Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

By Zaid Al-Ali
and Mrs Rouba Beydoun

November 2010

_____

TABLE OF CONTENTS

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

* * *

ii

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

I. Executive Summary

Given the number of conflicts that are currently ongoing in the Arab region, there is an urgent need for all relevant institutions (including regional organisations, parliaments, and civil society, amongst others) to increase their level of involvement and cooperation with a view to contributing to a sustainable peace. Although there are potential strong synergies between these institutions, and despite a professed desire amongst parliamentarians and policy makers throughout the region for increased cooperation on technical issues relating to peace building, there does not appear to be a clear policy as to whether cooperation should be encouraged or discouraged. In fact, there is no evidence that suggests that the issue of cooperation has been consciously debated or decided upon at a regional or even at a national level.

Regional organisations have an important role to play in the field of peace building and crisis prevention for a number of reasons, including but not limited to:

- The fact that regional organisations in the Arab region have an obvious interest in promoting peace and stability in their countries;
- The dearth of institutional relationships across the Arab region, which has acted to prevent important experiences and lessons learned from being shared from one country to another;
- The fact that on occasion national institutions have been prevented from pursuing peace building activities as a result of limited financial and human resources; and
- The fact that regional organisations have a generally sound understanding of contentious issues across the Arab region, as a result of a number of factors including shared culture and history, etc..

Parliaments can bring together differing groups to foster dialogue, instead of allowing differences of opinion or other forms of diversity to translate into violent conflict on the ground. Meanwhile, local NGO networks, which are subject to less political constraints than their regional or parliamentary counterparts, have conducted various types of activities related to peace building and also have significant potential in this field. In particular, civil society can positively influence the work of parliament in dialogue and peace building by including parliamentarians in their initiatives and by holding parliament accountable.

The research carried out for the purposes of this Paper strongly suggests that there is a fundamental lack of coordination between all these actors at a number of levels:

- **Level I**: Interstate organisations such as the African Union, and the League of Arab States, as well as the Arab Inter-Parliamentary Union, have generally not been successful in coordinating with each other at a regional (and horizontal) level;
- **Level II**: Regional organisations have generally failed to engage with national institutions, including national parliaments and civil society organisations, in a systematic fashion, to the extent that whatever interaction has taken place is either ad hoc or is based solely on relationships between individual officials and members; and
- **Level III**: Finally, national institutions including parliaments, as well as civil society organisations, have generally not sought to work directly in concert with each other, whether to learn from each other's experiences or otherwise.

The impact of this lack of cooperation can be felt at various levels. The absence of a clear policy at the regional level as to when and in what circumstances regional organisations should engage with national parliaments and institutions in the event of conflict has contributed to a lack of trust, with

national parliamentarians accusing regional organisations of being unable or unwilling to deal with national conflicts at arm's length. Peace building initiatives have also suffered from constraints related to financing, politics, and a lack of clear institutional mechanisms. Finally, there is a dearth of knowledge within Arab parliaments on comparative experiences in the field of peace building initiatives, as well as a general lack of capacity in relation to mediation skills and parliamentary oversight etc.

Nevertheless, there are existing foundations that can and should be built upon. Several parliaments in conflict affected countries have designated specific committees to work on issues related to conflict and peace building. Also, a number of regional organisations have formed their own departments or branches that are dedicated to the field of peace building (the Arab Peace and Security Council in the case of the League of Arab States). Although these structures have thus far been less than effective in the pursuit of their aims, they provide a basis on which future efforts can grow, and provide important lessons learned that can serve as a basis for reform in the area of peace building.

The general perception that peace building activities fall exclusively within the purview of the executive branch of government may be in the process of changing, albeit only very slowly. Parliamentary unions and international organisations can serve to initiate deliberations with parliament on how they can engage more actively in peace initiatives. Regional organisations are also encouraged to design, along with parliament, mechanisms that will allow parliament and parliamentarians to become more involved in regional peace initiatives.

II. Recommendations

To regional organisations (including parliamentary unions):

1.   Initiate deliberations with Arab parliaments with a view to:

   (i)   Engaging in confidence-building exercises, specifically in order to overcome whatever lack of confidence and mistrust that may exist at a vertical level;
   (ii)   Determining the mechanism that should be established to ensure sustainable and institutionalised coordination between regional organisations and national parliaments;
   (iii)   Determining the capacity building needs of Arab parliaments, specifically with a view to developing the mediation skills of parliamentarians and parliamentary staff, and in order to develop parliamentary oversight of any ongoing peace building activity; and
   (iv)   Determining the institutional needs of Arab parliaments, and particularly whether there is a need to reform their by-laws including the committee structure.

2.   Encourage their membership to increase their level of diplomatic representation in conflict affected countries for the purpose of engaging in and organising peace building activities;
3.   Coordinate with other regional organisations in the Arab region by:

   (i)   Designating a focal point in each organisation to coordinate with other regional organisations in relation to peace initiatives; and
   (ii)   Designating a lead regional organisation for each conflict.

4.   Establish and/or strengthen a professional and independent administrative structure that is dedicated to the purpose of encouraging peace building initiatives, similar to the institutions and departments that exist within international organisations such as the United Nations;

2

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

5. Ensure that whatever institutions are created remain separate and unaffected by whatever political differences that may exist between the organisations' membership, by dedicating and setting aside an annual budget for the purpose of peace building activities, and by establishing clear mandates and procedures that will allow such institutions to proceed with their work regardless of politics;

6. Raise awareness on peace agreements and other related issues by:

    (i)   Designating a focal point to carry out media campaigns and awareness raising activities;
    (ii)   Coordinating with parliament and other relevant organisations on the discourse that should be adopted in media campaigns;
    (iii) Funding Inter-Parliamentary Union meetings on peace building with a view of including more MPs and experts in each round.

To individual Arab parliaments:

7. Deliberate on and consider passing parliamentary bylaws that allow for the establishment of committees that are dedicated to the field of peace building, and should provide that such committees should be staffed with a professional class of advisers that are capable of pursuing certain types of activities even during a breakdown of parliamentary activity;

8. Deliberate and agree on clear and binding rules according to which peace building activities should be carried out;

9. Deliberate on the possibility of drafting a parliamentary development strategy with a dedicated component on crisis prevention and peace building; or, where parliamentary development strategies already exist, integrate a crisis prevention and peace building component;

10. Assess each parliament's capacity building needs, particularly with a view to formally requesting the specific assistance of regional organisations, the United Nations, as well as other relevant bodies;

11. Engage in a debate on the scope for increasing cooperation with regional organisations and designing institutional mechanisms for cooperation in peace building;

12. Establish clear and objective guidelines on:

    (i)   The manner in which parliamentary delegations should be convened (including detailed rules relating to the levels of representativeness that are required, and the types of mediation skills and experience that any such delegation should have);
    (ii)   The manner in which the focal point for maintaining relationships with regional organisations should be selected; and
    (iii) The role of specific committees in the event of conflict or political hostility breaks out within the country in question, particularly in the absence of a parliamentary committee that is specifically mandated to contribute to the field of peace building.

To the international development community (including the United Nations):

13. Encourage the establishment of a regional parliamentary working group that brings together representatives from regional organisations and parliamentarians from Arab conflict-affected countries to discuss possible areas of cooperation;

14. Encourage parliaments in conflict affected countries to discuss and identify their capacity building needs, in particular in the field of mediation and conflict prevention;

15. Provide training and other forms of capacity building to parliaments based on the results of their deliberation process;

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

16. Establish and/or strengthen a professional and independent administrative structure that is dedicated to the purpose of encouraging peace building initiatives, similar to the institutions and departments that exist within international organisations such as the United Nations;
17. Ensure that whatever institutions are created remain separate and unaffected by whatever political differences that may exist between the organisations' membership, by dedicating and setting aside an annual budget for the purpose of peace building activities, and by establishing clear mandates and procedures that will allow such institutions to proceed with their work regardless of politics;
18. Provide more active support to peace building initiatives by:

    (i)   Encouraging the use moderate political discourse;
    (ii)   Encouraging the respect of fundamental rights by monitoring the implementation of any peace building initiatives; and
    (iii)   Funding specific activities by regional organisations and parliaments in peace building work, to the extent possible.

19. Empower regional organisations and parliamentarians by:

    (i)   Designating focal points to coordinate with regional organisations on peace building initiatives, including amongst others at the political and institutional levels;
    (ii)   Consulting with regional organisations and parliamentarians when allocating resources for peace building in conflict affected countries;
    (iii)   Refraining from acting unilaterally and funding activities that do not fall within a generally agreed framework with regional organisations and parliamentarians; and
    (iv)   Funding the capacity building of regional organisations and parliaments in:

            (a) Mediation;
            (b) Media campaigning with a view to raising awareness on peace initiatives;
            (c) The monitoring and evaluation of peace building activities; and
            (d) Establishing standard operating procedures.

    (v)   Funding the capacity building of parliaments in the following areas:

            (e) Oversight and evaluation of peace building initiatives; and
            (f) Legislative drafting in the area of peace building.

To Arab governments:

20. Encourage greater representation of parliamentarians in peace negotiations;
21. Increase the level of coordination with regional organisations when engaging in mediation activities, and include parliamentarians in all such initiatives; and
22. Ensure that the financial and human resources needs of regional organisations such as the League of Arab States in the field of peace building are met.

* * *

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

III. Rationale/Background

A. Brief theoretical framework (the continuity between conflict and peace)

For the purposes of this Paper, the terms 'conflict prevention' and 'peace building' are considered to refer to a single set of activities. As explained in a study by Bernard Wood (2003), although these two terms should be used interchangeably they have often been used to refer to different sets of activities. Conflict prevention has on the one hand been employed to only designate preventive work while peace building has been considered to cover post-conflict situations. However, conflict is argued by many to be the continuation of peace. According to David Keen (2008), war and peace are often intricately intertwined and even overlap, to the extent that the idea of a clear-cut separation between the two is not always helpful. In a 2001 presidential statement, the Security Council offered that peace-building is *"aimed at preventing the outbreak, the recurrence or continuation of armed conflict"*.[1]

B. Overview of crises in the Arab world

Violent conflict is not uncommon in the Arab world. The Middle East and North Africa region is among the largest recipients by value of conventional weapons (Pattugalan and Abi-Allam, 2004). Causes of conflict in the Arab world include but are not limited to social marginalisation, ethnic and/or sectarian tension, environmental degradation, border disputes, claims on natural resources, occupation, etc. The end of the Cold War is another contributing factor as it was followed by the drying up of assistance to many fragile states, including Somalia. During the Cold War, the country was considered strategically important for both superpowers, both of which reinforced clan identity and conflict (Onoja, 2008). Lebanon has witnessed a turbulent period since the 1970s: a protracted Israeli occupation (including recurring bombing campaigns and land invasions), cyclical internal unrest many times along sectarian lines, and Syrian occupation. Since 1948, the Palestinian State has been awaiting proclamation and Palestinians have been subjected to massive displacement by Israelis. This has caused the ownership of arms in the Occupied Palestinian Territories (the "OPT") to be a matter of pride as it came to be linked to the legitimacy of resistance (Pattugalan and Abi-Allam, 2004).

C. The role of parliaments in peace building and crisis prevention

It is by now widely accepted, including by the United Nations Development Programme ("UNDP") that parliaments can be key actors in the field of conflict prevention and peace building.[2] They can play the crucial role of embracing differing groups in a given country and can foster peace building and conflict prevention by *"establish*[ing] *the legislative and institutional framework to help prevent conflict"* (O'Brien et. al, 2007).

Parliaments can move contentious issues from society to an orderly debate. Members of parliament (MPs) can collaborate with a view to resolving the major differences that separate their respective constituencies. One way in which this can be done is for parliaments to build confidence between

---

[1]   See "Statement by the President of the Security Council", 20 February 2001, S/PRST/2001/5, <www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20SPR ST%202001%205.pdf> accessed 7 November 2010.

