



PARLIAMENTS AND RECONCILIATION: The Role of Committees and Post-Conflict Arab Parliaments



By M. Mac Harb

October 2010

The analysis and policy recommendations of this Paper do not necessarily reflect the views of the United Nations Development Programme, its Executive Board Members or the UN Member States.

The paper is the work of an independent expert sponsored by UNDP project on parliamentary development and conflict prevention.

Contents

Introduction.....	3
Arab Parliaments	3
Role of Parliaments in the Arab Region Post-Conflict	4
Structure of Parliamentary Committees in the Arab Region	6
Trends and Value of Parliamentary committees in the Arab Region	7
Case Studies:.....	8
Sudan.....	8
Brief overview.....	8
Highlight of Committees Functions and roles in Sudan’s Constitution	9
Role of Parliament and Committees in Sudan.....	10
Ad-Hoc Committee on Darfur.....	11
Conclusions on the Role of Sudanese Committees	12
Iraq.....	12
Brief overview.....	12
Highlight of Committees Functions and roles in Iraq’s Constitution	13
Role of Parliament and Committees in Iraq	14
Recommendations for the Committees of Sudan and Iraq.....	18
Strengthening of the Role of the Committee Chair.....	18
Support for Role of the Committee Secretariat	18
Strengthening Committee Research capacity	19
Strengthen knowledge on conducting Committee Consultation and Hearings.....	19
Challenges of Arabic Parliaments.....	20
Conclusion	22
Recommendations.....	23
Regional.....	23
National	23
Selected Bibliography	26

Introduction

In recent history, the Arab region has witnessed a steep rise in conflicts that had a devastating impact on the people. After a conflict has ended and a resolution has been reached, a country must move towards peace and reconciliation. This move should be facilitated by a strong parliament and empowered parliamentary committees. This paper will examine the role of parliamentary institutions in the peace, reconciliation and recovery processes in conflict and post-conflict countries in the Arab region. The experiences of Sudan and Iraq will be examined. This will be accomplished by discussing information on committees, analyzing the committee role and its work in conflict and post-conflict situations, and by providing appropriate recommendations. The goal of this analysis is to provide recommendations to assist present and future parliaments in dealing with post-conflict situations, analyze how parliament can play a critical role in conflict prevention and recovery, largely through the implementation of the UNDP guidelines on *Parliaments, Crisis Prevention and Recovery*: and by suggesting ways that parliaments can help prevent conflicts before they escalate beyond control.

Arab Parliaments

A Parliament in the Arab region can be categorized as a political assembly of representatives which is often the country's highest legislative authority. While the Arab parliament varies in the way they operate, they mostly adopt the hybrid parliamentary system, with different electoral laws.

The Iraq parliament is unicameral, meaning it has only one legislative chamber. This chamber is called the Council of Representatives and currently seats three hundred and twenty-five members. After the 2010 election four main parties dominate the Council of Representatives, the Iraqi National Movement (al-Iraqiya) with ninety-one seats, the State of Law Coalition with eighty-nine seats, the National Iraqi Alliance with seventy seats and the Kurdistan Alliance with forty-three seats.

The Sudanese parliament is bicameral with an upper house called the Council of States and the lower house called the National Assembly. The National Assembly hosts four hundred and fifty members who represent the twenty-five constituencies in the twenty-five states of Sudan.

The assemblies of elected, though sometimes, appointed, members, perform three main roles: representing the people, adopting laws, and overseeing the business of the government. Within these roles, an Arab parliament is able to provide the rule of law, the adoption of legislation, the establishment and maintenance of committees, conduct

Parliaments and Reconciliation

parliamentary debates, and oversees the government budget. Parliaments in post-conflict Arab region often falls short in one, if not all, of these three functions.

Role of Parliaments in the Arab Region Post-Conflict

After a peace agreement has been reached and conflict has subsided, governments and parliaments in the post-conflict Arab region are faced with the arduous task of facilitating cooperation and reconciliation between the previously warring factions. For reconciliation to succeed, all participating parties have to cooperate and implement the negotiated peace agreements. Power sharing is often reached after lengthy discussions mostly outside of parliament, while this can be seen as a positive sign, it does leave parliament outside of the peace making process, as is often the case in conflict situations. For example, the Comprehensive Peace Agreement (CPA) which ended the civil war in Sudan was negotiated and signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) with the support and pressure of the international community. Often peace negotiations are conducted outside of the country with the supervision of allied nations, as was the case with the Sudanese peace talks where the final agreement was reached in Kenya. An agreement is then reached without the full participation of the parliamentary members; however, it is parliament which is largely responsible for the agreements implementation. While this process is often necessary, it leaves many members of parliament, especially opposition parties, out of the discussion.

While there is no single route to reconciliation, the recent example in the Arab region, such as Sudan and Iraqi, are providing successes and challenges that can be applied to other post-conflict countries in other regions. Since, many peace and reconciliation processes are still being introduced and tested it is difficult to establish a guideline of best practices for post-conflict Arab parliaments, but parliamentary role is crucial in creating the proper environment for peace building and peace keeping. The UNDP has set forth a number of guidelines which can assist conflict and post conflict parliaments achieve well functioning parliaments. Two of these guidelines are: *parliament and democracy in the twenty-first century a guide to good practice* and the *Guidelines on Parliaments, Crisis Prevention and Recovery*.

Another role of Arab parliament is to act as a connector between the government and the people. It is the responsibility of parliamentarians to represent their electorate by creating a dialogue with the electorates, providing information regarding government policy and laws, and ensuring that government policies are in touch with their voters needs.

However, even in this early stage, some processes can be identified as necessary. For example, the peace and reconciliation process must encompass all levels of society and address the feelings of citizens which may harbour bitterness during and after a conflict. Further, Arab parliament, which has not always been included in reconciliation, could

Parliaments and Reconciliation

exercise its constitutional right through the introduction and adoption of initiatives that foster conciliation and promote recovery; parliaments in the Arab region are making modest efforts to be incorporated into the peace making process. For parliament to be effective, it must be strong.

