudsman is an autonomous accountability institution that has been established in more than 120 countries worldwide. The office is known by a variety of names as diverse as the Defensor del Pueblo in Argentina, Colombia, Peru, and Spain; as the parliamentary commissioner for administration in Sri Lanka; as the Public Complaints Commission in Nigeria; and as the Wafaqi Mohtasib in Pakistan.[6] Whatever the term used to describe the office, a generally agreed-to definition of an ombudsman is "[an] independent and nonpartisan officer . . . , often provided for in the Constitution, who supervises the administration. He [or she] deals with specific complaints from the public against administration injustice and maladministration . . . [and] has the power to investigate, report upon, and make recommendations about individual cases and administrative procedures" (Caiden, MacDermot, and Sandler 1983; 13). Therefore, the two essential characteristics of an ombuds office are that it has institutional independence (i.e., is external to the governmental bodies it is charged with scrutinizing) and that it is complaint driven (Oosting 2001). The ombuds office has the ability and authority to investigate, criticize, and recommend corrective action that uses fast, inexpensive, and informal procedures, but it has no power to sanction those in government who are responsible for any injustice or maladministration (Ayeni 2001).

An ombuds office can contribute to peacebuilding and conflict prevention through the mere act of its establishment: its creation indicates the government's commitment to justice and good governance (Kurian 1998), which builds public confidence in democracy. In countries where "democratic values are held in the highest regard, citizens demand fair and just treatment and the state is obliged to provide aggrieved individuals with ready access to avenues to seek redress, the significance of having an institution such as the ombudsman cannot be overemphasized" (Ayeni 2001; 41). As mentioned before, to ensure that aggrieved parties continue to work within the system, rather than resort to violence, it is important to provide them with avenues through which their concerns can be heard. An ombuds office provides a nontechnical, nonadversarial, inexpensive avenue for redress designed to resolve conflicts between citizens and public officials (Oosting 2001). In contrast to the judiciary, an ombuds office does not have coercive powers; rather, it usually relies on the power of persuasion to resolve conflicts. For this reason, the person appointed to head the ombuds office must be of high standing in the community and able to operate independently to maintain that standing.

Finally, the work of the ombuds office is an important quality-control initiative and thereby can contribute to poverty reduction and development. From the perspective of public officials, the ombuds office provides an "additional fail-safe check on their operations to ensure that any mistakes that have not been spotted are eventually caught and rectified," while also serving "to identify unintentional impacts of otherwise well-intentioned procedure" (Caiden, MacDermot, and Sandler 1983; 3). In this way the ombuds office helps government ensure that its

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6. *International Ombudsman Institute* Web site: http://www.law.ualberta.ca/centres/ioi/eng/history.html.

policies are truly responsive and addresses any unanticipated adverse impacts of government policies.

The ombuds office assists parliament in fulfilling its oversight function by handling individual grievances that members of the community have with public officials, which can often be a large and time-consuming aspect of parliamentarians' constituency duties. Accordingly, the ombuds office "reinforces the grievance-handling role of the legislature as a central institution of people-centered government" (Ayeni 2001; 45). Traditionally, the ombuds office reports its findings to parliament, which in most democratic systems is the highest supervisory body (Oosting 2001). However, in some limited circumstances an ombuds office may report directly to the government rather than parliament, as is the case with the prisons ombudsman in the United Kingdom (Kurian 1998). It is conjectured that an ombuds office that reports to the government instead of parliament is not an ombuds in the truest form; having the ombuds office report findings directly to parliament is one of the best ways to guarantee the independence of the office. Usually the office of the ombudsman is enshrined in the constitution or in its own statute (Oosting 2001); parliamentarians can aid passage of such an act and make certain that the language of the act ensures that the institution is both institutionally and operationally independent.

National Human Rights Institutions

Parliaments not only play a key role in the protection and promotion of human rights; they also establish the legal framework for the protection of freedoms, whether by passing human rights legislation, guaranteeing the independence of the judiciary (Inter-Parliamentary Union and Office of the High Commissioner for Human Rights 2005), or establishing institutions with the specific purpose of promoting and protecting human rights, such as national human rights institutions. National human rights institutions are bodies that are "established by a Government, under the constitution, or by law or decree, the functions of which are specifically defined in terms of the promotion and protection of human rights" (Centre for Human Rights 1995; para 39). The Paris Principles set out the standards and goals of national human rights commissions, which include legal reform, advocacy, contribution to reporting procedures under human rights instruments, education, and receipt of and action on individual complaints of human rights violations. In practice, the structure and design of national human rights institutions vary; however, most institutions are mandated to investigate the conduct of public officials, whether in a general way, to inform broader advocacy, or based on individual complaints, to determine whether the actions of the government and its representatives contravene human rights and fundamental freedoms (Reif 2000).

Transparency and accountability in government decision making, which come from objective scrutiny by autonomous accountability agencies such as national human rights institutions, help build public confidence in democracy. As long as groups in the community retain confidence in their democratic institutions, they will continue to seek resolutions to conflicts by reference to those institutions, rather than resort to violence. Recognizing this, the negotiators of a number of international agreements to end large-scale violent conflict have included the creation of national human rights institutions in the terms of the agreements. For instance,

during the Kosovo conflict, the unsuccessful Rambouillet peace proposal sponsored by the North Atlantic Treaty Organization (NATO) included the establishment of a human rights ombudsman. After the NATO bombing campaign, United Nations Security Council Resolution 1244 authorized the UN Interim Administration Mission in Kosovo to promote self-government in Kosovo, taking into account the Rambouillet proposal (Reif 2000). Similarly, the 1999 Lomé Peace Agreement between parties to the Sierra Leone conflict provided for the establishment of a human rights commission and a truth and reconciliation commission, and the UN Mission in East Timor was authorized by the United Nations Security Council to develop local democratic institutions, including an East Timorese human rights institution (Reif 2000). Furthermore, the 2001 Bonn Agreement that came into effect after the fall of the Taliban in Afghanistan placed a specific obligation on the interim administration to establish an independent human rights commission.[7]

For a national human rights institution to meet its potential as an accountability institution and contribute to peacebuilding, it has to be able to operate autonomously, separate from all branches of government, and in particular be independent of the executive branch (UNGA 1993). Guaranteed independence enables the institution to scrutinize the government's activities without fear of interference or reprisal. Although self-governing, a national human rights institution should be required to table its annual report in parliament and to have its activities generally overseen by parliament (Centre for Human Rights 1995). However, to support the institution's work, parliament should ensure that members of human rights institutions have security of tenure and, through the budget review process, should ensure that the institution has adequate ongoing financial resources.

Establishment and Evaluation of Autonomous Institutions of Accountability

Autonomous agents of accountability, such as those outlined above, usually cannot be created without the agreement of government and parliament. The government must possess the requisite political will, and parliament has to work for the passage of supporting legislation to ensure the successful creation of such institutions. However, governments are not always eager to form institutions designed to limit their freedom to act. As has been illustrated, autonomous agents of accountability are able to force the government, either by using coercive powers or by shedding light on embarrassing situations, to curb or alter government activity. Schacter (2005) notes that it is not in the interests of the government or public officials to establish these institutions, so clear public demand is necessary. Parliamentarians have a role to play in fostering such public demand, by presenting community demands to the government and by promoting the introduction of legislation establishing such institutions.

In the consideration of prospective legislation to establish autonomous institutions of accountability, best practice suggests that parliament should facilitate civil society's formal participation in these institutions. Civil society groups have traditionally been agents of vertical accountability; however, a recent trend has been to include civil society in horizontal accountability structures as well. This hybrid

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7. Section III (c)(6): *Bonn Agreement*, at http://www.afghangovernment.com/Afghan AgreementBonn.htm.

form of accountability, which breaks down the strict division between vertical and horizontal accountability, has been termed *diagonal accountability* (Goetz and Jenkins 2001). There is no reason why the state should maintain a monopoly over responsibility for oversight of the government. Furthermore, civil society has expertise and grassroots performance-monitoring capabilities, which many accountability institutions lack. Examples in which civil society can provide diagonal accountability by participating in horizontal accountability structures include citizen advisory boards that fulfill public functions, such as auditing government expenditures, supervising procurement, or monitoring elections (World Bank 2003). Goetz and Jenkins (2001) propose that horizontal accountability institutions have the following five key structural characteristics to facilitate diagonal accountability:

- Legal standing for nongovernmental observers within institutions of public sector oversight
- A continuous presence for these observers through the process of the agency's work
- Well-defined procedures for the conduct of encounters between citizens and public sector actors in meetings
- Structured access to the flow of official documentary information
- The right of observers to issue a dissenting report directly to legislative bodies

Strengthening autonomous institutions of horizontal accountability through the structured inclusion of civil society helps build greater public confidence in the work of these institutions. In turn, the inclusion of civil society confers greater legitimacy on the government through more transparent accountability mechanisms.

Parliaments should not only champion the establishment of these institutions, but also exercise their oversight function to ensure the institutions' successful performance. This support is especially important when considering the contribution that autonomous accountability institutions can make to conflict prevention by enhancing public confidence in the integrity of the government's activities. Schacter (2005) recently proposed an analytic model that operates as a self-analysis tool for governments to determine whether they operate in a productive accountability relationship. The model is based on an accountability cycle and concentrates on the interaction between institutions of accountability and the government. Parliaments can also use this model when exercising their oversight functions to evaluate the performance of autonomous accountability institutions and to determine whether any barriers hinder such institutions from fulfilling their potential.

Conclusion

To understand how parliament can contribute to conflict prevention and poverty reduction through normal everyday business, an important consideration is how parliament can use its accountability function. Parliament has the specific responsibility to exercise oversight of the executive branch in order to hold it and its agents accountable for their policies and actions. Parliament's oversight function is designed to provide horizontal accountability. At its most general level, parliament's accountability function ensures that the government is performing well, thus instilling public confidence in government and the democratic process.

Parliament chiefly provides direct oversight of the government through parliamentary committees and, in certain countries, during question time on the floor of parliament. The two most important types of parliamentary committees are money committees that scrutinize the budget and committees that provide oversight of the security sector. Both types are pivotal to parliament's use of its oversight function to create an environment that encourages peace and stability in conflict-affected countries.

In addition, parliament can support the formation of autonomous institutions of accountability to assist it with its oversight functions. When drafting and reviewing the legislation establishing autonomous accountability agents, parliament needs to insist that the enabling legislation and regulatory environment provide the following conditions for these institutions:

- They are given sufficient resources.
- They enjoy operational independence, particularly from government.
- They are granted sufficient powers by the establishing legislation to perform their allocated functions and meet their mandate.
- They are accountable to parliament through a mandatory reporting mechanism.
- They are headed by people who have a high standing in the community.

In addition, parliament should ensure that the legislation establishing these institutions provides for the formal inclusion of civil society organizations in the performance of the institutions' functions. Parliament's role in guaranteeing the performance of these institutions extends well beyond supporting the institutions' formation to providing adequate and ongoing oversight of the institutions to ensure that they are implementing their mandates and reaching their potential. Embracing and empowering autonomous accountability institutions to provide oversight of the government not only aids parliament in the performance of one of its core functions, but also helps strengthen community confidence in parliament, not only as a democratic institution but also as an institution that can contribute to poverty reduction and peacebuilding.

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7

Parliamentary Oversight of Defense in South Africa

Robert J. Griffiths

Democratic Transformation and Defense Policy

South Africa's transformation from apartheid to majority rule represents a remarkable example of democratic transition and consolidation. The creation of perhaps the world's most progressive constitution combined with the establishment and strengthening of institutions that support democracy have been important components of this success. Among the critical issues that have had to be addressed in the context of this transformation is the reorientation of defense policy and the establishment of civilian control of the armed forces. The issues surrounding security sector reform have been particularly important because of the role of the armed forces in repressing opposition to apartheid. South Africa's role as regional hegemon and its role in regional peacekeeping and humanitarian intervention further underline the importance of security sector reform.

One of the key elements of the effort to ensure transparency and accountability in the reorientation of defense policy is the establishment of parliamentary oversight of security sector and, in particular, defense policy. The security sector has responsibility for a critical state function and because of the role of the military under apartheid, it is vitally important that parliament ensures the armed forces are under effective civilian control. Beyond that, parliament can also serve as a counterweight to executive dominance of defense policy (IPU and DCAF 2003; 18). During apartheid mechanisms of civilian control theoretically existed, although in practice there was little oversight of the armed forces. Two reasons account for this lack of supervision. First, national security played a paramount role during the "total strategy" era, giving the armed forces considerable influence in policy making.[1] Second, although members of parliament had some military experience due to conscription, little effort went into developing parliamentary expertise in military affairs. Instead, the tendency was for parliament to accept the military's

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1. *Total strategy* was a policy formulated by the apartheid regime to combat what it saw as a total onslaught from communist and anti-apartheid forces. See, for instance, Griffiths (1991), Grundy (1986), and Metz (1987).

assessments and recommendations.[2] As one member of the parliamentary defense committee remarked in 1996, before 1994 there were no civil-military relations to speak of, and no strict oversight existed.[3] Democracy's requirements of accountability, transparency, and legitimacy necessitated the creation of institutions to ensure civilian dominance of defense policy and also opened civil-military relations and defense policy to greater parliamentary control. This involved creating a civilian defense department and secretariat, as well as establishing mechanisms for effective parliamentary oversight. The effectiveness of parliamentary oversight is influenced by a variety of institutional and practical considerations, including the nature of the electoral system, patterns of party discipline, executive-legislative relations, and the capacity of the defense committees to effectively monitor policy.

The Establishment of Parliamentary Defense Oversight

South Africa's electoral system uses a closed-list, proportional representation method. Political parties compile regional and national lists for the 400 seats in the National Assembly, and representation is awarded on the basis of the party's proportion of the vote using the proportional, largest-remainder method.[4] As the parties submit the lists of candidates, and members of parliament do not represent specific districts, the party can impose strict discipline on its members, resulting in a high likelihood that members of parliament will support the party's position on policy issues (Nijzink 2001). Moreover, the executive has a substantial advantage in terms of expertise, especially given the technicalities of defense policy. The technical expertise of the executive provides greater influence in formulating defense policy in contrast to the parliamentary committees, which lack support staff.

Reflecting the concern about civil-military relations and defense policy, after the 1994 elections two parliamentary committees were created to deal with defense: the Defense Portfolio Committee and the Joint Standing Committee on Defense (JSCD). The portfolio committee focuses largely on legislation regarding defense. However, the Joint Standing Committee, which is composed of members of both the National Assembly and the National Council of Provinces (NCOP), was established primarily to oversee the military's transformation.

The allocation of seats on the Defense Portfolio Committee is determined by the percentage of seats held in the parliament. The current distribution of seats on the committee breaks down in the following way: the African National Congress (ANC) holds 10 seats; the Democratic Alliance holds 2; and the Inkatha Freedom Party (IFP), Freedom Front Plus (FF+), and the Pan-Africanist Congress each have 1 seat. Of the five alternates, three are from the ANC, and two are from the IFP and the United Democratic Movement. On the JSCD, where representation is restricted to parties with more than 10 seats, the ANC holds 20 seats, the Democratic Alliance has 4, and the IFP has 2. Of the four alternates, three are from the ANC and one is from the Democratic Alliance.

The committees have a range of powers that include the ability to summon witnesses; compel witnesses to give evidence or produce documents; require reports

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2. Interviews, Defense Headquarters, Pretoria, June 1992 and July 1996.

3. Interview, Parliament, Cape Town, February 2000.

4. For a detailed explanation of South Africa's electoral system see Alvarez-Rivera (1999–2006).

from individuals or institutions; and receive petitions, representations, or submissions from the public.[5] Under the National Assembly rules, the portfolio committee must maintain oversight of "the exercise within its portfolio of national executive authority, including the implementation of legislation; any executive organ of State falling within its portfolio; any constitutional institution falling within its portfolio; any body or institution in respect of which oversight was assigned to it." It may also "monitor, investigate, enquire into, and make recommendations concerning any such executive organ of state, constitutional institution, or other body or institution, including the legislative program, budget, rationalization, restructuring, functioning, organization, structure, staff and policies of such organ of the state, institution, or other body or institution."[6]

The JSCD has responsibility for performing investigations and for making recommendations on the South African National Defence Force's (SANDF's) budget, functioning, organization, armaments, policy, morale, and state of preparedness, as well as any other functions related to parliamentary supervision of the forces as may be prescribed by law (Government of South Africa 1996). The JSCD played an important role in reviewing the drafts and final version of the 1996 *Defense White Paper* and the 1998 *Defense Review*. Its membership has been drawn largely from the ranks of party bureaucrats, and the committee has exercised considerable political clout (Frankel 2000; 118–19). Because of the broad mandate outlined in the *Defense White Paper* of 1996, the JSCD has been involved in a variety of oversight activities. It has reviewed the budget, overseen policy implementation, tried to reconcile differences that emerged between the SANDF and the Defense Secretariat, and has engaged in fact-finding efforts such as after the September 1999 incident in which a black officer went on a rampage at an army base outside Blomfontein and killed seven whites before being shot dead. The JSCD's broad monitoring role was deemed to be necessary because of the challenges of integrating and transforming the South African armed forces.[7] Although the transformation of the SANDF is not yet complete, the portfolio committee has taken on most of the responsibility for committee work related to the defense sector (Cawthra 2005).

Early tensions between the defense force and the parliamentary committees have given way to greater cooperation. Initial exchanges were strained, especially between old guard SANDF officers who were unaccustomed to scrutiny by parliament, particularly by a committee headed by ANC members of parliament.[8] In fact, an initial request by the navy to purchase new vessels was rejected by parliament. This came as a surprise to military officers accustomed to getting what they wanted.[9] During the development of the *Defense White Paper* and the *Defense Review*, as well as work on the Defense Act, the JSCD was actively involved and refused to rubber stamp decisions. Their involvement in drafting policy was initially resisted and viewed as interference but has now come to be accepted and even welcomed (Modise 2004). Despite getting off to a somewhat rocky start, parliamentary

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5. See the new Web site of the Parliament of South Africa, "Committees," http://www.parliament.gov.za.

6. National Assembly Rules, June 1999, Part 9, rule #201, p. 50.

7. Interviews, parliament, Cape Town, February 2000.

8. Interviews, parliament, Cape Town, July 1996 and February 2000.

9. Interviews with Defense Committee staff, Cape Town, July 1996.

oversight is now well established and the committees regularly request meetings with defense officials and review policy and budgets.

Certain key documents provide the basis for South Africa's defense policy and represent guidelines for parliamentary oversight. South Africa's shift to democracy prompted the minister of defense to present a draft white paper on national defense in June 1995 and to invite comments from parliament and the public. Several subsequent drafts incorporated the comments of the various political parties, nongovernmental organizations, the defense industry, defense analysts, the SANDF, the parliamentary committees, and the public. The final draft, which incorporated input from these participants, was approved by the cabinet and released in May 1996.[10] In presenting the white paper, then Defense Minister Joe Modise described it as reflecting "a national consensus on defense policy."[11] The white paper outlined policy on the challenges of transformation, civil-military relations, the strategic environment, budgetary issues, the role and function of the armed forces, the arms industry, and human resources issues.

To elaborate on the broad policy outlines of the white paper, and in a further effort to involve the public, a defense review was undertaken in 1996. Under the auspices of a working group appointed by the minister and coordinated by the defense secretary, national consultative conferences were held in February and August of 1996 and in May of 1997. Two rounds of regional workshops were also held throughout the country in July 1996 and May 1997. The defense review sought to determine the appropriate size, structure, and force design of the SANDF into the 21st century and addressed issues such as South Africa's approach to security and defense, arms control, defense posture and spending, peace operations and regional security, and deployment of the defense forces in support of the police.[12] The review concluded that the SANDF should be primarily a defensive force under constitutional control and shaped by South African defense and national policy. Its tasks were to defend against military threats and internal threats to the constitutional order, and to promote regional and international security. The SANDF was envisioned as consisting of a core force that could be expanded by calling up a part-time component when necessary. The size and design of the force was to be based on a needs-driven but cost-constrained approach to defense. Initial indications were that defense allocations would be in the neighborhood of 1.5 percent of gross domestic product, with recognition that circumstances might dictate fluctuation in that figure.[13]

The Strategic Defense Procurement Package and Parliamentary Oversight

The 50 billion Rand Strategic Defense Procurement Package (SDPP) announced in 1998 provides an opportunity to examine South Africa's progress in solidifying legitimacy, transparency, accountability, and parliamentary oversight of defense in light of the controversial decision to go forward with a large purchase of weapons from abroad. During apartheid, an international arms embargo prevented Pretoria

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10. "Drafting Memorandum," *Defense White Paper*, May 1996.
11. Foreword, *Defense White Paper*, May 1996.
12. See *South African Defense Review*, ch. 1, available at www.mil.za/secretariat/defense.
13. *Defense Review*, chap. 15, sections 13–20.

from acquiring weapons abroad. Although South Africa developed a sophisticated domestic arms industry, it could not meet all the armed forces' needs. In 1998, after a four-year debate, the government announced a 30 billion Rand arms procurement deal to upgrade South Africa's defense capability. The purchases included 3 submarines, 4 corvettes, 30 helicopters, 28 jet fighters, and 24 training aircraft.[14] To pay for this package, military spending was slated to increase from 10.72 billion Rand in fiscal year 1999/2000 to 13.76 billion Rand in 2000/01 and then up to 15.27 billion Rand the following year.[15] The 3 billion Rand increase in the defense budget between the 1999/2000 and the 2000/2001 budget was due to this procurement.[16] Military spending was scheduled to rise to 16.8 billion Rand in 2002/03 with a further increase to 17.8 billion Rand in 2003/04.[17]

The decision to purchase these weapons and the increased military spending provoked considerable debate. Though the need to replace aging weapons was widely acknowledged, many questioned the expenditure of such a large sum. Critics argued that it was extravagant in a country that was struggling to provide housing, electricity, and other social services; others charged that the procurement was ill-suited to South Africa's likely defense challenges (Williams 2005). Defense Department officials contended that instability in the region and the need to protect maritime resources justified the spending package.[18] To make the purchase more palatable, a deal was negotiated that would purportedly bring some 65,000 jobs to South Africa's economy, which is in desperate need of employment opportunities. The jobs would come as a result of an industrial offset package that requires suppliers of the weapons to invest in local industry.[19] Despite government approval of the package, questions remained regarding the employment benefits of the deal and irregularities in the procurement process.

The force design contained in the *Defense Review* was presented to South Africa's parliament in March 1998. Although the parliament endorsed the review recommendations, it is not clear that it ever actually approved the arms package. The Institute for a Democratic South Africa (IDASA) asserted that when the parliament approved the force design, it did not approve the procurement package. Instead, IDASA maintained that parliament approved a concept of defense that was likely to change over time, was subject to parliamentary oversight, and actually represented a wish list that the Defense Department realized was unrealistic, given fiscal constraints.[20] Nevertheless, the government went forward with the deal, announcing in September 1999 that the suppliers had been selected, and the price of the package was placed at 21.3 billion Rand over eight years.[21] The cost subsequently rose to 30.3

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14. Address by Minister of Defense Mosiuoa Lekota on the Occasion of the Defense Budget Vote, April 7, 2000, http://www.mil.za/ministry/speeches.

15. See "Military Manoeuvres," *Africa Confidential* 41, no. 8 (April 14, 2000), 1.

16. See "Business Report Budget Special," *Cape Times,* February 24, 2000.

17. "South African Military Budget," http://www.globalsecurity.org/military/world/rsa/budget.htm.

18. See Tom Nevin, "South Africa: Guns and Butter," *African Business*, January 1999.

19. See for instance, "Improper Influence in Arms Deal Probed," *Daily Mail and Guardian*, October 31, 2000. http://www.mg.co.za.

20. "Democracy and the Arms Deal: An Interim Review by IDASA," http://www.idasact.org.za/pims/arms/review.

21. "Chronology of the Arms Deal/Strategic Defense Procurement Package," http://www.idasact.org.za/pims/arms/ebrahim.htm.

billion Rand and by September 2000 was reported to be 43.8 billion Rand due to foreign exchange rate changes and contractual price escalations.[22] Estimates of the cost of the defense package eventually rose to 53 billion Rand by 2003.[23]

Aside from the cost increases, questions were also raised regarding the benefits of the offsets guaranteed under the terms of the deal. These offsets required contractors to provide certain economic benefits to South Africa, including selecting local subcontractors to provide some of the military hardware. Contractors were also required to provide nonmilitary trade and investment. The value of these offsets was initially put at 110 billion Rand, but this was later reduced to 104 billion Rand.[24] These offsets were also supposed to create the 65,000 new jobs that were promised.[25]

Allegations of corruption accompanied the awarding of the contracts. Patricia de Lille, the then Pan-Africanist Congress member of parliament, produced documents she said came from ANC members alleging corruption, including bribes paid to senior ANC officials and contracts for their relatives.[26] Among those subsequently convicted of corruption were Tony Yengeni, the ANC's chief parliamentary whip and chair of the Joint Standing Committee on Defense during the contract negotiations, who obtained a discounted Mercedes from a contractor. He was convicted of fraud and sentenced to four years in jail. Other high-ranking ANC officials accused of wrongdoing were the late former defense minister Joe Modise, who signed an agreement for the purchase of submarines three days before leaving office. Modise subsequently obtained a loan to buy shares of a company, of which he served as chairman, that had interests in the arms industry. Shamin Shaik, who was head of arms procurement for the Defense Department, was also alleged to have family connections to local firms that were awarded contracts as part of the offsets arrangement.[27] Shaik's brother, Durban businessman and one-time financial adviser to former deputy president Jacob Zuma, was also convicted of fraud and corruption. His conviction resulted in Zuma's dismissal from his post as deputy president following Judge Hilary Squires's characterization of the relationship between Shaik and Zuma as "generally corrupt."[28] The combination of skepticism about the cost and benefits of the package, as well as the allegations of corruption, ultimately triggered a series of investigations into the arms deal.

In September 2000, the auditor-general, who is constitutionally responsible for auditing all government expenditure, submitted a report to the parliament's Standing Committee on Public Accounts (SCOPA). SCOPA is responsible for overseeing public expenditure of all government departments. When SCOPA receives a report from the auditor-general indicating any fiscal irregularity, the committee must investigate. In the course of its investigation, SCOPA has the power to call the

22. "Fourteenth Report of the Standing Committee on Public Accounts," http://www.idasact.org.za/pims/arms/scopa.htm.

23. "Arms Deal Cripples SANDF," *Mail and Guardian*, March 20, 2003, http://www.mg.co.za.

24. "Democracy and the Arms Deal," http://www.idasact.org.za/pims/arms/review.

25. Tom Nevin, "SA's R50b Arms Deal Scandal," *African Business*, June 2001.

26. "Arms for Oblivion," *Africa Confidential*, 42, no. 3 (February 9, 2001), 7.

27. "Lethal Weapons: South Africa's Arms Deal Investigation May Uncover Corruption in the ANC," *Time International* (April 16, 2001), 44.

28. "Zuma Axed," *The Star*, June 14, 2005, http://www.iol.co.za.

parties involved before the committee to account for and explain their actions.[29] The auditor-general questioned why the approved package was significantly more expensive than other proposals and recommended a full investigation.[30] SCOPA considered the auditor-general's report and issued its own report in October 2000, in which it raised questions about the cost, offsets, selection of both contractors and subcontractors, and the Defense Department's acquisition policies. It also called for a combined investigation involving the auditor-general, the Special Investigating Unit (SIU), the public prosecutor, the Investigating Directorate of Serious Economic Offenses, and any other relevant investigative bodies.[31]

A meeting of several investigative bodies was held in November 2000, where it was determined that the Directorate of Special Operations of the National Prosecuting Authority, the offices of the auditor-general and the public prosecutor, and the Special Investigating Unit under the direction of Judge Willem Heath would conduct a joint investigation of the SDPP.[32] The South African Constitutional Court subsequently ruled that a judge could not head the SIU, and Minister of Justice Penuel Maduna advised President Mbeki that the SIU under Heath should not play a role in the investigation. President Mbeki then announced that he would not grant a special proclamation authorizing the SIU to take part in the investigation.[33] The SIU, established by former president Nelson Mandela, had the capacity to invalidate contracts and reclaim state money if corruption was involved in the granting of contracts.[34] The SIU reclaimed some R 314 million between 1997 and early 2001 from deals in which it found evidence of corruption. Critics charged that the SIU was excluded because of its effectiveness.[35] This issue became the subject of a controversy stemming from whether SCOPA expressly called for the inclusion of the SIU in the investigation and President Mbeki's decision not to allow the SIU to participate.[36]

Acting on the recommendation of the Standing Committee on Public Accounts, the Joint Investigative Team (JIT), consisting of the Office of the Public Prosecutor, the Office of the Auditor-General, and the Directorate of Special Operations of the National Prosecuting Authority, held its first meeting in November 2000. Prior to the meeting's commencement, the investigation had been referred to six parliamentary committees.[37] The joint investigation was unique because it involved the cooperation of three agencies conducting a simultaneous investigation into alleged irregularities and criminal conduct. The public nature of the investigation was

29. "A Brief Introduction to SCOPA," http://www.idasa.org.za.

30. "Chronology of the Arms Deal/Strategic Defense Procurement Package," http://www.idasact.org.za/pims/arms/ebrahim.htm.

31. "Fourteenth Report of the Standing Committee on Public Accounts," http://www.idasact.org.za/pims/arms/scopa.htm.

32. "Joint Report on the Strategic Defense Procurement Package," chap. 1, p. 7, http://www.agsa.co.za.

33. "Chronology of the Arms Deal/Strategic Defense Procurement Package," http://www.idasa.org.za/pims/arms/ebrahim.htm.

34. Nevin, "SA's R50b Arms Deal Scandal."

35. "Arms for Oblivion," *Africa Confidential*, 7.

36. See Judith February, "Democracy and the South African Arms Deal," http://www.iss.co.za/seminars/2004/1503graft/rsa.pdf.

37. Interview, Parliament, Cape Town, July 2003.

also unprecedented, and as a result the JIT worked in uncharted territory.[38] The JIT found some irregularities and shortcomings in the procurement process, including a lack of evaluation criteria for companies submitting bids, business plans that were not submitted in a timely fashion, and decisions on offset arrangements that were made on an ad hoc basis. The JIT also found that the cabinet was aware of the cost escalation in the deal, and investigators were critical of the model used by the affordability team. In addition, the JIT found a conflict of interest related to the involvement of the Defense Department's chief of acquisitions, Shamin Shaik, whose brother had an interest in one of the foreign contractors.[39]

The Implications for Defense Oversight

The SDPP provides insight into the development of transparency and accountability in defense policy and highlights the challenges of effective parliamentary oversight. Arms procurement is particularly well suited for analysis of transparency and accountability because of the controversy generated by arms sales, their technical complexity, and the potential for corruption often associated with such lucrative transactions. The package also exemplifies several problems associated with parliamentary oversight, including the role of party discipline, executive-legislative relations, and the capacity of parliamentary committees to adequately monitor the complexities of defense policy, particularly those related to arms procurement. Although the Defense Department white paper and the *Defense Review* offered broad guidelines for defense policy, details were left out.

The controversy over whether parliament directly approved the SDPP illustrates the ability of the executive to push forward with policies it favors even in the absence of explicit legislative approval. Once the executive decision was made, strong ANC party discipline made it difficult for members of parliament to challenge the procurement package. Opposition parties could question the deal, and they did, but they were powerless to stop it. Moreover, a lack of both parliamentary expertise with respect to arms procurement and parliamentary support staff to assist members of parliament in making independent judgments regarding the purchase made it even less likely that parliament would challenge the decision. This reflects a key shortcoming of parliamentary committees in new democracies—the lack of defense expertise (Nathan 2004). Although members of the South African parliamentary committees often have military backgrounds, that does not guarantee the high level of expertise required to oversee the complexities of such an arms deal.

Although the arms purchase was unique and such a decision is unlikely to come up again soon, the package demonstrates that the military retains significant influence in defense policy making despite the fiscal constraints and competition for resources in post-apartheid South Africa. The armed forces, prevented from purchasing arms from abroad during apartheid, lobbied successfully for a major upgrade in military hardware, taking advantage of an open market and a post–Cold War excess of defense production capacity in the West. The end of the international arms embargo and the decision to purchase arms from foreign suppliers

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38. "Strategic Defense Package Joint Report," ch. 1, 10.

39. "Democracy and the Arms Deal: Part III," http://www.idasa.org.za/m_main.php?view=2&art_id=919.

required the creation of new procurement procedures. Parliamentary capacity, characterized by unfamiliarity with the recently established procurement process and lack of technical knowledge needed to translate the approved force structure into appropriate weapons systems—combined with executive dominance of decision making and tight party discipline—hindered parliament's ability to effectively moderate the armed forces' push for an expensive weapons package. Confusion is apparent regarding whether the parliament's approval of the *Defense Review* constituted approval of the arms purchase, along with gaps in the oversight capacity of the defense committees on this issue. Among the general shortcomings regarding oversight mentioned by members of parliament are a lack of budgetary expertise, some unwillingness to challenge the defense department (for fear of being labeled obstructionist or undermining democracy), and a lack of overall capacity to effectively oversee defense issues.[40] In the latter case, legislative capacity building has to be emphasized through the "development of analytical and policy-interrogative skills and defense parliamentarians' understanding of the defense policy, planning, budgetary, and programming cycle" (Williams 2005; 21).

The arms deal also suggests some questions regarding the functions of independent investigative agencies, the separation of the ANC and the government, and the role of parliamentary committees. As IDASA noted, in democracies with one dominant party, the strong party system and the close links that members of parliament have with the executive branch make it difficult to exercise effective oversight.[41] The ANC's dismissal of Andrew Feinstein, its head of the parliamentary study group on SCOPA, and his replacement by Geoff Doidge, the ANC's deputy chief whip, were seen as a reprisal for Feinstein's backing of SIU involvement in the JIT.[42] Feinstein later spoke at an IDASA seminar on parliamentary oversight and accountability and advocated close oversight of the executive and executive accountability to parliament. He also called for SCOPA's insulation from political interference, particularly from the executive.[43] The February 2002 resignation of the inspector general of intelligence also raised questions of civil oversight and, in the aftermath of SCOPA's controversial push for an investigation of the arms deal, indicated a trend toward consolidation of executive power.

Under President Mbeki parliamentary oversight has become less vigorous. The president no longer faces weekly questions from parliament, and ministers appear before parliament less than they did under President Mandela.[44] Nevertheless, parliamentary oversight has been firmly established even if not always fully realized. The Defense Portfolio Committee and the JSCD are capable of reviewing legislation, holding hearings, and monitoring defense policy. Also, since 1994, parliamentary rules have given committees extensive powers, and most parliamentary committees conduct their meetings in public.[45] Furthermore, oversight ability is improving and the portfolio committee regularly amends bills as it seeks to leave its mark on legislation.[46] Parliamentary influence on two other important pieces of legislation

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40. Interviews, parliament, Cape Town, February 2000.
41. "Democracy and the Arms Deal: Part III."
42. See "Arms for Oblivion," *Africa Confidential*, 42, no. 3 (February 9, 2001), 7.
43. "The Arms Deal/Strategic Defense Procurement Package."
44. "Watch on the Spooks," *Africa Confidential*, 43, no. 3 (February 8, 2002), 3.
45. Barry Streek, "Watchdogs that Bark, Not Bite," *Daily Mail and Guardian*, February, 14, 2001, http://www.mg.co.za.
46. Interviews, parliament, Cape Town, July 2003.

since the arms deal has yielded mixed results. The National Conventional Arms Control Act of 2002 was enacted despite concerns in parliament regarding issues of transparency and parliament's participation in the review of conventional arms sales. In the case of the Protection of Constitutional Democracy Against Terrorism Act of 2004, parliament played an important role in changing the provisions of the law that define terrorist activity.[47]

In addition, the so-called Chapter 9 institutions, which are grouped in the constitution under the heading of "State Institutions Supporting Constitutional Democracy" and include the public prosecutor and the auditor-general, are functioning and, in conjunction with the National Prosecuting Authority of the judicial branch, have played an important role in the investigation of the arms deal. IDASA's evaluation of the JIT's report disagreed with critics who labeled the report a whitewash. IDASA concluded that the report was in some ways "quite damning." It noted that the report was explicit about areas and departments in which controls were nonexistent and checks and balances were ignored.[48] Furthermore, IDASA's monitoring role and that of other organizations demonstrates an increasingly effective and vigilant civil society.

The problems illustrated by the arms deal can be seen as the growing pains of a consolidating democracy. The ANC's dominant political position raises some concerns about transparency and accountability that will undoubtedly remain given the ANC's capture of two-thirds of the vote in the 2004 elections and a commanding advantage of 279 of the 400 National Assembly seats. Perceptions of the ANC's intolerance of criticism and the centralization of power in the executive reinforce these concerns (Piombo 2004). Despite some flaws, the handling of the investigation and the public nature of the controversy over the SDPP demonstrate significant promise for the further strengthening of South African democracy and provide important lessons regarding defense oversight in South Africa.

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47. Judith February, "Parliament's Oversight Role," http://www.idasa.org.za.
48. "Democracy and the Arms Deal: Part III" http://www.idasa.org.za/.

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8

Social Accountability—Citizens, Civil Society, and the Media Working with Parliament to Prevent Conflict and Reduce Poverty

Mitchell O'Brien

Democratic systems hold government and public officials accountable through both horizontal and vertical means. Chapter 6 considered the concept of horizontal accountability whereby government is held accountable by parliament and other autonomous institutions. This chapter examines vertical accountability, or the means through which citizens, the mass media, and civil society seek to enforce standards of good performance by officials (Cavill and Sohail 2004; Goetz and Gaventra 2001; Malena, Forster, and Singh 2004; McNeil and Mumvuma 2006; Shah 2005; World Bank 2004; World Bank Institute [WBI] 2005). Social accountability increases the effectiveness of development by improving public service delivery and better informing policy design (Arroyo and Sirker 2005). It embraces civic engagement so that ordinary citizens and civil society organizations can participate directly or indirectly in exacting accountability and ensuring that decision making is more responsive to the needs of the community (Bovens 2006; Malena, Forster, and Singh 2004; McNeil and Mumvuma 2006; WBI 2005). Social accountability mechanisms are an example of vertical accountability. As this chapter examines the stakeholders that provide vertical accountability—namely, citizens, civil society, and the media—it also looks at how parliament can contribute to conflict prevention and poverty reduction by adopting a broad strategy of civic engagement and openness, and by reaching out to and partnering with these actors.

Civic engagement has an essential role to play in fostering social capital and successful development (Malik and Wagle 2003), which in turn contributes to building an environment that discourages the outbreak of violent conflict. The public may begin to lose faith in the democratic process when it perceives that the government makes ill-informed decisions based on unreliable information, is not responsive to the needs of the community, or is no longer accountable. Alternatively, when decision makers and representatives pay attention to the "concerns of constituents and opportunities for citizens to participate in the legislative process [it] help[s] to legitimize government action and enhance public support for representative democracy" (Kurtz 1997; 2). In addition, greater community participation ensures that members of parliament are aware of any frictions in the communities they represent. They can respond directly to help stop societal fractures from turning into violent conflict.

