



Report on Wilton Park Conference WP784

PROMOTING GOOD GOVERNANCE AND DEVELOPMENT IN CONFLICT-COUNTRIES: THE ROLE OF PARLIAMENT AND GOVERNMENT

in association with THE COMMONWEALTH PARLIAMENTARY ASSOCIATION and THE WORLD BANK INSTITUTE

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Summary

1. The conference sought to examine the role political leaders in conflict-affected countries should play in order to lay the foundations for good governance and sustainable development. In particular the conference considered: political structures and resources governments and parliaments need in order to achieve this objective; priority areas for promoting democracy, economic development and poverty reduction; and how co-operation with interim administrators, the military, private sector, trade unions and NGOs is best conducted.

Conflict-Affected Countries: The Commonwealth Experience

2. All democracies suffer from deficiencies and challenges, irrespective whether they are newly emerging or established democracies; however, the maturity of a democracy will determine the kind of challenges it faces in its democratic development.

3. There is no doubt that it is much easier for rich countries to tackle their democratic deficits as they have access to the resources needed to remedy their weaknesses; whereas the lack of resources in developing countries often makes it harder for newer democracies that wish to tackle challenges and consolidate the democratic gains they have made. First and foremost, though, democracies throughout the Commonwealth need to ensure the independence of their democratic institutions, such as parliament.

4. It is still a point of conjecture as to whether weak parliaments are a result of the failures of parliamentarians or the institution itself. It was noted that often when a new parliament is elected, new parties want to get on with their agenda or program rather than reforming the national assembly to improve and strengthen the institution. Meanwhile, weaknesses in the institution, such as archaic standing orders that prohibit proper debate, combined with what is often the relatively weak position of parliament in relation to the executive, impacts on parliaments' independence and the ability of parliamentarians to implement reforms.

5. The need for greater parliamentary independence was cited as an essential precondition if parliaments are to fulfill their oversight and accountability function. However, parliaments' independence can be challenged both from within the country and by external actors, such as donors dictating parliaments' agenda. It is not necessarily just a matter of the donor community providing additional aid to developing democracies, rather of providing assistance to parliaments to develop processes for better governance and assisting parliaments with the task of setting their own program. If parliaments are strengthened so as to be able to develop an agenda based on domestic demand they will be in a better position to seek donor assistance for each specific component of their domestically driven strategy.

The Degree to which Governments and Parliament Can Contribute to Peacebuilding in Conflict-Affected Countries

6. The political will needed to resolve conflict will only develop when the parties to a conflict perceive that it will be in their own best interest to resolve the conflict, whether because it is evident violence will not lead to their desired outcome or their constituency begins to tire of the violence and seeks change. Traditionally conflict resolution and peacebuilding have been the responsibility of governments in conflict-affected countries, however, parliaments are beginning to play a far more prominent role.

7. Despite their growing contribution to peacebuilding, it is still all too easy for governments to bypass parliaments when seeking to resolve disputes. This raises the question as to what incentives are there for governments to work with parliaments, particularly when conflict resolution often involves confidential dialogue. A distinction needs to be drawn between resolving a conflict and building the peace. Parliaments are integral to bringing about the reforms and conducting the institution building necessary to maintain any peace that has been brokered. First and foremost parliament can put in place the institutions needed to assist with conflict resolution and peacebuilding. There is no universal prescription or model for this; however, parliament is a central stakeholder in reforming established institutions, such as the security services, educational sector and public service, to ensure they are representative and sensitive. In addition, parliament can create new institutions, such as reconciliation commissions, to work towards bridging the gap between divergent parties. Parliament can also provide continuing oversight for these newly reformed or created institutions so as to ensure they are performing their desired function so as to contribute to peacebuilding.

8. Prior to commencing a peace process it is important to understand peace as a spectrum rather than an absolute because to deal with it as an absolute will result in certain expectations being interwoven into the concept of peace, which can prove problematic later in the process. For instance if peace is defined as

complete absence of any violence, rather than a marked reduction in the level of violence, the presence of even the smallest amount of violence will result in the peace process being viewed by the public as a failure. A disconnect between the expectations of people and government can lead to disillusionment with the process. Therefore, management of people's expectations is very important and is something with which parliamentarians, as the elected representatives of the people, can assist.

