



Issues Paper

Strengthening the Role of Parliaments in Crisis Prevention and Recovery

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Background

Parliaments – given their representative, legislative and oversight roles – are positioned to play a critical role in situations of crisis and conflict. As a forum for bringing together parties in dispute, parliaments allow for peaceful dialogue and resolution of differences, both serving to prevent conflict and to help end conflict. In the aftermath of conflict, the legitimacy of a parliament – afforded by its representative and diverse nature – gives it a claim to speak for society and the right to a meaningful say in a nation's development. Functioning and representative parliaments can act as a national, long-term conflict prevention mechanisms and many good practices stand to exemplify the critical role they serve in this regard.

However, in many crisis and post-conflict countries, even legitimate and representative parliaments appear to play only a limited role, be it as a forum for addressing rising social tensions, as a partner or the central actor in peace negotiations, or as a venue for dialogue and reconciliation. When parliamentarians seek to investigate, prevent or address causes of tension or conflict, this is often done at their own initiative and sometimes at great personal risk – not at the initiative of the institution. And increasingly we witness the creation of new institutions to serve some of these roles such as the creation of non-elected 'representative' bodies (e.g., a Council for Peace Consolidation or a National Dialogue Commission) to foster dialogue on issues of national socio-political importance.

Perhaps most alarming, however, is the impact that international conflict prevention and reconciliation assistance can have on long term democratic governance, when parliaments are excluded from dialogue, peace-building, settlement negotiation and reconstruction processes. While parliamentarians are often uninvolved in international mediation and negotiation discussions, the composition and size of parliaments is often one of the primary bargaining chips in the peace settlement process. Constitutions, electoral law, and even the role of political parties are often largely exclusively focused on the immediate gain of conflict termination, with little thought given to the longer term impact on parliamentary functioning. Likewise, while significant resources are devoted to elections, parliamentary development support is meager and, until recently, was considered long after outcomes are expected of newly elected assemblies. The dichotomy between the expectations created from election

processes and the powers and capacity of the resulting representative institution risk destabilizing fragile peace processes.

In many countries emerging from violent conflict, international development interventions and resources have also overwhelmingly focused on executive and civil society actors, undermining the power and authority of the legislature to oversee government action and act as an outlet for a society's diverse views. These trends can have disquieting implications for the long-term confidence of the public in the outcome of democracy and representative governance. And indeed, experience is now showing that countries struggle to redress these imbalances in governing power many decades after the restoration of peace, stability and democracy.

The Research Process

Concerned by the trends described above, [UNDP](#) began to examine the precise entry points for supporting parliaments prior to, during and following conflict. However, it became immediately apparent that the knowledge of practices and literature on parliaments' roles vis-à-vis conflict is scarce. Where it does exist, it almost exclusively focuses on the matter of parliamentary legitimacy and electoral reform. Little work had been done to examine parliaments' experiences as representative forums or as bodies responsible for legislating the rule of law in crisis/conflict contexts, for example.

In late 2004, UNDP partnered with the [Inter-Parliamentary Union \(IPU\)](#) to examine these issues in greater detail through a series of country-level case studies. The primary purposes of the research undertaken have been to:

- (i) Document and explain the roles that parliaments can and should play in the context of crisis and conflict;
- (ii) Document the obstacles that prevent parliaments from playing positive roles in conflict prevention, resolution and recovery; and
- (iii) Produce concrete recommendations and findings that can guide both local stakeholders and the international community in their efforts to enhance parliaments' roles in preventing and resolving conflict, with a view to achieving enduring peace and fostering democratic governance.

There are some underlying assumptions which guided the research. First, the research was to recognize that conflict is natural and exists in every society. For UNDP, democracy is the peaceful management of conflict. It provides a mechanism for a society's diverse views to be present in the governance of a country and thus, it follows that a legitimately elected parliament is the only arena for government and the nation to debate the solutions (in between ballots). An effective, functioning parliament ensures that naturally emerging conflict does not disintegrate into violence.

