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## EDITORIAL

BY **VASU GOUNDEN** AND  
**DR. JAN NICO SCHOLTEN**



Since the days of the Roman Senate, parliamentary bodies have provided legitimate, democratic forums for individuals and groups to present their interests and grievances through their elected representatives. As national institutions, however, a parliament's scope of influence was generally limited by its nation's borders. As the overlapping and regional nature of Africa's conflicts developed and modern approaches to economic cooperation, conflict resolution, and peace-building in Africa adopted a more regional focus as well, the role of national and regional parliamentary bodies in these vital areas failed to keep pace. These responsibilities were increasingly shouldered by non-governmental organisations (NGOs) and other non-state actors unencumbered by national politics, identities or mandates.

While there is unquestionably an important place for NGOs and "civil society" in African conflict resolution and peace-building efforts, there is an equal, if not greater, need for the engagement of the democratically elected representatives of the African stakeholders. It is for this reason that partnerships between organisations like the Association of European Parliamentarians for Africa (AWEPA), that work to support the well-functioning of parliaments in Africa, and civil society organisations like the African Centre for the Constructive Resolution of Disputes (ACCORD), that analyse and intervene in the underlying causes of conflict, are crucial. This issue of *Conflict Trends* symbolises the working partnerships and holistic efforts that must occur between civil society and parliamentarians – both representatives of the people – if we are to make a significant and lasting impact in the challenges afflicting Africa.

In recent years, African parliamentarians have rediscovered their voice – the voice of the people – and have assumed leadership in conflict resolution and post-conflict transformation processes throughout the continent. It goes without saying that a vigorous exchange of ideas and grievances within the structure of a parliamentary forum is preferable to an exchange of gunfire on a battlefield.

One of the defining characteristics of the 20<sup>th</sup> century was the rise of regional political and economic integration in the form of organisations like the North Atlantic Treaty

Organisation, the European Union, the Association of South East Asian Nations and other such regionally focused political structures. In 2002, the African Union (AU) became Africa's premier regional organisation. The AU's primary mission is to promote the accelerated socio-economic integration of the continent. The AU's parliamentary organ, the Pan African Parliament, is charged with nothing less than ensuring the full participation of African peoples in governance, development, economic integration and decision-making on the problems and challenges facing the continent.

This Issue highlights the significant role that national, regional and continental parliamentary bodies – as well as supporting international organisations and international cooperating partners – can, and must, play in resolving Africa's conflicts. Through the various articles we realise that parliaments and what they stand for – representation, participation, inclusivity, co-operation, transparency, confidence-building, oversight, accountability, and dialogue – are the very embodiment of conflict resolution principles. African parliamentarians have a primary role to play, but an important supportive role can also be played by parliamentarians from outside Africa.

Democracy and development on the African continent require a steadfast commitment from African parliamentarians to reform the political, economic, social, cultural and educational institutions in their own countries. At the same time, parliamentarians are working across national, regional and cultural borders to establish baseline standards for good governance and to make the political systems of African countries more democratic, transparent, and effective by upholding the rule of law and promoting the public's freedom of speech, religion, culture, and expression. It is upon this foundation that parliamentarians are working to build a meaningful and lasting future of peace for all Africans. 📌

**Vasu Gounden**  
**Executive Director**  
**ACCORD**

**Dr. Jan Nico Scholten**  
**Executive President**  
**AWEPA**



KHAMIS RAMADHAN / PANAPRESS / THE BIGGER PICTURE

**The opening of the eighth ordinary Summit of the African Union in Addis Ababa in January 2007. The AU message that Africa must solve its own problems and take its destiny in its own hands must be the focus of African parliamentary bodies committed to making a difference on the continent.**

## THE NEW PARLIAMENTARY PEACE-BUILDING PARADIGM IN AFRICA

WRITTEN BY **JEFF BALCH**

The international development community seems to have discovered parliamentarians, at long last, at the intersection of collective efforts to help democratise and develop Africa. At the forefront, a new generation of African leaders has taken up the challenge, in the African Union (AU) and the New Partnership for Africa's Development (NEPAD), to correct the failures of past leaders and, among other things, put parliamentarians into the front seat, and perhaps eventually even in the driver's seat, of the political process. At seemingly the ideal moment, a plethora of parliamentary handbooks, toolkits and guidelines has emerged around the turn of the century, in recognition of what parliamentary bodies have been insisting for quite some time: without a central role for parliaments, lasting peace and prosperity in Africa will be an illusion.

The growth in numbers and successes of democratisation processes in Africa, coupled with the changing

nature of conflict itself in the post-Cold War geopolitical environment, has significantly affected the role that parliamentarians can play, and has opened the door to a new recognition of their possibilities and responsibilities, in conflict-affected countries. The increased presence of intra-state conflicts in Africa has led to a reassessment of the roles different actors can play in preventing and resolving hostilities, bringing parliaments into more prominence as fora for debate of contentious issues with the potential for contributing to peace-building processes. This newly perceived importance of parliament stems partly from the new respect gained by parliamentary institutions as a result of a wave of democratisation in Africa.

Africa, through its own leadership, must solve its own problems and take its destiny in its own hands. This is the AU and NEPAD message. The cooperation of the international community will be required in relation to issues extending beyond Africa's borders (such

as aid, trade, debt relief and trans-national corruption), but the message is clear: that parliamentarians stand ready to take up a new and exciting role as champions for human rights. Their single most enticing challenge as an antidote for bad leadership, is to be the voice of the people in poverty reduction, conflict prevention and peace-building efforts. Parliamentarians are more conscious than ever of their responsibility to create an environment conducive to long-term sustainable relationships that don't spiral into violent conflict. All they lack are the resources to play this role. The international donor community has, however, encouragingly, begun to realise the added value for their other investments of having a parliamentary capacity building component in their assistance programmes.

### **Conflict Dynamics in Africa**

African leadership has had to weather the successive storms of slavery, colonialism, Cold War cronyism and foreign-supported tyranny. However, the AU has emerged with its home-grown NEPAD plan, and has established a Pan African Parliament (PAP) to provide oversight and advice. As called for in the AU's NEPAD programme, good political, economic and corporate governance are the basic building blocks for harmony and development in Africa. Where they are weak and inadequate, parliamentarians will need to play a key role in strengthening and maintaining them. How they can make this important contribution to conflict prevention and peace-building depends on the type of conflict dynamics in a given national or regional context.

By definition, conflict is found wherever competing and mutually exclusive interests are present. Virtually everywhere, conflict is therefore a naturally occurring phenomenon. It is important to keep in mind that violent conflicts only constitute a fraction of all existing conflicts in society and that conflicts are a natural part of interaction and are necessary for positive social change. The root causes for violent conflict might have been festering for a long time, but they do not necessarily need to lead to it. Exacerbated by a sudden shock such as natural disaster, rapid economic decline or human rights violations, there is a heightened chance for violent conflict to occur<sup>1</sup>. The challenge is to detect the root causes of conflict and to productively mediate between conflicting parties so it does not come to violent conflict. The ability of political and social institutions to deal with or assist with the use of violence is central. This is where parliaments can make a key contribution.

With regard to intra-state conflicts, it is advisable that the increased provision of investments, services and infrastructure needed to achieve the Millennium Development Goals (MDGs) occur on an equitable basis, and that attention be given to the needs of minorities,

marginalised regions and, where relevant, victims of human rights violations, former combatants, refugees and internally displaced persons. The Millennium Project Report cites five areas of investments that can help prevent conflicts:

- conflict early warning systems
- equitable poverty reduction strategies
- participatory decision-making structures
- transparency in flow of public revenues, and
- investments in state security capacity.

Within each of these five key areas, parliamentarians will ideally play a central role. It is important to stress the blind spot that is common in the crafting of such measures. While much is often made of the need to provide 'political space' for marginalised communities to express their grievances and aspirations, this is often cast as the exclusive role of civil society organisations – and the role of parliamentarians is subsumed under 'government'. As examples from parliamentary development programmes have repeatedly attested to, it is exactly the heightened interaction between parliament and civil society that produces mutually beneficial results in respect of conflict early warnings, equitable policies, participation, transparency and security. Parliaments need to be given explicit attention, as governments cannot be counted on to automatically include them in such processes. On the contrary, governments with questionable democratic credentials tend to discourage parliamentary empowerment.

One area where parliament can assist in conflict prevention is through the equitable distribution of socio-economic development across regions and communities, through income and opportunity distribution policies using the national budget. Parliaments in Africa are often not in a position to pro-actively intervene in **budgetary reallocations**, for example with education and employment, even though it is their constitutional responsibility to approve the budget. This is an area where parliaments need specific skills development and institutional strengthening to play a greater role.

**Confidence building measures** are also required to improve relations between ruling and opposition parties. Transparent decision-making structures, such as with electoral processes, and enabling parliamentary committees to hold all-party debates on key contentious issues, can make the difference between a downward spiral into violence or upwards into multi-party consensus on national priorities. This is especially the case when new threats emerge to challenge a nation's (or a particular group's) prospects.

Another aspect of managing conflict is **civil control of the armed forces** and police, including the oversight of military budgets and military involvement

in politics. This is an area where parliament can (if sufficiently resourced) and should play a leading role, to ensure alignment with national priorities. During conflicts, parliaments can act to provide transparency in the diversion of government finances toward military efforts, and can interact with international donors to ensure that humanitarian assistance is targeted in an equitable way. Consideration also needs to be given, in open and inclusive parliamentary debate, to the implications of internal and cross-border migration, and to the needs of women who are at risk of sexual violence, HIV infection and psychological damage from wars. International peacekeepers can play a more effective long-term peace-building role, when they engage with various political (parliamentary and extra-parliamentary) parties and diaspora at an early stage, rather than waiting for the ink to dry on the accord first.

An example of the role of parliament in ending conflicts was evident in the Pretoria peace negotiations for Ivory Coast. The morning after the peace accord<sup>2</sup> was signed, Prime Minister Seydou Diarra presented the results to the plenary session of the PAP (7 April 2005). The following main elements of the accord were listed as

- having direct relevance to the parliamentary process:
- all-party political cooperation and dialogue would need to continue to fuel the ongoing negotiation process
  - cross-party confidence-building measures were needed if the disarming of militias was to succeed
  - complicated logistics were being worked out for militia regrouping centres and planning for security and police redeployment
  - parliamentary and presidential elections were being prepared for later in 2005, with international mediation
  - a number of Bills were being prepared for swift adoption by a new National Assembly to guide issues in the electoral and peace processes
  - among these the funding of political parties, including an equal amount for the ruling and the main opposition parties, was still being prepared.

Ambassador Mongella, the President of the PAP, interpreted the presence of the Ivorian leader as an indication of a new respect afforded parliament by African leadership. She pledged that the relevant

PAP Committees would give proper attention to the implementation of the Pretoria Accord, and saw the process as an example of how Africa was more able than in the past to solve its own problems.

### **Parliamentary Peace-Building Mechanisms**

The role of **parliamentary committees** is especially important in the post-conflict period. As societies emerge into a new understanding for the future, parliamentary committees can help to bring the conflict from the realm of individual personalities and groups of people, into the realm of ideas, policies and proposals for the future. Simply by allowing the disadvantaged and minority parties to express their grievances in open debate can act as an important pressure-release valve and a cross-party confidence-building measure. This is especially relevant if the debate is part of a learning process whereby members of competing parties move from a position of sworn enemies to one of political adversaries; from shooting to shouting. The Mozambican political context in the aftermath of the 1994 transitional multi-party elections is a case in point. The ruling Frelimo party had been at war with the opposition Renamo party,

## SHARING EXPERIENCES AND GOOD PRACTICES BETWEEN PARLIAMENTARIANS FROM COUNTRIES WITH DIFFERENT HISTORICAL BACKGROUNDS AND SYSTEMS HAS PROVEN EFFECTIVE FOR MUTUAL LEARNING

but they gradually learned to discuss their grievances in parliamentary debates.

The Southern African Development Community Parliamentary Forum (SADC PF) has established a Conflict Management programme that proposes conflict early warning and mitigation mechanisms and includes the following activities<sup>3</sup>:

- establishing databases and institutional memory of election-related conflict
- training parliamentarians and staff on mediation and peace-building
- preparing materials for conflict prevention in upcoming elections
- conducting ongoing pre-election assessments and stakeholder consultations
- coordinating and collaborating with conflict management organisations.

These actions are vitally important because, as the World Bank has established, “countries emerging from conflict show a 44% tendency to relapse into conflict within the first five years”<sup>4</sup>. The post-conflict setting requires significant investments to reconstruct war-torn



**Heads of State at the NEPAD Summit in Algiers on 21 March 2007. NEPAD emphasises good political, economic and corporate governance as the essential building blocks for development in Africa.**

areas, resettle refugees and internally displaced persons, and reintegrate former combatants, as well as to rebuild the basic infrastructure in education, healthcare and transport. Government capacity also needs rebuilding, and special attention must be given to the parliamentary process in order to prevent reversals.

According to the Millennium Project Report, the priority for successful peace-building is early and sustained investment in a long-term **MDG-based development framework**, with attention to healthcare services, education and income-generating opportunities. Also, in the aftermath of armed conflict, weapons need to be collected and destroyed. Experience from the Great Lakes region of Africa demonstrates that government decrees alone are insufficient in ensuring the success of small arms reduction programmes. In order to implement the Nairobi Declaration on small arms reduction, which remained stagnant for four years after government signature, it was necessary for parliamentary action. This effort was coordinated in a United Nations Development Programme (UNDP)-European Parliamentarians for Africa (AWEPA) programme, that not only developed a special handbook<sup>5</sup>, but launched the effort in multi-party political forums and introduced it in both national and regional parliamentary work-

shops, followed by the stimulation and monitoring of parliamentary action, for example on the harmonisation of legislation. This was then incorporated into the Nairobi Parliamentary Action Plan for Peace in the Great Lakes Region<sup>6</sup>, and thus helped secure a joint Democratic Republic of Congo (DRC)-Burundi-Rwanda parliamentary arms reduction initiative.

The introduction of **women candidate quotas** is a controversial issue, yet Africa is now at the forefront of women's representation in parliament with 48.8% in Rwanda, even surpassing the Scandinavian countries; Mozambique (30%) and South Africa (29.9%) are among the 13 highest ranking countries; nine out of those have ruling parties that set quotas for women candidates<sup>7</sup>. The 11 countries that have achieved the 30% target have all used quotas. Quota systems, like all affirmative action tools, should be seen as temporary measures. Once equal representation is ensured and gender is mainstreamed they might no longer be necessary. When attempting to increase women's participation several factors must be kept in mind. The main argument is based on the simple right for women to be represented. Women constitute half the population and should therefore be equally represented in decision-making positions. Another argument is that women have a different set of experiences

and therefore different perspectives and needs that must be brought to the decision-making table. However, it must be acknowledged that not every woman representative will engage in women's rights activism. It must therefore be ensured that quotas are not translated into the creation of 'token candidates'.

**Gender mainstreaming** will not occur by simply increasing the number of women decision makers. A critical mass of male and female leaders, who place social justice and equality at the centre of their work, must be developed<sup>8</sup>.

In the end, peace is sustainable only in a context where the legitimate grievances of the people are aired and listened to in the halls of power, in parliament and government. A strong **civil society** must be able to articulate the concerns of the people, and parliamentary structures must be in place to engage with constituent and other groups. Civil society organisations cannot, on their own, assure effective leadership in these processes, but once engaged in the parliamentary process they are bound to succeed in being heard, and listened to.

In terms of **cross-border conflict**, regional parliamentary dialogue and networking can be a crucial element for sustainable peace. Sharing experiences and good practices between parliamentarians from countries with different historical backgrounds and systems has proven effective for mutual learning. In the context of conflict prevention, regional parliamentary institutions (SADC PF, East African Legislative Assembly (EALA), Economic Community of West African States Parliament (ECOWAS P) can play an important role in confidence-building measures via parliamentary diplomacy and exchange of information and experience. Regional parliaments debate protocols, observe elections, and can assist in harmonisation of legislation, for example on small arms reduction and arms trafficking.

**Building trusting relationships between adversarial stakeholders**, particularly among parliamentarians of different political parties and persuasions, is at the core of peace-building activities. As the World Bank points out: "formal regional institutions promote regional dialogue, build confidence and facilitate learning between members of a region, whilst helping to mediate disputes and provide a neutral space for dialogue"<sup>9</sup>. The most promising new development in African inter-parliamentary relations is the establishment of the PAP (March 2004), which initiated a programme of peace-building missions with its first delegation to Darfur in 2004. The PAP intends to monitor and advise on all AU peacekeeping operations, if resources allow.

### **Parliamentary Peace-Building Agenda**

Given the above-mentioned potential intervention areas, a number of action points present themselves.

This article proposes four main aspects of a parliamentary peace-building agenda for Africa: **escaping from the poverty trap; valuing women's leadership; transformation of constituent relations; and ending corruption, impunity and abuse of power**. This approach does not assume that Africa is suffering from a governance crisis, but rather concurs with the Millennium Project Report's assessment that "Africa's governance is on par with other regions at comparable income levels"<sup>10</sup>. This is not to say that African good governance is fully on track; it is not. Good governance needs more resources for parliamentary training, information and communication systems, strengthening committees, electoral processes, and the like.

In working to **reduce poverty**, Africa has a number of structural disadvantages to overcome. The Millennium Project Report mentions five key factors that make Africa the most vulnerable region in the world for a 'persistent poverty trap':

- very high transport costs coupled with small markets
- persistent low-productivity rain-fed agriculture
- very high burden of tropical and other diseases
- historically adverse geopolitical position
- very slow adoption of foreign technology.

The **national budget** is a starting point for attention to persistent poverty in any country. When public resources are used to the advantage of one group over another, conflict results. An unfair budget that persistently neglects the needs and interests of a group of stakeholders can generate conflict. A parliament that rejects certain expenditures, such as military and defence expenditures, can free up revenue for use in the satisfaction of other priority development objectives and thereby contribute to the proper management of resource distribution. Compliance with the international principles of public expenditure management in national budgeting processes is something that parliaments can monitor and promote.

Parliamentarians can do much more to support Poverty Reduction Strategy Papers (PRSP) processes, such as: ensuring legislative compatibility; educating the public about PRSP programmes; and monitoring PRSP progress. Political parties, both government and opposition, should prioritise their party platforms with NEPAD and MDG-based objectives, **thereby focusing the national debate on positive future developments. If peace is maintained, then economic development becomes possible**. The Parliamentary Contact Group on NEPAD undertook a detailed training exercise on the development of NEPAD national action plans, at an AWEPA regional parliamentary workshop in the South African Parliament on 22 September 2004. Additional resources are required to expand and deepen this work.

The **role of the opposition in the parliamentary debate** can be fundamental to the encouragement of political participation that is part of the peace-building agenda. Opposition parliamentarians can act as intermediaries, initiate confidence-building measures, and start to create an enabling environment for governmental interaction to diffuse acrimonious situations.

Parliament has the power to take **affirmative action** in favour of groups in society that may be disadvantaged or discriminated against, thereby reducing the socio-economic exclusion of any group and ensuring the realisation of their legitimate claims to health, education, land and livelihoods.

Significantly, the Millennium Project Report mentions only one overarching factor that is needed in order to make investments in improved governance and the MGDs effective: improved political representation and socio-economic status of women. The value of **women's leadership** starts with giving women a seat at the table, whether in parliament or in peace negotiations. In 1995, the nations of the world signed the Beijing Platform for Action at the global conference on Women and Development, committing their countries to a minimum of 30% women at all levels of decision-making, including in all their parliaments, by 2005. Unfortunately,

in Africa, nor is a weak and intimidated legislature. Nonetheless, in the power struggle between branches of government, it is imperative that parliament pulls its weight if the democratic process is to function properly. Periodic elections, which normally bring in new and inexperienced members, often do not help matters. This perpetuating weak spot is compounded when political parties and parliaments lack the resources to provide orientation and induction training for victorious candidates, as is often the case in Africa. There are three generally recognised avenues open to parliaments that should form part of their basic toolkit:

- oversight of the executive via parliamentary committees
- freedom of information and media, including in electoral processes
- alliances between parliamentarians and civil society organisations.

An effective parliament cannot be run on the cheap. While members and staff must be paid adequately and resources managed carefully, it is also important that parliamentarians have access to information and advice (libraries, research centres and researchers) as well as to all necessary facilities and services (meeting rooms,

## THE POINT OF PARLIAMENTARY WORK IS TO REPRESENT THE PEOPLE, TO BE THE VOICE OF THE PEOPLE, TO REACH OUT TO ALL SECTORS OF SOCIETY

very few countries have been able to reach this target. In fact, few have even given it serious attention.

**Constituent relations** is an underdeveloped part of parliamentary life in Africa. This has partly to do with the choice of electoral system. A proportional representation, party-list system does not automatically assure that parliamentarians will feel responsible for a specific constituency. Innovations have been developed for this in some countries. Some members of parliaments also perceived themselves, suddenly after their election to office, as somehow too elevated for contacts with the common citizens who voted them in, creating a perception of arrogant distancing. The point of parliamentary work is to represent the people, to be the voice of the people, to reach out to all sectors of society. When they do so, they are acting in a peace-building mode. When they do not, it is an indication that their public outreach and constituent relations skills need transformation.

