



Parliaments, Crisis Prevention and Recovery

guidelines for the international community

PARLIAMENTS
PEACEBUILDING

“The strength of the national legislature may be a – or even *the* – institutional key to democratization.”

M. Steven Fish*

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These guidelines affirm the commitment of the international community to support democratic governance processes, and, more specifically, parliaments, recognizing their vital role in crisis prevention and recovery.

Key messages

- ✓ Parliaments have a critical role to play in crisis prevention and recovery.**
- ✓ Donors' crisis prevention and peacebuilding 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 parliament's positive contribution to peacebuilding and conflict prevention.**
- ✓ Parliaments have a fundamental role to play in peacebuilding processes, including oversight of reconstruction, legislating human rights guarantees and addressing post-conflict security issues.**

Introduction



Parliaments are well situated – as the peoples’ representatives – to manage social crisis, prevent violent conflict and bring about lasting peace.



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 strengthening.

These guidelines affirm the commitment of the international community to support democratic governance processes during and after conflict, and more specifically, parliaments. Parliaments constitute the legitimate representatives of the people, independent of the executive branch and imbued with the responsibility of overseeing government action. Parliaments and other representative bodies (such as regional assemblies and local councils) are well situated – as the peoples’ representatives – to manage social crisis, prevent violent conflict and bring about lasting peace.

Each year, the international community invests hundreds of millions of dollars to support democratic elections as a means of reducing conflict and establishing lasting peace. Elections, however, represent only one aspect and, in many cases, the beginning of the democratic process. It is vital for electoral assistance to be backed by investments in long-term democratic development, including parliamentary strengthening, if human development gains are to be achieved, and to avoid the risk of public disillusionment with the democratic process.

Democratic governance is essential for conflict management. Legitimate and representative governance, based on the rule of law and respecting peoples’ fundamental rights, is the most effective means for societies to prevent, manage and recover from conflict. Parliaments often manage disputes in the political space, thus avoiding violent conflict; however, in many democratic societies, we are generally unaware of parliaments’ contributions unless they fail. Parliamentary debate, agreements and dialogue between political parties and parliamentarians, and interaction between parliament and constituents, all contribute to keeping the peace.

Parliaments are by no means a panacea for resolving conflict or building last peace. Many factors can render parliaments ineffectual in the aftermath of conflict, including flawed peace agreements, weak political parties, entrenched patrimony and corruption, and inadequate resources for parliaments. However, democratically elected parliaments hold great potential to build upon the gains of peace agreements and oversee equitable reconstruction processes. As such, the international community’s peacebuilding efforts should seek to strengthen the democratic development process after conflict and, in particular, the role and capacity of parliaments to make a positive contribution.

A key purpose of these guidelines is to emphasize that peacebuilding strategies and power sharing arrangements should be mindful of their impact on long-term democratic governance development, including parliaments. Experiences from recent post-conflict situations demonstrate that assistance by external actors often underestimates the productive role that parliamentary institutions and elected representatives can play. The guidelines summarize some of the issues that require attention by the international community when designing peacebuilding strategies and promoting democratic governance.

Principles

1. As elected representatives of the people, parliaments constitute uniquely legitimate democratic institutions, with a central role to play in all governance processes. Freely elected parliaments speak and act with unrivaled democratic legitimacy. In crisis and conflict situations, parliaments’ central role in dialogue and reconciliation processes warrants increased support from external actors.