Participation has been characterized as a process, not an event that closely involves people in the economic, social, cultural, and political processes that affect their lives (UNDP 1993). Effective participation is realized when all citizens have an "adequate and equal opportunity to express their preferences, place questions on the agenda, and articulate reasons for endorsing one outcome over another" (Sisk 2001). Community participation is vital to responsive decision making and "essential for good governance as it improves information flow, accountability, [and] due process, and gives voice to those most directly affected by public policy" (Sisk 2001; 147).

Participation enhances social accountability by involving people in the design, delivery, and assessment of the programs, services, and decisions offered or made by government agencies (Paul 1996). However, to participate, people need to be empowered. Empowerment is the "expansion of poor people's assets and their capabilities to participate in, negotiate with, influence, control, and hold accountable institutions that affect their lives" (Arroyo and Sirker 2005; 7). Without such empowerment, civil society organizations would not have the tools to effect change or assist parliament in delivering the best outcomes for their communities. For instance, the Nepali government's willingness to empower the Safe Motherhood Network, a civil society–based organization, so that it could participate in the design and implementation of the country's child health policy, contributed to a far better outcome for children's health in Nepal than previously attained under government programs that were designed and implemented without community input (Brinkerhoff and Crosby 2002).

Both civil society organizations and the media are social assets that empower community members to participate directly in the design, delivery, and assessment of initiatives undertaken by the government, and to assist parliament in the performance of its legislative and oversight functions on these same initiatives. Empowering civil society groups and the media enables them to exert more influence in their dealings with public officials and to ensure that the government adheres to the policies and delivers services (Brinkerhoff and Crosby 2002). Parliaments benefit from encouraging the development of a strong civil society and establishing dialogue and partnerships with its members to build trust, increase participation, and improve the flow of information. Particularly in developing countries, direct engagement between parliamentarians and their constituencies may be hampered by limited financial resources, the distance between the capital and their constituencies, and poor transport and communications infrastructure. By partnering with civil society and the media, parliamentarians can overcome many of these barriers and gain deeper insight into the needs and interests of their constituency. Moreover, civil society groups can act as an important conduit of information between parliament and disadvantaged groups who may not be targeted in general constituency outreach.

The more informed parliamentarians are about the issues faced by disadvantaged groups, the better able they are to respond and ensure that parliament's actions contribute to peacebuilding rather than to deepening cleavages within the community. At the same time, parliament can also work with civil society to explain the reasoning behind its decisions and build public support for its actions. The media play a unique role in disseminating information and in ensuring transparency and accountability for decisions made by government and parliament. An informed society means citizens have a deeper understanding of the issues and, ideally, deeper knowledge about what is needed to spur development.

Parliament and Constituency Relations

To engage citizens in the work of parliament, parliamentarians should reach out to their constituents and facilitate their participation in decision making and the setting of policy priorities. It is important to examine some of the barriers to strengthening parliamentary-constituent communication, along with examples of outreach and empowerment techniques employed by parliamentarians to engage citizens directly.

Parliamentarians offer many different types of constituent services, but the most essential service is to act as a conduit between ordinary people and decision makers. Two-way communication between parliamentarians and their constituents is desirable for participatory and responsive decision making; according to Kurtz (1997) the following are some of the institutional and environmental barriers that inhibit such communication:

- Electoral and party systems that do not reward outreach to constituents
- Lack of resources and infrastructure for communication
- High illiteracy rates that inhibit written communication between parliamentarians and citizens
- Poor educational systems and a lack of general knowledge as to how citizens can influence government decisions
- A lack of democratic culture or a history of repression that discourages citizens from expressing their views
- Inadequate media reporting

Institutional Incentives for Constituent Outreach

Electoral laws and party systems differ across countries and affect institutional incentives for parliamentarians to make the effort to engage with their constituents. Institutional arrangements can either promote or dissuade parliamentarians from reaching out to their constituents. For instance, if an electoral system establishes single-member districts, members of parliament will experience a greater demand for constituent services, because citizens can identify a single representative to approach for information and to remedy concerns (Kurtz 1997). Conversely, if a system operates under a national district or multimember districts, citizens cannot readily identify one parliamentarian to whom they can voice their concerns. Furthermore, electoral systems that limit the influence of political parties in parliamentary elections and place more choice in the hands of constituents provide greater incentives for parliamentarians to conduct constituent outreach, encourage greater constituent participation, and ensure that decision making is responsive to their constituents' needs and demands. For instance, single-member districts give constituents a choice as to which candidate they wish to represent them, whereas closed-list proportional representation systems only provide constituents with a choice between parties. Naturally, constituents will not vote for a party if it does not represent their interests; however, under a closed-list system candidates still have a big incentive to build the support of their party instead of the electorate because it is the party that decides where on the party list a candidate is placed.

Communication between Parliamentarians and Their Constituents

In democratic countries with a strong tradition of civic involvement, the "communication between legislators and constituents on policy issues emphasizes obtaining input from citizens on pending matters before decisions are made" (Kurtz 1997; 9). Parliamentarians can obtain input both in the capital city, through public hearings, and in the districts, through mechanisms such as newsletters, constituent surveys, or public input at town meetings (Kurtz 1997). These initiatives also allow parliamentarians to provide their constituents with information on important topics that they are considering.

One of the strategies most readily used by parliamentarians to foster communication with their constituencies is the distribution of a regular newsletter. Producing and distributing newsletters allows parliamentarians to readily inform constituents about legislative activities and the positions they intend to adopt on pending business. This method of communication helps build the constituency's trust in parliament as an institution, and also functions to solicit input from the community on the tentative positions adopted by parliamentarians before votes. Newsletters may also include questionnaires to gather constituents' opinions on key issues. Parliamentarians can review constituents' responses to ensure that their respective positions adhere with the general will of the voters. Even in very poor nations, where individual parliamentarians may not have the resources to produce a newsletter, there is always the option, as occurs in Mozambique, of producing a general parliamentary newsletter informing constituents about legislative activities and featuring interviews with parliamentarians (UNDP n.d.). Furthermore, parliamentary newsletters can be used to increase the electorate's general knowledge about how it can influence government decisions.

In countries with high rates of illiteracy, parliamentarians have used village meetings and community radio as ways of getting their message across. For instance, at the initiative of two parliamentarians, one from Sierra Leone and the other from Guinea, a meeting was arranged for the Kissi people and their representatives from Sierra Leone, Guinea, and Liberia at the reopening of the Koindu International Market in eastern Sierra Leone in 2005 (USAID 2005). After years of conflict and growing suspicion, it was the first opportunity for the Kissi people, who live in the subregion, to come together. The meeting was dedicated to discussing the common affairs of the Kissi people, including unity, peace, security, agriculture, food security, development, the treatment of refugees, and a local reconciliation process. Local nongovernmental organizations (NGOs), the National Forum for Human Rights, and Talking Drum Studio provided coverage of the opening of the market and the historic meeting, which was broadcast by local community radio station Radio Moa, in Kissi, English, French, and Liberian Pidgin (USAID 2005).

In summary, increasing the flow of information to the community about parliamentary business and important issues may do the following:

- Stimulate a greater response from the community and improve constituents' sense of ownership over decision making
- Provide parliamentarians with vital knowledge needed to ensure that decision making is responsive to community needs
- Help the community understand the reasons behind parliament's decisions and arm them with the knowledge to hold public officials and the government accountable for their decisions and actions
- Enhance public confidence in parliament as a democratic institution

All of the above help parliamentarians to ensure that the legislature performs its functions in a way that is conducive to peace and development, and reduces the likelihood of misunderstandings or lack of knowledge that leads to greater conflict.

Civil Society and Community Groups

Many of the institutional and environmental barriers faced by parliamentarians when they try to reach out to constituents can be overcome by working with civil society organizations and community groups in addition to using direct outreach. Civil society is a network of organizations that operate at the national, regional, and international levels and that are organized, self-governing, and autonomous (European Parliamentarians for Africa [AWEPA] 2001). Thus, civil society includes trade unions, environmental groups, women's groups, human rights organizations, religious organizations, the media, professional associations, and community-based organizations. Community groups are often distinguished from civil society organizations in that the former are sometimes more loosely organized and localized. For the purposes of the present discussion, both types of organizations are seen to contribute equally to parliament's attempts to be more responsive; therefore, the terms *civil society* and *community groups* are used interchangeably to refer to this broad grouping of nonstate actors.

Unlike parliamentarians, civil society organizations do not have an elected mandate to speak on behalf of the people whose interests they seek to represent. Government and parliament sometimes view such organizations as hostile because they may be critical of the government and of parliament. However, civil society has an innate value in that in a "weak institutional environment, civil society organizations can serve as a means to facilitate political and social interaction. By promoting cooperation, compromise, and inclusion, nonstate associations in pluralistic traditions are often equated with democracy and nonviolent solutions" (Jeong 2005; 120).

Civil society organizations can represent either specific populations or issues and may serve as a useful conduit of information between parliament and those populations and on specific issues. Civil society may serve as a reservoir of knowledge that may be drawn upon by parliamentarians. For instance, civil society groups may monitor public spending in a constituency and partner with parliamentarians to compare their observations with what was laid out in the national budget.

An example of a civil society organization that tracks government expenditures and undertakes performance monitoring is the Uganda Debt Network, a coalition of NGOs, institutions, and individuals formed in 1996. This organization helps monitor and then correct serious leakages occurring in the transfer of funds from the National Ministry of Finance in Uganda to individual schools (Krafchik 2003). The Uganda Debt Network has developed a community-based monitoring and evaluation system that can be used to measure the performance of government projects by tracking inputs and outcomes and enhancing participation of local communities in decision making. The efforts of organizations like the Uganda Debt Network help parliament by sourcing and making public the information parliament needs to properly perform its financial oversight function. Information on the Uganda Debt Network and its programs can be found at http://www.udn.or.ug/index.htm.

For civil society organizations to truly contribute to legislative business, they must have an advanced understanding of the workings of parliament and the legis-

lative process. Particularly in countries with a "limited history of legislative democracy, civil society organizations tend to lack knowledge of legislative processes even though they may be well organized around a particular issue and/or at implementing programs to address their particular concerns" (UNDP 2000; 8). Parliament can benefit from building civil society's capacity so that it can more effectively contribute to legislative business and the parliamentary process. This can be achieved by providing information and training to civil society groups on how to engage with parliament, which members or parliamentary staff to approach on specific issues, general information about parliamentary functions and the legislative process, and the strengths and limitations of parliament's role.

Parliamentarians might be reticent to improve the capacity of civil society groups to engage in the legislative process and promote greater accountability if civil society groups are viewed as being antagonistic or critical of parliament or partial to one party. However, the benefits parliamentarians gain by engaging with community groups to draw on their expertise when considering legislation and providing oversight, and by using them as a conduit of information between themselves and their constituents, should outweigh any latent concerns individual parliamentarians might have about criticism leveled at them by civil society.

As mentioned previously, communication between civil society and parliament flows in both directions. In addition to civil society providing information to parliament, parliament can inform civil society about the reasons behind its action or inaction on certain issues to help them understand why parliament acted the way it did. The greater the acceptance in the community of the stance adopted by parliament on different issues, the less likely those issues will act as a catalyst for conflict. In addition to their ability to facilitate information flow, civil society often comprises traditional institutions of authority, such as trade unions and professional associations; therefore, civil society can contribute to the peacebuilding process by assisting with dialogue and cooperation between key stakeholders in the community (AWEPA 2001).

Civil society organizations are usually demand driven, in that they form to represent the interests of or provide services to groups within society with specific interests that are not being addressed by established institutions. Thus, such groups help give voice to those who may not be directly represented in parliament, thereby fostering greater participation of the populace in governance. For this reason alone, civil society has an important role to play in making society and decision making more inclusive (AWEPA 2001). However, inclusivity does not automatically contribute to peacebuilding; parliamentarians should not only recognize that civil society facilitates greater inclusion but also be responsive to the interests of those members of the community that are being represented by civil society organizations.

The benefits a robust civil society can bring to the peacebuilding effort often are contingent on the existence of a friendly regulatory environment and the free flow of information between parliament and civil society. Complex registration requirements for civil society organizations, complicated taxation systems that are hard to comply with, and other unduly harsh regulatory requirements act as disincentives for the formation of new civil society organizations or the continuation of established organizations. Intricate regulatory environments draw the attention of organizations away from their stated missions in that they are required to focus more attention on complying with regulations than providing services or representing

the interests of specific groups. For instance, in Egypt, civil society organizations are required to meet strict criteria to be permitted to operate and are directly regulated by the Ministry of Social Welfare (Brinkerhoff and Crosby 2002); in Russia, the government has the power to extra-judicially suspend the activities of civil society organizations for contravening any law, including minor administrative violations (International Federation for Human Rights and World Organization Against Torture 2004). Such regulations have the potential to stifle the operation of legitimate civil society groups.

Through their legislative and oversight functions, parliaments can promote an environment that is conducive to a robust civil society. Parliament can also strengthen the lines of communication between itself and civil society through legislative–civil society interaction in the form of public hearings and constituency visits.

Civil Society and Diagonal Accountability

As discussed in chapter 6, civil society groups have traditionally been agents of vertical accountability; however, a recent trend has been to include civil society in horizontal accountability structures. This hybrid form of accountability, called *diagonal accountability*, breaks down the strict division between vertical and horizontal accountability and augments the limited effectiveness of civil society's watchdog function by breaking the state monopoly for official executive oversight (Goetz and Gaventra 2001; Goetz and Jenkins 2001; World Bank 2004; World bank Institute 2005).[1] Limited access to government information and horizontal accountability processes relegate civil society to advocating directly to parliament or using the media to publicize failures in government performance in the hope that embarrassing officials will yield a response. However, providing civil society with formal access to accountability processes undertaken by autonomous accountability institutions plus access to detailed government information during the oversight process, which can then be cross-checked with local knowledge and experience, creates a space for community groups to contribute more constructively to oversight.

The realization of diagonal accountability can become difficult "beyond the level at which personal experience and knowledge can convincingly contradict the state's account of its transactions" (Goetz and Jenkins 2001; 377). In such a situation civil society groups, acting as citizen-auditors, run the risk of being limited by the

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    1. Goetz and Jenkins (2001) draw a sharp distinction between social accountability and diagonal accountability, whereas Bovens' description of diagonal accountability is anchored in his rationale for what constitutes vertical and horizontal accountability. Bovens distinguishes between horizontal and vertical accountability based on the relationship between the agent and the entity demanding the accountability—if it is a principal-agent relationship it is a form of vertical accountability, whereas if there is no hierarchal relationship it must be a form of horizontal accountability. According to Bovens, administrative accountability, exercised through forums such as ombudsmen, auditors, and independent inspectors reporting directly or indirectly to parliament or the responsible minister, is a form of independent oversight. This form of accountability is different from the classic top-down principal-agent relationship because the independent institutions are not in a hierarchical relationship to the public official. Accordingly, these independent agents are auxiliary forms of accountability that amount to diagonal accountability (Bovens 2005).

same practical dilemma as normal auditors, namely, how to verify facts pertaining to an event they do not know about or did not experience directly. Accordingly, parliament needs to ensure that enough space is created in the design of accountability institutions for a broad array of civil society actors to participate. Should parliament or accountability institutions wish to limit the access of civil society representatives, it is desirable that those parties be part of a broader network that can access grassroots information, which can in turn be compared against official information so that oversight institutions can provide the most thorough oversight possible.

The Media

The media play a vital role in peacebuilding, both in their own right and by aiding parliament. A free media can be characterized as independent, diverse, self-regulating, and free to report on matters of public interest (Bouchet 2003). In particular, the media can rally public support or opposition to decisions made by government or parliament, for example, by disseminating information about decisions, such as the evidence parliamentarians considered when deliberating on the issues, submissions from the community to parliamentary committees, testimony from representatives of relevant government departments, and the published reasons for the decisions. The media also have the ability to act as a social barometer, channeling information to parliamentarians about public perception and opinion on the issues parliament must consider (Bouchet 2003).

Furthermore, an informed society and open and accountable democratic institutions are essential for growth, development, and alleviation of poverty. Once again, the media may be instrumental in achieving transparency and facilitating the flow of information between parliament and the community. Accordingly, parliament should consider how it can forge a strong professional relationship with the media to build an informed society (Kariithi 2003). The road to building such a connection is fraught with obstacles and is often strained by a lack of media independence, perceived bias, or the failure of journalists and editors to separate their reporting from their opinions.

The more open and transparent a society is, the more informed it will be; the more informed a society is the better able it is to articulate its needs, and therefore parliaments can be more targeted in meeting the needs of citizens (Halperin, Siegle, and Weinstein 2005). Understanding the issues enables the community to better articulate its needs to parliament, either through the media, through civil society organizations, or directly to parliamentary representatives. Parliamentarians face a great deal of scrutiny by different stakeholders, who offer analysis, criticism, and alternative opinions on the many difficult decisions parliament must make. Vibrant debate, which comes from having an informed society, helps parliament ensure that it has considered all aspects of legislation or policies it is contemplating and make the most informed decisions possible.

Furthermore, greater transparency means that a community knows and understands how government resources are being used, thereby promoting greater accountability, curbing corruption, and improving the legitimacy of parliament and the government. "Citizens who regard their government as legitimate are more likely to obey laws, support the regime, and accommodate diverse points of view" (Kurtz 1997; 2). Restricting the flow of information about government reduces the legitimacy of democratic institutions and inhibits citizens' ability to elect the best-

suited representatives. Social accountability assumes community members are aware of their parliamentarians' actions and can reward or rebuke them accordingly. Ensuring the community can exercise its right to know helps build an informed society in which citizens have access to much of the same information as their elected representatives (Bouchet 2003).

The free flow of information in society can also trigger economic growth by stimulating innovation, increasing efficiency, and lowering the risks for citizens and investors when making economic decisions (Halperin, Siegle, and Weinstein 2005). Innovation is more likely to occur when the information necessary to stimulate such ideas is available. Greater efficiency flows from such innovation and from the public being privy to the information needed to plan for contingencies. Open communication also lowers decision-making risks for citizens, as they have more information on which to base their economic decisions. For instance, if parliament passes legislation that would result in improving a stretch of road between a farmer's land and the market, that farmer could consider growing different types of produce that are more perishable but of higher value, because he or she would be able to transport the product to market more quickly. As such, an information-rich society promotes efficient investment and economic growth.

Creating an Environment Conducive to an Independent and Fair Media

To advance the media's important role in building peace and stimulating economic development, parliamentarians should seek to create an environment in which the media can operate without undue interference. In addition to making parliamentary actions more open, parliament can help the media perform their function by implementing mechanisms that foster public access to information and by developing a regulatory environment that is conducive to a free and independent media.

Parliament can help aid the free flow of information, particularly by passing right-to-information legislation and putting in place the regulations, procedures, and institutions that give people timely and cost-effective access to information held by government authorities. The ability to readily access information held by the government helps counter any potential information deficits or misinformation in the community regarding the issues before parliament (Halperin, Siegle, and Weinstein 2005). Access to pertinent information increases demand—the community will be eager to know more. Greater access to information by the media and the general public promotes more in-depth analysis and discussion and may also aid parliament by providing more opportunities to explain the complex reasoning behind laws and policy making.

However, the ability of the media to fulfill the role of disseminator of information and fair and unbiased commentator depends on the overall quality and independence of the media. Islam (2002) notes that a number of factors determine the degree to which the media are independent:

- Ownership structure of the media entity
- Economic structure of the industry, economic conditions, and the availability of financing
- Laws regulating production and access to information, and entry into the media industry and content
- Policies regarding industries related to the media

In some countries, state-owned media enjoy a monopoly over the flow of information. State ownership of media agencies is particularly high in African and Middle Eastern countries, where some two-thirds of the countries' state television broadcasters enjoy a monopoly. Moreover, in most African countries, the majority of newspapers are controlled by the state (Djankov et al. 2002). There is also a growing trend in some countries toward political parties and politicians operating media agencies, particularly newspapers. These developments are of concern, as they undermine the independence of the media and, in particular, the ability of editors and journalists to report freely without fear of punishment or reprisal if they work for media agencies owned by political stakeholders.

Media agencies that are owned by the government, politicians, or political parties should provide strong guarantees of editorial independence. When a monopoly exists, the state-funded media agency should not act as an extension of the ministry of information but rather should run according to a public service charter that affirms its independence and ensures that it is free from political or economic interference (Bouchet 2003). Often geography, language, economics, and lack of adequate infrastructure inhibit the growth of diverse media representation with national coverage, as, for example, in the case of Bangladesh, Cameroon, and Fiji (Bouchet 2003). Parliament and parliamentarians should do what they can to encourage a diverse and independent media industry so that communities have several sources of information, thus reducing the risk that the population is dependent on one media source that may provide biased coverage of important issues.

State ownership of the media is economically, politically, and socially detrimental; therefore, increasing the diversity of media ownership by privatizing and allowing new media agencies to enter the market is advantageous (Djankov et al. 2002). To bring this about, parliament should do all it can to repeal or reject attempts to require members of the media to register or acquire operating licenses (Beales 2002). In many countries, governments have sought to open the airwaves to multiple radio broadcasters. Community radio is a sustainable and interactive medium that the poor and illiterate can easily use to get information, participate in dialogue on important issues, and enhance social accountability through greater transparency (World Bank 2005). Parliament should ensure that bureaucratic red tape and legal constraints do not restrict the allocation of frequencies and that a segment of the radio frequency spectrum is set aside for public interest and community broadcasters.

Parliamentary efforts to ensure media independence help build trust between parliament and the media, ensuring that both can fulfill their potential as actors contributing to conflict prevention and poverty reduction. The *Recommendations for an Informed Democracy*[2] affirms that, ultimately, it is the responsibility of the media, not parliament, to set and supervise the media's highest professional and ethical standards (Bouchet 2003). Periodic abuses by the media of their rights and their special position in the community should not be used as a justification to curb the legitimate performance of their function in a democracy.[3] According to Bouchet, if

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2. Recommendations for an Informed Democracy–Available at <http://www.cpahq.org/uploadstore/docs/Perth.pdf>.

3. Cape Town Principles for an Informed Democracy. Conclusions coming out of a conference organized by the Commonwealth Parliamentary Association, Commonwealth Press Union, Commonwealth Broadcasting Association, Commonwealth Journalists Association, and the World Bank Institute on "Parliament and the Media: Securing an Effective Relationship," April 14–18, 2002.

a government decides to regulate the media, it should be handled by independent bodies that are

- Possibly government funded but that operate independently of the funder in the same way, for example, that courts are independent of government
- Composed of strong and independently minded people of integrity and sensitivity who are committed to the concept of the media's duty to inform the public accurately and responsibly; and
- Appointed through an independent and transparent process that ensures those selected are free of associations with any interest that might interfere with their ability to judge fairly and impartially

Furthermore, neither government nor parliament should seek to influence the media by using its financial power, access to infrastructure, or import and distribution restrictions on resources the media need.

Having acted to secure a diverse and independent media, parliament should also ensure that journalists are able to meet their potential as conduits between parliament and the broader community by lifting restrictions on freedom of expression[4] and developing a freer legislative environment that eliminates unnecessary regulation of media production and content. The *Cape Town Principles* suggest that for parliament, parliamentarians, and the media to reach their potential for disseminating information to the people, and to allow feedback from the people to the government, the environment in which the media agencies operate should support the free flow of information. Such an environment would consist of the following legislative framework:

- Pass freedom-of-information legislation
- Resist privacy legislation that could be used to suppress freedom of speech and freedom of the media
- Apply full parliamentary privilege to all fair and accurate reports of parliamentary proceedings, including committees
- Reject or repeal legislation to license media, journalists, and presses
- Repeal criminal defamation laws so that the media are no longer subjected to punitive controls that curb freedom of expression
- Exercise caution in the passage of antiterrorism legislation that may limit society's freedoms or make the state less accountable; and
- Reject or repeal laws that empower the state to censure or punish political opponents and the media for partisan reasons

Any remaining restrictions should be justified by a nation's international obligations stemming from the United Nations Declaration of Human Rights and the International Covenant on Civil and Political Rights, or any other complementary regional declarations and treaties,[5] and the interpretation of these obligations by

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4. Article 19 Universal Declaration of Human Rights and Article 19 International Covenant on Civil and Political Rights.

5. United Nations Declaration on Human Rights; Article 18 & 19: International Covenant on Civil and Political Rights G.A. res 2200A (XXI), 21 U.N. GAOR Supp. (No.16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976; African Charter on Human and Peoples' Rights, Article 10: European Convention on Human Rights; and Commonwealth Harare Declaration.

authoritative institutions such as the United Nations Human Rights Commission and Inter-American Court of Human Rights (Bouchet 2003).

Building a Professional Relationship between Parliament and the Media

A good working relationship between parliamentarians and journalists is essential if both are to fulfill their duties to their respective constituencies. Laws provide the foundation for independent media, but laws alone cannot guarantee free media or an informed society. A freer legislative environment must be coupled with an enabling environment and culture that respect the essence of what the laws hope to achieve (USAID 2002). Along with parliament, the media share a responsibility to contribute to political, economic, and social development in ways consistent with democratic principles by pursuing fact-based, fully substantiated reporting. Ultimately, economic development is best achieved and sustained in societies that are democratic and well informed. However, for the media to aid parliament in reaching its potential as an actor in peacebuilding, agencies of the media need to be made aware of the importance of their role. Parliamentarians can assist by communicating how the media can support parliament in its peacebuilding function or by encouraging greater media training by donors and multilateral development agencies. Parliament can also seek to build a strong professional relationship between itself and the media based on mutual respect and recognition that both are essential actors in a working democracy.

The community does not benefit from an adversarial relationship between parliamentarians and the media. If the parties are antagonistic toward each other, parliamentarians may be less willing to disclose relevant information, and some journalists' reporting may be tainted. Both these outcomes do not aid in the free flow of accurate information. However, parliamentarians need to recognize that one of the purposes of the media in a democracy is to keep parliament accountable; they should not confuse adversarial reporting with the media providing sometimes critical and alternate opinions on the issues at hand. On the flip side, parliamentarians and the press should not enjoy too close a relationship, as journalists may become less willing to be critical of parliament or individual parliamentarians, thereby undermining the important contributions they make to social accountability and the flow of information.

Representatives of the media, as citizens, have a right of reasonable access to parliament. However, the media are in a special position in that they are also agents of all those citizens who are unable to attend parliament but wish to be informed as to parliamentary business. Taking into account the special role the media play in facilitating community involvement in debates relating to the business of parliament, parliament should provide the media with special access privileges not necessarily given to everyday citizens. Conflict-affected countries that have "experienced political unrest and violence or have a totalitarian history may bar or at least discourage the public from the legislative building, usually for the security or privacy of the members" (Kurtz 1996; 5). Parliament can build a strong professional relationship with the media by opening up the decision-making process to enable the media to report on the legislative process and parliamentary business. Parliament can do this by providing special accreditation and access to parliament for journalists covering parliamentary business.

Some practical limitations exist in providing special accreditation to journalists reporting on parliament, such as the actual size of the press gallery and other administrative constraints. However, parliaments should not use logistical constraints to limit the number of accredited journalists or to exclude certain journalists or media agencies (Bouchet 2003). For this reason, parliament may prefer to delegate the responsibility for accreditation to a press body such as a media council. Whichever system is implemented, the guidelines should reflect the right of the media to have access to parliament and its proceedings and should not be unreasonably restrictive. In addition, journalists should always remember that their privilege of special access does not justify poor behavior or activities that breach parliamentary privilege (Bouchet 2003).

Improving the Newsworthiness of the Legislative Process and Parliamentary Business

Irrespective of the strength of the working relationship between parliament and the media, the relationship will not aid in the flow of information unless the media have newsworthy topics on which to report. An event or issue is newsworthy when it constitutes something the community needs to know, should know, or would be interested in knowing. The newsworthiness of almost any piece of information and its importance to the community is always debatable and depends on individual opinion. The media are the traditional arbiters in determining what is newsworthy; representatives of the press should always be free to choose what they report about. This is the definition of an independent media, and parliaments should protect and encourage the press's freedom to select which issues to cover.

However, the media are limited in what they are able to cover by what is considered newsworthy. To make parliamentary business more newsworthy, parliament should provide the media with accurate and timely parliamentary information, such as the scheduling of debates, copies of bills before parliament, reports tabled in parliament (particularly from autonomous accountability institutions), and biographical information about parliamentarians to help the media ascertain which members are active on specific issues. To help build respect in the community for parliament as a democratic institution, parliament should ensure that its process is also part of any news coverage. Parliamentarians can make the process more newsworthy by addressing issues on the floor and through committees, and by making sure that announcements, whenever possible, are first made in parliament rather than directly to the media.

In light of the importance of the free flow of information, it is important that parliament employ staff to help parliamentarians provide information to the media. To the extent resources allow it, parliament should have a press office and public affairs officers. Such an office and staff should be nonpartisan and should represent the parliament as a whole, rather than a specific party.[6]

The business of parliament is undertaken not only on the floor of parliament and in parliamentary committees. To advance a more participatory democracy, parliament should open all of its processes to media coverage, including the work

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6. See further the Recommended Benchmarks for Democratic Legislature: Rec. 9.1.3, which provides that the "Legislature shall have a non-partisan media relations facility."

of the committees. Parliament should provide schedules of committee meetings to the media, along with full disclosure of public submissions made to parliamentary committees by government agencies and civil society groups. When committees are not open to the public or the media, parliament must be prepared to deal with journalists reporting on information that is leaked from closed-committee deliberations. The reporting of the information from closed-committee deliberations may constitute contempt of parliament; however, parliament should take disciplinary action against journalists only if what has been reported is false or incorrect.

Conclusion

One of parliament's greatest contributions to conflict prevention and poverty reduction is exercising its accountability function to ensure that decision makers are held responsible for their actions, are responsive to the community's needs, and make transparent decisions. The horizontal accountability process, which is spearheaded by parliament, inspires public confidence in the democratic process and government and reduces the likelihood of aggrieved parties resorting to violence to have their interests met. Parliament is able to strengthen horizontal accountability not only by supporting autonomous institutions of accountability but also by strengthening the capacity of individuals, community actors, and the media to keep decision makers socially accountable. Community actors and individuals are able to keep decision makers either directly accountable through the election process or indirectly accountable through access to parliament. Parliament is able to increase accountability by (1) reaching out to members' constituents to better understand the needs and wants of the community; (2) facilitating the development of a robust civil society that can support parliament's understanding of community issues; and (3) building an informed society through the development of a vibrant, diverse, and independent media.

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9

The Role of the Rwandan Parliament in Conflict Prevention

Robert T. Nakamura

The recent history of Rwanda's national legislative systems is focused on the central question of this volume: how can a parliament contribute to peace? The answer from Rwanda is in the form of a history punctuated by some initial success, a tragic failure, and an evolving present on which the verdict is still pending. Moreover, it is a history in which the legislature itself plays less of an active role than how ideas shape behavior, in terms of what parliament should do and how it should do it.

Rwanda has had three legislative systems since 1993: (1) a National Assembly designed by the negotiators at Arusha and never implemented, (2) an appointed Transitional National Assembly (TNA) created under the victorious Rwanda Patriotic Front (RPF), led mostly by anglophone Tutsis, which lasted from 1994 until 2003, and (3) a bicameral parliament (Chamber of Deputies and Senate) created by the 2003 constitution. Each of these three systems was designed to contribute to peace in a different way.

The Arusha Accords designed a legislative system based on majority rule that would help the warring sides come to agreement by assuring the minority Tutsis (about 15 percent) that their interests would be protected against the Hutus (the remaining 85 percent). This approach contributed to the signing of a peace treaty, the Arusha Accords, in what has been described as a model peace process.

However, peace was not the result. Instead, Hutu extremists, who were not parties to the agreement, seized the government, launched their program of genocide and reignited the civil war. The RPF victory in that war in 1994 changed the nature of the problem that needed to be addressed by the legislature, from ensuring that minority interests were protected, to figuring out how a government based on a minority population could achieve stability and legitimacy and prevent a recurrence of the mass murder. TNA was constituted from appointees of various parties in a symbolic effort to broaden the minority RPF's appeal. The TNA operated under rules that severely constrained opposition to government policy. After a decade in power, in 2003 the RPF-sponsored constitution created the present bicameral parliament and the system of political controls on parties that have come with it.

This chapter examines how the three legislative systems were designed or operated and how they contributed to peace. The assumptions behind the Arusha Accords and constitutional systems were studies in contrast, because they defined

what it took to establish and maintain peace in profoundly different ways. This discussion is supplemented with some clues about whether or not the TNA and the present bicameral parliament have behaved as expected.

The Arusha Accords and Legislative Design

The international community's pre-genocide scenario for bringing peace to Rwanda was to negotiate an end to the civil war at discussions held at Arusha, Tanzania, in 1992–93. An important device in this effort was the design of the governmental system that would replace the current arrangement. A major cause of conflict everywhere is the oppression of one group by another. Devices for sharing and dividing governmental power to allow oppressed groups a more significant voice in government are common means used to reconcile groups and create the conditions for peace.[1] This has proved especially useful in negotiating the end to civil wars when no clear victor has emerged, for instance, in Lebanon where the Ta'if Accords revised the system for apportioning top government positions among important groups. Other examples of this solution are found in legislative apportionment systems employed in the Dayton Accords for Bosnia and the General Peace Agreement for Mozambique (Nakamura and Johnson 2005).

A Madisonian Solution to the Problem of Faction

James Madison was concerned with the problem of faction, which he defined as an interest held by either a majority or a minority that is opposed to the permanent and aggregate interests of the community.[2] Tribal hatred undoubtedly qualifies as such a problem. Faction, in non-democratic systems, could be handled by denying the freedom necessary for it to flourish but Madison preferred an approach consistent with democracy. He argued that minority factions are best handled by the principle of majority rule, whereas majority factions pose a special problem better dealt with through the division of governmental power into separate offices, with different responsibilities and dependent on different sources of power. As the "ambitions of the man become the ambitions of the place," the successful division of power disaggregates what would otherwise be majority factions into smaller groups represented by the occupants of offices competing for control. Thus, competition among power holders becomes the method for controlling majority factions.

The issue at the time of the Arusha Accords was the need to reassure Tutsis that the new government would not be used to oppress them while recognizing that Hutus were in the overwhelming majority. The accords sought to reconcile democratic majority rule with protection for the Tutsi minority by creating a system that necessitated cooperation. Cooperation would be necessary because power could only be achieved by forming coalitions. The plan started with a cabinet, in which power was shared, and a national assembly that would represent many parties. The danger posed by a chief executive, who might only be responsive to majorities, was dealt with by making the presidency a ceremonial office while putting

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1. For a review of the roles of parliaments in postconflict situations see Nakamura and Johnson 2004.
2. See especially James Madison, Federalist No. 10, *The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection*.

executive control in the hands of a prime minister and cabinet beholden to a coalition of groups in the National Assembly.

To govern in this system, parties would have to assemble coalitions, because the Hutu parties were divided among themselves to the point that no single one could command a majority. In this situation, the smaller but more unified Tutsis could hold the balance of power in such coalitions and would be an attractive coalition partner for the more moderate Hutu parties.

Thus, the negotiators chose a parliamentary system over a presidential one as a means for spreading power more widely among minorities and reducing the chances for mobilizing majority sentiment through control of a single powerful office. During the Arusha negotiations, the RPF insisted that power reside in a council of ministers (a cabinet) rather than with the president. The various parties and groups would be guaranteed a share of positions in the government, with the important exception of the Committee for the Defense of Rwanda (CDR), a Hutu extremist group and a coalition partner of the then Hutu president, which was excluded at the insistence of the RPF.[3] Executive power would be exercised by a cabinet of 21 ministers and the prime minister. The possibility of majority domination would be further reduced by naming a prime minister from a smaller faction, the Mouvement Democratique Republicaine (MDR), a Hutu opposition party. One observer summarized what happened as the use of a strong cabinet system operating through a consensus sought to insulate decision making from the one-party dominance (Khadiagala 2002). Another wrote: "The principal purpose of the Arusha Accord was to create a participatory multi-party democracy in which a government could be voted out of power and opposition parties could function freely" (Makinda 1996; 562).

The solution at Arusha was successful in getting the parties to agree in what was described as a model process. However, the genocide that followed, and the RPF victory it precipitated, prevented this solution from being tried out. Nevertheless, as a device for getting warring parties to agree, the creation of such a system proved to be a useful and productive device.

Transitional National Assembly

In any event, Hutu extremists did prevent the implementation of the Arusha Accords by seizing the government and beginning the genocide. They, in turn, were defeated. Following the RPF victory, a provisional government was created whose legislature took the form of a body initially designed under quite different circumstances. As

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3. The following parties were included:
   1. The MDR (Mouvement Democratique Republicaine, an opposition party in Rwanda), four portfolios including prime minister and foreign minister.
   2. The RPF (the mostly Tutsi military forces fighting the government, led eventually by Paul Kagame), portfolios including the vice prime minister and minister of the interior.
   3. The MRND (Mouvement Revolutionaire Nationale pour Development, the party of President Habyarimana), five portfolios, including defense and public works plus the presidency.
   4. The PSD (Partie Socialiste Democratique), three portfolios, including finance.
   5. The PL (Parti Liberale), three portfolios, including justice.
   6. The PCD (Parti Chretien Democratique), one portfolio.

indicated above, the TNA was designed in Arusha to protect the minority, but it was implemented at a time when RPF drawn from the Tutsi minority had won power by military victory. Now the minority was in charge so the Arusha-designed assembly would operate under quite different political circumstances.

The Arusha negotiations had designed a TNA with representatives from the various parties, in a pattern that was to divide the legislative power. The negotiations had created a 70-member TNA to replace the existing legislature, which lost its lawmaking powers when the accords were signed. Seats in the TNA were divided among the major opposition parties: 11 seats each for the Mouvement Revolutionaire Nationale Pour Development (MRND), the RPF, the Mouvement Democratique Republicaine (MDR), the Partie Socialiste Democratique (PSD), and the Parti Liberale (PL); 4 seats were for the Parti Chretien Democratique (PCD), and smaller parties got 1 seat each. The government-parliament relationship was calculated to balance powers between them so that they would have incentives to cooperate but neither could easily dominate the other. The president could dissolve the assembly, the TNA could censure the government, and the TNA also had the power to elect the president and vice president of the Supreme Court.

Although it is true that the appointed TNA could be considered to have more diverse political opinions, with its many parties, than the subsequent elected body that replaced it (which consisted of three parties that supported the same presidential candidate), the TNA did not actually play a strongly independent governing role in the long transition process. For the most part, the TNA approved the laws prepared by the government and did not initiate legislation of its own. They did exercise a measure of independence during the 1998 consideration of a new budget law. The TNA's work on the new tax system constituted a push toward legislative functionality in several ways: there were high levels of public interest (press coverage), the government paid attention to the representations of the TNA (the prime minister participated), and groups from civil society were active, primarily those from businesses who would be paying many of the proposed taxes. For a brief period, the TNA was an important arena for bringing together the government and citizens, and deputies played a significant role in shaping the process.[4]

Despite this example of assertiveness, the anticipated balance-of-power system was never implemented in practice. From the start, the TNA and government were dominated by the executive, which in turn was controlled by the RPF. Though moderate Hutus held high positions in the government, including prime minister, Speaker of the TNA, and president, many resigned, went into exile,[5] or were subsequently jailed.[6]

Whereas the Arusha Accords initially anticipated a system in which political power was dispersed to protect the minority, quite a different system was established later by the RPF. The RPF created a Constitutional Commission to write the 2003 Constitution, and that body chose to centralize control in the chief executive.