When parliaments conform to their basic roles, they are well positioned to rebuild after conflict. In this regard parliament is able to act as a tool for managing conflict in a safe and representative environment that facilitates debate, compromise, and cooperation. Hence, within parliament, opposing viewpoints can exist together without the need to resort to violence.

Some Arab parliament have adopted, power sharing systems that allowed them to reach cooperation and understanding. In cases where Arab parliaments have undertaken power sharing mechanisms, such as in the case of Lebanon, following the 2008 Doha meeting, they have seen a greater measure of cooperation and ease of tensions within parliament. However, Arab parliaments that have not instituted power sharing systems, especially those who have increased the powers of the executive, such as in the case of Iraq, have seen a decline in cooperation between members.

Another issue that is seen post- conflict Arab parliaments is the lack of appreciation of the opposition role in Parliament , opposition members often find themselves acting as symbolic figure without actual power or ability to make a positive contribution as is the case in Yemen.

A democratic system requires the participation of all groups in society which includes: women, religious, socio-economic, cultural and ethnic minority groups. In Iraq and Sudan, parliaments took positive steps and adopted laws to provide quotas for women representations, while these measures are seen as positive, there's another area of concern in the Arab regions where conflict is often divided along religious or regional divides. These groups must be able to communicate their concerns and have them be equally considered in the parliamentary decision-making process without causing further tension. While diverse opinions may be held in parliament and between party lines, in order for parliament to properly function, dialogue, cooperation and mutual respect must exist among members of Parliament and be channelled to the electorate.

Despite the many challenges that face the region, from poverty to conflict, many parliamentarians continue to utilize their Parliamentary roles in order to assist the peace building and recovery process, with elections recently held in Iraq and Sudan, these parliaments are now faced with the tasks of keeping peace and the responsibilities of adopting laws that benefit their voters.

In the performance of this role, post -conflict Parliaments in Algeria, Iraq, Lebanon, Morocco and Sudan, all adopted Amnesty Laws , As well, as witnessed in the case of Iraq ,the parliamentary peace and reconciliation ,human right and legal committees, these committees were able to take tangible steps toward conciliations by adopting the

Parliaments and Reconciliation

election laws that paved the way for the 2010 election, and by adopting the victim of violence compensation law.

As it was seen successfully in the case of South Africa, transitional justice mechanisms, such as truth and reconciliation commissions and special courts, are an essential element of the recovery process in post-conflict Arab regions. While some parliament as Sudan and Iraq has established ad-hoc peace and conciliation committees, these committees for various reasons were not able to fulfill their parliamentary mandate ,the Parliaments in both Iraq and Sudan can further promote peace building by facilitating the establishment of permanent committees for peace and conciliations these committees could facilitate the introduction and adoption of laws that protects fundamental freedoms, minority and gender rights, and encourage civil society's participation as a central stakeholder in ending conflict and building peace.

Structure of Parliamentary Committees in the Arab Region

Typical parliamentary committees in the Arab region are responsible for a series of tasks, some of which include: the analysis of legislation, proposition for amendments, research and inquiries into issues of public interest; the examination of policy proposals, the hearing of witnesses, the gathering of evidence, monitoring the activities of the government and; the review of the proposed annual budget and strategic plans.

These tasks, amongst others, are facilitated through two types of committees: standing and ad-hoc committees. Standing committees are established by parliament, as are the members, and are permanent committees. Conversely, ad- hoc, special, legislative or sub- committees are temporary and are established for specific objectives and mandated with specific tasks.

Committees are made up of Members of Parliament and are selected by the parliamentary assembly. In most Arab region, Member of Parliament can attend committee meetings, but only members of that committee can vote in the proceedings.

In most Arab region Parliaments, Committee proceedings are considered as parliamentary proceedings and are therefore, subject to immunity. Both members and witnesses appearing or participating in a committee hearing are protected by law and are subject to the same protection and privileges that are enjoyed by the parliament during a plenary discussion. The provision of immunity ensures that all committee witnesses and members are comfortable and can freely express their views and that the evidence and information given is comprehensive, frank, and accurate.

Parliaments and Reconciliation

Trends and Value of Parliamentary committees in the Arab Region

If there's one place where all the three roles of parliament can be conducted, it's in committee, a member can best perform the: representative, legislative, and oversight parliamentary role

Historically, Arab region parliaments and committees, have played a small and modest role in the initial peace process and there are a few explanations for this. In some cases, key actors in the dispute are not represented in parliament; this is especially the case for rebel or extremists groups which were not seen as legitimate political actors and it is often the case that at least one key actor is outside the formal political system. Also, parliament is often dissolved when conflict occurs or fails to represent the population, effectively turning itself into a political warring stage.

Successful mediation seeks the support of all relevant actors in a non-partisan manner, Hence, negotiations at the local, regional and international level, tend to overlook parliament and by extension committees, in favour of bringing together the main actors outside of the institutional framework. After such negotiations, parliament is then brought back into the process to exercise its legislative powers, draft or amend a new constitution, implement power-sharing mechanisms, and or adopt amnesty laws, as recently witnessed in Iraq and Sudan.

Arab region Parliamentary committees can play a valuable role in the peace and reconciliation process and offers a number of advantages. Committees' discussions are less formal than parliamentary debates; committees have more time to study issues and they often arrive at agreement and decisions through consensus.

After a law is proposed, it is reviewed by a committee to determine its relevance and importance to the public. Committees assist parliament in this by researching, drafting and amending laws, permanent or ad-hoc committees are required for this process to occur.

Committees therefore, are able to provide additional oversight and strengthening to proposed laws that can for example, improve health care, education, economic and social justice needs. This is an important role played by committee during the recovery process because, it allows constituents to feel that their concerns are being considered and that action is being taken by the committee. When this occurs, constituents feel more satisfied and involved in the political process thus, the need for violence to achieve their goals is diminished.

It is evident that almost every parliamentary committee in post- conflict Arab Parliament have a strong and important role to play in the peace and reconciliation process. However, if poorly funded and supported by inexperienced staff, committees may only serve as a ceremonial rubber-stamp. More often than not in the Arab region, the latter is the case. This could be fixed by clarifying the role of committees and

Parliaments and Reconciliation

supporting committees with adequate resources. Such support can include: more rigorous training for staff members; enhancing access to information; financing modern communications, training in the use of research and technology tools; and better networking and conferencing opportunities.