2. External actors working on conflict prevention, peacebuilding and post-conflict recovery strategies should strive to *do no harm* and to guard against unwittingly aggravating existing or potential conflicts, by, for example, taking a conflict-sensitive approach to support for parliaments in their role in preventing and mitigating conflict.
3. Parliament's contribution to conflict prevention and peacebuilding is embodied in its everyday work of representing constituents through law-making, oversight of government action and the process of political contest. However, this contribution tends to go unnoticed when it is effective in managing and containing conflict.
4. Power sharing arrangements and constitutional and electoral design have a profound effect on the short- and long-term functioning of parliamentary institutions, including their ability to act as an arena for mediating conflict in the future. A balance needs to be struck between over-representation and extreme forms of "winner-takes-all" governance systems, both of which can aggravate, rather than mitigate, social tensions.
5. Parliamentary actions, when ill-considered, can serve to cement societal cleavages and even exacerbate conflict. For example, legislation pertaining to national languages or resource allocation, if not carefully and responsibly considered, may aggravate tensions between ethnic, religious or socio-economic groups.
6. Parliaments (or representative groups of parliamentarians) are often endowed with the representational legitimacy to engage in conflict or dispute resolution. However, in many cases, they are excluded by government representatives and insurgent forces, or even by international actors, who aim to keep sensitive negotiations from public scrutiny. Nonetheless, once accords are signed, parliaments have a vital role in validating agreements and building constituencies for peace during the peacebuilding process.
7. Parliaments (and parliamentarians) constitute an effective and legitimate means of governmental outreach to the people. They have a duty to explain policy and legislation to the citizenry, and to collect inputs from citizens to ensure legislation and policies are well targeted and respond to the needs of the people. Even during a transition period, appointed consultative or quasi-legislative bodies are important vehicles for consulting people about decisions made by international or national transitional administrations.
8. In the aftermath of conflict, an asymmetry in power exists. The executive branch, armed groups and even other non-state and external actors such as donors and financial institutions often exercise considerably more influence than a legitimately elected parliament. International post-conflict assistance often exacerbates this asymmetry of power by providing disproportionate funding to the executive and, in some cases, to non-state actors, such as civil society organizations, often to the detriment of parliament's ability to re-assert itself. Parliamentary strengthening is critical at this stage to allow a parliament to fulfill its constitutionally mandated role of holding the executive branch accountable for its actions and performance, to contribute to peacebuilding and to restore its own reputation and legitimacy.
9. The executive branch has a responsibility to ensure the effective and independent functioning of the legislative branch. Not only should relevant ministries interact and cooperate with the peoples' representatives in critical processes such as national economic planning and national reconciliation endeavors, but the executive should ensure that the parliament is adequately resourced and funded.
10. Parliaments in immediate post-conflict situations have important legislative responsibilities which, although critical to the recovery process, are often insufficiently supported or considered by international actors. These include legislation on transitional justice mechanisms (e.g., special courts, truth commissions and amnesty laws), legal frameworks



As the people's representatives, parliaments speak and act with unrivaled democratic legitimacy.



Power-sharing arrangements have a profound effect on the short- and long-term functioning of parliamentary institutions.

for resettling IDPs and refugees, DDR frameworks, and reestablishing civilian and democratic control over the security sector. Sometimes these are the responsibilities of transitional or interim legislative bodies (see Principle No. 11 below).



National parliaments are important symbols of, and provide a critical forum for, leadership and safeguarding of the rule of law and human rights, including those of women and minority groups.

11. Transitional legislative bodies (and interim constitutions) are also important mechanisms for managing differences and tensions in the immediate aftermath of conflict and are often involved in critical decisions regarding constitution-making, electoral design, transitional justice and other governance processes. Interim legislatures provide an opportunity for tensions to diminish, for the establishment of a culture of dialogue, and for considering various power sharing options, while buying time for non-armed groups to politically organize. Women's groups, for example, are increasingly using periods of transition to organize themselves and access public decision-making processes.
12. Parliaments have a responsibility to oversee post-conflict national economic planning processes. These include Poverty Reduction Strategy Processes (PRSP), Millennium Development Goals (MDG) implementation, donors' pledging processes and international borrowing. As such, parliaments need to be acutely sensitive to, and responsive to, their constituents' concerns and needs.
13. National parliaments are important symbols of, and provide a critical forum for, leadership and safeguarding of the rule of law and human rights, including those of women and minority groups. After conflict, parliaments' role in debating and promulgating legislation to promote and enshrine the rule of law and human rights standards is absolutely vital in the peacebuilding process.
14. In order to function independently and effectively, parliaments need to be political spaces where the peoples' representatives can speak and act without fear of prosecution and persecution. The basic tenets of participatory democracy require that parliamentarians carry out their core functions without fear of reprisal for their words or deeds. Needless to say, immunity protections should never be confused with impunity for corrupt or illegal behavior.
15. National parliaments are uniquely positioned to promote gender equality and women's empowerment. This may be achieved through the composition of gender-balanced parliaments (e.g., many countries have adopted mechanisms for enhancing women's representation); through the enactment of gender-responsive and rights-based legislation and budgeting; and via oversight of government policy implementation to ensure that it is targeted to meet the needs of both women and men. In the aftermath of conflict, parliaments have a particular responsibility to legislate on issues of gender-based violence, to address the gender dimensions of nationality law, and to ensure that property and inheritance rights are gender-balanced. They also have an important role in ensuring gender balance in judicial appointments, and in the appointment and conduct of transitional justice institutions.
16. Parliamentary diplomacy is an important aspect of regional conflict prevention and peacebuilding initiatives. As representatives of the people, parliamentarians ought to be more involved in processes that result in regional (and global) agreements between States. More often than not, such agreements are signed without the involvement of parliaments (be they national or regional): in most cases, parliaments are relegated to little more than a "rubber stamping" role. Additionally, parliamentarians – often operating in the context of regional parliamentary forums – can play useful conflict prevention and resolution roles via fact-finding missions to conflict areas and through inter-parliamentary dialogues. Bilateral parliamentary contacts are also useful in building bridges where governmental initiatives have met with little or no success.