It was also recognized that conflict is circular or ongoing in nature and that parliaments' representative, legislative and oversight roles are equally important throughout. Nonetheless, due to the specific role played by different development actors during different stages of

conflict, it was determined to make a distinction between different stages of conflict for the purpose of generating more programmatically-focused recommendations. Thus, most studies focused on parliaments' role in conflict prevention and resolution, parliaments' role in negotiations and settlements, and parliaments' role in longer term recovery and development.

Finally, a broad definition of conflict was adopted to include social, economic, political and/or cultural conflict on a national or widespread scale. The purpose of this was to ensure a sufficient examination of parliaments' roles in preventing or mediating conflict and to adapt for regional peculiarity.

As part of the research process, parliamentary experiences in almost 30 countries have been researched by local researchers. Five regional roundtables have been convened around the world to exchange and build upon these experiences. Five regional papers have been prepared to capture the key learning from the case studies and discussions. Below is a table outlining these processes.

Regional Preparatory Work

Region	Partner / Roundtable	Case Studies
Africa	WSP International Roundtable meeting: 11-12 June, Nairobi, Kenya	<ul style="list-style-type: none"> • Burundi • Liberia • Rwanda • Sierra Leone • Somalia • Zimbabwe
Arab States	UNDP's Programme on Governance in the Arab Region (POGAR) Roundtable meeting: 24-25 June in Beirut, Lebanon	<ul style="list-style-type: none"> • Iraq • Lebanon • Sudan • Yemen
Asia & the Pacific	UNDP's Bangkok Regional Center Roundtable meeting: 8-10 June in Colombo, Sri Lanka	<ul style="list-style-type: none"> • Afghanistan • Bangladesh • Cambodia • Indonesia • Nepal • Philippines • Sri Lanka • Thailand • Timor-Leste
Europe & the CIS	Centre for Liberal Strategies (CLS) Roundtable meeting: 22 May in Sofia, Bulgaria	<ul style="list-style-type: none"> • Georgia • Kosovo • Macedonia • Moldova • Serbia & Montenegro • Ukraine
Latin America	UNDP's Bureau for Latin America & the Caribbean (RBLAC) (in partnership with SUNY) Roundtable meeting: 12-13 July in Guatemala	<ul style="list-style-type: none"> • Argentina • Bolivia • El Salvador • Guatemala

Thematic Papers (included within the project)

In addition, a number of thematic initiatives are currently underway, including, but not limited to: (i) a joint IPU/UNDP handbook on parliamentary immunities, and (ii) a UNDP-funded paper study on the gender and equality dimension of parliamentary development in conflict/post-conflict. UNDP is providing support to a joint IPU/[IIDEA](#) handbook on parliament's role in reconciliation. The [World Bank Institute \(WBI\)](#), [Commonwealth Parliamentary Association \(CPA\)](#), [AWEPA](#), [SUNY's CLD](#), [USAID](#) and [other agencies](#) are also involved in initiatives to bolster parliament's role in conflict and post-conflict situations.

Global Study Group Meeting, 20-22 July 2005, Geneva

At the Global Study Group Meeting held on 20-22 July 2005, participants from the research process, together with parliamentarians and legislative development practitioners, met at the IPU's headquarters in Geneva to learn about and discuss findings in each of the five regions. The goal of the meeting was to exchange experiences and practices and to make progress on the three objectives outlined above. Additionally, efforts were made to generate specific information for the international conflict prevention and recovery community in their efforts to provide integrated support that builds lasting peace and development.

The meeting report will be available in August 2005. The meeting agenda and list of participants, as well as the drafts of the regional papers and case studies, are available at: <http://www.parlcpr.undp.org>.