[2]   See "Parliaments, Crisis Prevention and Recovery – Guidelines for the International Community", UNDP (2006), <www.undp.org/cpr/documents/prevention/build_national/Guidelines_on_the_Role_of_Parliam ents_in_Conflict_and_Post-Conflict_Situations.pdf> accessed 25 October 2010.

ruling parties and the opposition. The committee structure that typically exists within parliaments is another way of encouraging dialogue and of rendering parliamentary decisions more institutional and transparent. At the same time, parliamentary committees can also allow dialogue to take place away from the public sphere, which can sometimes create the space that will allow opposing groups to make compromises (O'Brien et. al, 2007). Parliamentary committees can also organise public hearings in various geographic areas where efforts relating to peace building are most relevant, a process that can make parliament more sensitive to the needs of conflict-affected individuals and that makes these same individuals more supportive of initiatives by parliaments. In fact, several parliamentary committees in war-affected Arab countries are mandated to work on peace building and conflict prevention. In Sudan, the parliamentary Committee on Peace and National Reconciliation was established after the signing of the Comprehensive Peace Agreement (the "CPA") in 2005. In Palestine prior to 2007, the parliamentary Political Committee had responsibilities relating to the negotiations with Israel (Moussa, interview 2010). However both these committees, and Arab parliaments in general, face serious challenges to their work, a number of which are discussed below.

In addition to the important role parliamentary committees can play in national peace building and conflict prevention, there is a growing belief that MPs can play an important role at the regional level. The exchange of ideas and lessons learned from colleagues across the region facilitate capacity building of parliamentarians in skills that could help them in dialogue initiation and conflict resolution (O'Brien et. al, 2007).

Even though the executive branch of government is usually responsible for external relations and for maintaining relationships with regional organisations, and despite the fact that parliaments are in many instances side-lined in peace processes, a new trend is emerging whereby MPs have been included in regional forums. For example, MPs have been officially invited to attend civil society meetings that were held in the Doha negotiations on Sudan in 2010 (Suleiman, interview 2010). These forums *"promote dialogue among parliamentarians from different countries and serve as an excellent peace building and conflict prevention model, especially when disputes cross international boundaries"* (O'Brien et. al, 2007). However, the MPs that have participated in these activities have not made a tangible contribution (see below). Another example is that of the Ta'if agreement in 1989 for which Lebanese MPs were brought together by the League of Arab States (the "LAS") (Pattugalan and Abi-Allam, 2004b).

In addition, parliaments are often *"a default stakeholder"* in national initiatives that are agreed upon with regional organisations as they are normally required to grant their approval either through ratification or indirectly through the budget process (O'Brien et. al, 2007). Also, parliaments are sometimes required to pass laws to assist the implementation of these initiatives. This is an opportunity for parliament to have more say in peace building and conflict resolution and to make sure all constituencies are taken into consideration. This can be done through its oversight function and also through participating in the consultation and formulation stages of these initiatives.

D. The importance of regional organisations in peace building and crisis prevention

Despite the fact that individual member states of regional organisations necessarily have an interest in the outcome of a peace process, such organisations have or could potentially have an added value in peace building and crisis prevention. Given that economic stability is an important determinant in policy making, states are often encouraged to work towards encouraging peace in their own region (Hikmat, interview 2010).

6

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

Not only do members of these organisations have an interest in peace and stability in their region, but in many cases, a regional agreement is often a prerequisite for achieving a final solution to the conflict. One clear example is that of the Arab-Israeli conflict: the respondents that were interviewed for the purposes of this report spoke of the need for a general 'package deal', which is based on the idea that security for Israel depends on peace with the entire Arab region, while peace for Palestine in turn depends on support by Arab countries (Rifkind, 2008; Broning, interview 2010). The fact that conflicts can involve displacement is another reason for which a regional solution to conflict is often needed. In the case of the Arab-Israeli conflict, this is illustrated by the presence of Palestinian refugees in a number of countries, including in Lebanon and in Syria (Moussa, interview 2010). The Arab Peace Initiative (the "API") of the LAS is considered to be an important step forward in that regard, given that it seeks a regional solution to the conflict and to refugee crisis. The various conflicts that have been on-going in Sudan also illustrate the manner in which regional actors can both participate and be impacted by conflict within a given country.

Finally, regional organisations are privileged by virtue of the ease of access that they enjoy within the communities that exist in their membership. By way of example, they can often enjoy special relationships with warring parties and have sometimes used whatever leverage is available to them to persuade them to compromise (Kagwanja and Mutahi 2007). Also, as a result of cultural similarities, regional organisations have a greater understanding of the factors that lead to conflict, the dynamics that sustain them and the possible solutions that could be adopted to end them (Moussa, interview 2010). Their membership often has similar problems to those of the country in conflict and is therefore more likely to understand the issues at hand. For example, both the Intergovernmental Authority on Development (the "IGAD") and the African Union (the "AU") have members that have large numbers of pastoralists and farmers who often have to compete over resources, which necessarily gives both organisations a greater understanding of the drivers of conflict in Darfur (Hikmat, interviewed 2010).

E.   The work of parliaments and of parliamentary committees

(i)   Sudan

Although most of the attention that has been given to the Comprehensive Peace Agreement (the "CPA") that ended Sudan's second civil war between the North and the South in 2005 has been focused on the referendum that is due to take place on the issue of the independence of South Sudan, parliament and parliamentarians have an important role to play in the context of the *"Popular Consultations"* that are due to take place in 2011 in South Kordofan and the Blue Nile State. These Consultations will allow elected members of the state assemblies in both areas to *"decide whether or not to continue with the autonomous status that they enjoy under the CPA"* (Heinrich Boll Stiftung, 2010). In these specific areas, tension is high and citizens are not aware that they do not have a direct say in the determination of the status of their territories. MPs thus have a significant role to play in communicating with their constituents and in reaching out to each other with a view to raising awareness and in order to engage in peaceful discourse. Yet, some have expressed the concern that *"without a democratically-minded parliament, it is unlikely that the 'popular consultations' will correspond to the needs and expectations of the population"* (Heinrich Boll Stiftung, 2010). As the representativeness of the newly elected MPs throughout Sudan is contested by NGOs and public opinion, the parliament's ability to have a calming influence is compromised.

The Sudanese Parliament is not used to leading an active role especially that elections had not taken

place for 24 years prior to the 2010 elections.[3] As it is not an independent institution, it has no experience and/or capacity to play an independent role nor has it been able to establish its own position *vis-à-vis* the government. It has no tradition of pushing for its own active role and is very different to Sudanese civil society, in the sense that it is considered a passive extension of the ruling North. One manifestation of this is the fact that parliament reportedly never seriously objected to laws that were proposed by the president (Dargatz, interview 2010). In fact, the AU High-Level Panel on Darfur (the "AUPD") stated in its final report dated October 2009 that *"settling the conflict in Darfur requires a fundamental transformation within the political configuration of Sudan"*.[4] The AUPD emphasised the importance of regional and international support to the 2010 parliamentary elections and the need for Darfurians to be genuinely represented in parliament, as part of their recommendations for peace building in Sudan. This is accentuated by the fact that there is no awareness among the Sudanese, including among MPs, that parliament can play a bigger role than what has traditionally been the case (Dargatz, interview 2010). A senior Sudanese diplomat expressed the view that *"parliament has not used the space it has to initiate and contribute to the dialogue in Sudan"* (Suleiman, interview 2010). Although parliament has carried out some work on peace building on an ad hoc basis (such as conducting hearings and field observations), the impact was minimal (Suleiman, interview 2010).

The parliamentary Committee on Peace and National Reconciliation was established in 2005 pursuant to the signing of the CPA. The Committee faces serious capacity problems which are not addressed by any of the regional organisations. Between 2005 and 2010, the Committee was meant to work on peace in Darfur and on national reconciliation among Northern parties. After the 2010 elections, the Committee was renamed to the Committee on Peace and Unity (the "CPU"). The use of the term 'Peace' in the Committee's official title is in reference to Darfur while 'Unity' is a reference to the South as the 2011 referendum became imminent (Lako, interview 2010). Before the elections, the Committee carried out several workshops on reconciliation among Darfurian tribes in the three Darfurian states and considers that the situation in Darfur has consequently improved including with respect to Internally Displaced Persons ("IDP") camps. The Committee also organised a large conference in the Sudanese parliament on conflict resolution, involving Darfurians as well as politicians from Khartoum. There is a desire within the Committee to continue all these efforts, with increased participation from Darfurians. One of the difficulties that it faces in this task is its limited financial resources, which has prevented outreach to Darfurian armed factions in neighbouring countries (such as in Libya, Chad and Eritrea) and who are not included in formal negotiations in Doha (Lako, interview 2010).

The United Nations Mission in Sudan ("UNMIS") has approved funding for some of the Committee's activities but no regional organisation has done so. Regional organisations did not approach the Committee (as they reportedly only approach the government) nor did the Committee make requests of any regional organisations (Lako, interview 2010). The president of the CPU had until recently not considered approaching regional organisations for the purpose of assisting the parliament in conflict resolution. The CPU could potentially serve as a conduit through which regional organisations could initiate dialogue and awareness within the country in question, starting with the imminent referendum and on other peace related issues among Sudanese citizens, since no other institutional mechanism exists for that purpose. A number of respondents also indicated that there is a need for greater exchange of expertise with regional organisations which already have experience in conflict resolution and peace building. An emphasis was placed on regional

---

3   "African Union Darfur panel shifts focus to Sudanese elections", Voice of America, 2 December 2009, <www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-7YD4HJ?OpenDocument> accessed 7 November 2010.
4   For the full report, see "Darfur: The Quest for Peace, Justice and Reconciliation; Report of the African Union High-Level Panel on Darfur (AUPD)", October 2009, <www.darfurpanel.org/resources/AUPD+ Report+on+Darfur+$28Eng+$29+October+26+09.pdf> accessed 23 November 2010.

organisations engaging in conflict resolution indirectly through already existing national mechanisms such as the CPU. MP Lako thought that an agreement on collaboration in this respect between the CPU and regional organisations would be a first step forward (Lako, interview 2010).

(ii) Palestine

The Palestinian Legislative Council (the "PLC")'s Political Committee is a permanent parliamentary committee established in 1996 that deals with issues related to peace building.[5] The Committee's functions include: (a) contributing to the negotiation process with Israel through oversight and provision of expertise; (b) conducting studies on treaties and agreements and making recommendations; and (c) enhancing Arab and international support to the Palestinian cause.[6] After the elections in 2006 in which Hamas won more seats than Fatah, and pursuant to the political divisions that ensued, the PLC stopped convening.

Between 1996 and 2005, the Committee submitted 67 oversight reports, and held 184 meetings, hearing and/or field visits.[7] However there was no clear division of tasks between the Committee and other bodies such as the Department of Negotiation Affairs, thereby reducing its effectiveness (Moussa, interview 2010). The Political Committee considered several draft laws relating to the culture of peace including the integration of material on peace and religious diversity in school curricula. However the draft laws were never put to a vote, given that the PLC ceased to hold its regular sessions from 2007 onwards. The Committee did try to work on internal peace within Palestine, but the political divide was too strong for its initiatives to be effective, while the geographical disconnect between Gaza and the West Bank was yet another obstacle to its work (Moussa, interview 2010). While the parliament as a whole does not convene, MPs could still play an active role as elected representatives, at least in Palestinian-Palestinian mediation.

Abu Shahla, MP (interview 2010) explained that dialogue initiatives took place between Israeli and Palestinian MPs outside parliament. This form of dialogue was discontinued however, given the manner in which the discussions evolved. Palestinian participants were reportedly disappointed by the fact that Israeli MPs never accepted to declare their opposition to the settlements. Meanwhile, the meetings were politicised in the media in a way that caused detriment to the Palestinian MPs that were involved (Abu Shahla, interview 2010). Technical assistance and capacity building for parliamentarians in their work is needed. It was expressed that Palestinian skills in peace building could be enhanced through the exchange of experiences in inter-parliamentary forums and through capacity building by regional organisations. However, the arrangements made in the PLC to send delegates to such meetings were not inclusive of all members of the PLC rendering exposure to other experiences across the region rare for the majority of MPs (Abu Shahla, interview 2010).

