Parliaments as Peacebuilders:
The Role of Parliaments in Conflict-Affected Countries

Mitchell O'Brien

WBI Working Papers

THE WORLD BANK

CPA — COMMONWEALTH PARLIAMENTARY ASSOCIATION

Parliaments as Peacebuilders:
The Role of Parliaments in
Conflict-Affected Countries

Mitchell O'Brien

World Bank Institute
Washington, D.C.

Abstract

The changing nature of conflict and the increase in intra-state conflict during the 1990s, followed by its slow decline since the turn of the century has shifted the focus away from the resolution of intra-state conflict to examining how emerging conflict can be better managed to avert the incidence of violent conflict. Parliaments are coming to the fore as natural forums which are uniquely designed to address contentious issues and relationships in conflict-affected societies thereby contributing to peacebuilding efforts.

This Working Paper builds upon a Discussion Paper prepared for a World Bank Institute/ Commonwealth Parliamentary Association Study Group on "The Role of Parliament in Conflict Affected Countries" held in Colombo, Sri Lanka from 25-29 October 2004 with the support of the Parliament of Sri Lanka. This paper has benefited greatly from the concluding observations agreed to by the members of the Study Group during the closing stages of deliberations and the ongoing feedback received from the Study Group.

This paper argues that one of the best tools a nation has at its disposal for managing conflict and poverty is parliament. Parliament is a prime institution through which to address the divergent interests of multiple groups because of the nature of the parliamentary process and parliaments' ability to build relationships within parliament and within the broader community. The role of parliament in conflict-affected countries becomes even more pronounced when you consider the correlation between poverty and conflict; 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.

Some of the strategies parliaments and parliamentarians can adopt in order to reduce the incidence of conflict and effectively manage conflict when it does emerge are discussed in broad terms. In particular, the paper looks at participation and representation; parliamentary functions and oversight; the role of civil society and the media; the opposition; promoting socio-economic equality; rule of law; decentralization; and regional parliamentary peacebuilding. 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 when seeking to contribute to conflict management in conflict-affected societies.

Contents

Foreword

As part of their respective missions, the World Bank Institute and the Commonwealth Parliamentary Association have sought to examine issues presently facing parliamentary development in the hope of strengthening the capacity of parliaments to tackle the diverse challenges they face, whilst also meeting growing community expectations as to the contribution parliaments are able to make to resolving important issues and addressing community demands. In recognition of the rising number of parliaments that are operating in conflict-affected society, both organizations have sought to better understand the challenges faced by parliaments in conflict-affected countries and the role they can play in conflict management and poverty alleviation.

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 addressing ongoing issues that impact on the functions and operation of parliament, such as its contribution to the budget cycle, parliamentary oversight and the parliament and the media. Following on from these initial areas of inquiry the focus shifted to examine the environment in which parliament functioned, in particular how that environment impacted on parliament and conversely the strengths and weaknesses of parliament in influencing the environment in which it operates.

The Commonwealth Parliamentary Association and World Bank Institute pursued this line of inquiry by organizing a Study Group on "The Role of Parliament in Conflict-Affected Countries" which was held in Colombo, Sri Lanka in October 2004, with the support of the Parliament of Sri Lanka. Composed of 13 members of parliament, representing all eight Commonwealth Parliamentary Association regions, along with an array of resource people and representatives from civil society and the international community, the Study Group deliberated on a number of issues outlined in a preliminary discussion paper and made a series of Observations based on their collective experience and established international standards. The ability to draw upon the knowledge of parliamentarians from conflict-affected countries, who were able to explain the specific challenges they faced when conducting the functions of parliament, was invaluable to this inquiry. This publication is based on the discussion paper prepared for the Study Group and has benefited greatly from the direction and insight provided by the Study Group, including the concluding Observations agreed to by the members during the closing stages of deliberations.

It is hoped that the outputs of these activities organized by the World Bank Institute and the Commonwealth Parliamentary Association will help members of parliament, particularly those in conflict-affected countries, better understand the contribution they can make to poverty alleviation and peacebuilding whilst undertaking their parliamentary duties.

The views expressed herein are entirely those of the author and do not necessarily reflect the views of the World Bank Institute, Commonwealth Parliamentary Association or the individual members of the Study Group.

Gianni Zanini
Acting Manager, Poverty Reduction and Economic
Management Group, World Bank Institute

Denis Marshall
Secretary-General
Commonwealth Parliamentary Association

Parliaments, Poverty and Conflict: An Overview*

Over the last couple of decades the world has witnessed a transformation in the nature of conflict. Traditional inter-state conflicts have become rarer as non-traditional intra-state conflicts, whether in the form of civil wars, armed insurrections, violent secessionist movements or domestic focused warfare;[1] continue to rage across the globe, touching both hemispheres and every region of the world.[2]   Unfortunately, due to the interdependence of states, intra-state conflict has a tendency to move beyond the boundaries of one particular state; this "process of diffusion and contagion mean that low-level intra-state conflicts can potentially escalate into more intense inter-state" conflict.[3] The evolving nature of conflict has created an impetus to reassess which actors can contribute to resolving this latest incarnation of conflict and more importantly how these actors can contribute to the peacebuilding process, particularly in conflict-affected countries. Parliaments are coming to the fore, more so than ever before, as natural forums which are uniquely designed to address contentious issues and relationships in conflict-affected societies thereby contributing to peacebuilding efforts.

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; namely that poverty increases societies' vulnerability to conflict, while conflict itself generates poverty. The objective of this paper is to bring these two correlative relationships together to examine the nexus between conflict, poverty and parliament from the perspective of parliaments.   A closer examination of the parliament, conflict, poverty nexus suggests that parliaments have a vital role to play in managing conflict not just by addressing contentious issues and relationships but by helping to avert poverty, particularly in conflict-affected countries.

The intricacies of the correlative relationship between poverty and conflict have been explored in other papers and need not detain us here for long; however, quantitative research has shown that countries with a high level of dependence on commodity exports are at higher risk of experiencing conflict, whilst secondary schooling and economic growth reduce the conflict risk.[4] Meanwhile,

---

[1] Harris, P. and Reilly, B., Democracy and Deep-Rooted Conflict: Options for Negotiators. (Stockholm: International IDEA, 1998) 9.
[2] According to Human Development Report Office Calculations the 1990s saw a decline in the number of deaths caused by inter-state conflicts to 220,000 people (down three times from the 1980s death toll); whereas nearly 3.6 million people died from intra-state conflict in the 1990s and the number of refugees and internally displaced people grew by 50% in the same period: United Nations Development Programme. Human Development Report 2002: Deepening Democracy in a Fragmented World. (New York: UNDP, 2002).
[3] Harris, P. and Reilly, B.: 12.
[4] Collier, P. and Hoeffler, A. Greed and Grievance in Civil War. (Washington D.C.: World Bank Paper, 2001) 8-10; see further Conflict Prevention and Reconstruction Team. Draft Conflict Analysis Framework (CAF). (Washington D.C.: World Bank, 2003) <www.worldbank.org>

civil conflict has an acute impact on economic growth and food production.[5] As conflict correlates with poverty it is pertinent to examine the ways institutions in countries can contribute, not only to addressing poverty but also managing and transforming the conflict from which it can stem. One such institution is parliament.

The term *parliament* is used throughout this paper to refer to the representative assembly or body, at whichever level, comprised of members who are either elected or appointed in conformity with the laws of a sovereign state, which convenes to debate and vote on proposed laws. Parliament can be used interchangeably with the term *legislature* or *congress* and can refer to either unicameral or bicameral parliaments. Reference to parliaments in this paper applies to the representative assembly in presidential, parliamentary and hybrid systems of democracy around the world.   Parliaments can be contrast to the *executive* branch in that the executive arm of government is theoretically responsible for working with the bureaucracy to implement the legislation passed by the parliament. In parliamentary systems the executive is dependent on the direct or indirect support of the parliament often expressed through a vote of confidence; whereas, in a presidential system the executive is dependent on a mandate usually conferred directly by the electorate.

A conflict-affected country, narrowly defined, often means those countries that have recently experienced, are experiencing, or are widely regarded as at risk of experiencing violent conflict. However, this is a relatively blunt definition of the intricate concept of conflict. For the purposes of this study, *conflict* is defined as the "pursuit of incompatible goals by different groups."[6] This is a much broader definition than armed or violent conflict and enables parliaments to consider ways they can manage and transform conflict at all stages of the conflict cycle, not just when conflict reaches the crisis stage.[7]

Adopting this broader definition of conflict enables us to examine how to stop emerging conflict developing into violent conflict. This is important as there has been a decline in the incidence of civil wars over the last couple of years,[8] shifting the focus away from the resolution of violent conflict to an examination of how emerging conflict can be better managed to prevent an increase in the incidence of violent conflict. Broader definitions of conflict, particularly those with a development orientated approach, have been gaining favor more recently as they better reflect the complex nature of conflict and the many catalysts that lead to conflict emerging. For instance, most recently the United Nations Panel on Threats, Challenges and Changes used the term *civil violence* to refer to situations where issues such as poverty, environmental degradation and disease threaten

---

[5] See further: Stewart, F. and Fitzgerald, V. The Economic and Social Consequences of Conflict. (Oxford: Oxford University Press, 2000).

[6] Miall, H., Ramsbotham, O. & Woodhouse, T. Contemporary Conflict Resolution: The prevention, management and transformation of deadly conflicts. (Cambridge: Polity, 2003) 19-20.

[7] 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 sub-stages: (i) Near crisis; (ii) Low-level conflict; and (iii) Unstable peace. For a comprehensive discussion of the stages of conflict please refer to Lund, M. Preventing Violent Conflict. (Washington D.C.: United States Institute of Peace Press, 2001) 148-51.

[8] United Nations. A More Secure World: Our Shared Responsibility (Report of the High Level Panel on Threats, Challenges and Change). (New York: United Nations, 2004) 33.

international peace and security.[9] It is hoped that by being aware of the complex nature of conflict and understanding strategies to tackle conflict at an earlier stage, parliaments can avert conflict escalating to crisis point, thereby stemming the incidence of violent conflict around the globe. It is believed that the strategies discussed in this working paper have a broad application, but are most applicable to those nations that are prone to civil violence.

Irrespective of the stage of the conflict cycle one is examining there is a general consensus that conflict is a phenomenon that results when people with competing interests seek to fulfil their specific interests, sometimes at the expense of others. It is not the purpose of democratic institutions to resolve tensions; rather there has been recent recognition that "all societies are inherently conflictual, and that democracy acts as a system to manage and process conflict."[10] Therefore, the issue is less so how to eradicate conflict and more so how to manage conflict when it emerges.

The growing importance of parliaments to the peacebuilding process in conflict-affected communities can be attributed to the increasing awareness of the nexus between parliament, conflict and poverty. This paper argues that one of the best tools a nation has at its disposal for managing conflict and poverty is parliament. Parliament is a prime institution through which to address the divergent interests of multiple groups because of the nature of the parliamentary process and parliaments' ability to build relationships within parliament and with the broader community. Divergent interests with respect to important issues have the potential to fuel conflict and parliament can seek to ensure that this type of 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 enabling environment that is prone to the escalation of conflict.