While it is often difficult to secure funding or increased support for such initiatives, it is important to note that when parliament and committees is left out of the peace and reconciliation process, a relapse in conflict is highly probable. This is because the infrastructure of the country has likely not improved, as this often requires acts of parliament, and the underlying problems that brought about the original conflict remain unresolved. Therefore, post-conflict Arab region parliaments and the committees which assist parliament are essential in the peace and reconciliation process. As such, both must be well-functioning and properly funded, otherwise, parliaments, can cause or even facilitate the re-emergence of conflict.

In short, properly supported, Parliamentary committees can play a significant legislative, peace and reconciliation role.

Case Studies:

The trend of disregarding parliament as a participant in the reconciliation process continues today, as demonstrated through a number of peace and reconciliation projects in the Arab region. Countries currently in a conflict situation, specifically in Sudan and Iraq, will be reviewed in order to gain insight into the existing role of parliament and parliamentary committees. Based on the important role that parliament and its committees can play in peace and reconciliation, it is necessary to evaluate their current role and identify areas where they can be more effective.

Sudan

Brief overview

Sudan is the largest country in Africa, with a population of over forty-two million and has suffered from civil instability, conflict and poverty for most of its independence. After gaining independence in 1956, Sudan encountered many years of civil war followed by ethnic, religious and economic conflicts between the primarily, North and the South. As a result of the twenty-two years of civil war, an estimated two million people have died and over four million others displaced. Along with the instability of conflict, Sudan also faced political challenges in terms of representation, leadership and stability. After several changes in leadership, President Omar al-Bashir came to power in 1989 and has served as the President ever since.

In Darfur, conflict erupted in 2002-2003 as the Government of Sudan was faced with opposition from the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). Since 2003, the Darfur conflict has resulted in the death of

Parliaments and Reconciliation

over two hundred and fifty thousand people and has displaced more than two million. Efforts to bring peace and stability to the region are ongoing. The primary mechanism in the peace process is the 2006 Darfur Peace Agreement which is still being implemented.

In January of 2005, a Comprehensive Peace Agreement (CPA) was reached between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A). The Comprehensive Peace Agreement (CPA) was compiled of the following eight components: the Machakos Protocol, the Protocol on Power Sharing, the Agreement on Wealth Sharing, The Protocol on the Resolution of the Conflict in Abyei Area, the Protocol on the Resolution of the Conflict in Southern Kordofan and Blue Nile States, the Agreement on Security, the Permanent Ceasefire and Security Arrangements Implementation Modalities and the Implementation Modalities and Global Implementation Matrix. The general objective of the Comprehensive Peace Agreement was to end the civil war, establish a democratic and well-functioning government, to share national wealth, specifically oil, and to hold a referendum in 2011 regarding South Sudan's future.

In April 2010, Sudan held an election for the President and the National Assembly. This election ended the transitional government that was put in place after the 2005 CPA. President Bashir won Sudan's first multi-party elections in twenty-four years with over sixty-five percent of the votes. While some International observers criticized the election process as being flawed, they believed it to be an important milestone in the country's democratization process. The election also allowed international observers to oversee the election.

The International Criminal Court in The Hague issued an arrest warrant for President Bashir on charges of war crimes and crimes against humanity in Darfur. In July 2010, The Hague issued a second warrant that included charges of genocide.

Highlight of Committees Functions and roles in Sudan's Constitution

While establishing committees is a role that's delegated to parliament by law, In Sudan's the constitution of 2005 brought forward few Articles that specifically pertain to committees; below are a few that highlight the function and role of some of these committees.

Sections 95(1) And 95(2) of the constitutions allows each Chamber, in accordance with its internal regulations, to have specialized permanent committees and ad hoc committees;

Section 105 ,106(3) , 107(2) and 107(3) empowers committees with looking at bills introduced by members ,give committees, the right to hold inquiries and to

Parliaments and Reconciliation

summon any public official, (with the exception of the President and the Vice Presidents), or any other person to make a testimony before, give opinion and provide reports to the Assembly.

Sudan constitution also went further in section 150(3) in setting up the national security council along with security committees at the Government of Southern Sudan and state levels; their composition and functions were prescribed by the National Security Act, the constitution section 199 also set out the terms for the National Reconstruction and Development fund (NRDF) having the mission of developing the conflict affected areas and the least developed areas outside Southern Sudan. It shall be managed by a steering committee with appropriate representation from such areas; a member of Southern Sudan Ministry of Finance shall be a member of the Steering Committee. A report on the income, expenditure and the projects supported by the Fund shall be tabled before the National Assembly and the Council of States, which shall exercise oversight over the Fund according to Article 91 (5) (g) herein;"

Section 209. (2) of the constitution also set out terms for division of government assets in fair and equitable way. "An asset shall in the first instance be allocated to the level of government responsible for the function in respect of which the asset is related. In the event of a dispute, such dispute shall be referred to a committee comprising a representative of each of the parties involved in the dispute and a mutually agreed expert the decision of the committee shall be final and binding;"

While these are committees that are specifically mentioned in the constitution, other committees were established by the parliament of Sudan with specific mandate and roles, according to the constitution each of these committees or commission can contribute to the recovery process.

Role of Parliament and Committees in Sudan

The role of parliament and committees in the peace and reconciliation process in Sudan began in 2005, following a cease-fire agreement and the granting of amnesty to those involved in the conflict. A Technical Committee was established by parliament which had the responsibility of drafting the constitution and submitting it to the Commission for authorization. The Technical Committee was supported by a host of sub-committees that analyzed specific aspects of the constitution and submitted these findings back to the Technical Committee. This process established the draft constitution. Once the constitution had been presented to the National Assembly, six committees were

Parliaments and Reconciliation

created, each one to study a set of specific issues. For example, one committee dealt with issues of state, general guidelines and rights, while another examined the distribution of national assets. These committees played a necessary and significant role in the creation and formulation of Sudan's new constitution through the committee role of researching, creating non-partisan dialogue, amending and drafting.