Discussion Issues

Conflict Prevention and Resolution

1. Is parliament's legitimacy, composition, functioning or behavior the cause of conflict? If so, how does the institution act to mitigate this? What roles can parliament play in de-escalating political tensions? Where parliament has not been involved – for example, in changes to the electoral law, the constitution, political party law or other measure to address parliamentary representation – why wasn't it involved and what do we learn from such experiences? What is the role of international actors and to what extent do they proactively involve the parliament?
2. In crises/conflicts that are socio-economic in nature (and do not involve matters of representative legitimacy), parliament has an important responsibility to investigate the conflict's roots, oversee government action in addressing the problem, act as a forum for national dialogue on the problem and ensure that the conflict is managed within the rubric of the rule of law. What proactive roles do and have parliaments played (e.g., oversight, public and other hearings)? How can international organizations and/or regional parliamentary associations support these roles?
3. Do parliaments utilize their legislative or budget oversight functions to address the causes of rising social tension and address issues of socio-economic exclusion? Is legislative debate representative of the issues facing the population? Does parliament conduct adequate consultation with the population? Is the parliament holding oversight committee hearings and investigations to examine the causes of conflict and force government action?
4. To what extent do individual parliamentarians, or groups thereof, seek avenues for dialogue with a view to negotiations and resolution? To what extent are parliamentarians or the institution of parliament engaged in externally supported efforts of mediation or resolution? Are messages and advocacy for solutions to conflict carried through parliaments, political parties and/or parliamentary leaders? Do external actors recognize such potential?

Negotiations and Settlements

5. When is it appropriate for parliament to be involved in peace negotiations? What level is appropriate for their engagement? Should parliaments with representative legitimacy play the leading role? What are the implications when individual MPs get involved versus the institution? When parliaments are excluded, what does their exclusion lead to in terms of democratic governance and the rule of law? How should external actors engage parliaments when they are working on negotiations and settlements?
6. Since settlement negotiations often affect the composition of parliament and its relations vis-à-vis other organs of governance, have the implications of such agreements on the capacity of the legislature or of the parliamentary mandate been considered? If so, how was this ensured?

7. Parliaments also play a key role in enacting a negotiated agreement, giving it legitimacy and overseeing its implementation. Have parliaments played this role meaningfully, and what are the implications when they are expected to endorse settlements agreed without their involvement?
8. There are opportunities for a parliament to play a pivotal role in securing a successful outcome to peace negotiations and hammering out agreements and other post-conflict arrangements that can lead to a sustainable peace. In some post-conflict societies, parliaments are given formal responsibility for writing laws to govern elections and/or have been charged with writing new constitutions. When is it appropriate to involve parliaments and how much of a central role should they play? What are the conditions that determine their involvement? Do international actions to support constitutional processes empower or undermine parliament's contribution?
9. In countries with transitional administrations and/or large-scale, international peace operations, transitional assemblies, appointed quasi-legislative bodies and other such "representative" entities have served as a vehicle for 'consulting' the people of a country about decisions made by international administrators and/or transitional executives. Do such entities provide legitimacy to decisions taken by transitional authorities? How much power should be delegated to such non-elected entities (legislative, oversight and so forth)? What is the nature of international assistance to local advisory, consultative and/or legislative bodies, if any, and how does this impact the long-term prospects for democracy to be established following the transition?

Post-conflict Recovery and Reconciliation

10. Parliaments have an important role to play in the establishment or re-establishment of the rule of law, particularly in post-conflict societies. In many such situations, parliaments are faced with a backlog of legislation resulting from the suspension of parliament or some other interim arrangement. Re-establishing meaningful rule of law is a challenging process. What attempts have been made to address this challenge to ensure that legislative action is not just a mere exercise in validation?
11. Parliaments also have an important role in building confidence in the operation of the courts by promoting an impartial judiciary. It can do this by enacting laws that empower courts to resolve conflict in a just and equitable way, by appointing or clearing the appointment of judges using a transparent, merit-based selection process, by ensuring security of tenure for judicial appointees, and by providing adequate resources to the courts. What are the experiences? Are external support programmes aimed at supporting the rule of law inclusive of the oversight role that parliaments play?
12. From the perspective of conflict management, a security sector that does not operate so as to provide security for citizens in a legitimate fashion and which is not democratically accountable, is not only unable to prevent conflicts occurring but can also be a source of violence. Therefore, an important task a parliament can perform is to assist the executive in its exercise of democratic control of the security sector. Often, when the international community is heavily engaged in post-conflict recovery, the security sector receives significant attention though with scant consideration paid to the democratic control of

security forces, particularly parliamentary oversight. Does parliament review the security sector budget? Does it debate sector bills and recommend amendments? Is it involved in the disarmament, demobilization and reintegration (DDR) of armed groups? Is this at the behest of the executive, external actors, or of parliament institutionally?