9. A preliminary stage of a conflict resolution process is disarmament and demilitarization of the conflicting parties. Often this can be a sticking point as neither side is willing to lay down their arms. The solution to such an impasse is usually to set out a sequence of events which will result in the parties disarming. Certain steps have to be taken by one side (milestones) and then reciprocal obligations come into force for the other party to fulfill. In order for this to succeed confidence building measures are needed, along with a transformation of attitudes and a repudiation of the legacy of the past. The sequencing of the stages and confidence building measures are very important.

10. The incentive for the parties to keep working towards meeting the milestones in accordance with the sequence of events and timeline set down is the fact peace and security will bring about greater economic development. In order to ensure that the peace is sustainable, parties need to ensure that the economic development that flows from achieving peace and security will be enjoyed by all members of the community. Furthermore, the greater economic interdependence between the parties that invariably comes about due to the development spurred by peace and greater certainty acts as a future disincentive to return to violent conflict.

11. Sometimes the parties to the conflict will recognize that a conflict needs to be internationalized. This often occurs when the acrimony and lack of trust between the parties is too great for them to be able to resolve the conflict without the assistance of a third party. A representative from the international community, who the conflicting parties have confidence in, can be called upon to act as a

facilitator or negotiator. Additionally, a conflict can become internationalized when the security or economic dimension of the conflict has an impact beyond the territorial borders of the parties concerned, thereby drawing the attention of the international community.

12. Ultimately it is governments that must take the lead in negotiating such peace processes; however, they need to be supported by parliaments. Arriving at a peaceful resolution of any conflict will be made easier when the opposition is included in the process and the parliament can develop a cohesive parliamentary position across party lines. The hardening of attitudes by parliamentarians can be problematic; therefore it is prudent to have dispute resolution mechanisms in place to address valid concerns before individual parliamentarians harden their position.

13. Ultimately the three most important factors for government and parliament successfully resolving a conflict and building peace are: timing: any effort can only succeed when insurgent groups recognize they cannot succeed by force or government recognizes it cannot impose its will on others by force; a commitment by all parties to be patient and to work towards the end goal despite setbacks; and involvement of the media and civil society in the process - civil society and the media play an important role in building peace and must exercise their freedom of speech responsibility so as not to enflame the conflict.

The Role of the International Community in Conflict-Affected Countries - What Makes Peacebuilding Work

14. There is no one model for involvement by the international community in conflict-affected countries. Over the years, though, the international community has incrementally built up knowledge, through positive and negative experiences, as to what it can do to assist conflict resolution and peacebuilding processes. When working in conflict-affected countries the international community should be conscious that if there is a perception of excessive international intervention,

their role could be construed as an attempt by the international community to impose its will on a sovereign government. Furthermore, the involvement of the international community may result in smaller parties, such as insurgent groups, feeling vulnerable or weakened if they perceives the international community is strengthening the sovereign government to its detriment. Either of these scenarios could potentially unsettle any peace process. For this reason the international community needs to be perceptive and try not to unleash forces opposed to the peace process through their involvement.

15. In addition to these cautionary lessons it is possible to draw some generic lessons as to when it is appropriate for the international community to proceed. The most fundamental lesson that has been learned is that whatever initiative is undertaken there needs to be a combination of national ownership and international support. Conflict-affected countries need to set priorities for themselves, and these priorities must be owned and driven by the people of the country. As such, one of the more important roles for the international community is to assist conflict-affected countries build up their capacity for strategic standard setting and cooperation.

16. Despite growing knowledge as to best practice with respect to the international community's role in conflict-affected countries there is still much to be learned. The Secretary-General of the United Nations has sought to establish a peacebuilding commission and a standing fund for peacebuilding; the commission could be used as a forum for sharing analysis and developing objectives for the international community's involvement in conflict-affected countries.

17. In addition to ensuring that initiatives are domestically driven, another lesson garnered from the international community's experience has been the need for a long-term commitment by the international community to help conflict resolution and peacebuilding processes. If the international community fails to do the job properly it will cost far more in the long-term; therefore, the international community should be wary of 'donor fatigue.' A peacebuilding

commission at the United Nations could also be used to maintain long-term international assistance in conflict- affected countries.

18. The international community faces a dilemma when assessing its role in conflict-affected countries as to whether it should be purposefully pursuing initiatives that promote its values, such as human rights compliance. Obviously, there is no definitive answer, however, the institutions that the international community often seek to encourage, whether they be related to governance or investment, are usually beneficial to the people of the conflict-affected countries.