This paper examines the many ways parliaments are able to address this nexus and in turn more strategically contribute to the peacebuilding process so that competition for scarce resources does not spiral into violent conflict. The United Nations defines peacebuilding as actions that identify and support structures which will tend to strengthen and solidify peace.[11] Peacebuilding seeks to address the structural issues and long term relationship between the parties to the conflict[12] in order to overcome the contradictions that lie at the root of the conflict.[13] The aim of this form of conflict management is to transform potentially violent conflict into a non-violent process of social and political change[14] that results in lasting peace.

There is no doubt that the separation of powers constrains what parliaments are able to do to promote poverty reduction and conflict management as they are not permitted to exercise executive authority, implement policy or even introduce legislation in many instances. Despite these power constraints, parliaments are uniquely positioned to play leadership roles in their societies and to

---

[9] United Nations <u>A More Secure World: Our Shared Responsibility (Report of the High Level Panel on Threats, Challenges and Change)</u> 33.

[10] Reilly, B. <u>Democracy in Divided Societies: Electoral Engineering for Conflict Management</u>. (Cambridge: Cambridge University Press, 2001) 5.

[11] Boutros-Ghali, B. <u>An Agenda for Peace</u>. (New York: United Nations, 1992) 11.

[12] Miall, H., Ramsbotham, O. & Woodhouse, T. 22.

[13] Galtung, J. Peace by Peaceful Means: Peace and Conflict, Development and Civilization. (London: Sage, 1996) 112.

[14] Miall, H., Ramsbotham, O. & Woodhouse, T. 22.

strengthen peacebuilding from below.[15]   At its most general level parliaments are able to achieve this by helping to create "national consensus around commonly-held values and goals through national policy dialogue."[16]   However, there are many more specific ways in which parliament and parliamentarians can contribute to the peacebuilding process during the conduct of their everyday business.   In order to examine how parliaments and parliamentarians can contribute to peacebuilding the following thematic areas will be examined in turn:

- Participation, Representation and Reconciliation
- Parliamentary Functions and Oversight
- Dialoguing with Civil Society and Media
- The Role of the Opposition
- Promoting Socio-Economic Equality
- Rule of Law
- Decentralization; and
- Regional Parliamentary Peacebuilding

Conducting everyday parliamentary business, in and of itself, may not suffice to manage conflicting issues and relationships. If parliament and parliamentarians are to reach their potential as peacebuilders they need to be conscious of the ways in which they are able to contribute to conflict management, namely by creating the environment and developing the sustainable long term relationships within and outside parliament needed to ensure emerging conflict does not spiral into violence.

---

[15] For a discussion on bottom-up approaches to peacebuilding please refer to Miall, H., Ramsbotham, O. & Woodhouse, T. 56-58.

[16] AWEPA (European Parliamentarians for Africa). Parliament as an Instrument of Peace. (Amsterdam: AWEPA, 2001) 18.

1. Participation, Representation and Reconciliation

A democratic system requires meaningful participation and representation that integrates all societal groups – religious, ethnic, tribal, political, socio-economic and cultural – into the decision-making process. Improving the representative capacity 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 constructive conflict culture[17] that is better able to manage conflict without resorting to violence.

1.1 Encouraging Participation and Representation in Parliament through Electoral Systems

Generally institutional 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."[18] This reinforces the need to ensure 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 as they have "limited capacity, immature internal institutional structures …. and often a unicameral system which provides less scope for power counterbalances."[19] Appropriate electoral designs can ensure that all groups have a voice in parliament, thereby transforming parliament from a collection of select members into an arena where differences can be dealt with and conflict managed.

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."[20] The electoral model selected is important to peacebuilding endeavours because the "means by which conflicts are expressed within a legislature are also the means by which conflicts are resolved."[21] No single electoral system is perfect; rather, it is a matter of picking the best system for the particular circumstance. However, when choosing a system regard should be given to the impact the type of participation and representation achieved will have on peacebuilding.

The objectives a society wishes to achieve by implementing a particular electoral model should be taken into consideration during the designing of a country's electoral system. Ultimately a representative parliament is better able to contribute to peacebuilding as it brings together representatives from all groups in society who, by working together, start to develop a common vision which accommodates the interests of all groups. Experience with the composition of constitutional review commissions, which is equally applicable to parliaments and parliamentary committees, have shown that when members of a committee

---

[17] Reychler in AWEPA (European Parliamentarians for Africa). <u>Parliament as an Instrument of Peace</u>. (Amsterdam: AWEPA, 2001) 19.

[18] Reynolds and Reilly in AWEPA 19.

[19] United Nations Development Programme. <u>UNDP Background Paper for Working Group Discussions: Governance in Post-Conflict Situations, UNDP & Chr. Michelsen Institute Bergen Seminar Series 5-7 May 2004</u>. (Bergen: United Nations Development Programme, 2004) 41.

[20] Harris, P. & Reilly, B. 212.

[21] Harris, P. & Reilly, B. 212.

work together and consult with the public or their constituents "an intriguing result has re-peatedly 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."[22] Therefore, parliament is the perfect forum in which to bring together representatives from all sectors of the community to bridge their differences, build relationships and develop a cohesive common vision.

Some of the design objectives that might assist in making parliament more participatory and representative, thus better able to enhance the peacebuilding process, include:

- Fragmentation of support for an extraordinarily large majority group
- Inducing majority groups to behave moderately towards other groups by engaging in inter-group bargaining. This differs from fragmentation in that it seeks to provide incentives for moderation rather than trying to split the majority group. Examples of arrangements which seek to achieve this objective are the Lebanese electoral system, whereby seats in parlia-ment are reserved for specific ethnic/ religious groups but all citizens are entitled to vote for each of the seats;[23] and the Nigerian electoral system, where in order to win the presi-dency a candidate must have at least 25 percent of the vote in no less than two thirds of all of the states.[24] Furthermore, the alternate vote system is often touted as an electoral design that promotes moderation[25]
- Encouraging the formation of political parties that represent constituents from diverse backgrounds, either via coalitions or more inclusive political parties
- Encouraging a degree of fluidity so as to avoid the bifurcation of the system as has hap-pened in many developed democracies, such as the United States where the seats in Con-gress are split between only two parties. Once fluidity has been achieved, the electoral de-sign needs to impede the bifurcation of that system. Common strategies used to achieve this objective are 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 it be a cultural, religious or political group
- Reducing the potential of a minority group winning a majority of seats
- 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.[26] Sometimes simpler models, such as First Past the Post can achieve an anomalous result. The Alternate Vote model is often recommended as the best model for

---

[22] Kritz, Neil. Testimony before a joint hearing of the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Property Rights; and the Senate Committee on Foreign Relations, Sub-committee on Near Eastern and South Asian Affairs, 25 June 2003. (Washington D.C.: U.S. Institute of Peace, 2003) 3 <http://www.usip.org/aboutus/congress/testimony/2003/0625_kritz.html>

[23] Horowitz, D.L. "Electoral Systems: A Primer for Decision Makers," Journal of Democracy 14(4) (2003): 126.

[24] See Horowitz, D.L. "Ethnic Conflict Management for Policymakers." Conflict and Peacemaking in Multi-ethnic Societies. Montville J.V. ed. (New York: Lexington Books, 1991) 127.

[25] Sisk, T., "Choosing an Electoral System: South Africa Seeks New Ground Rules," Journal of Democracy 4(1) (1993): 83.

[26] Horowitz, D.L. "Electoral Systems: A Primer for Decision Makers."

determining the Condorcet winner; however, there are disadvantages to the Alternate Vote system in that it does not produce a proportional result.[27]

Each of these objectives can be achieved using different electoral systems; however, it should be noted that some of the objectives listed above are mutually exclusive. What needs to be kept in mind is that objectives should be chosen on the basis of their contributions to the peacebuilding process in the conflict-affected country in which it is to be implemented.

In order to assist the peacebuilding effort an objective of the electoral system should be the inclusion of minority groups. Ensuring minority groups are adequately represented in parliament will assist conflict management and increase chances for peace. Minority inclusion can be achieved in two ways. The first strategy is to allocate parliamentary seats to specific groups or facilitate over-representation in parliament from regions where minorities live. A number of countries around the world have adopted reserved seats for minority groups, including India, Columbia, Croatia, Taiwan and Niger. The second strategy is to ensure a system is implemented which provides incentives for majority groups to act moderately towards minority groups and to engage in inter-group bargaining in return for electoral success. If the second approach is adopted, parliamentarians may not stem from the social groups they are purporting to represent, but they nevertheless have an electoral incentive to act as the minority group's representative in parliament, allowing their participation in the political process and protecting their interests.

Furthermore, it is not just a matter of crafting an electoral system that allows for participation and representation of all the stakeholders. If an electoral system is perceived as unfair or brings about a result that is perceived as unfair, then it will create conflict and work against peacebuilding efforts. This is particularly the case with new parliaments or 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."[28] For instance, the first election in Fiji after the introduction of the 1997 Constitution resulted in an outcome that was very different to what the citizens were accustomed. During the deliberations leading up to the introduction of the new constitution it was decided that a new Alternate Vote electoral system would be introduced in addition to the new multi-racial constitution. Unfortunately, a lack of understanding of the new electoral system and the unexpected result meant that certain factions never really accepted the result, thereby causing ongoing friction.

In order to avert this challenge to the outcome, designers need to include all the stakeholders in the design process to ensure that the parliament is not only representative, but perceived to be representative by all the electorate. Furthermore, the system should be simple 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.[29]

---

[27] Reynolds, A. and Reilly, B. et al. <u>The International IDEA Handbook of Electoral System Design</u>. (Stockholm: International IDEA, 1997); and Horowitz, D.L. "Electoral Systems: A Primer for Decision Makers" 118.

[28] United Nations Development Programme. <u>UNDP Background Paper for Working Group Discussions: Governance in Post-Conflict Situations, UNDP & Chr. Michelsen Institute Bergen Seminar Series 5-7 May 2004</u> 42.

[29] Harris, P. & Reilly, B. 202.

1.2 Parliament's Contribution to Initiatives Undertaken in Conjunction with Multilateral Development Agencies

Parliaments have an opportunity to participate in international initiatives and processes with multilateral development agencies working to reduce poverty and increase levels of development by contributing to the design, providing oversight of and assisting in the implementation of such initiatives. Initiatives undertaken in conjunction with multilateral development agencies include the country-driven Poverty Reduction Strategy ("PRS") Process, coordinated attempts to meet the Millennium Development Goals ("MDG"), the Global AIDS initiative, and the Poverty and Social Impact Analysis ("PSIA") work undertaken by the World Bank. As discussed, a reduction in poverty and increased levels of development pays a peacebuilding dividend. There is a growing realization that the implementation of international initiatives is going to be more successful when broad stakeholder involvement becomes part of the consultation, design and implementation phases of such initiatives. In such situations parliament is uniquely positioned to participate as a stakeholder in its own right as well as being the democratic representative of a variety of other specific stakeholders.