**Ending corruption, abuse of power and impunity for human rights violations** is a tall order for parliamentarians, especially when relations between executive and legislative branches are out of balance. An overbearing and dominating executive is not uncommon

office space technology, administrators, secretaries, receptionists) and technology and the relevant training to use it. Similarly, if security forces are to be held accountable by the representatives of the people, for their actions and their use of public funds, then parliament needs a minimum resource base for this.

### Way Forward

The wave of democratic elections in Africa, over the last two decades, has brought in a new generation of African leaders and opened excellent opportunities for strengthening democratic control over the security sector, and for initiating peace-building budgetary and development processes. However, the consolidation of democratic gains will require a further strengthening of parliamentary institutions. In young democracies, the technical capacity of parliaments needs to be built before the institution and its members can be fully effective. Not only do new parliamentary procedures need to be established but also the resource base of parliament must be confirmed. Fledgling executive branches, particularly those with something to hide, are often hesitant to provide their legislatures with sufficient

funding for it to fully play its active and independent oversight role. Budgetary resources for parliaments are often insufficient, and they can be supplemented by external development cooperation funding. When parliaments do not have the capacity to meet stringent donor contractual requirements, which is often the case, non-partisan intermediary organisations can play an important role in assisting them.

Parliaments in Europe and other developed countries have a responsibility to make sure their countries play a constructive role in NEPAD, and can encourage their development ministries to target more resources toward African parliamentary development. However, European parliamentarians suffer from a serious knowledge and capacity deficit themselves when it comes to Africa. It is not only important but urgently needed that European parliamentarians come to understand the conditions and developments within Africa, economic and political, as well as the implications for NEPAD's success to their own political decisions and international policy choices. Armed with such knowledge, parliamentarians in the donor countries can better hold their governments accountable for the promises made – and broken – in the past, such as with the MDGs, in Monterrey, and in the G8 Africa Action Plan.

Parliamentarians often do not realise their potential influence and impact. They have a mandate, a responsibility and an opportunity to change the course of history. Individually and collectively, their actions can make the national, regional and global treaty obligations worth more than just the paper they are written on. Whether in relation to the basic rights of women (Convention on the Elimination of Discrimination Against Women) and children (Convention on the Rights of the Child), on landmines, electoral reform, small arms reduction, or even the International Conference on the Great Lakes Region, government (executive branch) commitments are meaningless without parliamentary action.

Experience has shown that inter-regional parliamentary solidarity can be effective in addressing intransigent and seemingly irreconcilable conflicts. North-South parliamentary solidarity instigated sanctions against South Africa and helped to end apartheid, and it can be equally effective in ending war and poverty. The coordination and cooperation needed at a national and regional level to prevent conflicts requires strong regional institutions, particularly to enhance political responsibility. The Millennium Project calls for international assistance to bridge the funding gap at a regional level: "Adequate funding must be available to fund the operating costs of organisations in addition to the specific projects that receive most attention today"<sup>11</sup>. This call has been echoed by the European Commission in the new European Union (EU) Strategy for Africa:

"the EU should step up its assistance to support partner countries' and regional organisations' efforts to strengthen governance and institutional capacity building to enable them to engage effectively in the preventative approach"<sup>12</sup>. The EU Strategy calls specifically for support to the PAP and other Pan African institutions. It remains to be seen to what extent and within what time frame this call will be heard and responded to. This is the key challenge facing the international donor community. 🗣️

**Dr. Jeff Balch is the Director of AWEPA. This article is taken from a larger research project on the role of parliament in conflict prevention and peace-building in Africa, funded by the Danish Ministry of Foreign Affairs.**

#### Endnotes

- 1 Bengtsson, M., Buxtin, I., Kratt, P. (2004) *How to Conduct a Conflict Analysis*, SIDA, pp.35-36.
- 2 Ivorian factions agreed to stop fighting and begin disarmament. The deal, signed in Pretoria, was mediated by South African President Thabo Mbeki on behalf of the AU. Under the deal, militia groups operating in the country are supposed to be dismantled.
- 3 SADC PF Conflict Management Advisory Group (2004) *Report Meeting*, Pamodzi Hotel, Lusaka, Zambia.
- 4 UN Millennium Project (2005) *Investing in Development: A Practical Plan to achieve the Millennium Development Goals*, Report to the UN Secretary General, January 2005, p.187.
- 5 AWEPA (2004 and updated 2006) *A Parliamentarians Handbook to Small Arms Issues* <[http://www.awepa.org/index.php?option=com\\_content&task=view&id=518](http://www.awepa.org/index.php?option=com_content&task=view&id=518)>.
- 6 AWEPA Conference (2005) *Regional Conference on Parliamentary Democracy and Peace in the Great Lakes Region*, in cooperation with Council of Europe, Amani Forum, UNIFEM <[http://awepa.org/downloads/Nairobi\\_Action\\_Plan.doc](http://awepa.org/downloads/Nairobi_Action_Plan.doc)>.
- 7 Ballington, J. (Ed.) (2004) *The Implementation of Quotas: African Experiences*, IDEA International, p.11.
- 8 Anderlini, Naraghi (2000) *Women at the Peace Table: Making a Difference*, UNIFEM, 2000, p.56.
- 9 World Bank Institute (2004) *Parliament as Peace-Builders: The Role of Parliament in Conflict-Affected Countries*, The International Bank for Reconstruction and Development/The World Bank, p.16.
- 10 UN Millennium Project (2005), *Investing in Development: A Practical Plan to achieve the Millennium Development Goals*, Report to the UN Secretary General, January 2005, p.146.
- 11 Sachs, J. (2005) *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals*, Millennium Project Report to the UN Secretary-General, London, Earthscan, p.227.
- 12 European Union (EU) (2005), *EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's development*, Commission of the European Communities, Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee, Brussels, p.22.

# THE EMERGENCE AND CONTEXT OF PARLIAMENTS IN AFRICA

WRITTEN BY **MARTIN R. RUPIYA**

## **Introduction**

The post-cold war era on the African continent has continued to be characterised by conflict and therefore, the search for long-term conflict resolution mechanisms continues. In this regard, widespread consensus has emerged that the panacea lies in implementing the model of parliamentary democracy characterised by a strong and effective parliament. Apart from recognising that some of the core causes of conflicts are centered around identities, resource competition and allocation and personal and factional differences, a more informed consensus has emerged arguing that, without fundamental political participation by all groups within a state, a process that is only possible through the adoption of the parliamentary democracy model, then long-term and sustainable peace will remain elusive. Parliament, an institution defined as a body of elected persons with a mandate to make, amend or repeal laws, appears to offer the most representative mechanism for both minority and majority representation whilst acting as an arbiter for political rivalry.<sup>1</sup> In the last decade, the facilitation of ceasefires, elections and the introduction of parliamentary democracies has become the hallmark of sustainable conflict resolution.<sup>2</sup>

The impact of complex and protracted conflict systems has manifested itself in the weakening and sometimes destruction of national political systems, while physically uprooting and displacing millions of people. While unknown numbers have been forced to flee into diasporas, at least nine million people are estimated to have sought refuge in neighbouring states and camps while a further 22 million people have become internally displaced persons.<sup>3</sup> These figures represent some of the highest of such incidences in the world except for Asia. More significantly, the post-cold war conflict has resulted in collapsed states (Somalia) or weak 'treaty states,' representing countries that are still

struggling to emerge into statehood following ceasefires and negotiated settlements. Côte d'Ivoire, Sierra Leone, Liberia, Sudan, Mozambique, Uganda, Central African Republic, Chad, Guinea Bissau, the Democratic Republic of Congo (DRC), Algeria and Angola are some examples of such 'treaty states'. Finally, these continuing conflicts have destabilised entire regions, such as manifest in the **Mano River Union** – Guinea Bissau, Sierra Leone, Liberia, the Casamance in Senegal and more recently, in Côte d'Ivoire; in **Central Africa** – Rwanda, Burundi, Gabon, Central African Republic, Uganda and the DRC; and currently, the challenges in the **Horn of Africa** affect Uganda, Djibouti, Somalia, Sudan, Ethiopia and Eritrea.

While various conflicts were ravaging the African continent, the now famous 1993 debacle involving United Nations (UN) peacekeepers and the death of the United States Rangers in Somalia, resulted in the United States leading all Western countries to unilaterally remove their troops from engaging in any conflict resolution initiative on the African continent. This exacerbated an already precarious security situation on the continent. The situation deteriorated further when, because of the rapid introduction of democratisation that began in the late 1980s and early 1990s, over 30 African states were pressured to implement political and economic change in order to introduce multi-party democracy, market economies and accelerated political integration. The result of this rapid political change which was expected to occur without other supporting pillars of the liberal democratic framework in place, was catastrophic. In effect, it left many states reduced to factions characterised by weak central governments open to destabilisation.

Faced with the challenges of increased conflict during the post-cold war period, and a disinterested international community unwilling to participate meaningfully in resolving conflict on the continent, Africa's

THE EMERGING CONSENSUS THAT PLACED A HIGH PRIORITY ON FUTURE STABILITY, PEACE AND SECURITY ON THE CONTINENT WAS ONLY GUARANTEED IF ASSOCIATED WITH PARLIAMENTARY DEMOCRACY



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**Organised under the then OAU (now the AU) – Africa’s leaders considered a wide range of conflict resolution mechanisms, including the role of parliaments, to address the challenge of increasing conflict on the continent.**

leaders, organised as the Organisation of African Unity (OAU), considered a wide range of conflict resolution mechanisms, which included the institution of parliament. The emerging consensus that placed a high priority on future stability, peace and security on the continent was only guaranteed if associated with parliamentary democracy.

In attempting to locate the role of African parliaments in conflict resolution, since the end of the cold war, this article briefly assesses the emergence of the institution of parliament at continental and regional levels in line with Africa’s peace and security agenda, with some examples of national participation, before making conclusions.

### **The African Union and the Pan African Parliament**

Since the 1990s, Africa has been left to fend for itself by the departing international community against the background of an escalating conflict situation, at the time concentrated in West Africa. The then OAU responded by issuing the Cairo Declaration in 1993, enunciating the continent’s Conflict Prevention, Mediation and Resolution Mechanism. When the OAU transformed itself into the African Union (AU) in July 2002 in South Africa,

this instrument became part of the Peace and Security Council (PSC).<sup>4</sup> The PSC envisaged “promoting peace, security and stability” through the establishment of other structures such as the Military Affairs Committee, an Early Warning Unit, a Conflict Research Department and finally, a united African Standby Force based on the five geographic regions – East, West, Central, Southern and Northern Africa.<sup>5</sup> Recognising the utility of parliaments, the AU also established and encouraged key institutions, such as its Pan African Parliament (PAP), headquartered in Midrand, South Africa, as well as motivated for the strengthening of regional parliaments. It is important to acknowledge that the current PAP is a new institution whose mandate during its first five years of existence after inauguration in 2004, is only advisory.

Even as the PAP and its PSC were being established, conflict and its manifestations on the African continent reached new depths. There was genocide in Rwanda and Burundi (1994), conflict in the DRC (1998), genocide in Darfur that drew in neighbouring Chad in 2005, and protracted conflict in Angola, Northern Uganda, Sudan and Sierra Leone. More recently, in Somalia, the country’s Transitional Federal Government’s (STFG) conflict with the Islamic Courts and other militia groups drew in Ethiopia and Eritrea on opposing sides. Finally, conflict

also divided and stalemated Côte d'Ivoire, while threatening to unravel the 2005 Naivasha Comprehensive Peace Agreement (CPA) in Sudan.

Despite the severity of the mentioned conflicts, the emerging PAP has been involved in resolving conflict and has been accepted by all parties as an important stakeholder in such processes. The PAP participated in the recent DRC elections and the establishment of a parliament in the DRC. This country's complex conflict has destabilised Central, Eastern and Southern Africa, including parts of lower West Africa. However, the intervention of the OAU/AU through the 1999 Lusaka Peace Agreement and subsequent protocols was key in bringing about the current improved security and relative stability. With the AU's role in Darfur, although seemingly impossible, the intervention has kept the parties in dialogue and opened the way for an extended AU peacekeeping mission mandate. The UN Peacekeeping Mission has been based on the AU Mission already on the ground in South Western Sudan. This is an encouraging sign for the future.

### Regional Parliaments

The second layer of parliamentary representation on the African continent is regional parliaments. Participation in the regional and sub-regional level (in the international security system) is provided for under

Chapter Eight of the UN Charter. Within the AU framework, each of the Regional Economic and Security Communities (RECs) has an obligation and mandate to manage events at the sub-regional level. This is the expectation. In practice however, the reverse is true. The establishment of regional parliaments and institutions, such as the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the East African Community (EAC), and the Common Market for East and Southern Africa (COMESA) has developed far ahead of the continental initiative – the PAP. This has forced the AU and the PAP to 'harmonise' some of their own loftier policies to suit the sub-regional dynamics. For example, while the Lagos Plan of Action and later the AU Constitutive Act sought to define the RECs in terms of geographic entities of East, West, North, South, and Central Africa, this idea has been successfully challenged by the overlapping or exclusive trade groupings and institutions, such as COMESA. The AU regions also include the Inter-Governmental Authority on Development (IGAD), a seven state member organisation in the Horn of Africa that has overlapping membership with the East African Community (EAC). These overlapping memberships have to be resolved as the practice is that the regions simply respond to their own regional and subjective conditions and institutions and present this as *fait accompli* to the AU. Given the

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**The emergence of continental and regional parliamentary bodies have created unique resource bases for dealing with the challenges facing specific regions and the continent.**

## National Participation in Conflict Resolution

**How have parliaments contributed towards the resolution of conflict at the national level? Two examples highlight the role that parliamentarians can – and do – play in national conflict resolution.**

### Guinea

*The first example is the more recent experience of conflict and political polarisation in Guinea-Conakry where President Lansana Conte and the armed forces are in a stalemate with the labour movement, the political opposition and other civic groups. According to Liberian President, Sirleaf Johnson, the conflict has all the hall-marks of spiralling out of control and affecting the Mano River Union region. On 23 February 2007, after 11 days of imposed martial law, the ailing President Conte requested that the national assembly extend the military's mandate. However, the Guinea parliament, in a rare move of independence and assertion, surprised all by refusing to accede to the request while also calling for dialogue between the adversaries.<sup>6</sup> This is illustrative of the significant and necessary role parliament can – and should – play in conflict resolution if given the space.*



GALLO IMAGES / AFP

### Uganda

*The second example is also recent – of the Ugandan parliament providing a unanimous vote for the country to send two battalions as peacekeeping troops in support of the 8 000 AU troops required in Somalia to replace the departing Ethiopians.<sup>7</sup> The rationale for this vote, according to some of the parliamentarians, included firstly being sensitive to history where Ugandans were assisted by neighbouring Tanzania to overthrow a dictator, and secondly, the nature of the conflict in Somalia was resulting in the spread of light weapons in the entire region.*

*The Ugandan parliament has also recently been involved in negotiations with the Lord's Resistance Army's (LRA) in the north where the protracted conflict has ravaged the region and left many internally displaced.<sup>8</sup>*



GALLO IMAGES / AFP

differences in the genesis and local push and pull factors, the pace of the emerging regional parliaments naturally differs from region to region. For purposes of parliamentary representation, at the forefront is the ECOWAS followed by the SADC Parliamentary Forum (PF) in Southern Africa and the re-emerging EAC in East Africa. The EAC had collapsed in 1977 but is now enjoying an expanded membership that includes Rwanda and Burundi amongst the core countries of Uganda, Kenya and Tanzania. In these regions, parliamentary democracy at the regional level is likely to become a reality within the next decade. However, there must still be concern about the lack of progress in the Central and Northern African regions.

The success of parliamentary involvement in conflict resolution has also been noted at the national level. In the actual management of conflict, parliaments work through committees and sub-committees, selected and tasked with mandates to deal with particular areas. For our purpose, the Committees on International Relations, Defence and Security are important. However, at all three stages of parliamentary evolution, that is at the continental, regional and national levels, the International Relations, Defence and Security Committees are still very much at the embryonic stage of development and therefore, lacking experience and precedence. In identifying entry points for more established parliaments and other specialists to assist, providing various

types of expertise and training to members of parliament sitting on these committees is critical and urgent. The limitations highlighted must be viewed in context. The institution and practice of parliamentary participation at the sub-regional level is evolving and may require some time before it is fully effective. The concern is to prioritise attention and resources towards creating enabling constitutional provisions, as well as facilitating the emergence of capable parliamentarians to occupy key posts.

## Conclusion

This brief survey of emerging parliamentary practices at the continental, regional and national levels highlights the potential of such institutions in Africa. Given the advantage of being characterised by elected and therefore representative national consensus, parliaments are likely to widen their reach and influence in addressing the current scenarios of conflict that characterises post-cold war Africa.

However, amongst the three pillars of authority in a democracy, namely, the executive, the judiciary and the legislature, as reflected within emerging democracies in Africa, the legislature is currently the weakest. Reasons for this vary. The fragile African parliament is a recent phenomenon, emerging within states that have only recently achieved universal adult suffrage themselves, such as South Africa in 1994. Furthermore, African parliaments at national, regional and continental levels are still evolving, lack precedence and are therefore, inevitably weaker compared to their counterparts in other world regions. Reasons for this include:

- The concept of parliamentary democracy is still to be internalised and popularised in Africa.
- The 'strongman' leadership syndrome that characterised Africa's immediate post-colonial era until well into the early 1990s did not allow space for parliaments and where it did evolve, parliaments were reduced to superficial roles. Countries that have constitutions in which the presidency can suspend or dissolve parliament, inevitably undermines the independence of such institutions.
- The lack of conducive political environment has stifled the role of parliaments.
- The lack of enabling resources to strengthen the establishment of parliaments and for experienced parliamentarians to contribute in an informed manner.

By implication, identifying these gaps provides entry points for both local and international actors who seek to play a role in strengthening African parliamentary capacities in resolving the continent's conflicts.<sup>9</sup>

While post-cold war Africa is still characterised by weak, collapsed and protracted conflict afflicted states,

a clear start to stabilising the situation through the introduction of parliamentary democracy is evident in a number of regions. The Southern African region, for example, appears to have weathered the storm of protracted conflict and has embarked upon sustained peace and development processes where parliaments play a crucial role in conflict resolution. The same appears to be true for Eastern Africa and the Great Lakes Region, as well as the West African Mano River Union zone. This trend needs to be replicated throughout the continent. 

**Dr. Martin R. Rupiya is a Senior Researcher at the Institute for Security Studies, South Africa. As a facilitator on the Governance and Security Sector Reform project, he has conducted several workshops and conferences with national and regional parliaments in Southern and East Africa, working with parliamentary committees on international relations, foreign policy, internal security, budgeting and civil military relations.**

## Endnotes

- 1 According to <<http://www.thefreedictionary.com>> accessed on 23 February 2007.
- 2 Gerardo L. Munck, *Multilateral Initiatives in Defence of Democracy* at <<http://www.acdis.uiuc.edu/Research/S&Ps/1994>>, p.1-3 accessed on 20 February 2007.
- 3 Human Rights Watch, *Refugees & Displaced Persons*, at <<http://www.hrw.org/doc/?t=refugees&displacedpersons>> accessed on 22 February 2007.
- 4 Jakkie Cilliers and Prince Mashele, "The Pan African Parliament: A Plenary of Parliamentarians," in *Africa Security Review* Vol.13, (4), 2004, pp.73-76.
- 5 Jakkie Cilliers and Prince Mashele, "The Pan African Parliament," in *Africa Security Review* Vol.13, (4), 2004, p.76.
- 6 Reuters AlertNet, Associated Press, "Rare Act of Defiance: Guinea Parliament Rejects Prolonging Martial Law," 26 February 2007 at <<http://www.alertnet.org/thenews/newsdesk.htm>> on 09 March 2007.
- 7 Uganda Parliament Approves Troops for Somalia Peacekeeping Mission, *International Herald Tribune-Africa and Middle East*, 13 February 2007.
- 8 Associated Press "Uganda's Parliament Approves Troops for Somalia Peacekeeping Mission," in *International Herald Tribune*, 13 February 2007.
- 9 The project on Security and Governance in Africa at the Institute for Security Studies, funded by the United Kingdom's Department for International Development, has been designed to work and strengthen the capacity of African parliamentary committees responsible for oversight on International Relations, Foreign Affairs, Defence and Security portfolios in the various aspects of Security Sector Reform; Disarmament, Demobilisation and Reintegration; Civil-Military Relations; Procurement and Budgeting Processes. Given the magnitude of the challenges and the still emerging and evolving parliaments, more input is required to assist on the various aspects.

# RETHINKING CONFLICT PREVENTION AND RESOLUTION: LESSONS FROM THE PAN AFRICAN PARLIAMENT'S MISSION TO DARFUR

WRITTEN BY **HALIFA SALLAH**



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**The challenge of preventing failed states and resolving protracted conflicts, as in Darfur currently, must inform the need to rethink current conflict prevention, management and resolution approaches.**

Building perspectives on conflict trends in Africa, based on concrete experience, is a conduit to the evolution of crisis prevention, management and resolution strategies as well as post conflict responses that can enhance peace, security, good governance and development on the continent. Herein lies the relevance of the initiatives and experiences of the Pan African Parliament (PAP) which came into being on 18<sup>th</sup> March 2004. The immense challenges faced in preventing “failed states”

and in building functioning ones are at the heart of the need to rethink crisis prevention, management and resolution mechanisms and approaches that are complemented by appropriate and effective post conflict responses.

