

STRENGTHENING PARLIAMENTS IN CONFLICT AND POST-CONFLICT SITUATIONS: LATIN AMERICAN COMPONENT

Following days of violent protest in the streets of Quito, the Ecuadorian Congress voted to remove President Lucio Gutierrez from power on 20 April 2005. President Gutierrez was the seventh Ecuadorian president, and the third to be driven from office, since 1995. The interruption of another presidential term in Ecuador increases the sense of a crisis of governance in the region. During the past two decades there have been 15 Latin American and Caribbean presidents forced out of office by congress, military pressure and/or amidst riots in the street (Valenzuela)

The trigger that led to the ouster of President Gutierrez was related to control of the Supreme Court; twice within a four month span he dismissed and reconstituted the court on grounds that are widely perceived as political rather than legal. Sixty Ecuadorian parliamentarians from the 100 member congress voted on a clause in the constitution permitting the removal of a president for abandonment of his post—arguing that the presidents’ efforts to control the Supreme Court violated the laws and went beyond constitutionally mandated powers.¹ Now actions of the parliamentarians are also under scrutiny, the Organization of American States (OAS), the regional institutional charged with the “defense of democracy,”² sent a mission to Ecuador in April to determine if the ousting of the President was constitutional. In turn, the media has questioned why the OAS did not act in December 2004 when the President precipitated this crisis by dismissing the Supreme Court.³

Beyond manipulation of the justice system, analysts have pointed to other problems that contribute to an economic and social crisis in Ecuador, including corruption, inequity, poverty and unemployment. “The President only part of a larger weakness in the system related to decline of traditional political parties, disregard for the law, disenfranchisement of all,” stated Adrian Bonilla, Ecuador Director of Association of Latin American Social Science Faculty (FLASCO).⁴

The turn of events in Ecuador provides a regrettable but revealing introduction to this paper and the corresponding cases studies that focus on strengthening parliaments in situations of conflict in Latin America and the Caribbean. As part of a global study of parliaments undertaken by UNDP and the Government of Belgium, this conceptual overview addresses two questions. First, what particular roles have been played by parliaments in situations of violent conflict, post conflict and social tensions in Latin America and the Caribbean? Second, how has international development assistance contributed or not to an increased role of parliaments as an institution for conflict management and resolution?

This paper is intended as an introduction to the particular context of parliamentary development and international assistance to parliaments in Latin America. The first half defines and explores the concept and potential of parliaments as institutions for conflict management. Conflict in the Latin

¹ “Ecuador Congress Sacks President,” BBC News World Edition (20 April 2005)

² Gaviria, Cesar, Introduction, Inter-American Democratic Charter (September 2001)

³ Sanchez, Marcela, “OAS Shooting the Wounded in Ecuador,” *The Washington Post* (April 28, 2005)

⁴ Quoted in *Diario Hoy*, April 2005

America context is considered as well as the different roles parliaments have played in specific situations of crisis and conflict in Argentina, Bolivia, El Salvador, and Guatemala. The second half of the paper offers an overview of the key programmes of international assistance directed at parliaments in the region. The conclusion presents a series of lessons and recommendations drawn from the regional experience that aims to inform external actors in their efforts to develop more effective programming in support of an increased role for parliaments in conflict management, including conflict resolution, peace building and post-conflict sustainable development.

This paper aims to reflect on some of the shared issues identified in the cases, provide related cases as relevant and develop a set of shared recommendations. It must be stated, however, that this study was limited to a desk review of research in the field, available project descriptions/evaluations and a few interviews and thus is not intended as an exhaustive review.

DEFINITION OF TERMS

Parliaments

In most governments, parliament, as the legislative branch of government together with the executive and judicial branches, is one of the three institutional powers of a political system that serve to balance the exercise of power, constraining the capacity of any one branch of government to act independently. As representative assemblies convened to shape policy and oversee its implementation, a functioning parliament is one of the core institutions of good government and democracy. (Johnson, J. & Nakamura R., USAID 2000)

While varying in form, parliamentary institutions in democratic countries are characterized by three basic functions: representation, lawmaking and oversight. As representative bodies, parliaments are envisioned as the branch of government which is closest to the people, both in terms of allowing constituents greater access to decision-making processes and in terms of membership. Ideally, parliaments reflect the diversity of the population in ethnicity, gender, and religion. By articulating, negotiating and enacting legislation, parliaments translate societal preferences into policy. The legislative function requires procedures capable of reconciling conflict between differing interests in a society. Oversight typically takes place after a law is passed and involves monitoring the executive branch for effective implementation of policy.