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4. This discussion is based on interviews conducted by the author in 1999 as part of a USAID-supported assessment of the Transitional National Assembly. See Nakamura (1999).

5. BBC News, Rwandan PM Resigns, February 28, 2000.

6. BBC News, From President to Prison, June 7, 2004.

The RPF perspective had changed considerably between negotiations of the Arusha Accords and when they became the undisputed victors of the civil war They moved from favoring a strong legislature and weak executive to the opposite position. An important difference was, of course, that after the victory they had a tighter control over the government than the appointed legislative branch. The dangers of majority rule were avoided in the short run because there were no elections for national offices held in the 10-year transitional period.

The 2003 Constitution and the Bicameral Legislature

The transition officially came to an end when the new constitution was adopted and elections were held. The 2003 Rwandan Constitution has turned the system envisioned in the Arusha Accords on its head. Whereas Arusha tried to reassure the Tutsi minority with a weak president, the 2003 Constitution envisions an exceptionally strong presidency. The president is directly elected, has a seven-year term, and can be reelected once. The president has the effective power to appoint and remove the prime minister and other ministers, conduct foreign relations, serve as the commander of the military, and dissolve parliament (once). The president has extensive appointment powers over the military and civilian apparatus of the state.[7] The office consolidates many powers that were more scattered under the Arusha plan.

Popular election of the powerful president, of course, poses a potential danger to RPF control because of their base in the minority Tutsi community. It also raises at least the theoretical possibility that in the future a Hutu extremist majority may once again control a powerful office that can do substantial harm. How, then, to protect society against majority factions?

The Other Madisonian Solution

The 2003 Constitution and other laws represent Rwanda's move toward adopting Madison's less preferred solution to the problem of faction. Before Madison advanced the separation of powers (the approach found in the Arusha Accords),

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7. In addition to commanders of the armed forces, the president appoints and removes
   a) the president and vice president of the Supreme Court;
   b) the prosecutor-general of the republic and his or her deputy;
   c) the director of the cabinet in the Office of the President of the Republic;
   d) the chancellor of national orders;
   e) the governor of the central bank;
   f) the rectors of public universities and institutions of higher learning;
   g) the prefects of provinces;
   h) the head of the National Security Service and his or her deputy;
   i) the commissioners of the commissions and heads of specialized institutions provided for by the constitution;
   j) the principal private secretary to the President of the Republic;
   k) advisers in the Office of the President of the Republic;
   l) the ambassadors and representatives to international organizations;
   m) such other senior public servants as the law may deem necessary.

he noted that there was another solution to the problem of faction: extinguishing freedom. He wrote that freedom is to faction as air is to fire, and that faction could be dealt with by eliminating the freedom necessary for it to arise. The Rwandan Constitution has chosen to reduce the chances that tribal hatreds will reemerge by severely limiting political rights.

The TNA and the Constitutional Commission dealt with potential danger from majority factions through a number of enactments that severely limit participation (The Economist 2003). First, some political parties were banned outright. The RPF banned parties and factions of parties from political participation that they deemed to have played a role in the genocide. Because of its role in ending the genocide, the RPF reserved for itself a "historical responsibility to ensure that the processes of pacification, of national reconciliation, and of reconstruction are not hindered by political maneuvering" (Schabas and Imbleau 1997; 306). Second, unlike the Arusha Accords, the new constitution created a substantial role for the government in the regulation of political parties. The new constitution entrenches some of the powers of the government to regulate political parties, including the following:

- *Limits on appeals that parties can make for votes.* "Political organizations are prohibited from basing themselves on race, ethnic group, tribe, clan, region, sex, religion, or any other division which may give rise to discrimination . . . Political organizations must constantly reflect the unity of the people of Rwanda and gender equality and complementarity, whether in the recruitment of members, putting in place organs of leadership and in their operations and activities" (Article 54). Candidate speeches must endorse unity and reconciliation.[8]
- *Constraints on parties' organizing a pervasive, national structure.* Article 52 of the Constitution limits parties to a few locations for their offices: the national level, the provincial level, and the city of Kigali. This and other parts of the Constitution and Organic Party Law[9] have been interpreted to limit organizing activities in other places.[10] However, the limits were not symmetrical. The RPF is organized nationally.
- *Senate determinations of violations of these or other provisions.* After an adverse determination by the Senate, a party can appeal to the Supreme Court, which, if unsuccessful, can lead to punishment ranging from warnings to suspensions to dissolution (Article 55).

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8. Characterization from the International Crisis Group (ICG) report. "Rwanda At the End of the Transition: A Necessary Political Political Liberalization," November 13, 2002. Africa Report, Number 53, pp. 609.

9. See Organic Law Number 16/2003 of 06/27/2003 Governing Political Organizations and Politicians.

10. The Economist. 2003. no author listed, "Rwanda's New Constitution: The Fear of Majority Rule," May 29, 2003, notes: The new constitution forbids parties from organizing at grass-roots level—but the ruling party, Mr Kagame's Rwandan Patriotic Front (RPF), is hardly affected, as it already has a mighty field operation, which it fine-tuned during local elections in 2001. Moreover, the government has, in effect, banned its only serious rival. In December, a parliamentary investigation was launched to determine whether the Mouvement Democratique Republicaine (MDR) was guilty of 'divisionism,' the catch-all term for encouraging citizens to think of themselves as Hutus or Tutsis first, and Rwandans second. A 1,000-page report concluded that it was."

- *Limiting of party control over members.* Members of parliament are also supposed to be free from party control, with the Constitution specifying that every "Member of Parliament represents the whole nation and not just those who elected or nominated him or her or the political organization on whose ticket he or she stood for election" (Article 64). Members of the Senate "are elected or appointed objectively on the basis of individual merit without regard to political affiliation" (Article 83).
- *Sanctions for violations.* Making such appeals, or being judged to have made such appeals, can produce expulsion for members of parliament, removal for cabinet ministers, and removal of the right to participate for parties.[11]

Whereas other one-party states that are dominated by people from a minority population have taken a similar approach to limiting political freedoms, such as the Tigrayans in Ethiopia, Rwanda has taken a more novel approach in designing its particular bicameral system of governance. To prevent future genocides the constitution created a bicameral parliament and set out special responsibilities for the Rwandan Senate in the regulation of party and political activities. These responsibilities make it unique among upper houses, which are created mostly to represent diversity in larger and more heterogeneous nations. This representative mission is not a prominent feature of the Rwandan Senate (see Nakamura 2003).

The Senate, as described in the Rwandan Constitution, seems a disparate combination of attributes. It is not clear whom it is supposed to represent; indirect election and appointment pointed to one set of constituencies,[12] but admonitions about who should not be represented disqualified other potential constituencies.[13] The constitutionally defined powers, too, offered few clues about the role the Senate was supposed to play. It was to be passive in the sense that the initiative to introduce legislation lay with the lower house, and in a number of important areas its

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11. ICG, "Rwanda At the End of the Transition: A Necessary Political Political Liberalization," November 13, 2002. Africa Report, Number 53, notes on page 8: "The rules governing the exercise of political activities will be extremely strict. . . The political arena will be governed by the law on political parties, the code of conduct for politicians and the rules of the Forum for political parties. The proposal submitted by the presidency contains the implicit condition that parties will only be allowed to campaign on a grass-roots level if their politicians demonstrate exemplary behaviour and present their ideology and platform clearly (29). There are also indications of the desire to limit campaigning in the capital or the provinces. The office of the president has explained that "the setting up of political structures was delayed by a problem of political maturity" (8).

12. Article 82 specifies five separate ways for becoming a member of the Senate (to serve for a single eight-year term) plus a provision for former heads of state to become members by submitting a request to the Supreme Court. The details of the appointment process are not further specified.

13. The constitution is vague about who should be represented and how. One provision makes it clear that the electoral connection is a secondary one in service of a larger goal of representing the nation. Another bans political organizations—which are presumably the vehicles for running in elections—from basing appeals on a number of items that in many other societies form the basis for collective political action. Article 64 specifies: "Every Member of Parliament represents the whole nation and not just those who elected or appointed him or her or the political organization on whose ticket he or she stood for election." Article 54 prohibits political organizations from "basing themselves on race, ethnic group, tribe, clan, region, sex, religion or any other division which may give rise to discrimination."

concurrence was necessary,[14] but only its opinion was sought in the very important area of finance.[15]

According to the chairman of the Constitutional Commission, the Senate was conceived as an institution to safeguard the nation against genocide.[16] The genocide, in his analysis, had its roots in the irresponsible behavior of party politicians who used hatred to build support. This informed the constitutionally described role of the Senate in, among other things, monitoring party behavior for fomenting hatred between groups and bringing complaints.[17] The qualifications, method of selection, and single term for senators are intended to make them independent of parties and encourage the development of a body of people with special wisdom who can play that role more effectively.[18] Once the Senate was created, other functions were added to take special advantage of its attributes. Subsequent changes, including moderating constitutionally imposed limitations on parties and politics, modified the initial role of the Senate still further, and some of the changes reduced the scope of the government's powers to regulate political activity. In any event, a bicameral system and the Rwandan Senate appear to have been conceived of to address a specific problem.

The New System

The Arusha conception of the Rwandan Parliament was based on a vision of multiparty democracy, with the electorate fragmented by narrowly made appeals and the National Assembly serving as the gatekeeper to executive power as well as a device for restraining it. The 2003 Rwandan Constitution created a parliament in which parties and elections are heavily regulated, the bases for legitimate appeals are dramatically narrowed, and parliamentary prerogatives are circumscribed by a strong and separately elected chief executive. By design, parliament's capacity to represent is limited to a circumscribed menu of appeals, and its powers to oversee the government are limited by political weakness. To marginalize the National Assembly's role still further, the Senate was created to watch over the lower house and ensure that its activities stay within the prescribed bounds.

After the adoption of the constitution, separate presidential and parliamentary elections were held. In the presidential election, the RPF candidate, Paul Kagame, who was also supported by the two other major permitted parties, the Social Demo-

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14. Article 88 gives the Senate the power to vote on eight types of laws (constitutional amendments, organic laws, laws about public enterprises, criminal laws and those dealing with the administration of justice, defense and security, elections and referenda, and international agreements). In addition, appointment powers over the Supreme Court and prosecutor general, as well as confirmation powers over other important positions, are specified.

15. Article 79.

16. Author interview with Constitutional Convention Chair Tito Rutaremara and other participants, July 24–27, 2003.

17. The Constitution of the Republic of Rwanda, from the Official Gazette of the Republic of Rwanda, June 4, 2003. Articles 52–55.

18. Rwandan Constitution, mechanism for selection (Article 82), protection against dissolution (Article 133), immunity of members (Article 69), limitation to a single eight-year term (Article 82), and the requirement that senators be mature (over 40) citizens of "impeccable character" with the qualities of "inaribonye and special learning" (Article 83). Inaribonye refers to a kind of wisdom associated with elders.

cratic Party (SDP) and the Liberal Party, received 94 percent of the vote. In the parliamentary elections, the RPF won 73 percent of the vote, while the SDP received 12 percent and the Liberal Party received 10 percent. Two other opposition parties failed to achieve the necessary 5 percent to meet the threshold for winning seats.[19] This means that both the Rwandan Chamber of Deputies and Senate are dominated by the RPF, and the minority parties' showing was so low that they do not constitute an effective opposition in the traditional sense. The previous appointed TNA was considerably more diverse than its elected successor. The result in Rwanda—that is, a narrowing of the legislative spectrum—mirrors similar dynamics in the transitional representative bodies of countries where civil war produced a victor and a transitional legislature preceded an elected one. A similar experience occurred in the elected parliaments of Afghanistan, Iraq, Uganda, and Ethiopia.

Parliament as an Instrument for Limiting Political Expression

It is still unclear in the case of Rwanda how the outcome of the elections will affect the workings of parliament. Although the Chamber of Deputies and Senate are still very much works in progress, some negative and positive signs fuel speculation on how are developing.

Two important national themes are pushed by the government: national unity and poverty reduction (Zorbas 2004). The government is banking on success in reducing poverty as a way to increase its popularity, and requiring unity may be useful for forestalling criticism in the short run. National unity can and often does take the form of a denial of differences, or at least the right to assert certain differences in public discourse. Amnesty International advances the following analysis of this policy:

> Faced with the risk of electoral competition based exclusively on ethnic lines, the RPF wants first and foremost to restructure Rwandan political culture through popular education and the increased accountability of political leaders. The Rwandan leadership argues, in effect, that the transformation of existing states of mind is the prerequisite for the restoration of full civil and political rights. Thus, for the past three years, the political parties have either been dismantled or forced to accept the consensus imposed by the RPF, the independent press has been silenced, and civil society forced to exist between repression and coercion. The RPF wields almost exclusive military, political and economic control and tolerates no criticism or challenge to its authority. The opposition has been forced into exile, and anti-establishment speeches relegated to secrecy. In the name of unity and national reconciliation, the various segments of Rwandan society are subjected to a paternalistic and authoritarian doctrine and cannot express themselves freely" (Amnesty International 2006).

The newly elected and more politically homogeneous parliament was designed to contribute to this effort by legitimating government suppression of opposition groups and has worked to do so. In March 2004, the Rwandan Parliament moved

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19. BBC News. "Rwandan Ruling Party Wins Election," October 1, 2003.

several times against groups whom they have characterized as advocating geno-cidal ideas. These groups included a variety of civil society organizations working on behalf of human rights, increased agricultural output for widows, and a range of other seemingly neutral causes. In June the Chamber of Deputies endorsed a special committee report citing a variety of organizations, including churches, civil society organizations, the national university, and others, as "fostering an ideol-ogy of genocide" (ARD 2005). In July, a parliamentary commission proposed elimi-nating the MDR, the only political party capable of opposing the RPF nationally (Human Rights Watch 2004). This loose talk about what is covered by advocacy of the term "genocidal ideas" has alarmed some:

> There are concerns about the broad use of the terms "genocide ideology" and "divisionism," which even extends to groups expressing dissent about government plans for consolidating land holdings. "Under such a broad interpretation, any opposition to the government can be labeled a 'genocidal ideology,'" said Alison Des Forges in a Human Rights Watch press statement on 2nd July. This rhetoric is likely to reinforce fear and distrust among the Rwandan population. Measures proposed by the parliament could include severe penalties for some of the accused. (Joint Civil Society Group State-ment 2004)

Parliament has in these cases supported repressive measures. Opinion is divided on whether or not such repression reduces or increases the chances for conflict. In other conflict-ridden societies, periods of repression have not made differences go away. Indeed, experience indicates that differences often have festered during repressive periods and have emerged with vigor when repression is lifted.

Performance of Parliament's Legislative Functions

It is interesting to consider how the new parliament is developing in terms of per-forming the legislative functions of representation, lawmaking, and oversight. The control system described above makes representation difficult by limiting both the appeals that can be made to voters and the capacity of parties to mobilize people at election time.

Whereas some differences are not considered legitimate divisions for represen-tation and are ordered suppressed by the constitution and party laws, others are vigorously advocated by members of the Rwandan Parliament. The most important of these is the representation of women. The constitution prohibits making political appeals on the basis of sex; however, efforts to represent gender issues are treated as an exception to this prohibition

Women's representation has benefited from the space provided by the govern-ment on this issue. For example, women's groups were important participants in the constitution-writing process (Mutume 2004). And, in 2004, the membership of the Rwandan Parliament led the world in its proportion of women. Women cur-rently hold 48.8 percent of the seats (39 out of 80) in the lower house (24 from seats reserved for women, and another 15 in openly competed seats). They have a man-dated 30 percent of the 26-member Senate (Powley 2003).

The government designed the system to better represent women and has pro-vided the political space for the advocacy of gender issues. Gender is treated as a

legitimate political issue, and the government has created the space and means for airing problems and for discussing and adopting solutions. Thus, it is an exception to the tight control exercised in other potentially divisive areas.

The increased representation of women, in turn, has produced many examples of gender-sensitive legislation. For instance, in 2006 parliament passed a bill concerning gender-based violence. The bill was proposed by the Forum of Rwandan Women Parliamentarians (FFRP) after a series of national consultations supported by the United Nations Development Fund for Women (UNIFEM) and United Nations Development Programme (UNDP) under the project Enhancing Protection from Gender Based Violence (UNIFEM 2006). The Rwandan Parliament clearly represents women in several senses: it has a large proportion of women as members, it has close ties with national and international groups advocating for women, and it has passed gender-sensitive legislation. This has been achieved in a political system that forbids appeals on the basis of sex. So the ruling party is apparently free to reinterpret some prohibitions while enforcing others.

The RPF clearly does not consider these particular appeals on the basis of gender to be illegitimate. Indeed, they are encouraged by constitutional provisions for the legislative branch. A similar gender-sensitive approach characterizes the Lao People's Democratic Republic, another one-party state, which also has one of the largest proportions of women members of any legislative body in the world. In both systems, women's issues are granted political space for expression denied to other issues.

Meanwhile, with respect to parliament's legislative function, both houses of parliament have been reactive, responding to legislation submitted by the government and usually passing it. This is not unusual, though, and is often the case in less repressive parliamentary systems in which the majority party government controls the legislative agenda. Moreover, the Rwandan Parliament has not been totally passive. It held a vigorous debate on the new *gachacha* (traditional courts to deal with genocidaires), it sent back a proposed land expropriation bill for revision, and it criticized a government plan to deal with electricity shortages (ARD 2005). Similar to the TNA's 1999 efforts, the Rwandan Parliament tried to assert itself during the 2004 budget process. Members of the Senate succeeded in increasing the budget over that favored by the minister of finance, and the government was faulted for not involving parliament enough in the budget process.

Parliament has also done things to make the lawmaking process more participatory and transparent. Proceedings of both bodies are now widely available in electronic form to the press and public.[20] In contrast to the experience of some committees in the earlier TNA, in which special permission was required for opening its sessions, the Chamber of Deputies has opened its committee meetings to the public (ARD 2005). The community has responded favorably to this move; the Chamber of Deputies' Agriculture Committee meeting on the proposed land law was well attended, members of the audience spoke about their preferences, and the deliberations were covered by the press, which lauded the openness of the committee proceedings as providing needed public input into the lawmaking process (ARD 2005).

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20. "Kigali: Where MPs Debate and Vote in a Simple Click," *The Nation*, October 31, 2006.

The Senate has performed some oversight work. In late 2003 and early 2004, a Senate special committee investigated what was termed the "gachacha killings" of genocide survivors. Some members of the Senate aggressively questioned the prime minister, and one admonished him to stop lying (ARD 2005, p. 4). This was taken by many as a show of independence and a willingness on behalf of the Senate to confront the government where necessary.

Conclusion

Rwanda's different legislative systems have played a series of roles in conflict reduction and peacemaking. Taken together, they represent a range of possibilities for parliaments in conflict-affected countries.

The legislative design of the Arusha Accords is instructive for two reasons. First, it illustrates the role that the design of a legislature plays in bringing about a peace agreement. The creation of a system is the subject of bargaining; apportionment formulas are devices for keeping track of gains and losses, and the resulting systems can be used to reassure participants about the future. Second, the Arusha design poses the classic checks-and-balances system created to reassure a minority by means of a multiparty, competitive, democratic system. The Arusha experiment can be put into the context of the design themes discussed in chapter 3 of this book.

The design and operation of the TNA performed quite a different function, namely, to legitimate RPF rule in a transitional period by broadening the base of those who were nominally represented. It is instructive that even in this highly controlled environment, members of the TNA attempted to assert themselves during the performance of their legislative and budgeting functions.

Experience with the newly created parliament holds several lessons. First, it has behaved as expected as a body to restrict political participation and as a sounding board for criticizing divisive behavior. Second, it has developed a capacity to represent women but few other specific groups in society. This indicates that if the government grants the political space, the parliament is capable of linking societal interests, societal groups, and legislative efforts to perform the representative function. Third, there are signs that parliament is seeking a larger role in lawmaking, particularly in the area of the budget. Finally, the parliament has at least some potential to exercise a degree of oversight.

The major conflict-prevention issue posed by the structuring and regulation of the present parliament is in the relationship between the suppression of political differences and the keeping of the peace. Repeated lessons from other places indicate that divisive differences do not go away just because they are denied. National differences have festered in numerous countries in the face of active suppression, passive denial, and vigorous efforts at reeducation, and in a number of countries they have erupted into armed conflict, such as in the former Yugoslavia, the Philippines, and Sri Lanka.

The long-term hope that poverty reduction through economic development will reduce the importance of tribal differences may have a double edge. The process of economic development is often accompanied by rising expectations and the exacerbation of differences, rather than a simple increase in levels of support for existing governments. Thus, the need for governing systems that can represent all members

of society and reconcile differences increases rather than diminishes during the process. In addition, spurts of economic growth are often associated with increases in corruption for which greater legislative oversight is essential.

The decision of the government to suppress differences by denying them legitimate legislative representation is one that is based in large measure on recent experience with genocide and with the minority status of those who control the government. The government has chosen to shape the legislature as an instrument that is designed to block divisive sentiments but is also positioned to be a more flexible instrument for regulation of political discourse. Experience in other countries has shown that keeping tight control has not proved to be the best long-term strategy. Presumably, if parliament has been complicit in tightening regulation, as it has recently done, it can also act in the long term to gradually loosen that same system.

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10

Gender Dimensions in Conflict-Affected Countries: The Role of Parliaments

Meenakshi Dhar

> The equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security. (*Beijing Declaration and Platform for Action*, Fourth World Conference on Women 1995)

Parliament is increasingly recognized as playing an important role in conflict management. Parliaments are a natural forum designed to address contentious issues and relationships in conflict-affected countries (O'Brien 2005). Parliament's representative, legislative, and oversight roles give it a particular responsibility to make a positive contribution in the immediate aftermath of conflict and for building effective and sustainable democratic governance. They have a crucial role to play in contributing to peacebuilding processes, ensuring human rights protection, addressing post-conflict security issues, and overseeing post-conflict national economic planning processes.

Parliament's role becomes even more important when one considers how well situated it is to promote gender equality and equity.[1] Greater gender equity can

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1. The *Commonwealth Plan of Action for Gender Equality 2005–2015*, (Commonwealth Secretariat 2005) provides the following definitions:

1. *Gender equality* refers to the equal rights, responsibilities and opportunities of women and men, and girls and boys. Equality does not mean that women and men will become the same but that individuals' rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both men and women are taken into consideration, recognising the diversity of different groups of women and men. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centred development.

2. *Gender equity* goes further than equality of opportunity to look at outcomes. Treating women and men, or girls and boys, equally does not automatically ensure that they obtain equal outcomes and benefits, since there are many structural factors that may militate against this. Work toward gender equity therefore looks at structural power relations in society as well as material resources, and may include taking positive or affirmative action to ensure that policies and programmes benefit women/girls and men/boys equally.

3. *Gender mainstreaming* is defined in the UN ECOSOC Agreed Conclusions 1997/2 as "...the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."

be achieved by having a gender-balanced parliament, passing gender-responsive legislation and budgeting, and overseeing government policy implementation to ensure that policies meet the needs of both men and women. Parliaments in conflict-affected countries, in particular, benefit from integrating a gender perspective into their core functions. Having a gender lens is critical to helping parliamentarians understand how men and women are affected differently by conflict. Needs vary depending on gender and parliamentarians must take this into account when carrying out their duties, especially in the early post-conflict phase. Parliamentarians can make concerted efforts to ensure that women are not marginalized in critical institutions and decision-making processes that help frame how the post-conflict country will address and protect the rights of, not only women and men, but also boys and girls.

Conflict transforms traditionally defined roles and responsibilities as individuals come to terms with their new lives after a period of upheaval. Gender relations are specifically altered as men and women take on new responsibilities and discover they have new roles and places in society. Many women do not want to return to the status quo that existed before violent conflict and seek full citizenship, social justice, and empowerment based on respect for standards of women's human rights. "Gender justice" is one of the challenges that countries emerging from conflict need to address. The concept encompasses the equitable treatment and participation for women in the negotiation of peace settlements, the creation and administration of a new government, and the promotion of a society that enhances the well-being of women and girls (United Nations Development Programme [UNDP] 2006). Parliamentarians need to have strong political will to help ensure that gender justice is achieved and take responsibility to ensure that women are not marginalized. Failure to do so will result in a "gendered peace," in which peace agreements reached by two sides to a conflict establish new constitutions or peace processes that fail to include women or to recognize the rights and specific needs of women. Only when the different needs of both men and women are taken into account will peace be engendered (UNDP 2006).

This chapter sheds light on how parliaments in conflict-affected countries can be imbued with gender considerations. In particular, this chapter looks at the international commitments made by many countries, the situation of women in parliaments in post-conflict countries, what can be done during peace negotiations and agreements, the role of civil society organizations, the importance of justice and reconciliation for long-term peace, gender considerations during political reconstruction, parliamentary alliance building, and gender concerns in post-conflict economic development.

International Commitments to Gender Mainstreaming

The need for gender mainstreaming in international peace processes has been recognized by the international community. The following Platform for Action was adopted at the Fourth World Conference on Women, in Beijing in 1995:

> In addressing armed or other conflicts, an active and visible policy of mainstreaming a gender perspective into all policies and programmes should be

promoted so that before decisions are taken an analysis is made of the effects on women and men, respectively. (Paragraph 141)

Ten years later, in 2005, the declaration issued by the Commission on the Status of Women, at its 49th session following the Beijing +10 global review, renewed the Commission's call to the international community, by declaring that:

We the representatives of Governments . . . welcome the progress made thus far towards achieving gender equality, stress that challenges and obstacles remain in the implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, and, in this regard, pledge to undertake further action to ensure their full and accelerated implementation. (Paragraph 2)

More specifically, the groundbreaking United Nations Security Council Resolution on Women, Peace, and Security (October 2000) puts women's rights and gender equality at the forefront of efforts to reconstruct society after violent conflict and emphasizes the need to include women's special interests in any post-conflict settlement. The resolution called on all actors involved in negotiating and implementing peace agreements to adopt a gender perspective, including, but not limited to:

- The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration, and post-conflict reconstruction;
- Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all implementation mechanisms of the peace agreements; and
- Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police, and the judiciary.

Situation of Women in Parliaments in Post-Conflict Countries

In recent years the numbers of women in decision-making positions at national and subnational levels has increased. Some of the countries with the highest proportion of women in decision-making structures have recently emerged from armed conflict. Many of the post-conflict countries appear in the top 30 countries with respect to the world rankings of women in parliament, with averages between 25 and 30 percent; these percentages are much higher than prior to the onset of violent conflict. For instance, in Mozambique, the percentage of women in parliament rose from 16 percent in 1982 to 25.2 percent in 1994 to 50 percent in 1999; in Sierra Leone, it rose from 1 percent in 1982 to 14.5 percent in 2002; and in Uganda, women's participation in parliament increased to 23.9 percent in 2001 (Inter-Parliamentary Union 2006). Although not all countries emerging from conflict have had similar increases in women's political representation, women in many countries have taken advantage of the opportunities provided by the end to violent conflict to overcome political, economic, social, and psychological barriers to become parliamentarians in unprecedented numbers. Many have attributed these advances to specific mechanisms established in the post-conflict transitional period, such as reserved seats, quotas, and political party quotas (United Nations 2004).

Gender and Peace Processes—Negotiations and Agreements

Though it can be difficult for parliamentarians to have a significant role in preventing conflict, they can play an important role in the peace process. Among other initiatives, parliamentarians can be involved in official peace negotiations, they can support informal peace processes, monitor demobilization of combatant forces, and oversee reintegration of internally displaced persons and refugees.

Peace negotiations offer an important first opportunity to consider gender justice concerns. Historically, women have been excluded from the negotiations surrounding peace agreements and their eventual drafting, as such women's interests are not always taken into consideration. Indeed, it could be argued that peace processes that have not included women in the agenda-setting stage, the substantive talks, and implementation have no democratic legitimacy.[2]

The United Nations has urged that gender equality and women's participation in formal peace agreements be strengthened, including the inclusion of a gender dimension in the peace agreement itself. A United Nations Security Council Resolution (2000) called on all actors involved in negotiating and implementing peace agreements to adopt a gender perspective by:

- Addressing the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration, and post-conflict reconstruction
- Including measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all implementation mechanisms of the peace agreements
- Including measures that ensure protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police, and the judiciary

Parliamentarians can ensure that they use a gender-balanced negotiating process, which would require that both men and women be included at all stages and in all roles within the negotiating process. Although the participation of more women does not in and of itself ensure the inclusion of women's concerns in the substance of any agreement, a more gender-balanced negotiation process makes it more likely that the resulting agreement is gender sensitive.

The Great Lakes Parliamentary Forum on Peace, Uganda Chapter (AMANI Uganda) advocates for a peaceful means to resolve the conflict in northern Uganda. Aware of the benefits of dialogue as a means of resolving conflicts, and concerned about the apparent lack of confidence between the negotiating parties in the ongoing peace talks between the Ugandan government and the Lords Resistance Army, AMANI Uganda constituted a four-member delegation for a seven-day mission to Juba in Southern Sudan to observe the ongoing peace talks. The delegation, which went to Juba in September 2006, urged both sides to ensure that the process and outcome of the peace negotiations was gender responsive, both in terms of women's participation in the talks and in terms of the priority of issues that have been raised by women (AMANI Forum 2006).

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2. International Idea, Stockholm. http://www.idea.int/africa/upload/women_drc.pdf.

Civil Society Organizations

Links between elected members of parliament and grassroots organizations can be fragile in conflict-affected countries, so it is important that parliament reaches out to the network of organized, self-governing, and autonomous organizations operating at the national, regional, and international levels—in other words, civil society organizations (AWEPA 2001). Parliament can develop better links and understanding with people at the grassroots level by encouraging a strong civil society. This can be done by creating an enabling environment in which national dialogues can be held, organizing public parliamentary hearings on proposed laws, and seeking contributions from experts. By engaging with civil society organizations, parliamentarians are better able to respond to the needs of the community and to aid peace building. On the flip side, parliament can use the same lines of communication to explain to the people in the community why it or the government has taken a certain course of action. Parliamentarians can engage with civil society groups concerned with women's rights as key partners, to provide them with expertise, knowledge, and advice and also to act as a conduit for information flow back to women at the grassroots level.

Parliaments can play an important role in encouraging civil society contributions to advancing the peace agenda by providing a public forum for such efforts. One example is from Sierra Leone, where parliamentarians joined women and men from civil society and national organizations in a National Consultation in May 2001. The national consultation, called "Women and Men in Partnership for Post-Conflict Reconstruction," was organized by the Commonwealth Secretariat in collaboration with the Sierra Leone Ministry of Social Welfare, Gender, and Children's Affairs and a number of international development agencies (Baksh-Sooden 2003). Some 250 women and young people from Freetown and the provinces participated in the four-day consultation, which included ministers, parliamentarians, paramount chiefs, government officials, and representatives of national commissions, the judiciary, the police service, nongovernmental organizations, academics, the media, and commercial and financial institutions. The consultation took place at an opportune moment as the government, the Revolutionary United Front (RUF), and the United Nations Mission in Sierra Leone (UNAMSIL) signed an agreement on total disarmament and withdrawal from the rebel-held provinces in the north. This moment signified the end of the war and the beginning of peace and the reconstruction phase.

The war in Sierra Leone had caused extensive damage to society at every level and a comprehensive post-conflict reconstruction effort had to focus on the political, social, economic, and legal spheres. The consultation, therefore, addressed the following areas in detail:

- Rebuilding in an environment of democracy and peace—gender equality in political and public decision making
- Gender equality through legal reform
- Violence, sexual abuse, and other crimes against women and children
- Resettlement of displaced civilians, and resettlement and rehabilitation of ex-combatants
- Gender equality in poverty alleviation, economic recovery, and empowerment
- Gender equality in health, HIV/AIDS, and STDs
- Gender equality in education, training, and employment; and
- The role of young women and men in post-conflict reconstruction (Baksh-Sooden 2003)

Women were represented in decision making at various levels, including in parliament, district councils, and chiefdoms, which was fortunate considering the full participation of all Sierra Leonean citizens was imperative to developing sustainable peace. Accordingly, women, in partnership with men, were able to influence decisions so that priority was given to addressing the gender impacts of important issues such as malnutrition, disease, housing, water and sanitation, illiteracy, HIV/AIDS, restoration of agricultural production, and entrepreneurship.

Following on from the national consultation, the Commonwealth Parliamentary Association, in collaboration with the Commonwealth Secretariat, the British Council, and the National Democratic Institute, convened a training workshop for potential women candidates before the May 2002 elections. Those elections resulted in an increase in the representation of women in parliament from 8 percent to 15 percent (Commonwealth Secretariat 2005a).

The National Consultation in Sierra Leone identified the need for gender equality to be mainstreamed in all post-conflict reconstruction processes, including political, legal, economic, and social (Commonwealth Secretariat 2002). Parliaments can be involved in dialogues, such as the National Consultation, to develop a more equitable and stable environment that is conducive to peace.

One important fact that parliamentarians should be aware of is that, although civil society organizations are becoming more active in assisting formal peace processes, they have for some time been very involved in informal peace processes. The women's movement, in particular, has played a key role in creating peace in many conflict-affected countries. For example, in the Pacific, informal women's groups, small nongovernmental organizations (NGOs), and women's church groups initiated a number of innovative activities aimed at ending conflicts—such as all-night vigils in the Solomon Islands and the multiethnic peace marches during curfews in Fiji—where they advocated for peace and women's solidarity and lobbied political leaders and commanders of different warring parties. Another example of women organizing themselves to have their voices heard is the Mano River Women's Peace Network (MARWOPNET). Awarded the United Nations Human Rights Prize in 2003, this joint peace initiative of the Mano River Region (Liberia, Sierra Leone, and Guinea) prevented the outbreak of hostilities among the three countries, heading off simmering tensions over refugee issues by bringing leaders back to the negotiating table.[3] Parliamentarians can draw upon examples like MARWOPNET when they are building relations and seeking to encourage community-based initiatives that can potentially contribute to peacebuilding.

Gender, Justice, and Reconciliation

Peace is only sustainable when justice and reconciliation are addressed. Parliamentarians, through their oversight and legislative responsibilities, can ensure that issues relating to justice and reconciliation are tackled. An inclusive parliament with representatives from all sides can play a leading role in the long-term reconciliation process. Just as traditional adversarial politics within parliament may

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3. Peacewomen: Women's International League for Peace and Freedom. http://www.peacewomen.org/resources/Peace_Negotiations/FASPressRelease2003.html.

impede reconciliation within that institution, the same is true in the broader community. Accordingly, broad consensus-based decision making should be encouraged to heal divisions among divergent groups.

Parliament can create ad hoc committees and national bodies to advance reconciliation. Establishing fact-finding bodies, such as truth and reconciliation commissions, helps set the historical record straight by documenting the crimes carried out during conflict. Meanwhile, tribunals or courts can be established to prosecute offenders of war crimes (Freeman 2005). For society to rebuild it is important that there be a public accounting of crimes committed during conflict and of how the crimes affected both men and women in society. Parliaments have considerable control over the work of these commissions because they pass enabling legislation, participate in the appointment of individual commissioners, allocate operational funding, and oversee the implementation of the commission's findings (Freeman 2005). Parliaments should ensure that institutions that are established to investigate and document the truth, seek reconciliation, or provide retributive justice are gender equitable and that gender perspectives are taken into account in their proceedings and policies.

In South Africa, the Truth and Reconciliation Commission held special sessions for women without men being present, to make it easier for women to come forward and explain their experiences. Furthermore, gender-training workshops were conducted to ensure that people who assisted the hearings were gender sensitive. Parliamentarians and civil society organizations selected candidates for the truth commission, and President Mandela chose 15 commissioners from this list. A third of these were women. In Sierra Leone, the Truth and Reconciliation Commission consisted of seven commissioners, four from Sierra Leone and three international representatives, with two of the national representatives being women.

Parliaments also need to deal with the post-conflict security environment, which in many societies is still precarious. Although oversight of the security sector has traditionally been the responsibility of the executive, parliament can assist in oversight of state institutions and agencies that have the legitimate authority to use force, for example, the armed forces, police, paramilitary forces, military and civil intelligence, and security units. Parliament, as the direct representatives of the people, has a legitimate role to play if the objective is to bring the security sector under democratic control. Parliament can pass legislation to address security issues by reviewing the security sector budget, debating security sector bills in parliament, inserting amendments, and advocating military and policy reform. Parliaments can ensure that both women and men serve on the parliamentary committees that deal with the security sector, and the oversight committee can ensure that gender considerations are taken into account in their budgetary and legislative deliberations so that the concerns of women and the impact of the legislation on women are considered. The challenge is to integrate a gender-sensitive approach that promotes the security of women, men, boys, and girls. Meeting this challenge includes taking steps to:

- Develop military, police, and other security institutions that understand and act on the different security needs of women, men, girls, and boys
- Integrate gender issues into security sector institutions and security sector reform processes at the structural, policy, and personnel levels

- Ensure the full involvement and equal participation of women in security sector institutions, security policy creation and implementation, security sector oversight, and security sector reform processes. For example, policing and transitional justice initiatives would respond to violence against women as well as other specific gender issues, such as sexual violence, domestic violence, sexual exploitation and abuse, trafficking, and more; and[4]
- Build a participatory, democratic, and accountable security sector

Gender-based violence has been recognized at the international level as a violation of human rights, and although such violence is present in every society, its intensity increases during times of conflict. A United Nations Security Council Resolution (2000) urged parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse.

Parliaments can address gender-based violence by ensuring that existing laws recognize this form of violence and by passing new legislation that criminalizes such acts, while ensuring that resources are available to also prosecute those who infringe on the law. In addition, parliaments can ensure that examining gender-based violence is included in the terms of reference of any truth commissions or special courts set up after the conflict. Furthermore, the parliamentary chamber can also be used as a forum to raise awareness of the impact of gender-based violence.

Gender Concerns for Parliament during Political Reconstruction

In many instances, parliaments must not only ratify peace agreements but also play a part in implementing the conditions of the peace accord. They can take advantage of the unique window of opportunity in the aftermath of conflict to ensure that gender equality is enshrined in the constitution or when passing the electoral law, as well as ensuring that any programs referred to in the peace agreement are gender sensitive. To help achieve this, women in parliament can build alliances across party lines, in addition to building alliances with civil society organizations, especially the women's movement.