It is not unusual for parliaments to routinely contribute to national initiatives undertaken in conjunction with multilateral development agencies. Whether parliament wishes it or not, it is an automatic stakeholder in such initiatives since it is often required to approve or facilitate such initiatives. For instance, in some countries projects initiated between the executive and international organizations, such as the World Bank, are subject to parliamentary approval via ratification or, more commonly, parliaments provide indirect approval for such initiatives through the budget process. Furthermore, parliaments are sometimes required to pass legislation to aid the implementation of international initiatives, such as in Poland where the parliament was required to amend the Public Finance law in order to enable municipalities to accept loans from a World Bank Municipal Development Project.[30]

The necessity for parliament to approve or facilitate the implementation of many of these international initiatives provides it with an opportunity to engage with the process in a more robust manner than may already be the case. The most obvious way in which parliaments can engage is through its oversight function. Even when parliament's oversight function has not been specifically enshrined with respect to one these international initiatives, parliament is nonetheless able to provide oversight via the budget process or through the creation of special standing committees devoted to oversight of the international initiative, whether it be with respect to the MDG, Global AIDS initiative or poverty reduction. Parliament can provide input on the implementation of such initiatives, particularly because of their role in assessing government policy and suggesting policy adjustments to decision makers in line with budget constraints.[31]

---

[30] The World Bank Group, Working with Parliamentarians January 2005
<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/PARTNERS/EXTPARLIAMENTARIA
NS/0,,contentMDK:20242010~menuPK:498265~pagePK:64165880~piPK:64165858~theSitePK:464534,00.
html >

[31] See further: Stapenhurst, R. and Pelizzo R. "A Bigger Role for Legislatures" Finance and Development 39(4) (2002): 46-48.

However, parliamentary engagement has the opportunity to go beyond just oversight; it is equally as important for parliament to engage at the consultation and formulation stages of these international initiatives and to institutionalize the ongoing participation of parliament in the process. As noted above, there is a tendency for participatory processes 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 PRS Process it is generally accepted that national "strategies should involve a participatory process, and should provide the basis for debate in the countries' national assemblies or other elected bodies."[32] When participating in such initiatives and participatory processes parliamentarians are able to help prevent conflict by ensuring the inclusion of socially vulnerable and marginalized groups, who are often more likely to be affected by conflict, during the consultation stage. Parliament can seek their inclusion either by representing their interests or by encouraging the inclusion of these groups during the consultation stage. In order to ensure parliament is in a position to represent the interests of socially vulnerable groups, parliamentarians need to engage with their constituencies through outreach activities, public hearings and by ensuring 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 have an opportunity to contribute to the ongoing management of such initiatives and should 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 entrenched 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 as it is a stakeholder in its own right, which the executive is often dependent on in order to approve or implement the initiative, as well as being 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 bi-partisan 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 whilst 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 initiatives. In order to acquaint themselves with how other parliaments have engaged with these initiatives, parliamentarians in conflict-affected countries should seek to learn from the experience of other countries in their regions that have undertaken similar processes. Further still parliamentarians can turn to organizations such as the Parliamentary Network on the World Bank ("PNoWB") or one of the many parliamentary organizations to aid in their engagement and improve their knowledge.[33]

---

[32] Comprehensive Development Framework Secretariat. <u>Comprehensive Development Framework, Meeting the Promise? Early Experience and Emerging Issues</u>. (Washington D.C.: The World Bank, 2001) 4.

[33] Further information about the Parliamentary Network of the World Bank <<u>www.pnowb.org</u>>; A comprehensive list of Parliamentary Organizations can be found at – World Bank Group, <u>Links to Parliamentary Organizations</u> January 2005

1.3 Reconciliation

Reconciliation in conflict-affected countries often takes the form of either repairing once existing relations now strained due to the events surrounding the conflict or the forging of new relations between old antagonists. In this sense reconciliation seeks to normalize relations between people and has a therapeutic component. Reconciliation can be 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 attempts are made to make amends for the harm rather than focusing on the actors; whereas other transitional justice mechanisms, such as retributive justice processes focus on the perpetrators themselves. The emphasis on creating new relationships and mending old ones centers reconciliation processes in any peacebuilding strategy.

Prior to engaging in a broader reconciliation process parliament should seek to reconcile animosities which exist within the parliament and build relationships across party lines and between parliamentarians. If parliament is to exercise a leadership role in a broader reconciliation process that seeks to reconcile long-term antagonisms, parliamentarians themselves need to be able to work together. Confidence building measures between the governing party and opposition should be considered. The level of confidence between different sides of parliament can be bolstered by ensuring transparency in decision-making and placing greater importance on the committee structure, and in particular bringing together parliamentarians from all viewpoints in order to undertake business, rather than sidelining certain groups or members.

Parliamentarians have voiced their concerns that traditional adversarial politics can impede reconciliation, saying that where possible, more consensus based decision making should be encouraged in an attempt to build bridges between parties with conflicting interests.[34] 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. Consensual democracies, whereby multi-party coalitions govern, can be compared to majoritarian democracies where dominant parties alternate in power.[35] Consensual democracies have built-in mechanisms to encourage cooperative approaches to decision-making, whereas in majoritarian democracies the responsibility for tempering the adversarial approach to parliamentary decision making rests to a large extent with political parties. Political parties and their leadership have a dual role in that they define and express conflict, whilst also seeking to build majority support to resolve those conflicts.[36]

<http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/PARTNERS/EXTPARLIAMENTARIA NS/0,,contentMDK:20227786~menuPK:478534~pagePK:64165880~piPK:64165858~theSitePK:464534,00. html>

[34] World Bank Institute and Commonwealth Parliamentary Association. Observations from Study Group on Parliaments in Conflict-Affected Countries. (Washington D.C.: World Bank Institute, 2004) <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/PARTNERS/EXTPARLIAMENTARIA NS/0,,contentMDK:20298119~pagePK:64165880~piPK:64165858~theSitePK:464534,00.html>.

[35] Lijphart, A. Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries. (New Haven: Yale University Press, 1999) 2.

[36] Harris, P. & Reilly, B. 220.

In addition to seeking reconciliation within parliament, parliamentarians can seek to contribute to the community's reconciliation process in a number of ways. Parliament can create *ad hoc* standing committees on reconciliation; create national dialogues on reconciliation, as was unsuccessfully attempted in Cote d'Ivoire in 2001; and promote and support the creation of national bodies to advance reconciliation, such as the Council for Aboriginal Reconciliation in Australia.[37] Most importantly though parliamentarians are able to act as peacebuilders by reaching out to the community and civil society to properly understand the harm that was caused so as to try and promote legislation that addresses the harm. Once an attempt has been made to overcome the harm suffered people and communities will be able to start building relationships.

---

[37] Freeman, M. <u>Reconciliation in Times of Transition: The Role of Parliaments and Inter-Parliamentary Bodies</u>. (Stockholm: International IDEA, 2004) 13.

2.   Parliamentary Functions and Oversight

One of the most important functions of parliament is to ensure oversight of the executive and hold the executive accountable. Parliament and the judiciary act as horizontal constitutional checks on the power of the executive; parliament holds the executive politically accountable whilst the judiciary holds the executive legally accountable. In conjunction with these horizontal constraints the electorate hold the executive vertically accountable at every election. In order to facilitate horizontal accountability, parliament and its agencies should support the efforts and independence of the judiciary, whilst seeking to ensure the executive is held accountable for its decision-making and its impact on development and peacebuilding. In addition, parliament and parliamentarians are able to contribute to peacebuilding through parliamentary debates and negotiations in parliamentary committees.

2.1 Parliamentary Debates

Parties are most partisan during parliamentary debates and for this reason the procedures for debates need to be transparent, well-defined and closely adhered to if this forum is to serve as a conflict management tool rather than a place to merely entrench the 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, should 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 important legislation is being considered, without referring it to committee. This is particularly important when the executive belongs to the majority party in parliament because without proper debate parliament is unable to fulfil its oversight and accountability function. Sometimes though, despite the best intent of parliament, they 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.[38] In such instances parliament is powerless to fulfil one of their functions.

The rules of procedure provide the framework within which parliamentarians voice their concerns on the floor of parliament, whilst ensuring the focus remains on the issues at hand rather than the actor. Clear rules of procedure and subsequent structured debate facilitate parliaments' peacebuilding efforts by moving issues of contention between groups in the community away from the point where violent conflict could erupt to a more orderly debate about the issues. If rules of procedure are not enforced parliament runs the risk of parliamentary debates degenerating into personal attacks rather than focusing on important policy considerations. Political parties have a vital role to play in ensuring the floor of parliament reaches its potential as a forum for peacebuilding.

2.2 Committee Deliberations

Though there are a number of ways parliaments and parliamentarians are able to contribute to peacebuilding, the most notable is through the committee mechanism. The number of

---

[38] Figueiredo, Argelina Cheibub & Limongi, Fernando, "Presidential Power, Legislative Organization and Party Behavior in Brazil" in Dahl, Robert., Shapiro, Ian & Cheibub, Jose Antonio. (eds.) <u>The Democracy Source Book</u>. (Boston: MIT Press, 2003) 306.

committees in one legislature usually ranges from 10 to 25.[39] There is no single model for the conduct of parliamentary committees; some countries include the type of committee structure in their constitutions, whilst others have sectoral committees and other countries instigate *ad hoc* specialized public interest committees.

The decision-making process within committees lends itself to consensus decision-making or having the issues brought before the committee being resolved through compromise. The committee system enables committee members to bring the specific concerns of their constituents to the decision-making process, whilst the absence of the public and the media during private negotiations often makes it easier for parliamentarians to make compromises across party lines, using this process to focus on the substance of the issues without having the pressure to perform in front of a broader audience.[40]

Committees not only contribute to compromise and consensus positions, but also provide oversight of the executive by reviewing the budget and examining the conduct of ministers in both presidential and parliamentary systems. Irrespective of the form of the committee structure, in order for committees to be effective, parliamentarians sitting as members of the committees and as representatives of the people should be free to question any entity from government.

Parliamentary committees operate as effective peacebuilding models, particularly committees that are topic or issue specific, as they ensure the conflict moves from a people centered approach to a debate about the issues. Furthermore, parliamentarians who have constituencies that are specifically concerned about certain issues, for instance rural communities or minority ethnic and religious groups, are able to bring their concerns to the table and ensure that a compromise solution is reached. In this way parliamentary representatives working in the committee structure are able to work towards satisfying the concerns of their constituents about issues that directly affect them. If the main concerns of all the groups with a vested interest are satisfied there will be no incentive for those groups to resort to violent conflict in order to have their interests met. Furthermore, a successful consensus outcome will act as an incentive for those same groups to continue using parliament as a means of resolving conflicting interests in future.

2.3 Legislative Development

Aside from providing a forum for the discussion of divergent views, parliament can assist the peacebuilding process by seeking to establish the legislative and institutional framework to help prevent further conflict.

