

**STRENGTHENING PARLIAMENTS
IN CONFLICT AND POST-CONFLICT SITUATIONS.
Drawing on some experiences from Africa.**

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I. INTRODUCTION.

a. 'Discovering' Parliament.

Reducing violent conflict has become a key concern in the post-Cold War era. In the search for national actors that can play a key role in preventing or mitigating violent conflict, and restore governance and durable peace, the international 'peacebuilding' agenda in the past 15 years has mostly focused on the executive branch of government (seeking to promote 'good governance') and on 'civil society' (seen as a set of national actors that can provide some counter-balance to the executive). A fairly persistent blind spot for international -but possibly also for national actors- have been parliaments. One reason for this may be that it was simply subsumed under 'government', another that in various countries parliaments have not been very independent and effective. Recently however it seems parliaments have been rediscovered, or simply 'discovered' (see box 1). The current atmosphere then is one of enthusiasm about the much stronger role they can play in preventing and ending violent conflict, in poverty reduction, promoting a democratic culture and durable peace.

Two observations are pertinent at this point:

- The 'sudden' enthusiasm for parliaments can inadvertently give rise to the impression that the executive has no role to play, or worse, would actually be 'part of the problem'. Such impression let alone conclusion would be misplaced. The executive clearly has the primary responsibility to govern the country and ensure that conflicting interests do not lead to widespread violence. Too enthusiastic and exclusive international assistance to parliament also risks stimulating an antagonistic relationship between parliament and the executive, in the same way that international assistance unwittingly can catalyse an antagonistic relationship between 'civil society' and 'government'.
- The same enthusiasm can also give the impression or lead to the expectation that an effective parliament engaged in preserving or restoring peace, will be the solution to all problems. This too would be misplaced. Parliament and parliamentarians have important roles to play, but in conjunction with other governance institutions and civil associations. A well functioning society and governance system is one that has a strong executive, a strong parliament, a strong judiciary and a strong civil society. It is the effective and constructive interplay between these different socio-political forces and structures that can mediate conflicting interests – not the reliance or predominance of one or the other.

Box 1.

Without any claim to exhaustiveness, here are some of the institutions, networks, initiatives and activities related to a stronger role for African parliaments in directly or indirectly promoting peace and development:

- ❑ Pan-African Parliament as organ of the African Union (www.africa-union.org/organs/Pan-African_Parliament.htm), currently still with only advisory powers but in future it should get legislative powers and its members should be elected;
- ❑ Southern Africa Development Community Parliamentary Forum (www.sadcpf.org)
- ❑ Parliamentarians' Forum for NEPAD (www.undp.org/surf-wa/nepad/parliamentarians/)
- ❑ AMANI Forum – Great Lakes Parliamentary Forum on Peace (no website)
- ❑ African Parliamentarians' Network Against Corruption (APNAC) (www.parlcent.ca/africa/APNAC/index_e.php & www.apnacafrica.org)
- ❑ 1999 Seminar on the Rights and Duties of the Opposition in Parliament, in Gabon (web)
- ❑ 2001: SADC Parliamentary Forum report on 'Norms and Standards for Elections in the SADC Region.
- ❑ 2003 Regional Parliamentary Conference on Small Arms Reduction, in Kenya
- ❑ 2004 Delegation of Pan-African Parliament to Darfur, Sudan
- ❑ late 2004-early 2005: Workshops in Sierra Leone, Ghana, Cameroon, the Gambia and Nigeria on Strengthening Legislatures in Commonwealth West Africa
- ❑ 2005 Nairobi Parliamentary Action Plan for Peace in the Great Lakes Region resulting from AMANI/AWEPA conference on Parliamentary Democracy and Peace in the Great Lakes Region
- ❑ 2005: finalisation of a SADC PF Handbook on Handling Election-Related Conflicts.

Among the prominent international assistance agencies and institutional networks seeking to strengthen parliaments in Africa (and elsewhere) to play more and more effective roles related to peace and development, we can mention:

- ❑ Commonwealth Parliamentary Association (www.cpahq.org) with among others a West African Parliaments Programme
- ❑ AWEPA: European Parliamentarians for Africa (www.awepa.org)
- ❑ Inter-Parliamentary Union (www.ipu.org)
- ❑ World Bank Institute, with its Parliamentary Strengthening Programme
- ❑ UNDP's Global Parliamentary Strengthening Programme
- ❑ Africa-Canada Parliamentary Strengthening Programme

Undoubtedly the Assemblée Parlementaire pour la Francophonie (www.assnat.qc.ca/apf) which regroups 74 parliaments from across the globe, also has programmatic activities focused on Africa.

Some recent events and resources, specifically on the roles of parliament in conflict management and peacebuilding are:

- ❑ 2004 Seminar in Sri Lanka on the Role of Parliament in Conflict-Affected Countries
- ❑ June 2005 Wilton Park seminar on "Promoting Good Governance and Development in Conflict-Affected Countries: the role of parliament and government"
- ❑ AWEPA report: The New Parliamentary Peacebuilding Paradigm in Africa (draft)
- ❑ World Bank Institute report: Parliaments as Peacebuilders: The role of parliaments in Conflict-Affected Countries. By Mitchell O'Brien (draft)

b. The Wider Research Project.

This paper is part of a wider research project “Strengthening Parliaments in Conflict / Postconflict Situations”. The purpose of the overall research project is to contribute to a broad-based discussion on the actual and potential roles of parliaments with regard to conflict management, and the formulation of recommendations on how the international community can better support parliaments to play such roles. The research project is part of the “Global Parliamentary Strengthening Programme” that was initiated in 1999 by the Democratic Governance Group of UNDP’s Development Programme. The research project is actively supported by the Inter-Parliamentary Union.

c. Sources for this Paper.

The research process combines case studies and working seminars, first along geographical lines, and then with a global scope. The current draft of this paper draws primarily on

- 6 fully fledged case studies (Liberia, Sierra Leone, Zimbabwe, Burundi, Rwanda and Somalia) with additional but much briefer information relating to Congo Brazzaville and the Democratic Republic of Congo,
- a ‘technical’ seminar on 11-12 June in Nairobi that brought together most of the case study researchers, a member of IPU, several UNDP colleagues including two acting as managers of parliamentary support projects, and two governance advisors from different UNDP Sub-Regional Resource Facilities, as well as – briefly, a member of the secretariat of the Great Lakes Parliamentary Forum on Peace (AMANI),
- some WSP International experiences of working with parliamentarians in the context of a broader ‘national dialogues’ and/or ‘democratisation’ project/process,
- a series of additional resource materials mostly drawn from debates and reflections in Africa, or referring to the potential role of parliament as a peacebuilder.¹

¹ More specifically: Recommendations generated at recent meetings in five West African states, organized by the Commonwealth Parliamentary Association (CPA) as part of its ‘West African Parliaments Programme’; the “Guidelines on the Rights and Duties of the Opposition” produced at a 1999 meeting in Gabon, with facilitation from the Inter-Parliamentary Union (IPU); “Norms and Standards for Elections in the SADC region”, produced by the SADC Parliamentary Forum in 2001 and “Ten Years of Strengthening Parliaments in Africa 1991-2000” by the Inter-Parliamentary Union. Moreover use was made of two papers in draft form, one from the World Bank Institute (WBI) on “Parliaments as Peacebuilders’ and one from AWEPA (European Parliamentarians for Africa) on “The New Parliamentary Peacebuilding Paradigm in Africa”; as well as the observations by a Study Group on the Role of Parliament in Conflict-Affected Countries (involving CPA and WBI) based on a 2004 seminar held in Sri Lanka, and the draft report of a 2005 Wilton Park conference on the role of parliament and government in promoting good governance and development in conflict-countries. IPU also kindly made available a summary of a research paper in-the-make on parliamentary immunity.

- a seminar by UNDP-IPU in Geneva on 20-22 July bringing together participants in the research, UNDP colleagues, and parliamentarians from different continents and countries.

While very rich, the sources that this draft draws on also contain some important “gaps”. This is inevitable given the time and resource constraints of any research project. Among the more obvious ones we can mention:

- The empirical basis is small: there is a large number of African countries that have experienced conflict (e.g. Angola, Mozambique, Chad, Niger, Sudan, Algeria) and the limited number of case studies that can be produced within the constraints of the project cannot capture the much larger richness of experiences in Africa and what can or has been learned from them;
- Limitations in the historical and legal-cultural analyses: The case studies or discussions have not sought to capture whether the governance models and legislative legacies of say the Portuguese, British, Belgian and French colonial empires have a significant influence on the governance institutions, including parliament, and on the political culture (in Cameroon for example, reconciling the French and British legacies can at times be a real challenge). Neither has there been any significant reflection on the possible influence of Islam on governance (taking into account that Islam does not distinguish between ‘religion’ and ‘politics’), which certainly seems a consideration that is relevant for much/most of northern Africa – where we have seen quite a bit of conflict as well. The historical analyses of parliamentary experiences case studies also focus on the national political dynamics and do not refer e.g. to the Cold War and how the superpower rivalry impacted on governance and governance institutions in Africa.
- Scope of potential topics to consider: Peace or violent conflict and the performance of parliament and parliamentarians in that regard touches on all aspects of society, and within the constraints of the project it again is not possible to address them all in detail. To give just a few illustrative examples: the case studies and collective discussions have not paid dedicated attention to e.g. the challenge of democratic control of the armed forces and security sector reform; trade regimes and the poverty/conflict implications of terms of trade; corruption; high value natural resources and their national and international exploitation (oil, diamonds, gold, tropical timber etc.) and what this might mean for parliamentarians; the strength of party dominance over MPs (party whip!) etc. The consolidated list of observations and recommendations (Annex) however draws attention to some of these themes.
- The reflected experience of parliamentary networks: It has not been possible within the constraints of this research project to access the reflected experience of some global but also African parliamentary networks and associations²

² Even though a colleague of the AMANI secretariat was briefly present in the Nairobi meeting, he did not have the opportunity to provide us with an additional insightful ‘case study’ of a regional network of parliamentarians.

- The reflected experience of parliamentary strengthening programmes: It has also not been possible, so far, to access critical reviews or evaluations of parliamentary strengthening programmes or projects in Africa.

In short, this report draws on some experiences from Africa but in no way pretends to be a ‘representation’ of the performance of parliaments in Africa in any generalizing sense.

II. CASES OF PROBLEMATIC EXPERIENCE?

A reading of the available case studies cannot but lead to the impression that in those particular instances considered in more depth, parliaments have been weak in the period of escalating conflict, have themselves been divided by conflict and sometimes even complicit when violence occurred.

‘Complicity’ can mean: e.g. remaining silent in the face of a coup d’état and the dismantlement of the rule of law, or about human rights violations in the country; enacting laws that seem to legalise abuse of executive power or grant immunity to those who are responsible for much blood shed.³ This tendency is clearly much very marked in one-party states - but parliaments may have been unable or unwilling to resist the abolition of the multi-party system (e.g. in Sierra Leone), often in violation of the constitution or preceded by specific interest driven constitutional changes. Often the analysis seems to be that the parliament has tended to be overshadowed by the executive. A key word used in that regard is ‘rubber stamping’ (e.g. the argument is made that the Liberian National Legislature has been essentially a ‘rubber stamp parliament’ since the late 1940s, and certainly during the Sam Doe and the Charles Taylor years).

In some instances, such as in Sierra Leone or with the Puntland regional administration in northeast Somalia, parliaments have tried to assert some degree of ‘independent’ position, though with fluctuating confidence and success. In a few cases, such as Burundi and northwest Somalia / Somaliland, the more recent parliaments have managed to retain a bit more autonomy from the executive, and at times have asserted themselves towards the latter. Also the current Rwandan parliament is seeking to exercise its core functions, including that of oversight of the executive.

Where the previous and sometimes also current parliaments in our case studies have shown weaknesses in terms of both limited effectiveness and limited legitimacy, the researchers fairly consistently point at a variety of factors to explain these.⁴ These factors can be analytically grouped as:

- a. Internal, e.g.
 - MPs with limited competence – and sometimes limited motivation; ‘competencies’ here is a broad term to understanding the public policy issues, the functioning of the branches of government but also mediation and negotiation skills..

³ See also the regional analysis from Asia & Pacific Region and from Eastern Europe and the CIS.