Disarmament and Demobilization

After peace agreements have been signed, parliamentarians can play an important oversight role in ensuring that gender considerations are taken into account when disarming and demobilizing combatant forces. Disarmament, demobilization, and reintegration (DDR) activities are designed to facilitate the disbanding of military fighters and ease their transition back into society. Parliamentarians must recognize that armed conflicts affect women and men differently. Men may have been more active in organized fighting, whereas women may have had to flee to refugee camps, been subjected to violence, assumed nontraditional responsibilities, and seen their domestic responsibilities intensified in their efforts to secure food, shelter, and security for their families. These different experiences need to be recognized in order to

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4. United Nations Research and Training Institute for the Advancement of Women. http://www.un-instraw.org/en/docs/SSR/Website_Background.pdf.

construct DDR programs that respond to the actual (rather than assumed) needs of all those involved.[5]

Parliamentarians in Uganda, for example, became active in visiting demobilization camps to investigate the conditions of men and women fighters. Where children have been involved, parliamentarians also need to be aware of the specific needs of girls and boys who were forced to join armies or paramilitary groups. Young men and women in a number of countries, including Sierra Leone and Uganda, have been kidnapped or coerced into becoming child soldiers. Some spent most of their young adulthood in armed conflict and have special needs ranging from dealing with the trauma of war to obtaining a rudimentary level of education.

Parliamentarians can ensure that where formal DDR processes exist, special provisions are made for children, recognizing that child-specific DDR programs are very different from adult DDR programs and have a different scope and time frame. The United Nations Disarmament, Demobilization, and Reintegration Organization recommend that when planning DDR programs, children's best interests should be kept in mind at all times. It also recommends that children associated with armed forces and groups, other war-affected children, and the community as a whole should participate in the development of reintegration support so that inequalities and unfair treatment are avoided. Funding should be made available to child-protection actors as early as possible, even in the absence of a formal peace process and formal DDR planning.[6]

Internally Displaced Women and Children

Parliaments can establish the legal framework for reintegration of internally displaced people and refugees in society. Internally displaced people are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border" (United Nations Office for the Coordination of Humanitarian Affairs 1998).[7]

Displaced women are often heads of households. As civilians leave their homes in search of safety, the men often flee to another area and are coerced into joining the regular or rebel armed forces, arrested, or killed; at that point women become the de facto heads of households. Countries with a high proportion of households headed by women include Kenya, Sri Lanka, and Uganda. In Sri Lanka, the loss of male breadwinners has created a new group of approximately 30,000 female-headed households in the north and east of the country. Women and children make

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5. United Nations Department for Disarmament Affairs in collaboration with the Office of the Special Adviser on Gender Issues and the Advancement of Women of the Department of Social and Economic Affairs, Gender Perspectives on Disarmament, Demobilization, and Reintegration http://www.disarmament2.un.org/gender/note4.htm.

6. United Nations Disarmament, Demobilization, and Reintegration Resource Centre. http://www.unddr.org/.

7. See further information at Internal Displacement Monitoring Centre, established in 1998 by the Norwegian Refugee Council (NRC) http://www.internal-displacement.org.

up 80 percent of Sri Lankan refugees and Jaffna alone has 19,000 widows because of the conflict.[8] In Papua New Guinea it was estimated that more than 90 percent of refugees in Bougainville/Papua New Guinea Care Camps were women and children.[9] More than 2,000 war widows were created as a result of the Bougainville conflict, leading to an increase in the number of female-headed households. In this way conflict can completely change the role of women in their family and community, forcing them to be breadwinners, taking over the responsibility for earning a livelihood, and becoming active outside the home. Parliamentarians should be aware that such women tend to be poorer because they have to carry out all the household responsibilities alone.

Parliament can address the gender-based needs of internally displaced people and refugees by using its budgetary and legislative responsibilities to ensure that explicit protection be granted for women that will safeguard them from gender-specific violence and uphold their rights to equal access and full participation in assistance programs.

Constitutional Reform

Parliaments are often given an opportunity to rewrite constitutions and enshrine gender equality. They can make sure that protection from gender-based discrimination is included in the text of the constitution, ensuring equal access to land, property, health care, education, and politics. This opportunity is especially valuable in countries where the traditional norms do not necessarily provide gender equality. For example, women's rights have been enshrined in the constitution in Ghana, Malawi, South Africa, and Uganda (Commonwealth Secretariat 2005a). In addition to advocating the inclusion of nondiscrimination provisions in the constitution, parliamentarians should encourage the ratification and incorporation of international agreements that protect women's rights, for example, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Beijing Declaration and Platform for Action. If a constitution does not specifically provide for gender equality, it may ultimately prove to be a serious impediment to women's participation. For this reason, the positive discrimination mechanisms that are often found in peace agreements should be enshrined in the constitution and incorporated into electoral law to facilitate the participation of women in decision-making processes. For example, in Rwanda, after the 2003 elections the Rwandan Senate had 12 women and 14 men, and in the Chamber of Deputies, 39 of the 80 members were women. Rwanda has the highest representation of women in the world, a rate that was achieved by having quotas written into the new 2003 Constitution. It called for a minimum of 30 percent women in all decision-making posts and set aside 30 percent of seats in the Chamber of Deputies for women emerging from a women-only voting system (Powley 2005).

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8. UNIFEM WomenWarPeace portal on Women, Peace, and Security. Country Pages. Sri Lanka. http://www.womenwarpeace.org/sri_lanka/sri_lanka.htm.

9. UNIFEM WomenWarPeace portal on Women, Peace, and Security. Country Pages. Bougainville. http://www.womenwarpeace.org/bougainville/bougainville.htm.

Electoral Reform

Electoral laws are often amended in post-conflict countries because all sides need to be guaranteed access to the political process. Parliaments can implement electoral quotas and electoral systems that integrate women into the political process. Electoral quotas have become very important in altering the gender balance in parliament and are designed to increase women's representation because they place the burden of candidate recruitment not on individual women but on those who control the recruitment process, especially political parties. Quotas force those who nominate and select candidates to give women a chance to participate in the political process by recruiting them to stand for parliament in circumstances in which they would not otherwise have had an opportunity to participate. The two most common types of electoral gender quotas are candidate quotas and reserved seats (Dahlerup 2005).

Candidate quotas specify the minimum percentage of women candidates for an election; these quotas apply to political parties' lists of candidates for an election rather than to single-member districts. Legal candidate quotas are laid down in the constitution, in electoral laws, or in political party laws. Enshrining such quotas in law forces all political parties to recruit the required percentage of women, whereas voluntary party quotas are only adopted voluntarily by political parties.

This is not to say that voluntary party quotas are ineffective as there are some countries that have moved appreciably toward achieving gender parity in parliament by implementing voluntary party quotas, which require a minimum proportion of women on their party candidates list. Examples of political parties that have quotas for women are Swapo in Namibia, Frelimo in Mozambique, and the African National Congress in South Africa.[10]

Reserved seats set aside a certain number of seats for women among parliamentarians; the number of reserved seats is calculated with reference to provisions set out in the constitution or in legislation. There are many types of reserved seats. For instance, Uganda has 56 reserved seats, one elected in each district by a special electorate; in Rwanda, the constitution states that 30 percent of the seats elected by a special procedure are reserved for women; in Tanzania, 20 percent of the seats are reserved for women and are allocated to the political parties in proportion to the number of parliamentary seats each party won in an election; in Kenya, reserved seats are filled by appointment (Dahlerup 2005).

Quota systems currently aim at ensuring that women constitute at least 30 percent of parliamentary members because it is recognized that, to achieve substantive change in decision-making institutions, a critical mass of 30 percent women is necessary.[11] Most quotas aim to increase women's representation because of the

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10. Morna C. Lowe. 2003. 'Beyond Numbers: Quotas in Practice' Paper presented at A paper presented at the International Institute for Democracy and Electoral Assistance (IDEA)/Electoral Institute of Southern Africa (EISA)/Southern African Development Community (SADC) Parliamentary Forum Conference The Implementation of Quotas: African Experiences, Pretoria, South Africa, 11–12 November 2003 http://www.quotaproject.org/CS/CS_Lowe%20Morna-1-6-2004.pdf.

11. Dr. L. Clark. 2006. 'Affirmative Action – Gender Representation in Parliament: Quotas, Political parties and Reserved Seats' Paper presented at CPA/UNIFEM Parliamentary Gender Workshop, Parliament of New Zealand, 2-4 October 2006, www.cpahq.org.

endemic underrepresentation of women in parliaments around the world. This is important when one considers that women make up more than 50 percent of the population, but globally they hold only 16 percent of seats in parliament. Currently 19 national parliaments have more than 30 percent women in their membership—Argentina, Austria, Belgium, Burundi, Costa Rica, Cuba, Denmark, Finland, Germany, Guyana, Iceland, Mozambique, Netherlands, New Zealand, Norway, Spain, South Africa, Sweden, and Tanzania.[12]

Experience suggests that the implementation of a quota system is easier in a new political system than in an older, more established system where most seats are already occupied (Dahlerup 2005). In most post-conflict countries, the international community is placing strong pressure on all stakeholders involved in the reconstruction process to take effective measures to include women. The introduction of gender quotas of 25–30 percent in traditionally patriarchal post-conflict communities such as Iraq and Afghanistan, where very few women were previously represented, illustrate the growing impetus to include women in decision making. Quota systems were also introduced in the Balkans following great pressure from the women's movement and the international community. In Bosnia and Herzegovina, Article 4.19 of the Election Law enforces a mandatory 30 percent quota for the underrepresented gender on party electoral lists. At least 3 out of 10 candidates on party lists must be from the underrepresented gender. The Constitution of Bosnia and Herzegovina incorporates the provisions of CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), which grant women equal social, political, and economic rights.[13]

However, many parliaments are reluctant to adopt quotas, arguing that once elected, women members are tokenistic. In India, women elected on the basis of quotas have been labeled "proxy women" because they are being placed in decision-making positions as substitutes for their husbands (Dahlerup 2005). It has been observed that female members of parliament have been unable to participate on an equal footing with their male counterparts in circumstances where female parliamentarians do not have a power base in a constituency of their own, in her political party, or in a strong movement outside the political institution (Dahlerup 2005). With or without quotas, if women are to be successful, they need to strengthen their capacity for leadership. This requires the allocation of resources to help build the capacity of women to run for election, win, and serve their constituents effectively. Working with their male counterparts in partnership is essential to achieving these objectives.

Whereas constitutional and electoral reforms can bring about gender equality in political decision making, only when society supports these reforms will there be a transformative change in attitude. When parliament's gender balance is seen to have been brought about by political elites, it can easily be lost and will not result in substantive change. Once in parliament, women must sustain momentum by continuing to advocate gender equality in legislation and working to increase the number of women in parliament at future elections. Thus, it is important to go beyond

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12. Inter-Parliamentary Union, Women in National Parliaments Database, September 15, 2006. http://www.ipu.org/wmn-e/world.htm.

13. See chapter 2 in Ballington and Binda (2005), "Implementing Quotas: Legal Reform and Enforcement," in. http://www.idea.int/publications/quotas_europe/upload/Quotas_Europe_Chapter_2.pdf.

numbers and ensure that having more women elected to parliament translates into gains for all women in society that affects their daily lives.

Parliamentary Alliance Building

Cross-party women's caucuses have been formed in some parliaments to advance gender equality and to facilitate the active participation of women parliamentarians in parliament's legislative business. In Pakistan, for example, women parliamentarians from all parties united to adopt a law on domestic violence, despite the strong opposition from some conservative and religious parties. With international support, women members of parliament in Sri Lanka have recently formed a caucus and are mobilizing around specific gender issues. Detractors of women's caucuses have criticized them for being made up almost exclusively of women; however, getting men involved in many women's caucuses has been difficult because there is reluctance among male parliamentarians to tackle gender issues. It is generally accepted that substantive change will occur only when both men and women work together to bring about real change in society. Therefore, substantive change will only happen when gender equality is not seen as a women's issue but rather as an issue affecting women and men. Such a shift in attitude might precipitate greater involvement by male parliamentarians in women's caucuses.

Gender, Parliament, and Economic Development

Parliament has an important role in preventing and alleviating economic crises in war-torn societies. "The role of parliament in conflict-affected countries becomes even more acute when considering the contribution parliaments make to poverty reduction and the well-recognized correlation between conflict and poverty . . . Parliament has a vital role to play in managing conflict not just by addressing contentious issues and relationships but by helping to overcome poverty" (O'Brien 2005; 1).

It is also well known that poverty worsens gender disparities, and gender inequality holds back economic development; however, often little consideration is given to understanding how macroeconomic policies affect men and women differently because of their different economic roles within society. Parliamentarians must be aware of this difference because policies may have a negative impact on women and undermine socioeconomic objectives. Post-conflict macroeconomic reforms, which could have a detrimental effect on women, include spending reallocations, privatization of state-owned enterprises, trade liberalization, civil service streamlining, and governance decentralization. For example, when spending on health care is reduced, women will have to spend more time taking care of sick family members, which reduces their opportunity to take paid work. Also, privatization of state-owned enterprises often results in a loss of jobs, particularly jobs at the junior level, which are more often occupied by women than men. Women are therefore more likely to be laid off first and rehired last (Zuckerman and Greenberg 2005).

Parliaments, when considering post-conflict reconstruction programs, must recognize the different impact resource allocation decisions have on men and women. To understand the different impact their decisions have on women, as compared to men, parliamentarians need to be aware of the role gender plays in economic recovery and development. When women are involved in reconstruction planning, gender equality, transparency, and accountability are more likely to be introduced

(Zuckerman and Greenberg 2005). For example, in South Africa, Tanzania, and Uganda, women have been very closely involved in monitoring public expenditure in the post-conflict reconstruction period.

Parliamentarians can support multilateral strategies for economic reconstruction and poverty reduction by ensuring legislative compatibility with these strategies. For instance, parliament can ensure parliamentary processes are established and legislation is passed to implement the priorities outlined in the country-driven Poverty Reduction Strategy Paper (PRSP) process, sponsored by the World Bank (Hubli and Mandaville 2004). Parliamentarians must also educate the public about economic policies and poverty reduction strategies and monitor the implementation of those policies. All poverty reduction programs and economic reconstruction should have a gender perspective to ensure that women are fully involved.

Gender Budgeting

Gender-responsive budget initiatives (*gender budgets*) are tools and processes designed to include a gender analysis in the formulation of budgets and the allocation of resources. Gender budgets are not separate budgets for women and men but are attempts to disaggregate the government's mainstream budget according to its impact on women and men. Parliamentarians can use their oversight powers with respect to the budget to analyze the impact of allocated resources and transform gender inequalities. Looking at the budget from a gender perspective enables parliamentarians to understand the policy impact and how policy can be better designed to achieve outcomes that meet the needs of women and men and boys and girls. For instance, in South Africa, parliamentarians, in conjunction with civil society organizations, started analyzing the gender sensitivity of the budget in 1995. In addition, female parliamentarians in India have taken a leading role in formulating gender budgeting initiatives at the parliamentary level; the Commonwealth Finance Ministers also have included gender budgeting as a specific agenda item and are looking at how it relates to macroeconomic development. Gender-responsive budgeting is one tool at the disposal of parliamentarians in conflict-affected countries that are seeking greater transparency and accountability in post-conflict reconstruction.

Gender and Property Rights

Parliamentarians in post-conflict countries also need to address the contentious issue of property rights. Post-conflict reconstruction often involves resolution of property ownership and drafting of property laws that uphold individuals' rights to property. Property laws must guarantee women's full and equal rights to own property and their ability to enjoy those rights. This objective is very difficult in societies where women traditionally do not have the right to own land or inherit property. For example, in Namibia, Rwanda, and Uganda, customary laws that do not recognize women's right to own property prevail even after new laws are introduced. In Sub-Saharan Africa the high death rates due to HIV/AIDS are making inheritance and property rights even more critical. Unfortunately, women will not be able to benefit from new property laws if they do not understand their legal rights or have access to resources that enable them to pursue those rights. For that reason, in addition to removing discrimination against women and establishing

formal guarantees for equal property rights, parliament must ensure that programs to develop women's legal literacy and access to justice are introduced as part of the post-conflict reconstruction phase.

Access to Credit

Another important aspect of economic reconstruction is access to credit. Although it is recognized that both men and women need access to credit, women are often discriminated against and conditions may make it more difficult for women to access credit than men. Also, women living in poverty face particular barriers to obtaining credit through conventional channels. Commercial banks set conditions on their lending that often mean women are unable to obtain loans. For example, commercial banks may require that borrowers be literate, or demand guarantees in countries where women lack the rights to own land or property. These hurdles are exacerbated by the fact that in conflict-affected countries, both the borrowers and the banks are mainly run by men. Microcredit programs have therefore been established to specifically target women. However, despite the success of microcredit programs, which have shown women to be more reliable in making credit repayments than men, commercial banks in many countries have yet to change their approach to women borrowers.[14]

In recognition that both genders have important roles to play in the economy, parliamentarians can guarantee that women and men are given equal access to credit by ensuring that post-conflict reconstruction credit programs are targeted toward both men and women. Parliamentarians can also ensure that women do not face gender discrimination in employment and training opportunities for jobs in commercial banks, encourage commercial banks to accept non-property guarantees against loans, and request sex-aggregated commercial bank records to ascertain where gender inequalities are strongest and seek to remove them (Greenburg and Zuckerman 2006).

Conclusion

Parliamentarians have many ways available to ensure that gender is taken into consideration in the transition from conflict to post-conflict society. International commitments such as United Nations declarations and resolutions can help ensure that women's rights and gender equality are on the agenda in post-conflict reconstruction. Parliamentarians also can play a constructive role during peace negotiations and agreements and make an effort to ensure that civil society organizations are involved. Parliamentarians are in a unique position to guarantee that gender is taken into account during political reconstruction, and they can play a positive role during disarmament and demobilization by dealing with the issue of internally displaced people, considering the often essential issue of constitutional reform, and deciding on the important matter of electoral reform. Overall, given parliaments' strategic position in efforts to overcome poverty, parliamentarians must view post-conflict economic development through a gender lens.

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14. The International Fund for Agricultural Development (IFAD) Tamil Nadu Women's Development Project. http://www.ifad.org/evaluation/public_html/eksyst/doc/prj/region/pi/india/r240ince.htm.

Although the number of women has risen in some legislatures in post-conflict countries, this increase by itself does not guarantee that women have equality in the political sphere. Furthermore, it does not guarantee that greater attention will be given to gender issues or will translate into policies and action on gender equality. It is essential to go beyond parliamentary representation to see how parliamentarians, in particular women parliamentarians, can influence policy making and ultimately improve the lives of all women. It is important to build the capacity of women members of parliament to maximize their contribution. This can be achieved in a number of ways, for example, by training newly elected women in leadership skills or by providing training on parliamentary practice and procedure.

Access to adequate background information on specific gender issues is critical to women parliamentarians' ability to use parliament's legislative and oversight functions to ensure gender equality. Therefore, parliaments must be equipped with the resources and research capacity to look into gender equality issues.

Parliamentarians also can network with other countries' members of parliament and international experts to help develop their own understanding and expertise in gender issues. Although this is important to all parliaments, it is especially important to those emerging from conflict, when the task of building a new system may be challenging, and access to resources and materials may be particularly difficult.

Ultimately, to bring about a gender perspective in all aspects of parliament, both female and male parliamentarians need to work together. There is growing realization that women need the support of their male colleagues and the electorate to enhance their effectiveness. This is very important in parliaments emerging from conflict, which often have a higher number of women members because of specific mechanisms established in the immediate post-conflict transitional period, such as reserved seats, quotas, and political party quotas.[15] Parliaments in post-conflict countries present a unique opportunity to challenge the traditional gender balance and roles because of the higher numbers of women parliamentarians. Finally, political will is critical. All leaders of post-conflict countries are responsible for advancing gender equality in decision making. With strong political will, parliamentarians can make a positive contribution to their countries in the transition from conflict to peace.

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11

Building Capacity to Manage Conflict and Change: Lessons From Thailand

Gregory Cran

Conflict, in particular violent conflict, has had devastating consequences for civilian populations generally, affecting regional investment and parliamentarians' ability to govern. Conflicts have emerged from fervent ideological and hegemonic practices, inadequate and corrupt systems of governance, conflicting relations among differing groups, or environmental degradation or land-use decisions that negatively affect those living in an area. These are situations that often begin small, but then escalate owing to a number of factors, not the least of which is an inability on the part of local authorities to recognize the nature and extent of the problem. This escalating effect has led to overly aggressive forms of tactical intervention and countermeasures, political turmoil, and confusion, which lead to growing resistance to change.

Managing conflict before it escalates into violence is the greatest challenge facing not only parliamentarians but also civil society organizations (CSOs), nongovernmental organizations (NGOs), and others. To manage conflict effectively, parliamentarians and others must learn that using blame rhetoric is not a solution; instead, parliamentarians and other parties need to recognize the need to engage with others to co-manage the conflict setting. The capacity to manage conflict and the uncertainty that results, not only sets a firm foundation for effective leadership and governance, but also is a precursor for addressing myriad systemic issues, including eliminating poverty, ending corruption, and introducing legal and public sector reform.

The role of parliamentarians in managing conflict and improving systems and practices of governance has been a source of concern for the World Bank Group, the Commonwealth Parliamentary Association, international NGOs, and parliamentarians themselves in their efforts to address poverty, corruption, and intergroup violence. In October 2004, a study group session in Colombo, Sri Lanka, brought together a group of parliamentarians from conflict-affected countries with World Bank specialists, representatives from the Commonwealth Parliamentary Association, and conflict management experts from Canada, Serbia, and Sri Lanka. Parliamentarians discussed a range of governance and conflict management issues they faced and identified the need for further dialogue within their respective regions.

However, can dialogue alone lead to constructive change? Conceptually, despite good intentions, dialogue suffers if the parties are not well informed and the process

itself is not skillfully managed. Being informed means knowing something about the nature of conflict, how conflict patterns emerge, and how certain structural and systemic conditions can destabilize ongoing relations. Being able to skillfully manage the process of planning for change is a competency that is developed through emulation and practice rather than acquired through position or rank. Introducing training as a precursor to dialogue enables participants to develop a mutual framework for beginning a dialogical process of strategy building.

This chapter looks at the challenges Thai parliamentarians faced in their government's attempts to intervene in the wave of violence in southern Thailand, in which they failed to first understand the nature of conflict. The chapter highlights some of the contributing factors that strategic interventions must consider if a negotiation process is to lead to constructive change. The purpose of this discussion is not to set out the history of southern Thailand or the long-standing secessionist identities, but rather to note the lessons that are emerging as the situation continues to unfold.

Conflict in Southern Thailand

In 2005, a group of parliamentarians from Thailand attended a study group session at Royal Roads University. The parliamentarians represented the three main political parties at the time, namely, the Thai Rak Thai Party, the Democratic Party, and the Chart Thai Party. Although the agenda for the study group session was resource-based conflict and anti-corruption measures, the key concern was the violence in southern Thailand and the need to discuss this issue in detail. The participants did that by setting aside their party differences and examining the conflict collectively, sharing whatever information they had. When asked of their understanding of the conflict, some thought the conflict was the violence (rather than seeing violence as a rupture), but most admitted they did not know. Many remembered the stories they were told about the history of the Malays and the attempts of some of the Malay sultanates to secede from Thailand. All were aware of the rise of the ethnic Malay Muslim identity and of the key events that had recently occurred.

Although the history of the growing unrest in the three southern provinces is a significant factor in understanding the nature of the conflict, what was of greatest concern to the Thai parliamentarians was the more recent events in 2004 and 2005, which left approximately 800 people dead. Numerous media reports cite January 4, 2004, as the start of the insurgency, when an army arsenal, 18 schools, and police posts were torched, along with several bombs being set off the following day. Four senior-ranking soldiers were killed as the situation escalated into large-scale violence in which insurgents killed approximately 600 people in a series of shootings and bombings in the area. In addition, a series of drive-by motorcycle shootings that killed about 70 police officers had taken place over the previous three years. However, the prime minister and other government officials had often denied that a conflict existed and claimed that these earlier incidents were unrelated.

The next event following the January 4 attacks occurred on April 28, 2004, when another series of attacks were staged on police posts and army checkpoints throughout Pattani, Yala, and Songkla. The attacks resulted in the deaths of 107 people, mostly teenagers who had armed themselves with knives and machetes. This led to the showdown at the Krue Se Mosque, where 32 insurgents had retreated,

when the senior army commander ordered an assault on the historic mosque after fearing reprisal by local Muslims living in the area.[1] However, the most troubling event by far occurred on October 25, 2004, when a demonstration outside a police station ended in the deaths of approximately 85 Muslim men and boys who suffocated from being stacked in the back of army vehicles after being arrested and transported to an army base.

There was much speculation among the parliamentarians as to whether the attacks were perpetrated by what the prime minister referred to as merely "criminal gangs" or what others described as the actions of separatist groups, such as the Patani United Liberation Organization (PULO),[2] the Gerakan Mujahideen Islamiya (GMIP), the Barisan Revolusi Nasional (BRN), or some of the smaller fringe groups. Adding to the problem was a growing concern about transnational organizations such as the Jemaah Islamiya becoming key actors in the region and the recent influx of *madrasas* (Islamic schools), especially those with a reputation for radical teachings. There was also a growing concern that the targeting of Buddhist monks would increase the likelihood of sectarian violence as the situation became characterized by the media as a religious conflict.

Labeling of Conflict

Identity and conflict emerge from stories about injustice, hegemony, and suspicion. These stories focus on matters of difference, rather than sameness, fueled by the rhetoric of "us versus them." Which injustices led to violence is not known, although it is clear that the heavy-handed approach by the Thaksin government provided insurgents with an opportunity to use negative public sentiment to consolidate their role among those living in the south as well as those belonging to other like-minded organizations. Harish (2006) concluded:

> Torture and detention by security forces . . . the use of "blacklists" and random disappearances of civil society personnel . . . the imposition of martial law in January 2004 and the enactment of the new Emergency Decree in July 2005 have only served to increase concerns over human rights offences in southern Thailand. Such actions have been exploited by the rebel groups to garner more support for the insurgency. (18)

Conversely, framing the conflict as the responsibility of criminal gangs, Jemaah Islamiya, or other terrorist organizations has sparked fear and provided the government with a justification for the aggressive use of police and military tactics and disregard for human rights. The fine balance between managing policing and security operations and maintaining civilian and constituency support led the then prime minister to impose martial law on one day (in January 2004) and on another day to drop 100 million origami cranes as a peace offering over the three southern provinces (December 2004). This event, which coincided with King Bhumibol Adulyadej's birthday, was inspired by the prime minister, who called on Buddhist

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1. The Nation, "Southern Carnage: The Kingdom Shaken," April 29, 2004.
2. PULO was a popular separatist movement in southern Thailand during the 1960s and 1970s claimed to represent the interests of the Malay people in their fight against Thai colonialism. They have recently resurfaced as the New PULO.

Thais throughout the country to contribute to this peace gesture shortly after the October 25 incident when 85 Muslim men suffocated.[3]

Analyzing conflict is challenging if limited options exist for viewing and characterizing the conflict setting. If the conflict is characterized as a religious conflict, the situation is viewed as a struggle between two sets of religious beliefs. However, characterizing the conflict as a struggle between Muslims and Buddhists is tenuous when you take into account that it is not occurring elsewhere in Thailand. The argument that the south was historically Malay does little to explain how people have come to be in conflict or, for that matter, how some view violence as morally justified. Hence, an important part of understanding the conflict is considering what makes the situation different in the south of Thailand.

To understand how conflict emerges it is important to recognize the interrelationship between individual and group identity, cultural influences, relational patterns, and the structural conditions in which individuals and groups are situated. The notion of *self* is formed in relation to how one thinks of the *other*; and how one views others is influenced by personal history and experience, cultural notions and beliefs, social structures, and individual and family circumstances. All of these experiences and beliefs are part of an environment infused with structural and systemic conditions that in themselves influence cultural notions, social structure, and circumstances, each interrelated and inseparable from one another.

The individual cannot be separated from the structural conditions of his or her environment in the same sense that the individual can be separated from his or her cultural elements, or from his or her own cognitive processes, or from the relational patterns that emerge with others. As such, when attempting to understand conflict, it is important to consider the patterns of conflict that have emerged, the beneficiaries of continuing conflict, the conditions that impede change, and the influence those conditions have on how people interact.

Escalation of Conflict

Viewing a conflict setting over time can reveal the escalating effect that conflict often takes prior to rupturing into crisis and violence. For example, what began as resentment due to hegemonic and corrupt practices toward a group of people,

Figure 11.1 *Interrelationship between Individual and Group Identity*

	Self	**Other**
Internal	Identity	Relational patterns
External	Cultural influences	Structural conditions

Source: Author.

3. K. Morris. (2004). "Thais Drop Origami Peace Bombs." BBC Online. http://news.bbc.co.uk/2/hi/asia-pacific/4069471.stm.

Figure 11.2 *Escalation and De-escalation of Conflict*

- Countermeasures applied

- **Aggressive tactics employed**

- Emergence of political hardliners

- **Perceptions distorted**

- Concerns made public

- No response

- Stories of injustice

- Crisis Intervention

- **Conflict Management**

- Conflict Prevention
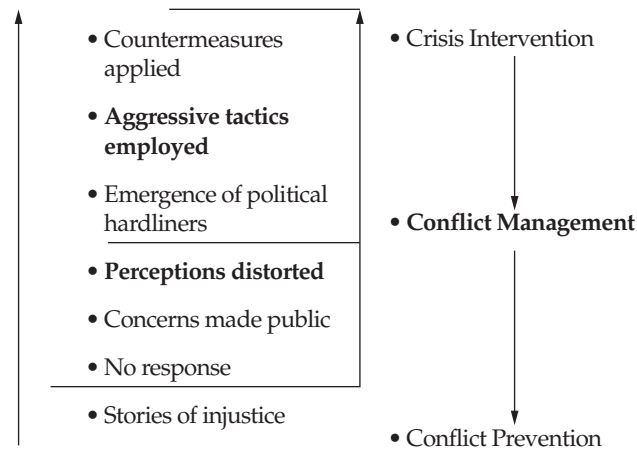
Source: Author.

in this case Malay people by the authorities, was eventually transformed into irredentist rhetoric and mythologized into us-and-them narratives. This gave the PULO, GMIP, and BRN organizing strength as stories of injustice circulated.

A closer examination of the conflict in the south presents numerous possibilities as to why the conflict escalated. For instance, following the imposition of martial law in January 2004, fear and resentment of arbitrary arrests and the continued brutality shown by police during clashes with protesters and others fueled public anger and raised tensions. Furthermore, the perceived injustice felt by family members, friends, and colleagues of those killed or maimed by government security forces, coupled with the government's failure to bring those responsible to justice, similarly fueled public disquiet. Actions such as these, whether distorted or otherwise, fuel conspiracy theories and the polarized us-and-them mentality that eventually lead to strategic alliances among political hardliners. The result is often overt or covert retaliatory measures by these groups.

The actions of police, army officers, and civil servants, all of whom serve as the face of government, either mitigate or animate anger, resentment, or fear. Much depends on their skill and ability to manage protests and exercise their authority with respect to due process and human rights. In a 2004 BBC news report, Dr. Farish Noor stated that everywhere he went he "saw police and army roadblocks, manned by young soldiers who nervously kept their fingers on the triggers of their guns."[4] Without adequate training of frontline authorities, crisis situations are more likely to occur and identity conflicts intensify, making it more difficult to mitigate the crisis.

De-escalation of Conflict

Intervention has many forms, ranging from measures to maintain social and economic stability to measures that contain violence and control social and political upheaval. The first stage of intervention, maintaining social stability, involves

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4. BBC Online News, "Thailand's Smile Fades." November 18, 2004. http://news.bbc .co.uk/2/hi/asia-pacific/4017551.stm.

creating the right conditions for cooperative relations through effective governance. This is what John Burton (1990) calls *conflict provention*, or achieving a collective balance among the interests and aspirations of all constituents. Ideally, this intervention is built on a civil and judicial foundation that is seen as just and fair. Conflict provention takes into account environmental influences, which consist of *structural conditions,* such as state rules and regulations (or lack of rules and regulations), organizational policies and practices, enforcement measures, and accessibility to or control of media and other communications; and *systemic conditions*, such as societal norms and other cultural expectations, economic conditions, and corrupt and hegemonic practices.

When conflict persists or escalates, the second stage of intervention consists of managing conflictual relations by removing the dissonant factors. *Conflict management* occurs when stakeholders, be they parliamentarians, NGOs, or CSOs, co-manage a conflict situation using a problem-solving or dialogical process intended to encourage collaboration and an outcome mutually agreed to by the key individuals (persons of influence) and their organizations.

The third stage is crisis intervention, which is the most challenging of all three levels of intervention because it often requires extensive resources, for both the short and long term, to address the imbroglio that results from chaos, whether it is violence or political turmoil. *Crisis intervention* occurs when chaos erupts and decisive action is needed to change the effect or course of action, bringing the violence or political turmoil under control.

An example of crisis intervention was the announcement in March 2005 by the prime minister, Thaksin Shinawatra, about the formation of the National Reconciliation Commission (NRC) more than a year after the upheaval. The commission was headed by Anand Panyarachun, former prime minister and an outspoken critic of the Thai government's handling of the unrest. The NRC was made up of prominent members of society whose mandate was to examine the causes and the extent of the violence. Within the first month, the NRC released a report examining the events of April 28, 2004, in which 107 people were killed by police, and the extra judicial executions of the Muslim insurgents at the Kru Se Mosque in Pattani later in the day. The NRC also released a report on the October 2004 deaths of protesters at Tak Bai in Narathiwat, who were arrested and subsequently suffocated after being detained and put in the rear of army vehicles.

The NRC spoke of the need to end martial law, promote justice and the rule of law, compensate the victims of violence, address economic problems through education, and support cultural diversity. On June 5, 2005, the NRC recommended introducing Islamic law, allowing Pattani-Malay (Yawi) as a working language in the region, and establishing a Peaceful Strategic Administrative Center, which would be a rebirth of the Southern Border Provinces Administrative Center disbanded by the prime minister, Thaksin Shinawatra, in 2001 and would also include an unarmed peacekeeping force. Although these recommendations at first appeared to have political support, in the end they were opposed by former General Prem Tinsulanonda, president of King Bhumibol Adulyadej's Privy Council, who at the time seemed to have the last word on the matter.

However, crisis intervention has the potential to create unforeseen circumstances with unpredictable outcomes. Political turmoil continued after the release

of the NRC's reports, and words were exchanged between the prime minister and his commander in chief of the Royal Thai Army, General Sonthi Boonyaratglin.[5] On August 15, 2006, General Sonthi accused the prime minister of political interference and asked the government to "free the military and let it do the job."[6] General Sonthi asserted that he would negotiate with leaders of the insurgency, thus breaking with government policy. This strategy was unworkable, though, because it was still not clear who was behind the insurgencies.

On September 19, 2006, while the prime minister was in the United States speaking to the United Nations General Assembly, General Sonthi and other military officers led a military coup against Thaksin Shinawatra's government, dissolving the cabinet, parliament, and the Constitutional Court. In doing so, General Sonthi temporary assumed the powers of the prime minister's office. Crisis intervention was driven by a need, in this case a coup, to contain a volatile political situation.[7]

General Sonthi, as prime minister pro tem, reinstated the Southern Border Provinces Administrative Center and the Civilian-Police-Military Task Force, both of which had been dissolved by the former prime minister in 2001. Whether the reinstatement of these institutions will lead to the arrests of those responsible for the violence is not yet known, nor is there any indication that the arrest of those who perpetrated the violence would end the violence.

Looking forward, the next step is to develop strategies to change the conditions that gave rise to the conflict in the first place. This plan leads to the question of whether the separatist campaign of Bersatu (which means *united* in Malay) is an umbrella organization of PULO, BRN, and smaller splinter groups and would be a political solution, rather than one that addresses the underlying influences. Furthermore, it is prudent to consider whether implementing the NRC recommendations would alter the conditions that brought the parties into conflict in the first place. The new political regime in Bangkok must question their assumptions with respect to the conflict, how they can broaden their understanding, and what strategies they can implement in the short and long term to change the conflict.

Capacity Building to Manage Conflict and Change

The ability to manage conflict and change begins with an assessment of what is known or not known about the conflict. This means identifying the interrelationship of factors that influence the conflict setting. Such an assessment enables parliamentarians and others to identify the questions they need to ask before they intervene

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5. General Sonthi is the first Muslim to assume the role of commander in chief. He was appointed to the post in October 2005. One of his key supporters was former General Prem Tinsulanonda, president of King Bhumibol Adulyadej's Privy Council.

6. The Bangkok Post, "Deep South: Army Wants Peace Talks but Unsure Who With," September 19, 2006.

7. The political situation was becoming more volatile due to increased protests and the potential for violence in Bangkok, allegations of conflict of interest and corruption directed toward the prime minister and an election to be held in October 2006 with the polls indicating that the prime minister and his Thai Rak Thai party were likely to win another majority government, based on his popular support in the rural areas of Thailand.

Figure 11.3 Interrelational Framework
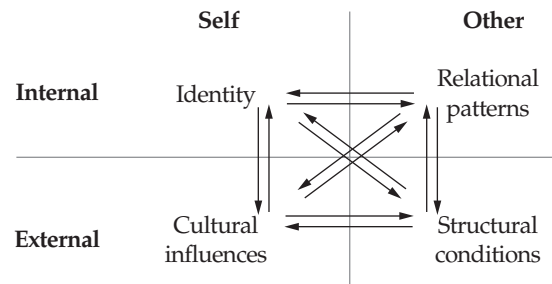
Source: Author.

or embark on a course of action. An interrelational framework is illustrated in figure 11.3.

Questions that might arise when determining the interrelationship of factors include:

- *Identity.* How is conflict being described, and how does the conflict influence people's identity? What assumptions are being made?
- *Relational patterns.* What are the competing stories and how do these stories or events influence how people interact? What is the relationship like among NGOs, civil society organizations, and government?
- *Cultural Influences.* Who benefits from seeing the conflict continue? Who believes they have entitlements, and who believes they don't? What factors undermine change? Where do individuals turn for answers? How are conflict stories managed by media? Who gets listened to and who does not?
- *Structural conditions.* What conditions impede change, and how do these conditions influence how people think or interact? What security and safety risks have been identified and how are these risks being managed by those in authority?

After the questions have assessed what is known and what is not known, the next set of questions should focus on the intervention role. Intervention ranges from dialogue and diplomacy to use of force. Much would depend on whether the conflict setting is manageable and whether there is mutual concern among key actors to end or prevent violence. Some examples of questions include Is the conflict manageable? If one was to alter certain conditions, what impact would this have on the conflict stories? Which conditions are more pressing than others? Are key actors from NGOs and CSOs willing to assume a strategic role in co-managing the situation? In crisis situations what measures are needed to deescalate the conflict? How well prepared are crisis managers when it comes to public safety, disaster management, crime enforcement, and prevention?

How the conflict is viewed typically shapes how intervention is viewed. If violence is seen as the actions of a criminal element, then intervening would be seen as a policing responsibility. If, on the other hand, the conflict was considered to be civil unrest, presumably the intervention would be seen to have a political dimension. Here, law enforcement's role would be maintaining the peace, whereas political strategies or interventions would be considered and possibly acted on.

For former Prime Minister Thaksin, violence in the south was seen as a policing problem. As a former police officer in the Royal Thai Police, with graduate and

postgraduate degrees in criminal justice, Thaksin viewed the killing of police offi-cers in July 2002 strictly as a criminal justice matter that required tougher mea-sures to stamp out the problem.[8] However, Minister of Interior Purachai Piemsom-boon, after visiting southern Thailand, characterized the situation as the work of drug traffickers. This led to enforcement measures to suppress drug trafficking, not only in the south but throughout Thailand. Within three weeks of the new drug enforcement campaign, 600 suspected drug dealers had been killed, which led the head of the National Human Rights Commission of Thailand to dub the government's anti-drug campaign as an eye-for-an-eye[9] and condemned the prac-tices as human rights violations.