When given the opportunity, parliament should pass legislation which creates an environment that assists peacebuilding by encouraging a more accountable and informed system. It is recognized that such legislation is usually introduced by the executive, but an effective parliament can promote its introduction and indeed can provoke it through effective political action. In order to develop an informed and accountable democracy the *Principles for an Informed Democracy* suggests governments and parliaments should:

---

[39] Harris, P. & Reilly, B. 215.
[40] Harris, P. & Reilly, B. 215-16.

- 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 is no longer subjected to punitive controls that curb freedom of expression
- Exercise caution in the passage of anti-terrorism legislation which may limit society's freedom 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.[41]

However, in addition to ensuring legislation is passed to develop an informed and transparent environment, parliaments can further promote peacebuilding by facilitating the introduction and adoption of legislation that protects fundamental freedoms. For instance, parliament can, having obtained its introduction by the executive, pass laws that entrench and strengthen human rights protections, minority rights guarantees, and nationality legislation. Entrenching such protections demonstrates a willingness on the part of the government to take seriously the role of minority groups within the larger society. These types of initiatives promote peace by creating an environment where aggrieved parties feel they have a resolution to a conflict, other than by resorting to violence. For instance, if a member of a minority group faces discrimination from government officials s/he will be able to seek redress in accordance with the legislation that affords them rights protection. As such, it is important that along with passing the requisite legislation parliament also encourages the formation of agencies and programs to implement and enforce these protections, such as human rights commissions. Many of these legislative initiatives traditionally fall within the ambit of the executive's responsibility; however, parliament as the direct representatives of the people can promote the introduction of such legislation and, when it is introduced by the executive, seek to make it as robust as possible.

2.4 Institutional Framework and Oversight Institutions

In addition to ensuring the accountability of the executive for its exercise of power, parliament can help create and fund the institutions a democracy requires to create an environment amenable to peacebuilding. For example, establishing scrutiny and oversight institutions to oversee the executive's use of power enhances public confidence in the integrity of the executive's activities and makes the public more willing to accept the policies of the government.[42] Mechanisms or institutions that parliament can create or that are often reliant upon parliament for their continued effectiveness are transitional justice and trust build-

---

[41] Commonwealth Parliamentary Association, Commonwealth Press Union, Commonwealth Journalists Association and World Bank Institute. Cape Town Principles for an Informed Democracy. (Cape Town: Commonwealth Parliamentary Association, 2002) <www.cpahq.org>; and Commonwealth Parliamentary Association. Recommendations for Transparent Government. (Accra: Commonwealth Parliamentary Association, 2004) <www.cpahq.org>.

[42] Commonwealth Secretariat. Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government. London: Commonwealth Secretariat, 2004 <www.thecommonwealth.org>.

ing mechanisms,[43] Ombudsmen, an office of the Auditor-General, general complaints mechanisms and parliamentary oversight committees, Access to Information Commissioners, as well as Human Rights Commissions and Independent Corruption Commissions.[44]

One of the easiest and most effective oversight institutions parliament can create are parliamentary oversight committees. Every parliament has the right to establish the committees of their choosing; however, certain types of committees are pivotal to parliament fulfilling its oversight function and encouraging peace and stability. Those committees are: (a) Public Accounts Committees or their equivalent, in order to provide oversight of the budgetary process; and (b) parliamentary committee or committees that provide oversight of the security sector so as to strengthen democratic control of the military, police services and intelligence sector.

2.4.1   Public Accounts Committees

Much of the influence 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, match the needs of the population with available resources, and that they are implemented properly and efficiently."[45] There is a 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. When the budget comes before the Public Accounts Committee it is often the first opportunity for an inclusive public debate on the contents.

In order to facilitate public debate and ensure transparency and accountability, proceedings before Public Accounts Committees should be open to the media and the public. As with other committees, parliamentarians who are members of the Public Accounts Committee should solicit submissions from civil society, academics, research institutes and community groups to aid in their oversight function. By drawing upon the social capital of the community at large and facilitating greater participation parliamentarians can strengthen their oversight of decision-makers. An added benefit is that witnesses appearing before the Committee will be in a position to assist the Public Accounts Committee disseminate information about the budget process and the committee's deliberations to the broader community.

---

[43] Inter-Parliamentary Union and United Nations Development Programme. <u>Summary of Discussion: Meeting on Enhancing the Role of Parliaments in Conflict/ Post Conflict Settings</u> (Geneva: Inter-Parliamentary Union, 2004).

[44] Recent research indicates that the effectiveness of these institutions are dependent on a number of factors; however, they are most effective when created to respond to a national consensus and 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 procedures for forwarding cases to judicial authorities for prosecution: Heilbrunn, John. R. <u>Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption?</u> (Washington D.C.: World Bank Institute Working Paper, 2004).

[45] Wehner, J. <u>Back from the Sidelines? Redefining the Contribution of Legislatures to the Budget Cycle</u>. (Washington D.C.: World Bank Institute Working Paper, 2004) 3.

The ability of parliaments to oversee and influence the budget process differs between countries. Some parliaments have the ability to formulate and substitute a budget, others can influence the budget by amending or rejecting the budget, whilst some are only permitted to rubber stamp the budget placed before parliament.[46] The degree of influence parliament has over the budget process is often attributable to whether a country has a presidential or parliamentary system.[47] Generally in a parliamentary system relations between the parliament and the executive are cordial and more cooperative as the executive is dependent on majority support in parliament. As such, rewriting the "entire executive budget proposal would be tantamount to a vote of no confidence in the government."[48] In presidential systems the political future of the executive is not as intricately intertwined with the majority in parliament, so there is no guarantee that the executive and the majority in parliament are of the same political persuasion or even that the executive has developed a strong working relationship with the majority in parliament. In situations where the political future of the executive and majority in parliament are not directly linked there is a greater likelihood parliament would be willing to amend the budget.

Irrespective, even a minimal amount of authority to amend or reject portions of the budget, no matter how small, can generate a great deal of influence. For instance, rejecting certain expenditures frees up revenue to be spent on other priority line items. Even being able to exert a limited amount of influence over the budget means the executive, in order to ensure a smooth transition through to parliamentary approval, will be more willing to consult parliament's views prior to tabling the budget. During consultations parliament can seek to ensure the budget is fiscally sound and balances the needs of all constituents, thereby mitigating catalysts that could escalate conflict.

Public Accounts Committees are able to provide oversight of budget decisions at two stages. Decisions with respect to the overall fiscal discipline and allocation of revenue to different policy priorities can be scrutinized during the approval process when the budget comes before parliament, such as in the United States and Nigeria; whereas, the operational efficiency of the budget can only be scrutinized after the budget has been implemented and the Public Accounts Committee is in possession of the auditor's reports. Some parliaments are able to scrutinize the budget at both stages, such as the German *Bundestag*, whilst some can only provide effective oversight at one stage. The point at which parliaments are able to provide the most effective oversight is usually dependent on the parliament's capacity to amend or reject the budget. For instance, most Westminster style parliaments, such as Australia, Canada and the United Kingdom, by convention, usually only rubber-stamp the budget and therefore are only able to provide effective oversight of the budget's implementation.[49] Irrespective at which stage parliamentary oversight is provided, effective oversight of the budget provides an opportunity for parliaments in presidential and parliamentary systems to attempt to ensure the budget addresses the needs and interests of all stakeholders, thereby helping to manage points of friction that could generate conflict.

---

[46] Wehner, J. 5.

[47] Wehner, J. 9.

[48] Wehner, J. 9.

[49] Wehner, J. 8.

2.4.2   Parliamentary Oversight of the Security Sector

It is well recognized as an international norm, having been included in the Warsaw Declaration and subsequent United Nations reports that in a functioning democracy a country's military must remain accountable to the democratically elected civilian government.[50] From the perspective of conflict management, a security sector that does not operate so as to provide security for citizens in a legitimate fashion and which is not democratically accountable is "not only unable to prevent conflicts occurring but can also be a source of violence."[51] Therefore, one of the most important tasks a parliament can perform is to assist the executive in its exercise of control over the security sector, thereby providing not just civilian control over the security sector but also democratic oversight, which can only be provided by the parliament as the direct representatives of the people.

Oversight of the security sector has traditionally vested with the executive, which has the ultimate responsibility for the 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."[52] Recently the Organisation for Economic Cooperation and Development delineated which agencies constitute core security actors to include the armed forces, police, gendarmeries, paramilitary forces, presidential guards, military and civilian intelligence and security services, coast guards, border guards, customs authorities, reserve and local security units, such as civil defence forces, national guards and militias within the definition.[53]

Until recently parliament did not play a major role in the oversight of the security sector and has often been excluded from any involvement in the sector.[54] Critics of parliamentary oversight usually cite parliaments' time-consuming procedures and protocols, lack of expertise on security issues, its lack of access to all the requisite intelligence needed to make

---

[50] The Community of Democracies is an association of democratic states dedicated to strengthening democratic values and institutions. The *2000 Warsaw Declaration*, signed by over 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 in order to be considered a democracy and to participate in the Community of Democracies. One of the criteria set down is that the military remains accountable to a democratically elected civilian government <http://www.demcoalition.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 Human Development Report 2002 4.

[51] Damien, L. Luckham, R. and Von Tangen Page, M. A Goal Orientated Approach to Governance and Security Sector Reform. (London: International Alert, 2002) <http://www.international-alert.org/pdf/pubsec/Goa.pdf>;see also Born, H. & Fluri P. Oversight and Guidance: The Relevance of Parliamentary Oversight for Security Sector Reform. (Geneva: Centre for the Democratic Control of the Armed Forces, Working Paper No.114, 2003) 4.

[52] Born, H. Fluri, P. & Johnsson, A. (eds.) Handbook for Parliamentarians No.5, Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices. (Geneva: Inter-parliamentary Union and Centre for the Democratic Control of the Armed Forces, 2003) 16.

[53] Organisation for Economic Cooperation and Development. Security System Reform and Governance: Policy and Good Practice (Paris: OECD Development Assistance Committee, 2004) 16.

[54] United Nations Development Programme Human Development Report 2002 89.

an informed decision,[55] and concerns over its ability to keep classified material secret, as reasons why security sector oversight should be solely in the realm of the executive.[56] However, as argued by Born and Fluri, if the objective is to bring the security sector under, not just civilian control, but democratic control, then parliamentary oversight is essential.[57] Furthermore, these obstacles to effective parliamentary oversight can be overcome and in a growing number of instances have been. Accordingly, there is a growing movement for greater parliamentary oversight of the security sector.

Parliament can provide oversight in a number of ways, including review of the security sector budget, debating security sector bills on the floor of parliament and recommending amendments, and providing input on the security issues which constitute the highest concern for the community. Government has an obligation to provide security for the people, but also has a corresponding obligation for policy-makers and security forces to be accountable to the people for their actions and use of public resources.[58] In turn, if parliament does provide legitimacy to the decisions and actions of the security sector by providing democratic oversight it is then obligated to help disseminate information to the community about the governance of the sector and the justifications for the decisions made or actions taken.[59]

---

[55] Van Eekelen, W. F. The Parliamentary Dimension of Security Sector Reform (Geneva: Centre for the Democratic Control of the Armed Forces Working Paper No.120, 2003) 1.