African countries have faced the challenges of nation building since the birth of independent African states. Internal and external factors militated against overcoming these challenges resulting in underdevelopment and the

emergence of states which periodically face governance crises.

The PAP, charged with the responsibility of strengthening “continental solidarity and building a sense of common destiny among peoples of Africa”, was fully informed of Africa’s predicament at the dawn of the 21<sup>st</sup> century. In conveying the African Union’s (AU) vision and mission to the PAP for debate, the AU Commission indicated that, Africa with 832 million inhabitants representing 13% of the world’s population accounts for only 1% of direct foreign investment, 1% of global gross domestic product and 2% of world trade. The continent’s retrogression has consequences. In short, 35 countries in Africa are among the least developed countries. They are now referred to as Heavily Indebted Poor Countries which rely on Poverty Reduction Growth Facilities negotiated with international financial institutions to reduce the prevalence of people living on less than one dollar a day, which comprises 40% of the people inhabiting sub Saharan Africa. The PAP was made aware that 200 million people on the continent are underfed, as reported

for Africa that African countries must double their economic growth rate to reach 7% annually, if poverty is to be halved by 2015. This requires massive investment – about 40% of Africa’s GDP. More specifically, it is estimated that US\$3 050 billion is required to meet the targets set under the MDGs.

The PAP, which is also charged with the responsibility of contributing to a more prosperous future for the peoples of Africa by promoting collective self reliance and economic recovery, was also provided with the facts regarding the potential of the continent. In short, the AU Commission indicated that in the midst of immense poverty there exists tremendous potential and resources, “Africa’s mineral resources account for about 30% of global mineral resources, that is, 40% of the world’s gold and 60% of cobalt reserves. Africa’s uranium and petroleum resources are still unquantifiable and are underutilised.” Faced with this paradox of poverty in the midst of plenty, African countries were confronted with the need to evolve participatory responses to deal with its crisis of governance and under development which

## THE MISSION CALLED FOR THE STRENGTHENING OF THE AU’S CIVIL ADMINISTRATION IN DARFUR BY INCORPORATING EFFECTIVE POLITICAL, HUMANITARIAN, HUMAN RIGHTS AND INFORMATION DEPARTMENTS

by the Food and Agriculture Organisation (FAO) of the United Nations (UN).

However, also contained in the AU commission report was the fact that the underdevelopment of the continent is not only manifest in high infant and maternal mortality rates and the poor quality of life of the majority of Africans, it is also corroborated by the gross instability of governments and states. Such fragile governance provides the pretext for unconstitutional changes of government and armed conflict. It is estimated by the AU Commission that between 1956 and 2001, 186 *coup d’états* occurred in Africa. Half of these occurred as recently as in the 1980s and 1990s. Such instability has resulted in the alienation and displacement of large populations.

At the time of presenting its report to the PAP, the AU Commission acknowledged that there were 3 million refugees and 20 million displaced persons on the continent. The unsettling effects of poor governance and civil strife relegated the continent’s labour force to abject poverty. 80% of the labour force depends on subsistence living, thriving on crude tools and food aid, in rural communities. Africa is at a disadvantage as it struggles to achieve the Millennium Development Goals (MDGs). It is estimated by the UN Economic Commission

had resulted in the impoverishment and marginalisation of people. The search for such participatory responses is what gave rise to the African Charter on Human and Peoples’ Rights (1981) and the Abuja Treaty establishing the African Economic Community in 1991, which in turn provided for the establishment of the PAP. The increasing demand for popular participation and the violent reactions that followed, attempted to frustrate such demands and resulted in state responses to contain such crises of legitimacy.

Declarations and protocols were issued by states and governments providing for instruments, institutions, strategies, plans of action and implementation mechanisms to address the challenges of impending crises. This resulted in the 1993 Cairo Declaration establishing the mechanism for conflict prevention, management and resolution, and the protocol for the establishment of an African Court on Human and Peoples’ Rights, which was opened for ratification in 1998 in order to enforce the provisions of the African Charter on Human and Peoples’ Rights and the African Charter on the Rights and Welfare of the Child. The evolution of such instruments recently resulted in the protocol on the Rights of Women in Africa. In the latter part of the 1990s, the gross atrocities perpetrated during wars placed human rights issues at



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**The Darfur Peace Agreement was signed by two parties, the Government of Sudan and the SLM faction led by Mimi Minawi, in Abuja, Nigeria (May 2006). Other key groups and factions were not signatories to the Agreement.**

the forefront of conferences. This gave rise to the 1999 Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights.

As the 21<sup>st</sup> century dawned it became clear that the issuing of resolutions, declarations and protocols without the development of continental institutions and implementation strategies and mechanisms amounted to a mere exercise in futility. It became imperative for African governments to take a fresh look at the Africa they had created. The African heads of state meeting in Sirte in 1999 acknowledged that the building of a united and strong Africa that would accelerate the process of socio-economic development, promote human dignity and economic emancipation was inconceivable without removing all impediments to peace, security and stability. It was equally acknowledged that the best means to ensure peace, security and stability was by promoting and protecting human and peoples' rights, consolidating



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democratic institutions and culture, and ensuring good governance and the rule of law.

It was also apparent that the monopoly of decision-making power and sovereignty of countries by the states' executive branches could no longer suffice. It was increasingly evident that running the affairs of countries should be a collective enterprise. The best form and design is attained by building partnerships between governments and all segments of civil society, specifically the women, youth, media, unions and other cohesive groups or associations of people.

The adoption of the framework for an Organisation of African Unity (OAU) response to unconstitutional changes of government in 2000 and the Solemn Declaration of the Conference on Security, Stability, Development and Cooperation manifested a desire to curb conflict by rethinking and adopting the standards of best practices for governance on the continent. This rethinking consummated with the adoption of the AU's Constitutive Act in 2000.

### **A New Millennium and a New Africa**

The birth of the AU at the dawn of a new millennium was both symbolic and strategic. It was symbolic in the sense that the liberation of South Africa witnessed the end of the decolonisation process which was conceived as the foremost achievement of the OAU.

Aside from the Western Sahara or Saharawi Democratic Republic, whose decolonisation process was impeded by Morocco, decolonisation on the continent has mostly been achieved. The major challenge for the 21<sup>st</sup> century is how to move from an Africa characterised by heads of sovereign states to an Africa of the people. Herein lies the transition from the principles of governance under the OAU to the principles of governance underlying the establishment of the AU. Unlike the OAU Charter which provided no role for parliaments, article 17 of the AU's Constitutive Act required the mandatory establishment of the PAP.

In short, under Article 4 (c) the AU's principle ensures the "participation of the African peoples in the activities of the Union." The PAP was created to ensure the realisation of this principle. Under the Constitutive Act, the heads of state promised to take all necessary measures to strengthen common institutions and to provide them with the necessary powers and resources to enable them to discharge their respective mandates effectively. It is therefore no accident that the preamble of the protocol establishing the PAP made it categorical that it be "informed by the vision to provide a common platform for African peoples and their grass root organisations, to be more involved in discussions and decision-making on the problems and challenges facing the continent." Furthermore, it provided the basis for creating a community transcending cultural, ideological, ethnic, religious and national differences to promote and consolidate the aspiration of African people for greater unity, solidarity and cohesion. In this regard, the PAP is given power under Article 3 of the protocol to oversee the effective implementation of policies and objectives of the Union, promote the principles of human rights and democracy in Africa, encourage good governance, transparency and accountability; promote peace, security, stability; facilitate cooperation and development in Africa by promoting collective self reliance and

economic recovery, strengthening continental solidarity and building a sense of common destiny among the people of Africa.

In order to achieve these objectives, the parliament must perform legislative, advocacy, advisory and oversight functions. However, currently, the legislative function is muted. The PAP is accorded an advisory, consultative, advocacy and oversight role in the first phase of its existence.

### **A Working Parliament**

The AU created synergy where the assembly constitutes specialised committees to prepare projects and programmes and ensure supervision and follow up in their implementation. These specialised committees are supposed to be monitored and advised by the PAP. This is precisely why the protocol establishing the Peace and Security Council states under Article 18 that "the Peace and Security Council shall, whenever so requested by the Pan African Parliament, submit through the chairperson of the commission, reports to the Pan African Parliament, in order to facilitate the discharge by the latter of the responsibilities relating to the maintenance of peace, security and stability in Africa".

It asserts that "the mechanism shall maintain close working relationships with the Pan African Parliament in furtherance of peace, security and stability in Africa.

### **Implementation of the PAP's Oversight Function: The Darfur Mission**

Barely seven months after its birth, the PAP determined it was necessary to undertake missions to zones of conflict or potential conflict areas. The aim, to investigate and report to parliament with informed recommendations and resolutions. PAP resolution RE 002/04, which provided for the commissioning of a mission to Darfur to acquaint itself with the realities on the ground and report to parliament, was debated and adopted during the second ordinary session of the PAP, dated 16<sup>th</sup> September to 1<sup>st</sup> October 2004.

The seven member parliamentary delegation comprising of parliamentarians from different parts of the continent visited Khartoum to speak to members of the Sudanese executive, parliamentarians, jurists, human rights agencies, civil society and to become familiar with the situation in Darfur. The mission met with heads of the AU Commission including the deputy chairperson, Commissioner for Political Affairs, personnel of the peace and security department; the special envoy of the UN Secretary General in Sudan, Mr Jan Pronk; the political affairs officer of the AU mission in Sudan; members of the parliament of Sudan including the Darfur parliamentary caucus; Ministers of Agriculture, Interior, Humanitarian Affairs and Health; the governors

of Northern, Western and Southern Darfur or their deputies, the commanders of six sectors of the Cease-Fire Commission, representatives of the armed wings of the Sudanese Liberation Movement (SLM) and the Sudanese Justice and Equality Movement (SJEM) in the Cease-Fire Commission, a former Chief Justice mandated to hold an enquiry on Darfur, members of the Advocacy Committee on Human Rights, female judges; ambassadors of the states belonging to the AU in Sudan and members of the UN International Enquiry on Darfur; police and security personnel; refugees and displaced persons.

The PAP mission presented a report to parliament which covered the demographic and historical overview of Sudan in general, and Darfur in particular, which uncovered the uneven development between the north and the western region encompassing Darfur. It highlighted the gross negligence of Darfur since the colonial period and the failure by subsequent governments to remedy the situation. The report examined the political aspects of the conflict characterised by the absence of good governance and the rule of law, and the lack of democratic participation and culture in managing the affairs of the region. It observed that the impoverish-

militia in Darfur that is allied to the Government. This is reported to have given the Janjaweed impetus to raid villages, kill men, abduct women and children, and seize properties, camels, cattle and small ruminants as booty. The SLA and SJEM claim that they are driven to take up arms to protect their people against the impunity of the Janjaweed and their collaborators in the Government.

On the other hand, the Sudanese government has claimed that an armed opposition capable of attacking Al Fasher Airport in March 2003 and destroying seven planes, attacking 80 police stations to collect weapons and vehicles, and killing 400 police personnel was not simply motivated by the desire to protect villagers from raids. They argue that the conflict between agriculturalists and pastoralists has been exploited by politically motivated groups aimed at overthrowing the Sudanese government using Darfur as a launching base. They claim that 80% of tribesmen in Darfur carry weapons, thus complicating the security situation and the government's role in maintaining law and order (PAP's Report on Darfur 2005).

The members of the armed opposition are accused of using rocket propelled grenades and other sophis-

## AS THE 21<sup>ST</sup> CENTURY DAWNED IT BECAME CLEAR THAT THE ISSUING OF RESOLUTIONS, DECLARATIONS AND PROTOCOLS WITHOUT THE DEVELOPMENT OF CONTINENTAL INSTITUTIONS AND IMPLEMENTATION STRATEGIES AND MECHANISMS AMOUNTED TO A MERE EXERCISE IN FUTILITY

ment of the people could easily be attributed to racial and ethnic divides, giving rise to power struggles for control of decision-making institutions and resources. Some referred to the conflict in Darfur as a war between Arab and non-Arab tribes and attributed the cause to attempts at ethnic cleansing. Others referred to it as a rebellion of the Zaghawa and Fur tribes against the Sudanese state. The state actors considered the conflict to be a by-product of a split in the ruling party in Sudan and accused the Turabi camp of using Darfur as a bridgehead to wage a final onslaught to overthrow the current government.

One explanation for the cause of the war was consistent among the members of the Sudanese Liberation Army (SLA) and the armed wing of the SJEM. They claim that repeated calls are made on the government for an end to the socio-economic deprivation of the non-Arab inhabitants of Darfur and to address their lack of security caused by the raids of Janjaweed<sup>1</sup> and the promotion of a culture of impunity because of their integration into the people's defence forces or the local

ticated weapons, while the government troops are accused of allying with the pro-government militias who raid villages and are backed by helicopter gunships and antenovs. Despite the accusations and counter accusations, one third of Darfur's population, numbering between 1.5 and 2 million inhabitants, are either refugees across the borders or are internally displaced in camps. They depend on food aid of mainly oil and grains. Children live in dire conditions and the incidences of rape and HIV/AIDS reflects the situation of women and the violence they endure. Even the camps are insecure. Reports of killings of people in the camps and the police officers who guard them, are not uncommon. The humanitarian tragedy in Darfur was evident in all sectors and areas. What to do about it, was the question and task facing the PAP mission.

### **The Solution**

None of the armed opposition groups advocated the secession of Darfur from mainland Sudan. They called for a new Sudan where power and resources will be shared



**A woman and her children at the Kelma Internally Displaced Camp in Darfur, Sudan. People in such camps must be included in decision-making and conflict resolution processes.**

without distinction to race, tribe or religion. The government also maintained that it had started a process in the south aimed at implementing a comprehensive peace agreement that would lead to the equitable sharing of decision-making powers and resources to ameliorate the historical disparities which could be replicated in Darfur.

The PAP mission concluded that when the vast majority of people in a region or state are alienated and traumatised, the sovereignty and legitimacy of a government becomes the casualty. It recommended that all those interested in the stability of Sudan as a sovereign state should work for a peaceful resolution of the conflict and promote post conflict responses that would lead to the sharing of decision-making powers and resources to remedy past injustices.

### **Recommendations**

The PAP mission observed that if action was not taken to contain cease-fire violations then the integrity of the AU mission in Sudan would be compromised. It therefore recommended that the military observers mandated, be transformed into a robust protection force

to provide security for the inhabitants of Darfur. The mission further observed that since the armed opposition wants a new Sudan while the government is also amenable to the sharing of decision-making powers and resources, negotiation for political settlement of the conflict should be accelerated in order to inspire hope among the combatants and to deter them from resuming hostilities. The mission cautioned that if the negotiations for a political settlement were not time bound, insecurity would gain primacy through repeated cease-fire violations.

History has shown that the PAP mission's observations were correct. In short, the AU assembly did not conclude political discussions until 5<sup>th</sup> May 2006. The Abuja peace talks did not include the PAP in its mediation efforts nor did it involve the Darfur and Greater Sudan civil society. There was more reliance on the executive power of governments to facilitate the negotiations. Despite the legitimacy of the mediation team, led by Salim Ahmed Salim, as well as the presence of Chad, Libya, Nigeria, Eritrea and Egypt as facilitators, the Abuja talks did not achieve its principal aim. The Darfur Peace

Agreement was only signed by two parties in the conflict, that is, The Government of National Unity of Sudan and a faction of the SLM/A led by Mimi Minawi. The other SLM faction led by Abdulwahid Al Nour and the SJEM led by Khalil Ibrahim refused to be signatories to the Darfur Peace Agreement. Even though an ultimatum was issued for them to sign the Agreement by 31<sup>st</sup> May 2006, failing which sanctions in the form of travel bans and asset freezing would be applied, their positions still remained unchanged. In fact, the two movements have since formed a united front known as the Darfur National Redemption Front. The Front issued a declaration rejecting the Abuja peace agreement as faulty. They appealed to the people of Darfur and the marginalised communities of Sudan to join the Front. It was evident that a more participatory approach to conflict resolution was necessary to address this impasse.

The mission further noted that in its short stay in Darfur it was able to engage the SLA representatives in talks to reverse a decision by the external wing to dissociate itself from the Humanitarian Cease-Fire Agreement of 8<sup>th</sup> April 2004. The mission noted the cautious openness of the combatants, the Sudanese authorities, the people in displaced camps, and judges in their consultations with the PAP mission, once they realised that they were dealing with parliamentarians who were not imbued with any powers to impose their will on them and were not agents of any government but were in Sudan as representatives of the peoples of the continent. This confirmed that parliament, civil administration and civil society have a significant role to play in crisis prevention, management and resolution as well as post conflict responses to accelerate reconciliation, reconstruction and nation building in the civil, political, social, economic and cultural sense.

This is precisely the reason why the mission called for the strengthening of the AU's civil administration in Darfur by incorporating effective political, humanitarian, human rights and information departments. Such institutions could easily involve displaced persons and those in villages, especially women, who bear the costs of war in the search for solutions and the implementation of any agreements. The mission observed that the PAP, in partnership with civil society and relevant AU and UN specialised agencies could develop new initiatives to draw the civilian population as partners in developing and implementing conflict management, resolution, peace-building and nation building strategies. This

partnership aspect of conflict resolution planning is often neglected in orthodox conflict responses.

It was therefore recommended that the PAP standing committees should engage the civilian population in Darfur, specifically the committees on gender, family, youth and people living with disabilities, the Committee on Justice and Human Rights, the Committee on Education and Culture and the Committee on Cooperation, International Relations and Conflict Resolution. These committees, in collaboration with the specialised AU agencies and civil society, could easily incorporate the civilian component of any comprehensive peace agreement.

The PAP mission also conveyed the need for institutional development to address the emerging issues from conflict. For example, during discussions with UN International Enquiry members on Darfur, issues of war crimes, genocide and crimes against humanity were raised. The International Criminal Court is extending its operations to handle cases pertaining to war crimes, genocide and crimes against humanity. Article 4H of the AU's Constitutive Act safeguards "the right of the Union to intervene in member states pursuant to a decision of the assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity." The question then arose: What will the Union do to address the cases of those who are suspected to have perpetrated war crimes, genocide and crimes against humanity after intervening in a country? This question merits legal and institutional responses of a continental dimension. If Africa is to attain primacy in handling its conflicts it must develop instruments and institutions that can address all conflict manifestations and ramifications. Herein lies the need for the establishment of an African Criminal Court to address the issues of war crimes, genocide and crimes against humanity. To avoid the proliferation of institutions for their own sake the AU may consider the enlargement of the mandate of The African Court on Human and Peoples' Rights to incorporate the powers of a special criminal court to handle cases of war crimes, genocide and crimes against humanity.

### **A New Vision**

An impact assessment of the PAP mission to Darfur reveals new insights regarding the role of parliaments in the prevention, management and resolution of crises as well as its place in articulating and promoting post conflict responses. This is also evident in the experiences

THE PAP MISSION CONCLUDED THAT WHEN THE VAST MAJORITY OF PEOPLE IN A REGION OR STATE ARE ALIENATED AND TRAUMATISED, THE SOVEREIGNTY AND LEGITIMACY OF A GOVERNMENT BECOMES THE CASUALTY

of the PAP mission to Chad.

Orthodox mechanisms for the management and resolution of conflict are generally restrictive and prescriptive. The civilian populations, who are mostly the victims during war, are treated as objects without representation during and after negotiations for peace agreements. Belligerents are engaged to accede to cease-fire agreements and political settlements are often restricted to the allocation of different ministerial posts to leaders of armed opposition groups in governments of national unity. This tendency to reward belligerents and marginalise the leaders of various civil society groups often serves as a pretext to widen the circles of belligerents.

The objective of war is to centralise power in order to impose the will of the victor on the vanquished. The objective of democracy is the separation of powers at the state level and devolution of power to all segments of civil society to ensure collective leadership through participatory approaches to decision-making. The orthodox approach to conflict is to create a win-win situation between belligerents without addressing the fundamental disparities and injustices which gave rise to

decision-making bodies to prepare the ground for constitutional, civil, political, economic, social and cultural normalcy. If inhabitants of camps for displaced persons and villages unaffected by conflict are organised as democratic communities which empower their members with rights and duties that are clearly defined, new citizens who understand their sovereign rights and duties in a future state, would emerge.

Such emerging democratic communities would tolerate diversity, negate patriarchy and discrimination on the basis of tribe, race, gender, ethnicity, religion and other characteristics; create a culture of respect for human rights; and participatory approaches to decision-making and transparent and accountable civil administrations. This would inculcate a sense of common destiny, empower all segments of civil society to embrace a culture of collective leadership and thus guarantee the participation of all, according to capacity, in creating a future marked by collective empowerment, collective liberty and collective prosperity.

Every generation has the duty to bequeath to the next generation, a better society than they inherited from their predecessors. A generation that cannot accom-

## ORTHODOX MECHANISMS FOR THE MANAGEMENT AND RESOLUTION OF CONFLICT ARE GENERALLY RESTRICTIVE AND PRESCRIPTIVE

the conflict in the first place. Consequently the sources of conflict remain intact long after the creation of governments of national unity. In short, patriarchal relationships do not easily transform into democratic relationships, simply because of the displacement of populations.