(iii) Iraq

The temporary parliamentary Committee on National Reconciliation (the "CNR") in Iraq was established in 2006 and coordinates with the Ministry on Reconciliation on issues of internal peace and reconciliation. As it began exercising its functions relating to reconciliation and dialogue, the

---

[5] See "Overview on the parliamentary committees" [in Arabic], Palestinian Legislative Council, undated, <www.pal-plc.org/index.php/2010-07-06-16-49-39.html> accessed 25 October 2010.

[6] See "The Political Committee" [in Arabic], Palestinian Legislative Council, undated, www.plc.gov.ps/ar/page_details.aspx?title=اللجنة السياسية< accessed 25 October 2010.

[7] See "Activities of the committee" [in Arabic], Palestinian Legislative Council, undated, <www.pal-plc.org/index.php/2010-07-06-16-49-39/2010-07-06-17-59-56.html> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

Committee's work and composition were politicised. Also, it was selective in the sense that it only carried out dialogue with particular parties (many of which were in any event either part or connected to the on-going political process), while at the same time excluding marginalised parties (especially and in particular those parties that were actually involved in the conflict). One of the reasons for this phenomenon is that the CNR members were chosen based on power sharing arrangements and not on their individual capacity to lead a genuine reconciliation process (Alimadi, interview 2010). Many observers expressed the view that the Committee did not have a clear understanding of how it should achieve its mandate, and accused it of engaging in activities on a sporadic basis (confidential, interview 2010).

The Committee devoted the first two years of existence to organising its work methods and procedures, and only it was only after significant political pressure by internal and international organisations that it started implementing specific activities in the field of peace building. There is some debate as to whether the Committee has achieved any form of success whatsoever, although there is a view that from 2008 to 2010 it did manage to positively impact reconciliation in Iraq (Alimadi, interview 2010). The CNR worked along with parliamentary groups on replacing the de-Baathification Law by proposing a new Accountability and Justice Law which was milder than its predecessor in targeting previous Baath party affiliates.[8] Most observers consider that the body is strongly politicised and that it has had a detrimental impact on reconciliation, particularly given its role in disqualifying electoral candidates prior the March 2010 elections (Alimadi, interview 2010).

The CNR played a role in initiating dialogue and meetings among differing parties and insisted on adequate representation for various components of Iraqi society (which, some have argued, has contributed to general improvement of security in the country). The Committee was also involved in the effort to pass the 2009 Amnesty Law, which has yet to be fully implemented. Aslo, and in any event, the Council of Representatives has not played a role in monitoring the Law's implementation (from 2006 to 2010, the Council was unable to exercise any effective oversight for a number of structural and procedural reasons).

The Council of Representatives' relationship with regional organisations such as the LAS has not yet been institutionalized and to this day remains based on personal relationships. Regional organisations can nevertheless make a major contribution by building the Council's conciliatory capacity and in assisting it in making steps in that direction. The CNR would be further empowered if it participates in meetings by regional organisations to promote dialogue among different Iraqi groups. Conversely, it would be worthwhile considering whether delegates from regional organisations should attend parliamentary sessions in Iraq, with a view to reducing tensions and encouraging a less confrontational approach to politics.

(iv) Somalia

The representativeness of the Somali Transitional Federal Parliament (the "TFP") has been under question for some time while the local democratic parliament in Somaliland has been ignored by state actors. While the Somaliland parliament was and the Puntland parliament is much more engaged in peace-building initiatives in their respective regions, the TFP and Government are the only counterparts to regional interstate organisations (Hogendoorn, interview 2010). This is the

---

[8]   The members of the new body that was established pursuant to the Accountability and Justice Law have yet to be appointed, leaving the previous Debaathification Commission to operate until the time of writing. There is currently significant debate within the Iraqi Council of Representatives to modify positive law on this point, particularly with a view to modifying the scope of any future work.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

result of the reluctance amongst African and some Arab states to set a precedent for secessionist groups on their own territories.

The TFP was created during the peace process that was sponsored by the IGAD in Kenya in 2004, after which the Transitional Federal Government (the "TFG") was formed. The formation of the TFP was problematic as its membership was appointed top-down by the facilitation of warlords, while civil society was side-lined. The percentages that were used to represent each clan are also considered to be far from representative of the population at large (Gundel, interview 2010). The TFP only convened in Somalia in February 2006 in the western city of Baidoa. In July 2007, the TFG convened a reconciliation conference which excluded key parties.[9] As the TFG was considered to have failed, the TFP's size was doubled so as to be more representative in 2009. However the TFP is considered not to have made any significant progress in promoting peace and reconciliation (Hogendoorn, interview 2010).

The local parliaments of Puntland and Somaliland, especially in Somaliand were created through a bottom up process. The Somaliland parliament in particular has a strong connection to the various constituencies that are represented by its membership (Hogendoorn, interview 2010). In Puntland, the Somali Salvation Democratic Front first relied on the military and is now also realizing the importance of working with and through existing social structures such as that of the clan elders. Thus regional organisations' exclusion of these institutions will only make peace processes weaker. Even though the Puntland parliament considers itself to fall under the TFP, there is no reason for regional organisations not to have more direct interactions with it (Gundel, interview 2010).

IV. Regional interstate organisations: Mapping the framework for crisis prevention and recent initiatives and their relation to parliament

A. League of Arab States

(i) Mandate and institutional framework

The League of Arab States was founded in 1945 and currently has 22 member states.[10] Its main objective is to promote cooperation among its membership. The League's Charter emphasizes independence rather than peace. Article 2, which sets out the LAS' objectives, focuses on issues such as economic cooperation, transportation, and social and health cooperation and leaves out peace altogether. While Article 5 provides that conflicts involving one or more Arab states should be settled peacefully, it is very short on the process that should be followed in the event of the League's intervention. In addition to the League's general framework, a number of cooperation agreements and other developments are worth setting out here:

- In 1971, the LAS made an agreement with the International Atomic Energy Agency to exchange cooperation and consultation in the aim of peace building (1995, IAEA).
- In July 2002, the LAS established the Department on Disarmament Affairs which is mandated to lead the disarmament process in the region. Although the Department did organise a conference on the matter in 2003, it has not yet had a significant impact on the field of disarmament (Pattugalan and Abi-Allam, 2004).

---

[9] See "Somalia's Transitional Government", Council on Foreign Relations, Hansen, Stephanie, and Eben Kaplan, 2008, <www.cfr.org/publication/12475/somalias_transitional_government.html> accessed 25 October 2010.

[10] See <www.arableagueonline.org> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

- The Arab Peace and Security Council's statute was signed in the LAS summit in Khartoum in 2006. The statute does not make any provision relating to the relationship with Arab parliaments.[11] In any case, the Council has yet to have any significant impact on the ground in matters of peace in the region (Fatfat, interview 2010).

(ii) Decisions and mediation: Politics before peace and democracy

Several respondents expressed the view that the League has a strong potential to act as an independent referee in cases of inter- as well as intra-state conflict, given its diverse membership. Despite the fact that peace is not explicitly mentioned as one of its objectives, the League does have a long history of involvement on peace building initiatives (engaging parliamentarians only in a few cases) and has significant expertise that could benefit Arab parliaments on this issue. The fact that the League is internationally recognised and that it necessarily has a deep understanding of Arab issues are considered to have an important added value in peace building (Alimadi, interview 2010). Moreover, the LAS' mandate and its reputation across the region allow it to speak to and be heard by regimes such as that in Khartoum (Dargatz, interview 2010). Despite all of the above, the League's work in peace building has not translated into many successes.

Also, and in any event, the League rarely if ever includes parliaments as institutions in the peace building initiatives. There are several explanations for this lack of involvement and cooperation, including but not limited to the following:

- The League's institutional capacity is said to be wanting, which has worked against the involvement of a large number of players in peace building initiatives;
- The tendency to take all decisions by consensus has been a major impediment to progress, given the impossibility of reaching consensus in many cases, which has lead to a failure to act in many cases;
- Political tensions amongst member states have often impeded any progress on peace building initiatives, either because their distract attention from individual conflicts, or because they serve to prolong them directly.

(a) Sudan

In Sudan, the LAS is criticized for not having played a significant role in the mediation between the North and the South, with some complaining that the little efforts that have been made have had close to no impact.

Several reasons have been offered for this lack of substantive involvement, including ideology. Member states of the LAS have long considered the ruling National Islamic Front (the "NIF") and the National Congress Party (the "NCP") to be a threat due to their Islamic ideology, which Islamic movements in some countries identify with and which are sometimes considered to constitute a security threat. Moreover, the diplomatic support offered by the same ruling parties in Sudan to Iraq after the invasion of Kuwait in 1990 and its subsequent opposition to the international coalition during the Second Gulf War exacerbated tensions between Sudan and the LAS' wider membership. That episode, as well as others, has long informed the LAS's approach towards Sudan, preventing it from playing a significant role in the country and from being as involved as other regional and international organisations, including the IGAD. This was to the extent that a number of Gulf States

---

[11]   See "Historical Background of the League of Arab States" [in Arabic], League of Arab States, undated, <www.arableagueonline.org/las/picture_gallery/historicityback.pdf> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

including Kuwait, Saudi Arabia and the United Arab Emirates supported the Sudan People's Liberation Movement (the "SPLM") in the South.

The dynamics between the LAS and the Sudanese authorities changed somewhat in the mid 1990s (some respondents described an attempt on President Hosni Mubarak's life during that period as a turning point). The LAS was present when the Machakos Protocol was entered into between the National Congress Party (the "NCP") and the SPLM, and during the drafting of the Comprehensive Peace Agreement in 2005. Nevertheless, the League is considered to be powerless to influence the discussions, particularly as a result of the fact that it does not have any leverage to weigh on the negotiating parties.

With regards to the conflict in Darfur which erupted in 2003, the LAS has a better record. The LAS sent a fact-finding mission to Darfur in 2004, which absolved the Sudanese authorities of any responsibility for the conflict.[12] In March 2006, the LAS' membership committed to providing resources to the African Mission in Sudan ("AMIS"). The LAS ministerial committee meeting in Khartoum in 2007 called the LAS member states to honour their commitments towards AMIS and to provide humanitarian assistance in Darfur, which was reiterated in October 2010 in Sirte. Arab members of the AU did not contribute any troops to AMIS until the peace-keeping mission was expanded to include the UN. The LAS also participated in the Doha process alongside the AU in the Doha process starting in 2009.

Whether in the Darfur or in the North-South peace negotiations, the LAS has not engaged with parliament. Mediators were concerned by the possibility of having too many players involved in the discussions, which could have made an agreement more difficult to reach. Also, and in any event, Sudanese parliamentarians are not typically considered to hold any genuine political weight within the country (Dargatz, interview 2010). Some parallel consultations were recently held by the LAS in Doha on an exceptional basis, and MPs were invited as representatives of civil society. It is unclear if that process is likely to be repeated in the future given the absence of an institutional relationship between the LAS and the Sudanese parliament, made worse by the fact that the head of the CPU is yet to officially approach the LAS for any assistance (Lako, interview 2010). The LAS could have an important role in building the capacity of parliament, particularly in the field of dialogue and peace building.

(b) Palestine

The Beirut Declaration in 2002 was a marking point in the League's history. It gave rise to the Arab Peace Initiative (the "API") whereby Israel would be recognised and granted normal relations with all Arab countries in return for its withdrawal from land occupied in June 1967 and the just settlement of the Palestinian refugee problem. To this day, many of the individuals that are most involved in the discussions consider the API to be the most realistic option on the table.