19. There is a growing call by conflict-affected countries for greater cooperation by the international financial institutions in accessing resources to help promote economic development. The international financial institutions need to streamline their procedures so governments can access the resources they need to be able to focus on rebuilding their countries. International financial institutions and donors need to prioritize assistance that helps conflict-affected countries move towards an economy suitable for entry into a liberalized trade regime.

20. Debt forgiveness for conflict-affected countries is welcome; however, there are no guarantees that the money that would have had to have been repaid will be used for proper purposes. The international community needs to ensure that there are mechanisms for fiscal discipline so that the money that would have been used to pay debt will be put towards the work that needs to be done. Fiscal discipline can only be guaranteed if there is some form of accountability; parliaments need to be strengthened so that they can contribute to the decisions as to how these funds are spent and keep governments accountable. One of the best means of ensuring parliament can provide oversight over expenditure is by requiring the draft budget be brought before parliament and ensuring parliament has the capacity to provide proper oversight.

Global Parliamentary Cooperation in Promoting Socio-Economic Development and Peacebuilding

21. Globalization has acted as an impetus for greater cooperation on all fronts, whether in relation to curbing pollution, human trafficking or for security. Cooperation needs to occur at all levels and between all actors, including between parliaments and parliamentarians. This greater interdependence has resulted in a call for more global governance. In terms of supra-national governance the Europe Union (EU) is the most developed, but the operation of the EU is perceived as being undemocratic. The EU model is not suitable for every region around the world, but is an example of how there has been cooperation between states to create a parliament aimed at promoting socio-economic development and peacebuilding.

22. In addition to the European Union there are many regional organizations that have parliamentary assemblies as well as many parliamentary associations that have formed for an array of reasons, from regional groupings to networks of parliamentarians concerned about specific issues. This process has also led to the creation of parliamentary associations for the international institutions, such as the Parliamentary Network for the World Bank (PNOWB). The United Nations has been identified as one international organization parliamentarians find it difficult to engage with. For this reason a unit should be established at the United Nations to assist parliamentarians' engagement.

23. The *Cardoso Report*, undertaken for the United Nations, recommends that as part of global parliamentary cooperation ministers traveling for international meetings should address parliament in the country they are visiting and when sending a national delegation to an international meeting, nations should involve parliamentarians who can attend the meeting as full participants. These initiatives would aid parliamentary cooperation.

Adequate Oversight of the Military, Police and Intelligence Services by Parliament

24. The military, police and intelligence services are three state institutions/agencies that fall within the broader definition of the security sector. They are considered part of the security sector because they have the legitimate authority to use force, to order force or to threaten to use force. Examples of other agencies that fall within this definition of the security sector include paramilitary forces, presidential guards, military and civilian intelligence and security services, coast and border guards, and customs authorities.

25. This expanding definition of the security sector is in line with the broadening of the concept of security at an international level; most notably with the introduction of the concept of *human security* that was embraced by the High Level Panel and by the United Nations Secretary-General in his report entitled *In Larger Freedom*. The notion of human security acknowledges the interplay between security and development. Furthermore, there are increasing links between external and internal security issues as new threats to security (whether it be terrorism or environmental threats) are not primarily military, therefore cannot be countered by purely military capacity and know-how.

26. The evolving notion of human security and the broader definition of the security sector have alienated many parliamentarians who have shown great resistance to learning about the security sector. The lack of interest by parliamentarians may change; however, in the meantime the feeling that the security sector knows best inhibits the ability to develop good policy on the issue. Furthermore, the continued lack of engagement by parliaments hinders their ability to be able to provide oversight of the security sector.

27. Parliament plays a vital role in keeping the security sector accountable, both in terms of ensuring probity of decision-making and oversight of the security sector budget. There need to be strong parliamentary processes to guard against corruption, particularly with respect to procurement. Furthermore, the

need for oversight differs depending on the country in question, but in conflict-affected countries oversight should also have regard to the actions of the security services, in particular the police, to ensure they are acting within their mandate and not provoking further unrest.

28. Calls for secrecy with respect to security sector information or reticence by the security sector to provide such information to parliament is unfounded. Obviously the security sector should keep its intelligence and operational plan for military operations secret; however, details with respect to defense and security planning should be freely furnished to parliament. Ultimately information relating to defense planning does not constitute a state secret and is often available via alternate sources – as such there is no justification for withholding this information from parliament. The objective is to avoid a system where there is no control over the security sector; however, in order for parliament to provide oversight the security sector must be forthcoming with the information parliament needs to keep the sector accountable.