If post conflict mechanisms are to create viable states and a political environment conducive to the emergence of sovereign citizens whose free and incorruptible wills and unfettered rights to choose are the basis of establishing legitimate governments, then the basic tenets of respect for fundamental rights and freedoms without discrimination of any person or category of persons, democracy and good governance will be inculcated into the hearts and minds of displaced persons wherever they may be. In short, refugees and internally displaced persons (IDPs) in camps should be organised in democratic ways to promote a culture of respect for human rights and popular participation in decision-making. Camps should be introduced to elections and civic education on civil, political, social, economic and cultural rights and duties. Those elected as provisional camp leaders and civil society leaders should be part of negotiations, play active roles in the drafting of provisional constitutions, and occupy positions in provisional

plish this task is a failed generation. History will one day determine whether the current generation has accomplished its mission or has failed its children. This is the challenge posed to the first generation of Africans in the 21<sup>st</sup> century. 📌

**Halifa Sallah is a founding member of the PAP and served on the Committee on Cooperation, International Relations and Conflict Resolution until February 2007. He was the rapporteur to a seven person PAP mission to Darfur in 2004 and a member of a three person mission to Chad in 2006. He was the opposition leader in the National assembly of The Gambia from 2002 – 2007 and a Presidential candidate in the Gambia in 2006. He is currently the Director of the newly established Peoples' Centre for Social Science Research, Civic Awareness and Community Initiatives.**

### Endnote

- 1 Janjaweed is an Arab colloquialism which literally means "men with guns on horses". They refer to the Arab militiamen who are primarily nomadic.



The Association of European Parliamentarians for Africa (AWEPA) works to support the well-functioning of parliaments in Africa and to keep Africa on the political agenda in Europe. AWEPA strives for the realisation of human rights, democracy, poverty reduction and sustainable development in Africa by supporting capacity building for African parliaments and by promoting a better understanding of African development among European parliamentarians. The organisation's membership includes about 1 500 current and former parliamentarians from the European Parliament and almost all European Union (EU) member states, plus Norway and Switzerland.



### AWEPA PROGRAMME COUNTRIES

Countries where AWEPA organises activities in the framework of one or more AWEPA programmes

<b>Angola</b>	<b>Rwanda</b>
<b>Botswana</b>	<b>Somalia</b>
<b>Burundi</b>	<b>South Africa</b>
<b>DRC</b>	<b>Tanzania</b>
<b>Kenya</b>	<b>Uganda</b>
<b>Lesotho</b>	<b>Zambia</b>
<b>Malawi</b>	<b>Zimbabwe</b>
<b>Mozambique</b>	<b>Southern Sudan</b>
<b>Namibia</b>	<b>Swaziland</b>
<b>Republic of Congo</b>	

AWEPA currently works with 25 parliaments in Africa, including: national parliaments; regional parliamentary institutions; and decentralised authorities.

### AWEPA INVOLVEMENT COUNTRIES

Countries that regularly participate in AWEPA's regional and international activities

<b>Benin</b>	<b>Ethiopia</b>
<b>Cameroon</b>	<b>Gabon</b>
<b>Central African Republic</b>	<b>Ghana</b>
<b>Chad</b>	<b>Guinea</b>
<b>Côte d'Ivoire</b>	<b>Nigeria</b>
<b>Eritrea</b>	<b>Senegal</b>



With its roots in the campaign to end apartheid in South Africa, AWEPA now works in Africa from a development perspective to strengthen the core functions of parliaments: legislation, representation and oversight. Strong parliaments are fundamental for Africa's development; for peace, stability and prosperity. In Europe, AWEPA members improve the understanding and commitment among parliamentarians and other political leaders towards important issues in Africa. AWEPA is a non-partisan international non-governmental organisation with eight offices in Africa, one office in Brussels and its headquarters in Amsterdam.

## AFRICAN PARLIAMENTS

AWEPA implements capacity building programmes to support the well-functioning of parliaments. AWEPA provides workshops, seminars and conferences to strengthen the skills of parliamentarians in executing their legislative, representative and oversight role. In addition, parliamentary staff are trained in parliamentary rules and procedures. AWEPA also executes projects to promote parliamentary cooperation and exchange of expertise between Europe and Africa and between regional parliaments in Africa.

## EUROPEAN PARLIAMENTS

To keep Africa high on the agenda, AWEPA organises several activities in Europe, such as EU Presidency Seminars and visits by African parliamentarians to European parliaments.

AWEPA has built up a broad member network of European Members of Parliament (MPs) and former MPs who are regularly invited to participate in its activities. Within the different parliaments in Europe, members of AWEPA are grouped into sections, active in:

- promoting follow-up of Parliamentary Action Plans resulting from AWEPA conferences
- initiating parliamentary questions and draft resolutions
- organising parliamentary visits to and from Africa.

## RESEARCH

AWEPA conducts research and produces parliamentary handbooks and other tools. AWEPA recently completed a research project: "The Role of Parliaments in Conflict Management and Peace-Building", which involved a unique combination of African political leaders and (regional) democratic institutions.

## THEMATIC PROGRAMMES

**AWEPA informs and mobilises parliamentary action on specific thematic issues. High on AWEPA's agenda are:**

- **HIV/AIDS and Orphans and Vulnerable Children**
- **NEPAD**
- **Peace**
- **Poverty Reduction**
- **Private Sector Development.**

## CONFLICT RESOLUTION AND RECONCILIATION

**Over the years, AWEPA has developed considerable expertise in bringing together parties who were previously in conflict, in a parliamentary context. Strengthening the role of parliament in promoting peace, reconciliation and good governance are strong elements of the capacity building programmes in such conflict countries.**

**AWEPA has supported conflict resolution parliamentary efforts in:**

- **states emerging from conflict, such as South Africa and Mozambique in the 1990s**
- **fragile states, such as Somalia**
- **regions where one or more of the states has experienced or is emerging from a conflict situation, such as the Great Lakes region and the Horn of Africa.**



### AWEPA CONFLICT RESOLUTION ACTIVITIES

**Burundi  
DRC  
Mozambique  
Republic of Congo  
Rwanda  
Somalia  
Southern Sudan**

## THE PAN AFRICAN PARLIAMENT (PAP)

**Inaugurated on March 18, 2004, the PAP's vision is to 'provide a common platform for African peoples to fully participate in the decision-making processes for the political and socio-economic development and integration of the continent, particularly through the harmonisation and coordination of the policies and laws made at national and regional levels and by promoting a sense of unity and common destiny among the peoples of Africa.' At present, the PAP is made up of five parliamentarians from each of the 46 national parliaments of the African Union (AU). Its ultimate aim is to evolve into an institution with full legislative powers, whose members are elected by universal adult suffrage.**

One of the **political objectives of the PAP** is to 'promote and defend the principles of human rights, gender parity, democracy, peace and security' through:

- Strategic cooperation with all the AU Organs and civil society organisations in order to enhance and strengthen peace and security in Africa.
- Developing a monitoring mechanism for peace protocols.

The PAP committee on Co-operation, International Relations and Conflict Resolution is comprised of 23 members from across Africa, and meets in full deliberation twice annually. The committee's mandate includes assisting the Parliament in its efforts at conflict prevention and resolution. During committee meetings

recommendations are made on peace processes and conflict situations. In 2006, these included the peace process in the Côte d'Ivoire, the conflict situation in the DRC, the peace process in Sudan and the conflict situation in Chad.

The PAP also aims to 'promote the harmonisation of continental, regional and national laws to foster continental integration'. In September 2006, the PAP held its first roundtable seminar on the harmonisation of regional economic communities and regional parliamentary assemblies in Arusha, Tanzania. The second roundtable seminar on this topic will take place in March 2007 in Kasane, Botswana. This is also an area in which the Committee on Cooperation, International Relations and Conflict Resolution is keenly involved.

### **The committee's four year work-plan includes:**

- **Fact-finding missions by MPs to conflict zones**
- **Capacity building seminars on conflict resolution**
- **Developing a comprehensive strategy for resource mobilisation for post conflict reconstruction and development.**



JUDA NGWENYA / PANAPRESS / THE BIGGER PICTURE

**The Pan African Parliament is committed to promoting and defending the principles of human rights, gender parity, democracy, and peace and security on the African continent.**

## THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM (SADC PF)

**Under discussion since 1993, and formally launched in July 1996, the SADC PF is the oldest of the regional parliamentary structures. However, its mandate is restricted due to its status as a parliamentary forum. Plans to transform it into a fully-fledged regional parliament, which have been substantiated into a draft protocol, were put on hold at the SADC Summit in Mauritius, partly in order to align with the development of the PAP.**

The SADC PF has a Standing Committee for Gender Equality, Democracy and Conflict Resolution/Peace-building. The SADC Organ on Politics, Defence and Security did not traditionally allow room for either parliamentary or civil society input. The experience of SADC military engagements, such as from August 1998 with the Angola, Namibia and Zimbabwe interventions in the DRC and the September 1998 SADC Combined Task Force of South African and Botswana troops in Lesotho, brought security issues onto the agenda of the then 2-year-old SADC PF. The SADC PF devoted its 15<sup>th</sup> Plenary Assembly, 1-6 December 2003 in Maseru, Lesotho, to the theme 'Towards a SADC Parliament'.

Even though the SADC PF is still in the process of transforming itself into a formal regional parliament, it is already making an impact in terms of oversight of the security sector, especially with electoral observation. In the case of Zimbabwe, after a critical report on the last presidential elections, the SADC PF was not invited to send a delegation to the subsequent parliamentary elections. The SADC PF formed the Conflict Management Advisory Group (CMAG), which focuses on the conflicts in the DRC and Angola. Parliamentary participation in SADC conflict management is intended to help identify 'win-win' solutions that produce 'victory without losers'. Fact-finding missions in Angola and the DRC, focused on pre-election, election phase and post-election conflict. The DRC mission encouraged parliamentary colleagues to draw lessons from the experiences in Burundi and Rwanda. In June 2004, the SADC PF Plenary Assembly invited the DRC's provisional parliament to SADC PF membership. The goodwill mission to Angola sought to assess the state of readiness to hold



**The SADC PF's groundbreaking *Handbook on Handling Election-Related Conflicts* identifies practical actions for decreasing the potential for election related violence.**

elections, and recommended that Angolan MPs enter into dialogue with their colleagues from other SADC countries, to help consolidate peace.

The SADC PF's ground-breaking work resulted in a parliamentary *Handbook on Handling Election-Related Conflicts*, where approximately 18 actions were identified that decrease the potential for violent conflict during electoral processes.

# THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

**The East African Legislative Assembly (EALA) was inaugurated in November 2001. Its creation had been stipulated in the new East African Community (EAC) Treaty signed in 1999. An earlier Regional Parliamentary Assembly had collapsed with the first East African Community in 1977.**

Of the seven Standing Committees created by EALA, one is the Regional Affairs and Conflict Resolution Committee. Chaired by a woman, Hon. Kate Sylvia Kamba, this Committee was the most active of all Committees during the initial session, having had nine sittings in comparison to much fewer sittings for the others<sup>1</sup>. During the second session, this Committee was responsible for passing a Resolution to establish a Peace Committee mandated to address the violence in northern Uganda. As an example of proper Assembly functioning, during the third session (November 2003 to November 2004), a question was raised to the Summit of Heads of State, as to why the East African Peace Committee for Northern Uganda had not yet been established as called for by an earlier Resolution. The success of EALA's peace-building initiatives is due to their very pragmatic nature and the hands-on role of EALA members. Repeatedly, parliamentary delegations have visited conflict-prone areas to conduct situation analyses and promote confidence-building measures.

EALA peace-building initiatives are projected to strengthen in the future as Burundi and Rwanda have now joined the EAC. This will facilitate closer parliamentary cooperation in the Great Lakes region.

1 East African Legislative Assembly (EALA) (2004) *Summary of Business and Other Activities of the EALA*, Half-Term Report of the First Assembly, p.7.

## **Specific examples of relieving cross-border tensions include:**

- **Mission to Gulu, northern Uganda in relation to devastation caused by the Lord's Resistance Army (LRA)**
- **Mission to West Pokot and Trans Nzoia districts in western Kenya and the Lake Victoria region in relation to conflicts arising from fishing disputes**
- **Missions to Uganda-Tanzania and Kenya-Tanzania border areas in relation to conflict early warnings over pasturelands**
- **Inter-Committee investigations into cattle rustling on the Uganda-Kenya border, fishing disputes on Lake Victoria, and pasture-related disputes on the Kenya-Tanzania and Uganda-Tanzania borders**
- **Conducting seminars and workshops on conflict resolution and integrated responses to (potential) conflict in the EAC and Great Lakes regions.**

AWEPA



**Regional Seminar: Parliamentary and Private Sector Cooperation for Sustainable Development and Poverty Reduction in the Great Lakes Region, Arusha, 8-9 September 2006.**

# THE ECONOMIC COMMUNITY ORGANISATION OF WEST AFRICAN STATES PARLIAMENT (ECOWAS-P)

**ECOWAS introduced a parliament in its revised treaty of 1993. However, while the protocol for the ECOWAS Parliament (ECOWAS-P) was signed in 1994, it was only activated in March 2000. The ECOWAS-P held its first session in January 2001.**

The ECOWAS-P has been busy keeping abreast of the ECOWAS Monitoring Observer Group's (ECOMOG) efforts. Official missions have been conducted by ECOMOG in Liberia, Sierra Leone, Niger, Côte d'Ivoire and Guinea Bissau. The ECOWAS-P has been guided in its efforts by a number of practical actions that contribute to collaborative security:

- defence policies based on non-provocation and confidence-building
- regional early warning and security building measures
- targeted capacity building within regional organisations
- standby arrangements for a viable peacekeeping capacity
- regional command-and-control capabilities and mechanisms
- regional military interchanges and joint exercises
- integrated rapid reaction and disaster management capacity.

These actions have been supplemented by recommendations for Africa as a whole, such as strengthened democratic oversight, cooperative relations among politicians and alignment of policies and budgets, which are extremely relevant to planned PAP security support interventions. The ECOWAS-P is an example of an under-resourced regional mechanism for peace-building, which has enormous potential to contribute to sustainable peace in West Africa.

KOLA OSIYEMI/PANAPRESS/THE BIGGER PICTURE



## Some specific examples of the ECOWAS-P's work include:

**Liberia:** a delegation was sent to intervene with rebels and encourage them to the negotiating table. The delegation played a key mediation role, especially in the critical early stages of peace progress.

**Ivory Coast:** a delegation, consisting of members from several countries in the region, was sent on several occasions, to interact with the President, parliament, opposition forces and rebels, which also extended to consultations in neighbouring Burkina Faso and Ghana and a special plenary session on Ivory Coast in November 2003.

**Guinea Bissau:** played a minor role in a parliamentary mediation process between the country's President and parliament, leading to significant temporary concessions that were later reversed.

**Togo:** sent a fact-finding and early warning mission.

**The 31st ordinary ECOWAS summit, on 19 January 2007, held in Ouagadougou, Burkina Faso.**

# REGIONAL WOMEN'S PARLIAMENTARY COOPERATION

Women parliamentarians continue to play a key role in advancing the ratification and implementation of the AU's Protocol on the Rights of Women in Africa.

## THE SADC REGIONAL WOMEN'S PARLIAMENTARY CAUCUS (SADC RWPC)

The SADC Women's Parliamentary Network (WPN) held its first meeting in Windhoek on the first anniversary of the Beijing conference, in September 1996, with the goal of facilitating the implementation of the Beijing Declaration in the SADC region. The members of the Network were drawn from the national women's parliamentary caucus and supported the development of strategies to increase the representation of women in SADC parliaments. They also assisted in the formation of women's parliamentary caucuses in the regions where they did not exist, as part of the Windhoek Agenda for Gender Equality. The Windhoek meeting initiated a series of meetings, sponsored and co-organised by AWEPA, which culminated in the formation of the SADC RWPC in an April 2002 meeting in Luanda, Angola. Among the key objectives of the SADC RWPC is: 'to improve the participation and role of women members of parliament in electoral processes, conflict prevention, resolution and management'.

### Percentage of Women Members in Regional Parliamentary Bodies, 2006

	Women	Men	Total	% of Women
PAP	65	160	225	14
ECOWAS-P	16	92	108	14.81
EALA	9	18	27	33
SADC PF	583	2005	2588	23

Source: From individual parliaments (2006)

## RÉSEAU DES FEMMES PARLEMENTAIRES D'AFRIQUE CENTRAL (RFPAC)



Meeting of the 'Réseau des femmes Parlementaires d'Afrique Centrale', Nairobi, 12 November 2005.

The Network of Women Parliamentarians of Central Africa, was initiated by women parliamentarians from Africa and Europe, and was constituted during a regional AWEPA conference in Kinshasa, DRC, 6-8 March 2002.

As stated in their statutes, RFPAC's aim is to contribute to the political, economic and social promotion of women, democracy building, and to the maintenance of peace and the promotion of impartial justice. RFPAC has successfully managed to create a network for the women involved, from which they have gathered support and strength through regional cooperation. When Rwanda achieved 48% of women representation in the national parliament for instance, RFPAC's expertise and experience was used to successfully influence legislation, improving women's leadership in the Burundian parliament where elections took place in 2005 and in the DRC, where elections took place in 2006.

## INITIATIVE ON STRENGTHENING THE ROLE OF PARLIAMENTS IN CONFLICT PREVENTION AND PEACE-BUILDING



Democratically elected representative bodies constitute the legitimate representatives of the people, independent of the executive branch and imbued with the responsibility of overseeing government action. In theory, parliaments are well situated to manage social crises, prevent violent conflict and bring about lasting peace. Parliamentary debate, agreements between political parties, interactions between parliament and constituents, informal exchanges among parliamentarians, and compromises on resource allocations, all contribute to keeping the peace.

Unfortunately, in many countries, and particularly conflict prone countries, parliaments have insufficient capacity to meet these multiple challenges. Post-conflict parliaments are often weak in relation to the executive branch, armed groups and other non-state actors. The international community's peace-building strategies must strengthen the democratic development process and, in particular, the role and capacity of parliaments to make a positive contribution.

While the international community often invests hundreds of millions of dollars in support of transitional elections as a means of reducing conflict and establishing lasting peace and democratic development, elections represent only one aspect of the democratic process. It is vital for electoral assistance to be backed by investments in long-term democratic

development, including parliamentary development, if human development gains are to be achieved, and to avoid the risk of public disillusionment with the democratic process.

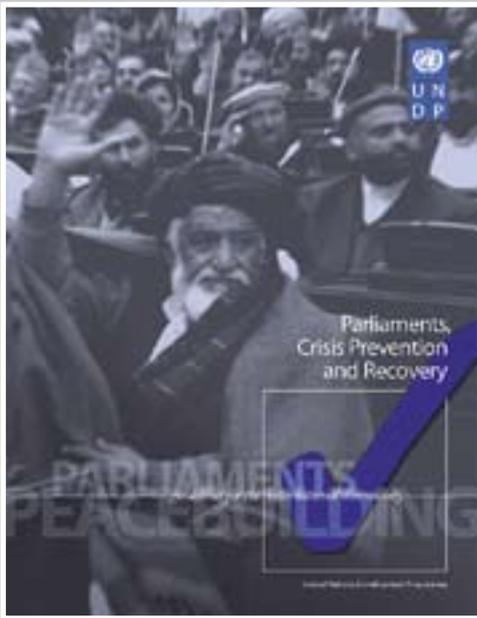
In an effort to call international attention to the important contribution parliaments can make and to the urgent need for enhanced support for parliamentary development as a key component of crisis prevention and peace-building, the United Nations Development Programme (UNDP), in partnership with the Inter-Parliamentary Union (IPU), began to examine the entry points for supporting parliaments prior to, during, and following conflict.

The initiative began with a series of almost 25 country-level case studies, the purpose of which was to:

- 1 record and explain the roles that parliaments can play in the context of crisis and conflict;
- 2 document the obstacles that prevent parliaments from playing positive roles in conflict prevention, resolution and recovery; and
- 3 produce core findings and recommendations to support a set of guidelines for the international community on enhancing parliaments' roles in peace-building and crisis prevention.

**“We need to realign our peace-building strategies to ensure that democratically elected, representative bodies have a meaningful say in their nations’ recovery, reconstruction and socio-economic development... This means bolstering our collective legislative development programmes and ensuring adequate consultation with parliaments in our overall post-conflict programming.”**

**Ad Melkert  
UNDP Associate Administrator**



In the summer of 2005, UNDP convened a series of regional roundtable meetings and a global study group meeting (hosted by the IPU in July 2005).

In April 2006, UNDP – in partnership with the Belgian Government – convened an international donors conference on the role of parliaments in crisis prevention and recovery. Over 100 representatives of donor agencies engaged in conflict prevention and peace-building, democratic governance practitioners and parliamentarians attended the conference. Participants were highly receptive to the call for increased support to parliaments in post-conflict situations, strongly supported the UNDP Guidelines and engaged in using the Guidelines as an advocacy tool and as a guide for work with parliaments in conflict related situations.

The Guidelines affirm the commitment of the international community to support democratic governance processes and, more specifically, parliaments, recognising their vital role in crisis prevention and recovery. The Guidelines document contains 16 'Principles' regarding parliaments and conflict, and 20 'Recommendations for the international community'. The key points are:

- Parliaments have a critical role to play in crisis prevention and recovery.

