



The Role of Parliaments in Conflict and Post-Conflict Situations in Asia

Regional Preparation for the Global UNDP-BDP
“Parliamentary Development Global Conference on
Strengthening Parliaments in Conflict/Post-conflict
Situations Brussels, 2006”

Regional Roundtable, Negombo, Sri Lanka 9-10 June, 2005

Workshop Report

Foreword:

This report attempts to synthesis findings and proceedings from the Asia Regional Roundtable held 9-10 June, 2005, at "The Beach", in Negombo, Sri Lanka. It is structured in sections, providing a background to the roundtable, process lessons, major findings and issues of importance from the two-day discussion. The discussion focused on the role of parliaments in conflict and post-conflict situations as specific to participants' experience and case studies developed in Asia.

The roundtable was funded by the *UNDP Asian Regional Governance Programme (ARGP)* as part of a larger global initiative under the *UNDP Bureau for Development Policy's (BDP's) Global Parliamentary Programme*. Nine UNDP countries were represented; Afghanistan, Bangladesh, Cambodia, Indonesia, Nepal, Philippines, Sri Lanka, Thailand and Timor. Participants were primarily governance focal points from the respective UNDP country offices (Sri Lanka was represented by their Conflict focal point). The case study writers from all countries; academics, NGOs, consultants, and parliamentary staff were also almost all present. Five country case studies were funded by the BDP, with three funded by the ARGP. Notably, UNDP Afghanistan developed a study specifically for the roundtable, which greatly enhanced discussion.

All participants actively took part in the discussion, prepared their reports and responses and the task facilitator would once again like to **thank all for attending so enthusiastically and for providing their time and effort**. Similarly, the Regional Center in Bangkok (RCB) would also like to thank Mr Minh Pham, the Regional Manager of the Regional Center in Colombo (RCC) for his interesting opening remarks which provided an overview of parliamentary work with personal insight and experience.

Finally, without the **Center for Policy Alternatives'** assistance this programme would not have been as successful. Firstly, without Ms Jean Godlieb and assistance of the CPA staff, the roundtable organization would not have been so effective. Secondly, Dr Pakiosothy Saravanamuttu's inputs at the roundtable and extensive experience will be essential in developing a regional paper from the country studies. Many thanks are extended from the UNDP Regional Center in Bangkok.

Overall, the roundtable process might easily be **replicated** for future regional events, particularly those requiring detailed input from country office partners.

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Section 1: Background

Since February 2005, the UNDP Regional Centre Bangkok (RCB) has partnered with our country offices in the region to undertake the development of country case studies, stakeholder consultations and discussion seminars to (i) collate lessons learned, (ii) identify common trends and (iii) develop concrete recommendations on how international assistance can more appropriately target parliaments in conflict and post-conflict situations.

This undertaking is part of a larger initiative under the Bureau of Development Policy's Global Parliamentary Programme, which is designed to strengthen UNDP and other donor's work with Parliaments in UNDP's five regions. In the Asia Pacific region, the Bangkok Regional Center, Asia Regional Governance Programme (ARGP) and our country offices have collaborated since inception of this initiative, with the country offices primarily driving the process and governance focal points identifying relevant focus areas for the country study and a national consultant to undertake such.

Objectives of the roundtable:

By bringing together the CO practitioners and national consultants or parliamentary focal points through the support of ARGP, the objectives were threefold:

- (1) The development/ enhancement of a draft regional paper / strategy on the role of parliaments in conflict and post-conflict situations within Asia, inclusive of regional recommendations on how that role may be better supported by the international community.
- (2) Peer review of country case studies
- (3) Enhancement of participants' capacities to work with Parliaments through didactic sharing of country experiences, synthesis of similar / contrasting issues and peer to peer learning.

(Annex 1 provides the Agenda of the Roundtable).

Participants:

As governance focal points, national consultants and some national parliamentary staff have played a critical role in the development of national studies, it was deemed essential to harness their technical expertise in the formulation of the regional paper.

(Annex 2 provides the list of Participants of the Roundtable)

Mechanics:

In order to meet the objectives of peer analysis; (the synthesis of comparisons/ contrasts, critical issues and a regional perspective), "Day one" provided an overview of country studies. It was arranged in "*Blocks*" – with two countries per block or per session. During each session, each CO presented its national study for 15 minutes. To facilitate peer review and provide an alternative perspective and introduction to analysis, an alternate CO presented its observations of the aforementioned study (highlighting similarities / contrasts between the CO study and their own, pertinent regional issues, interesting observations/ comments on recommendations). An open forum followed each session.

(Annex 3 provides the draft presentation outline, provided to participants for responses to studies).

“Day Two” was more participatory, with participants working in small groups during the first session. Participants discussed major points raised from Day one country studies, and were guided by questions raised by Dr Saravanamuttu. The second session constituted a presentation of the group findings / open forum, with participants recommending issues that the Regional paper should highlight / analyze.
(Annex 4 provides the guide questions)

The final session discussed participants’ thoughts on next steps / dissemination and use of case studies.
(Annex 5 provides the discussion outline).

Section II: Process Recommendations

(i) Day One; 9 June, 2005.

Day one began with an introduction of participants. The opening remarks were then given by Mr Minh Pham, the Regional Manager of the Regional Center in Colombo. He provided an interesting overview of parliamentary work with some personal insight and experience of his own. Mr Arusha Stanislaus Deputy Coordinator of the ARGP followed with a comprehensive presentation on the background of the project. Dr Pakiosothy Saravanamuttu gave a brief overview of workshop objectives and expectations.

The remainder of day one was utilized for country presentations and responses related to national case studies, as well as for discussion based on issues raised.

Process Lessons from Day One:

➤ Presentations

In hindsight, perhaps it would have been better to provide a draft outline for country presentation of case studies also, to assist comparison/ consolidation. Similarly, some participants would have preferred more time for discussion – an additional day for the roundtable was suggested. However, the 2 day structure did maintain “high-energy” levels for the duration of the workshop. Any longer, may have been ineffective. Perhaps a 2.5 day workshop presents an appropriate compromise.

The structure of presentation agenda was changed after “Block 1”, so that both countries presented their own studies first, followed by their responses and then open forum. This worked more efficiently than as planned in the original agenda and allowed the prepared country responses to spur discussion in the open forum.

Each participant received bound copies of first draft case study reports prior to the start of the roundtable and all reports were available online prior to the workshop.

<http://portal.undp.or.th/sites/governance>

(ii) Day Two; 10 June, 2005.

Day Two began with a synthesis provided by Ms Thusitha Pilapitiya. She gave a detailed overview of issues from Day One and participants were provided with a summary of issues from Day One. Dr Saravanamuttu, then raised questions for consideration, to guide the ensuing workshop groups.

Process Lessons from Day Two:

➤ Workshop Groups

Groups were guided by questions from Dr Saravanamuttu, provided with a document outlining issues raised on Day one and also a detailed overview of studies compiled by Chatura Randeniya of CPA.

Participants' Role at the Roundtable:

- In general, having CO participants present their studies, respond to others and facilitate sessions made the workshop more participatory and "active".
- The facilitators/ rapporteur did an excellent job. (Ms Hiroko Takagi, Ms Marie-Ange Bunga, Mr Devenand Ramiah, Mr Monjurul Kabir, Mr Pakiosothy Saravanamuttu and Ms Thusitha Pilapitiya).
- Regional ownership of the findings was also promoted and hence development of the regional paper.
- Countries seemed to find value in the findings of colleagues too and the peer review was well received.
- Sharing of diverse experiences by colleagues of their experiences within the region, from their former and current occupations and as practitioners, parliamentarians and parliamentary staff enabled the broadening of individual ideas and concepts.
- Whilst not necessarily directly transferable, the lessons learnt, activities undertaken and recommendations per country expanded options for intervention in other countries
- Bringing together participants assisted development of a community of practice.

Section III: Summary of Major Findings

The roundtable findings illustrated that parliaments have an important and unique role to play during and post conflict.

Causes of conflict

The root causes of conflict were highlighted as the inability to meet the basic needs and development aspirations of the most disadvantaged; ethnic minorities, the poor and women. Moreover, the studies highlighted a growing realization that advancing minority interests and development, needs to take alternative means, other than conflict to achieve results. Interestingly some country studies highlighted that internal division amongst parliament; political parties and individuals, also contributed to the sustenance, rather than resolution of conflict and prohibited peace-building and sustainable development.

Link between peace, sustainable development and democratic governance

A strong correlation therefore, was depicted between peacebuilding and sustainable development with democratic governance as the link to ensuring such. It was evident that during and post conflict, parliaments had opportunities to undertake a critical role in maintaining or reestablishing the rule of law, in ensuring transparency and accountability through the oversight of government functions and the peace process, and in maintaining diversity and representing the population's views in policy and negotiations. The importance of establishing a strong legislature was evident. Through both negative and positive country experiences, parliament's role was shown to be necessary to ensure a separation of powers, a system of checks and balances and a forum not only for debate but for resolutions which would in turn contribute to the maintenance of peace and sustenance of democratic governance. The studies emphasized strengthening oversight functions, representation and a culture of democratic governance within parliaments as essential to achieving poverty alleviation, sustainable development and peace-building.

Parliament's Role

Generally the studies indicated that parliaments have been unable to contribute to the peace process and to therefore fulfill their potential, occupying a weak position in ensuring that peace and development are sustained and promoted. Viewed broadly, the peace process was discussed as a series of "mutual engagements" requiring continual effort. Peace keeping, peace talks, peace accords and peace building were all highlighted as important to sustainable peace and development.

In many countries, the executive negotiated the peace process. In some, the legislature was preemptive but not inclusive of minorities in the drafting of legislation, basic frameworks and in some cases the constitution. Therefore peace agreements were ineffective, not participatory and hence unimplemented. In some cases individual representatives of parliaments intervened successfully where the executive could not and confidence building and mutual trust between adversaries was highlighted as essential to establishing and maintaining peace.

In many countries parliament's role was emphasized as more important after an agreement had been reached, to be more transformative in sustaining peace. In this way, it was shown that the executive controlled the conclusion of conflict and development of peace, but parliament set the limitations to ensure government stayed within the confines of democratic governance and that peace agreements were implemented. Hence their role was defined as defenders of and negotiators with constituents *vis a vis* the executive.

Strengthening Basic / Core functions

A major approach for the strengthening of parliament was therefore, to reestablish the legitimacy of parliament and its basic oversight, representative and legislative functions in order to prevent conflict from reoccurring and to sustain peace and development. In short, the objective should be to strengthen and reinstate the separation and balance of powers, rule of law and to facilitate the realization of democratic governance. A legitimate and strong parliament was demonstrated to be essential for achieving the "key tenets of democratic governance and the universal principles that underpin human rights, through their exercise of inclusive participation, their accountability to citizens and their influence over the equitable allocation of resources."¹

The Issue of Parliamentary Culture

Ensuring that Parliament is considered a legitimate institution requires that it provides more than just a forum for debate. It must effectively develop appropriate solutions to conflict and carry out its functions adequately, which is easier "said than done". The studies highlighted that parliament also needs to provide informed and representative debate and the population needs to view the legislature as being able to take initiative of its own.

This requires overcoming many factors, however, depending on the country context because conflict, peace, sustainable development and international assistance do not occur under static conditions. Historic, present and future geopolitical factors (both internal and external to the country), influence interventions and the "on the ground" reality of countries. During and post conflict the culture of violence was shown to persist and it was illustrated that international assistance must be based and designed around existing cultural realities. Moreover in transition countries, it was highlighted as essential that a culture of democracy and accountability be established which included all principles and safe guards of good governance. This was emphasized as of primary importance in early interventions and deemed

¹ UNDP, Primer on Parliaments and Human Rights, 2005 at 4

essential to avoiding the institutionalization of undemocratic culture; to avoid corruption and future conflict.