[56] Born, H. & Fluri P. 1.

[57] Born, H. & Fluri P. 5.

[58] United Nations Development Programme Human Development Report 2002 89.

[59] Van Eekelen, W. F. 2.

3. Dialoguing with Civil Society and a Free Media

Civil society is the "network of organised, self governing and autonomous organizations operating at the national, regional and international levels."[60] Civil society groups can take the form of trade unions, environmental groups, women's groups, human rights organizations, religious organizations, the media, professional associations and community-based organizations. Unlike parliamentarians, civil society organizations often do not have a direct mandate to speak on behalf of the people whose interests they seek to represent and are often viewed by the executive and parliament as hostile because they are often critical of government. Conflict arises between groups because of misunderstandings, ideological differences, ignorance or the lack of credible information on which conclusions are drawn by decision-makers. As such, it would be beneficial for parliament to encourage the development of a healthy and robust civil society with which it can establish a dialogue in order to build trust and improve the flow of information between parliament and groups in society so as to overcome any misunderstandings. Particularly in less developed countries, direct engagement between parliamentarians and their constituencies is often hampered by limited financial resources, the distance between the capital and their constituencies, and poor transport and communications. By turning to civil society and the media, parliamentarians can help overcome many of the barriers that would normally inhibit their ability to engage with their constituents.

3.1 Civil Society

Civil society organizations represent either specific groups or specific issues and serve as an excellent conduit of information between those groups and the government or as a source of information about the issues on which civil society groups concentrate. The better informed parliamentarians are on the issues, the better they will be able to respond and ensure the actions of parliament contribute to peacebuilding rather than to fuelling cleavages already present in the community. Civil society should act as a reservoir of knowledge on the topics on which parliament deliberates and can be drawn on by parliamentarians to assist them in their role. On the flipside, parliament can use the same channels of communication to explain to the community the reasons behind parliament's action or inaction on certain issues. The community will only be willing to accept the stance taken by parliament on certain issues if they understand the reasons why parliament acted the way its 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, for instance, trade unions and professional associations; therefore civil society can contribute to the peacebuilding process by assisting with dialogue and cooperation in inter-community relations.[61] Parliament can seek to enlist the support of institutions of authority in the community to build consensus and contribute to peacebuilding.

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 presently being addressed by established institutions. In this way they help give voice to those who may not be able to be directly represented in parliament, thereby facilitating

---

[60] Molutsi, P. in AWEPA (European Parliamentarians for Africa) 17.
[61] OECD in AWEPA (European Parliamentarians for Africa) 22.

greater participation of the populace in governance. For this reason civil society has an important role to play in making society and decision-making more inclusive.[62] However, inclusivity does not automatically contribute to peacebuilding; parliamentarians should not only recognize that civil society facilitates greater inclusion, but should be responsive to the interests of those groups in the community that are being represented by civil society organizations. If parliament works toward having previously unrepresented groups' interests catered for there is less likelihood that a point of friction will escalate to violent conflict.

It should be noted though that the benefits a robust civil society can bring to the peacebuilding effort is 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 which are hard to comply with as well as other unduly harsh regulatory requirements act as disincentives for the formation of new civil society organizations or the continuation of established organizations. Furthermore, complex regulatory environments draw the attention of organizations away from their stated mission in order to focus more attention on compliance with regulatory requirements rather than providing services or representing the interests of specific groups.

Through their legislative and oversight functions parliaments can seek to promote an environment that is conducive to a robust civil society. Parliament can also strengthen the lines of communication between itself and a robust civil society through greater legislative-civil society interaction in the form of public hearings and electorate visits. Parliamentarians should also be more willing to engage with civil society when approached, as civil society is a conduit through which parliamentarians can engage with their constituencies in a way that would not normally be possible, considering the constraints imposed on many parliamentarians in conflict-affected countries due to a lack of resources.

3.2 The Media

One segment of civil society that should be singled out for special attention is the media. The media plays a vital role in aiding parliament with its peacebuilding function. In particular, the media can muster public support or opposition to decisions made by parliament by disseminating information about the decisions made, such as the evidence parliamentarians considered when deliberating on issues, such as submissions from the community to parliamentary committees and testimony from representatives of relevant government departments, and the published reasons for the decisions. Furthermore, the media has the ability to act as a social barometer, channelling information to parliamentarians about public perception and opinion on the innumerable number of issues parliament must consider.

In order to facilitate the media's important role in peacebuilding, parliamentarians should seek to create an environment in which the media sector can operate without undue interference. Parliament can assist the media perform their vital function by ensuring the availability of governmental and non-governmental information – or more precisely, parliament needs to ensure the media has access to the information required to perform their function, as well as the freedom to report and discuss this information. Finally, in order for the me-

---

[62] AWEPA (European Parliamentarians for Africa) 17.

dia to reach its potential as a peacebuilding actor it needs to be made aware of the importance of its role. Parliamentarians can assist by explaining to the media how it can support parliament in its peacebuilding function or by encouraging greater media training by donors and multilateral development agencies.

Parliaments can help facilitate the free flow of information, particularly by through passing right-to-information legislation and putting in place the regulations, procedures and institutions that enable people to access information held by government authorities in a timely and cost-effective manner. The ability to readily access information held by the government helps counter any potential information deficits in the community regarding the issues parliament is considering.[63] The ability to access pertinent information provides upward pressure on the demand for information, transforming society into a community eager to know more. An information-rich society aids parliament in its peacebuilding efforts by helping the public understand the reasons behind laws enacted and policies implemented; especially those laws and regulations that impinge upon the interests of some groups. Greater access to information by the media and the general public promotes more in-depth analysis and discussion, which similarly aids parliament in explaining the complex reasoning behind sound law and policy making.

The independence and quality of the media impact directly on its ability to fulfil its role as a disseminator of information and as a commentator. A number of factors determine the independence of the media, most notably the:

- Ownership structure of the media
- Economic structure of the industry, economic conditions and the availability of financing
- Laws regulating production and access to information, entry into the media industry and content; and
- Policies regarding industries related to the media.[64]

In some countries, State-owned media enjoy a monopoly over the flow of information. In such instances it is imperative that the State-funded media agency does not act as an extension of the ministry of information; rather it should run according to a public service charter that affirms its independence and ensures that it is free from political or economic interference.[65] Furthermore, if the State has a monopoly over the media, then a diverse and responsible media sector should be encouraged.

In order to create an environment conducive to the media and to ensure journalists are meeting their potential as conduits between parliament and the broader community, restrictions on freedom of expression should be lifted. Any remaining restrictions need to be justified by a nation's international obligations stemming from the United Nations Declaration

---

[63] For further elaboration on the regulatory environment parliamentarians can help create in order to facilitate access to information please refer to Commonwealth Parliamentary Association and World Bank Institute. Recommendations for Transparent Government <www.cpahq.org>.

[64] World Bank Institute. The Right to Tell: The Role of Mass Media in Economic Development (Washington D.C.: World Bank Institute, 2002) 5.

[65] Bouchet, N. and Kariithi, N. Parliament and the Media: Building an Informed Society (Washington D.C.: World Bank Institute Working Paper, 2003) 2.

of Human Rights and the International Covenant on Civil and Political Rights, or any other complementary regional declarations and treaties[66] and the interpretation of these obligations by authoritative institutions such as United Nations Human Rights Commission and Inter-American Court of Human Rights.[67]

---

[66] 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

[67] Bouchet, N. and Kariithi, N. 1.

4.   The Role of the Opposition

An essential element of democracy and in particular parliamentary politics is the concept of competing interests. Accordingly, political parties and constructive opposition politics should be strengthened. Political parties, whether the majority party or the opposition, are vital to parliaments for three reasons:

(i)   Without an opposition, one of the central pillars of democracy would not be present, namely competition for government

(ii)   Political parties provide a link between the executive and parliament, particularly so in the case of presidential systems; and

(iii)   Political parties contribute to the internal conduct of parliament - in this way political parties help administer the very forum which defines and manages conflict whilst seeking to build majority support or consensus on issues that come before it.[68]

The opportunity for opposition parties to contribute to peacebuilding efforts differs widely depending on the circumstances. The enabling environment, including the political, financial, regulatory or electoral environments, in which political parties and in particular the opposition parties operate and function impacts on their capacity to fulfil their roles, whilst influencing their strategy and organization.[69]

However, enabling environment permitting, in situations where the relationship between the executive and sectors of the community have become acrimonious and the conflict has the potential to escalate, opposition parties can act as a bridge between the conflicting groups and the executive. This is particularly the case in parliamentary systems where the executive is drawn directly from the party that commands a majority in parliament; thereby the opposition party is the only democratically elected group not directly involved in the dispute. This could also be the case in a presidential system where the executive and majority party in parliament is the same party. However, 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 executive will be more willing to bargain and make concessions,[70] particularly in parliamentary systems as the continued viability of the executive is dependent on the support of a majority of parliamentarians. In such instances opposition parties will be in a better position to contribute constructively to the resolution of a conflict.

By acting as third party intermediaries, opposition parliamentarians may be able to instigate confidence-building measures, which are essential pre-conditions to fostering negotiation among conflicting groups. In order to achieve this though, opposition parties and the executive would need to be willing to work together in order to resolve conflict across party lines. As noted above, this would be dependent on the enabling environment, party politics in parliament and the willingness of the executive to forgo acrimonial politics so as to develop a national consensus in the spirit of reconciliation.

---

[68] Harris, P. and Reilly, B. 220.

[69] For an elaboration on how the external environment impacts on the form and functioning of political parties and the opposition please refer to International Institute for Democracy & Electoral Assistance, Research and Dialogue on Political Parties (Stockholm: International IDEA, 2004) January 2005 <www.idea.org>.

[70] Wehner, J. 10.

5.   Promoting Socio-Economic Equality

Parliaments have a dual task: encouraging political participation and managing the distribution of resources.[71] Conflict can arise when the proceeds of good governance are not allocated in an even-handed fashion or when there is competition for scarce resources. The failure to allocate the proceeds of good governance equitably has a twofold effect: first, it creates an environment that is conducive to actors who are motivated by greed, to kindle conflict; and second, if 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.