⁴ See also Summary Workshop Report Nairobi meeting 11-12 June 2005 p.6

- MPs poorly remunerated so they can only dedicate themselves to parliamentary work part-time;
 - MPs themselves with poor understanding of the roles parliament should play, and the responsibilities and authority it constitutionally has;
 - Insufficient or no ‘thematic support’ staff;
 - ‘Support’ staff are political appointees and not themselves ‘thematically’ competent;
 - no information capacity (in-house resource center and computers and internet access);
 - no outreach capacity (motivation, competence): e.g. transport and per diems for constituency relations, but also no communication strategy and/or motivation
- b. Procedural, e.g.
- the electoral system is such that it does not maximize the ‘representation’ of the diversity of interest groups in society (first-past-the-post), and / or promotes loyalty to the party rather than a constituency (voters vote for block lists drawn up by the party);
- c. The political system and the political configuration, e.g.
- clearly a one-party state favours even more an overpowering executive, as there is no official ‘opposition’;
 - the constitutional architecture e.g. parliamentary democracy or presidential system: in the first system the executive is more dependent on the support of the parliament than in the second;⁵
 - an authoritarian executive that intimidates parliament and uses its control of the parliamentary budget as instrument of leverage;
 - tight party control over MPs, not allowing any ‘independence’ (party whip)
 - weak and dependent judiciary (esp. constitutional or supreme court), no auditor-general office or controlled by the executive etc.
 - weak or intimidated civil society organizations;
- d. The political culture:
- Public office is seen as an opportunity for personal enrichment and power
 - ‘winner takes all’ mentality
 - no political culture of open debate, obedience to the leadership emphasized
 - elitist attitudes, averse to broader participation
 - habit of secretiveness, no transparency

Once again these rather bleak analyses certainly do not reflect the diversity and richness of experiences in Africa. More multi-dimensional and richer analyses, focusing more explicitly on e.g. the nature of the colonial legacies, the influence of outside powers during the Cold War decennia, and of global trade and resource extraction channels,

⁵ This point is also made in the regional paper on Asia & Pacific.

would certainly already lead to a more nuanced analysis of ‘responsibilities’ for the problematic performance of some of these parliaments. Additionally, the sample of case studies introduces a distortion by focusing on countries that have experienced destructive violence. There is no comparative set of case studies on countries that have not collapsed into violence (e.g. Malawi, Tanzania, Botswana, Tunisia, Mauretania), perhaps thanks (also) to the effective conflict-prevention role of their parliaments. In other countries (e.g. Benin, Uganda), parliaments have become very active in the campaign against corruption.

Still, these specific case studies show that the current enthusiasm for a stronger role of parliament as peacebuilder in certain contexts may have to be set against a backdrop of a disappointing to very negative experience (weak at best-compromised and even complicit at worst).

III. ROLES FOR PARLIAMENTS AS PEACEBUILDERS.

Notwithstanding, it was highly encouraging to see that the case studies and especially the discussions at the Nairobi seminar provided examples and certainly strong support for the affirmation that parliaments in Africa could play more and stronger roles with regard to constructive (i.e. nonviolent) conflict management and peacebuilding.

Table 1 attempt to capture this under 8 roles – with some illustrative questions or commentary for each role heading:

The first three roles, oversight of the executive, legislative and representational, are the ‘classical’ roles that parliament is most commonly (and often also formally as per the constitution) expected to play. The overall suggestion is that parliamentarians adopt a much clearer conflict-and peace impact perspective in this regard. The other roles, particularly the involvement of parliament in controlling the manipulation of diversity, in war and peace making, in diplomacy with regional neighbours and international actors, and in dealing with the ‘memory’ of conflict, are more directly framed in terms of conflict management.

Clearly it is possible to ‘subsume’ the role of ‘controlling the manipulation of diversity’ under that of ‘representation’, and that of debating the socio-economic challenges and the policies and programmes to respond to them under the ‘oversight’ heading. This would then actually become illustrations of ‘oversight’ and ‘representation’ being done with an acute ‘conflict and peace’ perspective.

Yet at this point our concern is not to have the most coherent analytical presentation, but to highlight and elaborate on the various ways in which parliaments in Africa can – and are expected to- make a positive contribution to the constructive management of conflict.

Table 1:

ROLES	ENHANCING THE PEACE AND DEVELOPMENT DIMENSIONS
Oversight of the	Budgetary oversight: The allocation of public resources has important war and

executive	<p>peace implications: how much goes to ‘defense’ versus human capital and employment creation; are there groups or regions that are marginalized; whom is the revenue raised from etc? The parliamentary commission dealing with the budget has a key role to play.</p> <p>Some of the key issues:</p> <ul style="list-style-type: none"> - should it only debate the budget presented to it for approval by the executive, or already get involved at the time of budget formulation and even put the question of public revenue raising strategies on its agenda? - the committee can benefit a lot from an Auditor-General office with sufficient independence from the executive; - the committee can seek wider public participation in its deliberations (e.g. inviting submissions from civil society organizations) and encourage more public debate e.g. through the media; - the committee can seek information and analysis from independent and respected research centers... <p>Security sector reform and democratic control of the armed forces: A parliamentary committee on these issues looks not only at budget allocations, but also the various mechanisms to strengthen democratic control over the armed forces (see IPU-DCAF Handbook)</p> <p>Corruption: Inasmuch as corruption also undermines integrity in public office and the rule of law, combating corruption is one element in reducing the risk of greed and / or grievances fueling violent conflict.</p> <p>The oversight function can further be strengthened by other ‘portfolio committees’ (a cross-party committee for every Ministry with a portfolio), and by finding a way of functioning that allows space for the opposition.</p> <p>Civic education, notably on the intended checks and balances in the political system, and the responsibilities of different entities in that regard, can also contribute to greater public interest in monitoring the executive. What role for parliament with regard to civic education?</p>
Legislative	<p>The role of parliaments in not only to approve legislative initiatives from the executive – parliamentarians themselves can be law-makers. They have a role to play e.g. with regard to legislation required for the national implementation of international treaties the country has signed up to (e.g. Ottawa Agreement on Landmines, CEDAW, Human Rights instruments...) and for the national implementation of Security Council Resolutions.</p> <p>Legislative work by parliament can help establish and protect freedoms and rights, this includes monitoring of human rights violations and holding the executive to account if it is implicated. It also has a role to play in protecting the independence and effectiveness of the judiciary, including the authority of a constitutional or supreme court.</p> <p>It also has a role to play with regard to ‘transitional justice’.</p>
Representational	<p>The electoral system as much as the pattern of voting have an influence on the composition of parliament and how representative it is of the diversity of interests within society. For parliament to fulfill its ‘representational’ role, MPs need to actively maintain constituency relations, and not be totally subjected to party discipline. There is a role here for reflection about the electoral system (and collaboration with an Electoral Commission) and for active dialogue with professional and civil society organisations. An issue here is also better gender balance among parliamentarians.</p>

	<p>An important element here however is the political culture, and whether or to what degree the MP sees his or her role as representing citizens. The presence, composition and links to wider society of a ‘political class’ is an element to take into consideration here.</p> <p>The representational dimension of parliament can also conflict with the practice of ‘power-sharing’ whereby the parliamentary dynamics is shaped by intra-elite considerations much more than representational concerns.</p>
Socio-economic challenges and responses	<p>Can parliament act as a forum to debate the socio-economic challenges, and poor, marginalised or discriminated against interest groups?</p> <p>Can parliament debate and act as watchdog on the socio-economic development priorities and strategies and how they impact (or not) on the key problems and on poor, marginalised and discriminated interest groups?</p> <p>This would cover national priorities, policies and strategies (or the lack thereof) as well as the internationally sponsored assistance frameworks (MDG, PRSP, UNDAF...), and the use and effectiveness of foreign ‘development aid’.</p> <p>Parliamentarians can also ground their knowledge and interest on this, by close engagement with the socio-economic trends and with development projects in their constituencies.</p>
War and peace making	<p>Can parliamentarians act as ‘early warning’ system, drawing attention to tensions in their constituencies?</p> <p>What role for parliaments with regard to internal or inter-state military actions?</p> <p>Can and should parliamentarians connect with regional bodies and networks, together with the executive or also separately as MPs, regarding questions of war and peace?</p> <p>What role for parliamentarians in peace negotiations, in ratifying peace agreements, and in overseeing they are respected and implemented?</p> <p>Is there a role for parliament to suggest approaches to deal with certain impacts of war (e.g. land disputes, confiscated properties, ex-child soldiers...)</p>
Parliamentary diplomacy	<p>A country experiencing violence quickly acquires a negative image, and loses the confidence not only of investors but also of foreign assistance actors. The absence of active regional or international engagement may reduce the chances of national actors to reverse the situation. The executive may be in disarray or seen as partially responsible for the escalation of violence – parliamentarians can play a role in engaging regional and international actors to restore a more positive image and encourage their re-engagement.</p>
Controlling the manipulation of diversity	<p>“The problem is not diversity but the manipulation of diversity.”</p> <p>What can parliaments do in this regard, both in the composition of parliament (broadest possible representation through the electoral system reserved seats..?), in debating themselves groundrules around various forms of ‘group-politics’ (‘traditional’ and ‘modern’ group criteria, and the tactical uses of both!) and, as well as setting an example in their own behaviour and in basic groundrules as expressed in their internal rules.</p> <p>What sort of parliamentary ‘culture’ can be developed in relationship to ‘consensus’ – ‘compromise’ – ‘competition’; and in relation to the nature, roles and space for the ‘opposition’ in parliament?</p>
The interpretations of history	<p>Post-war and especially after civil wars, there can be very conflicting interpretations about ‘history’, that cannot be reconciled into a ‘consensus narrative’, even where a Truth and Reconciliation Commission has done its work. These can continue to be a stumbling block to inter-sectoral cooperation within society but also in parliament. Can parliamentarians, again in consultation and possible collaboration with civil society organisations and the executive, play a role in finding a solution (which e.g. will influence how the country’s history is taught at school)?</p>

IV. THE PROFILE OF AN EFFECTIVE PARLIAMENT

In the case studies, discussions and in the other sources referred to are contained a large series of observations and recommendations – most of which confirm and complement each other. These can be analytically organized under four major headings: observations and recommendations relating to the roles of parliament, to its internal functioning, to its human, financial and material resources, and to the relationships parliament can and should seek to entertain with other key actors or agencies in the socio-political arena.

The main observations and recommendations can be summarized as follows:

a. Regarding the Roles of Parliament.

For Parliament to be able to play its roles, it needs to be independent from the executive. A first condition for that independence is that it has a guaranteed and adequate budget and controls its own finances.

The oversight role and authority of Parliament stands confirmed. It is strongly recommended that Parliament devote attention to the socio-economic challenges of the country and to how poverty can be reduced. While poverty is not a direct cause of conflict, widespread poverty and deep inequalities increase the vulnerability of a society to conflict. Oversight of the budget should happen within the light of the socio-economic challenges of the country, and consider the need to reduce poverty and limit inequalities and avoid unequal budget allocations that can fuel grievances that can spark violence. Through this lens, Parliament should look not only at expenditure plans but also at how revenue is raised and then allocated. An independent and competent office of an Auditor-General can be an important support for Parliament in this regard.

Parliamentarians through their behaviour and their legislative authority can and must take a lead in combating corruption.

Parliament also has an important role to play in re-establishing and consolidating democratic control over the armed forces, and in supporting security sector reform if required.

The representational role of Parliament is shaped first of all by the electoral system that determines who gets in Parliament and how seats are allocated. In this regard, electoral fraud has to be combated, as it leads to non-representative outcomes. As elected representatives of the people, MPs have a duty and a responsibility to be aware of and reflect the views and concerns of people in their constituency. They therefore need to regularly and pro-actively interact with their constituency. Parliament is supposed to be the institution that embodies society in the diversity of its composition and its opinions, and which relays and channels this diversity in the political process. Its vocation therefore is to safeguard diversity and pluralism while also regulating tensions in order to enhance

social cohesion and solidarity. The representational role of Parliament also requires active efforts at better engendering the institution, be it in the numbers of women MPs but also the valuation of their contribution, in developing a gender perspective on broad national issues, and in using the Parliamentary responsibilities and authority to address issues of specific concern to women.

Strengthening the rule of law has a positive impact on economic development and on consolidating a democratic culture and governance. Both create an environment conducive to peace. In all of its activities therefore, parliament must strengthen the constitutional order and rule of law, judicial independence and executive accountability.