By 2004, former Prime Minister Thaksin had changed his view, noting that the fight against insurgency was akin to the global war on terrorism and that the issue had been influenced by organized crime. The situation was no longer simply a policing operation, because it now required military intervention as well. Thaksin's chosen method to intervene in the growing unrest was to reshuffle between the military and the police, appointing someone new to the position each time.

Effective Leadership

Effective leadership, in this case, is one that understands enough about the conflict to know when to act, what measures to take, and the advantages and disadvantages of interventions being considered. The challenge in being an effective leader lies in the conceptualization of leadership itself and how these ideas are manifested as governance practices. For example, the leadership style of former Prime Minister Thaksin was often characterized as that of chief executive officer, as if he headed a corporation rather than a country. It also was described as "Thaksinocracy," loosely defined as a corporate merger between autocratic and dictatorial (as one would find in the private sector) and democratic governance (Bunmee 2006). This type of lead-ership may have been looked on favorably by those who linked his leadership role to the significant improvement in Thailand's gross domestic product, in particu-lar since the Asian currency crisis in 1997. However, his rural assistance programs, his crackdown on drug trafficking, his ministerial restructuring, and other policy changes were not without controversy. They were seen by some as badly needed reform and by others as a consolidation of power, leading to violations of human rights, political interference, and conflicts of interest.

This polarized view of leadership is not unique to Southeast Asia; it is indica-tive of many parliaments in both developed and undeveloped countries. Clearly, constituents are willing to accept certain leadership styles as long as there is a sus-pension of disbelief about the leader's role and the values he or she infuses into the governance process. Heavy-handed enforcement may be seen by some as unac-ceptable, but for many, enforcement may be what is needed for change to occur. Notwithstanding, tough measures have their price when suspension of disbelief

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8. BBC News, "Thailand Tackles Violence in the South," July 11, 2002. http://news.bbc.co.uk/.

9. BBC News, "Thai Drugs War Attacked," February 24, 2003. http://news.bbc.co.uk/go/pr/fr/-/2/hi/asia-pacific/2793419.stm.

has been challenged, most notably as signs of corruption and abuse of power for personal advantage by those in leadership roles.

If conflict is viewed as a systemic or structural problem (or set of conditions) to be addressed outside the legislative process or through law enforcement measures, then effective leadership recognizes the need for involving key constituents in the change process. For instance, bringing parliamentarians together with NGOs, CSOs, universities, and other people of influence is an important step in managing conflict and change. In taking that step, it is important to ensure that the participants are willing to set aside political differences to view the conflict from a mutual vantage point. This is a managed process that requires skill and direction, in particular where relations among the key actors have not always been favorable or constructive. Many NGOs and CSOs are often viewed by parties in power as oppositional and therefore unsuitable for building a coalition. Situations like these benefit from using trained facilitators who have the depth, experience, and understanding to recognize influencing factors and how they might assist.

Conclusion

Managing conflict is a challenge for both parliamentarians and civil society. Many lessons can be learned from the situation in southern Thailand, not the least of which is the need to better understand the nature of the conflict. Countries have learned that decades of hegemonic and corrupt practices by government (and other authorities) eventually lead to conspiracy narratives and political opportunism that are soon manifested as strategic alliances among political hard-liners. When insurgencies and public demonstrations occur, inadequate training often brings about aggressive police and military tactics, fueling a retaliatory response by the insurgents.

Managing conflict effectively requires leadership skills that begin with analysis, that is, knowing how conflict patterns emerge, how certain structural and systemic conditions either stabilize or destabilize ongoing relations, and more important, when to intervene and when not to intervene. Managing an intervention process is a competency that is developed through training, emulation, and practice, rather than acquired through position or rank. The capacity to manage conflict, and the uncertainty that results, is the basis of effective leadership and governance in conflict-affected countries.

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12

Military Intervention in Thai Parliamentary Democracy

Tarnthong Thongswasdi*

Thailand's parliamentary democracy has suffered from recurrent military intervention and short-lived elected governments and parliaments. In 1932 Thailand was transformed from an absolute monarchy to a constitutional monarchy by a bloodless and peaceful coup. The first indirect parliamentary election was held in 1933, and the first direct parliamentary election in 1937. Since 1932 Thailand has experienced 20 coups (both successful and attempted), drafted 17 constitutions, with the most recent being in 1997, and experienced popular uprisings in 1973 and 1992. State power has largely been concentrated in the hands of a few individuals rather than in democratic institutions, and participatory democratic institutions, such as parliament, have for the most part been too weak to function effectively. Despite attempts by some parliamentarians, the Parliament of Thailand has failed to take on an important role in resolving national conflicts or to provide meaningful and effective oversight of the executive branch.

The world was shocked when, in September 2006, after 15 years of a democratically elected government, Thailand once again experienced a military coup. The earlier February 1991 coup resulted in mass protests and demonstrations, particularly after the selection of one of the coup leaders for the post of prime minister. Clashes between demonstrators and the military led to civilian deaths.[1] In contrast,

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*This chapter benefited from the input of Lisa von Trapp.

    1. One of the most controversial historical events in Thai parliamentary democracy was the selection of Anand Panyarachun as interim prime minister directly after the events of Black May 1992. After political mediation by the king leading to the resignation of Prime Minister Suchinda, the parliament, in reaction to public demand, passed a constitutional amendment to require that the prime minister be an elected member of the parliament. At the same time, although the former coalition parties won the majority in the parliament, the public did not want them to form a new government after the bloodshed. Opposition parties could not form a new government due to the lack of majority support in the parliament. Thailand faced a "dilemma" about how and who should be chosen as the new prime minister. On the same night that the final reading passed the parliament, the Speaker of the House of Representatives, Dr. Arthit Urairat, submitted the name of Anand Panyarachun to be the next nonelected prime minister to the king, without consulting with, or with the consent of, the parliament. Surprisingly, this time the public supported the selection of an unelected interim prime minister. It was difficult to rationally comprehend this event. Blood and tears had been shed to fight for an elected prime minister, yet when the parliament attempted to address their concerns, the public agreed to an unelected prime minister hand-picked by the House Speaker.

the most recent coup in 2006 was well received by the majority of people in Thailand, without any of the mass protests that accompanied the 1991 coup.

Recognizing additional contributing factors such as the continued violence and divisions in the south, this chapter examines the 2006 coup in light of some of the unintended consequences of the 1997 Constitution of Thailand. That constitution, which in effect concentrated power in the hands of the prime minister, rendered the parliament (particularly the opposition) and independent oversight bodies ineffective and ultimately created a political stalemate. Linked to this situation were problems of corruption that further diminished confidence in the government, parliament, and other state institutions.

The 1997 Constitution: Weakening of the Legislature

It is difficult to understand the 2006 coup d'état without looking at how some of the provisions of the 1997 constitution ultimately affected the political climate in Thailand. Despite the 1997 economic crisis that spread across Asia (known in Thailand as the Tom Yum Kung Crisis), Thailand enjoyed smooth transitions of power under the leadership of democratically elected prime ministers Chuan Leekpai (September 1992–July 1995), Banharn Silpa-Acha (July 1995–November 1996), General Chavalit Yongchaiyudh (November 1996–November 1997), and Chuan Leekpai (November 1997–February 2001). During this decade of democracy, Thailand adopted a new constitution in 1997. It was the most democratic constitution to date but eventually proved unworkable. During the 2006 coup the president of the National Legislative Assembly dubbed it "A Rolls-Royce to be used for plowing in the paddy field."

The 1997 constitution was designed to overcome the anarchy of previous coalition governments that had proved unstable and were associated with the economic crisis. The drafters of the 1997 constitution believed that a major obstacle for the further development of Thai parliamentary democracy was the relative weakness of the position of the prime minister, which often led to short terms of office. Hoping to cure this problem, the constitutional drafters set up a new political structure with a stronger prime minister.

A new provision required that a member of parliament who took a cabinet post must resign from the parliament. Cabinet members realized that if they were dismissed from the cabinet, they would no longer hold a political position and thus would lose political bargaining power. Cabinet members were therefore essentially under the full control of the prime minister. At the same time, the constitution made it more difficult for the parliament to submit censorship motions against cabinet members. It required two-fifths of the members of the House of Representatives to submit a censorship motion against the prime minister, and one-fifth of the members for other cabinet members.

The constitutional drafters also preferred a two-party system to a multiple-party system. In the traditional multiple-party system the coalition parties tended to have strong bargaining power, which made it difficult for a prime minister to appoint qualified individuals to cabinet posts. Rather, coalition parties proposed names for posts, which were allocated according to a quota system. In effect the prime minister did not have the power to control his cabinet members and faced difficulties implementing policies proposed during the election campaign. To move

toward a two-party system, the constitution set a minimum of 5 percent of the popular vote for any party to have party-list seats in the parliament. Thus, small parties were eliminated from parliament. Similarly, whereas the 1997 constitution required only 15 people to register a new party, any new parties had to have at least 5,000 members and a branch in each of the 4 different regions (north, northeast, central, and south) within 180 days. The constitution also required the support of at least 20 members of the House of Representatives to submit any draft bills. Smaller parties had almost no channels to play an important role in the parliament.

Finally, the 1997 constitution stated that only political party members could serve as members of the House of Representatives. To be eligible to stand for election, candidates had to be party members for at least 90 days prior to election registration day. If members of the House of Representatives resigned from their party, they would lose their seats. This condition was set to prevent members from changing parties to bargain for their own interest or for position, and thus weakening the power of the prime minister and of political parties.

Arguably, the constitution strengthened the position of the prime minister at the expense of the legislative branch. To mitigate this weakness, the constitution created several independent watchdog bodies to provide checks and balances on the executive branch. These included the National Countercorruption Commission, the National Audit Office, the National Human Rights Commission, an ombudsman, Administrative Court, Constitutional Court, and the Election Commission. However, the constitution did not provide for how these independent bodies were to be constituted. The solution was to have their members appointed by a theoretically nonpartisan Senate. This proved problematic because the Senate was not truly independent. In the end, they were accused of siding with the executive branch when they exercised their voting authority to select members for each of these independent accountability organizations. Thus, in spite of these new institutions, abuses of power and exploitation of weaknesses in the constitution created a new type of autocratic government, causing a political stalemate which eventually led to the September 2006 coup.

A Dominant Executive Branch

The 1997 constitution provided an opportunity for Thailand to have its first strong prime minister. Coincidentally, one of the richest men in Thailand soon became prime minister. In the 2001 general election the Thai Rak Thai (TRT) Party won a landslide victory, with 248 seats out of 500. After the election the TRT Party took over three of the smaller parties (Serithum Party, New Aspiration Party, and Chart Pattana Party), thus taking control of parliament. In the 2005 general election, the TRT Party won 377 seats out of 500. It was the first time in Thai political history that a single party won enough seats to form a single-party government. Because the chief of the executive branch and the leader of the party with an absolute majority in the parliament were one and the same, the executive branch could essentially control parliament.

The constitution gave Prime Minister Thaksin Shinawatra great power to control members of the House of Representatives and meetings of parliament. As the prime minister could dissolve the parliament at any moment, members of the House of Representatives could not predict election dates in advance and because changing

parties meant losing one's seat, the TRT Party retained an absolute majority in parliament. Cabinet members who had already resigned from the parliament to take up their post were dependent on the prime minister for their positions, which acted as a disincentive for them to challenge his authority or actions.

The ruling party controlled the majority in the parliament and the Speaker and Deputy Speakers of the House were naturally all chosen from among the ruling party members, making it difficult for them to perform their duties impartially. The various parliamentary committees were also controlled by the ruling party through the chairpersons and because the majority of the committee members were from the ruling party (the quota system was used for forming committees). In addition, the 1997 constitution limited parliament's influence on the budget by stating that bills related to the budget could only be proposed by the executive branch. In addition, the executive branch was able to act with little risk of censure or a no-confidence motion brought by the legislative branch. As a result, parliamentary debates became unexciting and insignificant. The prime minister rarely attended parliamentary sessions and legislators did not make regular use of question time, because most were in the ruling party.

Finally, the prime minister was also able to exert extensive control over the supposedly independent oversight bodies, which were intended to check the executive's power. The prime minister was able to do this because his party controlled the Senate, which was empowered with selecting and dismissing members of the independent oversight bodies. Thus the system of checks and balances provided for in the constitution ceased to function properly.

Corruption

Thailand's parliamentary democracy has suffered from military intervention and dictatorship since its inception in 1932. During the long years of autocracy the country was controlled by military-civilian bureaucrats. Corruption and abuses of power were rampant and became a built-in part of Thai government and society. Widespread corruption of parliamentarians was partially kept in check in the early years because Thai politicians did not need large sums of money to enter politics, and more important, because there was no practice of systematic vote buying until the 1970s.

In the 1970s many businessmen began to enter politics directly rather than use their financial support to influence politicians and policies. Vote buying was seen as the easiest way to open the door to a political career and the practice became widespread. Some businessmen-cum-politicians were more concerned about their business interests than the interests of the citizens they represented. During their tenure, they were keen to make a profit against their vote-buying investment. Some also used their ill-gotten gains to create the factions, which they in turn controlled, so that they would be in a better position to negotiate for cabinet posts, thus giving them even more influence.

Business-oriented politicians have gradually come to dominate the Thai parliament. Therefore, although the Chatichai government (August 1988–February 1991 and the first elected government in 12 years) had the opportunity to further strengthen parliamentary democracy, rampant corruption and power abuses resurfaced and undermined this opportunity, eventually inviting a military coup in 1991.

Election fraud, vote buying, and abuse of state power, along with other types of corruption, have been extremely detrimental to Thailand's parliamentary democracy over the years and have hurt public confidence in the political process.

To counter election fraud the 1997 constitution created a new independent organization: the Election Commission. The commission was supposed to supervise free and fair elections and to punish those who practiced election fraud, notably vote buying. However, the Election Commission failed miserably both in performing its basic duties and in acting independently because it was essentially controlled by the government. As long as extensive vote buying continues, Thai politicians may believe they need large sums of money for their political survival and so are tempted by corruption, thus rendering Thai democracy unstable and increasing the probability that the Thai military will repeatedly intervene in politics. Corruption has been repeatedly cited as a rationale for past coups.

The Thaksin government was able to manipulate constitutional provisions and use state power and money to exploit Thai society's weakness for money politics. Thailand's parliamentary democracy remains at risk as long as Thai society remains vulnerable to the influence of money in politics and oversight bodies do not perform their functions independently and effectively.

The September 2006 Coup

Trigger of the Coup

The escalating conflict was triggered in large part by a legally questionable, and ethically unacceptable, business deal by former Prime Minister Thaksin in January 2006. The prime minister sold his family's telecommunications empire, Shin Corporation, to the Singapore government's investment arm, Temasek Holdings. The payment of US$1.9 billion was structured in such a way that the prime minister's family was not required to pay taxes on the income generated by the sale. The deal also created national security concerns because strategic and sensitive industries operated by Shin Corp., such as mobile-phone services, satellite communication services, and television channels, would be owned and controlled by foreign interests. Mass street protests were held demanding Thaksin's resignation. The prime minister quickly dissolved the House of Representatives and in February 2006 called a snap election to once again obtain the voters' mandate to continue to rule the country.

The general election in early April 2006 was boycotted by the major opposition parties, which led to a political deadlock. In late April, Thailand's King Bhumibol intervened and suggested that the country make full use of the judicial branch to resolve the legal and constitutional conflicts. Because the legislative and executive branches were not capable of resolving the conflict on their own, the highest courts (Supreme, Constitutional, and Administrative) were seen as the last resort to solve the political deadlock democratically. In June the Constitutional Court nullified the February 2006 early election called by Thaksin, declaring it unconstitutional. In July a criminal court sentenced the election commissioners to four-year prison terms for abuses and mishandling of the general election.

Following these events, violence in southern Thailand continued to escalate without any foreseeable solution. Political activists, the mass media, and academics continued to criticize the government, which fueled strong public demand for

the prime minister's resignation. Thailand was severely and deeply divided, yet the prime minister continued to cling to power. In September 2006, the military decided to stage a coup d'état.

An Unusual Coup

On September 19, 2006, during the prime minister's visit to the United Nations General Assembly, General Sonthi Boonyaratglin and other military officers led a military coup against Thaksin Shinawatra's government. They dissolved his cabinet, the Thai Parliament, and the Constitutional Court and assumed temporary powers of the prime minister's office. The coup was one of the smoothest in Thai history. Not a single bullet was fired, nor a single drop of blood lost. The coup leaders cited four major reasons for the coup: (1) bitter divisions within the country, (2) alleged corruption, (3) interference in the independent oversight bodies, and (4) *lèse majesté* remarks (offenses against the king). The first, second, and fourth reasons have been frequently cited as the main causes of previous Thai military coups.

The 2006 coup leaders abrogated the 1997 Thai Constitution and abolished the recently elected Senate. However, unlike the previous coups, there was remarkable public acceptance, as evidenced in polls conducted by independent agencies, which showed up to 80 percent of the population in favor of the coup. It was the first time in Thailand's history that a coup was seen as unavoidable and was well received by the majority of intellectuals and the upper and middle classes—groups of people normally opposed to gaining power through undemocratic means. However, this did not mean that the coup was accepted as legitimate. Rather, people tentatively supported it because they saw it as the only way to end a long-lasting and bitter conflict, particularly in light of the inability of parliament and other oversight bodies to function effectively.

Aftermath of the Coup

The public soon began to worry, however, that the September 2006 coup would follow the same vicious cycle of previous coups. The coup leaders formed a Council of National Security (CNS) to oversee the aftermath of the coup. They appointed a retired army commander-in-chief, General Surayud Chulanont, to be interim prime minister. Prime Minister Surayud then appointed his cabinet members. Most were retired bureaucrats and technocrats, and the cabinet was nicknamed "a home for the aged." Their primary role was to organize a free and fair general election in one year's time. The CNS also appointed a National Legislative Assembly of 242 members, one-third of who were military personnel either in active service or retired.[2] Finally, the CNS made plans to appoint members to a constitutional drafting committee to write a new constitution.

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2. There are fears that the newly appointed senators who are linked to the military may continue to take sides with the executive. The concern is whether the current Senate will play a truly independent role in impeaching the prime minister, cabinet members, members of parliament, and presidents of the Supreme Court, Constitutional Court, and Administrative Court and in selecting and dismissing members of other independent bodies.

The people expect the new government to substantiate the four main reasons given by the military for seizing power and to hold a free and fair general election. Proving the allegations of corruption would offer a concrete way to demonstrate wrongdoing by the prime minister and to hold him to account. Yet months after the coup, the interim government had made no serious progress in prosecuting the grave charges against Thaksin and his cabinet members. Many people have strongly criticized the new government for its lack of progress. Allegations of misconduct without the requisite evidence caused further divisions in Thai society and jeopardized the credibility of the new government and the CNS. In addition, rumors that a new political party would be established to accommodate key CNS members, allowing them to hold onto power after the general election, raised questions as to the coup leaders' true motives; it was similar to what happened after the 1991 coup. Thus, initial public acceptance, and even enthusiasm, for the coup quickly diminished and has been replaced by growing discontent against the coup leaders and the new cabinet.

Conclusion

Leading up to the September 2006 coup, the Thai parliament was unable, and in some cases unwilling, to play its important oversight role, hold the government accountable, and check the excessive power of the executive branch. As such, by failing to perform one of the parliament's primary functions, it largely failed to contribute to conflict resolution or prevention. The public lost confidence in the parliament's and other oversight bodies' ability to hold the government accountable, to the point that the Thai people were willing to accept a coup d'état.

The ruling party's overwhelming majority in parliament and new provisions of the 1997 constitution contributed to making the power of the prime minister close to absolute; Thaksin's government was sometimes likened to an elected dictatorship or to democratic totalitarianism. During the five years leading up to the coup, Thaksin and his ruling party accumulated extensive power, including power over the machinery of government, the private sector, mass media, sections of the police and military forces, supposedly independent oversight bodies (such as the Election Commission, the National Countercorruption Commission, and Constitutional Court) and parliament. The prime minister was loath to accept criticism and skillfully obstructed parliamentary scrutiny of his actions.

By the time of the 2006 coup, key mechanisms for parliamentary oversight had ceased to function effectively. Parliamentary committees, dominated by members of the government party, no longer provided significant oversight of the executive branch. Similarly, parliamentarians did not make good use of question time. In addition, parliamentarians' legislative role was diminished with the new requirements that 20 parliamentarians were needed to submit a bill and that only the executive could propose bills related to the budget. This was an important failure because, for example, complaints about the elections were often linked to poor implementing legislation. At the same time, the independent agencies set up by the 1997 Thai Constitution were essentially captured by the executive branch, which was able to manipulate the appointment process. Senators were accused of taking sides with the executive branch when selecting members of independent agencies

and the parliament as a whole failed to ensure the successful performance of those bodies.

All of these weaknesses must be addressed if Thailand is to move forward. New measures or safeguards must be put in place to promote accountability, stamp out corruption, restore public confidence in the parliament and other oversight institutions, and prevent the dangerous centralization of power without accountability that was seen under the Thaksin government. As part of a long-term strategy to minimize military intervention, civilian control of the military should also be introduced.[3] This additional oversight measure would place the ultimate responsibility for the country's strategic decision making in the hands of the civilian political leaders as representatives of the Thai people, rather than in the hands of professional military officers. Thailand may need to develop a sufficient number of civilian experts in military affairs who have knowledge equal to that of military officers. This group of experts could then contribute to policies on Thailand's defense strategy, military development, and defense budget. The Defense Ministry should be encouraged to house such civilian experts, as is done in many other democratic countries around the world.

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3. The two most recent governments to fall to a coup were the Chatichai government (in 1991) and Thaksin's (in 2006). In Thailand one of the key survival principles for government, apart from economic stability, has been to balance power among key military factions and to share the power with them. Otherwise the government risks military-civilian leaders feeling left out and seeking to seize more power through undemocratic means. The issue of power sharing between politicians and military-civilian bureaucratic leaders, sometimes called the bureaucrat party, was not given by the military as one of the reasons behind the 2006 coup. However, a rumor that Prime Minister Thaksin would mobilize up-country armed supporters during a planned anti-Thaksin demonstration scheduled for September 20, 2006, and plans for an annual military reshuffling scheduled for late September 2006, may have contributed to the military's decision.

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13

Broad Strategies for Parliament to Tackle Conflict and Promote Socioeconomic Equality

Mitchell O'Brien

In addition to undertaking their core functions with an eye to conflict prevention and poverty reduction, parliamentarians from conflict-affected countries have highlighted a number of broader initiatives that can create enabling conditions helpful to these same goals (O'Brien 2005). Parliamentarians, drawing on their experience, have identified broader development strategies; their insight reflects a growing understanding of the need not only to strengthen parliament but also to support and strengthen complementary institutions and broader initiatives that can similarly help prevent conflict and alleviate poverty.

Traditionally, the objective of development policy was rooted in a belief that economic development would eventually trickle down to benefit the poor through rapid growth, higher employment, and real wages. However, disillusionment followed this development paradigm—stemming from the fact that economic growth actually raised inequality when the trickle-down effect in many cases failed to materialize—and a greater emphasis on pro-poor development strategies has resulted. International experience "suggests that, generally, countries that have been most successful in reducing poverty have combined policies promoting equity and growth" (Pasha 2003). Accordingly, this chapter focuses first on three broad and diverse strategies that parliaments can implement to promote socioeconomic equality.

Resources from the environment are the main source of livelihood for the poor in conflict-affected countries, particularly for rural populations. Competition for use of natural resources can escalate into violent conflict, whereas sustainable management of those resources for the benefit of all can empower the rural poor and elevate many from poverty. The second part of this chapter considers environmental conflict and parliament's role in addressing and stemming such conflict.

One strategy for empowering people and bringing them into the decision-making process is decentralization of political, administrative, and fiscal decision making, whether in relation to environmental management or other areas. Parliament's role in facilitating this broader strategy to empower all groups in society and ensure responsive decision making is considered in the third part of this chapter. Finally, the chapter considers parliament's role in helping to strengthen the rule of law and the judiciary. It outlines the contribution that the rule of law can make to solidifying the just social norms into law and promoting development, along with

ways in which the judiciary's independence and impartiality can be reinforced to support its role in preventing conflict and resolving disputes before they escalate.

Promotion of Socioeconomic Equality

One of parliament's many tasks is overseeing the distribution of resources. Conflict can arise when the proceeds of good governance are not allocated in an even-handed fashion, or when populations must compete for scarce resources. The failure to allocate the proceeds of good governance equitably has a twofold effect: first, it creates an environment that stimulates individuals and groups motivated by greed to kindle conflict; and second, if individuals and groups do not share in the proceeds of good governance, they will have no incentive to continue participating in the political process, and therefore may resort to violent conflict. Therefore, economic activities need to be geared toward mitigating economic hardships and reintegrating society across ethnic, racial, religious, or other minority cleavages (Jeong 2005).

The "greed and grievance theory" of conflict espoused by Collier (2000a) found that "economic agendas appear to be central to understanding why civil wars start," and that "conflicts are far more likely to be caused by economic opportunities than by grievances" (Collier 2000b; 91). By ensuring that the environment does not allow individuals and groups motivated by greed to fuel conflict, parliaments can reduce the potential for conflict. When young men see only "the option of poverty, they might be more inclined to join a rebellion than if they have better opportunities" (Collier 2000b; 94). Accordingly, pro-poor development policies and investment in a country's social capital through education expenditure help reduce some of the preconditions that could be used by individuals and groups to instigate conflict. Parliamentarians can promote such policies and facilitate any corresponding legislation.

In addition to being aware of the enabling environment in which conflict is most likely to arise, parliamentarians also need to understand the motivations behind conflict if they are to develop appropriate corrective strategies. To "prevent a situation of relative deprivation, the structural stability of the society should be strengthened through income distribution policies" (European Parliamentarians for Africa [AWEPA] 2001; 21). Ethnic minorities and indigenous groups are often the poorest groups in society, characterized by a shorter life expectancy, lower social indicators, and often socioeconomic exclusion (United Nations Development Programme [UNDP] 2004). The UNDP argues that reducing the socioeconomic exclusion of any societal group requires a combination of policies, such as the following

- Addressing unequal social investments to achieve equality of opportunity
- Recognizing legitimate collective claims to land and livelihoods
- Taking affirmative action in favor of disadvantaged groups

However, minorities are not always socially or economically disadvantaged. The potential for conflict also arises when a minority group commands a large part of a nation's wealth, whether through industrial production, agricultural resources, or the service sector. In such situations it may be necessary to implement affirmative action policies targeted toward the majority population (UNDP 2004).

Whether the majority or minority segment of society commands a nation's resources to the exclusion of the other group, parliament can promote policies that encourage growth with equity to minimize the conflict potential. The UNDP suggests that this approach could involve investing in the agricultural and other labor-intensive sectors and broadening access to assets, especially agricultural land.

Furthermore, when making policy decisions, parliament can encourage policies that harmonize the means of production and livelihoods as much as possible to avoid conflict or clashes between groups. For instance, granting permission for the construction of a dam for a power plant located upstream from areas that are dependent on water for agricultural production impinges on the interests of farmers and could induce a shift from dialogue to violent conflict. In the spirit of peacebuilding, parliamentarians should render all such decision making as transparent as possible while ameliorating the concerns of those who are adversely affected by promoting a dialogue with their constituencies to explain the reasoning behind the allocation of resources.

The Natural Environment

The natural environment has the potential to be both the basis for development and security and the catalyst for conflict. For the purposes of this discussion the environment is the system of natural matter and forces in which humans exist and which sustains and confines human development (Mirovitskaya and Ascher 2001). As an all-encompassing resource that is central to the survival of the rural poor, the natural environment is also usually coveted by more powerful interests, such as mining and logging companies, which wish to use the environment for its extractive potential. This natural resource can be transformed into a flashpoint or catalyst for escalating conflict when multiple stakeholders have competing claims to its use.

There is no agreed-upon definition of *environmental conflict*; some authors define the types of violent conflict that arise from environmental scarcity or degradation rather than define environmental conflict per se. For instance, Libiszewski (1992) defines environmental conflict as a conflict caused by the environmental scarcity of a resource, which is due to a human-made disturbance of its normal regeneration rate, whether as a result of overuse or pollution. Environmental conflicts can occur on all scales, from within local communities to global disputes. Trolldalen defines international environmental conflicts as "conflicts of interest that arise from the utilization of natural resources in one country which has negative environmental consequences for another country or group of countries" (1992; 3). Alternatively, environmental or natural resource conflicts can "revolve around access to, and control and use of, land, water, forests, pasture, and related environmental features. Such conflicts can occur at all societal levels, from the intra-household to the global" (Castro 2005; 4). This latter definition is used in this book.

Economic development and recovery usually focus on increasing agricultural and manufacturing output, construction, and infrastructure more generally. Nevertheless, "sustainable development projects must be compatible with protection of the environment that supports the survival needs of local populations" (Jeong 2005; 123). When resources, including land and natural resources, are inadequately distributed, the development and recovery process is often hampered (Collier

et al. 2003). Environmental factors, such as deforestation, land degradation, and low freshwater availability, can increase the incidence of civil war and armed conflict. Although these environmental factors are still nowhere near as likely to give rise to violent conflict as the prevalence of poverty and political instability (Goldstone 2001), the correlation between access by the rural poor to environmental resources and poverty alleviation means that the sustainable management of the environment for all plays a role in any conflict prevention strategy. Therefore, it is important to consider not only how environmental factors contribute directly to conflict, but also how the management of the natural environment can alleviate poverty.

The poor, particularly in rural areas, engage in resource-dependent activities, such as fishing, small-scale farming, hunting, modest herding, and small-scale mining, to derive their livelihoods (World Resources International 2005). The judicious use of natural resources for the benefit of all is important for long-term sustainable development and ensuring that the poor also reap the benefits of a country's natural resource endowment. Problems arise when rural populations that use the environment and natural resources for their livelihoods face a conflict of interest with large-scale extractive industries, such as mining and logging (World Resources International 2005). Poor rural populations often have little or no access to decision makers, and therefore do not have much of a say in how the natural environment is used. The allocation of these resources to more powerful extractive interests often leaves poor populations without access to the very income stream they need to keep themselves from falling further into poverty. Groups that are voiceless and powerless to work within a democratic system to have their interests met have a greater incentive to resort to violent tactics.

For instance, the oil-rich Delta state in southern Nigeria has experienced ongoing tensions among the Ijaw ethnic group, the Nigerian government, and oil companies. The Ijaw claim that they have been dispossessed of the natural resources of the region by the government and oil companies, who have failed to adequately share the economic benefits from oil extraction in the region (International Crisis Group 2004). The situation has manifested itself in high levels of unemployment and poverty, in addition to very low levels of social services compared with the rest of Nigeria (Oyefusi 2007). The Niger Delta has been the site of civil violence since 1999, but the present conditions have led to the resurgence of militant groups in the first half of 2006, such as the Movement for the Emancipation of the Niger Delta (MEND), which has targeted foreign oil interests and kidnapped foreign oil workers in hopes of driving the oil companies out of the Delta region (BBC News 2006). Although these militant groups do not necessarily represent the legitimate grievances of the disaffected local population, they too have a common platform in demanding greater access to the region's wealth for local populations (BBC News 2006). This is reflected in a recent survey, which found that approximately 36 percent of the sampled population, who were individuals living in the Niger Delta, revealed a propensity for participating in an armed struggle (Oyefusi 2007).

Extractive industries have a long history of causing conflict. However, to turn around the "resource curse" bestowed on many developing countries (Auty 1993), a number of initiatives are seeking to implement protocols that ensure that resource extraction in conflict-prone nations is done in an ethical fashion and for the benefit of the country as a whole. For instance, the Kimberley Process Certification Scheme was established to ensure that all rough diamonds traded internationally are conflict-free. The Kimberley Process is a government certification scheme that requires

governments to certify that shipments of rough diamonds are free of so-called blood diamonds, or conflict diamonds. Launched in 2003, the scheme has been endorsed by participating governments, the diamond industry, nongovernmental organizations (NGOs), the United Nations General Assembly, and the United Nations Security Council.[1] Participating countries must pass legislation to enforce the Kimberley Process and set up control regimes for the import and export of rough diamonds (Global Witness and Partnership Africa Canada 2005). Parliaments can assist by working to pass legislation implementing the process and by ensuring, through their oversight activities, that the regimes for controlling the industry's trade are being enforced. Another initiative is the Extractive Industries Transparency Initiative, which supports improved governance in resource-rich countries through the full publication and verification of company payments and government revenues from oil, gas, and mining.[2] The idea behind the initiative is that energy companies that are listed on public stock exchanges must publish the tax, royalty, bonus, and other payments they make to resource-rich countries (Goldwyn 2004). Parliament can encourage the government to participate in this voluntary program, and then work with the government, NGOs, and companies to develop the reporting mechanisms for collecting the information.

The poor must have access to the natural environment and resources for wealth creation; otherwise their continued poverty can contribute to an atmosphere conducive to escalating conflict. However, the disenfranchisement of local populations inhibits their ability to contribute to decision making, particularly in relation to the use and management of local ecosystems and resources (World Resources International 2005). In addition, structural impediments, such as a lack of property rights, centralized decision making, and a lack of information and access to justice, restrict the capacity of the rural poor to contribute to sustainable management of the natural environment (World Resources International 2005). Parliament can empower rural populations to participate in the management of natural resources and share in the benefits of the environment by engaging in constituent outreach. In addition, "[s]ystemic and institutional changes that enable the poor to have a stronger voice in the formulation and conduct of public policy are important" and include strengthening the rule of law, decentralization (Pasha 2003; 93), and passage of right-to-information policies to counter any asymmetry in information that may exist among decision makers, rural communities, and more powerful groups with vested interests in the use of the natural environment (also see chapter 8 in this book).

Decentralization

Like many processes, decentralization can have a positive or negative impact on peacebuilding, but when it is well implemented and properly coordinated, decentralization can contribute to reducing poverty and managing conflict. Decentralization has been defined as the "distribution of power and resources, both among different levels and territorial areas of the state and among different interests in

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1. Global Witness. "Combating Conflict Diamonds." http://www.globalwitness.org/pages/en/conflict_diamonds.html.
2. Extractive Industries Transparency Initiative, "About EITI." http://www.eitransparency.org/section/abouteiti.

their relationship with ruling elites" (Crook and Sverrisson 2003; 234–35). *Political decentralization* aims to empower citizens in the decision-making process by conferring more power to local representatives; *administrative decentralization* redistributes authority and resources for providing public services to different levels of government; and *fiscal decentralization* expands local revenue either through local self-financing, local borrowing, or intergovernmental transfers, among other means (Rondinelli 1999). It is estimated that 63 out of 75 countries with a population over 5 million have undergone a major process of decentralization since 1980 (Lee and Gilbert 1999).

Decentralizing power and resources can contribute to conflict management by facilitating citizen participation in decision making. Decentralization provides an "institutional mechanism to bring opposition groups into a 'formal and rule-bound bargaining process,' which can promote national unity as it did in South Africa" (World Bank 2000; 121). It does this by broadening participation. In turn, increased participation can also create the impetus for more demand-driven pro-poor and development policies. Local communities will also have more direct and easy access to communicate their needs to those in power (Ansell and Gingrich 2003).

Local decision makers are closer to the people following decentralization, therefore, are potentially more receptive to local concerns. The potential for better decision making stems not just from the closer location of decision makers to those who will be affected by the decisions, but also from decentralization processes, which harnesses more of a country's social capital in developing nuanced policies. To mitigate escalating conflict and poverty reduction, responsiveness of policy making is more important than greater participation, although the former is often predicated on the latter. Greater responsiveness of policy making has the dual benefit of ensuring that decision making takes into account local points of friction and develops more pro-poor and development policies, because policy makers respond to the demands of poorer citizens who are now able to participate more directly. Pro-poor policies have the added advantage of building an environment in which conflict is less likely to arise, thereby preventing violent secessionist movements (Livingstone and Charlton 2001).

Experience has shown, however, that decentralization will not guarantee or even necessarily lead to the enfranchisement of previously excluded citizens or result in policies that are necessarily more pro-poor (Livingstone and Charlton 2001). A number of factors can affect the success of a decentralization process, depending on the circumstances and the type of decentralization undertaken. Decentralization depends, in large part, on parliament's legislative and oversight functions in overcoming a number of recurring obstacles that hamper such schemes, in particular the following:

- Addressing preexisting power relationships
- Countering "elite capture" of the process
- Defining fiscal relations between the central authority and decentralized decision makers; and
- Achieving accountability of localized decision makers

Preexisting power relationships, whether political or economic, will have an impact on the success of decentralization. The social context in which decentralization programs are implemented will have a bearing on the programs' success because it has the potential to either fracture or reinforce "vested interests in

existing patterns of patronage" and challenge or bolster the dominance of local elites (Crook and Sverrisson 2003; 235). Most often the devolution of political, administrative, or fiscal authority to local institutions will require reform legislation; parliamentarians should seek to design and pass legislation that counters preexisting power relationships.

Another obstacle is the potential for capture of the decentralization process by the elite, which merely reinforces and entrenches the status quo (Smith 1985). Decentralization schemes often result in elite capture when central authorities negotiate implementation only with local authorities, rather than with the community as a whole, or when central authorities empower preexisting local authorities as the basis for the devolution of political, administrative, or fiscal power. If local elites are successful in capturing the decentralization process, they can potentially create strengthened local spheres of influence that can be used to discriminate against opponents, as happened in Colombia, where opposition parties have been subjected to violence by local elites who had consolidated power (Shabbir 2005). Parliamentarians who wish to see decentralization contribute to poverty alleviation and conflict management should use parliament's legislative review process to ensure that enabling legislation does not facilitate elite capture.

An example in which elite capture was successfully avoided is the decentralization in West Bengal, India. In 1978 the Communist Party won the general elections in the state of West Bengal, traditionally a stronghold of the Congress Party. To challenge the influence of the Congress Party and the power of the rural landlord elite, the new government sought to increase the decision-making responsibility of the poor. It thus decentralized implementation of government programs to village councils and encouraged citizens to participate by opening up district-level governments to party elections for the first time. This resulted in greater representation of the poorer members of the community (Shabbir 2005).

One of the major criticisms of the West Bengal case was that the decentralization scheme actually tempered the benefits of participation, because it devolved responsibility for implementation of state government programs to the local level rather than empowering the poor to contribute more directly to policy formation (Crook and Sverrisson 2003). If a decentralization scheme intends for participants to do more than just implement government policies, it is important to promote capacity building at the community level. Building such capacity includes fostering leaders who are willing to take a proactive role in supporting popular participation and engaging an array of stakeholders in the decentralization process. For instance, the proactive leadership exhibited by the local government of Belo Horizonte in Brazil enabled decision makers to successfully implement the decentralization of basic health services through the Brazilian Unified Health System (Work 2003). Building capacity and fostering local leadership can also be used to bring disparate local groups together to build relationships and trust, while enticing parties to be more accommodating of each others' interests. In this way capacity building can contribute to the peacebuilding process.