Recommendations for the international community

- 1. Recognize parliament's critical role in national dialogue processes:** Peace negotiations, reconciliation and other dialogue processes supported (or undertaken) by the international community should include parliaments and parliamentarians. In many cases, adequate parliamentary or parliamentarian participation – by virtue of their representative function and leadership in society – can play a transformative role. Even in the context of peace negotiations, confidentiality concerns should not preclude the involvement of a group of appropriate parliamentarians, whose legitimacy often warrants a role for them in such talks.
- 2. Factor in parliamentary development into constitutional and electoral design:** Decisions regarding constitutional and electoral design need to give more consideration to the outcome and impact on the effective long-term functioning of parliament (e.g., how political party law will effect the ability of parties to coalesce around national interests, whether to opt for a bicameral legislature or safeguarding representation for minority communities). Parliamentary experts should be consulted in constitutional and electoral design discussions to ensure that the full array of longer term participatory governance issues receives adequate consideration.
- 3. Ensure timely support to parliaments:** External assistance to parliaments should be immediately forthcoming after conflict, be underpinned by long-term engagement, where possible, and not wait until the completion of transitional processes. Immediate, dedicated assistance should be furnished for interim assemblies, rebuilding of parliamentary facilities, staffing and the development of internal procedures of representative bodies (even if transitional in nature). Such support should be bundled with pledges for electoral assistance and ought to be part of the immediate post-conflict reconstruction/recovery resource mobilization.
- 4. Carefully consider the sequencing/timing of the transition process:** The timing and sequencing of post-conflict transitions and elections have an important impact on the capacity and reputation of elected institutions. Inasmuch as the international community has a role in guiding post-conflict governance processes, consideration must be paid to the dangers of excessively rapid transitional processes. Premature elections and rushed constitutions can provoke, rather than transform, latent conflict, and undermine the development of administrative entities, judicial organs and political parties, as well as preclude civic education and outreach. Additionally, ill-considered and rushed transitions can undermine economic reconstruction, demobilization and refugee resettlement processes. In some cases, interim assemblies may need to institute transitional justice processes so that former combatants, for example, do not exploit electoral processes to gain power.
- 5. Support constitutional assemblies and/or constitutional committees of parliament:** Parliaments' role in constitution-making processes should be enhanced through procedural, research and technical support to ensure that they run in a transparent and timely manner and to ensure that debates are informed through comparative experiences and law.
- 6. Support parliamentary oversight committees:** Parliamentary committees allow the people's representatives to air constituents' concerns with a view to impacting governmental decision-making processes and to arrive at a compromise or consensus position. International support should strive to bolster the capacity of committees so that they may operate as effective peacebuilding models. Committees should be balanced in their



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Parliament has a vital role to play in advancing formal reconciliation processes.

composition, inclusive of the opposition, and need to be empowered to question government entities without fear of reprisal. Committees should also be adequately resourced (i.e., with support staff) to undertake background research to support their work.