The "greed and grievance theory" of conflict espoused by Collier, found that "economic agendas appear to be central to understanding why civil wars start"[72] and "conflicts are far more likely to be caused by economic opportunities than by grievances."[73] By ensuring the enabling environment is not conducive to actors motivated by greed fuelling conflict, parliaments can reduce the potential for conflict. For instance, a violent conflict draws in young men to participate; if they "face only the option of poverty, they might be more inclined to join a rebellion than if they have better opportunities."[74] Accordingly, pro-poor development policies and investing in a country's social capital through education expenditure helps to reduce some of the pre-conditions that could be used by unscrupulous actors to instigate conflict. Parliamentarians should seek to 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 so as to develop appropriate strategies to counter these concerns. If groups do not share in the proceeds of good governance there will be no incentive to continue participating in the political process, and therefore may resort to violent conflict to satisfy their interests. In order to "prevent a situation of relative deprivation, the structural stability of the society should be strengthened through income distribution policies."[75] Ethnic minorities and indigenous groups are often the poorest groups in society, characterized by a shorter life expectancy, lower social indicators and often socio-economic exclusion.[76] Reducing the socio-economic exclusion of any societal group requires a combination of policies, such as:

- Addressing unequal social investments to achieve equality of opportunity

- Recognizing legitimate collective claims to land and livelihoods; and

- Taking affirmative action in favor of disadvantaged groups.[77]

---

[71] AWEPA (European Parliamentarians for Africa) 19.

[72] Collier, P. "Doing Well out of war: An Economic Perspective" in Berdal, M. and Malone, D.M. (eds) Greed and Grievance, Economic Agendas in Civil Wars (Colorado: Lynne Rienner Publishers, 2000) 91; See also Collier, P. and Hoeffler, A.

[73] Collier, P. 91; See also Collier, P. and Hoeffler, A.

[74] Collier, P. 94.

[75] AWEPA (European Parliamentarians for Africa) 21.

[76] United Nations Development Programme, Human Development Report 2004: Cultural Liberty in Today's Diverse World (New York: Oxford University Press, 2004) Chapter 2.

[77] United Nations Development Programme Human Development Report 2004 65.

However, minorities are not always socially or economically disadvantaged. The potential for conflict 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 towards the majority population.[78]

Whether it is a majority or minority segment of society that commands the nation's resources to the exclusion of the other group, parliament should seek to promote policies that encourage growth with equity in order to minimize the conflict potential. For many developing countries this approach could involve:

- Investing in the agricultural and other labor intensive sectors; and

- Broadening access to assets, especially agricultural land.[79]

Furthermore, when making policy decisions, parliament should seek to encourage policies that harmonize the means of production and livelihoods as much as possible so as 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 which 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 whilst ameliorating the concerns of those adversely affected by promoting a dialogue with their constituencies to explain the reasoning behind the allocation of resources.

---

[78] United Nations Development Programme <u>Human Development Report 2004</u> 65.
[79] United Nations Development Programme <u>Human Development Report 2004</u> 65.

6.   Rule of Law

There is no perfect definition as to what constitutes the rule of law; some definitions emphasize formal characteristics, other substantive outcomes, while others concentrate on functional considerations.[80]   Irrespective of the definition adopted, a number of lofty objectives, including economic development and human rights protection, are dependent on the presence of the rule of law. However, for the purposes of the present discussion, what is significant is 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 correlation between economic development and conflict prevention was detailed earlier in this paper.   Strengthening the rule of law has a positive impact on economic development, which assists in creating an enabling environment conducive to peace. A 'rule of law state' has been defined as a state wherein the law is consistent with social norms that embody citizens' sense of justice, and is obeyed out of respect.[81]   When laws reflect social norms, human behavior automatically becomes standard and social norms become legally enforceable; for instance, enacting into law the social norms by which people exchange goods, services and property.[82] If laws follow social norms, the community views those laws as being just and therefore are more willing to comply. Voluntary adherence with the laws reduces compliance and enforcement costs that would normally be borne by the individual and the state. When there are breaches of the law, it is usually the state that secures compliance; however, when laws reflect social norms state enforcement is often accompanied with citizen cooperation, further reducing formal enforcement costs. A rule of law community that consists chiefly of voluntary compliance, coupled with reduced formal enforcement costs, is the most cost-effective framework for creating the stability and certainty needed to encourage economic growth. The primary arbiters of disputes concerning formal enforcement of the law are the courts.

Parliaments, as the democratic institutions which review and enact laws, have the ability to ensure legislation it passes is a true reflection of social norms. As the direct representatives of the people, parliamentarians are in a unique position to interact with their constituents and civil society to ascertain societal norms integral to a rule of law state. Furthermore, in certain instances, particularly when parliaments are attempting to be proactive so as to prepare for future contingencies, they may pass laws which do not reflect presently existing social norms. For example, parliament may pass a law requiring all private landowners register title to their land with a central authority in order 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 further contribute to a rule of law state as they have an opportunity to shape community consensus around the initiative so that stakeholders view the laws as just and therefore become more willing to comply.

---

[80] See World Bank Institute, The Rule of Law as a Goal of Development Policy January 2005 <http://www1.worldbank.org/publicsector/legal/ruleoflaw2.htm>.

[81] Vlasihin, V. in Robert D. "The Rule of State Law and the Rule-of-Law State: Economic Analysis of the Legal Foundations of Development, 1997." Annual World Bank Conference on Development Economics 1996 (Washington D.C.: The World Bank, 1996) 191.

[82] Robert D. 192.

The rule of law is able to contribute to peacebuilding not only by building a framework of laws, based on social norms, which the community will voluntarily adhere to, but also by providing stability through justice. As previously discussed the rule of law is an amorphous concept; however the aim of the present discussion is to examine ways in which the rule of law relates to conflict and how it can contribute to peacebuilding. The judiciary is one of the primary institutions responsible for state enforcement of the rule of law and also happens to be a key player in managing conflict between different groups in society. The courts help manage emerging conflict between: (a) groups and the state by protecting rights; and (b) divergent groups in society by providing a forum in which people or groups with conflicting interests can come together in order to have their differences resolved. However, the effectiveness of the judiciary in fulfilling both of these functions is dependent on their independence and impartiality.

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.[83] Rights place a limitation on policy-making and legislation. Conflict has a propensity to arise when the interests of certain stakeholders are not taken into account during decision-making or certain stakeholders are excluded from the process and thus do not have 'buy-in' to policy decisions. If a decision or legislation impinges on the rights of a stakeholder, irrespective whether s/he was excluded in the decision-making process or not, that stakeholder has recourse to the courts to protect his/ her interests. This avenue of redress provides a non-violent option to resolve emerging conflict. The circumstances under which courts are able to circumvent conflict in this way will be prescribed by the extent of the rights enshrined in a country's 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 when applying policy the aggrieved parties can seek redress to the government policy or its application in accordance with their prescribed rights. In this way the interests or the rights of the minority or individual can be taken into account if majoritarian decision-making encroaches on their 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 non-state groups with conflicting interests can come together in order to resolve their differences. Unlike parliament, when parties seek a judicial resolution to a problem there is little room for representatives from those groups with conflicting interests 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. Once again, 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.

Parliaments are able to help build confidence in the operation of the courts by promoting an impartial judiciary. 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 inter-

---

[83] Cichowski, R.A. & Stone Sweet, A. "Participation, Representative Democracy, and the Courts" in Cain, B.E., Dalton, R.J. & Scarrow, S.E. (eds). <u>Democracy Transformed?: Expanding Political Opportunities in Advanced Industrial Democracies</u> (Oxford: Oxford University Press, 2003) 197.

ferences, direct or indirect, from any quarter or for any reason." [84] Parliament is in a fortunate position in that it can facilitate the effectiveness and impartiality of the judiciary by:

- Strengthening judicial independence

- Enacting laws that empower courts to resolve conflict in a just and equitable way; for instance, by passing legislation requiring fair compensation be paid for the acquisition of any private or communal property by the government

- Appointing honest and qualified judges using a transparent merit-based selection process, possibly through the use of judicial councils

- 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 whether the judiciary is dependent on an executive department for administrative and budgetary functions or whether the judiciary has the same degree of self-government and budgetary control over its operations as the executive

- Providing continuing judicial education similar to that provided by the International Commission of Jurists

- Facilitating better funding and capacity development of law schools; and

- Requiring the publication of the rulings for all the courts decisions and ensuring that they are easily available for minimal cost to the public.

As such, 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 forums beyond parliament, notably by aiding the judiciary in its conflict management role.

---

[84] United Nations, <u>U.N. Basic Principles on the Independence of the Judiciary</u> (Milan: United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1985) Principal 2.

7.   Decentralization

Like many processes, decentralization can have a positive or negative impact on peacebuilding; however when implemented correctly and coordinated properly, decentralization has a great deal to contribute to poverty reduction and conflict management. Decentralization can be defined as the "distribution of power and resources, both among different levels and territorial areas of the state and among different interests in their relationship with ruling elites."[85] As the definition suggests, decentralization can take the form of political, fiscal or administration decentralization. It is estimated that 63 out of 75 countries with a population over 5 million have undergone a major process of decentralization since 1980.[86]

Decentralizing power and resources can contribute to conflict management, as it increases the chances that local citizens, who were previously disenfranchised, can participate more directly in decision making and therefore have more 'buy-in' to the decisions made. Broadening participation in this way also has the potential to create the impetus for more demand-driven pro-poor and development policies. Local communities will also have more direct and easy access to communicate to those in power about what their needs are.[87] As local decision-makers will be closer to the people, they are potentially more receptive to local concerns, which they will take into consideration when making decisions. The potential for better decision making stems not just from locating decision makers closer to those who will be affected by the decisions, but because decentralization harnesses more of a country's social capital in developing nuanced policies. For the purposes of mitigating escalating conflict and poverty reduction, responsiveness of policy making is more important than greater participation; although responsiveness is often predicated on greater participation by the citizenry. Greater responsiveness of policy making has the dual benefit of ensuring decision making takes into account local points of friction and develops more pro-poor and development policies as 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 where conflict is less likely to arise, thereby avoiding violent secessionist movements.[88]

However, experience has shown that there is no guarantee that decentralization will lead to the enfranchisement of previously excluded citizens or result in policies that are necessarily more pro-poor.[89] There are a number of factors that will have an impact on the success of a decentralization process and the importance of these factors will differ depending on the circumstances and the type of decentralization undertaken. Irrespective the circumstances under which decentralization occurs, parliament's legislative and oversight functions are pivotal in ensuring that any decentralization scheme succeeds in overcoming a number of reoccurring obstacles that hamper such schemes, in particular:

---

[85] Crook, C.R. & Sverrisson, A.S. "Does Decentralization Contribute to Poverty Reduction" in Houtzager, P.P & Moore, M. (eds.) <u>Changing Paths: International Development and the New Politics of Inclusion</u> (Ann Arbor: University of Michigan Press, 2003) 234-35.

[86] Lee, Kyu Sik & Roy, Gilbert. <u>Developing Towns and Cities: Lessons from Brazil and the Philippines</u> (Washington D.C.: World Bank, 1999).

[87] Ansell, C. & Gingrich, J. "Trends in Decentralization" in Cain, B.E., Dalton, R.J. & Scarrow, S.E. (eds.) <u>Democracy Transformed?: Expanding Political Opportunities in Advanced Industrial Democracies</u> (Oxford: Oxford University Press, 2003) 142.

[88] AWEPA (European Parliamentarians for Africa) 21.

[89] Livingstone, I. & Charlton, R. "Financing Decentralized Development in a Low-Income Country: Raising Revenue for Local Government in Uganda," <u>Development and Change</u> 32 (2001): 78.