Barriers to effective parliaments

In terms of an effectively functioning parliament and parliamentary culture several issues were raised. In the ability to reach adequate solutions to conflict, zero sum politics, political party dynamics and the strength of party influence were shown to impact negatively. The tension between MPs' representative functions and accountability to constituents versus entrenched party loyalties was acknowledged. In terms of the adequacy of decisions and resolutions, the involvement of all groups, including minorities and the role of the opposition in mobilization and protection of minority interests were shown to be key. Timing was recognized as essential in achieving and sustaining peace, specifically as to when parliaments intervene and how, in the peace process; whether as individual representatives, a united front or as aforementioned, as guards against the dominance of the executive and security sectors both during and post conflict. This also underscored the need to assist the links between all arms of governance during and after conflict to assure accountability, coordination and credibility for conflict resolution and sustainable democracy. It was conceded by many of the country studies that where parliament did not establish a role for itself during and post conflict, it risked "playing itself out of the game," with the result that the executive and security sectors dominated, which was shown to destabilize democratic governance and to perpetuate and maintain the culture of violence both during and post conflict.

Recommendations for assistance

Generating popular support for the democratic process was shown to be essential. Therefore a shift in some countries parliamentary assistance was illustrated and raised as a recommendation for others. It was suggested that the greatest impact would be realised where parliaments were supported to undertake functions in areas and commissions which relate to peoples' daily needs and the MDGs; where support was provided to strengthen the delivery of basic services. Increasing public support for the democratic process was suggested as one way of also providing greater assistance to parliamentarians; to enable them to be more empowered to act independently of party politics and to breakdown the existing culture. Providing support to women parliamentarians was also shown to be an effective approach, as they seemed able to avoid the culture of party politics more effectively and it was suggested, were perhaps more responsive to issues related to conflict and post conflict situations.

Moreover, in promoting a culture of accountability and good parliamentary culture, recognizing the basic capacity deficits and lack of understanding of what parliamentary culture means, is vital to interventions. Lack of exposure of parliamentarians to democratic systems, to formal education, information, and non-violent systems were key barriers undermining more traditional capacity development interventions. It was observed that post conflict, a variety of options for parliamentary and governance systems exist. Although, unless the country context and existing attitudes are considered when models are transplanted or adapted and strategies for instituting such are designed, assistance becomes less effective and democratic governance more difficult to implement.

Providing informed and representative debate to facilitate the resolution of conflicts and issues depicted requirements for further assistance to parliaments. The need to provide and strengthen means which increase the representativeness of parliaments was recognised. It was recommended that enhancing citizen access, participation, empowerment and accountability might best be done through the strengthening of intermediaries, as well as

functions and capacities of the parliamentarians themselves. Facilitating support to Civil Society Organisations (CSOs), and the media could form a bridge between representatives and constituents, particularly where difficulty in working directly with parliaments exists. Similarly, providing greater access to information, strengthening research and also academic institutions to provide information to parliaments as well as to assist citizens, could be an effective strategy.

Promoting transparency in undertaking oversight and legislative functions, particularly related to budget issues and local resource allocations, as well as access to committee systems and law making, was shown as key to minority groups and citizen empowerment. It was suggested a greater role of citizens, particularly in local resource allocations and development planning would assist overcoming the "moral hazard" and entrenched political / patriarchal culture.

Approaches

In assessing the affectivity of international assistance therefore we need to assess approaches in particular contexts, perhaps mixing traditional capacity development with more innovative strategies. Most importantly strategies need to be locally driven and we need to question the ideology behind approaches and suggested assistance. The affectivity of our assistance should be measured by our ability to make impact in the long and short term and in how we deal with the country reality. The substantiveness and appropriateness of previous, current and future interventions should be evaluated in the light of existing parliamentary culture. How parliamentarians' and citizens' understanding of their roles is supported and how this is enhanced is also critical to enhancing parliamentary culture. Long term advisors were generally depicted as more suitable than short term consultants in programs. Further, short term assistance needs to be guided by longer term direction with the ultimate objective of reinstating democratic culture appropriate to the country concerned.

Capacity development strategies should acknowledge the aforementioned requirement of greater information and awareness of roles, exposure of all stakeholders to democracy and strengthening those functions which support such. Strategies should also be designed to cope with conflict deficits; former combatants, basic needs of citizens- of which the MDGs are reflective. Strengthening intermediaries and minority groups represent sustainable approaches to such.

Providing systemic and institutional capacity development assessment and strategies to address issues related to the strengthening of parliaments should include; promoting better coordination between arms of government and reasserting parliaments equal role, and addressing structural issues such as constitutional provisions, nuances of law making, electoral assistance and voter education, which are all essential to ensuring diversity in parliament, and that the general principles of human rights and development are fulfilled.

When assistance is provided a level of scrutiny is required in identifying appropriate partners and donors. International and NGO assistance should be transparent. UNDP was suggested as being well placed to drive local solutions due to national and direct execution modalities and neutrality in intervention and interests. However, some capacity issues internal and external to UNDP were highlighted. Of utmost importance, stakeholders and partners within the country need to identify their own solutions and be informed of and capacitated to, coordinate all international assistance. In critiquing interventions, a valid point was raised that the willingness of parliamentarians for assistance in the context of conflict and peace-building needs to be present in order for interventions to be sustainable and therefore we need to be cognizant of such. Addressing capacity issues related to parliament's basic functions may

present the easiest entry point, particularly in contexts where such willingness does not exist. As previously stated, we also need to be aware of the models recommended and motivations for all assistance which should similarly be transparently communicated and undertaken. Programmatic approaches were shown to be most effective particularly, those which linked parliamentary interventions to other governance areas and to broader strategies for achieving the MDGs, peace and economic development.

Immediate National and Regional Interventions

The following were identified:

- Country parliamentary analysis to establish baselines
- RBA approaches to and assessment of existing systems
- The development of a Regional roadmap for parliamentary assistance
- Strengthening links between parliament and executive
- Support provided to countries for the implementation of international conventions
- Institutional assessments and benchmarks established within countries, which aim to strengthen the parliamentary context and links between agencies, CSOs and others.
- Support for bills/ legislation promoting peace
- Support for strengthening of local and regional institutions and networks
- Consolidation of parliamentary networks / caucus of legislators for peace
- Establish focused Practice / knowledge networks
- Assistance provided for the establishment of Code of conducts, MP freedoms etc, party rules, participatory planning and other processes which strengthen the implementation of democratic governance and human rights.

General Guidance to International Assistance

The following was suggested:

- We should use an assessment framework type of approach when we work with Parliaments. We need to assess the situation to determine the components of our work. What is the nature of the conflict, the existing parliamentary culture, national context? Only then can we design our approach.
- Sustainability. We cannot approach our work in isolation or under a short term context. We need accumulation of experiences and interventions and a coherent approach.
- Our interventions are political but not partisan. Being political means dealing with questions of power relations, building democracy.
- Parliamentary support needs integration into overall governance support. Other governance areas have "spin off" effects to parliamentary work too.
- Transparency needs to be supported. Donors and NGOs should maintain an open and transparent account of their initiatives. They should also state their interests, political and business affiliations. Political parties should do the same.
- There are stages to supporting parliaments based on the local context- hence the need for long term planning and approaches. For example, the support for an ombudsman, whilst valid, might follow the development of a capable civil service. Similarly, when establishing or reestablishing a parliament post conflict, oversight functions may be one area focused upon, prior to the legislative.

Day One

Section IV: Major Points from Presentations

(Annex 4 provides more detail on presentations of all countries; nature/ context of conflict, parliamentary system, important points and peer review of country studies)

The following summarises the key issues raised during open forum sessions

Block One – Key Issues Timor Leste and Cambodia

➤ **The question of culture**

It was agreed that promoting a culture of accountability and a parliamentary culture was more a difference of degree than kind. It was shown to be a difference of nuance, depending on the context, time and history of the conflict. Geopolitical factors should determine interventions.

➤ **Discussion depicted how conflict had affected parliamentarian capacity.**

In both Timor and Cambodia, conflict left both countries to deal with people who are now parliamentarians, who have maintained party loyalties, cultures of violence and who have either been in exile abroad, living in democratic systems, or who stayed and were away from the formal system, who perhaps lack formal education and who were never exposed to parliamentary democracy.

➤ **Interventions need to go beyond traditional capacity development to address questions of attitude and understanding.**

Programmes should be expanded that are aimed at facilitating understanding. Changing understanding is not traditionally measurable or quantifiable, unlike capacity interventions such as study tours, trainings etc. Longer time frames are therefore also required.

In a democracy, the minority has to agree that the majority decides but both have to agree that each has certain rights. The concept of parliament as the new arena for debate is an adjustment from conflict. It is difficult to have an immediately functioning parliament in a country that is conflict based.

➤ **Are there advantages to having a one party system in transition countries?**

It is easier to establish parliament as an institution and to foster institutional culture within one party. Also easy to implement change and develop structures with one majority party. Once capacity development enhances skills, alternative programs may arise and new parties and party politics will develop. This structure only arises however, based on the conflict context.

➤ **Links arise between poverty alleviation and peacebuilding.**

In Timor Leste, a spirit of nation building developed after independence was gained. However, there exists the potential for future conflict due to oil money allocation. The police are also controlled by the government, so efforts are needed to prevent corruption. If public trust is undermined and basic needs not met, then there could be instability. Therefore the emphasis on strengthening oversight functions of parliament and the link between poverty alleviation and peace-building and sustenance.

➤ **The definition and type of conflict is also relevant.**

Parliament's functioning and structure in Cambodia emanates from the conflict and from the political negotiation for peace. There still exists the possibility of conflict with superpowers, China and the US each wanting a dominant role in the country and Indochina. The communist party was supported by China during elections, and the US supported the Sam Rainsy party during elections.

➤ **Should the nature of the intervention be defined by the conflict?**

Sustainable democracy is key to avoiding conflict and to assist in post conflict situations. We do not want countries / groups to return to conflict. We need to examine how sustainable our interventions are and whether such are sufficient and appropriate to really prevent that.

The role of civil societies in dealing with budget oversight and how women interact would be interesting for countries to learn about.

Block Two – Key Issues Philippines and Bangladesh

- **The peace process was emphasized as a series of “mutual engagements” - requiring continual effort - Peace keeping, peace talks, peace accords and peace building are all important to sustainable peace and development.**
 - What role should Parliament play?
 - *Who negotiates the peace process?*
In many countries, the executive negotiated the peace process. In the Philippines, the legislature was preemptive – but drafting legislation was ineffective and not participatory.
 - *Confidence building and mutual trust between adversaries is essential to establishing and maintaining peace.*
However in CHT, the role of parliament was vital to the negotiation as rebels didn't trust the executive.
 - Perhaps parliament's role should become stronger after an agreement is reached, to be more transformative to sustain peace.
 - *In any state – government rules – parliament shouldn't. They should set the limitations and make sure government stays within this.*
 - *They can be defenders of/ negotiators with constituents*

- **Donor Assistance – what are we promoting? Ideological undercurrents to what we are promoting**
 - Does the separation of powers issue influence our intervention? If we are talking of strengthening such - What does the strengthening of parliaments mean?
 - *Are we embodying a liberal democratic concept? What do we mean by this? - Westminster or Capitol Hill.*
Serious implications in terms of politics and Asian culture.
 - *Does UNDP adopt an intrusive strategy? What type of electoral system do we advocate?*
 - *Even when trying to make changes – the church, political dynasties and factors within the country intervene.*

- **Context of conflict important – UNDP must provide options for countries based on several contexts.**
 - *Post conflict situations are not homogenous.*
Different conflict situations; what can parliament do? Once this is determined - this should then define what UNDP does.
 - *Promoting responsible government*
Directly elected PMs and parliamentary elected PMs. There are differences in systems and processes, therefore at minimum, parliament can ensure appointment and oversight of, a responsible government.
 - *Parliament as the link between citizens and democratic government*
Parliamentarians can also form a link between constituents and the government. Using Intermediaries; NGOs, Media, political parties, tribal leaders etc –Parliament can help to explain that peace is better than war and that peace brings development benefits.