Parliamentarians can act as ‘early warning’ providers about tensions building up in their constituencies. They can contribute to the prevention or reduction of violence by reaching out to the people in their constituency and promote dialogue. Parliament should be consulted by the executive on all important questions related to ‘national security’. Parliamentarians, including from the opposition, should be involved in peace negotiations, and have a role to play in ratifying peace agreements and overseeing their implementation. Parliamentarians can contribute to conflict reduction through developing and engaging in regional parliamentary networks. Although often based on a power-sharing agreement, transitional Parliaments deserve to be supported, although the status of MP should not provide immunity from prosecution for serious crimes. Parliamentarians have a role to play with regard to truth and reconciliation, and remembrance and commemoration of the violent past.

b. Regarding the Internal Functioning of Parliament.

If Parliament is to exercise a leadership role in a broader conflict prevention and/or reconciliation process, parliamentarians need to be able develop a modicum of trust and work together constructively. To this purpose attention is drawn to the composition of the governing body of the Parliament, the role and attitude of the Speaker, its rules and procedures, the independence of MPs, the rights and duties of the opposition, and the composition and effective functioning of parliamentary committees. No less important, not in the least for the public image of Parliament and MPs and public support, is the need for Parliament to generally work in highly transparent ways. To that effect, parliament and its working must be not only accessible to the public and the media, but parliament is strongly encouraged to develop an active communications strategy.

c. Regarding the Human, Financial and Material Resources of Parliament.

To be able to perform effectively, Parliament clearly needs adequate financial and material resources. Equally if not more important however are the human resources. This refers in the first place to the caliber but also the competences of MPs, their motivation, their self-image and their ability to concentrate on their parliamentary responsibilities through an adequate remuneration. But it also draws attention to the numbers, competences and independence of parliamentary support staff. One step in strengthening

the human resource base of parliament can be the creation or review of the Conditions of Service.

d. Regarding Relationships of Parliament with Other Key Actors or Agencies.

The ability to fulfill its constitutional roles effectively will depend also on the relationships Parliament and Parliamentarians entertain with the executive, the political party authorities, civil society and 'the public at large'.

The relationships with the executive and the political parties are particularly delicate. The role of parliament is to provide oversight and one of checks and balances, but at the same time it has to recognise that the executive has the primary responsibility for governing the country. The challenge is to find a critical but generally constructive role, and to see the opportunities for parliament to bring added value. The relationship with political parties is delicate because most MPs may have come to their position through a political party. That 'dependency' relationship needs to be balanced with a responsibility towards one's constituency, and the independence to vote in accordance with one's beliefs and convictions. Heightened and positive interaction between parliament and civil society organisations can produce mutually beneficial results in respect of early warning, equitable policies, participation, communication, transparency and security.

In addition, parliament can usefully seek complementary roles with other specific ad hoc or standing governance institutions such as a Constitutional Court / Supreme Court, a National Electoral Commission, a Human Rights Commission, a Reconciliation Commission etc.

The Annex provides a much more elaborate listing of all the observations and recommendations encountered, as well as some from the author of this paper that have not appeared in the resources used so far. This annex can be used as a diagnostic tool, and as a basis for developing a plan for strengthening the capacities of parliament and parliamentarians as peacebuilders. The value of this comprehensive listing is that it allows us to consider the capacities, roles and performance of a Parliament in all of its major dimensions – which can help to identify the specific objectives of a parliamentary-strengthening project, and understand the particular focus of that project in a larger framework. The listing is analytically structured but does not intend to suggest a sense of ranking or priorities. What to concentrate on first and how to go about it is and only can be (see Section X) a contextual and sometimes even situational judgment.

The Annex with its 15+ pages of observations and recommendations however is also quite intimidating. Surely nobody would object to a parliament that can meet all these criteria, but it can set the expectations unrealistically high – not in the least for members of Parliament themselves.

V. RELEVANCE OF THE PHASES OF CONFLICT.

It will be noted that the observations and recommendations are not explicitly structured according to the stereotypical 'phases of conflict', i.e. pre- during and post-conflict.

From a 'response' perspective, it may make sense to think in terms of pre-during and post-conflict. Thus it can be argued that parliaments can play an early-warning and defusing role, have a role and responsibility in trying to bring about a cessation of hostilities once violence has broken out, a role and responsibility in ensuring the restoration of well-governed state institutions once an end to the violence has been agreed, and then a role in promoting longer-term durable peace by addressing structural causes of conflict. It is certainly possible to identify and group a number of the observations and recommendations in Annex 1 along those lines.

However, the researchers and discussants at the Nairobi seminar strongly argued that it is NOT helpful to try and conceptualise and strategise a parliamentary strengthening effort along these lines.

First of all, their different case studies all clearly show a decades-long history of problems in the governance structures, where the eruptions into large-scale violence are but indicative of deeper and longer-lasting structural problems. Sierra Leone and Rwanda are good examples. Ostensibly the 'conflict' in Sierra Leone lasted from 1991-2000, but the 'structural conflict' in the country can be traced back to perhaps the first military coup in 1967, and subsequently one-party rule and the development of a highly corrupt patrimonial state. If bad governance and disenfranchisement of youth are seen as root causes of the war in the 1990s then, some observers argue, Sierra Leone today may only have temporary stability. Similarly for Rwanda, there is tendency to focus 'the conflict' on the years 1990-1998 perhaps. But a deeper analysis reveals a history of politically driven violence and massacres that goes back to 1959. The current government in Rwanda remains very concerned about 'divisionist' ideologies, because a resurgence of inter-ethnic violence cannot automatically be considered 'totally impossible'.

Secondly and in a more general sense, the argument can be made that a well functioning parliament, conscious of its own roles, responsibilities and authority is required at any time, that the best way of strengthening parliament in dealing with conflict is to support the development of a generally well-functioning parliament, and that the best time to do so is actually at the time of peace, and not when the country is on the brink of violence, or has already gone over it.

While the first approach will therefore concentrate on observations and recommendations that are very specific to constructive conflict management – once the conflict has (almost) become unmanageable, the second approach will generate a larger set, and argue that in its 'normal' functioning parliament and its members need to remain highly conflict & peace sensitivity, or work with a conflict & peace impact assessment perspective. The argument can be made that the full lists applies for the phase of 'conflict prevention'. Given that the second approach yields a more comprehensive set of observations and recommendations, this one has been chosen in this paper.

There are however a few situations that can only be highlighted if we look at the question through the lens of conflict phases, e.g. peace negotiations and peace agreements and the case of ‘transitional’ parliaments.

With regard to peace negotiations, the emerging consensus was that parliament – as institution- in most instances did not have a role to play, although there were suggestions that sometimes it may make sense to include members of the political opposition (e.g. opposition MPs) in the government delegation to the peace talks, to ensure their buy-in. The recommendations on the other hand favoured explicit reference to parliament in the peace agreement (with the intent of having a strong, representative and independent parliament), and on the important role of parliament to ratify and especially to oversee the implementation of the agreement.

Transitional parliaments are typically the result of a negotiated peace agreement. Its members are not elected but nominated, not on the basis of their competency or commitment but on the basis of a power-sharing deal. The power-sharing is not per se between political parties – in several situations it would be more accurate to speak of politico-military movements. We find ‘transitional parliaments’ in the case studies on Burundi, Somaliland and Liberia, and in the shorter inputs on Congo Brazzaville and the Democratic Republic of Congo. The duration of transitional parliaments is variable. Where there is strong regional and/or international engagement, there usually is a push for parliamentary elections in the not too distant future. The members of the Somaliland House of Representatives however, that were nominated in the Boorame peace conference in January 1993 will only face their first elections in September 2005, 12 years later. When in Uganda the National Resistance Movement led by Museveni achieved victory, there was intense internal debate in the movement and among the members of the transitional parliament it had established when to hold parliamentary elections. The dilemma turned around broadening representation early on and thereby very probably making it more difficult to tackle the dismal economic situation that required very urgent and effective responses, or to retain for a while longer a smaller and coherent transitional parliament, until such urgently required measures would have been passed. In Burundi we see that the ‘transitional parliament’ was comprised of a number of members that were elected in 1993 and who in the absence of new elections stayed on beyond their legal term, plus a substantial number of ‘new’ members nominated as an outcome of the Arusha peace agreement (2000). As a result the Burundian parliament has expanded from one chamber with 81 seats in 1993, to two chambers with 218 deputies and 54 senators by 2005. Such expansion in numbers requires among other things practical adaptations in the way parliament functions. The assessment of the Liberian transitional parliament is highly critical, although the case study also shows that highly focused and sustained efforts by Liberian civil society organisations have been effective in influencing the draft Act on a Truth and Reconciliation Commission, and in having it passed by parliament.

Some of these new ‘parliamentarians’ may have no regard for their responsibilities and their alleged ‘constituency’ and may actually have blood on their hands, and may try to use ‘parliamentary immunity’ as a protection from possible prosecution for war crimes or

crimes against humanity. This can be a reason not to engage a transitional parliament directly in capacity-strengthening support programmes, but focus the efforts and investments on other socio-political forces, e.g. selected civil society organisations, nascent political parties etc. (see also Section VIII). Yet at the same time, it are these members of a transitional parliament that also may have the formal authority to draft or approve a range of vital laws required to facilitate the return to stable government, the rule of law and durable peace. In other words the ‘transitional parliament’ has a major influence in shaping the framework for ‘transition’. From that perspective, it is of vital importance to engage with them as intensely as possible. This again constitutes a dilemma for (national and) international actors, for which there is no prescriptive answer. Contextual analysis and situational judgment will be required.

VI. PARLIAMENTS IN AFRICA OR ‘AFRICAN’ PARLIAMENTS?

If we take the totality of observations and recommendations in Annex 1, and would be able to implement them, we would be very close to an ‘ideal-type’ parliament that many so-called ‘established democracies’ might be jealous of. The individual recommendations – and the total effect of their combination, may furthermore be very much the same as those generated in other parts of the world. Do we then have an ideal-type very much derived from the liberal-democracy model that should be a universal aspiration?⁶

African participants in the research and discussions commented several times that the political concepts (e.g. ‘constituency’, ‘civil society’) we use to discuss this, and this sort of emerging ‘ideal model’ of an effective, independent and constructive parliament, all derive from western political science and political models; there was felt to be a lack of ‘Africa-sensitivity’ to them.⁷ Yet our African colleagues, in their writings and discussions use these very same concepts and articulate observations and recommendations that seem to fit within this ‘ideal’ model.

There is a fundamental and difficult issue here, with operational implications: It is clear that the ‘governance’ concept that international (mostly Western) assistance actors promote derives from Western political theory and its current political practices. In that sense they can be objected to not only for being an ‘import’ but also an ‘imposition’. This observation has also been made by people in Asian countries and Middle Eastern countries. Undoubtedly there is ‘something’ here. The question is what would an ‘African’ aspirational model of parliament look like – and is there even “an” African model in a continent with such historical, regional and cultural diversity?

Africa has –many but also diverse- ‘indigenous’ political traditions. Evidently most of these have been influenced for many centuries by the early penetrations of Islam, during the colonial period and also through further re-interpretations, in practice if not in theory, by Africans since independence. There is a vast body of ‘political anthropology’,

⁶ There are for example a number of books claiming to present a ‘standard’ of parliamentary procedures, which presumably are relevant and valid for parliaments anywhere in the world.

⁷ The comments reflected unease about a possible ‘cultural-political imposition’, not to an alleged interference with ‘sovereignty’.

‘history’ and ‘political science’ writing about Africa (the bulk of it written by non-Africans??), but what would constitute a body of ‘African political theory’, that is ‘authentic’ in that it has not been developed to legitimise the practices of an authoritarian rule or a small ruling (mostly male) elite⁸, and is up-to-date in that it addresses the vastly different challenges and contexts Africans live in today, compared to the pre-colonial period?

There probably is such authentic ‘African political theory’ – but do African political scientists and African parliamentarians for that matter, make use of it? And what practical answers does it suggest to practical problems?

The two most illustrative examples among the case studies of ‘African solutions for African problems’ actually came from the Somali experiences, notably in northwest Somalia / Somaliland and northeast Somalia (Puntland). Since the collapse of the Somali state in 1991, neither of these had seen much western involvement, at least not related to their ‘state building’ efforts. This, as was said, has been a ‘blessing in disguise’, as Somalis in both areas had to take full responsibilities for that ‘governance’ crises, and find solutions for them, or at least those solutions that were feasible, acceptable and functional for them at a given time and for a given period. In both areas, the Somalis continue to reflect on their political systems, and pursue further efforts to improve them. In practice this has meant finding ways of combining very strong ‘clan’ dynamics with modern state institutions and state functioning. Somaliland has gone furthest in trying to reduce the strength of clan-politics (which brings a lot of competition and conflict but also has its conflict-resolution mechanisms) but is now wondering what the competitive politics of political parties will lead to, and how to control and resolve conflicts within that mode?