On a structural level, the scope and extent of formal legislative powers to enact laws, the internal management of the legislative process, the capacity of the administrative structure, the availability of research and information systems and the political space afforded to parliaments in comparison to the executive branch and political parties, will impact the effectiveness of a parliament. Parliaments frequently lack the human and material resources needed to fulfill its basic functions. (*USAID Handbook on Legislative Strengthening*, 2000)

Beyond structure an important variable in parliamentary effectiveness is the political party system. As an individual moves from role of political party candidate to taking up his/her position as a member of parliaments, they take on the responsibility not only to represent their constituency but to form part of the democratic process, which sometimes requires relinquishing partisan interests in

order to accommodate the interests of others. Yet the loyalty of parliamentarians to political parties or leaders frequently overshadows their interest for the legislature as an institution. If one party dominates the system, the parliament will often have a diminished capacity to conduct independent law-making. (Johnson, J. & Nakamura R., USAID 2000) On the other hand, if the party system is fragmented into many smaller parties, the challenges of negotiating between and among so many competing interests can lead to gridlock.

A well-functioning parliament contributes to good governance through the conduct of its everyday business by actively shaping policy and overseeing its implementation in ways that represent the values and interests of citizens. (O'Brien, M. 2005) Recently, parliaments are receiving increased attention by scholars and international development practitioners for their potential role as institutionalized mechanisms for conflict prevention, resolution and peacebuilding.

Parliaments...are forums uniquely designed to address contentious issues and relationships in conflict-affected societies thereby contributing to peacebuilding efforts. (O'Brien, M., 2005)

Why parliaments? In a recent paper for the World Bank, Mitchel O'Brien focuses on the potential of parliaments to affect the lives of a majority of citizens through enactment of legislation, building consensus across groups and interests through its representative quality, shaping policy that integrates the promises of politicians and the expectations of citizens. Parliaments have the potential to be vertical actors. The concept of vertical actors, as articulated by John Paul Lederach in his extensive work in peacebuilding, refers to the idea of a person or institution that has the ability to communicate up and down the hierarchy of a society. The access of parliaments to the executive, i.e. the president or prime minister, above and their constituents below, is a capacity that can be highly useful in situations of conflict and peacebuilding.

O'Brien makes two points in his paper *Parliaments as Peacebuilders: The Role of Parliaments in Conflict-Affected Countries* that are particularly relevant to Latin America. First, he develops a strong argument for the potential role of parliaments in poverty reduction. He cites the research that indicates a high correlation between poverty and conflict, and explains how parliaments can change the environments that enable conflict by passing laws that ensures an equitable distribution of resources. "Inequitable environments create conditions ripe for those motivated by greed to kindle conflict," writes O'Brien.⁵ Implementing pro-poor development policies, investing in social capital and seeking greater participation in international development initiatives such as the Poverty Reduction Strategy Papers (PRSPs), are some ways that parliaments can contribute to poverty reduction.

Most conflicts are linked either directly or indirectly to economic demands.
(Sist, 2005)

⁵ O'Brien, 2005, p. ?
Ana Cutter Patel
agc17@columbia.edu
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O'Brien also discusses how the design of parliament and the electoral system has important implications for representation. Building on the assumption that the more representative a parliament, the more effective it is in terms of its contributions to peacebuilding, he argues that a representative parliament lays the foundation "for the emergence of a constructive conflict culture."⁶ His argument makes sense, broad participation in political institutions means that a larger percentage of the population feels that its concerns are being represented. But the goal of representation must be accompanied by procedures for negotiation, decision-making and a capacity to balance majority and minority interests. In the context of Latin America, the emergence of an array of new political actors is having a destabilizing effect. Ethnic groups such as the Movimiento al Socialismo (Movement towards Socialism, MAS) led by Evo Morales in Bolivia, the Confederación de Nacionalidades Indígenas (Confederation of Indigenous Nationalities of Ecuador, also known by its Spanish acronym Conaie) in Ecuador and the Movimiento Etnocacerista ('Ethnocacerista' Movement) in Peru, are claiming a greater degree of territorial and political autonomy. The departures of presidents in Bolivia and Ecuador in the last two months is in many ways linked to the problem of antiquated, bureaucratic and dysfunctional parliaments, party and electoral systems unable to meet the demands of these new political actors.