- *MPs responsible to parties or constituents?*
Do we promote minority constituent participation in parliament? Do we assist with electoral laws? Do we stimulate links between members and people. Links with media.
- **Link between poverty alleviation and peace – if you want schools, health, livelihoods etc – need peace.**
- *Ideological Fatigue;*
Conflict not working in countries; in CHT and MILF in Mindanao, demands for autonomy unmet. These present similar situations, where there is a growing realization that advancing interests / development, needs to take different means apart from conflict to achieve results.
- **Importance of the role of the opposition**
Parliament should be able to question the executive – but that sort of accountability mechanism needs to be supported by minority and opposition factions.
- **Tension of MPs role to parties vs constituents**
Position of MPs and political parties. Some countries have legislation in place or proposed, which enables parties to remove members of parliament who deviate from the party line. This brings into question their representative role though.
- **Links to Media**
Strengthening MPs and committees ability to interact with media is also essential to strengthening the role of parliaments, their links and accountability to constituents.

Block Three – Key Issues Thailand and Indonesia

- **Issue of Donor Coordination and appropriate interventions**
Proliferation of programs aimed at parliamentarians, the design of which often does not involve parliamentarians or considers their ordinary functions / work. Coordination of donors programs and overlaps is an important issue.
Parliamentarians' reactions and attitudes to this are varied. There are differences between new and old parliamentarians and relates to how politically sensitive the topics and mode of assistance are. Assisting secretariat staff, providing ways to discuss ideas, rather than providing consultants who do the research, is perhaps a better way.
- **Laws which regulate NGO activities**
This relates also to the Issue of transparency of NGOs and who is funding them. The issue is also relevant to how the executive perceives NGOs. Some laws exist within countries on foundations, or even NGOs.
- **Is support to all parliaments in developing countries really appropriate?**
International opinion
In some cases, where parliaments are already capacitated, or where the government is well established, international expression of opinion / condemnation may be a more appropriate intervention of UNDP, particularly where the parliamentary system is well established and/or the executive is not open to assistance.
Changing party politics?

Also, where the parliament is really just an organ of the executive, where donors directly support parliament, in essence they are actually supporting the government. This will not necessarily change the “party line” or policies on peace.

Alternative avenues

Supporting parliament to work with civil society may be a viable longer term strategy. If voters are more critical and hold MPs accountable, this is a stronger counterbalance to party lines etc. Short term interventions through information systems and individual strengthening may not bring immediate benefits.

Increasing the interface between constituents and their representatives and representatives and political parties is a similarly important measure.

➤ **Diversity of Support**

Diverse Approaches

There exist diverse reasons for support and how we approach it amongst countries in the region, as well as varying capacities, therefore a variety of interventions / approaches are required from UNDP if the assistance is to be more appropriate.

Discussion of DEX and NEX

Sometimes DEX is a must as the government is restricted in implementation and can't enter / work in, conflict affected areas. Also sometimes NGOs are perceived as “western agents,” so UNDP really has to work directly.

Donors sometimes have different agendas, priorities, so UNDP has a great role to play in terms of neutrality and donor aid coordination.

UNDP is sometimes seen as a source of adhoc funds rather than a true partner in fundamental change and substantial partnerships. Whilst study tours etc are important to capacity building and maintaining partnerships, longer programmatic approaches important to direct and sustain interventions.

Block Four – Key Issues Nepal, Sri Lanka & Afghanistan

➤ **Reestablishing parliament's legitimacy.**

The degree of parliamentary legitimacy is an excellent benchmark to assess the level of legislative autonomy and power of legislature in the governance process.

Depending on context and countries priorities, and the limit of our ability to fund all, we can only support certain committees – we would like to fund all equally.

Another area of support is to generate popular support for the democratic process. Shift to areas and commissions which relate to peoples' daily needs. Provision of services strengthened.

Increasing public support for the democratic process may provide greater support to parliamentarians and enable them to be more empowered to act independently of party politics. Population views the legislature as able to take initiative of its own.

➤ **Appropriate types and times for intervention**

Day Two

Section V: Day Two Issues

Thusitha Pilapitiya provided an excellent synthesis from the following list of major issues provided to working groups prior to discussion on Day Two.

Key Questions and Issues from Day One

- The definition of conflict
- The link between poverty alleviation, peacebuilding and interventions taken to strengthen parliaments
- What role should parliaments play in conflict? Should the Executive play the only role?
- Do other social and political institutions need to play a role in supporting the executive?
- Separation of powers – how essential is the balance?
- Why is analysis of the conflict and parliament and interventions important?
- Sustainable democracy is key to conflict and post conflict. We don't want countries to go back to or continue conflict.
- How sustainable is what we are doing? Will this really prevent that?
- Sustainability – how do we achieve this? In part, we have to deal with overall culture, political context. How should we provide support in this context?

Nature of Conflict – Nature of Parliament

- The nature of conflict may affect the parliamentary system post, during and after conflict. [Timor, Cambodia and Afghanistan]
- During conflict situations – perhaps the nature of parliament, affects the conflict also? [Sri Lanka, Philippines, Bangladesh, Indonesia, Thailand, Nepal]

Post conflict

- To what extent does the nature of conflict and what remains after, determine how parliaments function?
- Our, interventions must be cognizant of geo-political, country specific factors.
- In cultures post- violence – ordinary technical assistance may not be adequate. Either, reorientating parliamentary culture [Cambodia] or establishing an accountability culture [Timor / Sri Lanka] are seen as essential strategies to achieving development impacts – addressing poverty and sustainable development and for peace and nation building.

Capacities / Culture

- Parliamentarians need orientation on what it is to be a parliamentarian.
- Post conflict – particularly, if embracing democracy for the first time, those who become parliamentarians are accustomed to violent cultures in their countries – whether they fled internally or externally to areas away from the conflict or were fighters – none know non-violent contexts within their own country, neither are they familiar with how parliaments work. Post the conflict they, assume roles never held before.

Donor Interests

- The larger scheme involves political factors – donor and country interests, aid absorption capacities of countries, direct intervention by donors – in fact these factors may also be present in establishing peace agreements and post conflict. What role can UNDP play?
- Post conflict - the system built relates to previous conflicts or international assistance provided and continued work is affected by a culture altered and affected by violence. Cambodia, Timor and Afghanistan reports highlight this factor – in the case of Cambodia,

the structure reflects the tradeoffs for peace between parties and power balance and the political party system highlights patronage and how a culture of violence exists and has been perpetuated. Timor was able to build from scratch but the complete lack of any system or capacity required focusing parliaments towards oversight functions and establishing a culture of accountability. Afghanistan presented some of the barriers to reintegrating women into parliament as required by the new system, as well as the uniqueness of its developed electoral systems.

During conflict...

- Peace negotiation is different to the peace process
- Several countries mentioned that the peace negotiation process was dominated by security forces, army, intelligence, the executive. As negotiation involves confidentiality and resolution activities it was suggested that perhaps parliament shouldn't play a role in peace negotiation. Moreover, perhaps they enhance or perpetuate the conflict – by the very nature of debate and diversity related to parliament functions and constitution. [Sri Lanka]
- Again the nature of the parliamentary system plays a role. If the diversity doesn't exist in parliament, the system may allow majorities to act against minorities – and pass legislation which is not appropriate to or assists resolution of conflict. Or similarly, parliament may not have the political will to act [Philippines & Bangladesh] Or, political party membership/ rules related to such may impinge upon parliamentarian's duties...
- How restrictive is the form of parliament? Some countries moved to focus on strengthening the “representativeness” of individual MPs, or building an “awareness culture” among the population to by – pass structural difficulties within the parliamentary system.
- Parliaments do ratify agreements and set frameworks.
- Similarly, party politics effect whether parliaments act or not. [Thailand]
- External agencies and pressures from them – contribute towards definition and form of peace agreement. However, congress need not be the mouth piece of the executive...a potential exists for them to spread awareness of peacebuilding; to their constituents and the media.
- Perhaps we can't act or intervene until Parliament itself decides it wants to be involved in conflict resolution – what do we do then? It was suggested one way is to continue strengthening the mere functioning of parliament; representative, legislative, oversight functions.

Sustaining peace

- In all of the countries, where the separation of powers is unclear and the executive is strong or dominates, it seems important to show that parliament is relevant. Where the political system favours the executive, it seems parliament needs to do this.
- Does a strong executive have to mean a weak legislature – what is it that leads to this?
- Representation, budget oversight, attitudes and culture are factors
- Representation can be a guard against the moral hazard; (i) Capacity assistance to parliamentarians to bring a qualitative change in MPs, (ii) working on parliaments' representativeness function, (iii) encouraging people to interact more with parliamentarians (iv) defining accountability for choice of legislators as well as their choices are key strategies.
- What can parliaments do? Appoint good executive; Use intermediaries; NGOs etc – to explain peace is better than war and that peace brings development benefits.

What can UNDP do?

- Provide (i) Election law advice (ii) assistance to budget oversight (iii) help parliaments monitor and investigate (iv) strengthen the opposition to undertake such (v) increase assistance to representation to provide support especially to minorities (vi) stimulate links between parliaments and constituencies (vii) Foster links with parliament and media (viii) strengthen committees.

Entry points – how do we work?

Important to focus on:

- Quick impact-poverty reduction (Bangladesh) Timor the same.
- Employment generation of former combatants...
- Public administration reform
- Lack of CSO participation UNDP could try to broker that role.
- Women parliamentarians
- Planning and legislators – nationalistic planning versus budget planning for constituencies only
- Media conflict and peace reporting / development journalism
- Political dynasties – to escape their influence we could focus on participatory planning [Philippines]

Key Question - how could we have intervened better??

In assessing Armed, post armed and potentially armed institutions we must ask:

- How do we sustain and establish democratic institutions [what is the culture existent, what are the geopolitic contexts, and what is the nature and affect of conflict?]
- How do we maintain diversity and allow congress to be a forum for debate...
- What sort of representative democracy do we promote? [we need to question this]
- How do we channel assistance and should others given donor interests?
- How do we assess and assist parliaments / executive to assess the impact of assistance...?
- What role exists for UNDP? What is our value added?

Some brief parallels amongst studies

- Thailand Indonesia – very much about strengthening support mechanisms – CSOs etc
- Philippines – Bangladesh – very much about minorities and roles that individual parliamentarians played and should have played – in terms of representation
- Timor – Cambodia – cultures of accountability
- Nepal – Sri Lanka - Two countries illustrate crisis of governance – institutions being challenged –Petty party politics – violent armed hostilities serve the purpose to debate further sometimes– but if the social context not there – parliaments can't take it further.

Final points

- There can be no standardized approach – and none should apply to parliamentary approaches given circumstances.
- UNDPs extension of work beyond elections.
- Parliaments should be connected to population
- Support should not be in a vacuum
- Resident advisors better than short term
- Formal and Informal power structure – women parliamentarians have been able to escape the power structure.
- Parliaments still have limited space – executives have been focused on ...legislative left behind

- Parliament has a modest budget – ill equipped in technical and human resources

Section VI Guide Questions for Day Two

The following questions were raised for working group consideration:

When providing International Assistance to Parliaments in conflict and post-conflict countries;

- What can be done? What shouldn't be done?
- What aspects of Political Culture / Nature of culture / conflict do we need to consider and how vital is this aspect?
- What are the human resource and infrastructure needs / barriers
- Is the political context/ culture decisive of the intervention?
- What considerations factor into our assistance? – eg How important is the structure of the parliamentary system/ constitution? Separation of powers, national constitution etc
- How should donor assistance be provided?
- Given the above – what are the appropriate and different kinds of assistance required? Should this be specific to the maturity of conflict / Parliament?
- Are there some countries where interventions will be unique / specific?