After the constitution was approved and Sudan began its post-conflict recovery, committees continued to play a role in the peace process, though their role was arguably diminished. There exist two types of committees in Sudan's parliament: permanent and ad-hoc. There are also sixteen permanent committees that deal with issues such as economic affairs, agriculture and peace. These committees are supported by the General Secretariat which appoints a "reporter" to each committee that is responsible for scheduling meetings and writing reports. There are numerous ad-hoc committees, each created as needed based on special topics such as the nation's financial performance and employment issues, or on larger matters such as the continuing turmoil in Darfur. Ad-hoc committees are particularly important because of the expertise they provide, which may compensate for the absence of parliamentary groups in these issue areas.

Ad-Hoc Committee on Darfur

It can be argued that each and every one of Sudan Parliamentary committees are partners in the recovery process.

In particular, the ad-hoc committee on Darfur is worth examining closer as it provides a useful example of the role and impact that committees can play in establishing and maintaining peace. The Darfur Committee has been credited with reporting on conflict zones, gaining support from local leaders, assisting with the ending of violence, contributing to the signature of peace agreements among some tribes, the signing of a tribal covenant for the resolution of various local disagreements, and returning displaced persons to their villages or protected areas.

This effort has been supported by the international community, which has acted as a mediator between Darfur and the Sudanese government. The international community has encouraged power-sharing and has taken steps leading towards a peaceful outcome in part by sending the Negotiation Support Unit to Sudan to help resolve disputes before the January 2011 referendum. The support of the international community and the accomplishments of the committee on Darfur provide an encouraging prospect for peace in the area. However, the Sudanese progress towards reconciliation will face its deepest test following the referendum, as some speculate that the region may opt for secession. If the parties fail to accept the results of the referendum, conflict is likely to resume and the progress made since the 2005 ceasefire will ultimately be lost. It is therefore essential that parliament and its committees work towards resolving any remaining disputes and adhere to the principles of transparency and democracy.

Parliaments and Reconciliation

Conclusions on the Role of Sudanese Committees

Sudan appears to be taking positive steps in the direction of a functional democratic parliament, however, the extent to which the processes are legalized but underutilized merits further investigation. The commitment to democracy, equality and transparency that the government expressed in the new constitution should be cemented in order to ensure that the successes made in the reconciliation process are upheld. While limited information pertaining to important committees such as the Peace and National Reconciliation Committee and the Human Rights Committee is available, records of the actual work done at the local level are less forthcoming. The Sudanese Parliament, in theory, seems to be on the right track but many extenuating factors – poverty, gender inequalities, human rights issues, etc. – have delayed the reconciliation process. Currently, Sudan has legalized a strong role for parliamentary committees, however, their efforts has not been fully translated into practice and results. Further support and a larger role for parliamentary committees could assist Sudan in its reconciliation and recovery process.

In particular the Sudanese peace and reconciliation committees can focus on six areas: membership, mandate, resources, reporting, timing and rules. More specifically this includes a representative, knowledgeable and creditable membership, that the key players clearly identify the mandate of the committees, that the committees are properly resourced especially in the technical, financial and knowledge based areas, that the committee reports are taken seriously and used by parliament, that committees have the time to conduct thorough investigations and produce expert reports and finally, that the committees be empowered to call on witnesses, to travel, to hold public and private hearings and to report on its finding as necessary and as needed.

Iraq

Brief overview

Iraq is a democracy with a President serving as head of state, two vice presidents they together form the presidency council, Iraq also have a, head of government and a cabinet selected from the Council of Representatives, Iraq use a hybrid Parliamentary system . The capital city is Baghdad. Historically, the area was known as Mesopotamia, and believed to be one of the cradles of human civilization. Throughout its long history, Iraq has been the centre of numerous empires, in 1932, Iraq became an independent state.

Following the years of occupation, military coups, and several changes in leadership, Saddam Hussein seized power as Iraq's president in 1979. In 1980, an eight year war began with Iran, and in 1990 Iraq invaded Kuwait. A United States-led coalition forced the Iraq army to withdraw in February 1991.

Parliaments and Reconciliation

In 2003, a United States led invasion forced out the Iraqi government, causing extensive damage to people and to the country infrastructure, a move that saw the U.S. take administrative control over the country and appoint Iraq's interim Governing Council.

In 2004, the Iraqi Governing Council signed an interim constitution and a transitional government was put in place. This government had limited control and did not have the authority to pass laws.

In January 2005, Iraq held elections in order to select a National Assembly, and in December of 2005, parliamentary elections resulted in the United Iraqi Alliance winning the most seats, but not enough for a majority. In April of 2006, after months of negotiating, a government of national unity was formed and Nouri al-Maliki became Iraq's Prime Minister.

In June of 2006, Prime Minister al-Maliki introduced a reconciliation plan that sought to reduce insurgent attacks through political dialogue, confidence-building measures, and limited amnesty for lesser offenses. In August 2007, to further the national reconciliation plan, Iraqi leaders, including Prime Minister al-Maliki, Vice President Tarqi al-Hashemi, and President Jalal Talabani, announced that former government workers could regain the jobs that were lost in 2003's de-Baathification process.

In November 2008, after nearly a year of negotiations with the United States, the Iraqi cabinet passed a Status of Forces Agreement to govern the U.S. presence in Iraq through 2011. The pact calls for the withdrawal of all U.S. combat troops by December 31, 2011. June 30, 2009 was declared "National Sovereignty Day" as U.S. troops completed their withdrawal from Iraqi cities and the responsibility of securing these cities was transferred to Iraqi troops. As of September 2010, fifty thousand U.S. troops remain in the country.

The March 7, 2010 parliamentary elections resulted in no one party winning enough votes to form a majority government. To date, a united national government has not been formed.

Highlight of Committees Functions and roles in Iraq's Constitution

Below are a few excerpts from the 2005 Iraq Constitution which highlights the roles and functions of committees in Iraq:

For example, the constitution section 60. (2) provide rules on who can introduce laws, "Proposed laws shall be presented by ten members of the Council of Representatives or by one of its specialized committees" while section. 135. (6) delegate parliament with the right to form specific committees. "The Council of

Parliaments and Reconciliation

Representatives shall form a parliamentary committee from among its members to monitor and review the executive procedures of the Higher Commission for De-Ba'athification and state institutions to guarantee justice, objectivity, and transparency and to examine their consistency with the laws. The committee's decisions shall be subject to the approval of the Council of Representatives".