Conflict

Conflict is an integral and necessary part of a representative, democratic system. The concern of this initiative is not the elimination of conflict, but how to resolve and manage conflict non-violently. Many of the case studies developed for this global study and focusing on other parts of the world will focus on armed political conflict—often between government and internally-based groups—where force is used to achieve specific political objectives. In Latin America armed political violence is still a reality, but recent conflict in Latin American more often unfolds as governance crises leading to mass protests and violence. As the boundaries between political, criminal violence, violence as a result of governance crises are disappearing conflict throughout the region requires a broader definition.

In terms of political armed conflict, Colombia's 40 year war, active throughout the country and with impacts throughout the region, causes the death of thousands of people every year and it has claimed 40 000 lives the past decade alone. But like many so-called "new wars" it is a conflict that has many roots. The 2003 Colombian Human Development Report describes the 40 year war as many conflicts including economic, drug, rural-urban, ideology, political and territorial.

Violence is tightly entwined with the history of Latin America—historically through the colonial experience and, as well as the state-sponsored violence of the military dictatorships that governed in the 1970-80s. (Moser 2004) There are still many actors who view violence as the most convenient means for resolving conflict. Caroline Moser and Cathy McIlwaine maintain that the continued power of the military combined with the informalization and privatization of public security systems perpetuate violence. Moser and McIlwaine write of the "inextricable link between everyday violence, fear and insecurity,"⁷ as a serious development challenge in Latin America.

⁶ O'Brien, 2005. p. 8

⁷ Moser, C. and McIlwaine, C., p. ?

At 25.1 deaths per hundred thousand inhabitants, Latin America has the highest rate of criminal homicides, and by many accounts is the most violent region in the world. In almost all Latin American countries, violence is now among the five main causes of death, and is the principal cause of death in Brazil, Colombia, Venezuela, El Salvador, and México. The violence takes place in the streets, predominantly in the poor areas that surround every city in the region. The level of everyday violence and inability of most Latin American justice systems to do anything about it creates a sense of a culture of violence, which also has consequences for the home. Research shows that between 25 and 50 percent of Latin American women suffer some kind of violence at home.

A new source of violence in Latin America is what the United States National Intelligence Council terms ‘militant indigenism.’⁸ Identified a potential risk to hemispheric security, this trend is linked to the failure of governments to find solutions to extreme poverty and ingovernability, which creates enabling environments for populism, radical indigenism, terrorism, organized crime and anti-American feeling. Dirk Kruijt and Kees Kooning, in their book *Armed Actors: Organized Violence and State Failure in Latin America* stress that the proliferation of ‘armed actors’ in the region is partly due to ethnic tensions that are violently erupting in various countries, particularly in the central Andean countries of Ecuador, Peru and Bolivia. In a recent column, Michael Weinstein predicts a ‘cycle of instability’ in the Andes, the indicators of which are “massive protest marches, road blocks, the taking of official buildings, regional rebellion, uninvolved governments and anti-constitutional attempts by governments to extend their powers.”⁹

The relationship between violence, livelihood insecurity and increasing vulnerability is only recently gaining attention from security experts and international development practitioners. The Inter-American Development Bank (IADB) estimates the economic costs of armed violence in Latin America to have been between \$140 and \$170 billion per year during the late 1990s – approximately 12 percent of regional GDP.¹⁰ High levels of violence and armed political conflict also have a degrading effect on democratic systems. Civilian control of the military is an essential characteristic of a democracy. In countries experiencing high levels of violent conflict the army has a greater influence in governance and the rights of civilian are often subsumed in the name of military objectives. High levels of insecurity are usually countered with a proliferation of informal security arrangements that put into question sovereign control over the use of force.