The API has faced serious challenges, including a lack of understanding of its content or even existence within Israel itself, and a failure to respond by the Israeli state. At times, the international community also sidelined the Initiative, in particular by virtue of the Annapolis Process in 2007 which did not incorporate the API. Some observers have noted that this lack of acknowledgement has reduced the API to the status of a moral declaration of support for Palestinians. The LAS itself has ruled out the possibility of negotiating with Israel but does support bilateral negotiations, which has also served to work against any regional initiatives that could serve to promote the API as a solution

---

[12] See "Arab League backs Sudan on Darfur", BBC News, 9 August 2004, <http://news.bbc.co.uk/2/hi/3545818.stm> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

to the conflict. Finally, the fact that the API merely constitutes a vision of the end result of a negotiation process rather than a negotiation plan has also proved detrimental to the Initiative's chances of success.

The API has recently been revived but is still far from being at the centre of political discourse. The LAS' Riyadh Summit in 2007 requested Egypt and Jordan to reactivate the API and facilitate the resumption of negotiations. The April 2007 meeting of the Ministerial Committee on the API recommended the formation of an Arab Ministerial committee to present the League's view on the API to the UN, to other regional organisations and to State actors, which may have influenced the Obama administration decision to adopt the API as one of the fundamental elements of its policy.

One of the main difficulties that the LAS has yet to overcome in relation to the API, and perhaps the one that parliamentarians are most capable of contributing to, is the lack of awareness in relation to the Initiative's provisions and implications. The LAS has failed to raise awareness in either Israel or in the OPT. Although Jordan has translated the API into Hebrew and has sent copies to all members of the Knesset, the Israeli public remains generally ill or misinformed about the Initiatives contents. Even Palestinians themselves are not well informed about the API and could benefit from a joint campaign by LAS and Palestinian parliamentarians on the API (Moussa, interview 2010).

With regards to the Fatah-Hamas divide, none of the LAS' initiatives have led to any productive solutions, whether in Mecca in 2007 or in Egypt in 2008. Some observers have even complained of the LAS' *"remarkable absence"* in Palestinian-Palestinian dialogue. One factor that has contributed to this stalemate is the fact that many of the LAS' member states are yet to resolve their own problems with political Islam, as a result of which they tend to favour one side in the Palestinian divide over another (Broning, interview 2010).

The relationship between the Political Committee of the Palestinian Legislative Council and the LAS has sometimes been inexistent (Abu Shahla, interview 2010). Even when a relationship did exist, it was not institutional but rather depended on personal initiatives. The relationship even went through several parallel personal channels at once, was secretive and did not involve any of the PLC's professional staff or committees. Coordination was difficult and a unified discourse on peace was virtually impossible. While the LAS is perceived to have a wealth of professionals and lawyers, Palestinians parliamentarians have not made any serious efforts to tap these resources to enhance their own capacity in negotiations. It has been suggested that the LAS should contribute to the capacity building of MPs and the development of an institutionalised and professional coordination mechanism with parliament, specifically the Political Committee. The proliferation of international organisations which allocate large sums of money to *"peace building"* in Palestine in the absence of a clear vision was another major concern. The LAS, with Palestinian parliamentarians could seek to coordinate these efforts as part of one long-term peace-building vision (Moussa, interview 2010).

(c) Lebanon

The LAS has been involved in mediating crises in Lebanon for decades. The 1989 Ta'if Agreement is one of the clearest examples of that involvement. In 1989, 62 members of the Lebanese Parliament met in Ta'if, under the umbrella of the LAS to make amendments to the Lebanese Constitution. The LAS also played a crucial role in mediation between the various protagonists to the dispute that eventually led to the election of President Michel Suleiman in 2008. However, none of the compromises that were reached led to a final resolution of the country's ongoing crises. Indeed, a common complaint of peace building in Lebanon is that whatever agreements are entered into are specifically designed to resolve particular aspects of disputes, rather than promoting a wholesale

solution to the problem. By way of example, the 2008 Doha Agreement ended a political crisis that had lasted for 18 months but did not resolve some of the main contentious issues in Lebanon.

Moreover, the role that the LAS played as an institution was eclipsed by the involvement of individual member states in the mediation processes (Fatfat, interview 2010). In addition, and in any event, whatever efforts have been made by the LAS were more the result of its Secretary General's own personal initiative and political influence in the country rather than the result of an institutional effort by the LAS as a whole (Fatfat, interview 2010).

The relation between the Lebanese parliament and that of the LAS was also, as in the case of Palestine, far from being institutionalised. A common complaint is that the Lebanese Speaker's large discretion in monopolising decision making within the parliament is in large part to blame for the failure to establish institutional links between the parliament and the LAS. More importantly, the parliament as an institution was dramatically weakened in 2006 when the National Dialogue Conference was established for the purpose of dialogue and reconciliation, instead of using the parliament as a mechanism for conflict resolution and peace building (Fatfat, interview 2010).

(d) Iraq

The LAS is reproached for having been marginalised in Iraq after the war in 2003. The many conferences that were organised for Iraq after 2003, including those for Iraq's Neighbour States were not initiated by the LAS,[13] while for instance the LAS conference on Iraqi National Reconciliation in 2005 in Cairo failed to have a significant impact on the ground.

The relationship between the LAS and the new Iraqi authorities has been very tenuous. On one side, many of Iraq's political parties that have as part of their identify an affiliation to Shia Islam saw the LAS as biased due to its previous connection to the Iraqi Baath party and due to the fact that its membership is predominantly of the Sunni denomination (Al-Anbori, interview 2010). That complaint is reflected in the 2006 Constitution, which does not explicitly recognise Iraq's Arab identity although it does provide that Iraq was a founding member of the Arab league (article 3). This, amongst other factors, contributed to Iraq's isolation from its Arab neighbours. Moreover, as is the case for Lebanon, the LAS' efforts are viewed as being based on the personal initiative of its Secretary General, rather than on any institutional links. This was particularly problematic in the Iraqi case as the Secretary General is considered to have offended large segments of the Iraqi population through a number of public statements (Al-Anbori, interview 2010).

The League's main weakness in Iraq was the discourse that its membership engaged in, which sought to portray Iraqi Shia Muslims as being more closely affiliated to Iran than to the Arab region. The impact was both predictable and undeniable. Partly as a result, the LAS is considered to be incapable of re-establishing a positive relationship with the new ruling class Iraq, which has in turn compromised its image as a potential unbiased mediator in the country.

At the same time, several inroads have presented themselves to the LAS, which could allow it to play a more important role in mediating conflict in Iraq. Despite the unquestionable antagonism that has prevailed over the relationship since 2009, Iraq maintains a strong desire to be at the core of the Arab world, illustrated in part by the Iraqi government's insistence that Baghdad host the 2011 Arab

---

[13]   For a comprehensive listing of conferences on Iraq, see "Kuwait conference 20 regional, int'l events but did they bring security, stability to Iraq?", Iraqi News, 23 April 2008, <www.iraqinews.com/ conferences/kuwait-conference-20-regional-intl-events-but-did-they-bring-security-stability-to-iraq.html ?Itemid=126#top> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

League. Increased cooperation between the LAS and the Iraqi Council of Representatives could serve to reassure Iraqis as well as the Iraqi state of the LAS' good will. As the only elected body at the central level in Baghdad, the Council of Representatives claims to represent all components of the Iraqi people, at both a political and a confessional level. Were the LAS to take the initiative to increase its institutional relationship with the Council, that action would de facto serve both to recognise Iraq's political and confessional diversity and to reassure Iraq's political class.

The LAS does not today have an institutionalised relationship with the Council of Representatives, especially in relation to peace building with the parliamentary Committee on National Reconciliation. Although the LAS has an office in the International Zone, and although a number of LAS envoys did call on MPs, the Council itself was not approached as an institution.

Exchange of know-how and expertise between the Council of Representatives and the LAS has been extremely limited as of yet, despite the fact that Iraqis consider that they could highly benefit from the experiences of other Arab countries and of the LAS in peace building. Upon the request of parliament, the LAS involved Iraqi parliamentary staff members in 2009 in a training workshop on crisis management, which was more developmental than related to political work on peace building. However the fact that neither LAS nor the parliament conducts performance evaluations to assess the effectiveness of such workshops makes such capacity building initiatives dependent on the good will of staff member themselves (Al-Anbori, interview 2010).

(e) Somalia

The absence of the LAS is even more tangible in Somalia. Although the LAS opened permanent headquarters in Mogadishu in 2008,[14] it has never been the lead actor in peace mediation in Somalia. The LAS has had to deal the same dilemma that other interstate organisations face with regards to Somali secessionist movements. While the Somaliland parliament was formed out of a democratic process, LAS member states' concern about recognising Somaliland as an independent state has compromised any effective role in mediating a final resolution to the Somali problem (Hogendoorn, interview 2010).

B. African Union

(i) Mandate

The convergence of the political interest of wealthy African states, including Egypt, Libya, Nigeria and South Africa, led to the inauguration of the AU in July 2002. The AU replaced the Organisation of African Unity (the "OAU") that was founded in 1963, which failed over its 30 year lifespan to accomplish a pan-African peace agenda (Kagwanja and Mutahi 2007). The AU's major role is to prevent war among member states and to protect civilians. From among the Arab region, the AU currently includes Algeria, Comoros, Djibouti, Egypt, Libya, Mauritania, the Sahrawi Arab Republic, Somalia, Sudan and Tunisia.

While the AU's foundational documents emphasized the importance of sovereignty, they also allowed the AU to intervene including through the use of multilateral military force, in *"respect of grave circumstances: namely war crimes, genocide and crimes against humanity', and with a view 'to*

---

[14] See "Somalia: Arab League Envoy Urges Somalis to Negotiate to Reach Solution", Allafrica, 15 August 2008, <http://allafrica.com/stories/200808180126.html> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

restor[ing] peace and security in a Member state".[15] The AU's 15-member Peace and Security Council came into existence in December 2003. The Council includes a Continental Early Warning System, an African Standby Force and a Peace Fund. The AU system is intended to work in coordination with the Pan-African Parliament and is supported by Western actors. The EU established the African Peace Facility in 2004 in order to support AU peace building activities.[16] The AU peace and security architecture is well established particularly in view of the fact that it is still an infant organisation (Hikmat, interview 2010).

(ii) Decisions and mediation (including case studies and the Organisation's relationship with Arab parliaments)

(a) Sudan

The AU's involvement in Sudan has mainly focused on issues relating to the conflict in Darfur. The AU assisted Chad in organising the first round of negotiations on Darfur that led to the N'djamena Ceasefire Agreement in April 2004. That Agreement was signed by the Sudanese government and the two main rebel movements in Darfur. The AU was given the green light in another agreement signed in 2004 to intervene militarily in Darfur. While the AU's founding documents provide that military intervention should only be a means of last resort, the AU does not appear to have seriously engaged itself in exploring or pursuing non-military conflict resolution options (Kagwanja and Mutahi 2007).

The African Mission in Sudan ("AMIS"), which was considered to be a neutral player by the Sudanese authorities, deployed in Darfur in June 2004 as an observer mission. This provided the Sudanese government with a non-Western option for peacekeeping, and was welcomed by the international community as a non-Sudanese option for civilian protection within the country (Suleiman, interview 2010). AMIS experienced serious logistical and funding constraints, which allowed for constant violations of the ceasefire agreement. The number of troops that were deployed did not reach the promised number by member states despite the fact that the European Union as well as the LAS provided funding and despite the fact that NATO provided AMIS with training and airlifts (although the UN declined to contribute to AMIS' budget). Some commentators have argued that the AU was not ready to intervene in Darfur. It has also been argued that the cost of funding AMIS forced AU to reduce its own capacity building budget as well as other conflict prevention activities. The Sudanese government lobbied Egypt and Libya to prevent the conversion of AMIS to a full-fledged peacekeeping mission with a mandate to protect civilians, which weakened the mission even further. In March 2005, a Joint Assessment Mission including AU, EU, US and UN concluded that AMIS was not effective.