Section VII Summary of Day Two Findings

Key Factors

- The political culture and context may be decisive. The local context must be determined in order to design interventions.
- There needs to be a certain type of environment (including parliamentary willingness) before we can implement these programs.
- Directly elected Powerful presidents/ kings – often have strong mandates and support.
- When a population is armed, there is a limit as to what parliament can do.
- When people get tired of conflict and they want access to basic services, education, health etc, parliaments play a large role
- Political change must be from within when you have and are dealing with, cultural issues.
- We must find ways of assisting this within Parliamentary culture. We need to find ways to convince parliamentarians of the need for change and perhaps give support to NGOs during elections etc
- Conflicts need to be defined in country specific terms.

Role of Parliament

- Parliaments are the link between government and people
- Parliaments can also support and partner with NGOs, civil society and the media and are the conduit for explaining the comprises and basis for decisions made by government – they can assist transparency.
- Therefore we need to support parliamentarians to visit their constituents and their representative functions.
- When Parliamentary members can demand to see information and papers, it adds to the democratic value of countries, transparency leads to accountability.

Strategies

National execution and neutrality

- The UN's strength is in assisting strategies nationally
- The way we engage with parties and partners is important and part of our assistance to them.

- When dealing with parliamentary development and political bodies, we should not be seen to favour any particular party. Programme staff need certain qualities and need to be diplomatic. We need to maintain our neutrality and be strategic in actions.

Comprehensive approaches

- We should support consensus-seeking, broad-based agendas.
- Parliamentary support programs can incorporate the conflict aspect by viewing programs as comprehensive. We shouldn't have isolated support programs for parliaments. We should focus on several partners.

Capacity Development

- There are several needs when working with parliaments – the lack of human resources is a barrier, which needs to be targeted and part of a comprehensive program
- Study tours on an adhoc basis is not the correct approach. Capacity development should be targeted and through specific programs.
- In capacity building, we require a longer time frame as Parliaments require highly specialized functions in people. We need flexible projects, with a minimum of 5 years. There is a great difference between having a series of short projects versus one longer term program.

Time frames

- One cannot change the overall situation or create utopia over night. A long term agenda is necessary when working with Parliaments. Within a given situation, there may be many constraints...a country might have good laws, which are poorly implemented. Therefore in each case we need to identify appropriate "change agents" and strategies.
- There are issues of planning – parliaments expect long term viability of interventions and also sustainable approaches to democratic institutions.

Working with a broad range of partners

- We need to support and assist parliamentarians to use the media for advocacy work and to emphasise the governance agenda of the country. The media are like a "litmus test" which determines whether such agenda is popular and if it is – this strengthens its and Parliament's legitimacy.
- We should engage think tanks / NGOs etc to seek consensus on issues and to assist implementation of activities, especially where the country context is sensitive.
- Local dynamism needs to be included – we should assess how NGOs function (issue of independence and regulation by parliaments)

Issues specific to UNDP

- Donors have objectives, which are usually longer term than UNDP's. Our 2/3 year programmes are not coherent with the time frame of donors etc
- There is often a Language issue in Asia. For example, all documents from the UN come in English – not in Khmer etc... Invitations/ reports are therefore delayed.
- Language is also an operational issue because as we move to a knowledge organization, many documents written in local languages are not able to be shared across the region or globally.
- Elections - comprehensive programming is required. UNDP has plenty of funding for elections but less for governance areas, so when negotiating with Donors for election work, we should make parliament and RBA part of a package, which would include training. We can link our work to the election agenda but at the same time have a broader umbrella program.
- The UN has a role to assist peace building, peace keeping, which includes stabilizing territory, and in assisting the development of foundations for democratic models. We must

not impose any parliamentary system on countries but merely increase their access to options and advice.

- Capacity development is important. Technical equipment etc is necessary
- We need better HR and procurement policies within UNDP.
- UNDP can best facilitate aid coordination. It would be strategic for UNDP and countries to concentrate on this.
- The UN flag gives greater access.
- We do have a political agenda, which is based on the MDGs. However, this is applied in a non-partisan way.
- Our strength is that we can support and use our partnerships to talk directly to politicians or through prominent people eg bishops.
- UNDP could support the development of Negotiation skills
- We must avoid party politics and have a duty to promote transparency and accountability.
- We should try to support concrete political agendas based on UNDP principles

Major Recommendations

- We should use an assessment framework type of approach when we work with Parliaments. We need to assess the situation to determine the components of our work. What is the nature of the conflict, the existing parliamentary culture, national context? Only then can we design our approach.
- Sustainability. We cannot approach our work in isolation or under a short term context. We need accumulation of experiences and interventions and a coherent approach.
- Our interventions are political but not partisan. Being political means dealing with questions of power relations, building democracy.
- Parliamentary support needs integration into overall governance support. Other governance areas have “spin off” effects to parliamentary work too.
- Transparency needs to be supported. Donors and NGOs should maintain an open and transparent account of their initiatives. They should also state their interests, political and business affiliations. Political parties should do the same.
- There are stages to supporting parliaments based on the local context- hence the need for long term planning and approaches. For example, the support for an ombudsman, whilst valid, might follow the development of a capable civil service. Similarly, when establishing or reestablishing a parliament post conflict, oversight functions may be one area focused upon, prior to the legislative.

Section VIII: Next Steps

- Marie Ange Bunga (UNDP-BDP) gave an informative overview of the other region's work under the program.
- She drew particular comparisons between the case studies in Africa and Asia. The issues of genocide and conflict related to the management of resources, were not as apparent in the Asia region's studies. Conflict based on ethnic differences and to poverty and sustainable development were similarities.
- She discussed the publishing of select case studies globally.
- Other regions will now involve the COs and will establish reader's groups, unlike Asia, where the COs were involved from inception of the program.

The following items were then discussed

1. Case Study / Regional Paper Use

- Confidentiality and sensitivity of reports
 - Dissemination of papers
 - Level of involvement of parliament
 - Future use of papers by CO

- Enhancements – further development of studies
 - Incorporating comments from roundtable into studies
 - Online discussions on final regional paper (time lines etc)
 - Aspects not included, that perhaps could be; role parliaments played in creating/perpetuating conflicts
 - Development of studies into strategies
 - Coordination with other donors / CSOs
 - Wider consultations

- 2. Future work on Parliaments**
 - Directions
 - CO level
 - Issues of regional significance / RCB Directions

Annex 1. Roundtable Agenda

Thursday 9 June

Venue: Conference room

9:00 – 9:30	Opening	
9:00 – 9:10	Mr. Minh Pham, Regional Manager, Regional Centre in Colombo	
9:10 – 9:20	Mr. Arusha Stanislaus, Deputy Coordinator, Asia Regional Governance Programme	
9:20 – 9:30	Roundtable Objectives / Mechanics Dr Paikiasothy Saravanamuttu, Center for Policy Alternatives	
9:30 – 11:00	Country Presentations / Responses Block 1	
9:30 - 10:00	Presentation of Timor Study Response from Cambodia	
10:00 – 10:30	Presentation of Cambodia Study Response from Timor	<i>UNDP Timor: Endre Vigeland UNDP Cambodia: Francois Beaulne</i>
10:30 – 11:00	Open Forum	Facilitator: Ms Hiroko Takagi UNDP Afghanistan
<i>11:00 – 11:30</i>	<i>Morning Tea Break</i>	
11:30 – 13:00	Country Presentations / Responses Block 2	
11:30- 12:00	Presentation of the Philippines Case Study Response from Bangladesh	
12:00 – 12:30	Presentation of Bangladesh Case Study Response from the Philippines	<i>UNDP Philippines: Jennifer Navarro Director General, RV Vicerra Philippines' House of Representatives UNDP Bangladesh: Monjurul Kabir</i>
12.30 – 13.00	Open Forum	Facilitator: Ms Marie-Ange Bunga BDP UNDP
<i>13.00 – 14.30</i>	<i>Lunch</i>	
14:30 – 16:00	Country Presentations / Responses Block 3	

14:30 – 15:00	Presentation of Thailand Case Study Response from Indonesia	
15:00 – 15:30	Presentation of Indonesia Case Study Response from Thailand	
		<i>UNDP Thailand: Ryratana Suwanraks Study Author – Thailand: Dr Uthai Dulyakasem UNDP Indonesia: Agung Djojosoekarto Study Author – Indonesia: Dr Satya Arinanto</i>
15:30 – 16:00	Open Forum	Facilitator: Mr Devanand Ramiah UNDP Sri Lanka
16:00 – 16:30	<i>Afternoon Tea</i>	
16:30 – 18:00	Country Presentations / Responses Block 4	
16:30 – 17:00	Presentation of Sri Lanka Case Study Response / Presentation from Nepal	
17:00 - 17:30	Afghanistan paper/ Related issues from other countries in the region / Draft regional paper	
		<i>Study Author – Sri Lanka & Regional: Dr Paikiasothy Saravanamuttu, Center for Policy Alternatives UNDP Nepal: Shantam Khadka Secretary General Surya Kiran Gurung House of Representatives, Nepal UNDP Afghanistan: Hiroko Takagi and Thusitha Pilapatiya</i>
17:30 – 18:00	Open Forum	Facilitator: Mr Monjurul Kabir UNDP Bangladesh
19:30 – onwards	Reception - BBQ	<i>Venue: TBA</i>

Annex 2. Participants					
Countries		UNDP Participants		Country Study Consultants / Representatives	
1	Philippines	1	Jennifer Navarro; Programme Associate	13	Director General. RV Vicerra, Congressional Planning and Budget Department
2	Cambodia	2	Francois Beaulne, Chief Technical Advisor		
3	Bangladesh	3	Monjurul Kabir, Programme Manager		
4	Timor Leste	4	Endre Vigeland, Programme Officer		
5	Indonesia	5	Agung Djojosoekarto, Programme Officer	14	Dr. Satya Arinanto
6	Thailand	6	Ryratana Suwanraks, Programme Manager	15	Dr. Uthai Dulyakasem
7	Nepal	7	Shantam Khadka, Programme Officer	16	Sec Gen. Mr. Surya Kiran Gurung
8	Regional	8	Arusha Stanislaus, Deputy Regional Coordinator, ARGP	17	Center for Policy Alternatives Dr. P. Saravanamuttu
		9	Jane Steel, Task Facilitator	18	Marie- Ange Bunga (UNDP – BDP)
9	Sri Lanka	10	Sanaka Samarasinha	19	CPA - Jean Godlieb
		11	Devanand Ramiah	20	CPA - Asanga Welikala
				21	CPA - Chatura Randeniya
10	Afghanistan	12	Hiroko Takagi, Senior Programme Officer	22	Thusitha Pilapitiya, Consultant Support to the Establishment of the Afghan Legislature Project

Annex 3. Suggested Outline for Country Responses

(available in powerpoint at > <http://portal.undp.or.th/sites/governance>)

- Area of Study of Country A
- Area of Study of Country B
- Similarities between reports
- Contrasts between reports
- General Observations
E.g.
 - Interesting issues raised
 - Comments on recommendations / lessons learnt
- Issues that Country B raised which are of significance to the region
E.g.
 - Approaches to interventions
 - Entry points
 - Capacity development
 - Strategies
 - Potential areas for replication

Annex 4. Key Issues from Country Study Presentations and Peer Reviews

A. Timor Leste – Endre Vigeland

Nature of conflict / Context

Prior to elections for independence, there was an underground threat of violence should the people vote for independence. Violent conflict in fact occurred after but was stabilized. However, when Indonesia withdrew, the entire skill and work force was removed and most of the infrastructure destroyed.

Subsequently, the UN entered the country and began to reestablish institutions.

Parliamentary system

The President has very little power.

There are 88 members of Parliament

FRETILIN is the majority party. It is composed of many returned “Mozambiquian” Timorese and former “jungle fighters” who lack formal education. 12 other parties exist, though are negligible in terms of numbers. 2 parties have 6-7 members. Parliament is established of party members, who are representative of districts, and who also form part of party lists.