- Donors' crisis prevention and peace-building interventions – including power sharing arrangements – should be sensitive to the impact on the development of participatory democracy.
- Legitimately elected parliaments provide a forum for the concerns of diverse societal actors (including women and minority groups) to be aired and incorporated in processes of dialogue, reconstruction and conflict resolution.
- Following conflict, elections should never be viewed as an exit strategy for external actors. Elections are part of a process for furthering democratic governance and may be rendered meaningless if support to democratic institutions such as national parliaments is inadequate or ill-conceived.
- After conflict, parliamentary institutions often remain weak in relation to the executive, armed groups and other non-state actors. Building effective democratic governance requires correcting this imbalance. External actors have a role to play assisting in the timely strengthening of parliaments.
- Parliaments are by no means a panacea for resolving conflict or building lasting peace. Flawed peace agreements, weak political parties and corrupt political elites are all factors that can undermine parliaments' positive contribution to peace-building and conflict prevention.
- Parliaments have a fundamental role to play in peace-building processes, including oversight of reconstruction, legislating human rights guarantees and addressing post-conflict security issues.

**For more information on the Initiative and the Guidelines visit <[www.parlcpr.undp.org](http://www.parlcpr.undp.org)> or contact Thomas Huyghebaert, Programme Manager of UNDP's Global Programme for Parliamentary Strengthening at [thomas.huyghebaert@undp.org](mailto:thomas.huyghebaert@undp.org)**

# UNDERSTANDING THE IMPACT OF WOMEN MEMBERS OF PARLIAMENT ON PEACE, SECURITY AND DECISION-MAKING

WRITTEN BY **NATHALIE LASSLOP**

GALLO IMAGES / AFP



**Liberian President, Ellen Johnson Sirleaf, gives a speech on 22 February 2007 during the opening ceremony of the Women Parliamentarians International Conference in Kigali, Rwanda.**

Is women's political participation only a question of democratic representation and women's rights, or can women also contribute a new dimension to politics? Can politics be engendered by an increase in women politicians? The *Platform for Action*, the document resulting from the 4<sup>th</sup> World Conference on Women in Beijing (1995), calls for action by governments, national bodies, the private sector, political parties, trade unions, employers' organisations, research and academic institutions, sub-regional and regional bodies and non-governmental and international organisations to take positive action to build a critical mass of women leaders, executives and managers in strategic decision-making

positions<sup>1</sup>. The United Nations (UN) Economic and Social Council sets this "critical mass" at 30% women's participation.

There are several arguments for targeting an equal number of men and women in decision-making positions<sup>2</sup>:

- **The justice argument** – women account for approximately half the population and therefore have the right to be represented as such.
- **The critical mass argument** – women are able to achieve solidarity of purpose to represent women's interests when they achieve certain levels of representation.

- **The democracy argument** – the equal representation of women and men enhances democratisation of governance in both transitional and consolidated democracies.
- **The experience argument** – women’s experiences are different from men’s and need to be represented in discussions that result in policy-making and implementation. These different experiences imply that women ‘do politics’ differently from men.
- **The interest argument** – the interests of men and women are different and even potentially conflicting and therefore, women are needed in representative institutions to articulate the interests of women.
- **The symbolic argument** – women are attracted to political life when they have role models in the arena.

**Advances made since the Fourth World Conference on Women towards Equal Participation in Leadership Positions**

The UN report in preparation for the 50<sup>th</sup> session (27 February – 10 March 2006) of the Commission on the Status of Women “Equal Participation of Women and Men in Decision-Making Processes at all Levels” lays out that the last decade has seen important improvements for women in leadership positions. At the time of the first World Conference on Women held in Mexico in 1975, women accounted for 10.9% of members of parliaments worldwide. In 1995, it was 11.3% and that figure has increased to 15.6% in 2005. Since 1995, more than 30 women have served as heads of governments and/or states and in 2005, 19 women were presiding over houses of parliament. Further, the number of parliaments with 30% representation of women has increased fourfold, while the number of parliaments worldwide in which women representatives constitute less than 10% has decreased significantly from 63% in 1995, to 37% in 2005.

There seems to be reason to celebrate, as the percentage of parliaments that have reached the fourth World Conference’s target of at least 30% women in parliament has increased threefold in the last ten years, to six percent yet “[o]verall, progress, while steady, has been far too slow. The Inter-Parliamentary Union (IPU) estimates that if current incremental rates continue, an average of 30% women in parliament would not be reached until 2025 and parity would not be achieved worldwide until 2040”<sup>3</sup>.

Rwanda is now the world leader in terms of women’s representation in parliament (48.8%), with Mozambique (34.8%) and South Africa (32.8%) also ranked among the top 15 nations and closing in on the Scandinavian countries and the Netherlands, which

have been traditional leaders in the area of gender equality. In their studies *Women in Parliament: Beyond Numbers* (2005) and *The Implementation of Quotas: The African Experiences* (2004), the International Institute for Democracy and Electoral Assistance (IDEA) has analysed the causes of higher women’s participation, and the conclusions suggest that “this ‘fast-track’ increase is largely due to the adoption of quotas” and that certain electoral systems call for greater women’s participation than others.

*IDEA and Stockholm University have conducted an analysis of electoral quota systems, which found that more than 100 countries had implemented previously or were considering implementing quotas. Of the 16 countries that have reached the target 30% critical mass, 14 of them have implemented quotas<sup>4</sup>.*

According to the IPU data, encouragingly, a number of post-conflict countries are listed among the top 30 countries averaging between 25% and 30% of women legislators. A lesson retained is that “[t]here appear to be a number of critical junctures, such as peace processes, transitions to democracy and the drafting of new constitutions, that provide opportunities for increasing women’s participation”<sup>5</sup>. African countries are among the eight first countries with the highest women’s participation in a post-conflict parliament. Africa has a wealth of experience in this regard, and there are many lessons to be learned by the rest of the world, that should not be missed.

**Initiating Change in the Wake of War: The Gender Composition of Post-Conflict Parliaments**

Country	Women	%	Men	%
Rwanda (2003)	39	48.8	41	52.2
Mozambique (2004)	87	34.8	163	65.5
South Africa (2004)	131	32.8	269	67.2
Burundi (2005)	36	30.5	82	69.5
Uganda (2001)	73	23.9	232	76.1

Source: Luciak (2006), *Conflict and a Gendered Parliamentary Response*, p.10, quoting UNRISD (2005), IPU (2005).

**Women’s Equal Participation and Gender Mainstreaming**

Two challenges to bridging the gender gap must be identified: the increase of women representatives to better meet their demographic percentage in society, and the inclusion of gender-awareness by men and

women into the decision-making process. It is important for *all* involved in decision-making, men and women, to be gender-aware and to use a critical gender analysis framework in their work. Great confusion surrounds terminology around gender issues, and it is important to understand the basic concepts to be able to engage in critical and constructive gender analysis that avoids generalisations and simplification of the issues at hand.

While the term 'sex' identifies the biological differences between women and men, the term 'gender' captures the different roles women and men have within society. It is imperative not to use the two terms and ideas interchangeably, but to be informed and to raise awareness about the complexities the differences bring with them. The danger is to draw essentialist conclusions when analysing the roles either sex tends to be covering in a society. The challenge is to realise that roles are not carried out because a person's sex predetermines them biologically, but because a society in a certain geographical area and timeframe happens to define gender roles in a specific way. Gender roles can therefore be learned and 'unlearned', leaving room for considerable positive change.

While a role does not become a person's 'natural' identity, it does influence men and women's experience

*Post-Conflict Reconstruction: Literature Review and Institutional Analysis* (2005) sets out women's roles in conflict prevention, conflict resolution and post-conflict reconstruction, and outlines women's contributions through their specific experiences as victims of conflict, but also as combatants, peace activists, peace negotiators, survivors, family heads and workers.

During conflict, women and children are the majority of war casualties and victims of sexual and gender-based violence, yet women also assume the key role of ensuring family livelihood in the midst of chaos and destruction and often act as heads of households when the men are absent. Although women in conflict are most often 'only' victimised, their multifaceted role, resulting in a wealth of experience and knowledge, is increasingly recognised.

While gendered conflict patterns, for example men are more likely to be killed or wounded and women are more likely to be victims of sexual violence, must be taken seriously, it is important to avoid the trap of stereotyping. It must also be acknowledged that women can also be fighters and perpetrators<sup>7</sup> and men, victims of sexual violence<sup>8</sup>. A realistic all-encompassing analysis must be undertaken to ensure reactions to a given challenge are gender sensitive.

## WOMEN CAN AND OFTEN WILL BRING DIFFERENT QUALITIES TO THE DECISION-MAKING TABLE

and vision of life. Therefore, women can and often will bring different qualities to the decision-making table, as will any other group in society, although of course, having a woman or women present will not always automatically lead to gender-sensitive analyses.

### **The Value of Womens' Participation and Gender Mainstreaming for Peace-Building**

The binding United Nation Security Council (UNSC) Resolution 1325 (2000) urges all governments, UN bodies, and parties to armed conflict to make special efforts to protect the human rights of women and girls in conflict-related situations and to ensure a gender perspective in all activities related to peace-building and maintenance. It addresses the protection of women during armed conflict, and calls for an end to impunity for gender-based abuses during and after conflict, the integration of a gender perspective in peace-making and peacekeeping, and the participation of women in all levels of decision-making and issues related to prevention, management and resolution of conflict.

Tsjeard Bouda and Georg Frerks' study *Women's Role in Conflict Prevention, Conflict Resolution and*

Planned atrocities, such as the intentional spread of sexually transmitted diseases (STDs), including HIV/AIDS, are integral elements of these new tactics of conflict and primarily target women and girls. Also, when men are away fighting, women are solely responsible for their family's well-being. At the centre, holding the family together, women become the most vulnerable targets, and with their loss, the family and societal fabric disintegrates even further.

Men are not always perpetrators of violence, but are also victims of violence and conflict. Boys for instance, are killed to reduce future soldier capacities in a given country, while sexual violence and rape against men is used in an attempt to 'feminise' men by instilling the perceived lower status of 'women', with the intent of humiliation. "The taboos of patriarchal society contribute to making sexual violence against men invisible. In particular male rape is commonly not reported"<sup>9</sup>.

Human rights abuses such as sexual and gender-based violence, has traditionally not been acknowledged as serious crimes under international law, but recent developments in International Law include:



**Liberian women in a peacebuilding network undertaking a house to house sensitisation campaign ahead of the TRC hearings, in 2006, are an example of the significant role women play in reconciliation processes.**

- 1 In the statute of the new International Criminal Court (ICC), definitions of war crimes, crimes against humanity and genocide outlaw many acts of systematic sexual violence: rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and other acts of similar gravity; and
- 2 At the Special Court in Sierra Leone, forced marriage can now be prosecuted as a crime against humanity. MPs must work actively towards incorporating the necessary measures in their national legislation and budgets.

Substantial experience and expertise have been generated with regard to dealing with the fight against the impunity of sexual and gender-based crimes (for example the International Criminal Tribunal of Rwanda (ICTR) and the Gacaca, the Truth and Reconciliation Commission (TRC) in South Africa, the Special Court for Sierra Leone and the Sierra Leone TRC. Not only have milestone judgements now been issued, for example, by the International Tribunals for Rwanda and the former Yugoslavia (ICTR and ICTY, respectively) in this regard, but they can also be traced back to women's participation as investigators, researchers, judges, legal advisors, and prosecutors.

*"[T]he only woman judge on the ICTR, was instrumental in questioning witnesses in the Akayesu case<sup>[10]</sup> and evoking testimony of gross sexual violence... [eventually leading] to the defendant's conviction for genocide due to those acts, the first time an international tribunal has found that rape and sexual violence can constitute genocide. Indeed, Judge Navi Pillay, the only woman judge on the ICTR at the time, was instrumental in questioning witnesses in the Akayesu case and evoking testimony of gross sexual violence, resulting in additional charges being added to the indictment. Judge Pillay observed recently: 'Who interprets the law is at least as important as who makes the law, if not more so.... I cannot stress how critical I consider it to be that women are represented and a gender perspective integrated at all levels of the investigation, prosecution, defence, witness protection and judiciary.'<sup>11</sup>"*

Men, presently still filling the vast majority of decision-making positions, tend to mainly consider their own societal experiences as the norm and might forget to include women's experiences when making political decisions. Due to a different set of specific experiences,

there is therefore a greater chance that women will include issues, ask questions and address topics in political life that men might simply forget or ignore because it is outside of their realm of experience.

- After the genocide, in Rwanda, the government needed to deal with a staggering number of landless female households caused by discriminatory **property and inheritance laws**. Women Members of Parliament (MPs) lobbied for the establishment of a Gender Desk in parliament, to support the fight for women's right to inherit property and for widows' rights to claim property from their deceased husband's male relatives.

Post conflict challenges for MPs include:

- With regard to **Demobilisation, Disarmament and Reconstruction (DDR)** efforts, when women are part of irregular armies, it makes it difficult to prove active participation, or when women are not combatants and do not carry weapons required to be handed in to receive DDR assistance, they will not receive such assistance. Special consideration must also be given because "female ex-combatants face a number of additional issues such as health, raising children from rape, ostracism, and domestic violence". MPs' task is to ensure that the needs of all women who joined

armies during conflict, whether they too had an active combatant role or not, are met in reconstruction efforts<sup>12</sup>.

- Women are estimated to represent 80% of **internally displaced persons and refugees**, and women ex-combatants and refugees face particular gender-based challenges (counter-traditional gender roles during war are seen as a threat to traditional gender-relations; stigmatisation of victims of sexual violence).
- Measures to combat **domestic violence after conflict** are often overlooked.
- In order to facilitate societal healing, MPs must address violence-related issues and take necessary steps to prevent its downward spiral. Returning combatants for instance, need to learn how to resolve conflict peacefully to prevent an increase in domestic violence.

MPs must actively work towards incorporating the necessary measures in their national legislation and budgets.

When looking at women's roles in conflict, while many are victims, conflict also opens up opportunities for them that should not be lost in the peace-building process. Many women for instance, engage in important work that can lead to political and parliamentary involvement in the post-conflict reconstruction phase

ANTHONY NJUGUNA / REUTERS / THE BIGGER PICTURE



**Kenyan women MPs and supporters demonstrating in Nairobi against the country's decision not to guarantee a quota of Kenyan women representatives for the East African Parliament, in 2001.**

as activists. The danger is that the return of peace also means the return to prevalent social structures. Many women might then withdraw from political and public life, which can lead to a temporary dip in female participation. This dip can be reversed by international donor pressure and support, as international community involvement in conflict prevention and management can increasingly advocate equal participation by women and men from an early stage in negotiation through to post-conflict reconstruction. Special efforts must be made to maintain and develop the leadership and peace-building skills that women have built, and to direct them into political and parliamentary accomplishments.

The reconstruction of society after conflict has been identified as a pivotal moment for the advancement of gender issues, as old patterns can be changed. Africa, through its considerable achievements has many lessons to offer to the rest of the world when it comes to increasing women's participation in conflict and post-conflict societies and in introducing gender issues in conflict management and peace-building.

### Tools for Members of Parliaments

Besides Resolution 1325, a main tool MPs can use for the advancement of women's rights is the *African Women's Protocol*, adopted by African Heads of State in 2003, at the Maputo Summit of the African Union. The protocol entered into force on 25 November 2005 with its 15<sup>th</sup> ratification<sup>13</sup>. The Protocol is groundbreaking in several ways, as it supports women confronting problems that were not addressed in either the 1979 Convention on All Forms of Discrimination Against Women (CEDAW), or the African Charter of Human Rights:

- It calls for equal representation in decision-making and political life reinforcing CEDAW and improving on the 30% target for women's representation that was set by the Beijing process.
- For the first time in international law, it explicitly sets forth the reproductive right of women to medical abortion when pregnancy results from rape or incest or when the continuation of pregnancy endangers the health or life of the mother.
- In another first, the Protocol explicitly calls for the legal prohibition of female genital mutilation, and prohibits the abuse of women in advertising and pornography.
- The Protocol also sets forth a broad range of economic and social welfare rights for women. The rights of particularly vulnerable groups of women, including widows, elderly women, disabled women and "women in distress," which includes poor women, women from marginalised populations groups, and pregnant or nursing women in detention, are specifically recognised.

In 'The African Women, Protocol: A New Dimension for Women's Rights in Africa', in *Gender, Development and Advocacy*, Oxfam (2006), Rose Gawayia and Rosemary Semafumu Mukasa have analysed the ratification process of the Protocol and concluded that:

*"on the whole, the level of public awareness about the African Women's Protocol is woefully low. Unfortunately it is lowest among people working with the media, and community organisations. These are the two groups who are crucial for its implementation".*

MPs have the power to change this trend by using and raising awareness of the document and pushing for its implementation.

For the long-term, increasing and securing women's participation and gender mainstreaming in parliament and tailored capacity building for women and men must remain a major focus. Women's and gender caucuses at national and regional levels need targeted support to achieve greater impact.

While it is clear that women leaders are playing an increasingly useful role in the area of peace-building, it is also not sufficiently documented and given recognition. This points to a gap, where research and ongoing monitoring of women's leadership achievements is urgently needed. This article will hopefully act as a catalyst for such research. 📌

**Nathalie Lasslop is a Project and Research Officer, specialising in gender issues, at AWEPA. This article is taken from a larger research project on the role of parliament in conflict prevention and peace-building in Africa, funded by the Danish Ministry of Foreign Affairs.**

### Endnotes

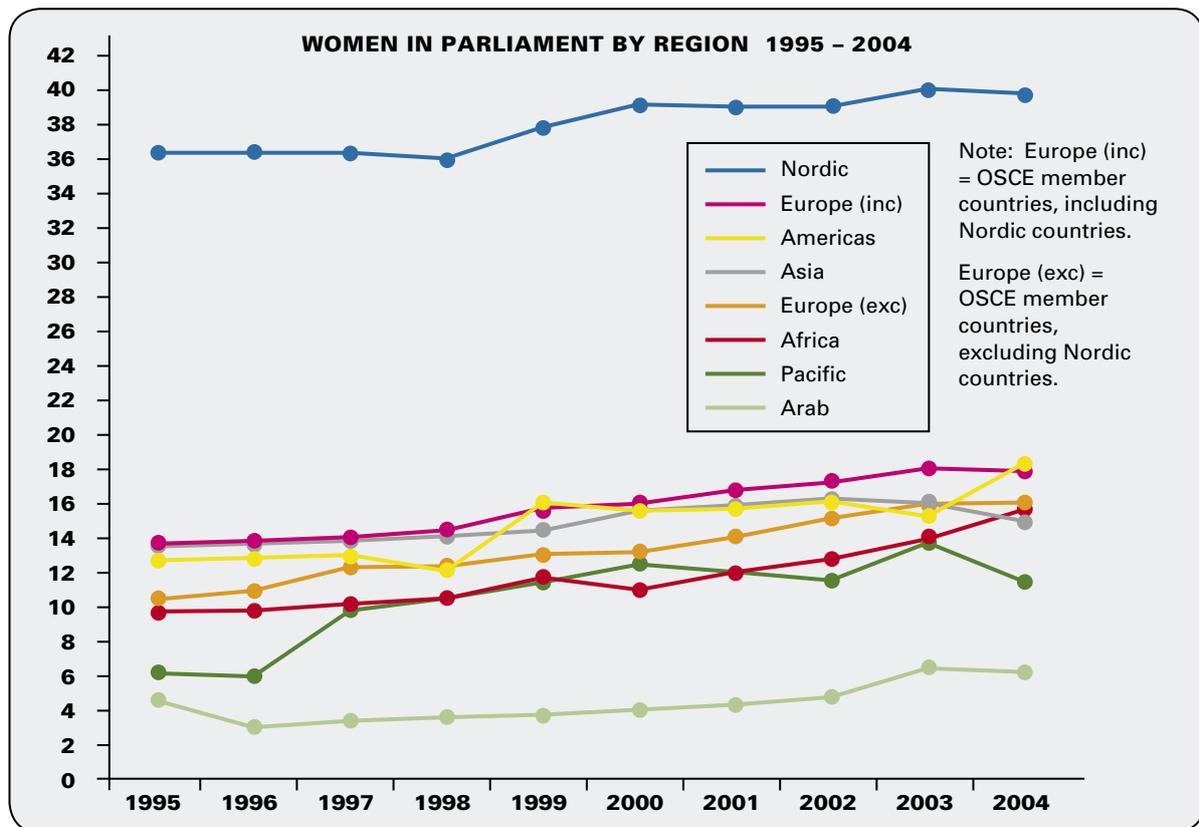
- 1 UNDAW (1995), *Platform for Action*, 4th World Conference on Women in Beijing <<http://www.un.org/womenwatch/daw/beijing/platform/index.html>>.
- 2 UNDAW (2005), *Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership*, Report of the Expert Group Meeting, Addis-Ababa, Ethiopia, 24–27 October 2005; EGM/EPDM /2005/REPORT; <<http://www.un.org/womenwatch/daw/egm/eql-men/FinalReport.pdf>>.
- 3 For more information please see the IPU study *Women In Politics: 60 Years In Retrospect (Information Kit)*, 2006. <[http://www.ipu.org/PDF/publications/wmninfokit06\\_en.pdf](http://www.ipu.org/PDF/publications/wmninfokit06_en.pdf)>
- 4 IDEA and Stockholm University, *Global Database of Quotas for Women: A Joint Project* <[www.quotaproject.org](http://www.quotaproject.org)>.
- 5 UNDAW (2005) *Equal Participation of Women and Men in Decision-Making Processes, with Particular Emphasis on Political Participation and Leadership*, Report of the Expert

Group Meeting, Addis-Ababa, Ethiopia, p.22. <<http://www.un.org/womenwatch/daw/egm/eql-men/FinalReport.pdf>>.