And section 142. (1) of the constitutions expressly empower The Council of Representatives with the ability to make changes to the constitution "shall form at the beginning of its work a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution, and the committee shall be dissolved after a decision is made regarding its proposals".

The role and function of committees are further extrapolated in the Iraqi Council of Representatives rules of procedures; highlights are found below:

Section 72. (1) indicate that "each Member shall have the right to nominate himself to serve as a member or a chair of a committee", section 75. (3) gives the Committee the ability to make decisions "by absolute majority of its members and submit decisions to the Presidency by the Chair of the Committee or his Deputy or members of committee in case of absence of leadership". Section 72(4) allow Committees to "seek the assisted of experts when needed, their fees shall verified by agreement with the Presidency Commission"

Section 78. Empowers Standing Committees to "ask to be provided by documents and information that they need from any governmental departments and civil society organizations, with the notification of the presidency commission".

While both the constitution and the parliamentary rules of procedures set out rules for committees, these rules do not play a role in the way committees operates, as a result, different Council of Representatives committees' uses different rules in the conduct of their meetings and committees operations.

Role of Parliament and Committees in Iraq

The reconciliation process in Iraqi is in the beginning stages, therefore the true results are yet to be fully realized. Parliament's first step towards peace, reconciliation and reconstruction followed the 2005 election, when the Constitutional Committee undertook the drafting of a new constitution. While there was controversy over the content and the role (or lack of role) that the Constitutional Committee and the Constitutional Review Committee played in the process, the constitution ultimately

Parliaments and Reconciliation

made positive steps towards a non-partisan resolution. The constitution was passed in 2005 through a referendum and was later amended by parliament in 2006.

According to the constitution, Iraq's parliament is organized by two legislative bodies: the Council of Representatives, or the *Majlis an-Nuwwab* and the Council of Union or the *Majlis al-Ittihad*. The Council of Representatives has three hundred and twenty-five seats for Members of Parliament who are elected for a four years term. This body is responsible for passing laws, overseeing the executive, ratifying treaties and electing the president of the republic, who selects a prime minister from the majority coalition in the Council, to name a few of the bodies roles. The Council of Union while not yet formed, will once established, comprises representatives from Iraq's regions and its functions are determined by the Council of Representatives.

Iraq appears to be taking action towards a robust reconciliation process. Notable measures include the adoption of a new constitution, the creation of a national reconciliation project, new legislation concerning equality, and the hosting of a three day reconciliation conference entitled "From Dictatorship to Democracy - Reconciliation and Accountability in Iraq", which brought together national and international experts.

The National Reconciliation Project, established in 2006 by Prime Minister Nouri al-Maliki, was included as a fundamental pillar of the prime minister's overall strategy to rebuild Iraq. The main points of this plan included:

- The formation of a committee of national reconciliation and dialogue that included representatives of the government and parliament, as well as religious leaders; the formation of sub-committees at the regional level; and the formation of field committees that is to provide follow-up and evaluation on the reconciliation process.
- As part of the formation of a national reconciliation council, a series of conferences for religious scholars, tribal leaders, political groups and other members of civil society are to be held.
- Amnesty was granted for detainees not involved in terrorist acts, war crimes or crimes against humanity;
- Measures to strengthen Iraq's armed forces to prepare them to take over national security from the multinational forces;
- A declaration that Iraq's elected government and parliament are solely responsible for decisions on Iraq's sovereignty and the presence of multinational troops;
- Compensation for those harmed by terrorism, and the return of displaced people to their homes; and
- A commitment to national dialogue to include all the opinions of those involved in the political process.

Related to the mandate of this project, parliament passed a number of reconciliation laws including the Accountability and Justice Law which granted amnesty and reinstated

Parliaments and Reconciliation

employment to former government workers. The law sought to ease ethnic and religious divisions while maintaining a level of justice towards those in top Baathist positions. Parliament and its committees have also introduced reconciliation laws such as amnesty for low-level criminals and power-sharing laws between Baghdad and the provinces.

Following the initial reconciliation project, the government established the Implementation and Follow-up Committee for National Reconciliation (IFCNR), which as its name suggests, consulted and examined the progress made during the initial reconciliation phase. In addition to these domestic projects, the Provincial Reconstruction Teams (PRT), with the cooperation of the international community (the U.S.) and the provincial and local governments of Iraq, worked to promote political stability and development in Iraq's provinces. One such program was the Sons of Iraq movement. In an effort to rehabilitate insurgent soldiers, foreign fighters persuaded members of this insurgency movement to join Iraq forces in the war. These soldiers were initially paid by the U.S. but eventually the Iraqi government agreed to assist these former insurgents by absorbing them into government security jobs.

Iraq's reconciliation and rebuilding process has indirectly included parliament and has demonstrated progress when its members have been active. However, parliament has not always taken such an active role and its committees have not always been fully engaged or supported, this is in-part due to lingering political tensions. Iraq is gaining momentum, but progress can only be sustained by a strong and accountable parliament. Currently, the Iraqi parliament is preoccupied with forming a majority government and determining the next leadership regime.

As with Sudan, the extent to which Iraq's parliament and committees are actually being employed and supported in the peace and reconciliation process can only be determined through further observation and research, as time goes on.

Challenges that are facing Iraq and Sudan Parliamentary committees

A key challenge in post-conflict Arab region is the organization and day-to-day functioning of parliament and parliamentary committees. As in any establishment, there are many rules, regulations, and procedures that must be put into place in order for a system to be operational. However, some organizations get bogged down in procedures and lose sight of the ultimate goal, or they do not use the mechanisms that are already in place to their full potential. Parliaments and committees can become overwhelmed by the process and at the cost of other important initiatives.