7. **Strengthen parliamentary outreach:** Parliaments' capability to communicate with constituents, including civil society organizations and the media, should be strengthened. Such outreach is critical to peacebuilding as parliament's representative nature gives it unique legitimacy to explain government policy and recovery efforts. In situations where parliament's reputation may be marred as a result of the conflict, outreach programmes help to restore people's confidence in parliamentary bodies.
8. **Engage and support sub-national assemblies:** Vertical linkages between national parliaments and sub-national deliberative bodies (whether state/provincial or municipal/local) help legislators to better identify critical issues or concerns in specific regions or affecting minority and marginal communities. Supporting such linkages (and sub-national assemblies) contributes to early warning of simmering tensions and permits parliaments to react accordingly.
9. **Strengthen parliament's role in reconciliation and transitional justice processes:** Parliament has a vital role to play in advancing formal reconciliation processes, including: ensuring parliamentary debate on the feasibility of establishing special courts, truth commissions, human rights commissions and other transitional justice mechanisms, and enacting legislation thereon; establishing and ensuring adequate funding for such investigative bodies; and ensuring parliamentary debate on reparations and amnesty provisions with an emphasis on ending impunity, and enacting legislation thereon. Support to parliament in this area needs to factor in outreach programs, to ensure that all such reconciliation processes are supported by the population at large.
10. **Actively support women's political participation:** Often, post-conflict transitions present a good opportunity to introduce mechanisms to enhance women's participation. International mediation initiatives should encourage participation of women's political leadership in negotiations and post-conflict political processes. External assistance should also target women's parliamentary groups with a view to improving their ability to caucus and negotiate in the parliamentary setting. Such assistance includes fostering inclusive decision-making processes within political parties.
11. **Actively support minority groups' participation:** Post-conflict transitions also present a good opportunity to introduce mechanisms to enhance the participation of politically marginalized groups, such as ethnic, religious and/or economically disadvantaged minorities. External support should target minorities' parliamentary groups with a view to improving their ability to caucus and negotiate in the parliamentary setting. Such assistance includes fostering inclusive decision-making processes within political parties. In some cases, promoting and supporting multi-lingual parliaments may be critical to inclusive peacebuilding.
12. **Support parliaments' efforts to implement commitments to international conventions on gender equality and women's empowerment:** Legislatures often require assistance to translate commitments to international treaties (such as CEDAW, the Beijing Platform, Security Council resolution 1325) into legislative frameworks. As such, many parliaments require support to repeal gender discriminatory laws, undertake gender responsive budgeting, and monitor results delivery through gender accountability mechanisms.
13. **Develop political parties:** Governance assistance by external actors needs to recognize these important national political actors and their potential impact, both positive and negative, on peacebuilding. This necessitates enhanced investment in their internal democratization, in their capacity to define policy platforms, and in establishing the external regulatory environment for them to play a constructive role in national governance.

14. **Level the playing field for the opposition:** Support to parliamentary development should contribute to fostering an open and responsible environment for debate, disagreement and criticism. Peacebuilding support for parliaments could include assistance for immunity provisions and other such protections, training for parliamentarians and political parties in their roles and responsibilities, and the establishment of parliamentary rules that allow for opposition representation in the internal governance of parliament and in the leadership of key committees. Disengagement of the opposition runs the risk of such parties withdrawing from the political process.
15. **Foster parliamentary oversight of the security sector and security related issues:** In the aftermath of conflict, external assistance should be provided to strengthen parliamentary oversight of the security sector. Parliament's involvement in the security sector is crucial for achieving democratic, civilian oversight of security forces (army, police and intelligence), developing security sector reform (SSR) processes, and addressing a range of security related issues (such as small arms, DDR, demining and gender based violence) that have implications for the safety and security of citizens. Support to parliaments may include training for staff and members of security oversight committees, support for research and analysis of security issues, and enhancing legislative-executive interaction on security matters. Training in human rights and gender analysis is particularly important in conflict-affected countries, as is the appointment of women or support for gender research in the work of defense and security committees. Where appropriate, the participation of parliamentarians in security-related national institutions (e.g., small arms commissions) and international meetings (e.g., UN small arms process) should be promoted and supported.
16. **Involve parliaments in reconstruction processes:** Donor assistance to post-conflict societies should be designed and implemented in full partnership with parliaments. Relevant budget and planning committees have critical contributions to make in PRSP, MDG, pledging and borrowing processes, and they too require capacity development support.
17. **Assist parliament in human rights and rule of law legislating:** Establishing the foundations of the rule of law and enshrining human rights standards is one of the most vital functions of parliament in a post-crisis setting. Activities include: ensuring an independent, impartial and effective justice system; establishment of human rights commissions and/or ombudsmen's offices; school curriculum reform; anti-racism training; adoption of laws and policies to promote multiculturalism; and ensuring the independence and freedom of media.
18. **Support parliamentary forums:** Around the world, parliamentary diplomacy – often in the context of parliamentary forums – is playing an increasingly important role in peace initiatives and conflict prevention efforts. A growing number of such forums are advancing parliamentarians' roles in peacebuilding and conflict resolution. The OSCE Parliamentary Assembly has been active in the CIS states (e.g., Moldova), while the AMANI Forum has played a role in the quest for peace in the Great Lakes region of Africa (see below). Donors should consider boosting support to such forums' peacemaking efforts, particularly in Africa. Parliamentary forums also provide a useful venue for dealing with conflict-related cross-border issues such as refugees, arms smuggling and other war-related criminal activity.
19. **Support parliaments to monitor themselves:** Recognizing that many post-conflict parliaments may be tainted by corruption and patrimony, external assistance should also support efforts to develop codes of conduct, conflicts of interest rules and other such regulations.
20. **Finally, donors' interventions** should uphold the principle to *do no harm* and strive to do the maximum good, including the need to develop effective and legitimate representative institutions. Strategies should be underpinned by a strong capacity to analyze the risks and causes of violent conflict and be monitored and evaluated over time.