Preventing Exclusion: Ensuring a Level Playing Field for Opposition Parties

29. There is no single model that can be implemented in order to create a level playing field for political parties. Preventing the exclusion of opposition parties is important because if you exclude opposition parties you are simultaneously excluding from the political process those people they represent. It is a foundational democratic principle that the minority respects the right of the majority to make decisions, so long as the majority respects the right of the minority to dissent. Ensuring a level playing field enables fair competition whilst providing the minority with the right to be represented and provide their dissenting opinion.

30. When seeking to establish a level playing field there are four topics that are of particular interest: a. regulating political participation; the legal environment

must support political parties. Laws should not act as a tool to restrict access to the political process for individuals or parties. For this reason the description of a party should be as broad as possible; b. inclusive electoral process: there should be a multi-party approach to electoral administration, whether in the form of having representatives from all parties involved in the electoral administration or independent parties administering the electoral process. Vote monitoring by opposition parties should be permitted as well as free access to the media. Instead of using legislation to regulate the conduct of parties leading up to and during electoral processes, negotiations should be undertaken between all parties to develop codes of conduct for political participation; c. use or abuse of state resources: a permanent and professional civil service should be nurtured in order to avert the use or abuse of state resources to undermine fair participation by opposition parties. There needs to be a clear demarcation between the work of the governing party and the executive. In addition, state resources need to be allocated to opposition parties in order for them to function, research and scrutinize the actions and policies of the governing party. Regulations with respect to the financing of political parties is important – if some resources are provided by the state and there is a limit on what you can spend it discourages corruption and the amount political parties need to raise; d. a healthy and functioning legislature: a healthy legislature is often the product of an independent speaker. Usually the speaker comes from the ruling party, but they nevertheless need to be above partisan politics and should be open to engage in a consultation process with the opposition to set the legislative agenda. A healthy committee structure can also assist opposition groups level the playing field to a large extent. Committees are the forums in which opposition parties are often best able to contribute to deliberations on substantive issues.

31. You can implement the reforms above; however, successfully developing a more equal playing field is often dependent on the personalities present in the chamber. Some parliamentarians are more inclined to reach across the floor in a more inclusive approach to politics, whereby the opposition parties are

accommodated in the conduct of parliament. Often this can manifest itself in the committee structure where likeminded parliamentarians, irrespective of the party which they belong to, can work together.

Drawing Upon the Human Resources, Traditions and Political Structures of Previous Regimes

32. The process of change from one regime to another is a very complex and difficult issue as it is not possible to suddenly sever continuity with the past without risking chaos and instability. Real change is best managed through a gradual but substantive change of the underlying purposes and aims of government and parliament.

33. In many countries divisions have led to serious and prolonged inter and intra-communal violence. Democracy is not so much agreeing across the gulf of such divisions, rather the model we use to express our disagreements without killing each other and resorting to violence. When a situation arises where politicians abuse their power and exercise it in their own interests rather than in the interests of the community they are often characterized as bad people, and any system that allowed them to take power must be a bad system. The solution to such a dilemma is, thus, to find good people to put into a good system. It is at this juncture in the conflict cycle that it is pertinent to consider to what extent governments and parliaments can draw upon the human resources, traditions and political structures of previous regimes.

34. Good government should seek to serve the entire community; it is contrary to this objective to simply clear out the people who belonged to previous human resources, traditions and political structures since these people are part of the whole community. Obviously some of the more prominent leaders would need to be removed and some people would need to make way in order to ensure the human resources reflect the composition of the community. However, there will always be some from the old regime who have a positive contribution to make to

building and strengthening the new system. The aim should be to draw upon the good representatives from the old regime and good representatives from the new regime, who together can build competence and draw upon historical memory and ethics in order to craft a professional civil service, which gives their loyalty to parliament rather than the ruling party, and is governed by a civil service commission.

35. Political structures and procedures need to be able to accommodate the complex relationships that exist within the community. Such procedures and structures should build on those structures that are available by changing, adapting, adding to or transforming what is there, rather than abolishing everything and starting again. Every community has some traditional structures for dealing with violence and aggression, such as different forms of democracy, or it would not have survived as a community. The skill is to identify these structures and use or transform them rather than adopting foreign ways of doing things, which may have worked elsewhere, but not necessarily in the situation at hand. As such, including people from all elements of the community, with their history and traditions, and transforming the political structures which are available is the most productive means of bringing about lasting change.