For national actors, two challenges arise in this context:

- How do they construe or identify and bring to use an authentic African ‘political theory’ and/or ‘political ideology’ that serve the ‘public interest’ of all citizens rather than a small elite or their identity-group base?
- Can they “translate” the concepts of a Western discourse into concepts, expressions, images and a wider discourse that resonates better with those of their own society?
- Africans with political ambitions, just as other peoples in the world, will use different mobilizing discourses and strategies opportunistically. As one of the researchers pointed out: it is not simply a question of Africa being in a ‘transition’ from ‘traditional’ to ‘modern’ political practices. Those with political ambitions will appeal equally to ‘ethnic’ and to ‘citizenship’ identities as and when it suits the circumstances and their interest. There is a conscious tactical use of discourse here. How can national actors draw parameters or develop implicitly or explicitly

⁸ One (male) African participant at the Geneva meeting (July 2005) referred with appreciation to the existence of ‘traditional’ structures of governance and conflict resolution, but another (female) African participant pointed out that ‘traditional’ structures often mean ‘male gerontocracy’. Both are valid observations. This essentially are debates that Africans need to have among each other.

accepted ‘ground rules’ beyond which such tactical shifts in discourse and rhetoric is decided to be inappropriate and unacceptable?

For international assistance actors, this issue raises its own challenges:

- Are they prepared to allow ‘space’ for Africans to debate and to come up with “solutions” that they deem acceptable and workable for them at a given time (politically and culturally achievable at that time)?
- Can the international assistance actor accept to refrain from imposing models but rather engage on fundamental principles and provide parliamentarians adequate exposure to a variety of experiences and systems from which to make their own informed choice?⁹
- How can they distinguish ‘political ideologies’ or discourses that are essentially meant to serve small elite-interests (but which may have popular appeal!), from others that have greater active concern for the ‘public good’, the ‘public’ being all ‘citizens’ of the country? And most importantly, how can they ‘question’ discourses and practices presented as ‘indigenous’ in ways that are both respectful but also legitimately critical?
- Can they foster a true partnership and avoid a patronizing tone that can easily be challenged (e.g. the Cotonou Agreements between the EC and its ACP partners provide an official framework for more direct and open ‘political dialogue’. One can imagine that in that context, the EC (also the biggest aid donor) could challenge an ACP partner country on the independence and performance of its parliament – temporarily forgetting what is perceived within the European Union as a persistent ‘democratic deficit’. The latter is not an argument against such dialogue, but a reminder that a balanced tone may be most appropriate.

It is not the task of this paper to try and resolve what in any case will be an ongoing debate. But it is important to draw attention to the fact that this issue will most likely arise wherever ‘non-African external’ assistance organisations seek to strengthen a parliament in Africa.

VII. NATIONAL OWNERSHIP AND THE SUSTAINABILITY OF PARLIAMENTARY SUPPORT PROGRAMMES.

One way of reducing the likelihood that this ‘debate’ becomes an obstacle for international assistance actors to engage in parliamentary strengthening activities and programmes is to ensure ‘national ownership’. Indeed, the importance of ‘national ownership’ was strongly emphasized by the participants in the Nairobi seminar. The available case study on Zimbabwe provides a clear example of such ‘ownership’, when the Fourth Parliament (1995-2000) embarked upon its own programme of parliamentary reform. External assistance, notably from UNDP, was provided in response to a request from the Government of Zimbabwe, and its specific focus decided following consultation. In northwest Somalia / Somaliland the initiative has not come from the

⁹ This point is taken from the IPU/UNDP assessment of a decade of assistance to parliaments in Africa. Geneva, IPU (2003:40)

members of the House of Representatives. They in fact first failed to produce an electoral law for the constitutionally required parliamentary elections, and subsequently introduced clauses into a draft law produced with the help of an external consultant, that effectively would have postponed those elections for several years. Public protest, and action by some Somaliland civil society organisations, the National Electoral Commission, the President and Supreme Court, were required to remove the clauses that constituted an insurmountable operational obstacle, which then cleared the way for the elections to go ahead, albeit 5 months later than required. In northeast Somalia, it has also been a local research institute cum think tank that is playing a catalyzing role in engaging parliament on constitutional and budget oversight matters. Here too an individual external consultant, a constitutional expert who provided advice when the Puntlanders drafted their 'Charter', is only brought in upon request from the national actors.

International assistance however is typically not framed in terms that easily allow 'local/national ownership'. The dominating framework is that of a 'project' rather than a 'process' – with the demand to determine the objectives and outcomes of the project with quite some precision already during the initial design of the project, and to implement the project as per the design within a given time frame. This is the case not only for more tangible aid projects, but also for many democracy support programmes.¹⁰ Often the result is that the 'project-logic' predominates over the socio-political dynamics, and that the donors through their close 'control' of the project actually remain the 'owners'.

Another practical but also 'ownership' related challenge is that of the sustainability of parliamentary support programmes, notably those that focus on working directly with members of parliament and/or parliamentary staff to increase their knowledge, confidence and skills. If international agencies are the implementing institution for such capacity-strengthening projects, will they be able to continue running those programmes for years on end, delivering them again every time a new set of people enters the parliament? For all practical purposes, but also in light of the objective of strengthening national capacities, it seems more desirable to build such support capacities partially in parliament and also in one or more respected and politically non-aligned national and/or regional institutions. The case study on the Somali experiences shows how in Somaliland and in Puntland much sustained engagement with the Houses of Representatives in both these areas has come from two Somali institutions, the Academy for Peace and Development and the Puntland Development Research Centre respectively.

Finally but not least importantly is of course the whole question of the perceived 'legitimacy' of the 'external' assistance actor. It is quite clear for example that at the moment the British government is not well placed to play a serious role in a bilateral parliamentary strengthening programme in Zimbabwe or the French government in Cote d'Ivoire. In many instances the United Nations will be a suitable framework, but in some cases the UN is not widely accepted in the country as a truly impartial player (e.g. Rwanda, Somalia, possibly also Sudan?). The same may hold for regional organisations who as a whole or through some of its 'heavy weight members' at times have come to

¹⁰ See de Zeeuw, J. 2004: "Projects do not Create Institutions. The record of democracy assistance in post-conflict societies." Paper prepared for the UNU/WIDER conference on 'Making Peace Work', Helsinki

play an important role in a conflict or its resolution (e.g. ECOWAS and Nigeria in the civil wars in Sierra Leone and in Liberia or IGAD and Ethiopia in the current Somali context).

The perceived legitimacy of the external assistance actor, certainly the bigger aid providing countries but also the multilateral institutions, can be seriously enhanced if these assistance actors actually seek to be more accountable to national stakeholders, and to that effect would make available to national parliaments annual reports, reviews and evaluations of their programmes and funding, and how these align to national priorities. They would thereby not only encourage parliament to exercise its oversight function but actually set an inspiring example.¹¹

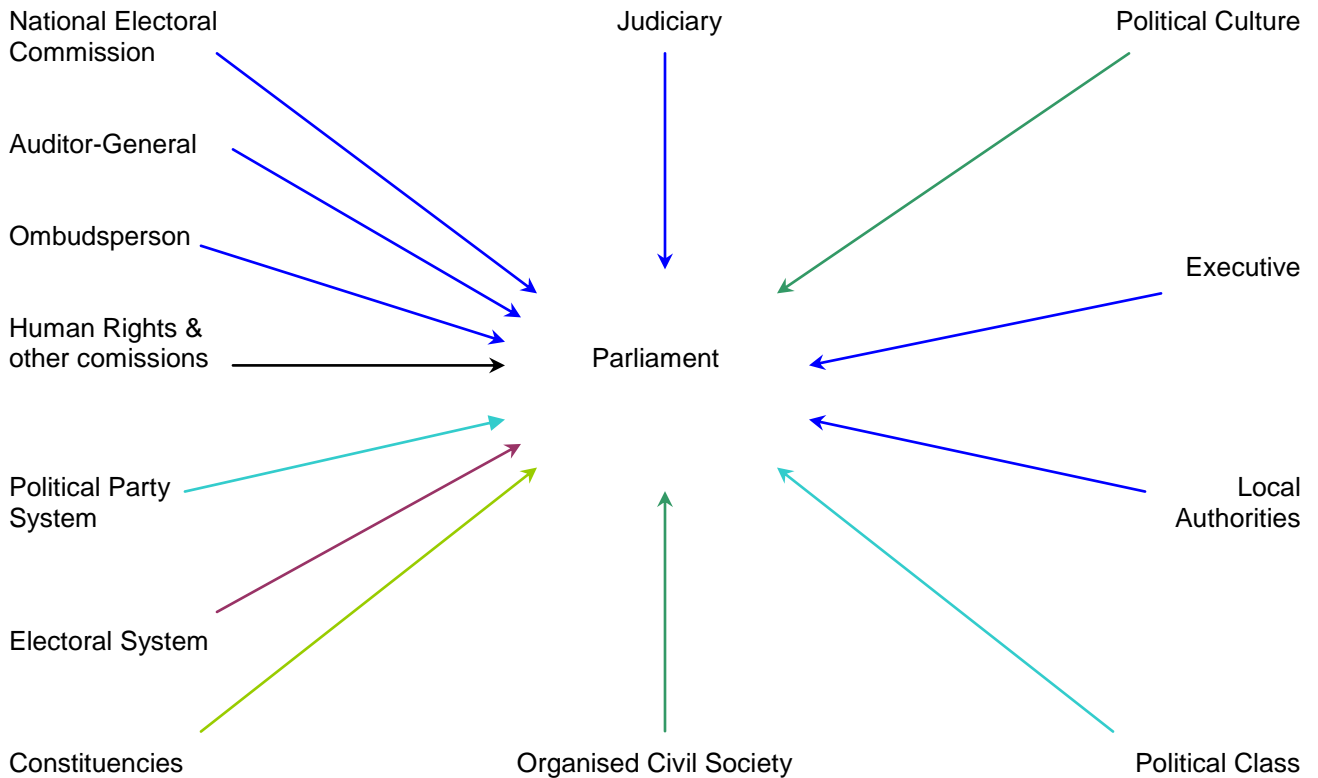
VIII. ONLY FOCUSING ON PARLIAMENT TO STRENGTHEN PARLIAMENT?

Among those who want to ‘strengthen parliament’ there is a natural tendency to design their support with a focus on parliament and its parliamentarians. This is certainly necessary but may not be enough. The performance of parliament is not only dependent on its ‘internal’ factors, its resources, competence and ways of functioning. Parliament, as mentioned before can usefully work with other ad hoc or standing institutions such as the office of an Auditor-General, an Anti-Corruption Commission, a Human Rights Commission, a National Electoral Commission, the media, selected civil society organisations etc. We have also pointed out that the ability of members of parliament to act to the best of their abilities and in accordance with their beliefs can be dependent on the control or influence the political party has on them and/or the existence of and their relationship with a ‘political class’. Finally, the way parliamentarians function and are ‘expected’ to function is also influenced by the prevailing ‘political culture’.¹² In other words for parliament to become more assertive and performing, transformations may have to take place in the wider environment within which it operates. This is visualized in graph 1.

¹¹ This was one of the key recommendations resulting from the final conference in New York in October 2004, that concluded the 15 month long “peacebuilding forum” process, initiated by WSP International and implemented in partnership with the International Peace Academy. The process focused on the sensitive relationship between ‘internal’ and ‘external’ actors and provided a platform for both ‘sides’ to discuss this in a frank manner. See the conference report on www.wsp-international.org (under ‘Outreach and Learning’)

¹² E.g. personality cult rather than support for a programme, a tendency to see and practice politics as a zero-sum game rather than a win-win equation etc.

Graph 1.