For example, in Iraq, the Council of Representatives has a Committee Services Division that reports directly to the Clerk of the Council. It serves all Council standing and ad-hoc

Parliaments and Reconciliation

committees. Each of the twenty-four committees has its own secretarial staff, and the Services Division supplies additional staff when required. Along with scheduling the committees and providing technical assistance, the Services Division also supports the political parliamentary blocs. Since this Division was established in 2006, the number of staff has grown from two to over two hundred and sixty people that report to the clerk. In theory, this parliamentary support unit seems to be a good idea. However, in practice there are many problems with the processes, including lack of information flow, political infighting and staff inexperience.

In the Case of Sudan it was stated that the Parliamentary peace and unity committee although with good aims and objectives, this committee was not able to do its work because of the lack of financial resources, another reason for its challenges was attributed to the timing of the committee formation and the fact that events have now rendered its work as absolute, mainly because of the larger government of Sudan peace and conciliation initiatives.

In addition, very few of the Iraq or Sudan parliamentary committees have a standard by-law that guides these committees; as a result, many of the committees do not have the necessary infrastructure to perform their roles effectively.

The experience in Iraq and Sudan is typical of the functioning of parliamentary committees throughout the Arab region. The main challenges faced by parliamentary committees include:

- Lack of basic administrative support and training, such as office organization, letter writing, and the use of electronic communications;
- Lack of committees experience in the field of research, report writing, and minute-taking techniques;
- Inconsistency in committee staff selections process, and the inefficient use of staff talent;
- Lack of an evaluation process of staff, work ethics and employee relations;
- Lack of standards and proper committee rules and procedures;
- Weakness in the conduct of hearings and witnesses
- Unclear or lack of mandate leading to confusion on what issues should be reviewed by what committee.
- Political tensions between staff and members, resulting in inefficiency and the breakdown in cooperation.
- Lack of committee experience in conducting oversight, planning and parliamentary reporting.

The organization of parliamentary committees is a complex task. Expertise in this area exists and parliamentarians must garner assistance to help coordinate and structure an efficient system.

Parliaments and Reconciliation

Recommendations for the Committees of Sudan and Iraq

As Committees play a central role in Parliament, their support is crucial to their ability to succeed in the conciliation and recovery stage. While every Parliamentary committee is involved in the recovery process in a way, the establishment and the strengthening of Peace and conciliation committees in post conflict Arab region could serve as a catalyst for peace and recovery.

Specifically, it is recommended that the committee of Peace and conciliation in Iraq Parliament and Sudan Parliamentary committee on peace and unity be made permanent committees of Parliaments and that support in the following areas be provided.

Strengthening of the Role of the Committee Chair

The committee chair plays an important role on the committee. This role includes: establishing the agenda and procedures; representing the committee at parliamentary plenary meetings and at events, as authorized by the committee; signing all outgoing correspondence and replying to requests on behalf of the committee; ensuring that there is a quorum at meetings; conducting fair meetings; and provides each member with an equal opportunity to participate.

Additionally, when dealing with items such as legislation before a committee, the chair works with the committee secretary to organize the proceeding. This includes determining the order of speakers and taking care of logistical matters that are important for the smooth operation of the committee, the chair organizes the budget of the committee and submits it for approval to the relevant authority.

Since committee chairs play such a significant role, their support is necessary for an efficient and well-functioning committee to exist. In both Iraq and Sudan, committees could benefit from a program that's specifically designed to support the committee chairs.

Support for Role of the Committee Secretariat

The committee secretariat is a key position that is necessary for the committee to operate effectively. When empowered, the secretariat can provide the logistical support for the committee; assist in the drafting of the agenda; distribute notices, log all documents, materials, correspondences, enquiries from the public, the media and

Parliaments and Reconciliation

administer the replies; provide the committee with legislative drafts and other materials relating to the passing of legislation; keep records of evidence taken by the committee and other background written materials relevant to the committee's inquiries; keep records of votes; offer procedural advice; and organize the appearance of witnesses .

In both Iraq and Sudan, the secretary committee role is loosely defined. Sudan and Iraq committees could both benefit from the qualified support that a strong committee secretary could provide.

Strengthening Committee Research capacity

Specific areas where research in Sudanese and Iraqi committees could be strengthened include: the identification of topics for discussion; the planning of inquiry programs; identifying potential witnesses; organizing hearing and background briefings; ensuring that the committee has relevant evidence; advising on the analysis of legislation, drafting clear and comprehensive reports for the committee; maintaining specialized knowledge in the relevant area; keeping the committee informed of developments in the issue area; creating links with pertinent organizations and academics; and contributing to the development of effective communication between specialists working for the committee and those working on other committees and elsewhere in the parliament. In both Iraq and Sudan parliamentary committees need support in the field of research.

Strengthen knowledge on conducting Committee Consultation and Hearings

Consultations and hearing can serve as a powerful tool for committees and must be used in a responsible and effective manner. Committees should be empowered to: hold public information sessions, round tables, focus groups, and other forms of public hearings (unless the topic is an internal administrative issue or a sensitive national security issue). The committee should also be able to: establish agenda and procedures, including the time and dates allotted for the conduct of hearings. Further, once a list of potential witnesses is prepared, the committee should be able to disseminate information on the issue through the media and other electronic outlets.

The committee should also be able to send an invitation to the relevant minister to appear and answer any questions that committee members may have.

Moreover, witnesses who appear at a hearing of the committee should be provided, in advance, with a notice of the hearing and should be permitted to bring a legal advisor if

Parliaments and Reconciliation

desired. Private hearings should be permitted if it is deemed that appearing at a public hearing of the committee may endanger the life of the witness or that it may cause undue harm. The witnesses must be treated with respect, enjoy the same protections, immunities and privileges that are provided to members of parliament.

Both in Iraq and Sudan, the committees lack the necessary support to properly conduct consultation. An increase in empowerment and enforcement of existing or standard new rules on committees could help committees become more effective.

Challenges of Arabic Parliaments

Parliamentary democracies that are coming out of conflict are faced with numerous challenges.