Parliament can exert influence on the decentralization process by helping define the fiscal relationship between the central and local authorities. The allocation of resources will directly affect the outcome of the process, in particular the "stability, security, and degree of targeting of funding, from whatever source, together with effective mechanisms for its management, monitoring and control" (Livingstone and Charlton 2001; 237). For example, Uganda's decentralization program sought

to "transfer substantive political, administrative, and financial authority to make decisions and manage public functions from the central government to the local governments" (Livingstone and Charlton 2001; 78). This resulted in local governments taking a larger role in service delivery coupled with having more freedom to raise revenue. However, the capacity of the local governments to raise and collect taxes was not equal to the larger responsibility placed on them by the decentralization process, thereby jeopardizing the objectives of the decentralization scheme (Livingstone and Charlton 2001).

Parliaments can also use their accountability function to influence a decentralization process and ensure that it achieves its stated objectives. Responsive decision making will not automatically flow from increasing citizen participation or increasing the representation of the poor unless it is coupled with greater accountability. Chapters 6 and 8 examine the different concepts and approaches to accountability; in any case, parliaments play a prominent role in providing whichever form of accountability is called for. However, it is important that parliamentarians understand the demarcation between national issues and local issues so that they do not subsume responsibility for local issues and encroach on the decision-making territory of local representatives and decision makers. Parliamentarians should not be involved in decision making at a local level to properly exercise their oversight responsibilities associated with the decentralization process.

Rule of Law

Some definitions of the rule of law emphasize formal characteristics, whereas others emphasize substantive outcomes or functional considerations (World Bank 2005). Irrespective of the definition adopted, a number of lofty objectives, including economic development and human rights protection, depend on having a rule of law. This chapter focuses on how the rule of law intersects with the parliament, poverty, and conflict nexus and, in particular, how the rule of law aids peacebuilding in conflict-affected countries.

The ability of a country's institutions to protect property rights, reduce transaction costs, and prevent coercion and corruption are decisive in encouraging development (Kaufmann, Kray, and Zoido-Lobaton 1999). Also, when the rule of law is weak or nonexistent, the enforcement of contract and property rights often relies on threats and sometimes on violence (Posner 1998). Thus, strengthening the rule of law helps prevent conflict and positively affects economic development, which assists in creating an enabling environment conducive to peace.

A *rule-of-law state* has been defined as a state in which the law is consistent with social norms that embody citizens' sense of justice, and citizens obey the law out of respect (Robert 1996; 191). When laws reflect social norms, human behavior reflects the standards entrenched in law, and social norms become legally enforceable. For instance, most countries have successfully enacted into law the social norms by which people exchange goods, services, and property (Robert 1996). If laws follow social norms, the community views those laws as just and therefore citizens are more willing to comply, thereby reducing enforcement costs.

Parliaments, as the institutions that enact laws, have the ability to ensure that the legislation reflects social norms. As the representatives of the people, parliamentarians are in a unique position to interact with their constituents and civil society to ascertain societal norms and ensure that they are reflected in the rule of law.

Furthermore, parliaments may proactively prepare for future contingencies and enact laws that do not reflect existing social norms. For example, parliament may pass a law requiring that all private landowners register title to their land with a central authority to create more certainty with respect to property rights. Such regulatory requirements may not be reflected in social norms and may not be supported by certain sectors of society; however, in such instances, parliamentarians are able to reach out to their constituents, civil society, and all relevant stakeholders to explain the reasoning behind such measures in order to build public support for the legislation. In this way, parliamentarians are able to contribute to a rule-of-law state because they have an opportunity to shape community consensus around the initiative, so that stakeholders view the laws as just and therefore are more willing to comply.

The Judiciary and Justice

The rule of law can contribute to peacebuilding not only by providing a framework of laws based on social norms, but also by providing stability through justice. The judiciary is one of the primary institutions responsible for state enforcement of the rule of law. It also is a key player in managing conflict among different groups in society, because the "very notion of the modern state necessarily includes a component on how to manage people's conflicts with some rational trend" (Abregu 2001). The court system helps to manage emerging conflict between groups and the state, by protecting rights, and between divergent groups in society, by providing a forum in which people or groups with conflicting interests can come together to have their differences resolved. The judiciary manages emerging conflict by (1) ensuring that all people live securely under the rule of law, (2) promoting, within the proper limits of the judicial function, the protection of human rights in society, and (3) administering the law impartially among citizens and between citizens and the state. However, the effectiveness of the judiciary in fulfilling both of these functions depends on its independence, impartiality, and capacity to perform (Guarnieie 2003). As a conflict resolution apparatus, the judiciary's effectiveness also depends on citizens' access to justice and citizens' ability to overcome any operational and structural impediments, such as the need for legal advice, narrow criteria for standing, the cost of litigation, and limited judicial resources (Abregu 2001).

The number of courts around the globe that have been charged with protecting rights is growing, whether those rights are entrenched in legislation or in the constitution of the country (Cichowski and Sweet 2003). Rights place a limitation on policy making and legislation. Conflict has a propensity to arise when decision making does not take into account the interests of certain stakeholders or excludes from the process certain stakeholders, who then do not feel included in the policy decisions. If legislation or oppressive decisions made hastily by the majority impinge on the rights of the minority, irrespective of whether the decision-making process excluded this population, the minority should have recourse to the courts to protect its interests. An "independent judiciary is one that will be able to rule according to law [and] will safeguard individuals' [sic] fundamental rights" (Perez-Perdomo 2001). The judiciary provides an avenue of redress that is a non-violent option to resolve emerging conflict. However, the limitations the judiciary places on both the government and parliament can sometimes be cause for a tense relationship.

The circumstances under which courts are able to circumvent conflict should be prescribed by rights enshrined in the constitution or in legislation passed by parliament. For instance, if protection from racial discrimination is entrenched in legislation and a government department discriminates against an indigenous group as a policy, the aggrieved parties can seek redress in accordance with their prescribed rights. By providing that protection, the interests or the rights of the minority or individual can be taken into account if decision making encroaches on the party's interests, thereby preventing such friction from escalating into a more serious form of conflict.

In addition to dealing with conflict that arises between the state and groups, the judicial system provides a forum in which individuals or groups with conflicting interests can come together to resolve their differences. Unlike in parliament, when parties seek a judicial resolution to a problem, representatives from those groups with conflicting interests have little chance to negotiate an outcome by making compromises and developing a consensus position. Instead, an escalation of the conflict is averted by the parties accepting the judgment of the court. The choices and reasoning given by the courts will only be regarded as authoritative and accepted by all litigants and society if the parties and the community have confidence in the operation and impartiality of the courts.

Judicial Independence and Impartiality

Parliaments are able to help build confidence in the operation of the courts by promoting an independent and impartial judiciary. Judicial independence means that "judges should not be parties to the political process—that is, they should evince no sympathy for the governing authorities or political parties, and should not be guided by them or by opinion polls or the media" (Perez-Perdomo 2001). The *United Nations Basic Principles on the Independence of the Judiciary* defines judicial impartiality as judges deciding matters before them "on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats, or interferences, direct or indirect, from any quarter or for any reason" (United Nations 1958). Parliament can facilitate the effectiveness and impartiality of the judiciary by doing the following:

- Strengthening judicial independence
- Enacting laws that empower courts to resolve conflict in a just and equitable way, for instance, by passing legislation requiring that fair compensation be paid for the acquisition of any private or communal property by the government
- Ensuring the appointment of honest and qualified judges using a transparent, merit-based selection process
- Ensuring security of tenure for judicial appointees, except for good cause, such as an ethical breach
- Providing adequate resources to the courts so that they can operate in a swift and effective manner, irrespective of whether the judiciary depends on an executive department for administrative and budgetary functions or whether the judiciary maintains the same degree of self-government and budgetary control over its operations as the executive

- Facilitating better funding and capacity development of law schools; and
- Requiring the judiciary to publish all court rulings and decisions and ensuring that they are easily available at minimal cost to the public

With respect to strengthening the independence of the judiciary and protecting its impartiality through a merit-based appointment process, the *Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government* agreed to in 2003 adds that judicial appointments should be made through a publicly declared process using clearly defined criteria.[3] Furthermore, Article IV(a) of the principles states that the merit-based appointment process should ensure equal opportunity for all and that "appropriate consideration [should be] . . . given to the need for the progressive attainment of gender equity and the removal of other historic factors of discrimination." Finally, in addition to providing security of tenure, according to Article IV (b), judicial remuneration should be protected so that financial sanctions or pressure cannot be exerted on the judiciary, thereby jeopardizing the judiciary's independence and impartiality.

It is clear that in addition to building a true rule-of-law state, parliament is in the fortunate position of being able to promote the peaceful management of conflict in other forums, notably by aiding the judiciary in its conflict management role.

Conclusion

Instead of focusing on what parliament can do to contribute to conflict prevention and poverty reduction through its everyday functions, this chapter has outlined broader strategies that parliament can support and encourage to similarly contribute to those same ends. Parliamentarians from conflict-affected countries have identified these initiatives as invaluable to helping craft an environment conducive to development and peace in conflict-affected societies (O'Brien 2005). Whether by ensuring that conflict does not arise as a result of socioeconomic inequality or by managing the environment so that all members of society, particularly the rural poor, can benefit from its resources, parliament can further contribute to conflict prevention, peacebuilding, and poverty reduction. In addition, other efforts can foster a more extensive institutional environment that works to reduce poverty reduction and prevent conflict, including supporting decentralization programs, which empower as many citizens as possible to ensure responsive decision making, and bolstering the independence of the judiciary as a conflict management tool. Parliament can actively encourage these broader strategies and, in turn, support the passage of any legislation needed to effectively implement these initiatives. Furthermore, under the auspices of its oversight and accountability functions, parliament can ensure the transparent and efficient implementation of these strategies and ensure that these initiatives meet their potential as broader strategies for contributing to poverty reduction and conflict prevention.

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3. Art. IV (a) of the *Commonwealth Principles of the Accountability of and the Relationship between the Three Branches of Government.* 2003. As agreed to by law ministers and endorsed by the meeting of the Commonwealth Heads of Government, Abuja, Nigeria. Available at <http://www.cpahq.org/CommonwealthPrinciplesonThreeArmsofGovernment_pdf_media_public.aspx>.

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14

Macroeconomic Challenges in Post-Conflict Countries and the Role of Parliaments

Raj Nallari

The number of conflict-affected countries has steadily increased during the past few decades. Up until the late 1980s, wars such as those in Angola, Lebanon, and Somalia were proxy wars of superpowers. However, with the end of the Cold War, conflicts now appear to be driven by passions of ethnic, communal, religious, and cultural identities or by certain groups' unfulfilled economic and political expectations for control over oil, gold, or diamonds (Bardhan 2005). In reality, both motivations—one based on greed, the other based on grievance—interact to form a vicious cocktail in most conflict-affected countries (see Collier and Hoeffler 2000). The analysis and conclusions presented below are drawn from Poverty Reduction Strategy Papers (PRSPs) of a number of post-conflict countries.

Distributive concerns associated with control of natural resources and wealth constitutes at least one major factor contributing to conflict. Distributive concerns extend to the slow pace of state building after the de-escalation of conflict or to the persistence of dysfunctional institutions, or both (see Bardhan 2005). In this chapter, such concerns are defined as distributive conflict. Collier and Hoeffler (2002a) identify three structural characteristics that increase the risk of conflict: low per capita income, overall economic decline, and dependence on primary commodities. The most powerful factor in heightening the risk of conflict is dependence on natural resource rents. Collier's and Hoeffler's analysis indicates that the risk of conflict is highest when natural resource exports constitute 25–30 percent of gross domestic product. Dependence on primary commodity exports increases the risk of conflict by four routes: (1) financing rebels, (2) increasing corruption, (3) increasing the incentives for secession, and (4) increasing exposure to shocks. In fact, Collier and Hoeffler show the risk of outbreak of civil war increases significantly with availability of funds for rebellion, usually derived from access to natural resources. A high rate of youth unemployment is also an enabling factor that significantly increases the potential for the onset of conflict (Collier and Hoeffler 2002a).

Although conflict arises from interethnic or group grievances and inequality in economic and political power, it continues to be fueled as long as the cost of continuing such tensions does not exceed the benefits gained by those groups who are fueling the tensions. In other words, where governments are weak, certain groups can create a crisis situation at a very low cost to gain financial concessions from the government. For example, in a country characterized by high rates of youth

unemployment, the youth can exacerbate tensions to obtain jobs en masse in the public sector.

As Bardhan (2005) points out, economic factors alone are not important considerations underpinning conflict; however, failed economic policies—as reflected in prolonged economic stagnation; state-controlled enterprises; import substitution; widespread corruption; programs, projects, subsidies, and transfers to accommodate specific groups; job quotas in the government sector; and redistributive schemes— provide the economic context of desperation that exacerbates conflict situations. For example, in a number of transition countries in Eastern Europe and in Central Asian countries, during periods of prolonged economic decline the social cohesion in the countries was being maintained by financial concessions to appease specific groups, such as in the former Yugoslavia during late 1980s and in Tajikistan.

It has been suggested that World Bank and International Monetary Fund (IMF) programs of fiscal stringency (cuts in subsidies, transfers, and redistributive spending) tend to disturb the social equilibrium achieved through the economic policy distortions mentioned above and exacerbate ethnic tensions. On the other hand, a move away from economic policy distortions toward market-oriented policies and economic efficiency may create money-making opportunities and have a calming influence among individuals and groups who gain greater access to resources.

In a number of countries, such as in the transitional economies of Eastern Europe and Central Asia, market expansion has increased inequality of incomes and wealth, further polarized groups, and accentuated social dislocation and fragmentation. As long as the winners from current economic policies compensate the losers, an uneasy and implicit social contract may reduce the likelihood of conflict. Conflict may flare up when elites are unable to compete or are dissatisfied with the outcome from market expansion and stand to gain more from inciting further conflict than from embracing new opportunities in politics, public administration, or the business and reconstruction sector.

A couple of telling facts characterize macroeconomic policies at the onset and during conflict. First, macroeconomic imbalances in terms of large fiscal deficits, external account deficits, and high inflation, which are already severe at the onset of the conflict, are usually exacerbated by the hostilities (Staines 2004). Average real GDP declined significantly in countries involved in a conflict compared with the same countries before the conflict. For example, during the 1990s, on average, countries with civil war grew 2.2 percent slower than during peace time (Collier and Hoeffler 2000). Second, falling revenues, truncation of bilateral aid and multilateral assistance, and increased public spending, particularly on defense, all contribute to a growing fiscal deficit. Fiscal deficits tend to be increasingly financed by borrowing from domestic financial institutions. Consequently, macroeconomic stability is eroded by higher inflation.

The costs of conflict are cumulative because, for example, after a typical seven-year conflict, per capita incomes are estimated to be 15 percent lower than if the war had not happened, and inflation and lost investment opportunities raise the rate of absolute poverty by about 30 percent. In case studies of 18 countries affected by war, the average annual growth rate was negative 3.3 percent, and a wide range of indicators worsened during the war (World Bank 2006). Food production dropped in 13 of the countries, external debt increased significantly in all 18 countries, and in 12 countries export growth declined.

Finally, distributive conflicts affect collective actions at the central government level, such as macroeconomic policies, and at the local government level, such as service delivery to the poor. In other words, as a result of interethnic or group competition across regions or among overlapping ethnic and class divisions, the economic policy making is usually skewed in favor of one group or the other, and those distortions in policies occur both at the central government level and at the state, provincial, municipality, and other local government levels. Essentially, what is happening is a hijacking of economic policy making, and therefore a capturing of the state at all levels of the governments.

Post-Conflict Economic Policy and the Role of Parliament

Conflict-affected countries, to varying degrees, face the challenge of consolidating peace, which is a prerequisite for economic and political stabilization, recovery, and development to occur (Michailof, Kostner, and Devictor 2002). Economic and political stabilization requires simultaneously (1) rebuilding the state and its key economic, democratic, and political institutions; (2) jump-starting economic activities in the public and private sectors by addressing the urgent needs; and (3) reconstructing communities and villages through livelihood programs.

One of the highest priorities in post-conflict countries is to consolidate peace, whether through a peace commission or other mediating mechanisms, and to rebuild other institutions required for economic recovery and development. Institutional development is required in order to absorb and manage the high aid inflows that follow a cessation of conflict. Collier and Hoeffler (2002a) observed that aid inflows are higher during the early years after the cessation of violent conflict, when a country's absorptive, technical, administrative, and political capacity is weak; aid then tapers off just when a critical mass of capacity has been developed to enable the country to use the resources most effectively. Staines (2004) analyzed the impact of conflict on economic development in 23 conflict-affected countries and concluded that in the post-1990 period, a sound macroeconomic policy stance of low inflation and fiscal deficits enabled a faster economic recovery after the conflict than countries that followed expansionary fiscal and monetary policies. Collier and Hoeffler (2002b) supported this finding.

Rebuilding economic and democratic institutions includes, among other things, strengthening parliament and restoring state capacity for macroeconomic management and fiscal operations. In particular, post-conflict countries immediately require strengthening capacity for budget formulation, execution, monitoring, and reporting and for design and implementation of critical economic and political reforms. Some of the primary priorities for governments in post-conflict countries are (1) rebuilding the tax administration to collect taxes to partly finance the massive reconstruction activities and to ensure delivery of essential services, not only in the capital city but in rural areas; (2) putting in place sound macroeconomic policies to sustain growth and avoid a recurrence of conflict (including introducing new currency and a new central bank in some cases); and (3) promoting a virtuous cycle of institutions and policies. In the third priority, improvements in management of public expenditures and tax administration help establish fiscal discipline, which in turn contributes to macroeconomic stability, promotes private investment, and enhances growth. Greater stability and growth then enable additional institution

building, which strengthens the capacity of the government to ensure that the recovery is participatory and pro-poor.

Conflicts seldom resolve any of the distributive tensions mentioned above. As a result, post-conflict countries are marked by a continuation of the same dynamic that existed before the violence erupted, namely, elites such as key ministers, high-level bureaucrats, and private businessmen using political and economic patronage to maximize their rents from the economic system. Although some elites are benevolent, by and large the interests of such elites are at odds with the interests of the rest of the population. Reducing distributive conflicts requires institution building, including strategies targeted at parliamentary strengthening at the national and provincial level; implementing alternative conflict-mediating mechanisms; bolstering the rule of law; defining and protecting property rights, contract enforcement, government accountability, and media freedom; regulating various sectors of the economy and trade openness; and implementing anti-corruption mechanisms. One of the benefits of political democratization is reducing the probability of elite capture of the state by implementing a system of checks and balances. However, elite capture is not always reduced, and attempts should be made to make any governance system as representative as possible.

The engagement of different groups in the political process increases the likelihood of a fair and equitable distribution of resources. Parliaments, through the performance of their central functions, namely representation, lawmaking, and oversight, are able to raise awareness of issues and bring about a consensus of development priorities. In addition, parliaments can play the role of a mediating institution and restrain the executive and bureaucracy against any abuses. That role is critical for enhancing a system of checks and balances, which is necessary for private sector investment, employment generation, and economic growth. By using parliamentary subcommittees and encouraging open discussion, parliamentarians can ensure oversight, not only of budgetary allocations but also of all economic policies and programs, to make sure they minimize poverty and conflict. Thus, all societal groups can benefit from the nation building and development processes.

Effective parliaments, which comprise representatives from opposition political parties and from the incumbent government, can close the gap between rhetoric and action. Adequate checks and balances, transparency, and political legitimacy underpin economic policies and assist their implementation. Parliaments are vital to creating such a responsible and accountable environment. For instance, parliaments can play a role in the World Bank PRSP cycle, particularly by institutionalizing consultations with all stakeholders on the content of PRSP, aligning budgets with PRSP priorities, ensuring appropriate use of budget resources on a quarterly basis, and most important, monitoring the delivery of basic services and progress achieved in reaching the targets set out in the PRSP. The non-quantitative aspects of poverty budgeting and its monitoring are well described by Hubli and Mandeville (2004). For this reason, the discussion below focuses more on other macroeconomic policies not covered in the literature.

Stylized Macroeconomic Facts in Post-Conflict Countries

Nations continue to maintain large defense forces long after cessation of violence. Parliament, even in its nascent form, could ensure a reduction in the size of defense forces because the budgetary resources released by paring down the size of security

forces can be redirected for social spending and more productive uses. Post-conflict countries such as Cambodia, the Democratic Republic of Congo, the Lao People's Democratic Republic, and Vietnam are all plagued by such a disproportionate allocation of budgetary resources toward defense spending. For example, during civil war, military expenditure rises as a proportion of GDP from 2.2 to 5.0 percent, but after hostilities cease, military expenditure does not return to its former level; rather, during the first decade after conflict, the average country spends 4.5 percent of GDP on the military.

In addition, after cessation, additional government spending will be required to address the social costs of conflicts. For example, during conflicts of the 1990s, nearly 90 percent of the casualties from armed conflict were civilians. Population displacements in the form of forced internal migration, people fleeing to avoid violence, or recruitment into the army add to the social costs. Conflicts kill far more civilians even after the conflict is said to be over than they kill combatants during the conflict. Much of those casualties are the result of unexploded landmines left during the conflict, infectious diseases in refugee camps, and the breakdown of primary health care services. In part, increased mortality is caused by both technical regress, or changes in living conditions that make staying healthy more difficult, and by less government spending for public health as public expenditures are reprioritized toward security. Furthermore, psychological damage arises from mass violence surrounding the conflict. For example, evidence shows an increased number of suicides among traumatized women of childbearing ages during conflict years. Thus, as the above discussion shows, the post-conflict situation is characterized by the loss of economic investments and earnings and reduced access to education and health care.

Another aspect of post-conflict situations pertains to capital flight. During war, capital flight increases from 9 percent of private wealth to 20 percent. By the end of the first decade of post-conflict peace, capital flight is estimated to have risen further to 26 percent, a sort of "war overhang effect," which is the opposite of a peace dividend. A similar but larger phenomenon is observed with human flight, in which emigrants who leave during conflict provide a post-conflict channel for accelerated post-conflict emigration (World Bank 2006).

In the aftermath of conflict, insignificant progress in economic policy is normal. In key areas of macroeconomic, structural, and social policies that might be expected to improve after war ends, data show either stagnation or continued deterioration. On average, post-conflict economic management is characterized by lower macroeconomic stability compared with peacetime situations, structural policies on trade and investment are less conducive to growth, social policies are less inclusive than before, and the public sector is less well managed than before.

Policy Priorities in a Post-Conflict Setting

Countries emerging from conflict face competing political pressures when determining government priorities. For example, compared with countries at peace, they face a more urgent need for increased government spending on social priorities, which can also be important to help cement the peace. Preferential treatment of disadvantaged groups through earmarking of civil service jobs, subsidies and transfers, revenue-sharing or wealth-sharing arrangements such as between northern and southern Sudan, safety nets, low-income housing, business contracts,

and scholarships to ethnic minorities may be needed in the short to medium term. However, it should be noted that the cost of subsidies and transfers, even when initially low in terms of fiscal costs, distort product markets in both the short and long term.

Parliaments have tended to concentrate too much on budget approval and allocation processes and on scrutiny of post-expenditure reports by the Office of the Auditor-General, and less on quarterly monitoring or the impact of such public spending on growth and poverty reduction, including delivery of basic services. In addition to monitoring budget allocations and the flow of funds from the Finance Ministry to sectoral ministries and local governments, members of parliament can also focus (if possible, along with civil society representatives) on the use of these public funds and on the efficiency of various ministries in delivering public services to people in their constituencies. Such close scrutiny of inputs, such as timely availability of public funds, outputs such as school construction and recruitment of teachers, and outcomes, such as the quality of educational services delivered, is necessary for rapid economic development. Members of parliament could closely follow the findings of citizen report cards, community score cards, public expenditure tracking surveys, and other feedback surveys that usually underscore citizens' satisfaction or dissatisfaction with public and private agencies in services delivery across the country.

Most post-conflict countries have to deal with the multidimensional problem of poverty by implementing policies aimed at encouraging non-inflationary, high, and sustainable real GDP growth with equity. The PRSPs of post-conflict countries discuss macroeconomic objectives, such as keeping inflation low to protect the real wages of the poor while encouraging higher pro-poor growth and employment. Enhanced competitiveness and factor productivity due to use of new technologies and increased efficiencies are identified as elements leading to higher growth.

Though most of the PRSPs for post-conflict countries recognize the importance of prudent macroeconomic policies for growth, they are quick to point out that the overall poverty reduction strategy is based on the complementarity of macroeconomic, structural, and sectoral policies and the complementarity of the private and public sectors for enhancing growth. In that sense, there is consistency between such a macroeconomic framework and low inflation, high private sector growth, and a sustainable fiscal policy and external balance of payments position. However, the relationship between the private and public sectors is not explored in depth in most PRSPs. For that reason, the central government plays a large role in post-conflict countries, and most economic activity is concentrated in and around the capital cities. Members of parliament, in partnership with the government, can ensure that programs are prioritized across the entire country and that the urban-rural divide is minimized.

Role of Parliaments in Prioritizing Public Spending and Ensuring Prudent Macroeconomic Policies

Most often, governments emerging from conflict are faced with limited administrative capacity, inadequate financial resources, and unlimited socioeconomic and political problems. Donors are willing to provide humanitarian and development aid immediately after a conflict in the face of daunting challenges. This aid requires post-conflict countries to prioritize policies and programs in a situation in which

governments feel competing political pressures from powerful groups. Where parliaments exist, they are usually working with a weak government; by joining with civil society and media, these parliaments can play a definitive role in checking the capture of the new government by powerful groups and can foster consensus building and prioritize policies and programs.

To accomplish these tasks, members of parliament (through parliamentary committees) can lead in preparing, executing, and monitoring budgets; evaluating the impact of planned budgets; and ensuring that the monetary policy is consistent with the budget policy. They also can ensure that the gains made through tax and public spending policies are not undermined by an expansionary monetary policy that results in high inflation and high nominal interest rates and in depreciating exchange rates. Therefore, one of the top priorities for countries emerging from conflicts is to restore macroeconomic stability (low inflation and prudent economic management, including limited domestic and external borrowing). Similarly, parliaments need to play a constructive role in designing and implementing structural and sectoral policies, such as trade policies, labor market policies, and gender-related policies, among others, to ensure shared growth and development. The following text details the role of parliaments in macroeconomic policy making.

Macroeconomic policies and their ability to reduce poverty, particularly in post-conflict countries, are hampered by a lack of data, such as from a population census and poverty-related surveys. In addition, members of parliament and the cabinet members seldom discuss poverty and other social situations in relation to macroeconomic policy frameworks, and the economic visions for the country are not fully articulated. If the executive is not interested in performing a population census and collecting and analyzing poverty data, the parliament can take the lead in funding such data collection and analysis and could provide its own input into the design and implementation of the economic vision and underlying economic policies and programs.

In the area of fiscal policy, parliaments can play a leading role in four forms of fiscal and financial discipline:

1. Control of aggregate expenditure by the executive to ensure their affordability (that is, consistency with the country's macroeconomic constraints)

2. Effective means for achieving a resource allocation that reflects expenditure policy priorities as confirmed in the PRSP or development plan after elaborate consultations with the private sector entrepreneurs, civil society organizations, labor unions, women's groups, and all other stakeholder groups

3. Efficient delivery of public services (productive efficiency); and

4. Minimized financial costs of budgetary management (that is, efficient budget execution and domestic and external deb-management practices)

For example, Uganda has passed its Budget Act, which gives the legislature a greater role in the budget formulation and approval processes. However, in a number of other conflict-affected countries, legislatures do not adequately perform their oversight functions of the national budget. As part of building of oversight capacity, parliaments require input from advisers and research staff, from complementary institutions such as the national audit offices, and from civil society over the budget cycle of formulation, execution, quarterly monitoring, and impact assessment of public spending.

Aid tends to peak immediately after conflicts end, but a country's ability to emerge from conflict and make use of that aid is constrained by its political, technical, managerial, and administrative capacity. It has therefore been suggested that aid might be more effectively used if it is delayed until a country's capacity has been restored and governance improved, particularly in the instance of aid for projects. In other words, just when effectiveness and productivity reach their optimum level and the government is committed to following a sound macroeconomic strategy, external assistance in the form of budget support is often reduced because of better governance. A strong parliament, if one is in place, could be effective in budgetary and ongoing financial oversight and could send appropriate signals to the donors.

For example, parliaments can insist on the government including all financial resources in the budgets; that is, tax and nontax revenues, aid flows, loans, user fees, and any other resources. They also can honor the spending priorities established in the budget after consultation with private sector representatives, civil society representatives, central government ministers, and members of parliament. Furthermore, parliamentary committees can be established to monitor the government and bureaucracy to ensure the appropriate use of funds (perhaps on a quarterly basis) and to evaluate the impact of basic services in education, health, water and sanitation, electricity, and other sectors. As donor agencies have moved toward a more performance-based allocation of aid, parliaments can take the lead in ensuring that results are achieved on the ground (and ensure that the executive is effectively implementing the budgeted policies and programs).

Thus, countries that are effectively implementing their post-conflict reconstruction and development strategies will be rewarded with higher financing, and may be overwhelmed with massive financing. Such a situation occurred in Afghanistan, Lao PDR, Liberia, Timor-Leste, and Vietnam as a result of well-intentioned donors, and in Iraq and Sudan from large oil revenues during a conflict situation. Under these circumstances it is important to ensure an appropriate balance between higher foreign exchange inflows and sustainable policies, such as fiscal policies, which support macroeconomic stability. Higher financial inflows may, in some cases, raise concerns about the quality and sustainability of the proposed spending or about aid dependency and incentives for domestic resource mobilization. Higher inflows may also raise issues of debt sustainability and jeopardize macroeconomic stability by increasing inflation, appreciating the real exchange rate, and eroding external competitiveness. Judgments about the appropriateness of fiscal policy alternatives will vary depending on the country's starting point; the quality and recurrent cost implications of the additional spending; and the reliability, predictability, and degree of concessionality of foreign assistance. It will also be important to estimate the magnitude and implications of the proposed spending and to determine the extent to which the country can avoid or minimize potential adverse effects through appropriate macroeconomic policies.

One of the main findings of economic literature on conflict-affected countries is that during the early years after the cessation of violent conflict, economic expansion surges up from a low base and is driven in part by reconstructive activities funded by international aid; however, this growth spurt is often followed by an economic slowdown. In other words, after the first three to five years, the likely sources of growth and the policies required to achieve such growth are not in place, and the recurrence of violence is highly likely. Such countries also tend not to be

prepared to implement the macroeconomic framework or devise alternative policy options and contingency plans to deal with shocks, and they lack an understanding of the links between policy choices and poverty reduction goals. Open parliamentary discussion of these issues, in conjunction with widespread media coverage, helps raise awareness and educate citizens on the challenges facing the country.

Discussion on the effects of changes in exchange rates, price liberalization, and liberalization of trade and financial policy on poverty reduction has also been limited in conflict-affected countries. Many PRSPs of post-conflict countries discuss the need for competitive exchange rate to enhance growth, maintain a comfortable level of international reserves to insulate the economy from shocks, and protect the incomes of the poor. For example, Uganda recognized that a competitive real exchange rate benefits only export crop farmers (coffee in Uganda) and not the farmers producing food crops. Therefore, special efforts are advocated to protect such vulnerable groups. Uganda also reports the shift of farmers from food crops to cash crops, which has decreased food supplies for rural families. Honduras's PRSP also highlights how the appreciation of local currency caused by exchange rates in recent years adversely affected the rural poor, especially producers of basic grains, who had to compete with cheaper imported grains.

Several post-conflict countries are faced with high domestic lending rates and because the poor lack collateral such as land, the poor cannot have access to credit. Credit is often concentrated in the hands of a few large business and political powerful groups. Microfinance and migrant remittances become important sources of finance in conflict-affected countries, for example, Nepal. Countries can promote employment outside the agricultural sector by implementing microfinance schemes, which has been done in Afghanistan and Sri Lanka. However, the problem of the poor lacking credit is more related to the structure of the credit markets than to monetary policy. The governments of Afghanistan, Sri Lanka, Uganda, and others underscore the need for establishing regulatory and supervisory structures for microfinance that do not need to involve the public sector in the provision of credit.

Trade policy is discussed explicitly in Sudan's draft interim PRSP and Afghanistan's interim national development strategy. However, several of the conflict-affected countries do not have the capacity to negotiate bilateral trade deals with advanced countries as required under World Trade Organization rules. Members of parliaments, through parliamentary committees for bilateral trade issues, can be involved in detailed scrutiny of bilateral and multilateral trade agreements, and their ratification, because trade policies affect sectors and regions differently. In some countries, members of parliaments or their technical advisers are part of the government team involved in trade negotiations.

Tax policy also can be used to protect the poor. For instance, exemption of kerosene taxes is highlighted as a pro-poor policy in Uganda, a post-conflict country. More recently, tax exemptions on fuel in Afghanistan, Lao PDR, and Sudan, among others, protect the middle- and lower-income segments of the population. Parliaments, through their fiscal oversight functions, could ensure that such policies are targeted toward the poor. Such policies may appear distortionary, but if they are well targeted to the poor, such policies will reduce polarization of the society and enhance equitable development, usually a prerequisite to avoid a recurrence of conflict.

Fiscal decentralization is considered crucial for poverty reduction. In Uganda, the Poverty Action Fund is a good example of fiscal decentralization whereby fiscal responsibility was shifted to the districts and independent monitoring was conducted by civil society organizations. Members of parliament can play a critical role not only in channeling funds to the poorer areas but also in helping civil society monitor and evaluate basic social programs.

Labor issues are critical for poverty reduction, yet most conflict-affected countries do not have a strategy for generating productive jobs. Poverty reduction is not brought about by redistributing the benefits of growth but by creating productive jobs where poor people live and bringing growth processes to the poorer areas (called shared growth). The puzzle is how to spread the best practices of creating and maintaining growth to the poorer areas. The institutions of small retailers in goods and small money-lenders arise spontaneously but these do not generate growth and jobs. Jobs related to reconstruction of the country and consultancy services to develop and implement projects and programs by well-intentioned donor agencies quickly increases the demand for labor, and converts labor from a superabundant factor to a scarce factor of production, which leads to higher wages. A rise in laborers' incomes contributes to more equitable income distribution as well.

Parliaments and the Poverty Reduction Strategy Papers (PRSPs) Process

To safeguard macroeconomic stability, post-conflict development strategies have to be financed in a sustainable and noninflationary manner. Therefore, needs assessments, including humanitarian and development support, must be costed, prioritized, and phased into annual budgets within a medium-term expenditure framework (MTEF) that takes into consideration the implementation capacity of the government. The MTEF is an effective tool for planning policies within the government and for increasing the policy debate outside the government within the framework of the PRSP and Millennium Development Goals (MDGs). Sectoral plans are discussed within the context of the MTEF. Some of the post-conflict countries, such as Uganda and Vietnam, have fully developed MTEFs. Expenditure programs are disaggregated by sectors and by recurrent and capital investment expenditures by the Governments of Uganda and Vietnam in their MTEFs. Because most post-conflict countries are eligible for debt relief under the Heavily Indebted Poor Countries (HIPC) Initiative, social sector spending has been increasing with the aim of improving access to quality essential services to the poor. Vietnam's and Uganda's PRSPs discuss a provincial and district-level MTEF, the aim of which was to set out medium-term expenditure priorities at the local level. Because poverty alleviation is a longer-term problem, three-year MTEFs must have a broader perspective and be embedded in longer-term vision related to MDGs (to be achieved by 2015) or 10- or 20-year plans. The longer-term vision is often lacking in the PRSPs. Parliaments and civil society can provide a platform for discussion of longer-term perspectives because the executive branch and ministries in post-conflict countries are usually focused on immediate needs.

A review of countries' PRSPs shows that, especially in conflict-affected countries, preparation of most development strategies is usually at the highest levels of authority and concentrated within a small group of officials within the government.

Very few post-conflict country PRSPs discuss the role of the legislature in terms of monitoring and evaluating expenditures. Consultations with civic society appear to have influenced and modified macroeconomic policies to a limited extent. None of the PRSPs have summarized the policy or program changes that have occurred as a result of the consultations. The capacity of the civil society to influence the macroeconomic framework has been hampered by the (1) difficult technical details of macroeconomic policies; and (2) limited time frame of the consultation process, such as in Central American countries, where the pressure to complete the documents in time to obtain HIPC debt relief from the international community was an important factor. As a result, civil society participation in macroeconomic policy making remains weak because of its limited experience with the process and because few governments and think-tanks have assessed the impact of policies on poverty and inequality. Parliaments not only can channel citizens' input in such processes, but they also can have a greater influence on the allocation of funding to priorities identified by the people (for example, the gender issue in Afghanistan). More often than not, the priorities set by the leaders of the government (and its bureaucracy) are somewhat different from the priorities of the civil society representatives, gender advocacy groups, other private sector groups, trade unions, or the elected members of parliament. The PRSP or any other development strategy document should be a vehicle for consultations and consensus building amongst all these varied groups. Parliamentary committees, particularly in post-conflict situations, can play a mediating role in such consultations and in consensus building and priority setting.

Another weakness of the macroeconomic frameworks in PRSPs prepared during 1999–2002 is that few adequately examined the implications of exogenous shocks on poverty reduction strategies, and macroeconomic frameworks and the documents lacked the flexibility to react to such shocks, despite the fact that low-income countries' dependence on a narrow commodity export base makes them particularly susceptible. In particular, few PRSPs prepared during 1999–2002 included contingency plans to ensure that priority spending programs would be safeguarded during periods of difficulty, or that incremental resources would be deployed in line with these priorities. Although the Rwanda PRSP does not include a discussion of alternative scenarios, the underlying dialogue touches on these issues. Honduras and Nicaragua PRSPs discuss the economic impact of Hurricane Mitch but do not provide any contingency measures should such natural disasters occur again. Parliaments should insist that the executive branch has budgetary resources set aside for contingencies and should ensure that the presentation of supplemental budgets by the executive is an exception rather than the norm.

It is desirable for countries to incorporate alternative scenarios and contingency plans at the outset so that macroeconomic frameworks and strategies can respond flexibly and be resilient to changes in the external environment, without recourse to ad hoc changes. Ideally, post-conflict countries should present two scenarios. The first would be an optimistic case, based on the policy measures and financing requirements (domestic and foreign) necessary to attain the most desirable poverty reduction goals. The key assumptions underpinning this scenario—growth rates, government revenues, aid flows, and budget execution—may not be in line with the most likely outcomes. It would therefore be prudent for countries also to develop a more conservative scenario in their development strategies that is moderately

ambitious but a more realistic plan on which the annual budget would be based. Moreover, the base case should present contingency plans that outline the appropriate fiscal policy response if the underlying assumptions prove to be overly pessimistic or optimistic. For example, if more resources are available than originally envisaged, the parliament and executive should explicitly indicate and agree on the priority areas where these resources would be deployed (such as priority poverty spending and build-up of international reserves to further buffer against shocks) without disrupting the parallel growth and macroeconomic stability objective. Similarly, the parliament and the executive should during the budget preparation agree on corrective spending or revenue measures that would be undertaken if the expected resource flows are not forthcoming or in case of other contingencies.