- 6 Essentialist positions on gender, race, or other group characteristics, consider these to be fixed traits, while not allowing for variations among individuals or over time. Contemporary proponents of identity politics including feminism, gay rights, and anti-racist activists generally take constructionist viewpoints, agreeing with Simone de Beauvoir that "one is not born, but becomes a woman" <<http://en.wikipedia.org/wiki/Essentialism>>.
- 7 In a study collecting girls' involvement in fighting forces during 1990-2003, it was found that: "...girls were part of fighting forces in 55 countries and were involved in armed conflict in 38 of the 55 countries, all of them internal conflicts....Although female participation varies in armies, guerrilla forces, or armed liberation movements, generally they are between one-tenth and one-third of combatants" (See Bouta 2005, p.11). In Rwanda, "for example, an estimated 3 000 women (a total of 100 000 to 125 000 Rwandans were awaiting trial prior to January 2003) have been tried or are awaiting trial as perpetrators in the 1994 Rwandan genocide" (See Luciak 2006, pp.19-20).
- 8 The first trial held by the ICTY was brought against Dusko Tadic and resulted in a number of significant decisions for the future of gender-based crimes under international law. Tadic was convicted on charges of sex crimes involving violent and horrific sexual assaults and mutilation. The charges, were brought for the assaults inflicted upon men, not women. (See Campanaro, Jocelyn (2001) *Women, War and International law: The Historical Treatment of Gender-based War Crimes*, Georgetown Law Journal.)

<[http://www.findarticles.com/p/articles/mi\\_qa3805/is\\_200108/ai\\_n8972398/pg\\_11](http://www.findarticles.com/p/articles/mi_qa3805/is_200108/ai_n8972398/pg_11)>.

- 9 Luciak, Ilja (2006) *Conflict and a Gendered Parliamentary Response*, UNDP, p.20. <<http://www.parlpr.undp.org/docs/conference/Luciak.pdf>>.
- 10 On October 2, 1998, the International Criminal Tribunal for Rwanda sentenced former mayor, Jean-Paul Akayesu, to three life sentences for genocide and crimes against humanity and to 80 years for other violations including rape and encouraging widespread sexual violence.
- 11 Barbara Bedont and Katherine Hall Martinez (1999), 'Ending Impunity for Gender Crimes under the International Criminal Court' in *The Brown Journal of World Affairs*. <[http://www.crlp.org/pub\\_art\\_icc.html](http://www.crlp.org/pub_art_icc.html)>.
- 12 In Bouta, Tsjeard and Ian Bannon (2005) *Gender, Conflict and Development*, The World Bank, p.17, the following definition of 'female combatants' is proposed to security and rehabilitation agencies to ensure that all female combatants are targeted with adequate assistance: "women who are part of an (ir)regular army in any capacity, including, but not limited to, cooks, porters, messengers, and the like, and including women recruited for forced sexual purposes and/or forced marriage" (Bouta 2004; 23). <[http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/11/15/000090341\\_20041115142901/Rendered/PDF/30494.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2004/11/15/000090341_20041115142901/Rendered/PDF/30494.pdf)>.
- 13 The countries that have ratified the Protocol as of 5 January 2006 are Benin, Cape Verde, The Comoros, Djibouti, The Gambia, Lesotho, Libya, Malawi, Mali, Mauritania, Mozambique, Namibia, Nigeria, Rwanda, Senegal, South Africa and Togo.



Source: IPU, 2005. *Women in Politics: 1945-2005*. Information kit. <<http://www.ipu.org/english/surveys.htm#45-05>>.

## Women in Parliament 1945 – 2005

	1945	1955	1965	1975	1985	1995	2000	2005
<b>Number of parliaments</b>	26	61	94	115	136	176	177	187
<b>% of women representatives (lower house or unicameral)</b>	3	7.5	8.1	10.9	12	11.6	13.4	16.2
<b>% of women representatives (upper house)</b>	2.2	7.7	9.3	10.5	12.7	9.4	10.7	14.8

Source: IPU, 2005. *Women in Politics: 1945-2005*. Information kit. <<http://www.ipu.org/english/surveys.htm#45-05>>.

### Gender Sensitive Policy Options for Peace Accords

- Organising training and information sharing events for politicians already in office or those involved in the peace talks.
- Developing wider processes of political consultation or representation, for example, with women's organisations.
- Increasing the number of female politicians by training women to run for political office, from village to local authorities to the parliamentary level.
- Fostering discussions within the public, the media and political bodies (including political parties) about women's involvement.
- Setting legislative or party quotas to ensure a minimum number of female candidates.
- Establishing indicators to assess the influence of female and male politicians on political outcomes and the political culture and processes.

Source: Bouta, 2005; 50

### Gender Relevant Topics for Peace Accords

- Human rights provisions in new constitutions.
- Equal participation in elections.
- It should be assured that women are included in all decision-making levels as requested in the United Nations Security Council Resolution 1325.
- Laws against sexual and gender-based violence.
- Prosecution of sexual and gender-based violence.
- Special measures to establish:
  - gender-sensitive police forces and other key institutions, e.g. rape (survivor assistance);
  - access to land, property, housing and credit.

Source: Bouta 2005; 52

## Women in Decision-Making Bodies 1995 and 2005

	1995			2005		
	No. of Women	Total No.	% of Women	No. of Women	Total No.	% of Women
<b>Head of State or Government</b>	12	187	6.4	8	191	4.2
<b>Presiding Officers of Parliament</b>	24	228	10.5	21	254	8.3
<b>Parliamentarians</b>	–	–	11.3	–	–	15.7 (Jan) 16.0 (Sept)
<b>Ministerial Positions</b>	–	–	Data not available	–	–	14.3

Source: IPU, 2005. *Women in Politics: 1945-2005*. Information kit. <<http://www.ipu.org/english/surveys.htm#45-05>>.

# PARLIAMENTS AS UNIQUE INSTITUTIONS FOR CONFLICT MANAGEMENT

WRITTEN BY **TSHILISO MOLUKANELE**

For a long time the African continent has been ravaged by violent conflicts. The nature of these conflicts have been largely internal, although they have also spilled into neighbouring countries.<sup>1</sup> The conflict in the Democratic Republic of Congo (DRC) involved many other countries, while the conflict in Liberia plunged the region into violence. The continuing confrontations in Sudan, Uganda and Côte d'Ivoire highlight the humanitarian crises occurring as refugees scatter to neighbouring countries and many more are internally displaced. The internal and regional nature of conflicts calls for unique domestic ways of handling them; methods that would contain internal conflicts before they escalate into violent confrontations that could engulf entire regions. Parliaments, which are essentially domestic legislative bodies, provide interesting and unique ways of addressing such conflicts.

This article examines what makes parliaments ideal institutions for conflict management by drawing on the South African Parliament case specifically. It argues that parliaments have a central role to play in conflict management. It further argues that their unique nature as premier representative bodies, popularly elected, places them in a position to foster consensus building and engender peace. In addition, the internal functioning of parliaments provides regular and transparent procedures that promote a measure of trust among political role players. Parliaments' oversight function places them in a unique position to mediate between conflicting interests. This is especially true in relation to oversight of the budget and security sectors.

## **Conflict is Inherent in Social Relations**

Societal relations are inherently conflictual; what is needed is to avoid violent confrontations that might ensue from these relations.<sup>2</sup> Violent confrontation might arise as a result of the pursuit of incompatible goals by different interest groups.<sup>3</sup> What is needed, therefore, are institutions to mitigate against conflict degenerating into violent clashes. Parliaments play a critical role in arresting the escalation of conflicts into violent confrontations. The definition of conflict used in this article recognises that conflict might manifest itself at different levels, and favours an approach which seeks to mitigate

against the escalation of conflict from one level to the next. This understanding of conflict suits parliaments role as an intermediary in arresting low level conflicts from degenerating into violent confrontations.

What causes conflicts to spiral out of control and degenerate into violence? Structural inequalities between different sectors of society have been isolated as underlying causes.<sup>4</sup> However, what is of immediate relevance for this article on parliaments and conflict management, is the social system within which possible antagonists may interact as a basis for conflict. Societies should have in place institutions that seek to address the grievances and tensions generated by societal relations. In addition to having institutions that provide consistent and predictable procedures for settlement of disputes, the different interest groups should be mutually dependent and have a certain level of confidence to interact. When a society lacks these institutions and a certain level of integration, ordinary relations could disintegrate and conflicts spiral out of control.

Parliaments are institutions that are in a position to provide for the expression of differences, at the same time providing different interest groups with opportunities to interact, by building consensus and a certain level of confidence among groups.

## **Parliaments as Representative Bodies**

In this article, parliaments are referred to as bodies elected in accordance with the constitution and laws of particular countries, to represent the citizens of those countries.<sup>5</sup> Their functions are deliberative and legislative; that is, the discussion of issues of national importance and the enactment of laws. In simplest terms, parliaments are elected to represent the people. In that way, parliaments provide a voice for the people in the governance of a country.

Members may be elected through a constituency based system or a party list system. In either case, members of parliament represent the people in the constituencies or the people who are members of their party. In some countries, provision is made for representation of underrepresented constituencies or interest groups. In these countries the President appoints members of parliament; the appointees may be drawn from various interest



MIKE HUTCHINGS / REUTERS / THE BIGGER PICTURE

**Parliaments are elected to represent the people and are therefore a voice for the people in the governance of a country.**

groups, such as the youth, the disabled, women, religious groups or underrepresented regions.<sup>6</sup>

Parliaments also refer to unicameral (one House) or bicameral (two Houses) legislatures. The bicameral approach is favoured by federal states or states with pronounced regional interests and which seek these interests to be expressed in national debates. While the first House is elected directly to represent the people, the second House is elected, or sometimes appointed, to represent regional or provincial/state interests. Certainly bicameral parliament, in addition to representing the people, also represents provincial or regional interests; consensus-seeking therefore extends to reconciling regional interests.

### **Unique Position of Parliaments in Conflict Management**

Conflicts occur whenever competing and mutually exclusive interests collide. The challenge, therefore, is to mediate between conflicting interests and prevent escalation into violent confrontation.<sup>7</sup> The role players must be willing to interact with each other. Parliaments provide such opportunities to interact and build confidence among political parties.

Parliaments status as elected institutions that represent the people makes them natural forums for consensus building. Their multi-party character promotes participation of represented political parties and the public in decision making processes. Herein lies the dynamic character of parliaments in conflict management, *representation* and *participation*. Parliaments procedures provide *transparency* and *predictability* which promote participation. The function of *oversight* over the Executive, especially over the allocation of resources and oversight over the security sector, further contributes to parliaments conflict management attributes.

### **Representation and Participation**

The representative nature of parliaments is conciliatory. Interest groups who participate in the political process stand a chance to influence public debates. Representation in parliament may be gained by participating and winning votes in a popular election. Elections should result in parliaments that are widely representative of the range of opinions found in a particular country. The countries which allow presidential appointees to parliaments, could use these appointments to enhance the representation of underrepresented opinions. South Africa's Constitution<sup>8</sup> commands that the National

Assembly shall be composed of representatives elected in terms of an electoral system that results, in general, in proportional representation. The National Council of Provinces provides for representation from all provinces. Parliaments need to facilitate participation in their processes of not only the represented parties but other views as well. The space for participation also provides opportunity for compromise and the moderation of strong points of view. Parliamentary rules should allow all parties to participate in the debates of the House and committees on a fair basis.<sup>9</sup>

Participation extends to committees and members of the public through submissions and appearances before committees.<sup>10</sup> The participation of the public legitimates decisions of parliaments. Public involvement in the legislative process was a matter of two Constitutional Court judgments in 2006 in South Africa<sup>11</sup> where the Court decided that parliament was in breach of its constitutional obligation by failing to properly involve the public in the legislative process and accordingly instructed parliament to rectify the situation within 18 months. The Constitutional Court upheld the value of parliament in building consensus by involving the public in the legislative process.

### ***Internal Functioning: Transparency and Confidence Building***

Generally, parliaments should have powers to make their own Rules and Orders. The Rules and Orders govern the proceedings of the House and committees and the processing of other matters before parliament. The Rules provide regular and transparent ways of doing things, but they might also be time consuming and inflexible. Despite the advantages provided by the rules, sometimes political parties are not ready to enter into regulated interaction based on strict rules. Hence, the rules should also provide politicians with opportunities to 'find each other' outside of the normal rule bound arrangements.

Party whips may take on the responsibility of forging informal ways of reaching consensus. The Rules of the South African parliament provides for a Chief Whips' Forum (the Forum) a weekly meeting of whips of all parties represented in the National Assembly. Parties, which do not have whips, are part of the Forum as well, so no matter how small a party is, it participates in the Forum. The Forum has no decision making powers, instead, its role as stipulated in the Rules is consensus seeking. The non decision making status allows whips to

engage on matters without the pressures of a structured process and accompanying inflexibilities.

The Forum has shown that whips interact with each other more easily in the informal setting, which is not restricted by rules of parliament. Whips are able to reach consensus on a number of matters, for example orders of the day, time allocation for debates, motions to be moved in the House and resources for members. Formal committees of parliament, for example the Rules Committee and the Programme Committee, have come to rely on the Forum to process matters expeditiously. These committees refer to the Forum, matters that require agreement among the parties. Once parties agree in the Forum, the matter is taken back to the formal committee, where it becomes easier to reach agreement because an understanding had already been established between parties at the Forum.

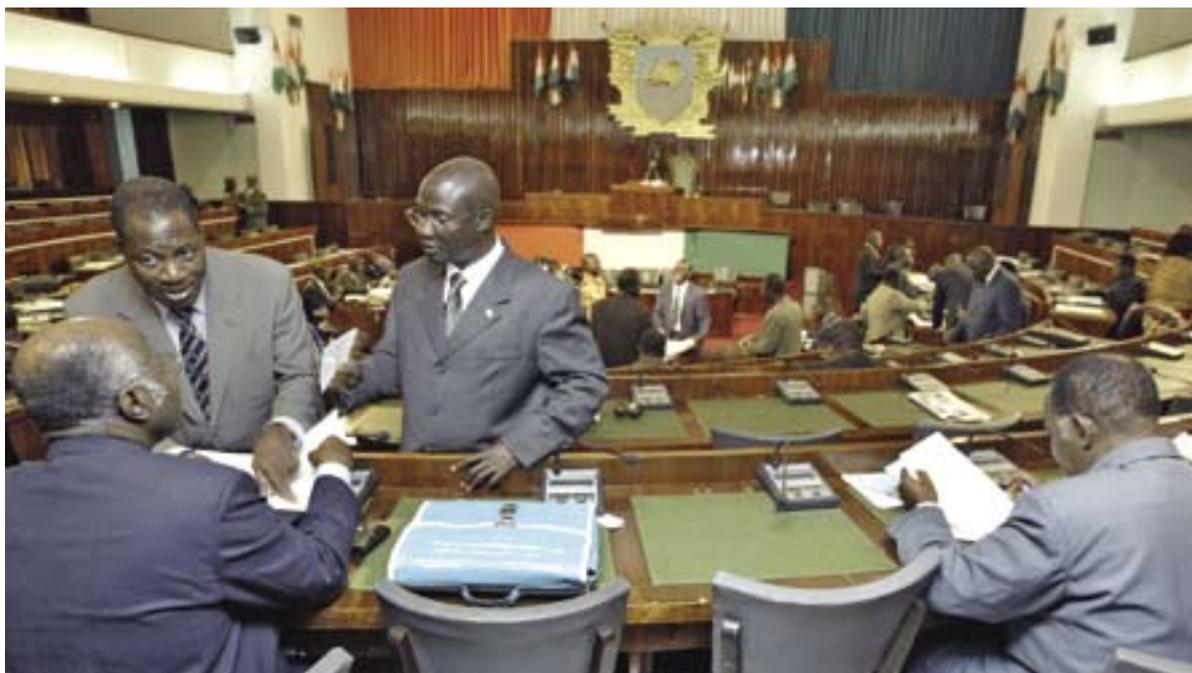
The nature of the Forum allows for confidence building; whips of different parties interact with each other and are able to establish a certain level of trust. Party whips are comfortable engaging in bargaining in the informal Forum setting. Members are less antagonistic and more willing to work together to reach a common understanding.

### ***Oversight Function***

One of the roles of parliaments is to perform oversight over the Executive Branch. This means that cabinet members are accountable, to parliament, for the exercise of their powers and their performance. They provide parliaments with regular and full reports of matters within their control. In this way, parliaments are able to appraise the achievements of agreed upon national goals, to ensure that resources are utilised as allocated. Oversight occurs through various tools: Questions to the Executive, Debates in the House, Members' Statements, Ministerial Statements and Interpellations.

The most common method of oversight is the committees system. Parliaments establish committees to shadow government's portfolios or departments. The committees are responsible for a particular portfolio, and scrutinise matters that fall under control of that department. They receive reports and require Ministers or officials to report on certain matters. Parties are represented in committees proportionally. Generally, committees should be open to the public as they are agents of the House, which is an open forum of debate. Committees provide an opportunity for parliament

THE INTERNAL FUNCTIONING OF PARLIAMENTS PROVIDES REGULAR AND TRANSPARENT PROCEDURES THAT PROMOTE A MEASURE OF TRUST AMONG POLITICAL ROLE PLAYERS



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**In parliaments' oversight of the Executive Branch, cabinet members are accountable, to parliament, for the exercise of their powers and their performance.**

to interact with the public. The public could be asked to comment on the work before the committees. It is common for committees to scrutinise proposed legislation by soliciting views about the bill's subject matter from the public. Committees are helpful in getting a closer look at matters that a large House would be unable to do. Oversight of the budget and security sector present specialised areas of work which a committee would be best placed to engage in, rather than the House.

***Oversight of the Budget***

National budgets are usually tabled in parliament for approval. This is done by passing a bill that appropriates money for various government departments, programmes and projects. Theoretically, parliaments may amend or reject budgets. The Constitution of South Africa provides that parliament must pass legislation that will allow it to amend money bills; parliament is currently considering such legislation.<sup>12</sup> The ability of parliaments to amend budgets allows for resources to be moved where they may be most needed, such as reconciliation efforts, nation building programmes and addressing inequalities in society.

When introduced, the budget is usually referred to the Budget Committee and to portfolio committees to scrutinise the budget votes of the departments they oversee. However, oversight of the budget is not as strong as oversight in other areas, mainly because the budget is considered to be a specialised area. One way

of overcoming this is to establish a dedicated budget committee to scrutinise the budget from a financial and fiscal perspective and to refer programme and policy matters to a portfolio committee to ensure the alignment of the allocations to policy commitments. The lack of skills to interact with the budget has meant that there is little oversight that occurs prior to the budget being approved by parliaments. Parliaments simply endorse the budgets. Most parliaments try to make up for this shortfall by establishing a Public Accounts Committee (PAC) to scrutinise the spending trends of the government. The PACs perform their work retrospectively, on the basis of audited statements from departments submitted by the Auditor-General. Such oversight limits parliaments in that wastage can only be identified after the fact, when financial statements are submitted. Parliaments should intervene in the budget process effectively to influence allocations and continuously scrutinise spending trends to determine if policy commitments are met.

***Special Measures to Strengthen Democracy***

Most modern constitutions make provisions for the establishment of institutions that support democracy, such as independent election management bodies, ombudsmen and human rights commissions. Generally, these institutions are accountable to parliament and help to entrench democratic principles. They assist parliaments in executing its oversight of the Executive, by providing regular reports, and investigating government

conduct. The electoral bodies, for example, ensure free elections and a representative legislative body.

What is key about these institutions, is that members of the public can approach them with complaints relating to human rights abuses or abuses of public power and maladministration. They provide the public with alternative avenues to raise issues of concern. The countervailing mechanism that they present to state power serves as a safety valve for people who are not able to access courts. In this way, factors that may lead to conflict escalating are resolved speedily outside the alienating and long drawn-out legal processes. South Africa has taken the idea of the countervailing mechanism further and established a commission for the promotion and protection of the rights of cultural, religious and linguistic communities. The institutions supporting democracy assist by strengthening the democratic ethos and building confidence in the democratic system. Parliaments should protect and work with these institutions to maximise their abilities in conflict management.

### Conclusion

It is clear that parliaments are well placed for conflict management. Their character as representative bodies that are deliberative augurs well for them. Conflicts need to be managed, not suppressed and parliaments are able to do this by providing space for the articulation of differences. Further, parliaments' internal functions based on consistent and predictable rules, allow role players to develop trust and confidence. Willingness of the role players to interact with each other is key to any conflict management effort. By their mere presence parliaments and the reassurance of internal rules, allow role players to 'grow comfortable' with each other and build trust.

The functions of parliaments, especially the oversight functions, have enormous possibilities for conflict management if used effectively. The weakness in budgetary oversight, especially with intervening in financial allocations, means that parliaments can miss a valuable avenue to address some of the underlying causes of conflicts, such as structural inequalities. By assisting constitutional institutions that support democracy, such as human rights commissions, parliaments help to build confidence in the democratic system.