The May 2006 Darfur Peace Agreement (the "DPA") was only signed by the Sudan Liberation Movement led by Minni Minnawi, with other important factions such as Justice and Equality Movement and the SLM's other faction (which are now included in the Doha process) opting not to sign on to the Agreement. According to the AU High-Level Panel on Darfur (the "AUPD"), that process was *"weakened by the lack of participation by the broader Darfurian constituency in*

---

[15] See Articles 4 (h) and (j) of the Constitutive Act, African Union, 2002, <www.au2002.gov.za/docs/key_ oau/au_act.htm> accessed 25 October 2010.
[16] See "African Peace Facility", European Commission, 20 October 2010, <http://ec.europa.eu/ europeaid/where/acp/regional-cooperation/peace/index_en.htm> accessed 25 October 2010.

those negotiations".[17] For some, this constituted an indication of the AU's inability to act as an honest mediator and damaged its credibility in the Darfur process (Kagwanja and Mutahi 2007).

The AUPD was formed in July 2008 following a decision by the AU Peace and Security Council and was led by former South African President Thabo Mbeki. Its report recommended the formation of an implementation and monitoring body to oversee the implementation of the CPA and the electoral process in 2010, which was considered as integral to a final solution to the Darfur situation.[18] Based on the AUPD's findings, the AU Peace and Security Council in its 207th meeting endorsed the AUPD's report in full and formed the AU Implementation Panel on Sudan, which was also led by President Mbeki, to support the Sudanese parties in the implementation of the Comprehensive Peace Agreement and other peace building processes including mediation in the Doha process.[19] After the difficulties experienced by AMIS in Darfur, the AUPD's efforts have served to re-establish the AU's role in Sudan.

The AU has for the time being not had a direct relationship with the Sudanese parliament in relation to peace building issues. It has consulted with political figures, officials and other individuals outside the institution and coordinated with government and leaders of movements/parties. It has however considered the inclusiveness of the Sudanese political system, including parliament, as a crucial aspect of peace building. The next step for the AU, beyond elections and referendum monitoring, is to empower parliament as an institution, even if its representativeness is currently contested.

(b) Somalia

The AU's Peace and Security Council approved the deployment of the African Mission in Somalia (the "AMISOM") in 2007 to support the Transitional Federal Government in its efforts to stabilise the country.[20] However the AU's work in peace building is constrained by its limited financial resources. There is an aspiration among administrators in the AU to be more involved in Somalia but the politics of member states limits the AU's role. Thus, while international actors have a few representations in Somaliland (Gundel, interview 2010), Somaliland institutions are excluded from formal AU work on peace building (Hogendoorn, interview 2010). When Somaliand applied for membership in the AU in 2005, an AU fact-finding mission concluded that *"the situation was sufficiently 'unique and self-justified in African political history' that 'the case should not be linked to the notion of 'opening pandora's box'"* (ICG, 2006). Despite the mission's positive conclusions, the AU shelved the report and did not take it into consideration (Gundel, interview 2010). The approach of those working on peace building in Somalia has so far been to support the formation of a strong federal government and then to deal with the issue of Somaliland (ICG, 2006). While the AU has

---

[17]   For the full report, see "Darfur: The Quest for Peace, Justice and Reconciliation; Report of the African Union High-Level Panel on Darfur (AUPD)", October 2009, <www.darfurpanel.org/resources/AUPD+ Report+on+Darfur+$28Eng+$29+October+26+09.pdf> accessed 23 November 2010.

[18]   "African Union Darfur panel shifts focus to Sudanese elections", Voice of America, 2009, 2 December 2009, <www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-7YD4HJ?OpenDocument> accessed 7 November 2010.

[19]   "Finland donates $722k to AU High-Level Implementation Panel on Sudan", Sudan Tribune, 16 July 2010, <www.sudantribune.com/spip.php?article35672> accessed 25 October 2010.

[20]   See "Status of Mission Agreement between the Transitional Federal Government of the Somali Republic and the African Union on the African Union Mission in Somalia", African Union, 6 March 2007, <www.africa-union.org/root/au/auc/departments/psc/amisom/doc/Status_of_Mission_Agreement_on_ AMISOM.pdf> accessed 25 October 2010.

consulted and coordinated with the TFP,[21] this relationship will not necessarily have a positive impact on peace building in Somalia due to the fact that the TFP is not representative and because the AU in Somalia is not very active in peace building (Hogendoorn, interview 2010).

C. Organisation of the Islamic Conference

(i) Mandate

The Organisation of the Islamic Conference (the "OIC") was founded in 1969 and groups 57 states, including the 22 members of the League of Arab States. One of the OIC's objectives as provided for in its charter is to *"promote inter-state relations based on justice, mutual respect and good neighbourliness to ensure global peace, security and harmony".*[22] In general, the OIC has not done much work in peace building in the Arab world. In consistency with its agreement with the LAS,[23] the OIC has mainly endorsed the position of some Arab countries against the West, such as the case of Palestine, Sudan (for example in relation to the International Criminal Court's issuing of an arrest warrant for President Al-Bashir). However the Organisation has not conducted mediation work to support its official positions (Broning, interview 2010).

(ii) Decisions and mediation (including the relationship with Arab parliaments)

(a) Palestine

The OIC has endorsed the Arab Peace Initiative in several of its decisions and official statements. These public positions are considered to only be a first step towards a more comprehensive approach, if the OIC is to have an impact in the region. One suggestion is for the OIC to contribute in improving the culture of peace in Palestine and Israel, especially that the OIC's charter emphasises the importance of dialogue between cultures and religions. The OIC has engaged in sporadic efforts in Gaza after the embargo but was only involved in humanitarian work, without engaging in mediation. The OIC does not appear to have carried out any type of coordination with the Parliamentary Political Committee of the PLC (Moussa, interview 2010).

(b) Sudan

In Sudan, the OIC was involved in Darfur and in efforts to manage Sudanese relations with neighbouring Chad. When NGOs were expelled from Darfur, the OIC funded some of the Islamic NGOs that came to fill the vacuum but was not involved in any type of mediation (Dargatz, interview 2010). The OIC also organised an International Donors' Conference for the Development and

---

[21] See "Statement by SRSG Mahiga to the AU Peace and Security Commission", United Nations Political Office for Somalia, 24 August 2010, <http://unpos.unmissions.org/Default.aspx?ctl=Details&tabid=1935& mid=2205&ItemID=10186> accessed 25 October 2010.

[22] See Charter of the Organisation of the Islamic Conference, The Organisation of Islamic Conference, undated, <www.oic-oci.org/is11/english/Charter-en.pdf> accessed 25 October 2010.

[23] See "Amended Cooperation Agreement between the Organization of Islamic Conference and the League of Arab States", The Ogranisation of Islamic Conference, 21 January 2009, <www.oic-oci.org/data/cooperation/with_league_of_arab_states/cooperation_oic_league_2009_en.pdf> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

Construction of Darfur in March 2010.[24] The Organisation supported the mediation of the African Union between Sudan and Chad which resulted in signing an agreement in March 2008[25]. Once again, the OIC does not appear to have established a working relationship with the Sudanese parliament.

(c) Iraq

The Secretary General of the OIC visited Iraq in 2009 along with a delegation on behalf of the Organisation.[26] While the purpose of the visit was to discuss ways for Iraq and the Organisation to cooperate, the fact that the Secretary General himself visited was of great importance. The visit also made a positive impression on members of the Shiite community, which has complained that Muslims from other denominations do not consider them to be part of the Arab Muslim community (Al-Anbori, interview 2010). On the other hand, the OIC has not had a peace-building role in Iraq and does not enjoy an institutional relationship with the parliament.

D. Intergovernmental Authority on Development ("IGAD") in Eastern Africa

(i) Mandate

The Intergovernmental Authority for Drought and Desertification ("IGADD") was established in 1986 in a decade accompanied by severe drought in East Africa, to work on drought and desertification. The founders were Djibouti, Kenya, Ethiopia, Somalia and Sudan. IGADD was responsible for *"alerting the international community and humanitarian agencies about emergencies in the region, bringing resources needed to cope with the situations, co-ordinating emergency situations and serving as an early warning system for the region"* (Adar, 2000). The Authority was renamed the IGAD in 1996 and expanded its mandate to deal with issues of conflict resolution and prevention; and was joined by Uganda and Eritrea. The agreement establishing the IGAD stipulates that member states will *"act collectively to preserve peace, security and stability which are essential prerequisites for economic development".*[27]

(ii) Decisions and mediation (including the relationship with Arab parliaments)

The IGAD's capacity is very limited, particularly when compared to the African Union. The Authority's administration is considered to be willing and motivated to work on peace building in the region, but as in the case of the interstate organisations discussed above, the political agendas of member states considerably limit the IGAD's potential in delivering productive peace building and conflict prevention work. Moreover, IGAD's capacity and structure has not reached a point where it could consider building institutional relationships with parliament.

---

[24] See "International Donors Conference for the Development and Reconstruction of Darfur", The Ogranisation of Islamic Conference, 21 March 2010, <www.oicoci.org/external_web/darfour/en/organizer.asp> accessed 25 October 2010.

[25] See "Chad and Sudan make peace", Ghanmi, Lamine and Alistair Thomson, 14 March 2008, <www.reuters.com/article/idUSL1371635620080314?pageNumber=1> accessed 25 October 2010.

[26] See "OIC Secretary General wraps up visit to Iraq; holds meetings and signs MoU", The Organisation of Islamic Conference, 25 February 2009, <www.reliefweb.int/rw/rwb.nsf/db900SID/MWAI-7PM8CV?OpenDocument> accessed 25 October 2010.

[27] See "Profile: Intergovernmental Authority on Development (IGAD)", African Union, undated, <www.africa-union.org/recs/igad_profile.pdf> accessed 25 October 2010.

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

(a) Somalia

The IGAD is one of the major peace mediators in the Somali conflict. It established the Office of the Facilitator for Somalia Peace and National Reconciliation in 2008[28] and oversaw several rounds of peace processes. The processes that it oversaw did not include representative delegations from Somalia, and instead included individuals that were selected through appointment by parties to the conflict. A second difficulty has been the large number of actors, and the absence of adequate coordination between the UN, AU and the IGAD.

(b) Sudan

While the IGAD has not done significant work on the Darfur conflict, it was the main mediator in the North-South negotiations. In 1990, the then IGADD was requested by the Sudanese state to be involved in conflict resolution with the Southern rebel movements. Sudan viewed IGAD as a buffer between Sudanese internal affairs and international intervention, it also viewed it as coming from within the region which was reassuring. IGAD's role in the Sudanese North-South peace process was recognized by international actors which provided IGAD with financial as well as political support (Adar, 2000). For instance, the EU funded IGAD's activities in peace mediation in the North-South conflict in Sudan in 2004 through its Rapid Reaction Mechanism (Kagwanja and Mutahi 2007).

A permanent IGAD secretariat on the Sudan Peace Process based in Nairobi, was charged with working on resolving the conflict.[29] Talks in Machakos, Kenya, culminated in both parties agreeing to sign the Machakos Protocol in July 2002, and a Memorandum of Understanding in October 2002.[30] IGAD was the main mediator that oversaw the two parties reach the CPA in 2005.

One of the most common criticisms for this process is the fact that it was not bottom-up. Parliament, civil society and political parties (outside the two main leaderships) were not included (Dargatz, interview 2010). The president of the parliamentary Committee on Peace and Unity confirmed that, like other regional organisations, the IGAD has not approached the parliament in relation to peace-building initiatives (Lako, interview 2010). Also, and just as importantly, IGAD's independence was compromised during the negotiations as a result of the indirect intervention of a number States, which pressured the IGAD secretariat to skew the draft agreement in favour of South Sudan. The government in Khartoum reacted by downgrading IGAD's role, leading to a more direct engagement with the South.[31]

---

[28]   "About the Somalia Peace Facilitation Office", IGAD, 23 September 2010, <http://igad.int/index.php?option=com_content&view=article&id=250&Itemid=180> accessed 22 November 2010.

[29]   See "Profile: Intergovernmental Authority on Development (IGAD)", African Union, undated, <www.africa-union.org/recs/igad_profile.pdf> accessed 25 October 2010.

[30]   See "Profile: Intergovernmental Authority on Development (IGAD)", African Union, undated, <www.africa-union.org/recs/igad_profile.pdf> accessed 25 October 2010.