Parliament's involvement in the security sector is crucial for achieving democratic, civilian oversight of security forces.



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Good practices

✓ Bangladesh

Parliamentarians played an important role in the negotiation of the 1997 Chittagong Hill Tracts (CHT) Accord, which recognizes the rights of the Juuma indigenous peoples over the CHT region in southeastern Bangladesh. The accord, which is generally hailed as a successful case of conflict resolution (and involved no third-party mediators), “benefited from the direct and indirect involvements of the parliamentarians and relevant special parliamentary committee,” notes the UNDP case study on Bangladesh.* “Involvement of the MPs in the negotiation process developed a condition of mutual trust and respect in the CHT region. It also set a positive instance for MPs in understanding their critical role as legislators in the context of Bangladeshi society.”

* Salahuddin M Aminuzzaman and A.H. Monjurul Kabir, *A Critical Review of the Chittagong Hill Tract (CHT) Peace Accord in Bangladesh* (2005). Unpublished case study prepared for UNDP project on strengthening the role of parliaments in crisis prevention and recovery.



Democratically elected MPs are well suited to represent indigenous peoples. Photo: UNDP Bangladesh

✓ Afghanistan

Afghanistan’s first democratically elected parliament in 36 years convened on 19 December 2005. The parliament’s functioning is expected to be enhanced by relatively high levels of donor support that have gone into training of secretariat staff and orientation sessions for the new assembly members. UNDP has taken the lead with a \$15.5 million, multi-year project (supported by a number of donors and complemented by a large USAID-funded initiative), which has, thus far, trained over 250 secretariat staff, co-facilitated the official orientation programme for all new legislators and provided

detailed inputs on the parliament’s rules and procedures. The relatively high levels of funding and advance planning for parliamentary development in Afghanistan, though not fully commensurate with the assembly’s needs, are expected to contribute significantly to the fostering of democratic governance.



Afghanistan’s democratically elected parliament convenes. Photo: UNDP Afghanistan, Support to the Establishment of the Afghan Legislature (SEAL) Project

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Parliamentary peacebuilding efforts are critical to addressing the long-running crisis in Africa's Great Lakes region, home to five million of the world's 25 million internally displaced persons. Photo: UNHCR/R. LeMoynes



✓ AMANI Great Lakes Peace Forum

The AMANI forum, comprising parliamentarians from Burundi, D.R. Congo, Kenya, Rwanda, Tanzania, Uganda and Zambia, has two core activities: “building capacity of parliamentarians to engage in peace building and enabling them to undertake concrete peace initiatives.” AMANI MPs have undertaken conflict resolution and peacebuilding activities throughout the Great Lakes region, including fact-finding missions to conflict-ravaged regions in southern Sudan and northern Uganda, as well as inter-parliamentary dialogue between countries experiencing conflict. In September 2005, parliamentarians from D.R. Congo, Rwanda and Uganda agreed to “hold [their] respective governments accountable for the implementation of the peace agreements already signed” and to encourage such governments to pursue negotiations to end conflict in the region. The Forum’s website is: www.amaniforum.org.



AMANI Forum MPs gather regularly to ensure that their vision of peace comes to life. Photos courtesy of the AMANI Forum

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UNDP Parliamentary Development Website: www.undp.org/governance/sl-parliaments.htm

UNDP Project on Strengthening the Role of Parliaments in Crisis Prevention and Recovery: www.parlcpr.undp.org

World Bank Institute/Commonwealth Parliamentary Association Paper on Parliaments and Peacebuilders: www.worldbank.org/wbi/governance/parliament/index.html



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Working with others

ACP-EU Joint Parliamentary Assembly: www.europarl.eu.int/intcoop/acp/
AMANI Great Lakes Parliamentary Forum on Peace: www.amaniforum.org
Commonwealth Parliamentary Association (CPA): www.cpahq.org
Electoral Institute of Southern Africa: www.eisa.org.za
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European Parliamentarians for Africa (AWEPA): www.awepa.org
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Parliamentarians for Global Action: www.pgaction.org
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Southern African Development Community Parliamentary Forum (SADC PF): www.sadcpf.org
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