This graph and the message it seeks to convey, have important strategic implications. Depending on the given context, it may mean that the strategy pursued to ultimately strengthen parliament does not start out with a programme focused on parliament and its members. In northwest Somalia / Somaliland for example, parliamentary elections are currently being prepared. Those who want to see a stronger parliament in future are currently focusing their efforts on the National Electoral Commission, the political parties and the ‘constituencies’ (through civic education). The purpose is to maximize the chances that the election is free and fair and not seen as fraudulent, that the results are seen as legitimate, that competent and committed individuals are voted for and that there is broad-based understanding that they should ‘represent’ other people’s concerns and interests. Direct programmatic work with the members of parliament is scheduled for after the elections. In Rwanda, the Institut de Recherche et de Dialogue pour la Paix has been facilitating national dialogues / debates, underpinned by research for the past three years in which Rwandans from all walks of life, including members of parliament and Senators, participate. One of the topics of research-debate is ‘democracy’ in Rwanda. Strengthening the Rwandan parliament is not a specific purpose of this project/process but it seeks to influence the overall political culture and in that sense can indirectly create a space within which it becomes easier for Rwandan parliamentarians and Senators to play the roles they are expected to play.

Secondly, it is also quite clear that not all assistance actors can take on programmatic work with all these entities at all levels. In most cases a division of labour will be required – which takes place de facto given the tendency to ‘projectize’ especially international assistance across different ‘implementing’ agencies. What is typically missing however is the overall strategic framework within which different efforts can take place (e.g. one agency pursuing a programme to strengthen political parties, another working to strengthen the capacities of selected national think tanks, a third one working directly with parliament), and active efforts to create synergies between the various programmes.

Box 2.

IPU and UNDP conducted a joint exercise in 2000 to try and assess the nature and impact of almost a decade of support to parliaments in Africa. Among the various findings we note:

- About half of all national parliaments had received some form of donor-funded ‘technical’ assistance.
- Most benefited from one project only, although a number benefited from 2 to 5 projects. The average duration of a project was 2.5 years although several had a programming horizon of 5 years.
- Most were multi-activity projects, encompassing e.g. advisory services, professional development for MPs and parliamentary staff, equipment, infrastructure repairs etc.
- In the earlier years of the decades there was a tendency to prioritise equipment and infrastructure, with donors subsequently shifting interest more to functions and performance, but recipient parliaments continuing to strongly favour the provision of equipment.
- The overwhelming majority of projects were funded through some multilateral arrangement.
- The general tendency with regard training for parliamentarians is for ‘home-grown’ and ‘on-the-job’ training, although the development (and use) of national capacities to support and strengthen the parliament as institution and in its functioning has been slow in getting attention.
- Although throughout that decade recipient parliamentarians began to become increasingly involved in the design and management of the projects, their overall observation was that control was still retained by the donors.

The assessment exercise only considers support projects directly to parliaments, although there is recognition of the fact that many donors have multi-faceted ‘democracy assistance’ programmes that target several institutions or socio-political forces in a country.

Ref. *Ten Years of Strengthening Parliament in Africa 1991-2000*. 2003, Geneva, Inter-Parliamentary Union

Thirdly, the public perception of international assistance actors providing direct support to parliament and parliamentarians can be highly negative in certain circumstances. It is quite understandable that it can be rather controversial (in the national but also the home-

public's opinion) for an international assistance actor to provide substantive resources to parliament and parliamentarians, if the institution or its members are widely perceived as ineffective and self-serving. Such programmatic support can be even more controversial if there is widespread poverty and misery among the population as a result of violent conflict, and certainly if members of parliament are seen to share responsibility for the violence and resulting misery. In such context, it may be very difficult 'politically' to directly support parliament.

IX. THE BIG STRATEGIC CHALLENGES.

The following big strategic questions seem to arise from the above reflections:

- How to transform an ineffective / compromised parliament into an independent, effective and constructive parliament?
- In the relationship between national and international actors, how to generate or facilitate a constructive dynamic between legitimate African values and approaches and legitimate 'Western' values and approaches?
- How to find a constructive dynamic between 'national ownership' and 'international standards'?
- Should one work first and directly with parliament and parliamentarians, or is it better to first work on other entities and elements in the wider political sphere, to create a more enabling environment for parliamentarians to engage in and with reform processes that can strengthen their role and performance. Or should one do both at the same time. One assistance actor (national, regional or international) is unlikely to be able to substantively engage different entities at different levels at the same time. How then can synergies between the actions of different reform-agents be created?

There are no standard recipes with the answers to these questions – and therefore no 'model design' for a parliamentary support strategy. In practice each case will require sophisticated (and ongoing) contextual analysis and situational judgments.

X. CONCLUSION: TOWARDS AN OPERATIONAL FRAMEWORK FOR CHANGE AGENTS.

There is an understandable tendency to focus the intellectual efforts on producing 'recommendations'. Recommendations often signal a situation that is deemed desirable. But long lists of recommendations are typically also off-putting for many audiences. Sometimes it might be more appealing to present what one aspires too in the form of a more graphic 'visioning' exercise.

Even then, lists of recommendations and/or a vision of a parliament that is a strong and effective performer for all its core functions and thereby is also a major factor in non-violent management of conflicts of interest, are not a very useful tool for change agents.

Indeed, what we are concerned with here is ‘strengthening’ parliament, i.e. effecting changes. Lists and a vision of an ‘end-state’ are static instruments, while the topic of the research here is creating a dynamic situation. What change agents need are first good diagnostic tools to assess the situation as it is and opportunities, constraints and risks, and secondly a structured approach to articulating a strategy to effect desired changes.

The Annex and Graph 1 can both be used as diagnostic tools. They assess not only ‘needs’ but also ‘capacities’, opportunities and constraints, and not only with regard to the parliament and its members but also with regard to the wider socio-political environment in which a particular parliament exists and functions. It is recommended that whoever initiate such ‘situational assessment’ (parliamentarians themselves, a national civil society organization, an international assistance actor, a parliamentary network organization...) conduct it in broad consultation with other stakeholders. Thus when members of the Fourth Parliament in Zimbabwe realized they had to improve the effectiveness and image of their own parliament, they went to consult with their constituents, with the executive etc.

Once again it is important to underscore that a ‘needs assessment’ in the narrow sense misses the point. The question is not simply one of financial and material resources, and knowledge and skills for parliamentary staff and MPs. Equally important questions to determine are whether:

- the parliament is relatively weak because it is ‘new’ (e.g. a newly created institution cfr. Puntland in northeast Somalia or e.g. in Eritrea following its internationally recognized independence in 1993) or has ‘re-newed’ itself (e.g. post-communist era transition countries)¹³, is itself divided by fault lines in the society and/or has itself become complicit (by omission or commission)? These are different ‘starting points’ and any strategy for change will have to take into account.
- the broader environment in which a particular parliament exists and functions shows conditions favourable to effect positive change in that parliament (e.g. what is the constitutional architecture, the nature and influence of political parties, the prevailing political culture, the competencies and interests in civil society..)
- the time is ripe: e.g. what are the current and medium-term political challenges for the country, is there enough ‘political space’ among the dominant socio-political actors for a change process to have a chance of being accepted and being effective; are there important elections coming up that may change the constellation of key political actors etc.

Any strategy for change will have to rely on contextual appreciation and situational judgment. Some of the important questions to consider will be:

- Is the intervention geared directly to parliament and parliamentarians, or does it first work with other entities (e.g. the national electoral commission and political parties) in the socio-political environment, or both?

¹³ Resonating with the concept of ‘emerging markets’ the term ‘emerging democracies’ is sometimes used in this regard.

- What to prioritise, and who decides the priorities? For example, both in the Democratic Republic of Congo and in Zimbabwe, parliamentarians received training in conflict transformation and negotiation skills. Presumably even within the spectrum of ‘training’, there would have been other options such as training on national budgeting and public expenditure review, or on drafting legislation.
- Who is or can be –legitimately and effectively- the driver(s) of change: We have already mentioned the importance of national ownership, and potential resistance to too heavy a hand or too lecturing a tone from certain international assistance actors. In Zimbabwe we have an example of parliamentarians taking the initiative. In Somaliland and Puntland Somali civil society organisations are increasingly engaging with their respective parliaments. The same is true in Liberia during the formal transition period. But it also possible that the ‘drivers’ are more external actors, be they regional or more global parliamentary networks / associations, bilateral assistance actors, or the United Nations. In a general sense, it is desirable that parliamentarians, national socio-political actors and/or acceptable regional or international multilateral actors are in the driving seat, more than bilateral donor-governments or international NGOs.
- Focusing on the core functions of parliament or on its potential as peacebuilders: There has been a strong sense from the participants in this process that the best strategy to strengthen parliament is to focus on its core functions (oversight, legislative, representational) and to see to it that these are increasingly performed with sensitivity to the conflict and peace implications of various proposals, initiatives, practices. The feeling is that if a parliament does not perform its core functions very effectively, it will not be able to effectively deal with rising tension and the threat or reality of more open conflict. Moreover, it can be counterproductive to present to members of parliaments their responsibilities and potential with regard to constructive conflict management as an ‘add on’ to what they may see as their core functions.
- Supporting the function or engaging on an issue: The general recommendation is that engagement and support are best received and most effective when they focus on a function, rather than arise in the context of a particular issue on the agenda e.g. draft legislation on a certain topic.¹⁴
- What pace of change is possible: International assistance actors, and sometimes also national actors are anxious to see fairly rapid changes. But this may be counterproductive. Strengthening parliament is ultimately a political and not simply a ‘technical’ endeavour, and one element to take into account is what is politically feasible at a given moment of time. Wanting to push ahead too quickly

¹⁴ In Guatemala for example, WSP International’s support for a series of successive research-dialogue projects on security sector reform and citizen security, has in 2004 given rise to the creation of a ‘Liaison Office’. This is now a formal and standing mechanism for civil society organisations to engage members of the Guatemalan Congress, and their research staff and policy advisors on security-related issues. The existence of such mechanism, after 4 years of trust building and knowledge creation, now makes it much easier and effective to provide input on specific draft legislation relating for example to private security companies or the possession of firearms and ammunition. On the other hand, the Liberia case study shows that sometimes urgent action is needed when a parliament is debating a crucial law (e.g the Act to establish a Truth and Reconciliation Commission) that can have far-reaching consequences for the country).

carries the risk of creating a backlash that would close a real albeit smaller window of opportunity completely.

- Flexible programming: Especially in a volatile political environment, assistance actors have to be prepared to be flexible and ready to adapt dynamically to the changing situation.
- Can the change support be sustained: Although there may be a temporary ‘feel-good’ factor in providing some ad hoc assistance, this is unlikely to lead to any sustained strengthening of the parliament concerned. How can the constructive engagement be sustained? If one interested institutional actor has doubts about its ability to do so, then from the outset the strategy needs to focus on finding others to partner with, who are more likely to remain engaged.

There will also be dilemmas and gambles. A good example is the situation of transitional parliaments that were put together by a power-sharing peace agreement, and that house a number of people that may have no commitment to their function, no sense of public responsibility or accountability, and possibly carry even responsibility for war crimes. Do national, regional, international actors engage with this transitional parliament or not? The investment (of money, but also of human resources and of political capital) may not seem worth the effort if parliamentary elections in the not-too-distant future are likely to change the membership of the parliament. But engagement may be unavoidable if this rather compromised transitional parliament is going to draft and/or approve important legislation that will have a major impact on how the country will try to recover from the violence.

Of course there will also be situations, especially during violent conflict, but sometimes also when a country seems headed on the road to open violence, when national, regional and international ‘support’ to parliament is required in order to ‘protect’ it from being co-opted, totally side-lined or ‘suspended’. Such situation arose following the second military coup in Burundi in 1996, when parliament avoided being suspended in no small measure thanks to regional and international pressure and sanctions. In other instances of rising threat of violence, parliament as such may not be threatened but not the best instrument to effectively address the situation. Faced with conflict arising around elections, the strategies pursued in Mozambique so far have been to set up an Electoral Observatory of civil society organisations, and to engage the political parties and the general population in dialogue rather than use MPs, whom it was felt were not addressing the issues according to the electorate’s perspective.¹⁵

It is clear then that there are and cannot be ‘one-size fits all’ parliamentary support programmes, and that contextual adaptation and ongoing situational judgment are essential requirements for any application of more generic operational guidance. If from that point of view, this paper has deliberately avoided the concept of ‘best practices’ which tends to imply or is understood to imply that certain practices are ‘best’ whatever the context and the particular situation at the time. That is not the case. “Good practice”

¹⁵ SADC Parliamentary Forum Conflict Management Advisory Group Meeting Report p. 10 (meeting in Lusaka in July 2004).

means understanding the vital importance of contextual insight and situational judgment, and ensuring that these are fully taken on board in key decision-making moments.