- Rebuilding the political framework and passing legislation related to conflict prevention and recovery is essential in the reconciliation process.
- There's a lack of an early warning system that could identify problems that parliaments could address before the occurrence of conflict.
- Supporting a properly functioning infrastructure to bolster the needs of the people.
- Supporting and sustaining social institutions such as healthcare and education, and providing the required financial resources,
- As in most post-conflict countries, high levels of poverty are standard and need to be addressed and identified as a key parliamentary priority.
- Understanding the need for social justice; there is a strong correlation between conflict and poverty, namely that poverty increases societies' vulnerability to conflict, while conflict itself generates poverty. If the concerns brought about by poverty are addressed and reduced, conflict can be resolved with lasting effects. Issues of inequality, especially based on gender, race and religion, must also be addressed in order for peace and poverty alleviation to succeed. Ultimately reconciliation becomes easier when these issues have been addressed.
- The ramifications of lack of fair representation of women in Arab parliament is seen as a contributor to parliamentary credibility challenge and ultimately the failure of parliament as a national representative institution.
- Another challenge that faces post- conflict Arab parliaments is the lack of appreciation of the opposition role Parliament , opposition members often find themselves acting as symbolic figure without actual power or ability to make a positive contribution

Parliaments and Reconciliation

- There's another area of concern in the Arab regions where conflict is often divided along religious or regional divides. These groups along with civil society must be able to communicate their concerns and have them be equally considered in the parliamentary decision-making process without causing further tension
- While diverse opinions may be held in parliament and between party lines, in order for parliament to properly function, dialogue, cooperation and mutual respect must exist among all members and be translated into the electorate.
- Committees have a strong and important role to play in the peace and reconciliation process. However, if poorly funded and supported by inexperienced staff, committees may only serve as a ceremonial rubber-stamp. More often than not in the Arab region, the latter is the case
- As it was seen successfully in the case of South Africa, transitional justice mechanisms, such as truth and reconciliation commissions and special courts, are an essential element of the recovery process in post-conflict Arab regions. While some parliament as Sudan and Iraq has established ad-hoc peace and conciliation committees, these committees for lack of resources and support, were not able to fulfill their parliamentary mandate.

The UNDP's Human Development Indices (HDI) provides an example of how a proactive parliament can positively affect a country's ranking, in terms of development. The HDI ranks countries based on life expectancy, education, and standard of living. Therefore, the higher the ranking, the more developed a country is considered to be. Countries with the highest levels of development, such as Canada, the United States, Japan and many European and Scandinavian countries, have well-established, prosperous government systems that effectively represent the people. Their human rights laws are strong and the educational and health care institutions are well-entrenched in society. It is not surprising, then, that Arab countries facing internal conflict rank amongst the lowest on the HDI scale on the international level.

The following table presents the HDI rankings of key countries in the Arab region. Those in conflict, specifically Iraq and Sudan, rank much lower on the development scale. The governments of these countries tend to be preoccupied with resolving civil conflicts and have not focused proper attention on the key elements of development, specifically establishing an education system, improving healthcare to increase life expectancy, and implementing measures to end poverty.

Select Countries in the Arab World	International Ranking out	HDI Category
------------------------------------	---------------------------	--------------

Parliaments and Reconciliation

	of 169	
Kuwait	31	Very High
United Arab Emirates	35	Very High
Saudi Arabia	59	High
Lebanon	83	High
Algeria	104	Medium
Morocco	130	Medium
Iraq	126*	Low
Yemen	140	Low
Sudan	150	Low

**not up to date Data*

Iraq and Sudan are countries under development. In order to improve the quality of living of their citizens, energy needs to be focused on these important aspects of society. While there are many issues that often escape the attention of parliamentarians, and by extension parliament, there are many opportunities for action on social justice issues. Since a main underlying cause of conflict is poverty, parliament has a responsibility to meet its legislative, oversight and representation obligations by introducing legislation aimed at reducing poverty. The next steps include overseeing the delivery of these initiatives and ensuring that they address the needs of the electorate. If successful, parliament will be taking tangible steps forward in reducing the risk of future conflict. Ending poverty needs to be a goal of all parliaments, particularly those recovering from conflict.

Conclusion

Debate on national reconciliation continues to dominate the political agenda in the Arab region. The growing gap between rich and poor – the expanding divide between those that monopolize wealth and power and those that are most marginalized and vulnerable in society – intensifies an already fragile relationship. This gap makes the healing process more challenging and has the potential of causing further difficulties in the years ahead.

Initiating a peace and reconciliation process before a dispute becomes volatile could potentially avert a civil war. Starting a national reconciliation process after a civil war has ended is necessary but may also redirect the government's focus away from important legislative initiatives, such as equality and human rights laws. Ideally, peace and reconciliation debates and discussions would take place within parliament, the main forum in society where public concerns and issues are raised and discussed. It is not the perfect forum, but it is an institution that is mandated to work in the best interests of a country's people.

Parliaments and Reconciliation

The following are measures that should be considered by donors involved in the region, while there are no off the shelf solutions to the region pre and post-conflict Parliaments, there are however activities that could help reduce tension and improve the quality of people's lives.

Recommendations

Regional

1-Establish a Parliamentary Advisory working groups in the Arab region, identify, coordinate and deliver specific and tangible regional parliamentary technical support and assistance.

2-The support of the international community is imperative

Donor's coordination is imperative for post conflict parliamentary assistance benefits to be tangible, coordinated complementary assistance can provide technical, financial and expertise to assist post conflict parliaments. Parliaments in the region can benefit from technical support in the field of effective use of rules of procedures in committees, legislative analysis to allow parliamentarians effectively do their role in the parliament and on parliamentary committees.

National

1-Support for Parliamentary committees:

Parliamentary committees play a key role in the functioning of a parliament. Their role in the peace and reconciliation process needs to be supported and strengthened. This can be accomplished by providing appropriate training and properly utilizing committee staff, putting in place an efficient and useful research tools, and supplying the resources and expertise required to effectively run these parliamentary committees.

2-Support the establishment of permanent peace and conciliation committees:

Parliament Support the establishment of permanent post- conflict Arab region parliamentary peace and conciliation committees and provide these committees with the necessary political and financial resources needed, these committees can be mandated with the tasks of identifying early signs of potential conflict, potential crisis

Parliaments and Reconciliation

risks, can be an agent of positive change, promote good measures to prevent crisis and keep an eye on government policy.