Ensuring the Equitable Representation of Minorities and Women in Parliament

36. Parliament has the potential to act as a forum for airing concerns and seeking resolutions to problems before they escalate into violent conflict. In order to understand the problems facing society and to build a common vision to address these problems parliament needs to reflect the make-up of the community. If parliament is to better reflect the social, ethnic, religious, economic and gender differences in the community, parliament needs to ensure more equitable representation of minority groups and women. This end will only be achieved if government, political organizations and civil society work together to

ensure that the parliamentarians reflect the composition of the divergent groups of people they represent.

37. Representative parliaments are in a far better position to work towards peace as they can develop a more inclusive vision for the country. The presence of women and minorities in parliament brings additional perspectives to deliberations and enables those representatives to contribute to the oversight of government and set the agenda for parliamentary business. This can be achieved by establishing specific committees, such as gender committees, or simply by having members of minority groups represented on general committees, such as the public accounts committee. For instance, anecdotal evidence suggests that women parliamentarians have an important role to play in developing gender sensitive budgets in some African nations, in particular ensuring the budget is more focused on positive outcomes and basics, such as food security.

38. Women and minority groups still face many challenges in entering public office. For instance unequal access to education and economic inequality serve as ongoing barriers to women and members of minority groups who want to enter parliament. Furthermore, political parties have to want to broaden their membership and provide opportunities for women and minority groups to enter parliament if their numbers are to increase. Sometimes the number of parliamentarians who are women or from minority groups can be facilitated through legislation requiring a percentage of women or a specific minority group, such as youth, to be nominated by any one party at each election or allocating specific seats in parliament for women and other minority groups.

Strategies for Parliaments in Conflict-Affected Countries to Improve Oversight of the Executive and Prioritize Development Needs

39. Parliaments in conflict-affected countries face an uphill battle in performing their function and often face a hostile executive who are used to exercising

executive power relatively freely during times of conflict. Such governments are usually reticent to submit to the oversight of parliament during a conflict or in the post-conflict phase. The premise of parliamentary oversight is that government is about stewardship and someone must keep government focused on stewardship. In conflict-affected countries the onus rests with parliamentarians to improve the status and effectiveness of parliament so that they can keep government focused on stewardship.

40. If parliament is to perform its functions effectively it needs to possess a high level of independence, including an independent salary scheme and civil service support that has administrative independence from the rest of the civil service; these features are necessary preconditions to ensure that the executive cannot stand-over parliament.

41. There are a couple of ways in which parliaments in conflict-affected countries can improve oversight. The first strategy is to promote the role of speaker as a non-partisan position that should be given to a member who is willing and able to operate above partisan politics. Aside from needing to be non-partisan when conducting business on the floor of parliament and implementing standing orders, the speaker is also a pivotal agent who should protect the independence of parliament from interference from the executive. In situations where the executive seeks to impose its will on parliament, the speaker is the person who should respond to such interference by affirming parliament's independence and proceeding to implement parliamentary business in accordance with parliament's self prescribed agenda.

42. The second strategy for improving oversight is strengthening the committee structure. Parliamentary committees are powerful tools of oversight as they bring out spectacular information and governments are often timid in the face of well reasoned and researched reports produced by well resourced committees. Oversight in the context of where it matters is not an easy job though; often attempts by committees to provide oversight will be shunned or stalled by the government. It is also a costly process as the effectiveness of

oversight committees are often dependent on sufficient administrative and research support.

43. Access to specialized parliamentary offices, such as a budget office, provides additional support, particularly with regard to very important but highly technical areas such as the financial or security sector. Such specialized offices ensure parliamentarians can properly oversee these important but complex areas of executive decision-making. From a donor perspective, providing assistance for the formation and operation of specialized parliamentary offices, such as a parliamentary budget office, strengthens established accountability structures, rather than developing parallel structures from scratch. Furthermore, the provision of project funds rather than budget support to the executive makes it far easier for parliament to oversee expenditure of donor funds as the executive is barred from moving the funds around.

44. Even if parliaments can strengthen their oversight capacity, the success of their oversight will still be dependent on the support shown by the public for parliament's ongoing work. If the community is not interested in hearing about corrupt practices or the misdeeds of the government, there will be little incentive for the government to be responsive to the criticisms of parliament and government will continue to act as if it had impunity. Accordingly, it is important for parliamentarians to live up to the same standards of openness and accountability they hold the government to and then undertake outreach to the media and the community to explain the role of parliament, whilst facilitating the flow of information about parliamentary business so as to generate public support for their efforts.