[31]   See "The Internationalized Pouvoir Constituant. Constitution-Making Under External Influence in Iraq, Sudan and East Timor", Philipp Dann and Zaid Al-Ali, *Max Planck Yearbook of UN Law*, Armin von Bogdandy, Rüdiger Wolfrum (eds.), Martinus Nijhoff Publishers, Leiden, 2006: pp 423-463, <www.mpil.de/shared/data/pdf/pdfmpunyb/10_dann_al-ali_iii.pdf> accessed 7 November 2010.

V. Inter-Parliamentary Unions

While several inter-parliamentary unions are present and operate in the Arab region, they have not played a significant role in peace building and conflict prevention to date for various reasons. By way of example, in relation to the various conflicts that have been taking place in Sudan, neither the Arab Inter-Parliamentary Union (the "AIPU") nor the Pan-African Parliament have carried out any peace building work. The Pan-African Parliament, a relatively new creation, having been established in 2004, is in particular considered to be unprepared for the delicate task of peace-building.

The Parliamentary Union of the Organisation of the Islamic Conference Member States (the "PUOIC") was founded in 1999. Its objectives include and are not limited to:[32]

- providing a framework for cooperation and coordination among member parliaments;
- promoting dialogue among member parliaments;
- exchanging parliamentary experience; and
- fostering international cooperation with a view to defending human rights and humanitarian principles and building peace.

The PUOIC has not been active in peace mediation in the Arab world. In Iraq, its work has been limited to issuing public statements. In Palestine, it has sought to provide moral support to the Palestinian people during the conflict of Gaza through the organisation of missions on the ground, but little else has materialised in terms of initiatives or support.

Established in 1974, the AIPU's objectives include but are not limited to:[33]

- enhancing cooperation among Arab parliamentarians;
- enhancing dialogue and exchange of experiences;
- coordinating efforts in international forums;
- promoting the culture of human rights and democracy; and
- contributing to Arab conflict resolution.

The AIPU's role has not gone beyond the issuance of public statements with respect to conflict resolution work in the Arab region. Little or no effort is made to translate these statements into concrete action or initiatives to promote peace. For example, in the 50th session of the AIPU's Council in Erbil, the AIPU called on the Lebanese parties to reach a compromise solution on the presidential elections (Schenker, 2008), and called for the unity among Palestinian factions. The statements in and of themselves did not offer a narrative or a vision as to the causes of conflict, and did not offer any solutions to the conflict, pragmatic or otherwise. Respondents offered a number of explanations for this lack of concrete action, including that:

- parliaments in the Arab world are generally weak institutions that are typically only expected to approve governmental decisions post facto;
- a weak culture and understanding of democratic values amongst the general population and within parliamentary institutions themselves; and

---

[32] See "Objective", Parliamentary Union of the OIC Member States (PUIC), undated, <www.puic.org/english/index.php?option=com_content&task=view&id=29&Itemid=89> accessed 25 October 2010.

[33] See "Charter of the Arab Inter-Parliamentary Union" (2010), Articles 1 to 3, <www.arab-ipu.org/about/charter.html#objectives> accessed 25 October 2010.

22

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

- many of the member parliaments of the AIPU are in fact quasi-appointed People's Councils, in which genuine democratic debate plays little or no role in policy formation.

Nevertheless, despite the relatively limited scope for action that the AIPU has, its membership is so embroiled in political tensions and disputes that even the issuance of simple declaratory statements can be difficult.[34]

In Iraq, the fact that the AIPU session in 2008 took place in Erbil was significant in the process of normalising relations between Iraq and the rest of the Arab countries. In the same session, the AIPU called for regional and international actors to refrain from interfering in internal Iraqi affairs and called for the resumption of Arab representation in the country (Schenker, 2008). Despite its fairly limited impact on the ground, a number of respondents nevertheless consider that the AIPU has played a more positive role in Iraq than the LAS, particularly considering that the AIPU held one of its regular sessions in Erbil, which was the first such regional conference to have taken place in Iraq for decades.

The relationship between the AIPU and its membership also suffers from lack of institutionalisation. For example, its relationship with the Iraqi Council of Representatives is based almost entirely on personal relationships and is not institutionalised. A similar problem is faced in the Lebanese parliament where the parliament's internal functioning is monopolised by the person of the Speaker (Fatfat, interview 2010). Thus MPs are not briefed on how the selection of delegations going to the AIPU sessions takes place etc.

VI. Regional non-governmental organizations/networks

There is no shortage of non-governmental organisations in the Arab world, many of which work on peace building and democratic values, although little effort is made to coordinate activities between them. They have a key role in advocating parliaments to legislate on conflict related issues and in channelling the demands of citizens to parliamentarians.

Bar associations have traditionally been very active in promoting human rights and democratic values. The Arab Lawyers Union (the "ALU") is perhaps the largest such institution, given that it is regional in nature. The ALU's work is considered to be politicised. The ALU has sought to become involved in a number of conflicts in the Arab region, but has achieved mixed results, at best:

- In Iraq, it has gained notoriety in relation to dialogue and conflict resolution, particularly given its insistence in discussing Iraq through the prism of imperialism and occupation, as a result of which it has invariably presented itself more as a protagonist to the conflict, rather than as a representative of Arab professionals willing to engage in peace building initiatives;
- With regards to the divide within the Palestinian Authority, the ALU formed a committee to initiate dialogue but very little tangible work has been carried out thus far;
- With regards to the Arab-Israeli conflict, the ALU does not recognise Israel as a state, which has prevented it from engaging in any dialogue in that regard; and

---

[34] For example, a statement that was issued by the AIPU in 2008 during its annual conference in Erbil on the status of three UAE islands that are disputed was the source of tension between Iraqi and Emirati delegates, with the latter pushing for wording that would be less accusatory against Iran (Al-Anbori, interview 2010).

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

- In Darfur, the ALU sent a fact-finding mission to explore the causes and solutions to the conflict, but issued a report that was perceived as being heavily biased in favor of the authorities in Khartoum. It has since failed to engage in Sudan in any meaningful way.

Local NGOs have carried out a significant number of activities in relation to peace building in the Arab world. In many cases, they were supported or even were founded by parliamentarians such as the Palestinian National Initiative. A large number of NGOs and NGO networks in Palestine have worked in areas that have traditionally been shunned by regional organisations and parliaments, including public opinion. Examples include but are not limited to the Geneva Initiative that was launched with the support of Palestinian, as well as Israeli politicians, and the Palestinian Israeli Peace NGO Forum. NGOs working on promoting dialogue between Israelis and Palestinians struggle to overcome geographical barriers, often forcing them to implement their activities in other countries in the region, or even beyond, which has served to strain their financial resources.

There are around 2700 NGOs in Palestine, which have struggled to coordinate their efforts, greatly reducing their overall impact. Most receive large amounts of funding from Western institutions and spend their budgets on activities that cover the same ground and are not necessarily fruitful. In fact, instead of coordinating and cooperating on peace building initiatives, NGOs often compete over funding and thus do not perceive each other as complementing each other's work. The proliferation of actors and excessive funding have turned peace building into a lucrative enterprise with no clear vision. The Anti-Corruption Department in Palestine, which started working on 1 July 2010 has so far received 68 complaints, 54 of which have been made against NGOs.

While civil society is highly encouraged to be involved in peace building, coordination is essential for better results. Even though there are several existing networks of NGOs in Palestine that could play this role, none have taken the lead in this process. Regional organisations, in coordination with parliament, or even with the support of individual MPs, could play a decisive role in steering these efforts, with a view to ensuring some form of cooperation and coordination between civil society actors that are involved in peace building initiatives.

In Iraq, in which civil society was previously suppressed by the governing authorities, a number of NGO networks have been engaging in advocacy work with some degree of success. Most recently, a network of NGOs brought a claim before the Federal Supreme Court arguing that the Council of Representatives had been violating the country's Constitution by refusing to convene from March 2010 to October 2010 during government formation talks, and despite the ongoing violence that has raged throughout the country. A breakthrough was achieved on 24 October 2010 when the Court found in favour of the complainants and ordered the Council of Representatives to hold its regular session and elect its Speaker as soon as possible. The Council's acting speaker has said that he will comply with the Court's decision, marking an important victory for the complainants.[35] While it is too soon to say whether this particular action and the Court's decision will positively impact governance and peace building in Iraq, the NGO network's role in monitoring the work of parliament and in encouraging MPs to engage in dialogue within the institution is highly encouraged and could potentially have a major impact on the parliament's conflict resolution role.

---

[35]   See "Iraqi Court Issues Ruling for Parliament to Return", Anthony Shadid, The New York Times, 24 October 2010, <www.nytimes.com/2010/10/25/world/middleeast/25iraq.html> accessed 7 November 2010; for the Federal Supreme Court's decision see, the Iraqi Federal Supreme Court, Decision 56 (2010), 24 October 2010, <www.iraqja.iq/ifm.php?recordID=595> accessed 25 October 2010.

24

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

VII. Evaluation, Challenges and Opportunities

The challenges facing regional organisations and parliament in peace building and conflict prevention in the Arab world are many. On the one hand, regional organisations are bound by the politics of members, are limited by their institutional capacity, are not always perceived as neutral and do not necessarily have the same leverage similar to that of Western actors. On the other hand, Arab parliaments' representativeness is often contested, their capacity is very limited, and they are often paralysed by political tensions of their own. In addition, peace processes are usually perceived as falling under the purview of the executive branch of government rather than of parliaments. This has caused both regional organisations and parliaments to exclude MPs from peace building work. All of these factors are set out and discussed below.

A. The absence of a clear policy

It is worth noting from the outset that all of the research that has been carried out for this Paper indicates that there does not appear to be a clear policy as to the circumstances in which regional organisations should engage with national parliaments and national institutions in the event of conflict. In fact, there is no evidence that suggests that the issue of cooperation has been consciously debated or decided upon at a regional or even at a national level. This is despite the professed desire amongst parliamentarians and policy makers throughout the region for increased cooperation on technical issues relating to peace building. The absence of a clear policy on this issue has allowed for the emergence of an ad hoc approach by regional organisations, in which intervention and cooperation is not always sustained or even engaged upon at arm's length. This has contributed to a lack of trust between national institutions on the one hand and regional organisations on the other, sometimes leading to expressions of hostility.

Despite all of the above, all the respondents (and in particular the parliamentarians) that were approached for the purposes of this Paper expressed a desire for increased cooperation, although at a technical level, which would involve the sharing of lessons-learned as well as capacity building in relation to mediation skills, as well as other areas. However, in order for this to be achieved, a number of preconditions must be met, including, but not limited to:

- The question as to whether regional organisations and national parliaments should increase their level of cooperation in the field of peace-making should be consciously debated and settled. This is an exercise that has yet to be carried out, and this failure has been identified as the principal barrier to progress in this field; and
- Assuming a decision is taken to increase cooperation, a number of resulting issues must be decided including the nature of whatever cooperation is decided upon (i.e. whether it should be limited to technical cooperation), and the rules and procedures that should govern whatever working relationship is established.

B. Institution-Building

Parliament and regional organisations in the Arab world suffer from a lack of clear institutional mechanisms, rules and procedures. This stems from the generally weak institutional structure of the majority of state bodies throughout the region, and particularly of those that have to contend with prolonged conflict. This was emphasised on a number of occasions and by respondents from various countries in the research that was carried out for this Paper. An added factor in some countries is

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

the patrimonial system of government through which elites manipulate society and institutions, including parliaments, by distributing power to particular groups to maintain their monopoly of power. Syndicates, labour unions and civil society have thus far been unsuccessful in pushing for the types of change that would result in the emergence of reliable and sound institutions in the region.

At the same time however, there is no shortage of competent and motivated representatives and officials who are trying to make a change within these constraints. There are also available structures that can be enhanced such as the Committee on National Reconciliation in Iraq or that on Peace and Unity in Sudan. There is no question that the existing institutional arrangements remain considerably weak, particularly given the relatively small amount of experience that these committees have in the field of peace building, and considering the lack of support that these committees receive from governments. There is strong potential for growth, assuming the correct amount and type of support is offered. In Iraq, the Council of Representatives is the only institution that is elected at the national level, and so therefore is alone enjoying some form of democratic prestige in the country.