Although a point is made that parliaments are ideal and unique institutions for conflict management, they must be active and representative. An inactive or less representative parliament could have the opposite, undesired effect of conflict provocation. 📌

**Tshiliso Daniel Molukanele is a Procedural Advisor at the National Assembly Table, the National Assembly, the Parliament of**

**the Republic of South Africa. He is a former ACCORD staff member. This article is written in his personal and independent capacity.**

### Endnotes

- 1 See Ojanen, Julia (2001) Parliaments as Instruments of Peace, available at <www.awepa.org> accessed on 8 December 2006; O'Brien, Mitchell (2005) Parliaments as Peacebuilders: The Role of Parliaments in Conflict-affected Countries, available at <www.worldbank.org> accessed on 8 December 2006; and Awepa (2005) The New Parliamentary Peacebuilding Paradigm in Africa, available at <www.awepa.org> accessed on 10 December 2006.
- 2 Awepa (2005) The New Parliamentary Peacebuilding Paradigm in Africa, available at <www.awepa.org> accessed on 10 December 2006
- 3 Kriesberg, Louis (2001) Social Conflict Theories and Conflict Resolution, available at <www.beyondintractability.org> accessed during March 2004.
- 4 Ibid.
- 5 O'Brien, Mitchell (2005) Parliaments as Peacebuilders: The role of Parliaments in conflict-affected Countries, available at <www.worldbank.org> accessed on 08 December 2006.
- 6 Section 63 of the Zambian Constitution, 1996, provides for the President to appoint eight other members to the National Assembly.  
Section 38 of the Zimbabwean Constitution, 1996 provides for the President to appoint 12 other members of the Parliament.
- 7 Awepa (2005), in 2 Above.
- 8 Section 46(1)(d) of the Constitution of the Republic of South Africa, 1996.
- 9 Ibid, section 57(1)(b) provides that the National Assembly may make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.  
Section 57(2)(b) provides that the Rules and Order must provide for the participation in the proceedings of the Assembly and its committees of minority parties represented in the Assembly, in a manner consistent with democracy.
- 10 Ibid, Section 59(1) provides that the National Assembly must facilitate public involvement in the legislative and other processes of the Assembly and its committees.
- 11 Doctors for life and others versus Speaker of the National Assembly and others, Case Number Constitutional Court Text (CCT) 12/05 and Matatiele Municipality versus President of the Republic of South Africa and others, case Number CCT 73/05. In the Doctors for life case, two Acts that were passed by parliament were declared invalid because parliament failed to hold public hearings to provide citizens with a meaningful opportunity to be heard. In the Matatiele case, the Constitutional Court held that provincial legislatures of provinces that will be affected by a proposed law have to agree to that law being passed. If the provincial legislatures do not agree to such law then the law becomes inapplicable to those provinces.
- 12 In African countries with French influence, when parliaments reject a budget or government programme, the head of government usually resigns. The constitutions of Rwanda, Algeria, Gabon and Mali implement this.



GOPAN TOMASEVIC / REUTERS / THE BIGGER PICTURE

**Parliaments have a significant role to play in curbing election related conflicts and the accompanying violence.**

## PARLIAMENTS' ROLE IN ELECTION RELATED CONFLICTS: LESSONS FROM THE SADC PARLIAMENTARY FORUM

WRITTEN BY **RUMBIDZAI KANDAWASVIKA-NHUNDU**

The Southern African Development Community Parliamentary Forum is the regional parliamentary institution of the Southern African Development Community (SADC). It constitutes the national parliaments of 13 member states, namely: Angola, Botswana, the Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The Forum, as it is often referred to, was established in 1996 in accordance with Article 9(2) of the SADC Treaty. The ongoing consultations on the transformation of the Forum into a regional parliament have reached advanced stages.

The SADC Parliamentary Forum is committed to developing a region that remains unmarred by election related conflicts and accompanying violence. The Forum's constitution emphasises the primary objectives of the promotion of peace, democracy, gender equality, security and stability, among other issues. As the changing nature of conflict in Africa (which is now mostly intra-state) continues to unfold, the SADC Parliamentary Forum has initiated strategies and approaches based on finding constructive solutions that promote inclusion and accommodation of all people. It is expected that such strategies and approaches will reduce the need for



**The SADC Parliamentary Forum has developed norms and standards to inform the conduct of elections and create a regional conflict prevention culture.**

traditional military interventions to manage and resolve election related conflicts and will strengthen the role of parliaments in this area.

As SADC countries increasingly hold multi-party elections, parliaments' roles in monitoring the potential causes of election related conflicts and early engagement with key stakeholders, aimed at conflict prevention and peace-building, is at the heart of the law-making, representation and oversight mandates of parliaments as institutions supporting democratic governance. Parliaments are by definition institutions that reflect the divergent views of all people and bring together parties who oppose each other in electoral competitions. Parliaments should therefore facilitate peaceful dialogue, resolution of differences, and the mutual existence of societies' diverse views and options based on agreements on the rules and frameworks for the expression of conflicting ideologies, as set out in United Nations (UN), African Union (AU) and SADC agreements.

There are commendable efforts by professional and electoral institutions, such as the Electoral Institute of Southern Africa (EISA), to prevent election related

disputes in the SADC region. However, these have not been systematically institutionalised as high-level political initiatives by parliaments in developing preventative strategies for election related conflicts. A notable exception is the Forum's *Standing Committee Responsible for Gender Equality, Democracy and Conflict Resolution/Peace-Building*, which was established as a key organ at the institution's inception. As stipulated in the Forum's 2000-2005 strategic plan, the Standing Committee was mandated to change parliamentary action and engagement in conflict prevention and peace-building.

Based on its repertoire of election-related knowledge and experience, the Forum developed and adopted the *Norms and Standards for Elections in the SADC Region*<sup>1</sup> on 21<sup>st</sup> March 2001, the first of such guidelines for elections in Africa. The Forum's approach is to build and optimise the road map for democratic practice, articulated in the *Norms and Standards for Elections in the SADC Region*. The endless court cases and petitions after election results are finalised signifies the absence of mutually agreed upon norms and standards to inform

THE SADC PARLIAMENTARY FORUM IS COMMITTED TO DEVELOPING A REGION THAT REMAINS UNMARRIED BY ELECTION RELATED CONFLICTS

the conduct of elections and create a regional conflict prevention culture. The approaches engaged by the SADC Parliamentary Forum illustrate a shift from a culture of reaction to conflict to a culture of conflict prevention.

Given the experiences of conflict and violence related to elections that have occurred in some countries in the region, the Forum realises that simply observing elections and election related disputes, without contributing towards the resolution of these disputes, does not sustain multiparty democracy and frustrates the organisation's paramount objective. In the absence of sustainable democratic structures, culture and practice, the consequent struggle for democratisation, good governance and political system reform will continue to daunt the region and fuel conflicts unless the preventative potential of parliamentarians is harnessed.

The Forum's initiatives facilitate a sophisticated parliamentary understanding of what affects the type, level and dynamics of electoral conflict, to ensure that policy interventions do not further instigate or revive situations of violent conflict. These initiatives include the development of a *Parliamentary Handbook on Election Related Conflicts*, which unpacks the potential causes and sources for election related conflicts. The handbook distils the current thinking on parliamentary strategies to resolve structural, interests, information, relational and value-related conflicts. Cognisant of the fact that there can be no one-size-fits-all formula for conflict prevention and peace-building, the role of parliaments is premised on such institutions continued search for agreements and compromises on issues brought before them.

The Forum's Conflict Management Advisory Group (CMAG) constitutes experienced individuals from organisations in the SADC region, whose main aim is to build

*The Forum has facilitated interventions on conflict prevention and peace-building for parliamentarians, with a focus on:*

- *Building the capacities and skills of parliamentarians in election related conflict prevention, management and peace-building;*
- *Identifying and developing parliamentary awareness on election related conflict areas and issues.*
- *Undertaking election related conflict assessment missions for the continuous assessment and monitoring of potential causes of election related conflict.*
- *Establishing parliamentary election related conflict early warning and mitigation mechanisms.*

*The CMAG was established as a think tank to:*

- *Provide technical assistance and expertise, in assisting the Forum to contribute to conflict prevention and peace-building.*
- *Provide expert guidance on the role of parliaments in conflict prevention, management and peace-building at regional and continental levels.*
- *Advise on the entry points for parliaments and the role of parliamentary diplomacy.*

and sustain a culture of peace in the region through the promotion of non-military interventions.

In their continued pursuit for non-military interventions, there is consensus among parliamentarians that some of the main approaches to conflict resolution include transforming oppressive structures and facilitating the inclusion of women in peace-building and conflict transformation processes. The Forum is party to the Guidelines for the International Community on Parliaments, Crisis Prevention and Recovery developed under the coordination of the United Nations Development Programme's (UNDP) Bureau for Development Policy (Global Programme for Parliamentary Strengthening). The SADC Parliamentary Forum represents a good example of how regional parliamentary cooperation can have a positive impact at the national level in terms of preventing conflicts and strengthening democracy. 

**Rumbidzai Kandawasvika-Nhundu manages the SADC Parliamentary Forum's Conflict Prevention and Peace-Building programme, which targets the national parliaments of Southern Africa and is the focal point for the UNDP's Global Programme for Parliamentary Strengthening initiative on Parliaments, Crisis Prevention and Recovery. She presents and facilitates discussions on parliaments' roles in conflict and post conflict situations. She is also responsible for the gender mainstreaming programme in SADC parliaments and has experience in gender mainstreaming in development and democratic governance programmes at regional and international levels.**

#### **Endnotes**

- 1 The Forum's Plenary Assembly unanimously adopted the Norms and Standards for Elections in the SADC Region on 25th March 2001, as a blue print for the design and conduct of credible and transparent electoral systems and processes in the SADC region.

# HIV/AIDS AFFECTED CHILDREN IN CONFLICT SETTINGS AND PARLIAMENTARIAN INACTION

WRITTEN BY **FATOU MBOW** AND **DOUGLAS WEBB**

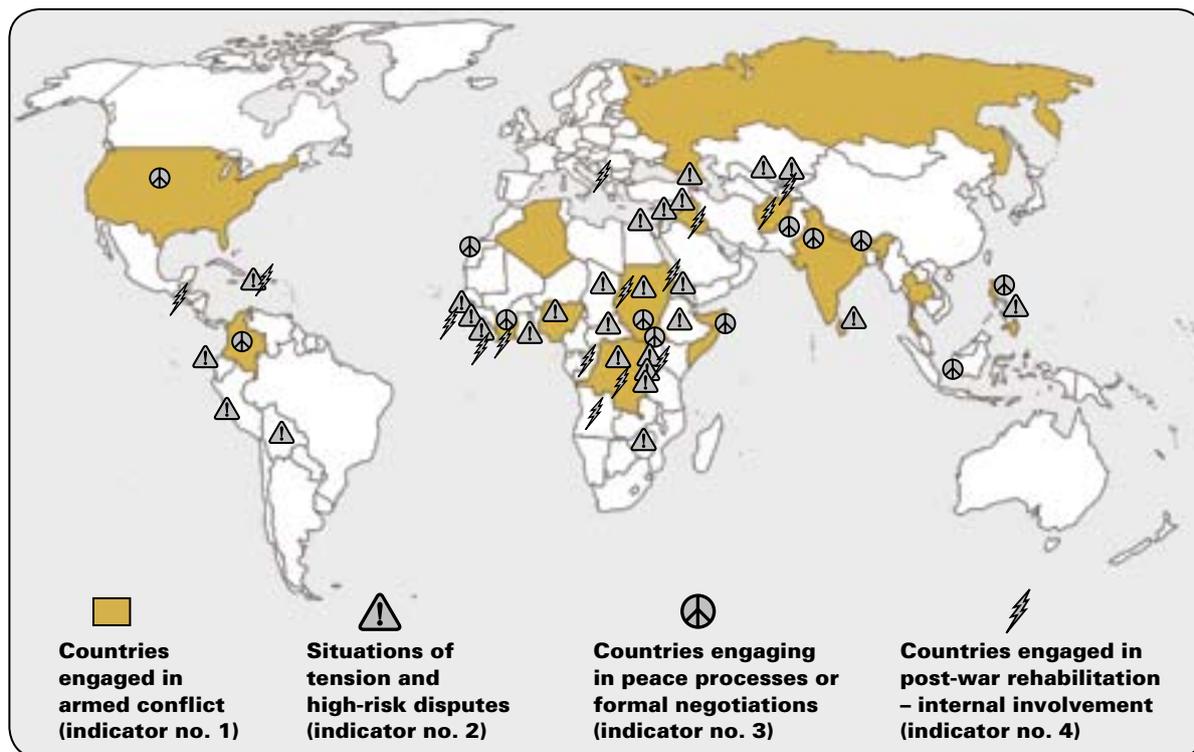
Children constitute 44% of the 8.4 million refugees worldwide<sup>1</sup> and 70% to 80% of the 23.7 million people displaced within their own countries are women and children.<sup>2</sup> Conflict affects the lives of millions of children around the world and leaves permanent scars.

Violent conflict tends to be concentrated in some parts of the world more than others. Usually the poorest regions and countries bear the disproportionate burden of the HIV/AIDS epidemic. Figures 1 and 2 represent this. The largest areas of overlap between conflict regions and medium to high HIV/AIDS statistics prevalence are in central Africa and the Horn of Africa, notably Uganda, southern Sudan and the Great Lakes Region.

The relationship between HIV/AIDS and conflict is complex. Data from sentinel and behavioural surveillance commissioned by the United Nations High

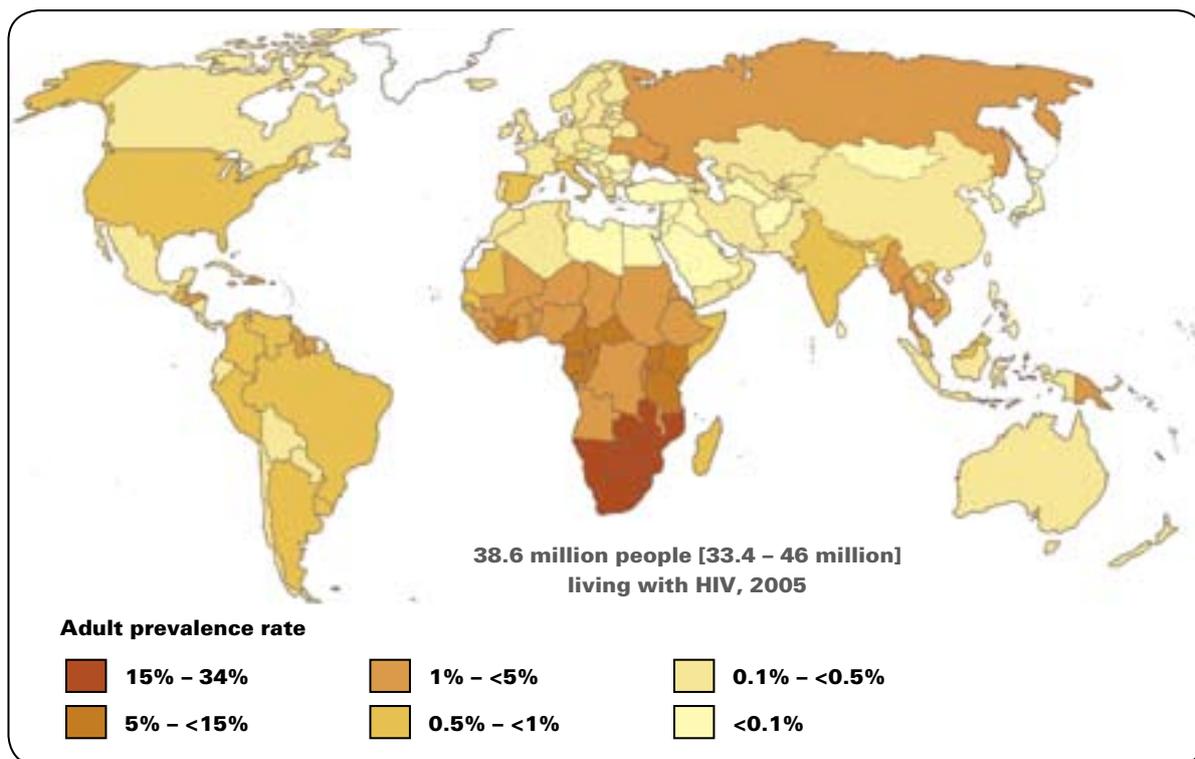
Commissioner for Refugees (UNHCR)<sup>3</sup> has identified key factors to be considered in the complex interplay between the HIV/AIDS epidemic and the displacement arising from conflicts. These factors include HIV/AIDS prevalence in the areas from which the displaced population originates, the HIV/AIDS prevalence in the areas where the population is displaced, the characteristics of the environment (camp versus non camp setting, rural versus urban area), the phase of the emergency or the stage of displacement, and the length of time that displaced populations stay in each of the sites. Clearly, the use of rape as a weapon of war, the increased interaction with the military, the increased prevalence of commercial sex workers, and diminished access to health services heighten conflict-affected populations' vulnerability to HIV/AIDS infections.

**Figure 1: Countries in Conflict 2005**



Source: Alert2006. School of Peace Culture, University of Barcelona.

**Figure 2: HIV/AIDS Prevalence (as at the end of 2005)**



Source: Inter-Agency Standing Committee.

Although efforts are geared towards data collection on the HIV/AIDS epidemic in conflict-affected settings, very little is known about the way this interaction affects children. With one in eight new infections occurring worldwide in children below the age of 15 (and the same proportion of AIDS deaths occurring in this age group<sup>4</sup>), it is imperative that the vulnerability of children exposed to the HIV/AIDS epidemic and conflicts be better analysed and addressed. This would also allow better responses to the challenge of the key priorities of the 'A World Fit for Children' resolution, adopted by some 180 nations during the special session of the United Nations' May 2002 General Assembly on Children: providing quality education for all; protecting children against abuse, exploitation and violence; and combating HIV/AIDS.<sup>5</sup>

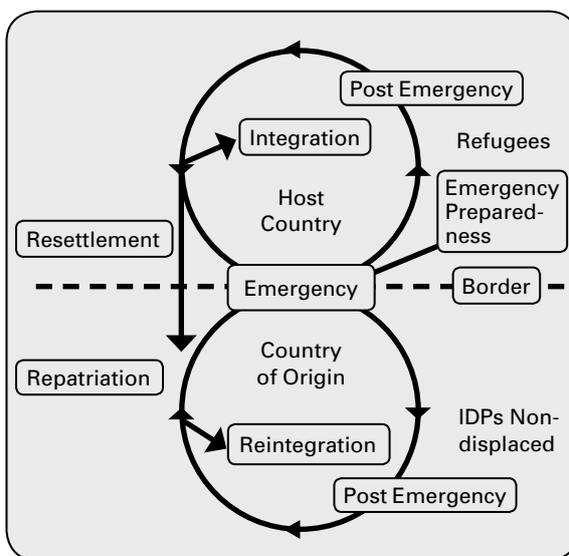
This article explores the existing evidence on the vulnerability of children affected by conflicts and the HIV/AIDS epidemic with a specific focus on the acute emergency phase<sup>6</sup> and explores existing solutions and gaps in addressing these vulnerabilities.

**Children in Conflict and HIV/AIDS**

Within the various phases of the cycle of refugee displacement (Figure 3), which can also be adapted to internally displaced people, children face situations that

are unique conflict experiences and for which there are both direct and indirect links to the HIV/AIDS epidemic.

**Figure 3: Refugee Cycle of Displacement**



Source: Van Ommeren, Mark et al (2005)<sup>7</sup>



NUKWAZHI TSANGIRAYI / PANAPRESS / THE BIGGER PICTURE

**Education may protect displaced children from military recruitment, sexual exploitation and child labour – but many displaced children in Africa are unable to access formal education.**

**Access to Education**

Education may protect displaced children from dangers such as military recruitment, sexual exploitation and child labour, and enable them to gain access to the necessary tools for their personal development. Many displaced children, especially those living in Africa and Asia, are unable to access formal education.

**Access to Reproductive Health Services**

The Minimum Initial Service Package (MISP) is designed to respond to reproductive health (RH) needs, including HIV/AIDS, of the affected population in the early phase of an emergency. The MISP is not only a set of equipment and supplies but also a series of specific health activities. Its objectives are to: identify an organisation(s) or individual(s) to facilitate its coordination and implementation; prevent and manage the consequences of gender-based violence; reduce HIV/AIDS transmission; prevent excess neonatal and maternal mortality and morbidity; and plan for the provision of comprehensive RH services<sup>13</sup>.

The 2002 Inter-Agency Global Evaluation of *Reproductive Health Services For Refugees And Internally Displaced Persons* concluded that “coverage of reproductive health services is fairly good in the sites reflected in the study, which were primarily stable refugee settings. GBV is weak however, and other areas such as HIV/AIDS prevention and emergency obstetric care could (and should) be stronger”.

There was no specific mention of adolescent-friendly RH services in the review. Issues such as child sexual abuse can be difficult to detect if children and adolescents are not comfortable with using RH services and/or if the staff are not trained in such specific issues.