There is a committee system in place with committee A-G.

Importance of Committee C, Budget, was highlighted – especially when establishing parliament as an institution.

Important Points

- Importance of executive and budget oversight
 - If we want to develop institutional assertiveness in parliament – then this was the best way
 - Most effective entry point
 - Government needs good internal systems for when oil comes in, therefore importance of establishing checks and balances emphasized.
 - Link between poverty alleviation and peacebuilding and strengthening parliament
 - Unique thing is parliament “dropped” other functions and focused on budget

- **Response – Cambodia, Francois Beaulne**
 - Budget oversight is a very specific angle but also very necessary due to the coordination of donor money required in Timor’s case.

General

Both country studies relate to fostering cultures in Parliaments; (i) In Cambodia’s case, it relates to developing a liberal parliamentary culture, (ii) in Timor, it is fostering a culture of transparency and accountability.

Similarities

Both countries depend on assistance to reach MDGs, and to provide basic living standards
Parliaments still have limited space as the Executives have been focused on, with the legislative left behind

Both Parliaments have a modest budget and are ill equipped in technical and human resources.

Both are relatively new parliaments - 12 years in Cambodia, 3 years in Timor and are amongst the poorest countries, with low life expectancies.

Parliaments are still determining their roles in peace, post- conflict, with limited autonomy, and a strong UN experience present.

Differences

Cambodia has a very long and rich history compared to Timor

The political bargaining process has been very different. In Cambodia, civil wars killed approx 2 million people and almost one 5th of the population were killed by the Khmer.

In terms of formal and informal power structures, Cambodia has worked with women parliamentarians, as they have best been able to escape the existing power structure

In Cambodia there exists a major rift between royalists and the CPP and Cambodia is torn by domestic and political factors. In Timor – there is one majority party.

Cambodia is Bi- cameral with a Senate

Timor – is unicameral

Important Points

- UNDP's support should extend beyond elections. Parliaments should be connected to the population
- Resident advisors are a better form of assistance than short term
- There should be no standardized approach when working with parliaments.
- Capacity development assistance would ideally be provided to all committees. We need to focus on strengthening capacities of committees, strengthening people's awareness so they can hold parliamentarians accountable. We should assess the role of international assistance – should it be multilateral or bilateral?

B. Cambodia – Francois Beaulne

Nature of conflict / Context

Most of the donor assistance was provided during the early 90s.

After decades of military dictatorship, assistance was primarily focused on the capacity development of parliamentarians; equipment, technical assistance, trainings, basics but it is now realized that this is not enough for effective parliamentary functioning.

- Noticed that beyond strict capacity development interventions, the aspect of *adjusting to parliamentary culture* had been overlooked
- You can have many laws, equipment etc, but need to go beyond the usual capacity development activities
- Need to build “understanding” capacity of parliamentarians; adjusting to parliamentary culture
- In spite of 5 million dollar programs, very little improvement of parliamentarians' understanding, and present state of mind related to the institutions which were imposed upon them because of peace agreements and the new constitution
- Factors such as the culture of violence, client – patron relationships, informal power structures still play an important role.
- This has important linkages for governance; the army is still a major factor and the economic elite are increasing.

Parliamentary system

Institutional factors are important. Members of parliament have an unclear knowledge of what their role is; they balance their loyalty to the parliament, their functions, their party allegiance and representative functions as parliamentarians.

The requirement of a 7/10 quorum in parliament is a barrier and can be used inappropriately through "walk-outs". This has been part of the political negotiation post conflict.

Parliamentarians visit constituents rarely.

Parliamentarians' lack of expertise and time prevents them fulfilling a serious parliamentary role.

A slow debate process, whilst not intentional, occurs because of backlog and quorum requirements.

There is an increased problem in fulfilling a monitoring role also.

Important Points;

- Pressures, poverty etc, are demanding greater accountability of the executive
- Womens' groups have been able to act outside party lines,
- UNDP is working primarily with women, as thought the most effective way to ensure the evolution of parliamentary culture. They have greater autonomy and ability to act outside party lines.
- The technical capacity development of committee secretariats has occurred primarily through exposure of parliamentarians to other countries and skills development in that respect. (particularly exposure to the Australian, Canadian, French and German parliaments).
- As the country grows, it is seeking international visibility, experiencing the expansion of technology and communications, has an increasing ability to connect with other countries.
- It needs a combination of projects which focus on the democratization process and the sensitization of roles, as well as the traditional projects
- Donor assistance is determined by donor will to build on gains. Bilateral assistance is not neutral, eg is support for the liberal economic process for Cambodians or to facilitate export of industrialized goods?
- There is a necessity to integrate programmes; so parliamentary efforts are undertaken in aid of meeting education, health and other needs.

➤ Response – Timor Leste, Endre Vigeland

General

Studying aspects of culture made the study unique and interesting.

Similarities

You can set up any system, so observing the context and existing attitudes are vital.

Differences

Timor is fortunate not to have a similar culture of violence. Single party dominance exists so there is no problem of balancing parties in TL.

In Timor, the army is not a strong factor and it is deployed on the East, far from the Indonesian border. It is not a political factor yet; although the police and security are paid by government and the army is aligned with the president.

Important points

- But how do we do make interventions and changes to institutional culture when UNDP has limited budget capacities and short timelines?
- Role of UNDP should be to ensure transparency.
- Study depicts that in a brand new country or one in transition, it is necessary to stimulate accountability as soon as possible even before all the technical procedures and rules etc are developed. It is difficult to remove bad political culture.

C. Philippines – RV Vicerra

Nature of Conflict / Context

Organized conflict began during the 1960s. Based on a political massacre involving young muslims, the three parties / tribes of muslim groups in Mindanao, organized. They became part of an organized rebellion for a Moro State, and one party, the MNLF, was supported by the Association of Arab States.

Also, the policy of the executive to ensure control of Mindanao, led to the promotion of a free patent program in Mindanao. This policy led to the migration of Christian immigrants. Another basis of conflict relates to the land dispossession and inaccessibility to services, which occurred as part of this policy. Muslims were generally marginalized, lacked land tenure and few were given education. Those who succeeded are now the leaders but embody the traditional elitism of the rest of the country.

The Tripoli ceasefire, in 1976 was negotiated and led to the first cessation of armed conflict. It was supported by the Organization of Islamic States (OIC). It embodied the concept of autonomy within the framework state. Although the MILF splintered from the MNLF based on this agreement.

The final peace agreement between the MNLF and the GRP was signed in 1996. The MILF still hasn't signed. The Tripoli Accord was signed in 2001 between the MILF and the GRP which became the basis for ongoing peace talks.

MEDCO was established which was intended to support the development needs of 14 provinces in and outside of the existing autonomous region (ARMM). After an initial trial of MEDCO, legislation will follow which would call for a plebiscite to determine whether the 14 provinces all want to be part of a bigger ARMM.

A bill creating a special autonomous area, the SZOPAD was developed to cover all 14 provinces, however it has not been enacted by Parliament. The passing of such, was one of the guarantees which led to the brokering of the peace agreement.

Basis of armed conflict in Mindanao – poverty, poor governance, injustice and abuse of power, control by a few of political power and exploitation of cultural communities and lack of recognition of their ancestral domains.

Parliamentary System

- Bicameral system.
- Committee system by which laws developed.
- One of oldest parliamentary democracies in Asia.

Important Points

- Access of citizens:
 - Committee system would be the best channel of access for citizens to participate in this process – however no formal institutional mechanism facilitates this.
 - Local constituents regard representatives as dispensers of gifts and services – rather than means to protect their interests, democracy etc.
- Parliamentarians:
 - Majority of House members have parochial interests (interest in local Bills and securing program allocations) and the lack of strength of party politics, means many cross the floor regularly. Moreover, the major solons do not fully participate either or have the awareness / education to understand the full implication of measures discussed.
 - Legislators tend to affiliate themselves with the political party of the incumbent president – and the alignment of political forces in both houses has raised questions about the independence of congress as a separate branch of the government.
 - Individual representatives undertake independent activities, however they are in isolation of the national parliament.
- The conflict area in Mindanao is one of the poorest areas.
- Rebel groups were not included in legislative development, nor was the legislation consistent with the peace agreement substance. It was also developed prior to signing of the peace agreement.
- Legislative functions need to include the oversight of implementation of policies and laws by the Executive in peace building.
- Individual Legislators seem to have a greater impact than parliament and the executive as they succeeded in convincing the MNLF to sign the agreement.
- Assistance to institutionalize participatory planning needs to be given through direct assistance to parliamentarians in his or her own constituency.
- Need to focus on helping parliamentarians (through Participatory Planning-“PP”) to deal with their representation function and to help constituents hold legislators more accountable too.
- Policy proposals and project selections by parliamentarians then become more transparent – and accountable.
- PP aims to build awareness of parliamentarians of their role, and also to overcome the “moral hazard” (issues of patriarchal system, lack of transparency in policy and project choice) because legislators are held accountable.
- CSOs and POs need to be capacitated to be part of the participatory planning process; to enable citizens to play a role in defining how policies in the region are formed and how congressional funds are allocated to development projects.
- Formalising the parliamentarian and constituent relationship is the overall objective

➤ Response – Bangladesh, Monjurul Kabir

Differences

In the Philippines’ case, it seems that the legislators’ personal interest and the diversity of such nationally, lead to proactive responses by individuals.

Parliament plays a proactive role as compared to the case of Bangladesh – the Philippine Congress legislated decrees prior to a peace accord

Prioritisation – achieving peace has a politically high profile in the Philippines.

Legislation – the Organic Act was used to set up the peace process in the Philippines

The peace accord in the CHT area is already in the implementation phase – UNDP is supporting the set up of regional councils and supporting institutions.

Important points

- No formal international role played by India in peace agreement / mediation in Bangladesh and no role yet of international organizations to assist CSOs or others in the monitoring of the peace process
- The peacebuilding process and UNDP's intervention are trying to involve NGOs and CSOs
- There is a dominance of executive and security sector when it comes to resolving conflict and this has been shown to be less than effective
- The Philippines' Framework for peace, the Six Paths to Peace is an interesting strategy
- In both countries, the legislative seem to become subject to the executive – passive. We must question the separation of powers and attempt to strengthen parliaments with this in mind.
- How parliamentarians see their role is crucial. Their legislative, representative, and oversight functions need to be linked to the promotion of peace and resolution of conflict; yet the parliamentarians seem to lack awareness in this regard.
- The Regional center could assist with helping parliaments to further define/ strengthen this and to contribute to the process
- Lack of coherency in Legislative approach is evident
- Political interest vis a viz national interest is important.
- External influences also play a role – Libya, India etc
- How regional interventions can facilitate overcoming the dominance of the executives and control which has been established by militarized autocracies in countries.
- Links between poverty alleviation and peace
- Comprehensive advocacy strategies for peace are required– UNDP launched a quick impact fund for poverty reduction in the CHT – appreciated by Indigenous peoples – microfinance and small scale solar energy projects – these could be replicated
- Employment generation – for former combatants is important to break the cycle of violence
- New thinking needed - Traditional government capacity development won't work – more thought on how we would like to integrate CSOs, NGOs, CBOs is important – as service deliverers and recipients.
- Media's role needs to be strengthened – we need to define how to strengthen capacities of those on the ground and how we would like to strengthen development journalism.
- Enhanced role of MPs is required.
- Consolidation of networks of parliamentarians – perhaps the issue of peace and parliaments role could be injected here.
- Formation of peace caucus with legislators
- Sustaining peace with human rights and human development is important because a lot of human rights violations at the grass roots level.

D. Bangladesh, Monjurul Kabir

Nature of Conflict / Context

Not a post conflict or conflict country – but Chittagong Hill Tracts have been affected by conflict since 1971 – until 1997.