The social and distributional impact of economic policies, including the response to exogenous shocks, has been a shortcoming in most conflict-affected countries. Macroeconomic shocks, such as steep increases in kerosene oil prices, adversely affect the poor. Studies have shown that the poor, in particular women, are the shock absorbers during economic crises and conflicts. Government safety nets ensure the maintenance of adequate consumption levels of poor households and access to basic services. The impact of macroeconomic policies on poverty may sometimes be difficult to quantify. Governments can consider the social impacts and prioritize spending measures underlying the scenarios incorporating shocks, ideally carrying this planning in a transparent and participatory manner, perhaps in parliamentary discussions. Assessing the impacts on the poor of the macroeconomic shocks, such as price increases of essential food items, would be useful in contributing to developing contingency plans to identify the types of public spending that need special protection. It is important to recognize, however, that developing alternative scenarios would further burden countries' already stretched institutional capacity. Capacity building will inevitably take time, so expectations need to be tempered.

Conclusion

There is no substitute for parliamentary discussion, oversight, and involvement in policy design, implementation, and monitoring because most political parties and groups are represented in the parliament. Moreover, parliament can pass legislation instituting compulsory consultations on major economic policy issues, as was done in Bolivia, and play a mediating role among all stakeholders. Parliaments can build consensus on contentious issues, such as military spending during the post-conflict period, and restrain the executive branch and bureaucracy from policy excesses, economic mismanagement, and abuse of power. Restraining the absolute power of the executive is crucial for the functioning of a democracy and for private sector–led growth and economic development.

In contrast to parliament, the executive branch represents only the winning political party or a coalition. Members of parliament working with local civil society organizations, including private sector representatives, trade unions, community-based organizations, and local private media, can act as a countervailing coalition interested in economic development that benefits all segments of the population. The 1990s witnessed a greater role for parliaments in budget formulation and execution. Members of parliament and parliamentary committees need to play

a much greater role in all aspects of fiscal, monetary, exchange rate, trade, labor, and other macroeconomic and structural policies. They also can assure the people of their country and the international donor community that their financial resources are well managed by the executive and the bureaucracy under the watchful eye of the parliament working closely with all stakeholder groups.

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15

Regional Parliamentary Peacebuilding and Engagement with International Organizations

Niall Johnston

Parliamentarians, as direct representatives of the people, have a regional, and sometimes international, role to play in peacebuilding. Traditionally, parliamentarians' focus has been on representing their constituents within parliament on predominantly domestic topics. More recently, parliamentarians are finding that they can represent the interests of their constituents in forums outside parliament, which have not traditionally been within parliament's purview, such as international initiatives and processes sponsored by multilateral development agencies. Furthermore, by looking beyond their lawmaking and accountability functions, and working with parliamentary colleagues across international borders, parliamentarians can make contributions to peacebuilding and conflict prevention, either in their own countries or regionally, by encouraging dialogue, building confidence, and facilitating peer-to-peer learning.

By forging informal networks or participating in regional and international parliamentary associations, parliamentarians can have an impact on regional or international issues. Such forums or associations promote dialogue among parliamentarians from different countries and serve as an excellent peacebuilding and conflict prevention model, especially when disputes cross international boundaries. Parliamentary associations are uniquely qualified for this purpose, because participants have specific knowledge of how parliaments work (Inter-Parliamentary Union and United Nations Development Programme [UNDP] 2004) and understand the strengths and limitations of the parliaments involved. Similarly, formal regional institutions promote dialogue, build confidence, and facilitate learning between members of national and subnational legislatures within a region, while helping to mediate disputes by providing a neutral space for dialogue (UNDP 2004).

Parliamentarians across regions face similar hurdles when using their position and the institution itself to manage conflict and build peace. One aspect of peacebuilding is developing relationships between actors who can then work together to avert the escalation of conflict by building on the trust that exists between them as a result of their similar professional standing. Parliamentarians are able to forge regional relationships among themselves in three ways:

- Developing informal networks
- Joining and participating in professional associations, such as the Commonwealth Parliamentary Association (CPA), the Inter-Parliamentary Union

(IPU), the Global Organization of Parliamentarians against Corruption (GOPAC), Parliamentarians for Global Action (PGA), European Parliamentarians for Africa (AWEPA), or the Parliamentary Network on the World Bank (PNoWB); and

- Participating in formal regional institutions, such as the East African Legislative Assembly (EALA), the Southern African Development Community (SADC) Parliamentary Forum, and the Forum Presiding Officers' Conference (FPOC), which is supported by the Pacific Islands Forum.

Parliamentarians do face internal challenges in developing regional relationships, in particular the need to divert scarce parliamentary resources from other priority areas in order to participate in overlapping regional associations and networks. Those challenges should be taken into account; however, they should not hinder the development of regional relationships, which is at the core of peacebuilding activities. Unlike other stakeholders and representatives, parliamentarians are well placed to develop beneficial and long-lasting relationships at a regional level.[1]

This chapter unfolds with a combination of discussion and case studies to highlight the array of options available to parliamentarians who wish to engage with international initiatives in their own countries or with other parliamentarians in their region to work toward peace and greater understanding. First, the chapter canvasses the capacity of parliaments to represent the interests of the community in domestic initiatives undertaken in conjunction with international actors, such as the multilateral development agencies. The second part of the chapter presents a number of case studies that explore the different opportunities and venues available to parliamentarians who wish to engage with formal or informal regional and international networks that promote peacebuilding and conflict prevention.

The first case study examines the work of the Great Lakes Parliamentary Forum on Peace (the AMANI Forum), which originated as an informal regional network and subsequently developed into a more formal structure so that it could better contribute to understanding among nations in the Great Lakes region of Africa. The second case study looks at the CPA, an international professional parliamentary association, and its member parliaments' efforts to advance the Harare Declaration in Commonwealth countries. Finally, the work of the SADC Parliamentary Forum is explored as an example of a formal regional parliamentary institution that contributes to conflict prevention and stability in the Southern Africa region by advocating and implementing regional standards, particularly in the area of democracy and women's empowerment.

Parliamentary Representation of Community Interests in Initiatives Undertaken with Multilateral Development Agencies

Parliamentarians' representative role extends beyond their responsibilities in parliament. Traditionally, the executive branch has dealt with international organizations and multilateral development agencies; however, because parliaments are

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1. A comprehensive list of parliamentary organizations can be found on the World Bank Web page athttp://web.worldbank.org/WBSITE/EXTERNAL/ EXTABOUTUS/PARTNERS/ EXTPARLIAMENTARIANS/0,,contentMDK:20227786~menuPK:478534~pagePK:64165880~ piPK:64165858~theSitePK:464534,00.html.

representative, they are now seen as vital democratic institutions that play a larger role in international initiatives and processes sponsored by the multilateral development agencies. For the first time, parliamentarians are able to directly represent the interests of their constituents in major forums and processes outside of parliament.

Parliaments can participate in international initiatives and processes with multilateral development agencies that are working to reduce poverty and increase levels of development. Specifically, parliaments can contribute to such initiatives by assisting with design, oversight, and implementation. Initiatives undertaken in conjunction with multilateral development agencies include coordinated attempts to meet the Millennium Development Goals (MDGs), the Global AIDS Initiative, multilateral trade negotiations, the Poverty and Social Impact Analysis (PSIA), and the country-driven Poverty Reduction Strategy Paper (PRSP) process undertaken by the World Bank. As previously discussed, reducing poverty and increasing levels of development pay a peacebuilding dividend. There is a growing realization in the development community that implementing international initiatives becomes more successful with broader stakeholder involvement in the consultation, design, and implementation phases of such initiatives. Parliaments are uniquely positioned to participate as key stakeholders in their own right, as well as being the democratic representatives of other specific stakeholders, in all three phases.

It is not unusual for parliaments to routinely, although indirectly, contribute to national initiatives undertaken in conjunction with multilateral development agencies. Whether parliamentarians wish it or not, the legislature is often a default stakeholder in national initiatives because it may be required to approve or facilitate such enterprises. For instance, in some countries, projects initiated between the executive branch and international organizations such as the World Bank are subject to parliamentary approval through ratification or, more commonly, through indirect approval using the budget process. Furthermore, parliaments are sometimes required to pass legislation to help implement international initiatives, such as in Poland, where parliament was required to amend the public finance law to enable municipalities to accept loans from a World Bank Municipal Development Project.

The necessity for parliament to approve or facilitate the implementation of many of these international initiatives provides it with an opportunity to engage in the process more fully than may already be the case. The most obvious way a parliament can engage is through its oversight function. Even when a parliament has not been given a specific oversight role in one of these international projects, it is nonetheless able to provide oversight through the budget process or through the creation of particular committees devoted to monitoring the specific initiative, whether it be the MDGs, Global AIDS initiative, or poverty reduction. Parliament can provide input on the implementation, particularly because of its role in assessing government policy and in suggesting policy adjustments to decision makers in line with budget constraints (Stapenhurst and Pelizzo 2002).

However, parliamentary engagement can go beyond just oversight; it is just as important for parliament to engage at the consultation and formulation stages of these international initiatives and to institutionalize its own ongoing participation. Participating in the earlier stages ensures that parliamentarians will be better able to represent the interests of their constituents in the development of these initiatives. Furthermore, participatory processes tend to yield more sustainable results, and as a major stakeholder, parliament should be consulted prior to the formulation

of these initiatives. For instance, with respect to the PRSP process, the World Bank and partnering countries generally accept that national strategies should involve a participatory process, and should constitute the basis for debate in the countries' national assemblies or other elected bodies (Comprehensive Development Framework Secretariat 2001). When participating in such initiatives, parliamentarians are able to minimize conflict by ensuring the direct inclusion of socially vulnerable and marginalized groups, who are often more likely to be affected by conflict. Parliament can seek the groups' inclusion either by representing their interests or by encouraging the direct inclusion of these groups during the consultation stage. To ensure that parliament is able to represent the interests of socially vulnerable groups, parliamentarians can engage their constituencies through outreach activities and public hearings and by ensuring that the public has ready access to easily comprehensible information about the issues and processes.

In addition to playing a role in participatory consultation processes and helping to formulate international initiatives, parliamentarians can contribute to the ongoing management of such initiatives. They also can seek to institutionalize greater participation by parliament and civil society in ongoing processes aimed at reducing poverty and increasing growth, whether through budgetary processes or in the outcome of the process itself. For instance, parliament can urge the executive to create a steering committee, with stakeholder representation, tasked with implementation and ongoing management of the initiative. As mentioned before, parliament has a strong claim to be included—it is a stakeholder in its own right, the executive is often dependent on it to approve or implement the initiative, and it is the democratic representative of the population at large, including the many vulnerable groups that are often precluded from participating in such processes. For these reasons parliament should urge the executive to include bipartisan parliamentary representation on any such steering committee. By ensuring that the formulation and implementation of international initiatives are sensitive to the interests of divergent groups and potential causes of conflict, parliaments can contribute to peacebuilding while promoting sustainable development.

It should be noted that a parliament's capacity to live up to these heady engagements is often contingent on its having the capacity and knowledge to tackle these complex processes and issues. To acquaint themselves with how other parliaments have engaged with similar projects, parliamentarians in conflict-affected countries can seek to learn from the experience of other countries in their regions that have undertaken similar processes. Furthermore, parliamentarians can turn to one of the many parliamentary organizations, such as the CPA, PNoWB, the IPU or AWEPA, to aid in their engagement and improve their knowledge so that they can reach their potential as representatives of the people.[2]

Development of Informal Networks: The Great Lakes Parliamentary Forum on Peace (AMANI Forum)

The AMANI Forum—*Amani* is the Swahili word for peace—started as a loose, informal network of parliamentarians from the Great Lakes region in Africa, which drew its membership from representatives who possessed a common commitment

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2. See note 1 for a link to a comprehensive list of parliamentary organizations.

to peace and democracy in their own countries and in the region. As this network grew it became clear that a growing number of parliamentarians shared a common goal of peacefully resolving the region's various disputes, which precipitated the creation of the AMANI Forum in 1998. The AMANI Forum is an official network of African parliamentarians in the Great Lakes region, with a membership of more than 650 parliamentarians, the majority of whom are from Commonwealth countries. The AMANI Forum has a regional structure designed to enable parliamentarians to work together toward sustainable peace and an end to armed conflict. As part of its formal regional structure, the network established the AMANI Regional Secretariat in Nairobi, Kenya, and chapters in the national parliaments of Burundi, the Democratic Republic of Congo, Kenya, Rwanda, Tanzania, Uganda, and Zambia. The regional secretariat is responsible for designing, implementing, and monitoring the network's regional programs; the national chapters provide venues for members of the network to discuss issues and develop national initiatives.

It is clear from the vision of the AMANI Forum that parliamentarians who are members of the network believe that the legislative branch should take a more proactive role in conflict prevention in the region. The members also acknowledge that although parliamentarians have considerable potential to contribute to peacebuilding, this potential is not necessarily being realized, thereby reinforcing the need for a formal regional network. A more prominent role for parliamentarians in working toward peace in the region is justified on the following basis:

> Political will and leadership are key issues in consolidating peace and stability. In intrastate and cross-border conflicts, legislative bodies have a unique role in mediating between various interests to promote peace. As elected people's representatives, parliamentarians are well placed to understand and provide solutions to the many intricate issues that often contribute to conflict.[3]

The fact that disputes invariably involve multiple countries in the region suggests that the catalyst or root causes of conflicts likewise cross borders and require a more integrated regional response.[4] Parliament has a responsibility to question the actions of government as part of its accountability function and to contribute where it can to resolving tensions and building bridges between conflicting parties. However, in a political environment in which parliament has traditionally been sidelined in regard to security and peace issues, parliamentarians have lacked the capacity to analyze conflicts and formulate strategies aimed at building peace. The AMANI Forum provides a network where parliamentarians can learn together and from each other so that they can work in a concerted fashion to prevent armed conflict and promote peace.

Networks of parliamentarians, in and of themselves, do not contribute to a peacebuilding agenda; rather, it is the actions of parliamentarians working in concert as

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3. The Great Lakes Parliamentary Forum of Peace - AMANI Forum web site, About Us, http://www.amaniforum.org/index.php?option=com_content&task=view&id=12&Itemid=9.

4. The All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, http://www.appggreatlakes.org/cgi-bin/site/index.cgi?back=&pid=57&keywords=&topic=Links.

part of a professional network that helps prevent conflict. To prepare members of the network to engage in peace initiatives in their own country and regionally, the AMANI Forum undertakes the following activities:

- Training in conflict resolution and peacebuilding
- Training in parliamentary practice
- Fact-finding missions to conflict-affected areas
- Exchange visits between parliamentarians
- Inter-parliamentary dialogue
- Inter-party dialogue; and
- Election observation[5]

Despite having been in existence for just under a decade, the AMANI Forum has enjoyed a number of successes that highlight the potential of other professional parliamentary networks to contribute to peacebuilding. For instance, the AMANI Forum has facilitated dialogue among parliamentarians from Burundi and Tanzania, helping members overcome deep-seated prejudices and improve relations between the countries; conducted fact-finding missions to southern and northern Sudan to assess the root causes of the country's ongoing conflict and to advise AMANI Forum members so they could undertake targeted advocacy and provide momentum to peacefully resolve the conflict; and undertook a fact-finding mission to northern Uganda and designed programs to respond to ongoing causes of friction, including facilitating the repatriation of Ugandan ex-rebels living in Kenya.[6]

More recently, in September 2005, to speed up peace in the region, the AMANI Forum agreed to identify and collect all the agreements signed by their governments that address security and conflict resolution. The goal was to work toward holding their respective governments accountable for the implementation of these peace agreements.[7]

Since the AMANI Forum's inception in 1998, the proactive role adopted by the region's parliamentarians and their efforts with respect to improving relations between the nations of the Great Lakes region have been credited with helping to improve the potential for peace. Recently, the minister of foreign affairs and cooperation of the Republic of Rwanda, Charles Murigande, lauded the role of the AMANI Forum in improving ties in the Great Lakes region and in aiding peacebuilding.[8] The AMANI Forum provides an excellent example of what parliamentarians can achieve when they form informal or formal networks to work together for the purpose of peace.

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5. The Great Lakes Parliamentary Forum of Peace - AMANI Forum web site, Programs, http://www.amaniforum.org/index.php?option=com_content&task=view&id=13&Itemid=9.

6. The All Party Parliamentary Group on the Great Lakes Region and Genocide Prevention, http://www.appggreatlakes.org/cgi-bin/site/index.cgi?back=&pid=57&keywords=&topic=Links.

7. United Nations Office for the Coordination of Humanitarian Affairs. *Humanitarian News and Analysis,* http://www.irinnews.org/report.asp?ReportID=49212.

8. NewTimes Online. http://www.newtimes.co.rw.

Participation in Professional Associations: The Commonwealth Parliamentary Association's Commitment to the Harare Declaration

Drawing on the Commonwealth's unique strengths and character that are rooted in its shared ideals, common traditions, and language, the 1991 Harare Declaration mapped a course for all nations of the Commonwealth and acted as a foundational document affirming the fundamental principles of the Commonwealth. The Commonwealth Heads of Government, on unanimously agreeing to the Harare Declaration, specifically invited the CPA to play its full part in promoting the objectives of the declaration, which included the following:

> The protection and promotion of the fundamental political values of the Commonwealth: democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government...
>
> Support of the United Nations and other international institutions in the world's search for peace, disarmament and effective arms control; and in the promotion of international consensus on major global political, economic, and social issues.[9]

The CPA has responded to the Harare Declaration by undertaking activities in a number of areas, some involving support for individual parliamentarians and others involving more structured activities for groups of parliamentarians. In part, this work has fallen into the category of silent diplomacy, often in collaboration with the Commonwealth Secretary-General's "Good Offices" section, but increasingly this work is carried out much more openly.

In recognition that real progress in vulnerable parliaments can only be achieved where technical assistance is ongoing, the CPA has increasingly moved to provide assistance and skills support in context, in other words, targeted at parliaments and parliamentarians during the actual design and implementation of parliamentary strategies. This might be termed a clinical model of learning, where skills are learned, tested, and, if successful, validated on the job. Many attempts by both the CPA and other international organizations to promote constructive engagement in vulnerable parliaments has achieved only limited results, because international and local organizations have failed to follow up training with continuous consultation, technical assistance, monitoring, and a critique of participants' practical application of the skills in which they have received training.

Technical assistance programs are being run in a number of countries across Africa, the Caribbean, and the Pacific. Although each program is specifically designed in consultation with the partner legislature, the following are common objectives of the projects:

- Recognize the particular problems a fragile or vulnerable legislature faces and help it play a full and effective role within the CPA
- Increase the efficiency of the legislature, especially in the areas of representation, legislation, and oversight

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9. The Commonwealth Secretariat, Harare Commonwealth Declaration 1991, http://www.thecommonwealth.org/Internal/20723/34457/harare_commonwealth_declaration/.

- Improve transparency and accountability within the parliamentary decision-making processes; and
- Develop the capacity of parliamentarians to adhere to good governance principles.

Other work of the CPA includes promoting the independence of parliament from the government, including training parliamentarians and parliamentary staff in the administration and financing of the legislature. A particular emphasis has been placed on the formation of regional associations of parliamentarians with common interests, for example, the creation of national and regional associations of Public Accounts Committees. Such regional associations have a much greater payoff in terms of promoting cross-border understandings on a range of issues and not just the specific area of professional expertise. Recently, human rights training, in the form of the publication of a distance-learning module for parliamentarians, have been incorporated as part of the CPA's work.

Formal Regional Institutions: SADC Parliamentary Forum

The Southern African Development Community (SADC) was formed in 1980 and transformed from a coordinating conference into a fully fledged development community in 1992, when its declaration and treaty were signed by the heads of state and government of participating members. The signing of the treaty gave the organization legal status and allowed it to evolve beyond its former structure as the Southern African Co-ordination Conference (originally founded in 1979). With the end of apartheid in South Africa, SADC has sought to redefine itself by establishing the development priorities for the region, such as trade and finance, infrastructure, food and agriculture, and social and human development (Arya 2006; U.S. Department of State 2005). In addition, SADC has sought greater regional economic integration. The SADC member states are Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe.[10]

The SADC Parliamentary Forum is a regional inter-parliamentary body composed of more than 1,800 parliamentarians from 14 parliaments (Xinhhua News Agency 2005). It was formed in July 1996 as an autonomous consultative body within SADC to promote democracy, human rights, and good governance throughout Southern Africa. Since its inception and its endorsement by the SADC heads of state and government in 1997, the SADC Parliamentary Forum has become known for promoting compliance with regional norms and election standards (U.S. Department of State 2005) as well as promoting the inclusion of women in decision-making positions. The SADC Parliamentary Forum is headquartered in Windhoek, Namibia, and all national parliaments of SADC countries are entitled to be members, with representatives serving five-year terms and being drawn from both the government and opposition parties of the respective member countries. The SADC Parliamentary Forum receives its funding from member parliaments, governments, international donors, and international organizations.

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10. Southern African Development Community, SADC Profile, http://www.sadc.int/english/about/profile/index.php.

As noted in earlier chapters, transparent and accountable elections are a pivotal part of citizens conferring legitimacy on parliaments and governments. Without the legitimacy that comes from internationally accepted elections, divergent interest groups will be more inclined to seek means outside of the democratic process to resolve their problems, including resorting to armed conflict. In recognition of the important role that free and fair elections play in the democratic process, in 2001 the SADC Parliamentary Forum produced a set of norms and standards for regional elections, which was subsequently agreed to by SADC parliaments (Panafrican News Agency Daily Newswire 2005). This was an important preliminary step because, although most countries in Southern Africa have embraced democracy, the legitimacy of the governments and parliaments in the region has sometimes been called into question because of a lack of binding standards and norms (All Africa Global Media 2005b).

For instance, in 2002 SADC sent two separate observation teams to witness the controversial presidential election in Zimbabwe. The SADC Council of Ministers delegation found the election to be conducted in a free and fair manner; in stark contrast, the SADC Parliamentary Forum observer mission was reticent to endorse the poll as reflecting the will of the electorate.[11] The disparate observations of the missions were born out of conflicting interpretations as to the appropriate standards by which elections in SADC countries should be conducted. In an interesting sequel, an SADC Council of Ministers delegation was invited to observe the 2005 parliamentary elections in Zimbabwe, but the government refused to invite a delegation from the independent SADC Parliamentary Forum. Governments have a tendency to use observers to legitimize elections, even in situations in which voters suffered violence and intimidation. However, the SADC Parliamentary Forum commands credibility because it applies agreed-upon standards endorsed by the parliaments of the Southern Africa region, and its membership is drawn from the government and opposition in all member countries (All Africa Global Media 2005b).

In 2004 the SADC heads of state and government agreed to a set of principles and guidelines for elections that were not as detailed as the guidelines adopted by the SADC Parliamentary Forum. To avoid repeating what occurred during the Zimbabwe presidential elections, where different SADC delegations assessed the electoral process according to different and nonbinding standards, a conference organized by the SADC Parliamentary Forum in 2005 called for election standards to be legally binding on all member countries and recognized the key role of parliamentarians in ensuring that regional norms and standards were incorporated into national laws and constitutions (Panafrican News Agency Daily Newswire 2005).

On another front, the SADC Parliamentary Forum is proactive in ensuring that it attains fair representation of women. To that end, a Regional Women Parliamentary Caucus was established in 2002,[12] and SADC members set a target of a 30 percent participation of women in influential positions (Ekongo 2005). In accordance with this prescription SADC Parliamentary Forum election observer teams are comprised of at least 30 percent women (All Africa Global Media 2005a).

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11. Activities (Southern African Development Community [SADC]). 2006. *Europa World Online*, May 4, http://www.europaworld.com/.

12. Activities (SADC), 2006, in *Europa World Online*, May 4, http://www.europaworld.com/.

The SADC Parliamentary Forum is an excellent illustration of how parliamentarians can participate in formal regional institutions and contribute to conflict prevention and peacebuilding. In particular, the SADC Parliamentary Forum is an example of how parliamentarians, using formal regional structures and working across party lines, are able to push a conflict prevention agenda by promoting more transparent and accountable elections and advocating the inclusion of marginalized groups, specifically women.

Conclusion

It has been a long-held belief that the role of parliament and parliamentarians was merely to pass legislation and provide oversight, mostly over the budget process. However, there has been a growing trend for parliamentarians to look beyond their traditional functions and to embrace broader responsibility in representing the interests of their constituents in building peace and reducing poverty. Parliamentarians' growing understanding of the role they can play and the positive and constructive contribution they can make to these lofty goals has led to parliamentarians' increasing interest in participating in regional and international professional associations and forums. Parliamentarians are able to contribute to peacebuilding and conflict prevention by encouraging dialogue, building confidence, and facilitating peer-to-peer learning. They face challenges in developing regional relationships, such as duplication of efforts or the use of scarce parliamentary resources to build networks and relationships outside their traditional constituencies; however, the benefits that can accrue from developing informal and formal networks cannot be underestimated. The case studies in this chapter illustrated how parliamentarians can represent their constituents' interest in peace and contribute to conflict prevention by participating in different regional and international forums.

Parliamentarians do not necessarily need to look beyond their borders when seeking to more proactively represent their constituents' interests in peacebuilding and poverty reduction. Participation in initiatives sponsored by the multilateral development agencies, such as the MDGs, the Global AIDS Initiative, and the World Bank PRSP process, provide forums outside of parliament in which parliamentarians can give their constituents a voice and represent their interest in peace and prosperity. Irrespective of whether parliamentarians are representing the electorate in regional and international forums or engaging in domestically driven initiatives supported by international organizations, they are now able to look beyond the traditional confines of parliament's role to better represent the interests of the people in efforts to prevent conflict and reduce poverty.

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16

Toward an Active Participation in Foreign Policy—The Role of the Finnish Parliament in International Conflict Prevention and Crisis Management

Teija Tiilikainen

During the Cold War, Finland's Parliament was a bystander in foreign policy decision making. The Finnish Constitution defined foreign policy as the domain of the president, a division of powers that was largely respected by all bodies, including the parliament. Finland's historical experience of conflict with its large eastern neighbor, the Soviet Union, and its exposed geographical position, sandwiched between the two blocs of the Cold War system, gave legitimacy to this nonparliamentary type of leadership. Strong presidential leadership with respect to foreign policy was considered useful in the event the political situation in northern Europe became tense.

The end of the Cold War and the subsequent changes to the political environment in northern Europe have led to a remarkable change in the Finnish parliament's role in foreign and security policy; the parliament currently is an active participant in the planning of Finnish foreign and security policies. Furthermore, following several amendments to the Finnish Constitution since the 1990s, the parliament is now firmly involved in decision making concerning Finland's participation in international conflict resolution and crisis management initiatives. Nowadays, the parliament also has international networks of its own through which it can influence Finnish policy. Finland's European Union (EU) membership, and the new opportunities this has presented in terms of international powers and participation, is another factor that has affected the parliament's international role.

The increasing role of Finland's parliament in conflict prevention and crisis management raises the question as to the extent to which parliament can act on the international scene to promote the consolidation of values such as peace and democracy. Specifically, this chapter uses examples from the experience of the Finnish Parliament to examine how the Finnish Parliament has been able to contribute to conflict prevention outside Finland's borders. This chapter proceeds in two parts. First, it analyzes the Finnish forms of parliamentary participation in the broad field of international security politics. Second, it examines the Finnish Parliament's contributions and achievements in the field of conflict resolution and crisis management.

Empowering the Finnish Parliament to Participate in International Conflict Management

Finland is a stable Nordic democracy that does not suffer from serious internal threats to human security. In fact, Finland can be characterized as a society of consensus, where only minor differences exist between most political parties in its multiparty system.[1] The legitimacy of the constitutional order and political institutions is mostly unchallenged, even if opinion polls show some changing trends. For instance, over recent years Finland has experienced a decrease in voter turnout at its general elections; however, turnout still reaches approximately 70 percent of registered voters. In this political environment the major security policy concerns held by the citizens of Finland stem from outside Finnish territory. During the Cold War military aggression against Finland—or a major conflict that would start in the region and spread to Finland—was of paramount concern. However, since the 1990s other types of threats, such as ethnic conflicts, terrorism, and the spread of nuclear weapons, have increased in significance and are considered the focus of Finnish policy.

Until the mid-1990s Finnish foreign and security policy was only rarely addressed in parliament, initially because of the conflict with the Soviet Union during World War II and then because of Finland's exposed international position during the Cold War. Foreign and security policy was the special prerogative of the president and only to a very limited extent was subject to normal democratic debate and control. Political parties were expected to show loyalty to the common line of policy formulated by the president and the government elite. The main objective of Finland's foreign and security policy was the difficult act of balancing the two blocs of the Cold War system. A strict policy of neutrality formed the core of this policy. Making this neutral stance a priority on most issues resulted in a cautious and reserved attitude toward international cooperation in general.

The constitutional tradition of strong presidential leadership with respect to foreign policy changed in the mid-1990s, as the Finnish perspective on foreign and security issues broadened. Thanks to the improved political atmosphere in northern Europe, Finland joined the EU and adopted a much more proactive role with respect to its participation in the international community. As a part of this new outward-looking policy, Finland decided to increase its participation in international conflict resolution and crisis management mechanisms. Finland had already laid the foundation for a more outward-looking peacebuilding and conflict-prevention stance through its strong engagement with United Nations (UN) peacekeeping activities throughout the Cold War period.[2] Since the 1950s, Finland had a policy of neutrality, which opened up possibilities for the country to act as an international

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1. The Finnish party system is very stable. Three large parties make up its core: the conservative National Coalition (KOK), the Social Democrat Party (SDP), and the agrarian Centre Party (KESK). The electoral support of each varies between 20 and 25 percent. Next are the Green League and the Left Wing Alliance, which are half the size of the largest parties in terms of electoral support. The oldest party is still the Swedish People's Party (RKP), with about 5 percent electoral support.

2. Finland's participation in UN peacekeeping efforts started in 1956 with the Suez operation. During the Cold War era, Finland participated in more than 10 operations. Finland's contribution is limited by Finnish law and cannot exceed 2,000 troops simultaneously.

conciliator and contribute to conflict resolution in Europe and farther abroad. For instance, the major system of international détente that emerged during the Cold War era, the Conference for Security and Cooperation in Europe (CSCE), had its genesis in Finland in the 1970s. Finland's role in international conciliation has continued in recent decades, with many Finns being trusted in visible international positions. The best-known figure is without a doubt the former Finnish president Martti Ahtisaari, who has acted as a conciliator in a number of major international conflicts, such as the Kosovo conflict, Northern Ireland, and Aceh in Indonesia, among others.

Since the beginning of the post–Cold War era, the Finnish Parliament, which earlier was very much in the background, has become a key actor in the development of foreign and security policy. This came about because when the foreign policy environment changed after the end of the Cold War much of Finland's foreign relations started to be conducted in the EU framework. In accordance with the EU framework, parliamentary oversight was strengthened and the presidential leadership started to be questioned. The changes in Finland's practices have been confirmed through amendments to the constitution.

Parliamentary Participation in the Development of Foreign and Security Policy

Unlike during the Cold War era, nowadays whatever the Finnish government does on the international scene is subject to proactive parliamentary guidance and oversight. All international obligations and commitments with legislative or budgetary implications have to be approved by parliament. This implies that all major international treaties—not to mention membership in any international organizations—are thoroughly scrutinized by the parliament, which must give its approval by passing a resolution by simple majority or with a two-thirds majority when the commitment has constitutional implications. Section 94 is an important provision added to the new Finnish Constitution, which entered into force in 2000, and provides that Finland's international obligations shall not endanger the democratic foundations of the constitution. The meaning of this provision remains very general; however, it is widely understood that the provision functions as a constraint to ever-increasing internationalization and puts clear limits on the government's freedom to act in this respect. In practice, the constitutional provision means that if there is reason to believe that an international commitment would not meet the precondition of democracy, it would be immediately subordinated to parliamentary approval.

The Parliament of Finland does not just provide oversight of Finnish foreign and security policy; rather, it plays a role in formulating the policy through intensive interaction between the government and parliament. The key principles of Finland's foreign policies are regularly reviewed and set out in a white paper, which is subject to parliamentary debate and approval.[3] With respect to security and defense policy, the government assesses the key Finnish policy orientations every fourth year and

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3. The white paper tradition was started in 1995 when the first paper, *Security in a Changing World* (a report by the government to parliament on June 6, 1995) was given to the parliament. The most recent papers are *Finnish Security and Defence Policy 2001* (report by the government to parliament on June 13, 2001), *and Finnish Security and Defence Policy 2004* (report by the government to parliament on September 28, 2004).

gives them to parliament for approval. These comprehensive policy declarations also include detailed propositions on how Finland will participate in international crisis management. These clear parliamentary review and approval processes have conditioned the government to consult with parliament to ensure the government's policies are legitimized. The parliament has steered the reformulation of Finland's security policy from the previous state-centric emphasis toward a policy imbued with a philosophy of stronger international engagement and responsibility. These changes have also evoked political controversies; therefore, parliamentary approval has been of utmost importance.

The controversies related to Finland's participation in international crisis-management initiatives have given rise to close parliamentary oversight. Parliament's competencies with respect to oversight of security policy and international crisis management need to be understood in the context of Finland's history. Finland's contribution to the UN's peacekeeping operations has been consistent since the Cold War era, with Finland contributing, at certain periods of time, more peacekeepers than any other country. Finnish contributions have always been limited, though, because regulations limit the number of peacekeeping troops that can be committed to 2,000 troops at a time. Finland's contribution is also regulated with respect to the mandate and competencies assigned to Finnish peacekeeping troops. Until the mid-1990s Finland's participation was tied to the key principles of traditional UN peacekeeping. This meant that Finnish troops could be assigned only to operations that had a mandate from the UN Security Council and only to situations in which a cease-fire had been achieved among the conflicting parties. Participation in military peace enforcement was consequently forbidden according to Finnish law. In addition, Finnish troops could use force only for self-defense.

Post–Cold War conflicts have demanded new types of action from the international community, and Finnish law has gradually changed to accommodate the evolving nature of crisis-management interventions. Because of its legislative powers, the parliament has been a key actor in defining those changes. The liberalization of the crisis-management law has reinforced parliamentary control of Finland's international participation in this field. According to the current Finnish legislation, Finnish troops may be assigned to all types of international crisis-management operations and even to operations lacking the mandate of the UN Security Council.[4] However, when international operations do not fulfill the conditions of traditional UN peacekeeping operations, whether in relation to their mandate or authorization to use force, the government must gain parliamentary approval to commit troops. This has led to a practice in which Finland's parliament—or, more exactly, its Committee for Foreign Affairs—discusses and gives its blessing to Finland's participation in almost every operation. Parliament's role cannot be treated as a mere formality, though, because the parliament has increased the threshold for participation in recent years. Parliament's proactive role has also generated an interest in international peace issues in Finland's political parties, which are now regularly

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4. The requirement of a Security Council mandate was abolished in the very recent amendment made in the Finnish legislation (see Law on Crisis-Management FINNLEX 211/2006).

asked to contribute ideas to the debate on the form Finland's participation in these international initiatives will take.

The policy of active participation in international conflict resolution and crisis management has been supported by all political parties in Finland; it is also widely understood by the Finnish population. However, the liberalization of the conditions for participation has been criticized by many parties. Some critics have been concerned that Finland may suffer serious casualties by being involved in peacekeeping operations that are different from the traditional peacekeeping operations. Other critics have voiced concern about the weakening role of the UN in the field as other actors come to the fore.

The Finnish Parliament and the European Union

The EU's growing role with respect to the prevention and resolution of international conflicts has provided an avenue through which Finland has been able to further contribute to international conflict management. Both the geographical and material scope of Finland's external relations has been multiplied by its EU membership. Finland, as a small state, could never independently exert the influence it can when acting in unison with other EU members and developing a single EU policy. Consequently, EU membership provides a further opportunity for the Finnish parliament to influence the contribution Finland makes, as a country, to international crisis management.

To be able to engage the EU policy-making process, Finland's parliament seeks to influence the government's EU policy position or use more direct EU policy-making channels that are available to national parliaments of the EU. As part of this process, the parliament is in constant dialogue with the government concerning Finland's position and points of emphasis concerning the EU's common foreign and security policy. Key parliamentary committees have consistently repeated that a strong EU in global affairs corresponds to the interests of Finland. The same committees have also demanded that parliament must have proper access to information, in addition to the government's planning process, when it comes to the EU's global policies. This implies, among other things, that after each meeting of the European Council, which is the most influential body and provides the greatest leadership with respect to the EU's external policy, the prime minister informs parliament about the decisions and discussions that took place.

When the EU's system of external policies was reformed as a part of the treaty establishing a constitution for Europe in 2002, the Parliament of Finland's Foreign Affairs Committee worked closely with the government to prepare the Finnish position and helped obtain parliamentary approval for the key points submitted by the government. The parliament passed a resolution, which stated the following, among other things:

> The committee for foreign affairs sees that the EU's external action must consistently be based on the primacy of multilateral cooperation and the UN's leading role. The committee views positively the fact that the UN has a key role in the propositions made concerning the development of the foreign and security policy implying for instance that the Union's resources in military and civilian crisis-management will be deployed outside the Union in accordance with the principles of the UN charter.

The Finnish Parliament's direct contact with the EU has increased since the beginning of Finland's EU membership; however, some political actors take a more critical view of the contact between the Finnish Parliament and the directly elected European assembly, the European Parliament. Critics point out that if the Finnish Parliament would engage the European Parliament in a more efficient and systematic manner it could be more successful in influencing the European Parliament's agenda, which shapes the EU's global policies.

The Finnish Parliament's Direct Participation in International Forums

In addition to influencing the Finnish government's position on international crisis management, the parliament also participates directly in important international processes, namely through international organizations in which it is directly represented. Finland is a member of three international organizations that allow direct parliamentary representation: the Nordic Council, the Parliamentary Assembly of the Council of Europe (PACE), and the Organization for Security and Co-operation in Europe (OSCE) Parliamentary Assembly. Parliament also participates in a number of other parliamentary bodies and conferences on the international stage, such as the EU's Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), and the Parliamentary Network of the World Bank (PNoWB).

How the Finnish Parliament Has Contributed to International Conflict Resolution

Finland's Parliament employs two strategies for contributing to international crisis management. First, the parliament engages with the government's policy-making process to help set Finland's international position with respect to international crisis management and to provide government policy with parliamentary approval. Second, parliament participates directly through international organizations and parliamentary bodies. Furthermore, the parliament and its institutions, such as the presidency or the parliamentary committees, have their own international relations and can, to some extent, conduct affairs apart from the governmental structures.

Influences on Governmental Policy

Since the end of the Cold War, Finland's participation in international conflict resolution has taken it in two new directions. The first is the aforementioned adaptation of peacekeeping approaches, such as peace enforcement, to new forms of military crisis management, which have evolved in response to the changing nature of conflict, particularly in Africa and Asia, but also in Europe (such as the breakup of the former Yugoslavia). These new types of crises have demanded new means of conflict resolution. The second direction is the new demand on civilian functions needed to tackle international conflict and the blurred border between the civilian and military tasks of crisis management. Finland participates in conflict resolution through a number of international organizations. However, since the late 1990s the EU has been the central forum for Finland's participation in international crisis management. During this same period the EU has been bolstering its military crisis-management capacity along with strengthening the civilian element.