- ▪ Addressing pre-existing power relationships

- ▪ Countering elite capture of the process

- ▪ Defining fiscal relations between the central authority and decentralized decision-makers; and

- ▪ Accountability of localized decision-makers.

Pre-existing 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 as 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.[90] Most often the devolution of political, administrative or fiscal authority to local institutions will require reform legislation; parliamentarians can seek to ensure that any legislation passed by parliament is designed to address pre-existing power relationships during the review process and parliamentary debates.

Another obstacle to the success of decentralization schemes is the potential for elite capture, which merely reinforces and entrenches the status quo.[91] If the objective of decentralization is to promote pro-poor policies and accommodate broader interests in decision making, elite capture should be avoided. Decentralization schemes often result in elite capture when central authorities only negotiate implementation with local authorities, rather than the community as a whole, or when pre-existing local spheres of authority are used as the basis for the devolution of political, administrative or fiscal power. Parliamentarians who wish to see decentralization contribute to poverty alleviation and conflict management should use parliament's legislative review process to ensure enabling or implementing legislation does not facilitate elite capture. For instance, in 1978 the Communist Party of India won the general elections in the state of West Bengal. West Bengal was traditionally a stronghold of the Congress Party and in order 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. The strategy employed by the new government was to decentralize the implementation of government programs to village councils and encourage poor 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.[92]

One of the major criticisms of the West Bengal case was that the benefits of participation were tempered as the decentralization scheme sought to devolve responsibility for implementation of state government programs rather than empowering the poor to contribute more directly to policy formation.[93] If the decentralization scheme intends for local participants to do more than implement government policies, it is important to promote local capacity building to ensure local decision-makers are able to formulate policies that are responsive to local needs. Failure to build local capacity in lieu of established elite structures prior to implementing a decentralization scheme could result in greater instability. Capacity building can also be used to bring together disparate local groups in order to build relationships and entice them to be more accommodating of each others' interests.

---

[90] Crook, C.R. & Sverrisson, A.S. 235.

[91] Smith, B.C. <u>Decentralization: The Territorial Dimension of the State</u> (London: Allen & Unwin, 1985) 193.

[92] Crook, C.R. & Sverrisson, A.S. 240-42.

[93] Crook, C.R. & Sverrisson, A.S. 242.

Parliament can exert influence directly on the decentralization process by helping define the fiscal relationship between the central and local authorities. The fiscal relationship is at the core of any decentralization process and must be clarified from the outset. The allocation of resources will impact directly on 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."[94] 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."[95] This resulted in expanded responsibility of local governments for service delivery coupled with more freedom to raise revenue. However, the tax raising capacity of the local governments was not equal to the responsibilities devolved by the central government, thereby jeopardizing the objectives of the decentralization scheme.[96]

Another means through which parliaments can impact a decentralization process and ensure that it succeeds in achieving its stated objectives is through its accountability function. Responsive decision making will not automatically flow from increased citizen participation or increasing the representation of the poor and disenfranchised unless it is couple with greater accountability. There can either be bureaucratic accountability whereby bureaucrats are held accountable to parliament or the elected representatives are held accountable to the people through regular free and fair elections.[97] Parliaments play a prominent role in providing whichever form of accountability is required for the type of decentralizations scheme implemented.

---

[94] Crook, C.R. & Sverrisson, A.S. 237.

[95] IMF in Livingstone, I. & Charlton, R. 78.

[96] Livingstone, I. & Charlton, R. 77.

[97] Crook, C.R. & Sverrisson, A.S. 238.

8.   Regional Parliamentary Peacebuilding

Parliamentarians across regions face similar hurdles when using their position and the institution itself for the purpose of managing conflict and peacebuilding. One aspect of peacebuilding is developing relationships between actors who can then work together to avert the future escalation of conflict. Parliamentarians are able to forge regional relationships amongst themselves in three ways:

- Developing informal networks

- Joining and participating in professional associations, such as the Commonwealth Parliamentary Association, Inter-Parliamentary Union and PNoWB; and

- Participating in formal regional institutions, such as the East Africa Legislative Assembly and SADC Parliamentary Forum.

Regional or international parliamentary associations provide venues for promoting dialogue, especially when conflict is transnational. Parliamentary associations are uniquely qualified for this purpose as they have specific knowledge as to how parliaments work.[98] Similarly, formal regional institutions promote regional dialogue, build confidence and facilitate learning between members of a region, whilst helping to mediate disputes and provide a neutral space for dialogue.[99] Parliamentarians do suffer some challenges with developing regional relationships, in particular because of the duplication of efforts in some regions and diversion of scarce resources away from other priority areas. 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; parliamentarians are well placed to develop these relationships between one another at a regional level.[100]

---

[98] Inter-Parliamentary Union and United Nations Development Programme

[99] United Nations Development Programme. <u>UNDP Background Paper for Working Group Discussions: Governance in Post-Conflict Situations, UNDP & Chr. Michelsen Institute Bergen Seminar Series 5-7 May 2004</u> 46.

[100] A comprehensive list of Parliamentary Organizations can be found at – World Bank Group, <u>Links to Parliamentary Organizations</u> January 2005 <<u>http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/PARTNERS/EXTPARLIAMENTARIANS/0,,contentMDK:20227786~menuPK:478534~pagePK:64165880~piPK:64165858~theSitePK:464534,00.html></u>

Conclusion

The changing nature of conflict and the increase in intra-state conflict during the 1990s, followed by its slow decline since the turn of the century has shifted the focus away from the resolution of intra-state conflict to examining how emerging conflict can be better managed to avert the incidence of violent conflict. Coupled with this shift in focus has been a reassessment of which institutions are best placed to contribute to managing divergent interests in a society so as to diffuse potentially volatile scenarios and create environments conducive to peace rather than violent conflict. A careful evaluation of the contributions different institutions can make to this new goal suggests that parliaments have an important role to play.

This paper examines how parliaments and parliamentarians in conflict-affected countries can contribute to peacebuilding; however, in order to understand the full array of options open to parliament it is important to understand the correlation between poverty and conflict so as to guard against the creation of an enabling environment prone to the escalation of conflict. A number of strategies have been identified that can assist parliament and parliamentarians either curb the rise of conflict by tackling poverty or manage conflict as it emerges.

Participation, Representation and Reconciliation

Politics is the non-violent means through which parties resolve their differences; however, conflicting parties are unable to resolve their differences if they do have representation or are unable to participate in politics. As the electoral system is the means through which representation in parliament is determined it is important for parliamentarians to ensure that the electoral model chosen in their country facilitates participation and representation by all groups.

A representative parliament is better able to include marginalized groups in parliamentary business, including initiatives undertaken in conjunction with multilateral development agencies. Ensuring that the formulation and implementation of international initiatives are participatory and representative increases the likelihood that they will be sensitive to the interests of divergent groups and potential causes of conflict, thereby contributing to peacebuilding whilst promoting sustainable development.

Parliamentary Functions and Oversight

As a truly representative institution, parliament can start contributing to peacebuilding by making sure parliament functions as a forum for debating issues and providing oversight. The rules of procedure provide the framework via which parliamentarians voice their concerns and debate issues on the floor of parliament, whilst ensuring the focus remains on the issues rather than the actors. Accordingly, parliamentarians should ensure the rules of procedure are fair and applied impartially and use the committee structure to build consensus on issues.

One of parliament's primary functions is providing oversight. Parliament has a number of options at their disposal to improve oversight and accountability through developing the legislative and institutional framework needed to help prevent conflict. In particular, parliament should facilitate the passing of legislation that encourages an informed and accountable democracy, such as access to information legislation, and legislation that pro-

tects fundamental freedoms. Meanwhile, parliament can create the institutional framework needed for oversight and accountability, including the formation of oversight institutions, such as a Public Accounts Committee and parliamentary committees to provide oversight of the security sector.

Dialoguing with Civil Society and Media

Parliament can effectively manage emerging conflict by ensuring legislation and government action is responsive to the needs of all sectors of society. Civil society can act as a reservoir of knowledge on the topics parliament is deliberating on, helping them be responsive to the needs of the community. In addition, civil society, in particular the media, can aid parliament explain to the community the reasons behind parliament's action or inaction; the greater the understanding by the community of the reasons behind parliament's decisions the less likely affected groups will resort to violence to have their needs met. As such, parliament should promote a regulatory environment conducive to a robust civil society and strengthen the lines of communication between itself and civil society through greater legislative-civil society interaction, such as the use of public hearings and electorate visits.

The Role of the Opposition

The opposition can play an important role when the relationship between the executive and sectors of the community has become acrimonious. Opposition parliamentarians can act as a bridge between the conflicting groups and the executive. This is particularly the case in parliamentary systems where the executive is drawn directly from the party that commands a majority in parliament; thereby the opposition party is the only democratically elected group not directly involved in the dispute. Opposition parliamentarians can act as third party intermediaries and instigate confidence-building measures, which are essential preconditions to fostering negotiation among conflicting groups. In such a situation a peaceful solution to an escalating conflict should override other considerations, therefore both the executive and opposition parliamentarians should be willing to put politics aside and work across party lines to resolve the conflict.

Promoting Socio-Economic Equality

The failure to allocate the proceeds of good governance equitably has a twofold effect: first, it creates an environment that is conducive to actors who are motivated by greed, to kindle conflict; and second, if groups do not share in the proceeds of good governance they will have no incentive to continue participating in the political process, therefore may resort to violent conflict. Parliament should seek to ensure the enabling environment is not conducive to actors, who are motivated by greed, fuelling conflict for their own purposes. As such parliament should encourage pro-poor development policies and investment in their country's social capital through education expenditure and facilitate any corresponding legislation needed to achieve these objectives.

Rule of Law

Strengthening the rule of law has a positive impact on economic development, which assists in creating an enabling environment conducive to peace. The rule of law is able to contribute to peacebuilding not only by building a framework of laws, based on social norms, which the community will voluntarily adhere to, but also by providing stability

through justice. The judiciary is one of the primary institutions responsible for state enforcement of the rule of law and also happens to be a key player in managing conflict between different groups in society. Parliament should interact with their constituents and civil society so as to ensure the legislation it passes is a true reflection of social norms, thereby aiding economic development. Furthermore, parliament is in a fortunate position in that it can facilitate the effectiveness and impartiality of the judiciary through their oversight and budgetary processes.

Decentralization

Decentralizing power and resources can contribute to conflict management, as it increases the chances that local citizens, who were previously disenfranchised, can participate more directly in decision making and therefore have more 'buy-in' to the decisions made. Parliament should use its legislative and oversight functions to ensure that any decentralization scheme succeeds in overcoming a number of reoccurring obstacles that hamper such schemes, such as a failure to address pre-existing power relationships; countering elite capture of the process; properly defining fiscal relations between the central authority and decentralized decision-makers; and providing for the accountability of localized decision-makers.