**The HIV/AIDS Emergency Response Framework for Children Affected by Conflict**

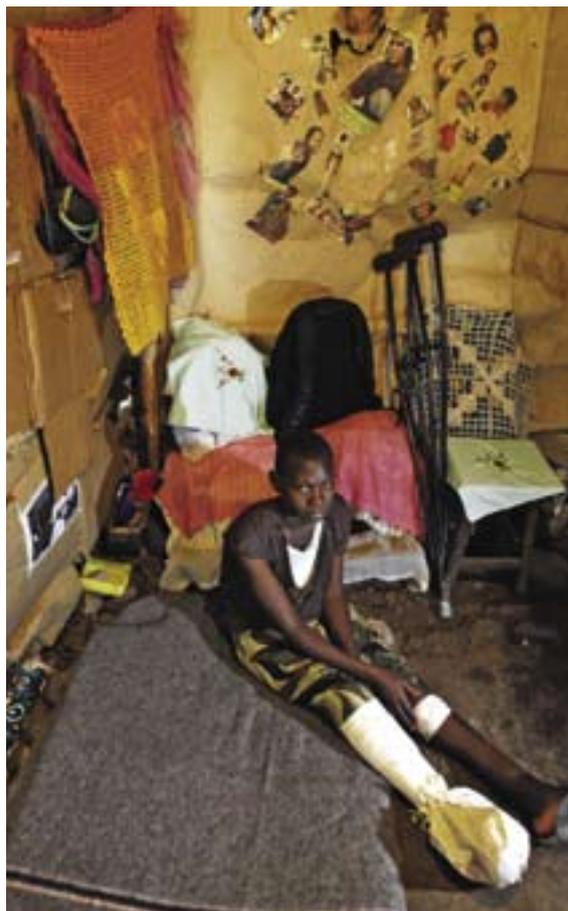
HIV/AIDS programmes in conflict-affected settings are mainly established within the framework of the 1951 Refugee Convention, and subsequent documents, notably the Sphere Initiative, the Inter-Agency Standing Committee’s (IASC) guidelines for HIV/AIDS interventions

### **Child Sexual Abuse**

Women and girls are especially vulnerable to sexual violence during heightened armed conflict. They are raped, abducted for sexual exploitation and forced into marriages and prostitution. Refugee and internally displaced women and children are especially vulnerable to sexual and other exploitation by armed forces and groups, peacekeepers and humanitarian workers<sup>8</sup>. Although the recently published HIV/AIDS and Gender-Based Violence (GBV) Literature Review commissioned by the Harvard School of Public Health Programme on International Health and Human Rights does not specifically address HIV/AIDS and conflict, it nonetheless provides evidence on the relationships between forced first intercourse and child sexual assault on the one hand and intimate partner violence (IPV) and HIV infection on the other hand. Forced first intercourse and child sexual assaults increased the risk of those experiencing intimate partner violence at least twofold. After adjustments for age, current relationship status and women's risk behaviours<sup>9</sup>, intimate partner violence and high levels of male control in women's current relationships, as measured by the sexual relationship power scale (SRPS), were the only risk factors associated with HIV seropositivity in the GBV study.

The World Health Organisation's (WHO) multi-country study on Women's Health and Domestic Violence against Women that involved 24 000 women from 15 sites in 10 countries representing diverse cultural settings<sup>10</sup> found that the proportion of women who had experienced physical or sexual violence, or both, by an intimate partner in their lifetime, ranged from 15% to 71%. The greatest amount of violence was reported by women living in provincial (for the most part rural) settings in Bangladesh, Ethiopia, Peru, and Tanzania – most of which are countries affected by conflict. In 10 of the 15 settings, over 5% of women reported that their first sexual experience was forced on them, with 14% or more of the women from Bangladesh, Ethiopia, provincial Peru, and Tanzania. Sexual abuse before the age of 15 was reported in up to 21% of respondents in some countries with variations depending on the way the information was gathered. The most frequently mentioned perpetrators were male family members other than a father or stepfather.

This body of evidence is consistent with epidemiological data emerging from second generation surveillance data across Africa, which not only shows a feminisation of the HIV/AIDS epidemic, but also indicates marriage as a risk factor for HIV infection. Clearly, more research is needed on how conflict affects the prevalence of forced first intercourse, child sexual assault and IPV. In addition, researchers need to assess the applicability of findings on IPV and GBV in non-conflict settings, such



DAMIEN GUERCHOIS / PANAPRESS / THE BIGGER PICTURE

**A teenage orphan living with HIV/AIDS in a slum area in Nairobi. Girls are especially vulnerable to sexual violence and HIV infection during heightened armed conflict.**

as South Africa, to conflict settings. The transference of interventions to combat IPV, for example introducing micro-credit schemes for women, needs to be further explored and seen as complementary to innovative schemes of social cash transfers in conflict, post conflict and internally displaced person (IDP) settings.

### **Child Soldiers**

Children serve as combatants in over two-thirds (37 of 55) of current or recently ended conflicts and as many as 40% of child soldiers may be girls<sup>11</sup>. Recent work on masculine identities in young boys points to the importance of domestic and extra-domestic models of exercised power by other males over women and children<sup>12</sup>, which in conflict settings can be profoundly altered from the conventional experience. In the absence of specific data on the prevalence of GBV in young girls recruited as child soldiers one can only hypothesise that it may be much higher than in non-military and non-conflict settings.



**Since the Cape Town declaration on An Enhanced Parliamentary Response to the Crisis of Orphans and other Children made Vulnerable by HIV/AIDS in Africa, AWEPA and UNICEF have worked together to ensure a parliamentary contribution to the crisis.**

in emergency settings and guidelines for gender-based violence interventions in humanitarian settings, the Minimum Initial Services Package (MISP), and the UNHCR/Joint United Nations Programme on HIV/AIDS (UNAIDS) strategies to support the HIV-related needs of refugees and host populations. None of these existing programmes address the needs of children in conflict settings and their specific vulnerability to HIV/AIDS.

The UN Security Council Resolution 1612 (2005), which endorses the establishment of a systematic monitoring and reporting system on violations against children in armed conflict, is a major recent advancement in addressing children’s vulnerability to violence (including GBV) and abuse in conflict settings.

On the 10<sup>th</sup> anniversary of the ‘Graça Machel Study’<sup>14</sup> on the Impact of Armed Conflict in Children, a Strategic Review is planned in 2007 to evaluate the implementation of the 10 recommendations made in the study to prevent, mitigate and address the impact of armed conflict on children. It will include HIV/AIDS

as a priority area as well as sexual exploitation and the recruitment of child soldiers.

**A Missing Link: The Role of Parliamentarians**

Parliamentarians in sub-Saharan Africa have recognised the need to engage in issues related to HIV/AIDS and the impact on children, as stipulated in the *Cape Town Declaration on an Enhanced Parliamentary Response to the Crisis of Orphans and other Children made Vulnerable by HIV/AIDS in Africa* (2004). Since this declaration, the Association of European Parliamentarians for Africa (AWEPA) and the United Nations Children’s Fund (UNICEF) have worked together to ensure a parliamentary contribution to the global Children United Against AIDS campaign in both Europe and Africa.

One of the recommendations from the declaration states that ‘Regional parliamentary bodies should meet with relevant regional and international non-governmental organisations, to develop policy recommendations

## CHILDREN SERVE AS COMBATANTS IN OVER TWO-THIRDS (37 OF 55) OF CURRENT OR RECENTLY ENDED CONFLICTS AND AS MANY AS 40% OF CHILD SOLDIERS MAY BE GIRLS

to ensure that Orphans and Vulnerable Children (OVC), including those affected by armed conflict and other causes of displacement, have access to adequate care and support.’

The regional bodies mentioned imply that the Regional Economic Communities (East African Community, Southern African Development Community, The Intergovernmental Authority on Development, The Economic Community of West African States), the African Union, and the Pan African Parliament have agreed and are committed to ensuring that children in conflict settings receive the minimum standards of care. One specific issue that has emerged is the African Union’s role in sensitising peacekeepers around HIV/AIDS and sexual exploitation and abuse, which has been integral to the preparation of peacekeeping missions. But further commitments are yet to be realised and most of the HIV/AIDS related work in conflict settings has fallen on UN agencies, notably UNHCR and UNICEF and other non-governmental partner organisations.

The Cape Town Declaration on an Enhanced Parliamentary Response to the Crisis of Orphans and other Children made Vulnerable by HIV/AIDS in Africa also states that parliamentarians should be ‘ensuring safe and effective interventions that increase access to HIV/AIDS treatments for mothers and children.’ UNHCR recently published its guidelines on the provision of antiretroviral treatment (ART) in emergency settings<sup>15</sup> and stated that continuity of ART is a priority for persons who were previously taking ART before conflict and/or displacement. This unfortunately seldom occurs and access to paediatric ART in conflict settings is also extremely limited.

Parliamentarians’ roles in HIV/AIDS prevention and care must begin with sensitisation of their communities to the international agreements and commitments that their governments are signatories to as well as to counter any manifestations of stigma and discrimination that populations experience. Often returnee populations have had more exposure to HIV/AIDS interventions and information than the communities they return to and thus they could be considered an asset to HIV/AIDS prevention work on their return, rather than a group to be stigmatised because of their assumed exposure to populations of higher HIV/AIDS prevalence. Parliamentarians should debate their collective role to set minimum standards for monitoring, ensuring adequate HIV/AIDS service delivery by state and non-state actors and be

active agents of destigmatisation and efforts to counter sexual violence.

### Conclusion

The nexus between HIV/AIDS, children and conflict continues to be a neglected area lacking appropriate and constructive interventions. Data on the interaction between HIV/AIDS and conflict as they affect children is scant but the intuitive connections demand that international commitments are recognised and acted upon. The role of parliamentarians in turning such international statements of intent into roles that combine sensitisation and awareness raising, monitoring and supporting service delivery agencies, and highlighting and combating cases of stigmatisation and abuse, is yet to be fully defined and put into implementable action plans. While the context of conflict implies a breakdown of legislative authority, this should not mean that those in power become mute and seemingly powerless to intervene constructively. 

**Dr. Fatou Mbow is a physician qualified in general practice and reproductive health care. She has undertaken regional HIV Monitoring and Evaluation work in emergency settings in East and Central Africa and global HIV technical advisory work with the International Rescue Committee (IRC). She is currently the UNICEF East and Southern Africa Regional Office (ESARO) Project Officer on HIV in Humanitarian Response.**

**Dr. Douglas Webb is a social scientist currently working with UNICEF Eastern and Southern Africa Regional Office in Nairobi, on issues related to children and HIV/AIDS. He also worked for UNICEF in Zambia, before becoming the HIV/AIDS Adviser for Save the Children UK in London in 2000. He is the author of numerous publications on HIV/AIDS, young people and adolescent sexual and reproductive health, as well as HIV and AIDS in Africa (Pluto Press).**

### Endnotes

- 1 The UN Refugee Agency (2005) ‘Measuring Protection by Numbers’ available at <[www.unhcr.org](http://www.unhcr.org)> accessed on 23 March 2007.
- 2 Internal Displacement(2006) ‘A Global Overview of Trends and Developments in 2005’ available at



**Children make up a significant percentage of the millions of people who are either refugees or internally displaced persons in Africa. The relationship between such children in conflict settings and HIV/AIDS is still an area lacking full research and intervention attention.**

- <[www.internal-displacement.org](http://www.internal-displacement.org)> accessed on 23 March 2007.
- 3 XVI International AIDS Conference, Toronto, (2006) 'Affiliated Event, HIV/AIDS, Conflict and Displacement report' pp.2-4.
  - 4 The Joint United Nations Programme on HIV/AIDS (2006) 'AIDS epidemic update' available at <[www.unaids.org](http://www.unaids.org)> accessed on 23 March 2007.
  - 5 Special Session of the General Assembly on Children (2002) 'A World Fit for Children' available at <[www.unicef.org/specialsession/wffc/](http://www.unicef.org/specialsession/wffc/)> accessed on 23 March 2007.
  - 6 For the purpose of this article, the acute emergency phase is defined as the period where the crude mortality rate is elevated because of emergency-induced deprived physical needs (such as food, shelter, physical security, water and sanitation), access to health care, and management of communicable diseases.
  - 7 Van Ommeren, Mark et al (2005) 'Mental and social health during and after acute emergencies: emerging consensus?' *Bull World Health Organ*, Vol.83, No.1, p.71-75. ISSN 0042-9686.
  - 8 UN-Office of the Secretary General Representative for Children and Armed Conflict (2007) 'Sexual and Gender based Violence against Children' <[www.un.org/](http://www.un.org/)
- special-rep/children-armed-conflict/English/SexualViolence.html>.
  - 9 Dunkle, K.L. et al (2004) 'Gender-based violence, relationship power, and risk of HIV infection in women attending antenatal clinics in South Africa' *Lancet* Vol. 363(9419) May 2004:1415-21.
  - 10 The countries included Bangladesh, Brazil, Ethiopia, Japan, Namibia, Peru, Samoa, Serbia and Montenegro, Thailand, and Tanzania.
  - 11 Michael Wessells (2006) 'Child Soldiers From Violence to Protection in Harvard University Press Cambridge: Massachusetts London, England p.9.
  - 12 'Sons and fathers/boys to men in the time of AIDS: learning masculinity in Zambia, Simpson, A. *Journal of Southern African Studies* Vol. 31(3) September 2005:569-86.
  - 13 Sphere Handbook (2004) available at <[www.sphere.com](http://www.sphere.com)> accessed on 23 March 2007.
  - 14 United Children Fund (1997) 'Impact of armed conflict on children', Report of the expert of the Secretary-General, Ms. Graça Machel Available at <[www.unicef.org/graca/](http://www.unicef.org/graca/)> accessed on 23 March 2007.
  - 15 The UN Refugee Agency (2007) 'Antiretroviral Medication Policy for Refugees available at <[www.unhcr.org](http://www.unhcr.org)> Accessed on 23 March 2007.

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### Contributors

Jeff Balch

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Nathalie Lasslop

Fatou Mbow

Tshiliso Molukanele

Martin R. Rupiya

Halifa Sallah

Douglas Webb

Natalia Zakharova

### Publisher

The African Centre for the Constructive Resolution of Disputes (ACCORD)

Private Bag X018

Umlhanga Rocks 4320

South Africa

Tel: +27-031-502 3908

Fax: +27-031-502 4160

Email: [conflictrends@accord.org.za](mailto:conflictrends@accord.org.za)

Website: [www.accord.org.za](http://www.accord.org.za)

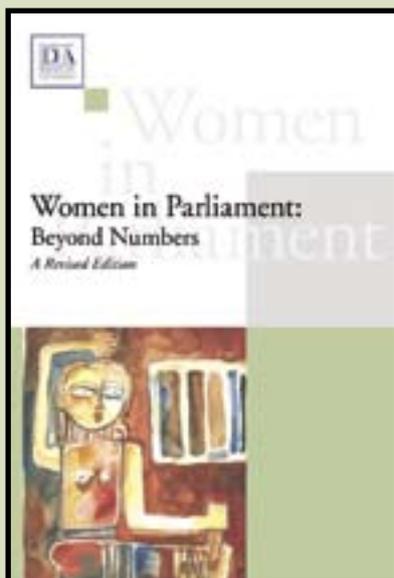
ACCORD is a non-governmental, non-aligned conflict resolution organisation based in Durban, South Africa. The organisation is constituted as an educational trust. Views expressed in this publication are the responsibility of the individual authors and not of ACCORD.

Conflict Trends is a quarterly publication. Back issues can be downloaded from the ACCORD website at [www.accord.org.za](http://www.accord.org.za)

### ISSN 1561-9818

### Printing

Colour Planet, Durban, South Africa



## BOOK REVIEW

REVIEWED BY **NATALIA ZAKHAROVA**  
AND **NATHALIE LASSLOP**

### WOMEN IN PARLIAMENT: BEYOND NUMBERS (A REVISED EDITION)

Editors **Julie Ballington and Azza Karam**  
**Foreword by Ellen Johnson Sirleaf**  
Year **2005**  
Publisher **International Institute for Democracy and  
Electoral Assistance (International IDEA)**  
ISBN **91-85391-19-0**  
Pages **265**

The extent of the two editors' working experience around policy and gender issues is 'beyond numbers'. Julie Ballington, a specialist on political participation and representation of women, headed the project on Gender and Elections at the Electoral Institute of Southern Africa prior to working for International IDEA and recently joined the Programme for the Promotion of Partnership between Men and Women at the Inter-Parliamentary Union (IPU). Azza Karam, a specialist on gender and the Arab region, is now a Senior Policy Research Advisor at the United Nations Development Programme (UNDP), and used to work at the World Conference of Religious Peace, and at the University of Belfast, before becoming the architect of IDEA's gender and Arab world programmes.

This 2005 revised edition of *Women in Parliament*, downloadable in several languages, brings together a variety of authors, and draws on the shared experience of women and men working in different areas at the local, regional and global levels. The Handbook provides comparative information and strategies for practitioners working to increase women's participation in political decision-making. It analyses the barriers that women face in reaching parliaments and presents solutions to overcome them. Designed primarily for practical purposes, the Handbook provides strategies and ideas for a wide range of actors working to promote the participation, representation and leadership of women in the political sphere and to bring about constructive change and influence in politics.

The equal participation of women and men in public life is a cornerstone of the Convention on the Elimination of All Forms of Discrimination Against Women adopted by the United Nations in 1979 and enforced since 1981. In 1995, the Beijing Platform for Action further emphasised

that women's equal participation is not only a demand for justice or democracy but a necessary condition to achieve the goals of equality, development and peace. Growing recognition by the international community of the need for gender equality and the empowerment of women along with sustained women's activism, mobilisation and institutional engineering has resulted in a broader political space for women. As of 31 January 2007, women constitute 16.9 percent in parliaments worldwide and Africa is leading with Rwanda now being closest to reaching equal numbers of men and women (48.8 percent). However, in the words of the Handbook, "it is important to move 'beyond numbers' to adopt women's perspectives, make changes in women's issues and reform the inherent 'institutional masculinity', which characterises most legislatures....It is one thing to put a woman in power. It is quite another to transform the way politicians behave." Moving beyond numbers highlights the danger of reducing the result of the gender equation to equal participation in parliaments only, instead of projecting it as a means of leading to the mainstreaming of gender issues within parliamentary work.

Women's increasing impact can be achieved through explicitly advancing an agenda for gender equality and mainstreaming gender perspectives into various policies. By effectively increasing the substantive representation of women and their impact on public life at all levels, the potential for change in social practices, and therefore in outcomes towards empowerment of women can be better realised; thus promoting a more democratic and just society.

Based on the motto "learning the rules, using the rules and changing the rules", this Handbook, which meticulously analyses the available expertise and data on

the subject in different national contexts, should be used as a practical guide, *undoubtedly* not only by women. This book does not offer a one-size-fits-all solution, but in a culturally sensitive way, it covers a range of alternatives and best practises for parliamentary work. 📖

**Natalia Zakharova works in the United Nations Office of the Special Adviser to the Secretary General on Gender Issues and the Advancement of Women.**

**Nathalie Lasslop is a Project and Research Officer, specialising in gender issues, at AWEPA.**

## AFRICAN PARLIAMENTS BETWEEN GOVERNANCE AND GOVERNMENT

*African Parliaments* offers an in-depth analysis of parliamentary development in sub-Saharan Africa, focusing on the continent's post-1990s democratic resurgence. In particular, it illustrates how African parliaments struggle to serve as part of the machinery of government while exercising the function of holding government accountable.



Salih and contributors present a penetrating contextual analysis of the broader socio-economic and political circumstances within which African parliaments operate, the evolution of African parliamentary systems from colonialism to the present, and the relationship between parliament and government with particular reference to political accountability and oversight.

Providing an excellent overview of changes in the role of African parliaments at national, and local levels and across multiple countries, the volume includes chapters on Zambia, Ghana, Namibia, Ethiopia, Tanzania, Malawi, and South Africa.

Editor **M.A. Mohammed Salih**  
 Year **2006**  
 Publisher **HSRC Press**  
 ISBN **0-7969-2169-5**  
 Pages **304**  
 Website **www.hsrcpress.ac.za**

## A PARLIAMENTARIAN'S HANDBOOK ON THE SMALL ARMS ISSUE

The struggle against the proliferation of small arms and light weapons in Africa can claim a number of recent successes. Parliamentarians can take credit for several of them. The Nairobi Declaration and Protocol, for instance, was signed by most countries in the Great Lakes Region and



the Horn of Africa and is internationally accepted as far-reaching instruments to curb the use of and illicit trade in small arms. MPs passionately supported these international agreements, the ratification of which completely hinged on the legislators' commitment and consent. In a different development, parliamentarians from Burundi, the DRC and Rwanda have made huge headway in harmonising their countries' laws against illicit small arms trade, making it much more difficult for illicit traders to find a safe haven in a region that has been hard hit by the damaging effects of the indiscriminate use of small arms. This initiative is seen as inspiration for similar harmonisation efforts elsewhere in the region.

AWEPA, in partnership with UNDP, has been supporting parliamentarians in this struggle for several years, within the frame work of the International Conference for the Great Lakes Region. The revised version of: "*A Parliamentarians' Handbook on the Small Arms Issue*", is earmarked to be a source of information and reference for MPs. It provides an overview of the impact of the proliferation of small arms, suggests what MPs can do about this problem, and contains the unedited texts of several of the most important agreements and protocols regarding small arms and light weapons.

The handbook can be downloaded in English and French from <[www.awepa.org](http://www.awepa.org)>.

Year **2007**  
 Publisher **AWEPA**  
 ISBN **90-78147-01-6**  
 Pages **70**