13. Reconciliation in conflict-affected countries necessitates reconciling animosities which exist within the parliament and building relationships across party lines, before parliamentarians can exercise a leadership role in a broad reconciliation process. Confidence-building measures between the governing and opposition parties need to be included in a reconciliation package and need to include parties from all sides. Has this been taken into account? Strengthening committee processes is one mechanism for doing this – has this approach been taken? All political parties need support to transition into a party setting – is political party support being provided evenly? Is there a level playing field for all parties to operate? Are multi-party steering committees established to guide parliamentary development?
14. Parliaments can seek to contribute to the community's reconciliation process. They can create ad hoc standing committees on reconciliation; create national dialogues on reconciliation and promote and support the creation of national bodies to advance reconciliation. What are the experiences? In countries where national dialogues have taken place within parliament, what is the outcome? In countries where national bodies have been created for that purpose, what is their role vis-à-vis the parliament and what is the outcome? Parliaments have a critical *legislative* role in reconciliation, including laws that addresses grievances in representation (e.g., electoral or constitutional reforms), legislation creating new governance structures (e.g., second chambers or local-level representative institutions), human rights legislation or other legislation to address the root causes of conflict. Other such legislation might pertain to the rights of former combatants or previous regimes to hold public office or positions in the military. How involved are parliaments in driving these agendas and ensuring that such legislation addresses the causes of conflict?
15. Peace-building activities include the incorporation of civil society groups into the political sphere through public hearings and other outreach devices. To what extent do parliaments and civil society groups proactively engage each other in this regard?
16. Are parliaments involved in formal transitional justice processes, such as truth and reconciliation processes, war crimes-related tribunals and panels, truth seeking exercises, and so forth? What is the level of their involvement and why? What does this suggest for the future of such processes? Are international actors involved and do they work with parliaments or governments on these initiatives?
17. Likewise, there are special legislative matters that arise following violent and regional conflicts in particular, these relate to matters of reintegration of displaced persons, refugees, citizenship and land rights, inheritance matters – many of which have an important gender dimensions.
18. Following legitimate elections, new parliaments need to be supported in their internal capacities so that they may function effectively in fulfilling all of these functions. This

includes reviewing and revising rules of procedure to be adapted to the new context, elaborating parliamentary service statutes, revising legislation and basic laws impacting parliamentary independence, strengthening the capacity of staff and the international relations of parliament. This is perhaps the single largest focus of UNDP and other donor work with parliaments following conflict.

19. Political party strengthening, within and outside of parliament is critical – especially as many post-conflict parliaments gather leaders of warring factions under one roof, where they are expected to operate in a spirit of compromise to find national solutions which transcend their own constituency interests. This requires opposition rights, revised rules of procedure, immunity protection for members and parties, and internal party rules.
20. Parliaments in post-conflict societies need to act as a pressure valve for society by serving as a venue for grievances to be channeled and aired. Are there such opportunities through public hearings, constituency offices, radio programmes, parliamentary phone-in lines or mail boxes?
21. Finally, parliaments have an important role in promoting balanced, pro-poor development. If all groups do not share in the proceeds of good governance, there will be no incentive to continue participating in the political process. In order to prevent a recurrence to conflict, economic policies need to be adopted to address inequitable growth, and to provide equal recognition of socio-economic rights (of women/men, and different cultural, linguistic groups). How is the international community engaging parliaments on economic and financial matters in the aftermath of conflict (particularly when, in many cases, budgets are largely financed by international aid flows)? Is a system established to regulate and coordinate the inflow of aid? Does parliament have oversight over the aid budget and international borrowing? Is parliament proactively involved in MDG implementation? What is parliament's role in preparing and monitoring a country's PRSP?