ANNEX.

A CONSOLIDATED LIST OF OBSERVATIONS AND RECOMMENDATIONS RELATED TO THE ROLES, RESPONSIBILITIES AND PERFORMANCE OF PARLIAMENTS IN AFRICA.

Note: Key sources are identified between brackets.

1. FINANCIAL AUTONOMY & PARLIAMENTARY IMMUNITY.

(CPA Gambia, CPA Nigeria, Sierra Leone case study)

- Parliament must be adequately resourced and financially autonomous, and not continuously dependent on the executive for its budget. Any necessary legislation to that effect must be enacted. Parliament should manage its own financial affairs.
- It is inappropriate for international assistance actors to provide direct budgetary support to national parliaments. Donors should also guard against making parliaments too dependent on outside financial assistance, or giving the executive an excuse to continue under-resourcing its parliament.
- Parliamentary immunity is a basic requirement to protect the freedom of expression without which parliamentarians cannot fulfill their roles. It is not an individual privilege but one for the citizens and the institution that represents them. It does not offer absolute protection and certainly does not imply impunity, but there should be a clear procedure about who can lift the immunity and under what conditions. In principle the decision should lie with parliament itself.

2. OBSERVATIONS AND RECOMMENDATIONS REGARDING THE ROLES OF PARLIAMENT.

2.2. The General Right and Role of Oversight.

(CPA Cameroon, WBI draft)

- Parliament holds the executive politically accountable while the judiciary holds the executive legally accountable.
- Parliament must have and must exercise the right to demand written and oral information from the executive, to compel testimony, to require the executive to comply with its decisions and to remove the executive if it fails to comply. Information must be supplied in a timely fashion and committees must be able to carry investigations over from session to session so the executive cannot evade scrutiny by providing information at the last moment.
- The right of Members, including special provisions for opposition Members, to scrutinize the executive and present other policy options should be enshrined in Standing Orders. These should include such procedures as questions, motions, resolutions and the raising of urgent matters.

- Parliamentary committees should be empowered to scrutinize fully the performance of all ministries, with no exclusions. Ministers should not chair committees and should not serve on committees that scrutinize their departments.
- Committee meetings should generally be open to the public and especially to the media: but committees should be able to sit in camera to consider confidential or sensitive intelligence information. Disputes between the executive and a committee over whether information should be withheld in the national interest should be referable to an impartial adjudicator, such as the Speaker or a senior judge.
- Committees should have the right to question Ministers and report their findings to parliament. Committee Members who dissent from reports should have the right to report their disagreement to the House.
- The executive should refrain from abusing the sub judice rule by initiating court actions to pre-empt or stop parliamentary inquiries.
- The parliamentary oversight function is further facilitated by accountability institutions such as the office of the Auditor-General, an Ombudsperson, Anti-corruption Commissions, Human Rights Commissions, Freedom of Information Officers etc.

2.2.1. Oversight related to the socio-economic challenges and poverty reduction.
(CPA Cameroon, Sierra Leone, Gambia, WBI draft paper, AWEPA draft paper)

There is a well-recognised correlation between conflict and poverty. While not a direct cause of conflict, widespread poverty increases a society's vulnerability to conflict, while conflict itself generates and increases poverty. It is believed that reducing poverty, and strengthening equity and inclusion, reduce the risk of (renewed) conflict.

- Parliament's initial role in the formulation of a national Poverty Reduction Strategy Programme is to make full use of its existing lines of communication with the executive and the public to articulate the needs of its citizens and help the government to diagnose development problems, identify targets and set priorities, so its PRSP is country-specific and its terms are not dictated by outside agencies.
- Parliaments should evaluate PRSP agreements signed by governments to ensure they respond adequately to overall development targets and priorities and to the Millennium Development Goals. Parliamentary committees can work usefully in this area by analyzing needs, applying their specialist knowledge, taking the time necessary for full assessments and holding public hearings to involve non-governmental organisations and other representatives of civil society in the formulation process.
- Individual Members should speak out for the inclusion in the PRSP of the poverty reduction programmes needed for their areas.
- Members must scrutinize existing legislation against the PRSP and, where needed, enact new legislation to implement it.
- Parliament's broader role of contributing to the good governance of the country will conserve resources needed for poverty reduction and reassure the

- international community that the PRSP and other programmes are being run properly and are involving all sectors of the community.
- As well as ensuring that PRSP enabling legislation and budget allocations meet the programme's targets and policy commitments, Parliaments should oversee spending to ensure the best use of resources and assess the implementation record of the political executive and the civil service administration, placing its evaluations on the public record. Parliaments should watch especially for defects in executive plans and performance, maladministration by the civil service and differences between policy plans and budgeted and actual spending.
 - Parliament will insist on receiving and debating annual reports on PRSP implementation progress.
 - In the longer term, parliaments should track poverty indicators over the life of a PRSP to determine the accuracy of the diagnosis of the causes of poverty and the effectiveness of the policies and their implementation. As PRSPs are cyclical, parliament should assess programmes within the PRSP timeline and must be accorded the time to complete its review in the relevant period.
 - If there is e.g. an Inter-Ministerial Committee for the PRSP, parliament should establish a linkage with it, as well as with other monitoring agencies.
 - Members should be involved from the outset in the development of poverty reduction projects within their constituencies.
 - Parliamentarians can also devote more active attention to internal and cross-border migration, in their economic, security and legal dimensions.
 - In a wider sense parliament has a role in the oversight of international recovery and development assistance – how it is prioritized, how it is coordinated, how it is used, and how its relevance, effectiveness and impacts are evaluated. It may consider creating a special standing committee to this end. (One possible learning mechanism might be through the Parliamentary Network on the World Bank www.pnowb.org)
 - What role is there for parliamentarians with regard to trade and trade agreements? Should parliamentarians be part of national trade negotiations – given the impact of the terms of trade on poverty, national debt, development?
 - What role is there for parliamentarians with regard to national debt, debt financing, and debt relief negotiations?
 - What role is there for parliamentarians with regard to price controls and subsidies, given the impact these can have on incomes, employment and changes in poverty levels?

2.2.2. *Budgetary oversight.*

(CPA Nigeria, Cameroon, Gambia, Ghana, Sierra Leone, Study Group parliamentarians and conflict, WBI draft, AWEPA draft)

- Conflict can arise out of competition for scarce resources or when the proceeds of good governance are not allocated in an equitable fashion. If groups do not get what they consider a fair share of the resources or proceeds, there will be no incentive to continue participation in the political process, so they may resort to violence to pursue their interests. To this end, parliamentarians should encourage

- policies that address unequal social investments in order to achieve equality of opportunity and take affirmative action in favour of disadvantaged groups.
- Annual budgets are best formulated by governments, following broad consultation with parliamentarians and members of civil society, including representatives of interests groups from all regions of the country.
 - To contribute fully to the budget process, parliament must have adequate time to debate government spending plans in the Chamber and in committee, they must be able to change government spending and priorities, and they must also have full access to Ministers and their civil servants who are required to provide detailed explanations of past expenditure performance and future spending plans.
 - Members should receive briefings during the budget drafting process and there should be a formal consultation between the executive and parliament. Parliamentarians can lobby for more pro-poor and gender-sensitive budgeting.
 - How public revenue is raised and who pays and who doesn't, has important equity dimensions, and can be a legitimate object for parliamentary debate and scrutiny.
 - Members of parliament must scrutinize the relationship between the budget and the PRSP.
 - Parliamentarians must ensure that national budgets treat all regions of the country equitably, avoiding spending based principally on political patronage or favoritism. The use of constituency-based spending programmes is a mechanism to ensure that every corner of the country sees tangible benefits from each national budget. Such programmes empower local communities to work with their parliamentarian to identify and implement small-scale programmes to establish or maintain essential local services.
 - Demand for resources often exceeds supply. Parliamentarians can seek to promote a dialogue with their constituencies to explain the reasons behind the allocation of resources.
 - Access to relevant, timely and up-to-date information is a challenge. Parliamentarians should ask for data that show not only macro-economic indicators. Data should be disaggregated for gender and include children and poverty-related indicators. The institutional capacities such as of a National Statistics Service, and/or a National Development Planning Commission, need to be reinforced.
 - Parliament can benefit from having its own Budget Office, accountable to the Parliamentary Services Commission, and equipped with full research capacity to provide Members with independent analysis and advice. Independent analysis and advice can also be solicited from research institutes, think tanks and competent civil society organisations or academic experts.
 - The Budget / Public Accounts Committee should be able to review activities and budget matters, including through hearings, throughout the financial year.
 - Other oversight committees should be able to do the same.
 - Members must scrutinize Finance Bills to ensure they conform to stated policies and do not contain unannounced increases or reductions in spending.
 - A follow-up mechanism will monitor compliance by the executive with the recommendations in the report of the Budget / Public Accounts Committee.

2.2.2.a. *Budgetary oversight and the Auditor-General's office.*

(CPA Cameroon, Ghana, Nigeria, Sierra Leone case study, Burundi case study)

- The Auditor-General should be appointed by parliament, report to parliament and be answerable only to parliament. If the appointment is made by the executive, the independence of those office holders should subsequently be guaranteed and they should be answerable only to parliament.
- The Auditor-General's office should be adequately staffed by qualified accountants, lawyers, economists and other professionals who are employed by the Auditor-General, not by the executive.
- The Budget / Public Accounts Committee should review the budget of the Auditor-General's office to ensure that the executive is providing adequate resources.
- The Budget / Public Accounts Committee and parliament should be able to direct the Auditor-General to conduct specific audits in addition to the usual audit of every government account.
- The spending of the Auditor-General's office should be subject to an independent annual audit.
- Auditor-General reports should be provided in a timely fashion, to allow parliamentarians to properly study it and debate it in depth.
- The Auditor-General's reports should be considered by the Budget / Public Accounts Committee which should have the right to question the Auditor-General, Ministers and civil servants on issues identified in the reports.
- Parliament should encourage peer-reviews of the Auditor-General's office.

2.2.3. *Combating Corruption.*

(CPA Sierra Leone, Cameroon, Gambia, Nigeria)

- Parliamentarians must take a lead in the war on corruption by behaving with honesty and integrity at all times, by ensuring the political will exists to identify and punish corruption without partisan considerations, and by using their public profile to help lead a nation-wide campaign against public acceptance of a culture of corruption. This can be part of a larger code of conduct for parliamentarians.
- Public disclosure of assets must be made annually by all in the public sector (including their spouses and dependents), which means also by parliamentarians all officials of parliament, Disclosures must be open to the public and must be challengeable so the holders of public office are required to explain unusual changes in their holdings. Annual public comparisons should be made of disclosures to reveal any changes in assets. Refusal to disclose and the filing of false disclosures should be punishable.
- Parliament must legislate to make bribery illegal and to provide stiff punishment. Legislation must also enable governments to trace and reclaim illicit funds from foreign banks.
- Parliament must show leadership in legislating on political party and campaign financing through sponsorship of an all-Party Bill.

- Parliament must legislate to protect and reward whistleblowers and must ensure that watchdog committees and public service investigators do not become complacent or ineffective.
- Anti-corruption commissions should be established as independent offices separate from all government ministries. Where needed, parliament can legislate to reinforce the powers of anti-corruption agencies.
- Parliamentarians must both pass and –together with the executive, the judiciary, political parties, community groups and civic leaders- participate in public education programmes to counter the culture of corruption.
- Parliamentary, judicial and public service salaries and pensions should be sufficient so office holders are not easily tempted by corruption or forced into it by necessity.
- Parliamentarians should consider demonstrating their commitment by joining the Global Organisation of Parliamentarians Against Corruption (GOPAC, www.parlcent.ca/gopac/index_e.php)

2.2.4. *Democratic Control over the Armed Forces.*

(WBI draft, AWEPA draft, see especially the IPU/DCAF handbook)

This has not been really discussed in our case studies, in the Nairobi meeting or in the other resources mentioned. Reference can be made however to the DCAF-IPU Handbook on this topic.¹⁶

2.3. Representation and Constructively Mediating Differences.

2.3.1. *Election systems, election monitoring and dealing with electoral fraud.*

(Sierra Leone case study; Liberia, Study Group on parliaments and conflict, WBI draft paper, AWEPA draft)

The electoral system adopted by a nation will determine the nature of representation and the framework by which divergent groups can participate in decision-making. It is imperative that minority groups are adequately represented in parliament as their inclusion in decision-making will assist conflict management and increase the chance for peace. As such, electoral systems should be designed to ensure parliament is as representative of the population as possible. (Study Group meeting on Role of Parliament in Conflict-Affected Countries October 2004).