As a consequence of this growing understanding of the impact of violence and conflict on development, the recent report of the UN-convened High Level Panel on Threat, Challenges and Change offers an expanded definition of security “any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system.” The expanded definition better reflects the reality in Latin America by including development related threats such as threats to economic and social welfare, governance crises, inter-state conflict, internal conflict and transnational crime.

CASES STUDIES

⁸ National Intelligence Council, 2004

⁹ Weinstein, M. 2005

¹⁰ Inter-American Development Bank

Four cases studies were developed in correspondence with this overview paper. The cases studies on Argentina, Bolivia, El Salvador, and Guatemala, analyze in greater depth the role of parliaments in situations of crisis and conflict and evaluate international assistance to strengthen the parliament's role in preventing and resolving social conflict.

In deciding upon criteria for selecting the cases for this study, the group first agreed to identify a variety of types of conflicts, i.e. tensions leading to social unrest, situations of violent conflict, post-conflict peace process. There was also interest in presenting a variety of parliamentary responses. The decision was made to limit the study to cases where the conflict had a profound impact on the governance system in a country. And given the focus of the research question, it was essential to select cases where legislative bodies and the international community played a role.

The cases studies are organized in three parts: first, the story of the conflict; second the role of the parliament and finally; the interventions of external actors and the appropriateness of international assistance. In examining the role of parliaments in situations of crisis, researchers elaborating the case studies were encouraged to develop analysis along two levels. The first level focuses on how the parliament functioned in terms of its three basic functions: legislative, representative and oversight. The second level of analysis examines the elements within a governance system that effect institutional capacity for conflict prevention, for example, how is power concentrated in a particular government system, what is the role of political parties, and/or electoral and political financing laws.

Argentina

In 2001, the collapse of the Argentine economy, soaring poverty and unemployment and political crisis led to violent protests between citizens and the armed forces, and 35 people dead. In the midst of this catastrophe, Rodolfo Mariani describes the astonishing leadership of the National Congress, which emerges from institutional paralysis to multi-party agreement on an institutional and constitutional solution, becoming the guarantor of a sustainable transition.

Bolivia

Arthur Sist offers a comprehensive study of the Bolivian congress in the country's recent turbulent history, in particular after the series of massive peasant demonstrations culminating in the "Massacre of the Gas War," which led to the resignation of President Sanchez Lozada in October 2003. According to Sist, the violent protests of 2003 marked the end of an 18-year period of relative democratic stability in Bolivia's history and the onset of the current situation of a period of "a serious reduction in the governability of the country" (Sist, 2005). The role of the Bolivian congress in crisis has been primarily passive; however, skillful leadership in the period immediately after the resignation of President Sanchez in terms of providing for a transparent and constitutional transfer of power and rapid movement on constitutional reform to defuse the crisis briefly raised the prominence of congress as an institution for conflict/crisis resolution. Gridlock between the executive and the legislative, a general loss of party discipline and a trend toward regionalism has unfortunately characterized the congress since that time.

Legislative function is the primary instrument that congress has to prevent conflict, or to resolve it through appropriate and timely legislation. (Sist, 2005)

While recognizing the achievements of international efforts to increase the representative function of the congress, one of his most interesting conclusions is the negative consequences—the rise in representation has led to the increasing dominance of regional interests in the legislative body, and an overall decrease in governability. In general, Sist finds that international development assistance to the Bolivian congress has been insufficient and short-lived. In terms of future assistance, he emphasizes the role of the congress in its legislative and oversight function and thus offers one recommendation, among others, that donors focus on the strategic functions of parliaments, starting with the legislative function.

El Salvador

In 1989, the Government of El Salvador and the Farabundo Marti Liberation Front (FMLN), representing joint forces of five political-military organizations, agreed to end the armed conflict which raged for eleven years and negotiate a political settlement. Alejandra Jessup describes the role of parliament in the El Salvadorian peace process as instrument rather than a protagonist. The Legislative Assembly has to pass and implement the legislation that supported the 1992 Peace Accords, but actions taken often represented partisan politics rather than independent support for institutionalizing the Accords.