C. Perception of Roles

There is a general perception, even among MPs, that the area of peace building, including mediation and negotiations, falls under the mandate of governments and not of parliaments. That perception has prevented both regional organisations and parliaments from coordinating and supporting each other in peace initiatives. Regional organisations have gone far enough to contribute to the formation of a transitional government and a transitional parliament in Somalia, to the detriment of representativeness (Gundel, interview 2010). Parliaments are rarely included in deliberations during peace processes and are not even approached for capacity building in this domain. Some regional initiatives have recently included parliamentarians in civil society meetings, parallel to the peace negotiations taking place, which could be an indication for an emerging realisation of the importance of parliament in peace building. While such steps seem to be sporadic and ad hoc to date, Arab parliaments can enhance their own roles in peace building by pushing for the institutionalisation of their participation in regional initiatives. For example, some suggest that *"pressure can be exerted on government to create steering committees inclusive of all actors, to implement and/or monitor"* initiatives (O'Brien et. al, 2007).

In addition, there is some evidence that a number of parliaments in the Arab region are acting in an increasingly independent manner vis-à-vis the executive branch of government. In Iraq, the Council of Representatives in 2009 launched a campaign to exercise more effective oversight on the executive, which led to relatively few improvements in the performance of government, but did allow for the establishment of a number of important procedures relating to oversight and relating to the functioning of committees within the Council. In Lebanon also, parliament has recently acted as a counterweight against the government, particularly in relation to budgetary matters, and has shied away from merely signing off on governmental decisions. Although few initiatives of this type have taken place specifically in the field of peace making, these instances do constitute evidence of a growing sense of confidence and independence of parliamentarians vis-à-vis the executive and could be built upon to encourage greater action in the field of peace building.

What makes this a particularly interesting avenue of opportunity is the fact that parliaments and parliamentarians in the Arab region are both approachable and willing partners for actions of this type. Various institutions that have been engaging Arab parliaments in relation to development issues have found willing partners in virtually every country, and have found that the will to act is present, and is conditional only on some form of momentum of action.

D. The Capacity of Regional Organisations

The capacity of regional organisations in general and in peace building in particular is very limited. For instance, the African Union is facing financial, human resources and logistical capacity difficulties specifically with regards to its peace-keeping mission in Darfur. Many pledges by States to send troops to Darfur were not fulfilled. In other peacekeeping situations, African and other developing countries are willing to make troops available but funding and logistical support from the international community remain wanting, partly as a result of 'donor fatigue'. The League of Arab States has struggled to plan and maintain intensive activities in peace building, given the operational and budgetary difficulties that it has been facing. Some consider that the United Nations should be more open to financing operations that it does not lead itself. What is clear is that regional organisations need to be more proactive in fundraising whether it is through states or other organisations.

At the same time however, parliamentarians and parliamentary institutions throughout the Arab region, including in countries that are either engulfed or emerging from conflict, have repeatedly shown that they are willing to engage with regional organisations such as the LAS. From the case studies that are set out above, a number of conditions for positive cooperation between regional organisations and legislatures emerge quite clearly:

- Regional organisations should take the initiative by reaching out to countries (including their respective parliaments) that are engaged in conflict, while ensuring to adopt a good faith approach. The engagement of the Arab Inter-Parliamentary Union with Iraq serves as a useful precedent in that regard;
- Regional organisations should ensure to maintain a sustained relationship with the countries and parliaments in question, as opposed to merely engaging on an ad hoc or an intermittent basis. This requires some form of strategic planning on a multi-year basis and also requires a degree of consensus within the organisation itself; and
- Given the dynamics that are in play, regional organisations should take the lead in engaging with countries in crisis and their parliaments for the purpose of encouraging peace building initiatives. The examples that are available to us indicate that countries are willing to follow the lead of regional organisations, assuming the two conditions set out above are filled.

E. The Impact of Politics and of the Particular Agendas of Individual Members States on the Work of Regional Organisations

The capacity of regional organisations to act effectively is narrowly linked to members' political differences, agendas and interests. Amongst other things:

- In the context of a conflict, member states are often unwilling to make peacekeeping forces available due to the perceived/real risk that such forces would face on the ground;
- In the event the conflict in question involves a secessionist movement, the membership of regional organisations tends to avoid any meaningful interaction, with a view to avoid encouraging any breakaway movements of their own;
- Regional organisations are often paralysed by the political differences that divide their own membership;
- Regional organisations sometimes find that their capacity to engage in a given conflict is constrained by the fact that part or all of its membership is considered to have a vested interest in the outcome.

The solutions to these difficulties emerge from the case studies as well as other precedents. Mainly, regional organisations should seek to satisfy the following objectives:

- To establish and/or strengthen a professional and independent administrative structure that is dedicated to the purpose of encouraging peace building initiatives, similar to the institutions and departments that exist within international organisations such as the United Nations;
- To ensure that whatever institutions are created remain separate and unaffected by whatever political differences that may exist between the organisations' membership, by dedicating and setting aside an annual budget for the purpose of peace building activities, and by establishing clear mandates and procedures that will allow such institutions to proceed with their work regardless of politics.

F. Representativeness

Parliaments and parliamentarians rely on their democratic legitimacy to be able to engage in peace building activities. In the absence of such legitimacy, the role of parliament in peace building and conflict prevention can be highly compromised. The Sudanese Group for Democracy and Elections and the Sudanese Network for Democratic Elections as well as the Carter Center agree that the latest Sudanese elections in 2010 did not meet international standards of transparency. This has necessarily compromised the ability of the parliamentary Committee on Peace and Unity to play a role in mediation, regardless of whether or not it has the capacity to satisfy its function. For instance, the Committee attempted to engage in dialogue on unity in the South but could not play a productive role due to the fact that its membership is not truly representative of the constituencies that it claims to represent. Amongst other things, the Committee does not include members of the SPLM.

The fact that certain a country does not meet international standards of transparency in its democratic processes, including the imbalance between the executive and legislative authorities, will continue to impact the ability of its parliaments to engage in peace building initiatives. The only possible remedy to this problem is to reform the democratic process by allowing a freer and fairer electoral process, the details of which are beyond the scope of this paper. It is worth noting however that, despite imperfect governance structures, a number of legislative institutions have been elected in one form or another, which has allowed its membership to enjoy the type of legitimacy that it needs in order to engage in peace building activities. This applies at least in part to Lebanon, Iraq and Palestine.

G. Politics in Parliament

Another challenge faced by parliament is that of political divides that, intertwined with weak institutional mechanisms, lead to the institution's paralysis. Two recent examples illustrate this point very vividly:

- In 2006, the Lebanese parliament was sharply divided between two rival camps which could not reach a compromise on a number of fundamental issues. The Speaker of parliament therefore suggested that a series of national dialogue sessions be carried out outside parliament in order to resolve the impasse. In the meantime, parliament as an institution broke down entirely, given that the Speaker himself refused to convene any sessions.
- In Iraq, similar polarisation on the formation of the new government after the March 2010 elections prevented parliament from electing a Speaker and from convening.

- In both cases, a group of MPs held regular and symbolic protests outside their institutions in order to express their objection and discontent on the breakdown of parliament.

Needless to say, where parliament has broken down to the point where it can no longer convene a single session, its ability to engage in peace building activities is necessarily compromised. A number of precedents from international best practice, as well as recent developments from within the Arab region, suggest a number of solutions to this difficulty:

- Parliamentary bylaws should allow for the establishment of committees that are dedicated to the field of peace building, and should provide that such committees should be staffed with a professional class of advisers that are capable of pursuing certain types of activities even during a breakdown of parliamentary activity;
- Parliamentary bylaws should set out clear and binding rules according to which peace building activities should be carried out.

H.   The Capacity of Parliament

The institutional capacity of parliaments is also very limited in the Arab region. Due to power-sharing arrangements, many staff members and consultants in parliament are either ineffectual or are not competent to carry out the particular tasks that they have been assigned. Parliaments also face financial constraints, as a result of which certain important activities must be abandoned.

Aside from these general difficulties, which affect all areas of parliamentary activity, MPs are in particular need for capacity building in the field of peace building. Indeed, the majority of MPs (including the majority of MPs in conflict-affected areas) have not engaged in such activities and lack the experience and expertise to have a positive impact. Regional organisations such as the LAS are considered to have a long record in peace building work and are thus encouraged to share lessons learned with Arab parliaments, especially in conflict affected countries. Forums such as the AIPU could also be of great added value if they were more inclusive in their exchanges and activities.

I.   The Proliferation of Actors

Lack of coordination among different actors has caused efforts and resources to go in different directions, and thus leading to much less impact on peace than hoped for. For example, IGAD has faced some difficulty in its work due the proliferation of non-state actors, with national, regional and international interests. In Palestine, the large number of actors has caused confusion about the vision of each of these organisations. It is suggested that a common regional and parliamentarian body be charged with coordinating all these efforts.

* * *

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

- Bibliography -

Adar, Korwa. 2000. "Conflict resolution in a turbulent region", African Journal on Conflict Resolution, Issue 1, pp. 39-66.

African Union. Undated. "Profile: Intergovernmental Authority on Development (IGAD)", <www.africa-union.org/recs/igad_profile.pdf> accessed 25 October 2010.

African Union. 2002. "Constitutive Act", <www.au2002.gov.za/docs/key_oau/au_act.htm> accessed 25 October 2010.

African Union. 2007. "Status of Mission Agreement between the Transitional Federal Government of the Somali Republic and the African Union on the African Union Mission in Somalia", 6 March 2007, <www.africa-union.org/root/au/auc/departments/psc/amisom/doc/Status_of_Mission_Agreement_on_AMISOM.pdf> accessed 25 October 2010.

African Union High-Level Panel on Darfur (AUPD). 2009. "Darfur: The Quest for Peace, Justice and Reconciliation; Report of the African Union High-Level Panel on Darfur (AUPD)", October 2009, <www.darfurpanel.org/resources/AUPD+Report+on+Darfur+$28Eng+$29+October+26+09.pdf> accessed 23 November 2010.

Akhbar Al-Alam. 2010. "The Organisation of Islamic Conference calls upon the Security Council to accept its responsibilities towards Lebanon", 5 May 2010, [in Arabic], <www.akhbaralaalam.net/news_detail.php?id=39477> accessed 16 November 2010.

Arab Inter-Parliamentary Union. 2010. "Charter of the Arab Inter-Parliamentary Union" [in Arabic], <www.arab-ipu.org/about/charter.html#intro> accessed 22 November 2010.

Al-Ali, Zaid. 2009. "Iraq: Face of corruption, mask of politics", OpenDemocracy, 2 July 2009, <www.opendemocracy.net/article/iraq-acts-on-corruption> accessed 17 November 2010.

Allafrica. 2008. "Somalia: Arab League Envoy Urges Somalis to Negotiate to Reach Solution", 15 August 2008, <http://allafrica.com/stories/200808180126.html> accessed 25 October 2010.

Aljazeera. 2006. "The Arab position towards the war in Somalia" [in Arabic], 28 December 2006, <www.aljazeera.net/NR/exeres/F2F59244-1C1F-47BD-A8FA-66296A0A0AB6.htm> accessed 15 November 2010.

Asharq Al-Awsat. 2010. "The Arab League Council convenes in Darfur and issues the 'Fasher Declaration' in solidarity with Sudan" [in Arabic], 15 February 2010, <www.aawsat.com/details.asp?section=4&issueno=11402&article=557224&search=%CF%C7%D1%DD%E6%D1&state=true> accessed 15 November 2010.

BBC Arabic. 2010. "IGAD summit decides to increase African Union troops in Somalia" [in Arabic], 5 July 2010, <www.bbc.co.uk/arabic/worldnews/2010/07/100705_soamlia_igad_tc2.shtml> accessed 10 November 2010.