Since the mid-1990s Finland has participated in almost 20 military operations, with an emphasis in the former Yugoslavian states. A majority of operations have been led by the UN. Finland is not a North Atlantic Treaty Organization (NATO) member, but it cooperates with the organization in many ways and has had a Partnership for Peace Agreement with NATO since 1994. Finland has thus participated in three NATO-led operations, first in Bosnia, then in Kosovo, and finally in Afghanistan. Finland's new EU emphasis is reflected in its recent participation in three EU-led operations as well as in the rapid-reaction battle groups that have been on standby since January 2007. Many of these operations were discussed in the parliament before the decision on Finnish participation was finalized. These cases are analyzed in more detail below.

Finland's traditional policy of crisis management, whereby it would participate in UN Security Council–sanctioned missions, was put to the test for the first time in the mid-1990s when NATO suggested that Finland could participate in its Implementation Force (IFOR) in Bosnia. It was clear the existing Finnish law would not permit Finnish participation because it was not a UN-led operation and because the authorization to use force deviated from the traditional UN rules. The Finnish government tested the parliament's opinion on the issue, and the proposal to participate in IFOR proved controversial. To allow Finland's participation in the NATO-led operation, the government proposed that Finnish law on international peacekeeping be amended so that operations implemented by other international actors would be possible on the condition that they have UN authorization.[5] Also, the government proposed that operations with an extended authorization to use force would be possible; however, in such instance, the parliament should approve Finland's participation. The parliament did not accept the government's proposition. Accordingly, a compromise solution was drafted by parliament's Foreign Affairs Committee. The committee narrowed the scope of Finland's participation from what had been proposed by the government, specifically excluding peace enforcement operations. The amendments to the Finnish law followed the parliament's position.

The question of Finland's participation in NATO's IFOR operation in Kosovo in 1999 evoked a debate on the legality of NATO's air strikes preceding the political settlement of the conflict. Parliament approved Finland's participation, but at the same time many political parties stressed the UN's role and the fact that Finland should only be allowed to participate in operations with a UN mandate. It took almost 10 more years for the political will to emerge across party lines and for parliament to reverse its opposition to Finnish participation in operations not sanctioned by the UN. In the meantime, it became one of the cornerstones of the parliament's thinking concerning Finland's policy of conflict resolution and crisis management.

By the late 1990s it had become evident that the EU's activities would begin to focus more on the direction of European security and defense policies. The EU's competencies in the field are comprehensive, covering economic, diplomatic, and political aspects of crisis management, and military instruments are emerging to deal with conflict beyond the EU's borders. In general, the EU's role in the field of international crisis management and conflict resolution is supported by all major

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5. A proposition of the government 185/1995 to the Finnish Parliament on amendments to the law on Finland's participation in the UN and OSCE peacekeeping.

Finnish parties. This has enabled a policy of active engagement by Finland in the EU's conflict prevention strategies. Finland has supported the EU's recent developments in the field, such as the creation of military and civilian crisis-management capability and the manifold institutional changes these new capacities require.

EU membership has tested the parliament's willingness to commit Finland to ever-deepening international cooperation with respect to crisis management and to cooperative arrangements that are linked, at least partially, to supranational decision-making elements. Although the majority in parliament has supported the government's pro-European policy, parliament and its committees have in some contexts put clear conditions on the government's policy. For instance, the Foreign Affairs Committee demanded up until the end of the 1990s that the government would not tie Finland to any arrangement in the EU that would endanger its sovereign capacity to make security-policy decisions.[6] Gradually, however, these kinds of conditions have disappeared as the government, in close cooperation with parliament, has formulated Finland's positions not only on the EU's crisis management system but also with respect to the policy decisions made in the context of that system. As a small state, Finland was originally not enthusiastic about the EU position of undertaking demanding military operations that consisted of peace enforcement. However, the Finnish policy has been adjusted over time to allow for such operations, which are a result of the ever-changing security environment. Finland has been one of the most active EU members in civilian crisis management. About 100 Finnish experts participate annually in civilian crisis-management tasks, a majority of them in the EU's operations. Civilian policemen form the largest group of Finnish experts, but Finland also provides rule-of-law and legal systems experts.

In addition, military cooperation with EU states has been considered important for Finland, not least for reasons related to military interoperability. As of January 2007 Finland has participated in three of the four EU-led military operations and in almost all civilian crisis-management operations undertaken since the birth of the current system in early 2000.

Conflict Resolution through International Bodies

The Finnish Parliament participates in international conflict resolution through international organizations and bodies in which it is a member. One of the oldest forums for cooperation is the Nordic Council, an institution of Nordic parliamentarians of which the Parliament of Finland has been a member since 1955. The Nordic Council played a very special role for Finland during the Cold War era, in that the five Nordic countries had very different security policy solutions, and the Soviet Union actively tried to hinder Finland from becoming politically too close to its Nordic NATO neighbors, Denmark and Norway. When the Nordic Council was established in 1952, Finland did not participate at first because of foreign policy concerns and pressure from the Soviet Union. However, a couple of years later Finland

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6. See for instance, the Foreign Affairs Committee's report on the government's white paper on EU policies (Finland's Starting Points and Objectives for the 1996 IGC: Report of the Finnish Government to the Parliament, February 27, 1996; Foreign Affairs Committee Report 7/1996, the Finnish Parliament).

joined, and the Nordic Council provided Finland with what was at the time a rare opportunity for institutionalized international cooperation. The close cooperation that the Nordic Council created among the parliamentarians of the Nordic countries had an important function in safeguarding unity in an era when the Nordic community was divided by the Cold War system. Foreign and security politics was excluded from the scope of the Nordic Council; its main focus was the legislative harmonization of the Nordic states.

The Nordic Council was the main body for Nordic cooperation from its inception until 1971, when the Nordic Council of Ministers was established. That body consists of 87 parliamentarians nominated by the 5 Nordic parliaments. The historic task of the Nordic Council has been to make recommendations to Nordic governments concerning legislative harmonization aimed at improving cooperation and interaction between Nordic societies and peoples. When three of the five original Nordic states joined the EU, the role of the Nordic Council was reevaluated (Denmark first in 1973 and Finland and Sweden in 1995). However, with the exception of minor institutional changes, the overall scope and functions of the council have been kept intact.

In the late 1980s the Nordic Council's political role came to the fore when calls for independence from the three Baltic states—Estonia, Latvia, and Lithuania— were strengthening. The three Baltic states were looking for suitable forums in order to become more involved in the international community. The Nordic Council started to cooperate with Baltic parliamentarians before the three Baltic states regained independence, and once they had achieved their independence the states formalized their membership in the Nordic Council. Since this time the Nordic Council and Nordic Council of Ministers have provided forums for cooperation in this enlarged Nordic community.

The PACE has been another important forum for inter-parliamentary cooperation. Finland joined this forum in 1989 when it joined the Council of Europe. The Finnish delegation consists of five ordinary members and five substitutes. Participation in the PACE provides an important channel for the Finnish Parliament to participate in important international processes concerning human rights and minority protections. Finnish parliamentarians have participated in the monitoring of the human rights situation in Russia and other applicant members of the Council of Europe. The Finnish parliamentarians who are members of the PACE have been able to emphasize topics related to the PACE's agenda that are important to the Finnish people, for instance, gender equality. PACE committees have organized meetings in Finland, and their leadership has briefed the Parliament of Finland and its committees on an array of issues. Finnish member of parliament Gunnar Jansson was the chairperson of the Legal and Human Rights Committee and was later nominated as the vice chairperson to the 2000 EU convention that drafted the EU's *Charter of Fundamental Rights*. It is difficult to show in definite terms the achievements of the Parliament of Finland in the broad field of human rights and minority protection; however, it goes without saying that the Parliament of Finland has been able to tackle human rights and minority problems abroad with greater efficiency and effect through the Council of Europe than if it had not had access to this international forum.

Another important parliamentary forum that Finland has participated in to contribute to international conflict resolution is the OSCE Parliamentary Assembly.

One of the important tasks of this forum has been the observation of elections in member countries, which Finnish members of the OSCE Parliamentary Assembly have participated in, with the support of the Finnish Parliament. In several elections in recent years, international observers have played an important role in major democratic transitions. The 2004 elections in Georgia and Ukraine illustrate how electoral processes were aided by the presence of international electoral observers. The parliamentary assemblies of the Council of Europe and OSCE have had the main responsibility for observing elections in the Balkans, such as in Kosovo in 1999. In addition, Finnish member of parliament Kimmo Kiljunen led the OSCE Parliamentary Assembly's delegation to observe elections in Belarus, the former Yugoslav Republic of Macedonia, and Moldova in early 2000.

Finland's participation on the Nordic Council, the PACE, and the OSCE Parliamentary Assembly are just three examples of how inter-parliamentary cooperation can foster parliamentary participation in international crisis management. These opportunities are in addition to the role parliaments can play by exerting influence on the actions of government. In Finland's case, parliamentary cooperation through the Nordic Council, played out in the tense atmosphere of the Cold War, is an exceptional example of how inter-parliamentary organizations can foster and maintain positive relations among nations that would otherwise be politically more distant. Nordic countries' parliamentary cooperation functioned as a counterbalance to those political forces that sought to split the Nordic community along the lines of the Cold War.

The other two inter-parliamentary bodies have played a similar role in that they enabled direct parliamentary involvement in and support for democratic processes, such as monitoring of elections and human rights records, in which involvement through other intergovernmental instruments was not possible. Inter-parliamentary cooperation, consequently, is being viewed by civil society as an instrument to safeguard and promote common values in turbulent political contexts. Greater cooperation among parliaments and between parliaments and civil society provide national parliaments with better access to the information they need to spearhead efforts to tackle international conflict.

Parliamentary Diplomacy

In addition to the parliamentary councils that allow countries to participate in the broad field of international conflict resolution, parliaments also can become involved in international networks separate from the channels of official foreign relations. The Parliament of Finland has increasingly welcomed visitors from other parliaments, which has prompted direct dialogues at the parliamentary or party level on topics of concern. For example, the Parliament of Finland recently received important parliamentary delegations from new EU members or EU applicant nations. Those groups had studied the Finnish model of parliamentary oversight and its participation in preparing the national EU policy in relation to the EU's common decisions and legislative initiatives. As each national policy prepared by the Government of Finland with respect to the EU is comprehensive, proper parliamentary involvement is necessary to safeguard the EU's legitimacy in its member states. Only parliamentary procedures can ensure that a link is created between the citizens of an EU member country and the EU's decision-making process.

Finally, the Finnish parliament has maintained contacts with political groups and figures who, for political reasons, fall outside the scope of official Finnish foreign policy. For instance, through the Parliament of Finland, relations have been established with opposition groups in European states seeking to undertake democratic transitions, such as the Belarusian opposition leader Alexander Milinkievitch. Finnish members of parliament also establish specific intra-parliamentary groups to promote relations with strategic or targeted foreign actors or groups. Currently, about 50 such groups in Finland's parliament are bringing likeminded parliamentarians together across party lines to discuss and monitor an array of topics, such as Tibet, Belarus, Cuba, and Israel.

Conclusion

The Finnish Parliament exemplifies how an active and internationally oriented parliament can promote its own values and democratic practices on the international stage. Democratic traditions and parliamentarianism are firmly rooted in Finland; however, the Finnish Parliament is a relatively new player in the field of foreign and security policy. The reforms that were undertaken in the mid-1990s have clearly motivated the Parliament of Finland to be more proactive in international conflict prevention, and nowadays the parliament uses all the channels available to it to maintain an important and growing role in the development of Finland's international security policy.

In the European parliamentary tradition, parliament is usually able to exert influence over the foreign affairs of the country by providing oversight of the government. The government represents the state in all formal international contexts; therefore, it is often difficult for the parliament to adopt a more independent role. This is particularly the case in democracies in which the government also enjoys a majority in parliament, such as in Finland. Despite these impediments, Finland's parliament has, surprisingly, been able to create a voice of its own with respect to international security policies. In the international environment, which is characterized by rapid changes, the Finnish Parliament's voice has usually been more conservative than that of the government, supporting perspectives of continuity and long-term interests. However, parliament has also brought the voices of civil society to the policy debate on international conflict prevention, with an emphasis on human rights and protection of minorities.

Despite its achievements to date and the lessons learned from parliamentary cooperation of the Nordic states in the tense Cold War era, the Parliament of Finland is only starting to emerge as an actor with direct contacts and influence at the international level. Nevertheless, the parliament has shown immense promise as an actor that can contribute to international conflict prevention and crisis management.

Annex: The Finnish Parliament in the 21st Century

Seppo Tiitinen

Finland is celebrating the centenary of its parliament gaining its unicameral status and of the Finnish people obtaining universal and equal franchise. Finns were first granted equal franchise in 1906 and then proceeded to elect the first parliament (*Eduskunta*) in March 1907 under new universal suffrage laws. The new parliament commenced work on May 23, 1907. For this reason, the general theme adopted by the Eduskunta for the jubilee period is "The right to vote—trust in law. One hundred years of Finnish democracy."

The parliamentary reforms adopted a century ago were, for the most part, a continuation of a parliamentary tradition that was already in existence. However, the reforms were bold in that they facilitated a 10-fold increase in the number of citizens who could enjoy the right to vote, and they granted Finnish women not only the right to vote, but also the right to stand for election. In this respect, the reforms that occurred a century ago were revolutionary. Finnish women were the first in Europe, indeed the whole world, to be given both a general franchise and eligibility for election, without any restrictions whatsoever. Following on from this, in spring 1907, 19 Finnish women became the first female parliamentarians in the world when they took their seats in the new 200-member Eduskunta. For this reason it can be argued that the Eduskunta of the Grand Duchy of Finland, which began its actual work in 1907, constitutes the world's first modern parliament.

The present-day Eduskunta continues to be an elected body that works largely according to the same principles as those embraced 100 years ago. The 1906 electoral and parliamentary reforms did not bring genuine parliamentary democracy to Finland, which was still under the rule of Russia's czar, but they created a strong foundation for Finnish democracy that can be seen in the conduct and operation of the Eduskunta today. The claim that the reforms formed the basis of Finland's modern democracy is supported by the fact that this period of transition in the early 20th century also saw the emergence of a new pattern of Finnish political parties.

When the opportunity to gain independence from Russia presented itself a decade after the electoral and parliamentary reforms, the Eduskunta was ready and able to declare independence. As the institution that represented the people, the Eduskunta was a natural foundation on which to build the political system and shape the future of the entire Finnish nation. The stable development of Finnish society bears testimony to a solid, multiparty democratic system for which these reforms were the foundation.

After the Eduskunta adopted Finland's Declaration of Independence on December 6, 1917, it became necessary to supplement the Finnish Constitution with a

provision concerning the political responsibility of members of the government to the Eduskunta. The independent republic's first actual constitutional document, which was called the Form of Government Act, was adopted by the Eduskunta in early summer 1919. One of the outcomes of the Act was that exclusive responsibility for developing the national budget was conferred on the Eduskunta. Over the next few decades another constitutional document, the Parliament Act, was amended to enable the work of parliament to develop flexibly in response to evolving needs. The guiding principle behind the evolution of the Eduskunta, especially from the 1980s onward, has been to ensure that the parliament's plenary sessions remain the central arena for political discussion. One of the ways parliament was able to keep the plenary as the central arena was by giving members of parliament better opportunities to raise questions of topical relevance in the chamber.

The 2000 Constitution

The idea of revising the Finnish Constitution in its totality, which had long comprised four separate fundamental laws, was first seriously considered in the early 1970s, but was already abandoned before the middle of that decade. After that, there were a number of partial revisions but no comprehensive constitutional reform. In spring 1995, in accordance with the position adopted by the parliament's Constitutional Law Committee in the early 1990s, the government launched the Constitution 2000 project, the aim of which was to produce a single coherent constitutional document. The intention was that the new Finnish Constitution would enter into force on March 1, 2000. In a spirit of cooperation, the project proceeded according to the envisaged timetable. One of the main objectives of the comprehensive constitutional revision was to strengthen the role of the parliament, namely by affirming the Eduskunta's status as the supreme organ of state and by clarifying and expanding when the legislative assembly could act.

The new constitution repealed both the old Form of Government Act and the Parliament Act, which had regulated the functions of the Eduskunta. Regulation of the Eduskunta's functions was simplified and made more flexible by transferring a significant part of the provisions concerning arrangements for parliamentary work from the Parliament Act to the Rules of Procedure, which are drafted by and approved by the Eduskunta itself. Previously the matters parliament could consider were set out in the constitution. The new constitution provides greater flexibility for the Eduskunta by expanding the circumstances in which the parliament can independently decide when to take up new matters for deliberation.

The principle of democracy, one of the cornerstones of the political system, was incorporated, unchanged, in section 2 of the Constitution, which provides that the powers of the state of Finland are vested in the people, who are represented by the assembled Eduskunta. In accordance with the separation of powers, legislative power is wielded by the Eduskunta, which also develops the national budget. Executive power is exercised by the president of the republic and the Council of State, who form the government, the members of which must enjoy the confidence of the Eduskunta.

The Eduskunta's three key functions are the exercise of legislative and budgetary power and oversight of the government. However, over time the Eduskunta developed an additional function related to planning for future contingencies,

opportunities, threats, and problems. Accordingly, in 1993 the Eduskunta created a new permanent committee, called the Committee for the Future, to guide the parliament in future actions.

Over the past 30 years, performance of the Parliament of Finland's central functions has changed significantly. The Eduskunta's power in relation to state finances has declined, especially with respect to the formulation of the national budget; instead, parliament now provides advance guidance on the budget framework as well as more efficient parliamentary oversight of compliance with the budget. The Eduskunta's oversight of the government has, in turn, diversified and strengthened in many different ways.

Leading by Example in Building an Informed Democracy

Openness with respect to the exercise of public power is a fundamental tenet of a functioning democracy and one of the most effective means of preventing many governance problems that can arise. A free press and other media are essential preconditions for an open society. Plenary sessions of the Finnish Eduskunta have been public from its inception, with the exception of a small number of sessions held in camera during World War II. By contrast, meetings of the Eduskunta's committees are not public, which is contrary to the practice in several other countries. The reason for keeping committee meetings private is to enable their members to deal with matters through confidential negotiations and in an atmosphere where information can be freely exchanged among the members. To safeguard the fruitfulness of committee deliberations, information on discussions in committee meetings is not usually released to the public before the committee has finished deliberating. In practice, however, everything that happens in the Eduskunta is public and will be publicized, even if after the event.

The significance of the media to the Eduskunta's work naturally follows closely the changing role the media has played in society. As recently as the early 1950s, the number of reporters accredited to the Eduskunta was not much more than a dozen, whereas it is now closer to 200. Furthermore, the advent of electronic media has revolutionized the whole pattern of information. Opportunities for the media to work in the Eduskunta have evolved over the decades to help release information about the work of the parliament into the public domain. Freedoms experienced by the Finnish media and their engagement with the parliament are exceptionally broad in comparison with other parliaments.

In recognition of the important role played by the media, information services operate within and outside the parliament to provide assistance to an increasing array of media entities that cover the work of the parliament. The Eduskunta has also embraced new information technology, such as direct Web-casts of plenary sessions, which make it possible for citizens to observe their parliamentary representatives via the Internet.

Budgetary and Administrative Autonomy of the Eduskunta

The Constitution of Finland does not contain provisions concerning the administration of the Eduskunta; instead, this is regulated by the Eduskunta's own Rules of Procedure, regulations, and standing orders. In addition, on recommendation from

the Speaker's Council, the Eduskunta passed legislation to extend the basic principles applying to state civil servants to parliamentary officials. Ensuring that the Eduskunta is responsible for the regulation and administration of its own affairs and parliamentary officials provides the greatest possible independence for the legislature. The Eduskunta's administration and financial management are directed and overseen by a special body called the Chancellery Commission, the membership of which comprises the Speaker, the Deputy Speakers, and four other members chosen by the Eduskunta from among its own members. There are also four alternates for the ordinary representative members.

Budgetary autonomy means that the Eduskunta itself, in practice, determines its own annual budget. The Chancellery Commission drafts the Eduskunta's budget for the coming year and forwards it to the Ministry of Finance. There it is added to the national budget prepared by the government, without its contents being altered in any way. The Eduskunta gives its final approval to the national budget for the next year on the presumption that its budget will be included without alteration.

Bodies belonging to the Eduskunta's administrative organization are the Parliamentary Office, the Office of the Parliamentary Ombudsman, the State Audit Office, and the Research Institute for International Relations and European Union Affairs. The objective of the Parliamentary Office is defined in the Rules of Procedure as being "to create for the Eduskunta the prerequisites for it to perform the tasks that belong to it as an organ of state." The Eduskunta has, on the proposal of the Speaker's Council, issued more precise regulations in the Standing Orders and in the Audit Rules and Guidelines with respect to the administrative structure of the Parliamentary Office.

According to the Rules of Procedure, the secretary-general, who is chosen by the Eduskunta in a plenary session, serves as the secretary to the legislature and is the head of the Parliamentary Office. The Parliamentary Office itself is divided into a central office and an administrative department, in addition to which there is a committee secretariat. The task of the central office is primarily to perform preparatory, implementing, and service functions associated with plenary sessions. The administrative department takes care of matters relating to financial management, personnel administration, and real estate. The committee secretariat provides the committees with the secretarial services they need, in addition to taking care of the preparatory work on matters to be dealt with by the committees and performing other auxiliary functions.

The Parliamentary Office contains the international department, information and communication department, and security department, all of which report directly to the Speaker and the secretary-general. The Eduskunta Library, the research service, and the information service are included in the information and communication department. The responsibilities of the information and communication department include taking care of library services and internal and external information. Additionally, the head of the information and communication department is tasked with implementing and developing the Eduskunta's information services, coordinating the information efforts of the Eduskunta's other operational units, and providing expert assistance in relation to information.

The international department assists the Speaker, the secretary-general, and the Eduskunta's other bodies and operational units in dealing with international affairs, with the exception of relations with European Union institutions. A new

unit of the Parliamentary Office, the security department was created at the beginning of 2005 and is responsible for ensuring the effective functioning and development of the Eduskunta's security system, as well as for rescue functions and population protection. In accordance with the principles of an open Nordic democracy, the Eduskunta's security-related activities are mainly based on contingency planning for various kinds of disturbances. Security tasks are taken care of as a priori internal functions and, if necessary, in collaboration with other security authorities.

The secretary-general's duty in his or her capacity as secretary to the Eduskunta is to assist the Speaker, the Deputy Speakers, and the Eduskunta in their constitutional tasks. In addition, the secretary-general, as the head of the Parliamentary Office with responsibility to the Chancellery Commission, is responsible for directing and overseeing the activities of the Parliamentary Office. He or she has a duty to ensure that the Parliamentary Office has the operational capability it needs to perform its tasks, its activities are planned and managed efficiently, and that personnel are allocated and used appropriately for various tasks.

Social and global changes constantly present new challenges for members of parliament. The Parliamentary Office constantly seeks to improve the way it provides its services to help members meet those challenges. The Eduskunta's administrative and budgetary autonomy ensure that it has the flexibility to adapt and change to respond to social and global changes.

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Conclusion

Frannie Leautier

Whether looking at present examples of violent conflict around the world, which are regularly covered by mainstream media newscasts, or observing how violent conflict has historically played out, one is struck by the fact that the nature of conflict has been quietly transformed. The reality is that nowadays less conflict occurs between nations and more occurs within states. When one considers the transformation of conflict over time, the fact becomes clear that the quality of in-country institutions, such as parliaments, is central to establishing sustainable peace.

A number of key factors become evident from the empirical analysis and case descriptions found in the chapters of this book. Ultimately, despite significant differences in the formal power constraints embedded in countries' constitutions, their parliaments and parliamentarians are uniquely positioned to play leadership roles in their societies and to strengthen peacebuilding from below. It is clear that parliamentarians are able to act as peacebuilders while they are undertaking parliament's everyday functions. This is mainly because of the role parliamentarians play in listening to their constituents and bringing their constituents' concerns and priorities to light at the national level. Parliaments are more representative and their members more accessible to the general public than the executive or judicial branches; therefore, parliaments come to the fore as institutions uniquely designed to address contentious issues and relationships in conflict-affected societies. Parliaments institutionalize conflict and are designed to include different sectors of society and to reflect and express the divergent views of those diverse groups. The contribution parliamentarians make, by providing a voice for all citizens in a system of governance, includes building consensus for action on critical priorities that help avert an escalation of tensions and violent conflict.

The important role of parliament in conflict-affected countries is even more pronounced now that a correlation between poverty and conflict has been clearly established; by addressing issues of poverty, equitable distribution of resources, and economic development, parliamentarians can attempt to guard against the creation of an enabling environment that is prone to the escalation of conflict. This correlative relationship is reinforced by the growing evidence of a positive relationship between democratic governance and sustainable, long-term development. This positive correlative relationship has been termed the *nexus among parliaments, poverty reduction, and conflict prevention.*

The nexus among parliaments, poverty reduction, and conflict, is premised on the following empirically supported propositions:

- Conflict has a negative impact on development
- Poverty increases the likelihood of conflict
- Democratic governance contributes to conflict prevention; and
- Democratic governance has a positive impact on development.

More specifically, civil conflict has an acute impact on economic growth and food production and leads to the destruction of infrastructure, loss of life, and a reduction of social capital, as well as curbs direct capital investment. Conversely, countries with a high level of dependence on commodity exports are at higher risk of experiencing conflict, and countries with higher levels of secondary schooling and economic growth have a reduced risk of conflict.

Meanwhile, democracies do not go to war against each other and are less likely to instigate war against non-democracies; however, semidemocracies or states undergoing democratic transitions are innately more conflictual and experience higher rates of intrastate conflict and civil war, which creates an impetus to try to consolidate gains in democratic governance. Furthermore, the most recent empirical analysis, which examined the cumulative experience of developing countries, ascertained that those countries with more representative and pluralistic systems of government generally developed more rapidly and consistently than developing countries with closed systems.

Given the mutually reinforcing relationship between democratic governance and development and between poverty and conflict, it is pertinent to consider ways in which parliaments can contribute, not only to managing and transforming conflict, but also to addressing poverty, lack of growth, and commodity dependence—conditions that are conducive to conflict. Also important is that parliaments can contribute to conflict prevention and poverty reduction while undertaking their normal everyday functions of representation, oversight, and lawmaking. In addition, parliaments not only are governance institutions themselves, but also are designed to exercise legitimate power to create and support other institutions, which can similarly contribute to conflict prevention and poverty reduction.

Ensuring That Parliament Has a Representative Voice

For parliaments to reach their potential as a forum that can transform conflict, whether by addressing emerging conflict or guarding against the creation of an environment conducive to conflict, they have to represent the community's varied interests and ensure that its work responds to the needs of a diverse society. For parliaments to be effective in making the voice and accountability aspects of governance real at the country level, they need to be more representative and inclusive. For these reasons, parliamentarians need to come from all societal groups—religious, ethnic, tribal, political, gender, socioeconomic, and other minority groups—and need to be capable of working together through cooperation and collaboration to encourage the emergence of a culture that manages conflict peacefully.

How parliamentarians are elected and how they function once in office both need to be given serious thought if the resulting set of institutions is expected to lead to effective representation and hence conflict prevention. Poorly conducted elections can trigger conflict and fuel division, particularly when there are concerns

and distrust about the integrity of the election process. Accordingly, the election process should be completely transparent and preferably managed by an independent electoral commission that is separate from any government ministry, composed of experts, and accountable to parliament. It is desirable that parliament develop a process involving all political parties and representatives from a broad range of interests, through which to appoint members to the electoral management body. Finally, to encourage the independence of the electoral commission, parliament can ensure that it is provided with adequate funding through the budget cycle process.

Once a country has achieved a representative parliament and is engaged in a peace process, parliament can attempt to develop a political consensus so that it can speak with one voice on important issues and provide continuity. In circumstances in which relations between the government and other actors become acrimonious and the conflict has the potential to escalate, parliamentarians or opposition parties may be able to instigate confidence-building measures and act as intermediaries to facilitate a nonviolent solution to rising tensions. This is particularly the case in the year following elections; empirical research suggests that elections shift the risk of conflict between years, reducing the risk before the election but increasing the risk of conflict in the year following the election.

Establishing Accountability

Parliaments can also contribute to reducing conflict and maintaining peace through their oversight function. Through oversight, parliament helps bring the government and public officials, as well as other entities (such as the military or security sector in general), into check. At its most general level, parliament's accountability function ensures that the government is performing well, thus instilling public confidence in government and the democratic process. Parliamentarians can ensure that the government and its agents respond to the needs and interests of all members of the nation and that they do so within the bounds of the law. Parliament chiefly provides direct oversight of the government using parliamentary committees and, in certain countries, during question time on the floor of parliament. The parliamentary committee system, which among other things oversees the budget process and the security sector, helps manage emerging conflict and encourages stability. Other committees, such as those responsible for regulatory oversight and standards, also protect consumer interests and can be integral to protecting human rights.

The role that parliament plays in creating autonomous institutions of accountability and an environment that furthers their work is also critical in providing adequate oversight of the government and public officials. Parliament can support the formation of autonomous institutions of accountability to help it with its oversight function. When drafting and reviewing the legislation establishing autonomous accountability agents, parliament can insist that provision be made in the enabling legislation and regulatory environment for these institutions to have the following:

- Be sufficiently resourced
- Enjoy operational independence, particularly from government
- Have sufficient powers provided for in the legislation establishing the institution so it can perform its allocated functions and meet its mandate
- Be accountable to parliament through a mandatory reporting mechanism; and
- Be headed by people who have a high standing in the community

Conducting Legislative Business

In addition to representing citizens and exercising oversight, parliaments also perform a legislative function. How this function is carried out can make the difference between peace and conflict. The legislative process will meet its potential as a conflict-prevention tool only if all actors, including presiding officers, parliamentary political parties, and parliamentarians generally, participate in the process in a spirit of cooperation to find constructive resolutions that meet the different needs of their constituents. A culture or atmosphere can exist within parliaments in conflict-affected countries that, because of the conflict-prone environment, goes beyond being adversarial to being acrimonious. Prior to being able to effectively fulfill its legislative function, parliament needs to address long-term antagonisms and build a culture of professionalism and cooperation. Several factors will help ensure that the legislative process contributes to conflict prevention: codes of parliamentary conduct, fair rules of procedure applied impartially by the presiding officer, structured debate on the issues, and a strong committee structure that encourages community input and seeks to develop parliamentary leadership and expertise on important issues.

In addition, a legislative agenda that is aimed at promoting peace and reconciliation is critical in conflict-affected areas. Parliamentarians can also use the legislative process to advance a legislative agenda that strengthens the potential for peace, notably by doing the following:

- Fortifying the culture of democracy by building an informed and accountable democracy
- Protecting fundamental freedoms in legislation, including ensuring that the community members are aware of their human rights and that there are mechanisms to enforce those rights; and
- Once a culture of cooperation has been built in parliament, championing a multi-stakeholder reconciliation process that attempts to bring groups in the community together to repair relationships that have been strained or to forge new relationships as part of a broader peacebuilding process

In addition to discussing the direct role that parliament plays, when undertaking its day-to-day function, in managing, and even preventing, conflict, this book covers broader strategies that parliament can support that contribute to long-term peace and security. These involve the role parliaments can play to manage growing inequality and ensure better distributional equity, methods parliamentarians can use to protect long-run assets that affect current and future generations, such as the natural environment, and the general role parliament can play in ensuring broader involvement by supporting decentralization and citizen empowerment programs. Other broad functions parliament can support include bolstering the independence of the judiciary and regulatory institutions and protecting the constitution.

The degree of power parliament has to legislate such issues across countries varies widely, but empirical analysis shows that involvement of parliament leads to better outcomes in terms of building peace and reducing poverty. Also important is the means by which parliament conducts its legislative business: application of codes of parliamentary conduct and the rules of procedure, space for dialogue through structured debates, and effective functioning of parliamentary committees are all key in ensuring successful legislative functions.

Case Studies Provide Anecdotal Support to the Central Arguments

Among the difficult areas of transition are those from conflict to a post-conflict environment and then sustained peace. Five case studies—Northern Ireland, South Africa, Rwanda, Thailand, and Finland—provide the anecdotal background to highlight the factors and initiatives that can be implemented by parliaments in conflict-affected countries. The case studies show that generational change, led by a few bold individuals and supported by systems of laws, processes, and regulations, all protected by a strong constitution, are all that is required to succeed.

Although institutions, regulations, constitutions, and procedures have all been shown to be important factors, the case study on Northern Ireland demonstrates that these are not sufficient. What is needed is a culture of mutual respect and a spirit of generosity. Parliamentarians can be leaders in putting acrimony aside and shaping a space by which dialogue can take place. They can be effective as parliamentarians only by behaving as people first. The values and ethics of parliamentarians are therefore critical in ensuring that such leadership emerges and is effective. The key question is how a set of ethics and values can evolve in countries ridden by conflict.

One critical factor in preventing conflict is the creation of a constitution and set of organizations that support democratic oversight of the government. An example is the South African parliamentary defense committee, which reoriented the security sector's role and defense policy and created democratic oversight of the armed forces in South Africa. Transparency and accountability in the area of arms procurement are critical when considering what to do to prevent conflict. How parliamentary committees work with other institutions of accountability, such as the public prosecutor and the auditor-general, also determines what success parliamentarians will have in exercising oversight that will lead to sustainable peace.

The Rwanda case study outlines how that country's parliament has tried to curb society's tendency to identify people according to their differences by denying specific legislative representation to particular ethnic groups. This approach aims to encourage Rwandans to develop an identity as Rwandans, rather than as their ethnic or tribal group. The approach stems from Rwanda's recent experience in which extremist Hutu groups perpetrated genocide against the ethnic Tutsi population and moderate Hutu sympathizers. Although it is presently working to reduce the propensity for ethnic conflict in Rwanda, denying specific representation to such groups has not proved to be the best long-term conflict-prevention strategy in other countries, such as the Philippines, Sri Lanka, and the former Yugoslavia.

Having space for dialogue is only one critical element for success in managing conflict. Equally critical is the access to information and the skill to manage processes of discussion and debate. The case study from southern Thailand provides lessons on what it takes to manage conflict. Foremost is the need for leadership efforts that begin with an analysis of how patterns of conflict emerge. Also critical are analytical skills that educate decision makers on the conditions that stabilize or destabilize relations and suggest when and how to intervene. Skills to manage conflict are developed through a combination of training, emulation, and practice and are not resident in individuals simply by rank or function. Effective leadership is one of the key cornerstones to realizing that managing conflict is an experiential skill informed by analysis and examples from others.

Last, but not least, the Finnish case study considers how the Parliament of Finland has been able to provide substantial input into the development of Finland's regional and international initiatives aimed at preventing an escalation of conflict. Although Finland can no longer be classified as a conflict-affected country, the lessons learned from the period before the Cold War and the subsequent transitional period when Finland moved toward greater engagement with the international community are a positive example of how parliaments can take the initiative and contribute to conflict prevention, even in situations in which they have traditionally been a minor player.

Social Accountability

Parliaments hold governments accountable through what is termed horizontal accountability. The analysis and case studies in this book show that vertical accountability, particularly through the roles that citizens, civil society, and the media can play, is also highly important in preventing conflict and ensuring better distribution of the dividends of peace over the long run. In some cases, citizens can help improve the effectiveness of horizontal accountability systems when they have access to information and decision-making processes. This so-called diagonal accountability allows them to better express their preferences to their members of parliament or hold them accountable for delivering results. Citizens' and civil society's use of the media is an important check and balance for the accountability of both the executive and legislative branches. Research shows that the more open and transparent a society is, the more informed its citizens and parliamentarians are. As a result, parliamentarians are better able to articulate the needs of their citizens and are more accountable to them. Parliament has an important role in allowing citizens access to parliamentarians, facilitating the process by which a strong civil society is created, and creating an enabling environment for an informed society with a robust, diverse, and independent media.

Parliament is able to strengthen horizontal accountability not only by supporting autonomous institutions of accountability but also by strengthening the capacity of individuals, community actors, and the media to keep decision makers socially accountable. Therefore, parliament is able to increase social accountability by doing the following:

- Reaching out to their constituents to gain a better understanding of the needs and wants of the community
- Facilitating the development of a strong civil society that can support parliament's understanding of community issues; and
- Building an informed society through the development of a robust, diverse, and independent media

Contributing to Conflict Prevention beyond Parliament's Walls

Parliamentarians today show a growing understanding of the role they can play and the constructive contribution they can make to preventing conflict and reducing poverty. This has led to parliamentarians' increased interest in participating in regional and international professional associations and forums to encourage dialogue, build confidence, and facilitate peer-to-peer learning. The main motivation

for considering cross-boundary roles for parliamentarians is the fact that, although conflicts might be within one country, many times the effects of these conflicts stretch beyond the country's borders. Also, issues such as the environment, genocide, human rights, and transparency of information go across country-specific sets of interests. For example, a company investing in another country would need its activities protected by the law and is hence dependent on the functioning of the legal and regulatory system in the country of investment. Many parliamentarians are aware of the constructive role they can play in achieving loftier goals in other jurisdictions or countries. Parliamentarians can contribute to peacebuilding and conflict prevention by sharing their dialogue skills or encouraging the emulation of dialogue processes. This can be done through regional or global relationships and networks. The Global Organization of Parliamentarians Against Corruption (GOPAC), which seeks to tackle corruption globally, is an example of such a network. In many cases the creation of regional and global networks is the only way to reach sustainable solutions to problems.

Parliamentarians do not necessarily need to look beyond their borders when seeking to proactively represent their constituents' interests in peacebuilding and poverty reduction. They can participate in initiatives sponsored by the multilateral development agencies, such as the Millennium Development Goals, the Global AIDS Initiative, and the World Bank Poverty Reduction Strategy Paper process, which provide forums outside of parliament but in which parliamentarians can give their constituents a voice and represent their interests. Parliamentarians also can support domestically driven initiatives that are sponsored by international organizations. All these examples show that parliamentarians can have an effect well beyond their constituencies.

Conclusion

In exercising their functions, parliamentarians are enabled by or constrained by a number of factors, such as the budgetary resources available to them, their dialogue and discussion skills, access to information and analysis pertinent to the issues they are required to act upon, basic access to services such as communication systems (telephones and Internet), and transportation (roads, vehicles, and air travel). The lack of these resources inhibits the effective functioning of parliamentarians. Countries can invest in the capacity development of parliamentarians as well as the organizations that support parliament, such as parliamentary committees and research support. Parliaments operating in conflict-affected countries are often new or inexperienced and may face resistance from competing institutions of power, such as the military or an overly dominant executive branch, even when they are simply trying to play their constitutionally mandated legislative and oversight roles.

Despite these impediments, there are many ways that parliament can contribute to conflict prevention and poverty reduction. This book has presented not only the connection between reducing poverty and preventing conflicts, but also how parliament can contribute to these two equally imperative goals while undertaking its normal everyday functions. Moreover, this book has drawn upon the most recent empirical evidence to support the initiatives and strategies it champions, as well as on the anecdotal evidence and experience of parliaments operating in conflict-affected countries around the globe in order to piece together how this important democratic institution can be better used to prevent conflict and build peace.