Electoral systems can be designed to encourage moderation, thereby helping to diffuse extremist positions. One important objective is to ensure minority groups are represented. Another is to provide incentives for majority groups to act moderately towards minority groups and to engage in inter-group bargaining in return for electoral success. (WBI draft paper: 9-10)

¹⁶ Inter-Parliamentary Union & Geneva Centre for the Democratic Control of Armed Forces 2003: “Parliamentary Oversight of the Security Sector. Principles, mechanisms and practices.”

Since elections determine the composition of parliament, any rigging or stealing of elections means that the resulting parliament is fraught with problems at birth.

Where an election result is not accepted by dissenting parties, they may boycott or inadequately participate in subsequent parliamentary processes, fuelling tension and perpetuating conflict further (AWEPA draft: 3)

- Parliament can work with the Electoral Commission to review the electoral system in light of its capacity to ensure broad-based representation of all interest groups, as well as the ability of war-affected citizens to be registered as voters and freely cast their vote.
- In dealing with electoral legislation in a post-conflict situation, parliament has an important role in balancing the demand for elections with the fact that there may not be a recent census, constituency boundaries and/or voter registration and with the fact that significant numbers of potential voters may still be refugees in neighbouring countries.
- There are various electoral systems e.g first-past-the-post, proportional representation, block list system, Condorcet winner etc. The advantages and disadvantages of each in terms of ensuring the broadest possible representation and accountability to the voters need to be considered and understood. Different systems can be used for different levels of elections e.g. a first-past-the-post system for local level elections and proportional representation system for the national level.
- Parliament and the National Electoral Commission can consider reserving seats for groups that have little chance of getting representation through a one man-one vote system.
- Can and does decentralisation present an opportunity for minority parties to exercise power at local level, and develop their skills in administration and governance?
- Should there be a quota / percentage reserved for women parliamentarians? Widespread commitments were made in Beijing in 1995 to have 30% women at all levels of decision-making, including in parliament, by 2005. Rwanda is currently the outstanding example in Africa in terms of the proportion of women parliamentarians.
- Parliamentarians can participate in regional parliamentary electoral observer delegations.
- Can the “Norms and Standards for Elections in the SADC Region” be of value to other regions in Africa?

2.3.2. Representation and constituency relations.

CPA Cameroon, Gambia, Zimbabwe, Sierra Leone case study, WBI draft, AWEPA draft)

- A key role of parliament is to enhance and encourage political participation. Note however that for the purposes of mitigating escalating conflict and poverty reduction, responsiveness of policy-making can be more important than greater participation.

- Members must recognise that their foremost responsibility is to the people rather than to their parties, governments or their own future prospect. They must be prepared to criticize and oppose when the interests of their people are at stake.
- As elected representatives of the people, Members have a duty and a responsibility to be aware of and reflect the views and concerns of people in their constituency. They should not be aloof and distant.
- Members should regularly and also pro-actively interact with their constituency, and budgetary, logistical and infrastructural provisions should be made for this. The latter may consist of an office in the constituency, but also of regular town hall meetings in the district. On specific issues, parliamentarians may go on a fact-finding mission. This also includes ensuring the public has ready access to easily comprehensible information about the issues and processes.
- An often under- or non-represented important segment of the population are young people. There is a need for a younger generation of parliamentarians that can be more sensitive to their specific concerns, perspectives and priorities.
- Members should engage with poverty reduction and development projects in their constituencies.
- Balance the workload in parliament with the time requirements for constituency relations.
- Can MPs use a decentralization process to connect to their constituencies, occasionally participating also in meetings of local authorities or councils?

2.3.3. *Managing diversity and controlling its manipulation.*

(Sierra Leone case study, Somali case studies, Rwanda, Burundi, WBI draft, Study group on parliament and conflict)

Destructive identity politics systematically reduces a person, who always has multiple identities, to only one. Constructive management of diversity requires power-sharing, participation and dialogue.

- Parliament is supposed to be the institution that embodies society in the diversity of its composition and its opinions and which relays and channels this diversity in the political process. Its vocation is to regulate tensions and maintain equilibrium between the competing claims of diversity and uniformity, individuality and collectivity, in order to enhance social cohesion and solidarity. Parliament must accommodate the participation of all people in homogenous as well as heterogeneous societies in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance.
- Parliament has the power to take affirmative action in favour of groups in society that may be disadvantaged or discriminated against.
- In that sense how parliament manages diversity internally (interests, political visions, gender, regional, class, ethnic, majority-opposition dynamics) portrays also a model for society at large. Can this be taken up in a code of conduct for parliamentarians and parliamentary staff?
- Parliaments can help generate or preserve a national consensus about commonly-held values and goals.

- What role for parliamentarians in combating ethnic politics, racial/ethnic ideologies and ethnic violence?
- How can parliamentarians contribute to ‘nation-building’ with citizenship as primary criterion for rights and duties, freedoms and protections?
- Should parliament, or an Upper Chamber, in its own composition reflect an agreed proportional allocation of seats on an ethnic basis, or an agreed clan-balance?
- Political figures may opportunistically use ‘traditional’ and ‘modern’ group-identities and group-loyalties – what groundrules can parliament establish to control for abuse?
- Adversarial politics can impede reconciliation and, where possible, more consensus-based decision-making should be encouraged in an attempt to build bridges between parties with conflicting interests (Study Group on Role of Parliament in Conflict-Affected Countries).

2.3.4. *Engendering parliament.*

- The agreed target was a minimum of 30% of women at all levels of decision-making by 2005, including in parliament.
- Engendering parliament means ensuring active participation of women in parliamentary affairs – but also strengthening gender awareness among male parliamentarians.
- This also means valuating women leadership.
- Another indicator of a gender-sensitive parliament is that data, policy, budgetary and legislative proposals are analysed and debated also through a gender lens.
- How does parliament pay attention to specific impacts of conflict on the women and girls of the country e.g. violence against them, female headed households, new economic roles and responsibilities, property rights, child mothers...?
- More formal mechanisms can be established to bring women’s concerns and perspectives on the agenda: a cross-party women caucus; regional networks such as the SADC Regional Women’s Parliamentary Caucus and the Network of Central African Women Parliamentarians (RFPAC), or the Network of African Women Ministers and Parliamentarians (see www.unpfa.org/africa/newdocs/awmprecsbookbr2.doc)

2.4. **Law-Making.**

(CPA Sierra Leone, Cameroon, Sierra Leone case study, Congo Brazzaville note, Burundi, northwest Somalia/Somaliland, Study Group on Parliaments and Conflict, WBI draft)

Parliament, to be effective in conflict resolution, must give full effect to its status as a rule of law institution central to the constitutional order. In all of its activities, including discharging its oversight and legislative functions, it must strengthen the rule of law by strengthening judicial independence and ensuring executive accountability.

Strengthening the rule of law has a positive impact on economic development, which assists in creating an enabling environment conducive to peace.

- The executive should refrain from rushing bills through parliament on ‘emergency grounds’.
- Ample time must be provided so that Members can consider the contents and research possible ramifications of proposed legislation, before beginning debate. Seminars are to be organized for all members so experts can explain particularly important or complex legislation.
- Parliamentarians are to initiate legislation and not see their legislative role only as debating and approving legislation initiated by the executive.
- Parliament is to allow individual member initiatives through a Private Members Bill
- Parliamentarians are to scrutinize existing legislation, and initiate new legislation with an eye to controlling manipulation of diversity, combating corruption, equitable allocation of national budget and provision of public services and public goods, towards pro-poor and gender equity objectives, protecting human rights, maintaining the separation of powers and checks and balances in the political systems.
- Establish a technically competent parliamentary drafting office to assist members in formulating Bills.
- Seek multiple stakeholder input into the drafting process, including of civil society organisations.
- Parliament should work to strengthen and protect the independence of the judiciary.
- Members of parliament should be familiar with and understand the constitution, use their authority and influence to ensure that the constitution is upheld, and contribute to general civic education also about the content, meaning and value of the constitution.
- Proposed constitutional amendments are to be considered in terms of their conflict/peace-reconciliation implications.
- Parliaments are to enact or review national legislation to bring it in line with international treaties that the country has signed up to, and to enable the country as a member state of the UN to act upon Security Council resolutions.

2.5. War and Peace Making.

(Burundi, Rwanda, Somali, Sierra Leone case studies, Congo Brazzaville note, Study Group parliaments and conflict, WBI, Rights and duties of opposition)

2.5.1. War and peace.

- Parliament should be consulted by the government and allowed to debate and vote on important questions related to national security: threat of civil war, risk of foreign invasion or war, military interventions abroad, declaration or extension of a state of emergency, anti-terrorist legislation etc. Parliament has a role to play in endorsing or not military action across national borders but also within the

country. It also has an important role to play in endorsing or not a ‘state of emergency’, its duration and the nature of its regulations.

- Parliamentarians can act as ‘early warning’ providers about tensions building up in their constituencies.
- Opposition parliamentarians can contribute to conflict prevention by reaching out and speaking to the people in their constituency directly, and by promoting dialogue to avert violence and come to agreed solutions.
- Parliamentarians have a role to play in defusing conflict and negotiating a solution. In fragile security environments parliament can create an ad hoc or even standing Committee on Peacebuilding.
- What role for parliamentarians in monitoring human rights violations in the country – or by its national forces engaged abroad?
- Can regional parliamentary networks contribute to reducing or ending inter-state violence?
- Parliament is a key institution in challenging an authority that has come to power through a ‘coup d’état’.
- Parliament can play a key role in avoiding violence during an ‘interim period’ when the head of government dies or takes on another role, and competition can arise to fill the temporary power vacuum.
- It is vitally important that parliamentarians, their families and assets are protected from threat and violence especially in civil conflict.
- There are different opinions about whether parliamentarians, also of the opposition, should participate in peace negotiations.
- Should the roles, independence and authority of parliament be inscribed in a peace agreement?
- Parliamentarians can contribute to creating public support for a peace agreement, if the latter is deemed to be acceptable.
- It is the role of parliament to ratify or not a proposed peace agreement but especially to oversee that, once concluded, its agreements are respected and that the agreement is implemented.

2.5.2. Parliamentary diplomacy.

(Congo Brazzaville, Study Group parliaments and conflict, WBI draft, AWEPA draft)

- Parliamentarians are urged to forge regional relationships, either by developing informal networks, joining inter-parliamentary associations or participating in regional institutions. This will serve not only as a learning opportunity, but can also open channels for parliamentary diplomacy. Regional networks and parliaments can help promote regional dialogue, build confidence, and help mediate disputes.
- Parliamentarians can take an active role in restoring the image of their country in the eyes of regional and international actors after an escalation of violence, or in convincing external actors to actively engage to reverse a destructive trend.
- Parliamentarians need to prepare for and participate in ‘political dialogue’ with the European Commission in the framework of the Cotonou Agreement. To

that end seminars for ACP parliamentarians are to be continued (as designed e.g. by ECDPM – Maastricht).

2.5.3. *Transitional parliaments.*

(Liberia, Burundi, Congo Brazzaville)

- Members of armed groups in civil conflict become members of parliament as part of a peace deal that turns around power-sharing arrangements.
- People suspected of serious human rights violations, war crimes and/or crimes against humanity in this manner can come to benefit from parliamentary immunity. Temporary immunity should not become permanent.
- Transitional parliaments deserve (critical and conditional?) support even if its members are nominated and not per se competent.

2.5.4. *Parliaments and transitions.*

(Congo Brazzaville, Democratic Republic of Congo)

- Through its legislative role, parliament has a major responsibility with regard to transitional justice.
- Following a civil war, can parliament catalyse and itself be a forum for a broad-based ‘national dialogue’, in order to articulate a new ‘common vision’, and consensus on core issues and priorities?
- Should parliament have an oversight role over the performance of international or regional peacekeeping forces or a wider peace-support operation? How?
- The immunity granted to Members of Parliament and others holders of public office, should not extent to protection for alleged involvement in war crimes or crimes against humanity.
- In a situation of violent political culture or post-conflict when there can be a rise in armed criminal activity, parliamentarians may be in need of physical security. But where is the boundary between justifiable physical security and maintaining an unacceptable private militia - and how can parliament take the lead on determining this.
- One or more temporary parliamentary commissions can be created to deal with specific impacts of war, e.g. confiscated property, land disputes, reintegration of displaced people and demobilized fighters, proliferation of small arms among the population at large, mushrooming private security companies etc.