Ensuring a Balanced Framework for a Free Media through Freedom of Information, Privacy, Defamation and Other Legislation

45. The media has a very important role to play in conflict-affected countries. The media's most significant contributions include: a. introducing divergent

communities to each other. This can be done in many ways and is dependent on the media available; however, even informational and entertainment programs, such as soap operas, which portray people from all walks of life living and working together help break down misconceptions and animosities. The media can help deconstruct the 'us' and 'them' mentality that is a hurdle to reconciliation;

b. Helping to keep decision-makers accountable. There will always be an abuse of power in conflict scenarios. Conflict situations are a cocktail for corruption, specifically because decision-making is so often surrounded by secrecy; and c. the media can facilitate dialogue surrounding decision-making.

46. Having outlined the role of the media in conflict-affected countries, it is prudent to examine the legal and regulatory environment necessary to facilitate the media fulfilling their role. Freedom of expression provides the freedom to seek, hear and impart ideas. Any restriction on human rights has to be proportional, for example defamation and hate speech laws are considered a proportional restriction on the exercise of freedom of expression. It should be noted though that hate speech is a symptom and passing legislation forbidding hate speech should not be in lieu of tackling the cause of the hate in the first place. With respect to defamation, the law should not require an individual to prove the truth of everything that is published. The standard should be that under the circumstances it is reasonable and in the public interest to have published the material.

47. Freedom of expression extends to the right of the public to access governmental information. Accordingly, government and parliament should facilitate the passage of access to information legislation. The presence of such legislation can play a very important role in leveling the playing field between the government and parliament and between the majority party and opposition. When determining whether to disclose information in response to a request for information under access to information legislation, the presumption should be in favor of disclosure.

48. National security is one of the most prevalent exceptions to the rule of disclosure. If government refuses to disclose information requested under an access to information regime for national security reasons, the onus should be on the government to prove that disclosure of the information or document would harm the national interest. Furthermore, Official Secrets Acts or secrecy laws should not override access to information laws. Whistleblower protections should also be considered so as to encourage greater accountability. Transitional situations are always complicated; however, experience has taught us that you need to put up with some excesses of freedom of expression and that controlling the flow of information will not solve anything.

49. Politicians often cite media bias as the reason for their poor relationship with the media. These concerns often precipitate a call for greater regulation of the media industry. International standards suggest that if a country insists on regulation of the media industry, the regulator should be independent of government and parliament so as to guarantee the continued independence of the media. If the media does not remain independent its capacity to make a contribution to peacebuilding and good governance in conflict-affected countries will be hampered. Finally, parliament needs to show leadership by championing freedom of expression and leading by example by making parliamentary information, processes and procedures open and transparent.

The Promotion of the Rule of Law and Human Rights Legislation to Build Reconciliation

50. The period immediately after the cessation of violence often results in the establishment of some form of transitional government. Such transitional arrangements have three main benefits – they provide some semblance of structure and order after a period of anarchy or chaos; they provide all parties with more time to finalize more permanent arrangements; and their transitional nature ensures those who are not completely satisfied with the interim

arrangements will have an incentive to stay within the process and seek to have their interests better represented in the final arrangements rather than returning to violent conflict.

51. Problems can arise, though, when those elected under an interim constitution seek to change the arrangements so as to extend the life of the interim government in order to complete a constitution-building process. This could be construed as an attempt to consolidate power, at the expense of the rule of law, and result in some actors withdrawing from the interim arrangements and jeopardizing the peace. Any attempt to move beyond the timetable or provisions of the interim arrangement should only be undertaken by consensus and with regard to the impact on a fragile peace.

52. An additional concern is that in the interim period the strengthened executive may seek to solve problems by, once again, resorting to violence. If the parliament is weak it may not be in a position to protest such a move.

53. Once a conflict-affected country has moved beyond the transitional period and has established a legitimate government, based on the rule of law, it is possible to turn to reconciling past antagonists. A method that has been employed in a number of conflict-affected countries has been the establishment of a reconciliation commission. Such a commission should be properly funded and should seek to make sure that no one feels excluded from the process. The focus of such procedures should be on the victims, with the aim of helping them move beyond the acts of aggression; as such reconciliation commissions should be a grass-roots effort.

Mitchell O'Brien
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