BBC News. 2004. "Arab League backs Sudan on Darfur", 9 August 2004, <http://news.bbc.co.uk/2/hi/3545818.stm> accessed 25 October 2010.

30

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

Boucek, Christopher. **2010.** "Special Forum Report: Yemen's Forever War: Al-Qaeda in the Arabian Peninsula", PolicyWatch, Issue 1682, 21 July 2010.

Cairo Institute for Human Rights Studies. 2010. "The biggest coalition of Arab organisations calls the Arab League to play a leading role in Sudan" [in Arabic], 23 March 2010, <www.ifhamdarfur.net/node/1571> accessed 25 October 2010.

Dann, Philipp and Al-Ali, Zaid. 2006. "The Internationalized Pouvoir Constituant. Constitution-Making Under External Influence in Iraq, Sudan and East Timor", Max Planck Yearbook of UN Law, Armin von Bogdandy, Rüdiger Wolfrum (eds.), Martinus Nijhoff Publishers, Leiden: pp 423-463, <www.mpil.de/shared/data/pdf/pdfmpunyb/10_dann_al-ali_iii.pdf> accessed 7 November 2010.

Dar Al-Hayat. 2010. "The Arab League warns of the repercussions of implicating the Sudanese president in 'genocide'" [in Arabic], 7 February 2010, <http://international.daralhayat.com/internationalarticle/106045> accessed 25 October 2010.

European Commission. **2010.** "African Peace Facility", 20 October 2010, <http://ec.europa.eu/europeaid/where/acp/regional-cooperation/peace/index_en.htm> accessed 25 October 2010.

Federal Supreme Court (Iraq). **2010.** Decision 56 [in Arabic], 24 October 2010, <www.iraqja.iq/ifm.php?recordID=595> accessed 25 October 2010.

Ghanmi, Lamine and Alistair Thomson. 2008. "Chad and Sudan make peace", 14 March 2008, <www.reuters.com/article/idUSL1371635620080314?pageNumber=1> accessed 25 October 2010.

Hansen, Stephanie, and Eben Kaplan. 2008. "Somalia's Transitional Government", Council on Foreign Relations, <www.cfr.org/publication/12475/somalias_transitional_government.html> accessed 25 October 2010.

Heinrich Boll Stiftung. 2010. "Sudan — No easy way ahead", Heinrich Boll Stiftung, Series on Democracy, Volume 19.

Ifham Darfur. 2009. "The League of Arab States welcomes the improvements in Sudanese-Chadian relations" [in Arabic], 27 December 2009, <www.ifhamdarfur.net/node/1425> accessed 25 October 2010.

Ifham Darfur. 2010. "Moussa welcomes agreement towards Darfur" [in Arabic], 21 February 2010, <www.ifhamdarfur.net/node/1536> accessed 25 October 2010.

IGAD. **2010.** "About the Somalia Peace Facilitation Office", 23 September 2010, <http://igad.int/index.php?option=com_content&view=article&id=250&Itemid=180> accessed 22 November 2010.

ICG (International Crisis Group). 2006. "Somaliland: Time for African Union Leadership", Africa Report, Issue 110, <www.crisisgroup.org/en/publication-type/media-releases/2006/africa/somaliland-time-for-african-union-leadership.aspx> accessed 22 November 2010.

Iraqi News. 2008. "Kuwait conference 20 regional, int'l events but did they bring security, stability to Iraq?", 23 April 2008, <www.iraqinews.com/conferences/kuwait-conference-20-regional-intl-events-but-did-they-bring-security-stability-to-iraq.html?Itemid=126#top> accessed 25 October 2010.

31

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

Iraq Sun News. 2009. "An agreement between the Arab League and the IGAD to implement projects to support Somalia and Sudan", 31 December 2009, <www.iraqsunnews.com/modules. php?name=News&file=print&sid=10156> accessed 10 November 2010.

League of Arab States. Undated. "Historical Background of the League of Arab States" [in Arabic], <www.arableagueonline.org/las/picture_gallery/historicityback.pdf> accessed 25 October 2010.

League of Arab States. 2010. "Speech of the Secretary General of the League of Arab States Amr Moussa at the Security Council on Cooperation between the UN and Regional and Sub-Regional Organisations in preserving international peace and security" [in Arabic], <www.arableagueonline. org/lasimages/picture_gallery/word13-1-2010aa.doc> accessed 22 November 2010.

League of Arab States. Undated. "Empowering the League of Arab States in crisis management and conflict resolution: Moussa declares the establishment of the Arab Security and Peace Council" [in Arabic], <www.arableagueonline.org/las/arabic/details_ar.jsp?art_id=5262&level_id=1433> acces-sed 22 November 2010.

League of Arab States. 2010. "Charter of the Arab Inter-Parliamentary Union" [in Arabic], <www.arab-ipu.org/about/charter.html#objectives> accessed 25 October 2010.

Kagwanja, Peter and Patrick Mutahi. 2007. "Protection of civilians in African peace missions: the case of the African Union Mission in Sudan, Darfur". Institute for Security Studies, Issue 139, pp.1-16.

Keen, David. 2008. Complex emergencies, Cambridge: Polity Press.

Onoja, Adoyi. 2008. "Peace-keeping challenges in Africa: the Darfur conflict". Conflict trends.

O'Brien, Mitchell, Stapenhurst, Rick and Niall Johnston. 2007. "Parliaments as Peacebuilders: Parliaments in Conflict-Affected Countries", <http://web.worldbank.org/WBSITE/EXTERNAL/WBI /WBIPROGRAMS/PSGLP/0,,contentMDK:21548391~isCURL:Y~pagePK:64156158~piPK:64152884~the SitePK:461606,00.html> accessed 7 November 2010.

Palestinian Legislative Council. Undated. "Overview on the parliamentary committees" [in Arabic], <www.pal-plc.org/index.php/2010-07-06-16-49-39.html> accessed 25 October 2010.

Palestinian Legislative Council. Undated. "The Political Committee" [in Arabic], <www.plc.gov.ps/ar/page_details.aspx?title=اللجنة السياسية> accessed 25 October 2010.

Palestinian Legislative Council. Undated. "Activities of the committee" [in Arabic], <www.pal-plc.org/index.php/2010-07-06-16-49-39/2010-07-06-17-59-56.html> accessed 25 October 2010.

Parliamentary Union of the OIC Member States (PUIC). Undated. "Objective", <www.puic.org/english/index.php?option=com_content&task=view&id=29&Itemid=89> accessed 25 October 2010.

Pattugalan and Abi-Allam. 2004. "Focus on the Middle East and North Africa", Small Arms and Human Security Bulletin, Issue 2, pp. 1-4.

Pattugalan and Abi-Allam. 2004b. "Grappling with guns: the Lebanese experience", Small Arms and Human Security Bulletin, Issue 2, pp. 5.

Rifkind, Gabrielle. 2008. "The Arab Peace Initiative: Why Now?", Oxford Research Group, <www.oxfordresearchgroup.org.uk/publications/briefing_papers/arab_peace_initiative_why_now> accessed 22 November 2010.

Schenker, David. 2008. "The Damascus Arab Summit: Arab Divisions Ensure Modest Achievements", Policy Watch, Issue 1360.

Sudan Tribune. 2009. "Peace and security council 207th meeting at the level of the heads of state and government", 29 October 2009, <www.sudantribune.com/img/doc/au_panel_on_darfur_report _october_2009.doc> accessed 25 October 2010.

Sudan Tribune. 2010. "Finland donates $722k to AU High-Level Implementation Panel on Sudan", 16 July 2010, <www.sudantribune.com/spip.php?article35672> accessed 25 October 2010.

Sudanese Group for Democracy and Elections (SuGDE) and Sudanese Network for Democratic Elections (SuNDE). 2010. "Elections Statement", 24 April 2010, <www.ndi.org/files/ SuGDE_SuNDE_Elections_Statement.pdf> accessed 22 November 2010.

The Carter Center. 2010. "Carter Center Reports widespread irregularities in Sudan's vote tabulation and strongly urges steps to increase transparency", 10 May 2010, <www.cartercenter.org/resources/pdfs/news/pr/counting-tabulation-may2010.pdf> accessed 22 November 2010.

The Organisation of Islamic Conference. Undated. Charter of the Organisation of the Islamic Conference, <www.oic-oci.org/is11/english/Charter-en.pdf> accessed 25 October 2010.

The Organisation of Islamic Conference. 2009. "Amended Cooperation Agreement between the Organization of Islamic Conference and the League of Arab States", 21 January 2009, <www.oic-oci.org/data/cooperation/with_league_of_arab_states/cooperation_oic_league_2009_en.pdf> accessed 25 October 2010.

The Organisation of Islamic Conference. 2010. "International Donors Conference for the Development and Reconstruction of Darfur", 21 March 2010, <www.oic-oci.org/external_web/darfour/en/organizer.asp> accessed 25 October 2010.

The Organisation of Islamic Conference. 2009. "OIC Secretary General wraps up visit to Iraq; holds meetings and signs MoU", 25 February 2009, <www.reliefweb.int/rw/rwb.nsf/db900SID/MWAI-7PM8CV?OpenDocument> accessed 25 October 2010.

The Organisation of Islamic Conference. Undated. "The spokesperson of the Organisation of Islamic Conference: the Iraqi case will not be tackled during this summit but will be mentioned in the final statement" [in Arabic], <www.islamicsummit.org.sa/16.aspx?ID=62> accessed 31 October 2010.

UNDP (United Nations Development Programme). 2006. "Parliaments, Crisis Prevention and Recovery – Guidelines for the International Community", <www.undp.org/cpr/documents/ prevention/build_national/Guidelines_on_the_Role_of_Parliaments_in_Conflict_and_Post-Conflict _Situations.pdf> accessed 7 November 2010.

United Nations Political Office for Somalia. **2010.** "Statement by SRSG Mahiga to the AU Peace and Security Commission", 24 August 2010, <http://unpos.unmissions.org/Default.aspx?ctl=Details &tabid=1935&mid=2205&ItemID=10186> accessed 25 October 2010.

UN (United Nations). 2001. "Statement by the President of the Security Council", 20 February 2001, S/PRST/2001/5, <www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/PKO%20SPRST%202001%205.pdf> accessed 7 November 2010.

VOA (Voice of America). 2009. "African Union Darfur panel shifts focus to Sudanese elections", 2 December 2009, <www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-7YD4HJ?OpenDocument> accessed 7 November 2010.

Wood, Bernard. 2003. Development Dimensions of Conflict Prevention and Peace-Building. Emergency Response Division, UNDP.

* * *

34

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -

- List of Interviews -

The following interviews were conducted during September and October 2010:

1. Abu Dayyeh, Suleiman, Head of Palestine Desk, Friedrich Naumann Foundation for Liberty.

2. Abu Shahla, Faysal, Member of Parliament in Palestine.

3. Al-Anbori, Abbas, Senior Advisor on External Relations, Iraqi parliament.

4. Alimadi, Imad Youkhanna, Member of Parliament in Iraq, Democratic Assyrian Movement.

5. Badawi, Ahmed, ICG, Senior Analyst, Middle East Program, International Crisis Group.

6. Broning, Michael, Resident Director, Friedrich Ebert Stiftung, Palestine.

7. Dargatz, Anja, Representative, Friedrich Ebert Stiftung, Sudan.

8. El Asmar, Hala, Head of International Relations, Arab Lawyers Union.

9. Fatfat, Ahmed, Member of Parliament in Lebanon.

10. Gundel, Joakim, Director of Katuni Consults.

11. Hikmat, Fouad, Senior Sudan Advisor, International Crisis Group.

12. Hogendoorn, Earnst Jan, Horn of Africa Project Director, International Crisis Group.

13. Lako, Ramadan Hassan, Member of Parliament in Sudan.

14. Moussa, Saher, Secretary General of the Shabiba for Peace youth organisation, Palestine.

15. Suleiman, Idriss, Sudanese Ambassador in Lebanon.

* * *

Parliamentary Development and Regional Organisations in the Arab World
- Their Role in Crisis Prevention and Recovery -