2.5.5. *Durable peace.*

(Congo Brazzaville, Rwanda)

- How can or should parliament contribute to reconciliation? Can a parliamentary committee on reconciliation bring added value– to work with / provide oversight of a (Truth and?) Reconciliation Commission?
- Can parliamentarians play a constructive role in convincing an ‘opposition in exile’ to engage in ‘national dialogue’ with the longer-term perspective of their return to the country?

- How can parliament contribute to finding an acceptable solution for the conflicting interpretations of what happened, the conflicting and irreconcilable readings of the history of the conflict? How can parliament contribute to how the conflict will be remembered, commemorated and presented in the educational curriculum?
- Decentralisation, when well designed and implemented, has much to contribute to poverty reduction and conflict management. There are however recurring obstacles that prevent decentralization from achieving these two objectives. Often the devolution of political, administrative and/or fiscal authority to local institutions will require reform legislation. Parliamentarians, through their review and debates, have a role to play that the decentralization is effective (key issue: fiscal) and not captured by local elites.
- What role for parliament in addressing the crucial issue of high value natural resources (oil, diamonds, gold, bauxite, tropical timber..), control over its exploitation, concessions to international companies in this regard, and equitable distribution of national profits also to resource-poor regions of the country? (e.g. Sierra Leone, DRC)

3. OBSERVATIONS AND RECOMMENDATIONS REGARDING THE INTERNAL FUNCTIONING OF PARLIAMENT.

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 of members (WBI draft) In short, parliament in its own internal functioning has to demonstrate democratic practices.

3.1. The governing body / board of parliament.

- Reference is made to the President and one or more Vice-Presidents that constitute the Board of parliament. How the posts are filled should reflect the political composition of the parliament (i.e. posts also to be held by opposition or minority party)

3.2. The role and attitude of the Speaker.

(CPA Cameroon, AWEPA draft, Rights and duties of opposition)

- Once elected by parliament, the Speaker should be independent of partisan considerations and act in a completely impartial manner to protect the rights and

- privileges of parliament and of its members, especially the rights of minority parties and independents.
- The Speaker has a crucial role in allowing for an inclusive, constructive and orderly debate.

3.3. Rules and procedures of parliament.

(WBI draft, Zimbabwe case study).

- Parliament is responsible for its own internal procedures and has the authority to change them if it feels so.
- 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.
- Parties are most partisan during 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 position of conflicting parties. Clear rules of procedure and subsequent structured debate can help moving issues of contention between groups to a more orderly debate about the issues.
- Parliamentary procedures can clarify the duties and protect the rights of the opposition.

3.4. Independence of MPs and rights and duties of the opposition.

(CPA Cameroon, Rights and Duties of Opposition, WBI draft, AWEPA draft)

- Moral issues should be subject to a free vote to enable members to exercise a conscience vote.
- The opposition in parliament is a necessary and indispensable component of democracy. The primary function of the opposition is to offer a credible alternative to the majority in power. To that effect its duty is to have a developed programme, and develop the competencies to implement it. Moreover by overseeing and criticizing the action of the government, it works to ensure transparency, integrity and efficiency in the conduct of public affairs and to prevent abuses by the authorities and individuals, thereby ensuring the defense of the public interest.
- Members of the opposition should be shielded from measures that would infringe upon their personal security and integrity or harm their property. They also enjoy an equal right of information and freedom of expression.
- Opposition members shall be entitled to be represented on parliamentary committees and sub-committees, and to a number of standing committee chairmanships. The chair of the Budget / Public Accounts committee should go ex officio to the opposition.
- The opposition in parliament must show itself to be responsible and able to act in a statesmanlike manner. It must engage in constructive and responsible opposition by making counter-proposals.

- 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 impact on their capacity to fulfill their roles, whilst influencing their strategy and organization.
- Can the ‘Guidelines on the Rights and Duties of the Opposition in Parliament’ be a valuable reference for all?

3.5. Composition and functioning of parliamentary committees.

(CPA Cameroon, Sierra Leone case study, Zimbabwe, WBI draft, AWEPA draft)

Effective parliamentary committees can help to move the conflict from individual personalities and groups of people into the realm of ideas, policies and proposals for the future. (AWEPA draft: 6)

- It is recommended to have a parliamentary committee per important governmental / ministerial portfolio. Key committees are the Budget/Public Account Committee and a Committee providing oversight of the security sector – possibly extending its remit to ‘public security’. A parliamentary committee on foreign relations and foreign policy is also recommended.
- Membership of committees should reflect the main shades of opinion in parliament and include members of both genders – how is this to be balanced in practice with the desire that members and the chair also have the thematic competence and the skill to manage group work? Ministers should not chair committees and should not serve on committees which scrutinize their department;
- Should committees elect their own chairperson or should s/he be nominated through consultation e.g. of the Speaker, the Majority Leader and the Clerk of parliament?
- The Budget / Public Accounts Committee should automatically be chaired by a member of the opposition/minority party.
- An adequate number of committees should be chaired by a woman Member.
- The decision-making process within committees lends itself to consensus decision-making or having the issues brought before the committee being resolved through compromise.
- Committee work as matter of principle should be open to the public eye, although it can sometimes be necessary to debate and negotiate away from the public eye, in order to be able to reach compromise.

3.6. Transparency of parliamentary work and a parliamentary communications strategy.

(CPA Sierra Leone, Burundi)

- Ensure a low access threshold for the general public (e.g. dress requirements, Zimbabwe)

- Plenary and commission deliberations and debates to be in principle public.
- Radio and TV coverage of parliamentary work
- Parliamentary website
- Parliament to have its own newsletter or journal
- Parliament to develop its own public relations or press office
- Members of parliament to actively engage the media and actively participate in public debates on public interest issues, organized by other actors
- Parliamentary communications should be in the national languages, not just in English, French or Portuguese if these are not widely spoken by the population at large (translation services).

4. OBSERVATIONS AND RECOMMENDATIONS REGARDING RESOURCES AND COMPETENCES.

4.1. Material resources

(all case studies)

- Parliament cannot work effectively without a building with adequate space for committee and plenary work, and for its support staff.
- Computers with internet connectivity, printers, photocopier
- In-house library / resource center
- Vehicles for missions outside city.
- Small offices in constituencies.

4.2. Human resources.

(CPA Cameroon, Burundi, Sierra Leone case study)

- Parliamentarians require administrative support staff & neutral and competent thematic support staff, whose positions are independent of the executive and who are nominated on merit; with adequate conditions of service, and continuity beyond a parliamentary session.
- Members of parliament can be well served by having an independent research and analysis capacity within parliament.

4.3. Conditions of Service.

(Zimbabwe, CPA Cameroon, Sierra Leone case study, Liberia)

- A parliamentary commission is to determine the welfare, facilities, conditions of service, training and other needs of the Members and parliamentary staff.
- Remuneration of Members of parliament should be adequate to allow them to fulfill those responsibilities on a full-time basis, reduce the temptation of corruption, force them to maintain another employ, and even scout for lucrative government contracts – a situation that would create a conflict of interest.

4.4. MP competencies and self-image

(CPA Cameroon, Sierra Leone, Liberia, Zimbabwe)

- Parliaments should put in place induction and training programmes to familiarize new Members in parliamentary practice and procedure, but should also take advantage of professional development programmes offered by various national and international organisations.
- Exposure visits should be directed not only at so-called ‘mature democracies’, but more at countries that are or come from a comparable situation, to strengthen the sense of exchange and learning potential between ‘peers’ in comparable rather than very different situations.
- Members need to understand their constitutional role and responsibilities, duties and authority.
- Members need basic competence on budgets and budgetary processes.
- Members of parliament need general information management skills; computer skills as such are only a step in this regard.
- Can parliamentarians benefit from training in conflict-impact assessment tools?
- Strengthen the negotiation, mediation and conflict resolution skills of parliamentarians.
- Enable Members of parliament in different countries to learn from each other through exchange visits, but also through membership in transnational associations or networks of parliamentarians.
- Parliamentarians should not see their position as just a stepping stone to the executive, but as honourable in its own right.

5. OBSERVATIONS AND RECOMMENDATIONS REGARDING KEY RELATIONSHIPS FOR PARLIAMENT.

5.1. Parliamentary relations with the executive.

(Burundi, Sierra Leone case study)

Most case studies refer to the struggle for parliament not to be overwhelmed by the executive and reduced to a ‘rubber stamping’ role. Three issues crop up in the case studies:

- The need for parliament to have control over its own adequate budget.
- The practice of the executive nominating ministers from within and/or outside the pool of elected parliamentarians.
- The threat of parliament being abolished by an authoritarian executive.

The case studies nor the other resources used for this draft provide explicit analysis or specific recommendations of how a strong parliament can maintain a critical but still constructive relationship with the executive.

5.2. Parliamentarians and political parties.

(Rwanda, Burundi, Liberia, Congo Brazzaville, WBI draft paper, AWEPA draft)

- A representative parliament that is able to develop multiple loyalties through political cooperation, contributes to a constructive conflict culture that is better able to manage conflict without resorting to violence.
- During violent conflict and shortly after the cessation of hostilities there may be no political parties, but only politico-military movements – how to transform these into ‘political parties’ in the proper sense of the term? This requires ‘capacity building’ for and with political parties.
- Certain electoral systems (e.g. the block vote system) create a primary loyalty and accountability to the party rather than to the voters.
- What is an acceptable and unacceptable role of the “party whip”?
- How are parliamentarians to relate to political parties with a discriminatory, aggressive ideology?
- Parliamentarians may encourage and even introduce legislation to force political parties to represent constituents from diverse backgrounds. Is this the best or only way to deal with a tendency towards ethnically based political parties?
- Parliamentarians from different parties who have learned to work together in parliamentary committees, can facilitate cross-party confidence building measures.
- Parliamentarians can work within their own parties, to stimulate debate on poverty, exclusion and conflict, on peace and development strategies, and on MDG, PRSP and NEPAD objectives.
- Engaging the political parties should not limit itself to the leadership of the party, but also focus on local level party leaders, the youth wing of the party, women’s associations within the party etc.

5.3. **Parliamentary relations with civil society.**

(CPA Ghana, Burundi, Sierra Leone, WBI draft, AWEPA draft)

Parliament is often identified with government, and civil society is expected to play roles that constitutionally also pertain to parliament. Unelected, some civil society organisations can champion critical causes and become identified with opposition parties and hostile groups. Heightened and positive interaction between parliament and civil society can produce mutually beneficial results in respect of early warning, equitable policies, participation, communication, transparency and security (AWEPA 4-5)

- Civil society organisations (in the broadest sense of the term i.e. not limited to NGOs) can be a source of insight about priorities and expectations of the population, and also a source of expertise for parliamentarians to draw on. They can also be a channel for parliamentarians to communicate with part of the population.
- There is much scope for improved collaboration between parliament and civil society organisations (CSO). This can include e.g. CSO memos or direct presentations to parliamentary committees, joint monitoring activities between parliamentary committees and CSO input to inform MPs questions to Ministers, a standing Liaison office for civil society with parliamentarians and MP policy advisors to collaborate on specific issues e.g. security sector and public security

- issues, poverty reduction, trade policy etc. This implies that CSO also need to develop their competencies with regard to public policy formulation, national budgeting and budget oversight and legislative procedures and skills.
- Parliament can also work closely with CSOs on civic education, including understanding the constitution as ‘what binds us together’ but also the ‘groundrules of the game’.
 - Parliament can enhance the ability of non-governmental entities to participate in oversight of the executive and public policy debate through a non-restrictive Freedom of Information Act.
 - Through their legislative and oversight functions parliaments can seek to promote an environment that is conducive to a robust civil society, rather than excessively ‘controlling’.
 - A free, fair and responsible media has a role to play in good governance and conflict management. Parliament can facilitate the media’s work by right to information legislation, ensuring freedom of speech and freeing up restrictions on public service broadcasting.

5.4. **The public image of parliament and parliamentarians.**

(Zimbabwe, DRC input)

- Parliament should maximize direct access for the general public and also get its work and responsibilities better known among the general public by allowing media coverage, but also through its own active communication strategy.
- The public image of parliament and parliamentarians can certainly be positively transformed when MPs go out to meet with the public.
- International assistance can consider training political / parliamentary correspondents of the national media.