Constitutional drafting committee in 1972 – did not recognize indigenous peoples. Article 9 defined unity of the “Bengali nation” of Bangladesh. Chakma and other indigenous Peoples argued against supporting the constitution as they are not ethnically Bengali, but Bangladeshi.

Parliamentary System

Whilst a new state was initially called for by IP groups with their own parliament, perhaps war fatigue set in and forced a settlement.

Groups were engaged with the government in 25 years of war, with support from India in terms of training, camps in India. However, the groups realized that India would never support an independent state so close to their borders and with the ongoing conflict in India’s own north eastern states.

The result was compromised autonomy – not an independent state and parliament – but a separate regional council.

Since 1991, parliamentary standing committee is functioning – though also has the parliamentary culture problems of Cambodia. Its role was to promote negotiations etc – for peace.

Important Points

- The lead up to the 1997 peace accord was initially dominated by the security sector and intelligence agency. Human rights and international and UN agencies criticized this. However, it was shown to be a geopolitical reality, that you cannot use the army or conflict to resolve issues. CHT was and is a political issue, therefore the need for members of parliament to play a role is crucial.
- The armed group of Indigenous Peoples also felt more confident dealing with MPs than with the intelligence agency, which answers to the executive and the majority government.
- The study shows the value of Members of parliament and people’s representatives in negotiating for peace
- Value of parliaments highlighted as earlier, three governments had tried to secure peace using security and intelligence agencies and were unsuccessful;
- Peace became part of the election manifesto of parliamentarians and political platforms etc were formulated on achieving such.
- UNDP was the first donor who started working with Parliament in 1996. It focused on traditional legislative capacity development, representative capacity development and other traditional areas, particularly strengthening the committees, which is essential for promoting accountability, and oversight of the executive.
- CHT affairs committee should continue to be supported and also the separate ministry. The PM holds the portfolio, to maintain control of the CHT area, although a prominent Indigenous leader holds the deputy minister status.
- The Parliamentary standing committee monitors the work of the ministry and this should be strengthened.

➤ Response – Philippines, Jennifer Navarro

Areas of study

The Bangladesh study analyses the processes and politics of conflict and achieving peace and parliament’s role.

The Philippines’ study looks more at the Role of the Parliament as an Institution and Parliamentarians as Peace Negotiators and gave a review of the Mindanao Peace Process as well.

Similarities between Bangladesh and Philippines

Context

Conflict Issues	Rooted in Massive poverty, marginalization, injustices, inter-cultural conflicts, inequalities
Peace Process	<ul style="list-style-type: none"> ▪ Both long protracted peace processes ▪ Decades of armed struggle and protracted peace process ▪ Secessionist Movement ▪ 1970s-1980s - Military and Martial rule (Marcos and Zia) ▪ 1990s – Democratic form of government
Political Dynamics	<ul style="list-style-type: none"> ▪ Political dynasty → elite/moneyed ▪ Patronage ▪ Parochial and populist form of government
External factors	<ul style="list-style-type: none"> • External pressures from aid agencies and foreign governments contributed to signing of peace agreement • End of Cold war → emergence of new democracies, instrumental in signing of peace agreement

Institutional Roles

Government	<ul style="list-style-type: none"> ▪ Peace process mainly Executive-led ▪ Exec in both countries established government machineries – Creation of Peace Councils such as CHT and OPAPP
Parliamentarians	<ul style="list-style-type: none"> ▪ Role as Peace Negotiators – “passive”, “indirect” players & quick to respond/approve ▪ Draft legislations and bills → enactment of peace agreement and monitoring of such, slow ▪ Limited capacities to push national agenda
International Community esp. UNDP	<ul style="list-style-type: none"> ▪ Role of foreign governments such as India and Libya in signing of peace accords ▪ UNDP’s support on Capacity Building projects for Parliamentary Secretariats
Other Stakeholders inc. CSOs, women, minorities, media and the public	<ul style="list-style-type: none"> ▪ Limited access and ▪ Passive participation in legislative processes

Recommendations

Parliamentarians	<ul style="list-style-type: none"> ▪ Role as Peace Negotiators ▪ Access to participation or Participatory approach
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Contrasts

	Bangladesh	Philippines
Parliamentary Structure	Unicameral (Congress) → Partisan → Synchronize policies	Bicameral (Congress and Senate) → Bipartisan → Contending policies
Government Machinery	CHT	OPAPP <ul style="list-style-type: none"> • Framework for Peace (Six Paths to Peace) (although implementation and monitoring still dubious) LEDAC <ul style="list-style-type: none"> • Linkage between Legislative and Executive policies
	Bangladesh	Philippines
Bills/ Legislations on Peace	Government-led Not participatory Not synchronize	Organic Act of ARMM Elections
Composition of Peace Talk Panel	Government represented MPs Limited participation of women MPs	Regional representatives – De Venecia and Drilon Former MNLF commanders, now Congressmen Significant role of women parliamentarians

Interesting points

- The study highlighted:
 - Capacity and resource constraints
 - Heavy dependence on the majority in parliament and security

- Role of opposition is important, for example, it mobilized the public in general strikes in protest to the agreement etc.
 - This could be utilised to transform / call for more effective citizen participation
 - Role of elections is critical to ensure diversity in Parliament and debate
 - Also recognition of need for multi-stakeholder process and sharing of experiences
- There is a need for:
 - institutional assessments and benchmarks to be set
 - A regional road map or frameworks/ blueprints for actions
 - Support for bills promoting peace
 - Knowledge sharing and partnerships
 - Building legislative capacities
 - Strengthening local representation and CSOs
 - Strengthened linkages between the executive and parliament
 - Assistance and linkages to be established with electoral reform / systems in all of the countries
 - Support to be provided to political parties and also to women parliamentarians
 - Support to be provided to parliaments work and involvement in international conventions and commitments

E. Thailand – Dr Uthai Dulyakasem

Nature of Conflict / Context

Thailand was never colonized by the West – physically. Intellectually is another story. The population is mainly ethnically Thai and religiously Buddhist, although there are many ethnic minorities and religions. Large population of Muslim-Thai in the four southern provinces. Not migrants like Chinese Thai. They were originally there.

Cultural assimilation was the nationalist policy. Quite successful – the Chinese and Vietnamese are examples. Muslim Malay rejected this from the very beginning and there were sometimes harsh and violent reactions from the Nationalist government to their protests. Past governments were successful in containing conflict. But it has not been resolved and flares up. 1950s separatist movement.

Under present government, the situation has escalated and is increasing. Interesting to study reasons for this. Government incorrectly views the root causes and therefore peaceful solutions not possible.

Under the democratic system where checks and balances are a key element, only the executive branch takes the full responsibility in conflict situations. Other arms; parliament, judiciary, monarchy, civil society, village organizations have only played minor roles in conflict. The executive has responsibility to deal with these issues, this is true but other social and political institutions could also play a better supporting role to the executive to deal with conflict.

Parliamentary system

Bi cameral – house of representatives and senate. By law, senate representatives are not members of political parties. There are 200 representatives in the Senate and 500 MPs in the house.

Interesting Issues

- Both houses have powers and duties to control the administration of state affairs.
- In reality, both houses are not effectively performing their duties concerning the control of administration of state affairs.
- Reasons – partly because genuine separation of powers – does not exist. Not by law but by fact.
- The Governing party has majority control of parliament. Opposition only 123 members. This is not enough to push an anti-graft or no confidence motion.
- Senators who are not supposed to be connected with political parties, are actually – therefore they are not independent. From discussions, there are less than 50 senators who really perform their role according to the constitution. The rest are very pro-government.
- Any decision on national issues, is not decided in parliament. Parliament is a theatre – Foucault
- Therefore, direct assistance is perhaps not viable. Support to other organizations is essential as these may provide such support to parliaments.
- Are we adopting the concept of representative democracy without thinking about it?? Need to consider on the ground situation.
- The private sector is controlling the political arena now. When Thailand adopted the concept of elite democracy, in 1972, and up until 1976, parliamentarians were almost 100% civil service, military, police, civil servants. In the previous two governments –66.6%, then 86% of members came from the private sector and now the figure is even higher.
- International assistance is therefore not an easy issue.
- Support should go to the independent social organizations – and these could be linked to parliamentarians – the progressive ones. An example is the National Council for social and economic development. – 99 elected members. They have conducted a lot of research in conflict areas.
- The problem remains that knowledge produced is not used by the parliament. Need to strengthen links.
- Council for rural community leaders, which promotes the monarchy's self sufficient economy concept as a model for development is another group. MPs could link or be linked with this group.
- Other academic institutes could be better linked – KPI, TDRI – Thailand Development Research Institute, Private universities and NGOs.
- That is perhaps the most efficient way for parliaments to be strengthened.
- The long term picture is to strengthen structures; to build up information system and structure, and build up a team, an internship program.
- This may not help individual parliamentarians, they will just be receptors of information – they also need further assistance in understanding also – many do not understand root causes of conflict – it's not ethnic or religious conflict, or a movement for separatism.
- It's a conflict between the Malay-muslim leaders who are publicly and politically aware that policies of central government have not met the needs of their people.
- So the politicians must understand the situation fully.
- Women are more sensitive to the conflict issue – the need exists to support women to participate in politics more.

➤ **Response - Indonesia, Agung Djojosoekarto**
Area of Study

Indonesia

The Roles of parliaments in peace building and sustainable development

Thailand

Provincial conflicts and the roles of parliaments

Similarities

Both studies;

Uncover the unpreparedness of the parliamentary institutions and the parliamentarians as agents in conflict management and peace building

Give some illustrations on how ethnic-based values become the underlying cause of conflicts.

Indicate how unresolved national political segregation is reflected in local conflicts

Indicate how central powers in government have not utilised democratic institutions in resolving conflicts or building peace

Show the importance of enhancing the capacity of parliamentary institutions and parliamentarians in managing conflicts or creating peace, as both are the bases of sustainable development

Interesting Issues:

- The case of Thailand shows the high complexity of a mixed political system where 'every body' wants to take control and maximise their own-utility. In Indonesia, with local elections – similar situation is emerging
- Suppressed local conflicts, especially the ones against over-control by the national authorities, could destabilise the representation structure. Very relevant to Indonesia also eg. Ministry of Home Affairs is trying to control elections.
- Because of the civil communication capacity, local conflicts must be seen in the larger regional context, as more and more of them are inter-related. Eg Mindanao, in the Philippines, conflicts connected to Indonesia also.
- Social contextual issues to be addressed (social segregation; state-civil society engagement; open conflict between central government vs. local political entities; and economic and capital intervention)
- Illustration of the structures of the parliaments, the ombudsman, electoral bodies, etc. that could be the entries of external assistance are relevant as entry points for emerging democracies, like Indonesia.
- Approaches to interventions
 - To support the individual members of the parliaments
 - To enable them to work together with the civil society
- Not many parliamentarians have awareness on working together with civil society yet
- There is also pessimism in civil society about working with their representatives in the parliaments
- Entry points:
 - Individuals and bodies/organs in the parliamentary institutions
 - Civil society organisations
- Capacity development Approaches
 - Building of constituency relationships and dialogues
 - Awareness building among the parliamentarians
- Strategies:
 - Difficulties of the parliaments because they are co-opted by the executive government

- The need to promote the possibility of international assistance in the conflict/post-conflict situation in Thailand
- Openness of international assistance and synergies of their programme implementations must be promoted. This is an extremely important point. Stronger bilateralism – can impact on ideological developments in countries, esp. South East Asia
- Donor coordination and sensitization of their impacts
- This is seen as important, particularly regionally. Coordination is more artificial and formal with bilateral interventions.

➤ **F. Indonesia – Dr Satya Arinanto**

Nature of Conflict / Context

Regionally based ethnic conflicts.

The present unresolved national competition among the political powers and between the parliaments and the executive government have brought serious impacts to the current conflicts happening at the regional level. The direct elections of city mayor, district heads and governors, for example, become the reflections of political competitions among political powers at the national level, in which ethnic-regionalism remains an obvious characteristic.