Regional Parliamentary Peacebuilding

Often scarce resources act as a hurdle to developing regional parliamentary relationships. However, parliamentarians, to the extent that they are able, should seek to build regional relationships, whether through informal networks, professional associations or formal regional institutions. Such networks promote regional dialogue, build confidence and facilitate learning about conflict management, whilst helping mediate regional disputes.

There is little doubt that the separation of powers and parliament's relatively strict legislative and oversight function do not give parliamentarians the freedom to contribute to peacebuilding as readily as they may like; however, even considering the constraints imposed by the separation of powers, parliamentarians can still contribute to better governance and inclusive poverty reduction outcomes, thereby facilitating peacebuilding in their communities. This working paper has discussed in broad terms some of the strategies parliaments and parliamentarians can adopt in order to manage emerging conflicts; whether that be via developing better relationships within their communities, supporting institutional reforms that take into account the interests of all stakeholders in an inclusive fashion or by creating an enabling environment, through poverty reduction initiatives, which is conducive to peace rather than conflict. It is hoped that by developing a fuller understanding of the nexus between parliament, poverty and conflict, parliamentarians will be better able to take on the mantle of peacebuilders and guide their communities towards peace.

Bibliography

AWEPA (European Parliamentarians for Africa). <u>Parliament as an Instrument of Peace</u>. Amsterdam: AWEPA, 2001.

Berdal, M. and Malone, D.M. (eds) <u>Greed and Grievance, Economic Agendas in Civil Wars</u>. Colorado: Lynne Rienner Publishers, 2000.

Born, H. & Fluri P. <u>Oversight and Guidance: The Relevance of Parliamentary Oversight for Security Sector Reform</u>. Geneva: Centre for the Democratic Control of the Armed Forces, Working Paper No.114, 2003.

Born, H. Fluri, P. & Johnsson, A. (eds.) <u>Handbook for Parliamentarians No.5, Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices</u>. Geneva: Interparliamentary Union and Centre for the Democratic Control of the Armed Forces, 2003.

Bouchet, N. and Kariithi, N. <u>Parliament and the Media: Building an Informed Society</u>. Washington D.C.: World Bank Institute Working Paper, 2003.

Boutros-Ghali, B. <u>An Agenda for Peace</u>. New York: United Nations, 1992.

Cain, B.E., Dalton, R.J. & Scarrow, S.E. (eds.) <u>Democracy Transformed?: Expanding Political Opportunities in Advanced Industrial Democracies</u>. Oxford: Oxford University Press, 2003.

Commonwealth Secretariat. <u>Commonwealth Principles on the Accountability of and the Relationship between the Three Branches of Government</u>. London: Commonwealth Secretariat, 2004.

Comprehensive Development Framework Secretariat. <u>Comprehensive Development Framework, Meeting the Promise? Early Experience and Emerging Issues</u>. Washington D.C.: The World Bank, 2001.

Commonwealth Parliamentary Association. <u>Recommendations for Transparent Government</u>. Accra: Commonwealth Parliamentary Association, 2004.

Commonwealth Parliamentary Association, Commonwealth Press Union, Commonwealth Journalists Association and World Bank Institute. <u>Cape Town Principles for an Informed Democracy</u>. Cape Town: Commonwealth Parliamentary Association, 2002.

Conflict Prevention and Reconstruction Team. <u>Draft Conflict Analysis Framework (CAF)</u>. Washington D.C.: World Bank, 2003.

Collier, P. and Hoeffler, A. <u>Greed and Grievance in Civil War</u>. Washington D.C.: World Bank Paper, 2001.

Dahl, Robert., Shapiro, Ian & Cheibub, Jose Antonio. (eds.) <u>The Democracy Source Book</u>. Boston: MIT Press, 2003.

Damien, L. Luckham, R. and Von Tangen Page, M. <u>A Goal Orientated Approach to Governance and Security Sector Reform</u>. London: International Alert, 2002.

Freeman, M. <u>Reconciliation in Times of Transition: The Role of Parliaments and Inter-Parliamentary Bodies</u>. Stockholm: International IDEA, 2004.

Galtung, J. <u>Peace by Peaceful Means: Peace and Conflict, Development and Civilization</u>. London: Sage, 1996.

Harris, P. & Reilly, B. <u>Democracy and Deep-Rooted Conflict: Options for Negotiators</u>. Stockholm, International IDEA, 1998.

Heilbrunn, John. R. Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption? Washington D.C.: World Bank Institute Working Paper, 2004.

Horowitz, D.L. "Electoral Systems: A Primer for Decision Makers" Journal of Democracy 14(4) (2003).

---, "Ethnic Conflict Management for Policymakers." Conflict and Peacemaking in Multi-ethnic Societies. Montville J.V. (ed.) New York: Lexington Books, 1991.

Houtzager, P.P. & Moore, M. (eds.) Changing Paths: International Development and the New Politics of Inclusion. Ann Arbor: University of Michigan Press, 2003.

International Institute for Democracy & Electoral Assistance. Research and Dialogue on Political Parties. Stockholm: International IDEA, 2004.

Inter-Parliamentary Union and United Nations Development Programme. Summary of Discussion: Meeting on Enhancing the Role of Parliaments in Conflict/ Post Conflict Settings. Geneva: Inter-Parliamentary Union, 2004.

Kritz, Neil. Testimony before a joint hearing of the Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Property Rights; and the Senate Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, 25 June 2003. Washington D.C.: U.S. Institute of Peace, 2003.

Lee, Kyu Sik & Roy, Gilbert. Developing Towns and Cities: Lessons from Brazil and the Philippines. Washington D.C.: World Bank, 1999.

Lijphart, A. Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries. New Haven: Yale University Press, 1999.

Livingstone, I. & Charlton, R. "Financing Decentralized Development in a Low-Income Country: Raising Revenue for Local Government in Uganda" Development and Change 32 (2001).

Lund, M. Preventing Violent Conflict. Washington D.C.: United States Institute of Peace Press, 2001.

Miall, H., Ramsbotham, O. & Woodhouse, T. Contemporary Conflict Resolution: The prevention, management and transformation of deadly conflicts. Cambridge: Polity, 2003.

Organisation for Economic Cooperation and Development. Security System Reform and Governance: Policy and Good Practice. Paris: OECD Development Assistance Committee, 2004.

Reilly, B. Democracy in Divided Societies: Electoral Engineering for Conflict Management. Cambridge: Cambridge University Press, 2001.

Reynolds, A. and Reilly, B. et al. The International IDEA Handbook of Electoral System Design. Stockholm: International IDEA, 1997.

Robert D. "The Rule of State Law and the Rule-of-Law State: Economic Analysis of the Legal Foundations of Development, 1997." Annual World Bank Conference on Development Economics 1996. Washington D.C.: The World Bank, 1996.

Sisk, T. "Choosing an Electoral System: South Africa Seeks New Ground Rules" Journal of Democracy 4(1) (1993).

Smith, B.C. Decentralization: The Territorial Dimension of the State. London: Allen & Unwin, 1985.

Stapenhurst, R. and Pelizzo R. "A Bigger Role for Legislatures" <u>Finance and Development</u> 39(4) (2002).

Stewart, F. and Fitzgerald, V. <u>The Economic and Social Consequences of Conflict</u>. Oxford: Oxford University Press, 2000.

United Nations. <u>A More Secure World: Our Shared Responsibility (Report of the High Level Panel on Threats, Challenges and Change)</u>. New York: United Nations, 2004.

---, <u>U.N. Basic Principles on the Independence of the Judiciary</u>. Milan: United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1985.

United Nations Development Programme. <u>UNDP Background Paper for Working Group Discussions: Governance in Post-Conflict Situations, UNDP & Chr. Michelsen Institute Bergen Seminar Series 5-7 May 2004</u>. Bergen: United Nations Development Programme, 2004.

---, <u>Human Development Report 2002: Deepening Democracy in a Fragmented World</u>. New York: Oxford University Press, 2002.

---, <u>Human Development Report 2004: Cultural Liberty in Today's Diverse World</u>. New York: Oxford University Press, 2004.

Van Eekelen, W. F. <u>The Parliamentary Dimension of Security Sector Reform</u>. Geneva: Centre for the Democratic Control of the Armed Forces Working Paper No.120, 2003.

World Bank Conflict Prevention and Reconstruction Team. <u>Draft Conflict Analysis Framework (CAF)</u>. Washington D.C.: World Bank, 2003.

World Bank Institute. <u>The Right to Tell: The Role of Mass Media in Economic Development</u>. Washington D.C.: World Bank Institute, 2002.

World Bank Institute and Commonwealth Parliamentary Association. <u>Observations from Study Group on Parliaments in Conflict-Affected Countries</u>. Washington D.C.: World Bank Institute, 2004.

Wehner, J. <u>Back from the Sidelines? Redefining the Contribution of Legislatures to the Budget Cycle</u>. Washington D.C.: World Bank Institute Working Paper, 2004.

Treaties, Charters and Declarations

<u>African Charter on Human and Peoples' Rights</u> 1986.

<u>Commonwealth Harare Declaration</u> 1991.

<u>European Convention on Human Rights</u> 1950.

<u>International Covenant on Civil and Political Rights</u> 1976.

<u>United Nations Declaration on Human Rights</u> 1948.

<u>United Nations Millennium Declaration</u>. 2000.

World Bank Institute Working Papers in the Series on Contemporary Issues in Parliamentary Development

During the 1990s, more than a quarter of the countries around the world revised their constitutions to include an expanded role for their legislatures. To promote a better understanding of issues affecting parliamentary development, a special Series of World Bank Institute Working Papers has been launched in order to promote and disseminate recent research and analyses by academics and practitioners on contemporary issues in parliamentary development. These Working Papers are typically written as materials for World Bank Institute seminars, workshops and study groups for parliamentarians, or reflect the deliberations and outcomes of such activities. The Series includes the following Working Papers:

Anti-Corruption Commissions: Panacea or Real Medicine to Fight Corruption *by* John Heilbrunn

Back from the Sidelines: Redefining the Contribution of the Legislatures to the Budget Cycle *by* Joachim Wehner

Budget Institutions and Fiscal Responsibility: Parliaments and the Political Economy of the Budget Process *by* Carlos Santiso

E*Parliament: The Use of Information and Communication Technologies to Improve Parliamentary Processes *by* Tess Kingham

Legislative Ethics and Codes of Conduct *by* Rick Stapenhurst and Riccardo Pelizzo

Parliament and Access to Information: Working for Transparent Governance *by* Toby Mendel

Parliament and the Media: Building an Informed Society *by* Nicolas Bouchet and Nixon K. Kariithi

Parliament in Governance *by* John Johnson

Parliamentary Libraries, Institutes and Offices: Sources of Parliamentary Information *by* Robert Miller, Rick Stapenhurst and Riccardo Pelizzo

Parliaments and the PRSP Process *by* K. Scott Hubli and Alicia Mandaville

Parliaments as Peacebuilders: The Role of Parliaments in Conflict-Affected Countries *by* Mitchell O'Brien

Trends in Parliamentary Oversight *Edited by* Riccardo Pelizzo, Rick Stapenhurst and David Olson