The positions taken by the Legislative Assembly tended to reflect the political will or lack thereof of the main domestic political actors and their interaction with internationally-led efforts to insure compliance. (Jessup, 2005)

Jessup focuses on the United Nations as a significant actor in the El Salvador process in terms of funding, mediation and the provision of technical support. The UN supported and facilitated the creation of COPAZ, the National Commission for the Consolidation of Peace, as part of the peace agreements. Constituted by representatives of political parties, the FMLN and the Government and guided by the members of the UN Mission to El Salvador, COPAZ became a significant player in the peace process taking on much of the work of parliament in developing policy and building consensus around legislation relevant to the peace accords. The process contributed to building capacity in the participating parliamentarians and political parties and, importantly, turned many of the decisions made in the peace process into law.

Guatemala

The 1993 crisis in Guatemala erupted during the period of transition from the 36-year armed conflict—a period which in Guatemala was distinguished by parallel processes of democratization and peace. Braulia Thillet maintains that the attempt by the sitting President Jorge Serrano to dissolve the Legislative Assembly and the Supreme Court and absorb the power of the judicial and legislative into the executive branch distinguishes itself from past crises because it was citizen rather than a military take over. The situation, rooted in the overall weakness of the state, high levels of corruption, a growing economic crisis, and the continued strong influence of the military and business elites in government, led to a profound public rejection of parliamentarians and forced President Serrano out of power. The crisis forced the Legislative Assembly to change the law, and

its own internal rules, and led to the establishment of the Party Forum, which mandates that parties send delegates to participate in multi-party discussions and come to agreement over a common agenda. In this case, states Thillet, the crisis of governance led to democratic reform and contributed to the evolution from a “democracia de fachada,” or superficial democracy, to a more representative system.

LATIN AMERICAN GOVERNANCE

A democratic deficit

It is commonly accepted that politics has lost relevance for many Latin American citizens.

Elena Martinez, Speech (February 2005)

Representative government has made great strides in Latin America and the Caribbean. While in the 1960s and 1970s dictatorships were the norm, today an elected government rules in every Latin American country except Cuba and Haiti-and Haiti is scheduled for its first elections in five years in fall 2005. (Valenzuela, 2004, Freedom House) Even where governments have fallen due to popular pressure as in Argentina, Ecuador, and Bolivia, this has happened within constitutional constraints.

Yet as many have commented, democracy is unfinished in Latin America. The most visible indication of this that from 1985-2005, 16 presidents have been removed from office early through impeachment or forced resignation, sometimes under circumstances of instability that have threatened constitutional democracy. Ousting the president is the most visible means by which Latin Americans express their dissatisfaction with the results of democracy in their countries.

Much of this dissatisfaction stems from a lack of state attention to basic social needs despite increasingly positive macro-economic figures. Economic growth for the region stood at 5.5 percent in 2004, the best in a generation. Yet the positive economic situation has had little impact on the lives of the poor. According to the recent UNDP Report, *Towards a Citizen's Democracy*, in 2003 poverty affected 43.9 percent of the population and extreme poverty some 19.5 percent.¹¹ Fifty million indigenous people in a Latin American population of approximately 400 million, and 80 percent live in poverty. And inequality in Latin America is the highest in the world. Overall it is an environment that enables conflict by marginalizing and disenfranchising a large part of the population making them more vulnerable to leaders willing to use violence to force change.

These serious socio economic challenges are a threat to continued democratic progress in the region. Governments with limited tax bases have few resources to meet these challenges. Corruption, ineptitude, and poorly organized social systems inhibit many attempts to progress on social issues.

¹¹ UNDP, 2004, p.5.

The lack of perceived benefits of democracy to much of the population, particularly the traditionally marginalized poor and indigenous peoples, is taking its toll. In a much cited 2002 study by the Chilean based public opinion research institute Latinobarometro, respondents polled in 17 Latin American countries said they supported democracy as a political system, but only 27 percent said they were satisfied with the results of democracy in their countries.¹² During the most recent crisis in Ecuador, a small but vocal minority advocated to the rejection of all politicians

People have no confidence in democratic process, if a newly elected president does not, or is perceived as not immediately addressing the countries' significant economic and social problems, then they go to the streets and demand a new president.(Official with Ecuador Mission to the UN.)