The Lower and the Upper Houses of parliament have recently been engaged in tenuous competition to win the influence of the People’s Representative Council (DPR) and the Regional Representative Council (DPD). The members of the DPR were indirectly elected based on the semi-proportional system and the members of the DPD were directly elected by the people based on the single-transferable vote.

The slow process of political decentralization has caused the party patronage between the national political principals and the region to remain strong. Parties endorse regional candidates.

During the New Order under Suharto regime (before reformation), international donors and NGOs were reluctant to work with parliaments on politically substantive areas

Parliamentary System

Within a relatively short period (around 6 decades) Indonesia has experienced almost all systems of government: from the presidential, to the parliamentary, to the hybrid, and back to the presidential.

1945 Constitution has been amended 4 times, 1999, 2000, 2001 and 2002

Four periods

1. After independence 1945-49
2. 1949
3. Professional Constitution of 1950 – 1959
4. Back to 1945 Constitution 1959 – 1999

Currently there is a shift from a parliamentary to presidential system. An asymmetric bicameral system exists.

Important Issues

- These changes show how the country has dealt with immense political skirmishes caused by the struggle of political powers and parties to suffice their own interests with less concern about the creation of an established system that could assist the country’s development.

- Though it has been institutionalized, the political conflicts will seemingly continue, especially if the regional revivalism is taken into consideration.
- The Standing Order has become a powerful tool for the groups in the parliaments to make sure that the rules and procedures could maximise their role and authority when accomplishing their functions.
- Political parties lack capacity. Engagements between political parties and their constituents as well as between themselves and the parliaments are weak and occasional. This is why political parties in Indonesia have not been in the position to foster the peace building in larger national and regional context. Once elections end, the parties' roles often ends.
- Parliamentarians are beginning to visit their constituents as parties do not. They are trying to establish parliamentary autonomy. Public scrutiny of decision making in the Parliament is increasing, although the quality varies regionally.
- Voter education has contributed to minimizing conflicts. Capacity building has lead to decrease of conflicts within parliament.
- Civil society empowerment, executed by national and international NGOs has also generated positive impacts on the capacity of civil societies in dealing with parliamentary institutions and processes.
- In accordance with decentralisation policies, capacity building for parliamentarians has increased abilities to generate public policies better sufficing the conflicting interests of various political groups.
- Consistent programmatic parliamentary support contributed to the capacity enhancement of civil society, as well as to political participation
- It has been foreseen by international donors and national and international NGOs that parliamentary programmatic support will have to integrate both peace building and sustainable development.
- Integration will also be needed between the functional approach and the actor-centred approach to interventions.
- The importance of coordination is emphasized; international assistance is beginning to undertake this approach. There have been efforts by each donor and NGO to differ from others when it came to programme formulations and implementations. This situation has generated a unnecessary programmatic and territorial claims.
- Parliamentarians are requesting that donors and NGOs discuss and synergise their support with them.
- Management support, operational strategies and capacity building approaches have been in larger extent externally lead.
- The Indonesian regulatory framework requires all international assistance (and also the national ones) are provided to all political institutions based on a non-partisan approach.
- Pertaining the connections between the parliamentary strengthening and peace building and sustainable development, there have been more and more demands stated by the parliaments. Those demands have been contextualised by the prolonging regional horizontal conflicts and by the new emerging conflicts triggered by the regional direct elections.
- It has been observed during this study and long before, that external programme supports have given more emphasis to the immediate results. This tendency could probably caused by the promises of the project implementers to their donors.
- The present social and political dynamics reflect growing multi-layer or multi-arena conflicts. Many national and international actors have been busy with normative governance reform

supports, not enough has been done to support parliaments in conflict and post conflict transitions

- Support to the parliament through programmatic interventions should continue as; (i) the newly established parliamentary system is considered to be the backbone of democratization and reform of governance (ii) various support in thematic areas has shown that with better inputs from civil societies and substantive reform, parliamentarians have produced better results (iii) even with the change toward a presidential system, the parliaments are still seen as the strategic agents for check and balance to the executive governments.
- Support to the parliamentary institutions at the national and regional levels is; (i) basically directed to capacitate the law makers and the law making processes, (ii) important to assist negotiators of conflicting interests in dealing with multi-actor priorities that have caused conflicts among political powers in Indonesia, (iii) *necessary as with* the direct elections and the shift toward presidential system, political patronage between the principals and regional agents still exists.
- Continued international assistance can generate positive impacts by enabling parliamentarians to better deal with the post crisis and conflict stabilisation. *It* has also exposed the Indonesian parliamentarians to international exchange of parliamentary learning and knowledge and has promoted champions in the parliaments who have become the vanguard of good and democratic governance principles.
- Future work should include parliamentary assessment which could provide the basis for support agreements.
- Donors and NGOs need to improve their transparency and accountability in managing parliamentary support in the country.
- *Partnerships between* parliaments and donors could be developed with the sharing of financial resources to facilitate capacity building activities.
- *More serious effort* to provide information of international assistance to parliamentarians is important.
- There have not been many inquiries on international assistance that are related to peace building and sustainable development both in terms of coverage and effectiveness.
- International donors and NGOs should be in the position to help the parliaments in formulating the strategic and programmatic framework.
- There exists a necessity to follow up efforts to yield more sustainable impacts, because in many of the supported activities, the parliamentarians have been placed as the recipients rather than the principals of programme implementations
- It is certainly important for donors and NGOs working in the parliamentary capacity building to appreciate the leadership and political changes in Indonesia.
- In Indonesia, more and more demands have been stated by the parliaments to donors and NGOs for the improvements of competencies of political groups. Most of them are very substantive. The competency improvements could be divided into several aspects, i.e.: functional, substantive, structural, and individual.
- The current political context has challenged the parliamentary roles in peace building, conflict preventions, and sustainable development. There are several entries that could be further explored where international assistance could contribute.
 - *First*, in terms of the internal conflict among the parliaments, revisions of the Standing Order could be the initial help. *Second*, parliamentarians are political leaders with wide range of supports from their respective political groups. *Third*, as the law makers, the

- parliamentarians are in the position to create laws that could resolve conflicts or maintain peace.
- The installation of a more democratic structure is not directly correlated to the capacity of those democratic organisations and institutions in conflict management and peace maintenance.
 - Impacts that have been generated by various international donors and NGOs have been primarily positive and meaningful for parliamentary capacity building. However, the impacts have been limited to this area.
 - It is very important for parliamentary capacity builders to opt for more conflict sensitive instruments, because of two emerging realities: the requirements for peace maintenance for sustainable development and the emergence of wide spreading conflicts cause by the opening up of more democratic processes.
 - Donors and the Parliament should share commonalities in goal setting, especially related to critical elements that could substantiate the political transformation.

➤ **Response, Thailand – Ryratana Suwanraks**

General

Area of Study

- 1) Roles of parliamentarians in conflict situations (present & desired) - Thailand
- 2) Roles of international assistance - Indonesia

Approaches

Indonesia: Focuses on assessing international assistance and then moves to the roles of parliamentarians and conflicts

Thailand: Discusses the conflicts in the four southern most provinces, then discusses the roles of parliamentarians and finally International assistance

Issues of peace – arise later in the study.

Issues

Indonesia: inter-regional conflicts related to decentralization policies, conflicts affected by local elections, deep-rooted political conflicts persisting in areas like Aceh, West Papua.

Thailand: Conflicts in the four southern most provinces.

Concepts within Reports

Strong correlation between peacebuilding and sustainable development (access to justice and fairness, sustainable democracy)

*** Broad interpretation of support to Parliament (indirect support) eg civil society support, without dealing directly with Parliamentarians and strengthening universities. Mentioned in both studies

Context of International Assistance – very different

Indonesia: Strong presence of donor community

Thailand: Weaker presence of donor community

In Thailand there is no competition amongst resources. The Prime Minister of Thailand has asked for technical assistance not donor recipient money.

Both countries have the following problems

International Assistance

- Short-term activities

- Aid coordination
- National ownership

Parliament

- Executive branch vs Legislative branch
- Secretariat
- Role of Parliament vis a vis conflicts

Both countries have a strong executive branch that controls interventions in this respect.
Both recognize that neither parliament is sufficient at this point.

“How tos” -

- Long-term, programmatic, strategic activities in support to Parliament
- Civil society empowerment, its relationship with Parliament (public space, access, empowerment)
- Indonesia: political parties – interesting concept not the same as the Thai situation.

Entry points

Institutional/structural support, capacity building support (learning process, comprehension)

- Academic role and universities – catalytic for change – to provide learning, and promote comprehension and understanding.
- Indonesia: Parliament as peace agent
- Champions – this is important
- Role of information – in regards to the conflict to the people and to promote peace and trust in the parliament
- National ownership

Parliament

- Institutional/structural support, capacity building support (learning process, comprehension)
- Indirect support for civil society empowerment

International Assistance

- Long-term, programmatic support
- Donor coordination
- National ownership
- Transparent information sharing

All recurring themes in case studies

Entry Points

Indonesia

e.g.,

- Parliamentary assessment
- Civil society support
- Political parties
- Parliament as agent for peace
- Internal conflicts of Parliament

Entry Points

Thailand

e.g.,

- Development of tools (institutional mechanisms– management institution & knowledge-based institutions) an independent knowledge base –separate from parliamentary funded, which could provide indirect support to parliamentarians and the public – information on peace and the process etc
- Indirect support to civil society activities
- Network of institutions (social institutions) – to assist parliamentary strengthening
- Knowledge-based activities (learning process, comprehension for change, research & knowledge products)

G. Sri Lanka – Dr Pakiosothy Saravanamuttu

Nature / context of conflict / Parliamentary system

Ethnic conflict.

LTTE not represented in parliament – TNA are the effective proxies in parliament. The test for government's commitment to peace might be reflected through their willingness to contemplate and effect interim institutional arrangements involving LTTE through extra parliamentary modalities.

Ethno-political dynamics of parliament itself, rendered it ineffective, and lead to conflict outside institutions and violence.

SL has experience both Parliamentary and presidential systems

Post independence – 1948, under a modified Westminster model of parliamentary government.

The Independence Constitution included an implicit bill of rights and clear separation of powers however reliance was placed upon officials and politicians, particularly the majority Sinhala Buddhist community to develop a culture of constitutional government that was receptive and responsive to minority concerns. The expectation was not fulfilled in the post-independence politics of SL. The liberal democratic framework for majority rule was occupied by the ethnic-nationalism of the majority to the exclusion of minority aspirations.

Issues

- Conflict resolution or management has not been promoted in parliament. Parliaments have actually given expression to alienation and indifference regarding minority concerns.
- In 1972, SL was constituted as a republic. The constitution developed was a unitary one, repealing section 29 – the safe guard against discriminatory laws, and entrenched Buddhism as the foremost religion of the nation. Tamil requests for federalism were not adequately considered and they withdrew from the process.
- 1978 – hybrid presidentialism – strengthened the executive at the expense of parliament. Also the constitution relied on the President to promote minority accommodation without providing adequate structural checks to ensure such.
- The role of parliament during this time and post 1979, was not significant given the strong majority, although some acquiescence to the executives position was present in the main opposition.