3-Focused assistance, needs for strategic planning:

Post-conflict Arab region Parliaments should formulate strategic parliamentary plans that make recovery a key parliamentary priority. There's a need to develop plans that respond to the need of citizens. Developing, debating and adopting legislation that addresses vital social justice and human rights concerns should become a key component of a post conflict Arab region parliament's mandate,

4-Encouraging Parliaments to ensure dialogue between the parties involved in conflict:

Newly elected parliaments in the region post conflict are comprised of different factions with different views. Parliament should encourage, foster and support open dialogue that is inclusive, involves listening and having empathy for opposing viewpoints, and works to build bridges in order to find common ground amongst the members.

5-Empowering Parliament to embrace civil society:

For parliaments to be effective, representatives and responsive to the needs of voters, in particular, marginalized groups, women, minorities and people with disabilities. Special efforts should focus on supporting Parliaments in establishing procedures, practices and standards that ensure the active parliamentary participation of civil society.

6-Strengthen the media capacity reporting and Parliamentary information flow.

Support specific and targeted programs that Improve parliamentary information flow, Strengthen media awareness, engagement and balanced reporting capacity, on post – conflict Arab region parliamentary proceedings, debates, reports and resolutions.

7-Support Parliamentary Twining (pilot project):

To be an active participant in the recovery process, the parliamentary institution need to be recognized, credible, empowered, encouraged and supported as an effective channel for early intervention to prevent and resolve conflict. Donors should assist Arab Parliaments to twin (cooperate) with other likeminded Parliaments, this could help Parliaments in the use of best practices.

8-Targeted Support for Parliamentary staff and administration:

Parliaments and Reconciliation

Many of donors programs focus on the members of Parliaments and ignore the importance played by Parliamentary staff and administrations, for parliaments to properly engage in debates, deliberations, and other legislative practices that will assist with the development of good legislations, requires staff support with the necessary skills and qualifications.

9-Supporting the auditing capacity of post conflict Parliament:

Accountability is fundamental to the achievement of reconciliation and recovery. Measures should be put in place to monitor and evaluate the process and the progress of government and parliamentary activities. Parliament can play a key role in approving laws, establishing investigative committees, publicly debating government authorities (keeping them accountable) and encouraging dialogue with constituencies.

10-Review of international measure to promote peace and recovery (use of best practices):

As a measure of tangible good will, the International Donors should identify Parliaments in developed democracies and review what they are doing to promote peace ,conciliation and recovery in post conflict Arab region parliaments, the findings of these reviews should be used as best practices and should be made available to post-conflict Arab region Parliaments.

Parliaments and Reconciliation

Selected Bibliography

"Algeria: New Amnesty Law Will Ensure Atrocities Go Unpunished." Amnesty International, Human Rights Watch, International Center for Transitional Justice, International Federation for Human Rights, March 1, 2006.

Ali, Haidar Ibrahim. *Sudan: Post-Colonialism and Post-Conflict, the National Assembly Struggles to Define Its Role*. Study, UNDP Initiative on Parliaments, Crisis Prevention and Recovery, 2006.

Beetham, David. *parliament and democracy in the twenty-first century a guide to good practice*. Inter-Parliamentary Union, 2006.

Bloomfield, David et al. *Reconciliation After Violent Conflict: A Handbook*, International Institute for Democracy and Electoral Assistance, 2003.

Concordis Papers VI. *Promoting Sustainable Peace in Sudan through Post-Conflict Justice and Reconciliation*, May 2007.

Fish, Steven M. "Legislatures, Stronger Democracies." *Journal of Democracy* 17, no. 1 (2006): 1-12.

Freeman, Mark. *Making Reconciliation Work: The Role of Parliaments*; a joint IDEA and the Inter-Parliamentary Union Report, 2005.

Habasch, Rima. "The Role of Parliaments in Conflict and Post-Conflict Situations: Comparative Study of Five Arab Countries." Agora: Portal for Parliamentary development, n.d. 1-49.

Katzman, Kenneth. *Iraq: Reconciliation and Benchmarks*. Report for Congress, Congressional Research Service, 2008.

Moroccan American Center for Policy. *Morocco's Truth & Reconciliation (IER) Commission*. Study, Washington: Moroccan American Center for Policy, n.d.

O'Brien, Mitchell, *Parliaments as Peacebuilders: The Role of Parliaments in Conflict-Affected Countries*, World Bank Institute Working Papers, 2005.

Parliaments, Crisis Prevention and Recovery: Guidelines for the International Community, United Nations Development Programme Report, 2006.

Parliaments and Reconciliation

Philipp Fluri, Anders B Johnson, Hans Born et al. "Parliamentary Oversight of the Security Sector: Principles, Mechanisms and Practices." *IPU-DCAF handbook on parliamentary oversight of the security sector*. Inter-Parliamentary Union Geneva Centre for the Democratic Control of Armed Forces, 2003.

Role of Parliaments in the National Reconciliation Process in Africa, Regional Seminar Report, Burundi, November 7-9, 2005.

Safa, Oussama. *Conflict Resolution and Reconciliation in the Arab World: The Work of Civil Society Organizations in Lebanon and Morocco*. Handbook, Berghof Research Center for Constructive Conflict Management, 2007.

Saif, Ahmed Abdelkareem. *Strengthening Parliaments in Conflict/Post-conflict Situations: Case Study of Yemen*. Study, Portal for Parliamentary Development, 2005.

Sassine, Dr. Fares. *Lebanon: Parliament's Role in a Struggle for Legality, National Reconciliation, Reform and Liberation*. Study, UNDP Initiative on Parliaments, Crisis Prevention and Recovery, 2006.

UNDP Website. *Crisis Prevention and Recovery*, Country Facts, www.undp.org/cpr/regions; also UNDP Country Profiles, www.arabparliaments.org/countries.

UNDP *Human Development Report*. www.hdr.undp.org/en/statistics.

Why Dialogue Matters for Conflict Prevention and Peacebuilding, UNDP Report, February 2009.

Wood, Bernard. *Development Dimensions of Conflict Prevention and Peace-Building*. Study, United Nations Development Programme, 2003.