- Parliamentary select committee 1991-1993, ended inclusively with a lack of consensus on the devolution issue, although consensus was established that substantial devolution was essential for a feasible resolution to the conflict.
- Relative marginality of parliament vis a vis the presidency in the constitutional context, the political conflict was played outside of parliament as the LTTE was not represented in the deliberations.
- Parliament was not actively or effectively involved in decision-making, implementation or monitoring of initiatives.
- Issue of untrammelled majoritarianism.
- Parliament in SL has not contributed to conflict transformation. It has been representative and inclusive – and as a consequence became a site where conflict resolution could not take place but rather conflict sustenance.
- The study highlights the difference between peace talks and the larger peace process – which comprises the actions of CSOs, and organized political actors, which contribute towards building trust and reconciliation amongst post conflict communities. Similarly, representatives from diverse and antagonistic interests have a forum within parliament to directly engage, which should be the essence of conflict transformation and resolution.
- Relevance for parliament when operating in a context in which the balance of political and constitutional powers are weighted and the political power privileges the executive – the parliament has to be able to reassert itself again – its role and the way it can perform.
- The role parliament should play is the fullest realization of its conflict transformation potential.
- The challenge lies in galvanizing public support and legitimacy for peace. As a representative entity and by sustaining an environment for debate towards a final settlement, parliament can play a crucial role in the peace process – rather than through direct involvement in peace talks.
- Focusing on budget and oversight functions is an important way to establish parliamentary legitimacy – this is one of the most core functions. Importance is the same as in Timor – in terms of basic minimum functions.
- In donor assistance – once parliament realizes its conflict resolution potential and wants assistance realizing this, then donors should respond.
- Donors cannot initiate it. Some parties now see the role of NGOs and CSOs – as agents of the West and as lacking any mandate for reform.
- Donor assistance and support can therefore easily be self defeating. However, if there is a self realization from parliamentarians themselves that they need capacity to undertake their basic minimum functions then assistance can enter in those fields.
- Providing assistance to any parliament to enhance deliberative, oversight and monitoring functions in their basic and primary areas where parliaments have a duty to get involved in.
- The oversight and accountability functions of parliament work best when underpinned by a culture of political maturity and unequivocal commitment to peace. Where this is absent, as in the SL case, parliamentary oversight and accountability even in terms of establishing and ensuring compliance with a set of general principles to frame negotiations is difficult. A consequence of this may well be the limited nature of advances in the peace process effected through the executive. Parliament may be able to go further but in order for it to do so, there has to be a fuller realization of its conflict transformation potential than at present.
- Parliament should not just be a venue for airing disputes – but also one for airing solutions.
- Need to reemphasize the role of parliament to make it a genuine forum of redressing grievances and as a legitimate institution of deliberative democracy.

➤ Response - Nepal, Shantam Khadka

Similarities

Party conferences as preconditions for peace processes

Attempts for peacebuilding took place outside parliament

No automatic assumption of the role for Parliaments in conflict resolution or peacebuilding. May be authorized to ratify the peace accord rather than get involved in its negotiation.

Parliament may have fuelled the conflict – In Nepal – poor governance, poverty, unemployment are the root causes

SL – foreign country intervention

India has a role in Nepal also.

Differences

No representation of rebels in Parliament in Nepal unlike SL

H. Nepal – Secretary General, Mr. Surya Kiran Gurung

General

Nepal was founded in 1769. It is a Monarchy with 20 million people - multicultural. Agro-based economy. Per capita income US 250.

Nature / Context of Conflict

Ethnically based

February 1996- beginning of Maoist "People's war"

Maoist movement is related to communist movement in 1949. At different times, CP has splintered into groups and the present Maoist group one of those.

1974 – idea of armed conflict arose

1988 – sector scandal – police posts attacked in Kathmandu Valley. Failure and leader removed of Maoist party

1995 – Nepal Communist party Maoists affiliated with Revolutionary Internationalist Movement – relationships with India, Bangladesh and perhaps Tamil tiger established.

In 1996, prior to conflict – Maoists had 40 demands: 3 main demands

Main demand – a people's republic – presidential system of governance established through a constituent assembly.

Main cause – that centralized form of governance had not recognized or provided services for disadvantaged groups – and therefore with the establishment of democracy, people had high hopes for change. Government and political parties were not able to perform this role.

Fueling factors (feudal social character, poor governance, rampant corruption, exclusion any practices, unemployment, poverty, social discrimination, ethnic & social tensions, inequitable distribution of resources and weak leadership.

After the second general elections it was worst, a hung parliament, party defections occurred, party splits.

The government programs also didn't reach the poorest people, thus giving the Maoists a foothold.

The government reacted to the Maoist problem by seeking to suppress them.

Parliamentary system

1990 saw the restoration of democracy – bicameral parliament. Parliament consists of His majesty, House of Representatives and the national assembly.

The Lower house (HOR) consists of 205 members who are directly elected by people. National Assembly is 60 members, 35 elected indirectly by lower house, 10 by king, others by officials of local level bodies.

Lower house are responsible for policies, programs and budget of gov't and are autonomous – freedom of speech, can initiate charges for contempt, breach of privilege etc.

Parliament has two sessions per year. If 25 % of the lower house request the king for a special meeting, that can be called by king, there have been 7 so far.

There are 9 committees in the HOR, 4 standing committees in upper house and special committees.

Lower house can be dissolved on recommendation of the Prime Minister. National Assembly cannot.

Maoists - 9 seats in the Parliament (before split),

Feb 1, 2005 His majesty took over. 3 year period requested to restore order. Political parties are not happy about situation and want to be reestablished to assist resolution of the problem.

All negotiations prior – were done by the executive, didn't involve the parliaments.

Issues

- Approaches of Parliament and parliamentary parties on conflict
 - No clear-cut plan, programme or proposal proposed by the parliament
 - Political parties obsessed with own interest
 - No unanimous attitude towards Maoists- in parliament.
 - Coalition government thought laws were inadequate to deal with the Maoist problem
 - The parliament passed many bills considering the Maoist problem
- Government's dealing with the Maoists violence
 - NC-government launched police operations- suppression has its own counter products
 - Other political parties were against the NC government's suppression
 - The political change after 1st Feb. 2005 has made the situation more complex-triangular conflict
- Ex-parliamentarians views
 - Peace and security- top-most
 - Political problems-should be solved politically in the parliament
 - Leaders of the parliamentary parties-negotiation became possible but not a solution
 - No consensus- among political parties
 - 7 political parties made an alliance-demand for reinstatement of the parliament to let the parliament deal with the situation
 - Democracy has been attacked by both-king & Maoists,
 - Maoists and government both want to solve this militarily
 - Inter and intra-party wrangling- cause for Maoist strength
 - Parliamentary system has not failed in the last 12 years
 - Parliament failed to address people's expectation- only power politics
 - Parliamentarians give little attention to their electorates (civil society)
 - Dissolution deprived the parliament from active role in conflict resolution

- King's step of Feb.1 2005 is termed to be as against peace democracy and present political structure, against constitution (political harmony, but same people welcome...)-(groomed under Panchayat system),
- King and political parties should have common stand for negotiation with the Maoists
- Political parties need to be flexible (either reinstatement of the HOR or go for fresh election)
- King should be a constitutional monarch
- About the three demands of the Maoists: (round table meeting, all party government and constituent assembly)
- These issues can be discussed in the parliament so its revival a must (mainstream political parties)
- Coalition of 7 parties are ready to accept round table and all party government.
- Constituent Assembly may complicate the situation and high probability of creating more problems
- Maoists views on continuation of the democratic or parliamentary system is not clear; some people feel no necessity for going for a Constituent Assembly or amending the constitution keeping intact the democratic frame work and constitutional Monarchy
- Peace should prevail
- Elections have not yet been declared (only municipal elections)
- Role that parliament can play -
 - Environment for peaceful negotiations
 - Environment for peace talks
 - Monitoring of agreements and code of conduct for ceasefire – being agreed to and implemented by the political parties
- Looking forward to an Alliance between democratic forces to resolve problem
- Enduring peace can only be ensured through negotiation and not force
- A different code of conduct of parties to conflict must be drafted and they must adhere to that
- International assistance can support parliament through procedural, HRD and legislative reform, technical support, assist it to become more representative, efficient and effective.

➤ **Response - Sri Lanka, Dr Pakiosothy Saravanamuttu**

Important Issues

- A number of similarities between Nepal and SL, although crisis in Nepal currently may be more acute.
- Both illustrate a crisis of government and a crisis of legitimacy in South Asia.
- In both cases, fundamental institutions of democracy and representativeness are being challenged.
- At least two rival centers of power and authority in both countries. Arguably a third. Some differences there – Nepal's political parties are in danger of having “played themselves out of the game.”
- They do not have the space for independent initiative. Their continuing relevance is contingent upon what the monarchy and Maoists will do. The parliament may have lost the initiative for carving out a middle ground. Therefore, as a third center of power and authority – they are the weakest.

- Similar reasons in SL for this. The parties came into some political disrepute that is, zero sum power politics between them – win -lose, scramble for power, greed for power, no notion of national interest, imprisoned by petty party politics.
- Until political parties can resolve that, the great paradox, especially in SL is where violent armed hostilities serve as the catalyst for greater debate about democracy.
- Parliaments need to assess whether there is a social infrastructure there to be able to take that debate to its full conclusion. In Nepal, the political parties need to ask themselves if they do have a role to play and can we overcome, petty party politics and individual differences in order to be able to play it.

I. Afghanistan – Thusitha Pilapitiya and Hiroko Takagi

Nature of conflict / context

Special case – no parliament yet in Afghanistan, elections in September.

Mixture of conflict and post conflict situation in Afghanistan.

Parliamentary System

New parliaments – being part of an externally driven process- donors imposing models. Afghanistan is very well documented. After the Bonn agreement, donors got together and a constitution commission assisted Afghanistan to define the bicameral parliamentary system.

The new constitution has a lot in common with the 1964 one. The difference is the role of the king has been replaced by the President.

Risky – as the president has great powers which could jeopardize the functioning of the parliament. Given that situation, perhaps the new constitution is not really donor or externally driven. Afghanistan has tried to democratize in the 60s and had elections in 1965, 1969. Not the most successful elections – and only 10% population voted. Governments not sustained.

1973 – when King out of the country new communist based government took over and developed a more communist oriented constitution was developed in 1979.

Lesson – need to ensure that new constitution and parliament does not have the same fate.

Religion, culture and violence used to control women.

25% of seats in parliament in lower house are for women and 50% of one third who will be nominated by president will be women for upper. Many returned educated women – so for upper house not such a problem. For lower, houses of women candidates have been burnt, pressure is applied on women to not contest elections. Quota's affectivity unsure given cultural situation of women.

Important Issues

- Overambitious parliament – lower house is provincial representatives – so this is ok. Upper house consists of thirds - one - presidential nominees, one - provincial council and one - district council nominated. District council nominated was dropped as the district boundaries are not yet known.
- Although no budget for provincial councils, constituencies are the same. Last elections had one constituency – you could vote anywhere. But that is changing now – have to register in areas.
- Electoral commission decided against advice, that a single non transfer system will be developed. Very difficult process, perhaps 300-400 candidates.

- Parliament elections were supposed to be at same time as presidential. Electoral process was a concern – but much less focus on what happens after. Identification of counterpart was an issue – there was discussion of legislative affairs advisor for president – but not resolved.
- Started working with Civil service commission who would appoint counterparts. Looked at how they could support that and also donor coordination in advance.
- Lack of human resources also. No funding for staff put in place. Many afghan ex pats are being employed, however, they are also experts and international rates and short term.
- Priority reform and restructuring program uses this approach – but this is short term – if they want to be absorbed into the national structure – they will have to accept national wage. UNDP supporting training for a new set of secretariat staff.
- No national budget yet for parliament. Infrastructure completely missing. Not enough space for MP offices in newly renovated building.
- Fragile security situation – disarmament program. Former warlords will be parliamentarians.
- Conflict and ongoing violence – some don't want democratization –
- Support to security sector, so elections can take place, then electoral education, then voting support etc. Context of women.
- Donor interest has been maintained in Afghanistan
- Small budget for parliamentary program
- Staff are funded through the PRR process (priority relief and reform).
- UNDP has focused on support to basic systems for parliaments.
- Lack of parallel institutional support, media, civil society, police and judiciary
- Trying to focus on linking interventions and to maximize chances – elections work is being tied to parliament.
- Public outreach activities for parliament and engaging them into transparency and accountability