“Democracia de fachada” or superficial/shallow democracy is a concept introduced by Braulia Thillet in the Guatemala case study. The term suggests that while the rituals of democracy, i.e. the formation of political parties and elections, exist in Latin America, power is still negotiated among a small group of elites and democracy culture has not yet taken root. This is echoed by Jennifer Windsor, Executive Director of Freedom House in recent testimony to the U.S. House International Relations Committee where she asserts that Latin American has failed to “institutionalize” democracy, particularly in the areas of rule of law, transparency and accountable functioning of government. (Freedom House, 2005) UNDP’s Human Development Report 2002 refers to the idea of a democratic deficit.

Democracy is in a state of crisis in Latin America, but this is not entirely unexpected. Research on democratic processes by scholars such as Edward Mansfield and Jack Snyder finds that countries often go through a rocky, even dangerous, transition to democracy. (Manfield and Snyder, 19) The 2000 State Failure Task Force Report found partial democracies to be seven times as likely to fail. Partial democracies are defined as political systems with some of the trappings of democracy, such as elections and an independent judiciary, but these are combined with other conditions inimical to democracy such as fraudulent elections, limits on political speech or an extremely powerful executive. Partial democracies that correlate most strongly with a high risk of failure feature a powerful chief executive and a fractious or ineffective legislature. (State Failure Task Force, 2000)

On the other hand, crisis is not always a bad thing. In the case of Guatemala, author Braulia Thillet, argues that the presidential crisis of 1993 produced political and social responses that contributed to strengthening the democratic regime. Crisis and/or conflict can sometimes serve to advance processes that are somehow stuck or immovable.

PARLIAMENTS IN LATIN AMERICA

In Latin America parliaments have a serious credibility problem, and are placed by the citizens at the bottom of the scale of legitimate democratic institutions. Parliaments in the region suffer from a

¹² UNDP, Towards a Citizen’s Democracy, 2004

diversity of problems including the lack of capacity and skills, the weakness of the political parties, the subservience of the institution before the executive, poverty, amateurism, high levels of corruption and a distant relationship with the citizenry.

Historically, the experience of strong executives overwhelming the other branches of government is shared throughout the region. Under the military governments that dominated in the 1970-80s, Latin American parliaments were often reduced to rubber stamp bodies that simply passed the laws decreed from above. In this period of emerging democracies, parliaments are characterized by political personalism, weak parties and corruption. Parliamentarians have seldom had formal training in law or legislative process, their education is earned through the parties, and the result is little interest or understanding of the institution of parliament. The focus is on party rather than national interest and parliaments are viewed as the battleground for these competing interests.

Among the many challenges facing greater credibility for parliaments is the lack of a constructive relationship between majority and minorities. The idea of a “loyal opposition” is a key aspect of democratic culture. This is an especially difficult shift to realize in nations where transitions of power have historically taken place through violence. The term means that all sides in a democracy share a common commitment to its basic values. Political opponents may disagree, but they are loyal to the institutions of governance and the rights provided under the national constitution. In Latin America, politics is characterized by a winner takes all approach. And given the well-developed patronage systems, winners and losers have more at stake than political office.

The Legislative Assembly is an arena for competing interests that reflects the strengths and weaknesses of the political regime, particularly the political parties as well as conflict between strategic sectors and actors. (Thillet, 2005)

Latin American parliaments have made some progress in the last 10 years in terms of executive oversight, seeking political relevancy, and representation for indigenous or original peoples and women.

Representation

Latin American parliaments have broadened their representative quality considerably. In terms of indigenous representation, in the last 20 years, voters in Bolivia, Guatemala, and elsewhere have increased the portion of the national legislature that is indigenous. A World Bank study published this year found that in terms of indigenous political parties, indigenous elected representatives, constitutional provisions for indigenous people or indigenous-tailored health and education policies, their role has grown remarkably. (World Bank 2005) However, that increased representation has not translated into concrete benefits. "Despite increased political influence, indigenous people still consider themselves extremely limited in terms of voice in governmental affairs, and associate this condition with continued poverty," says the report.¹³

The average representation of women in parliaments in the region rose from 8 percent to 15.5 from the late 1980s to 2004—much of this increase is a response to quota systems imposed in a number

¹³ World Bank 2005
Ana Cutter Patel
agc17@columbia.edu
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of countries. Yet according to the Women's Progress report issued by UNIFEM, in the 1990s, only eight countries in the world - not one of them Latin American - met the agreed goal at the Beijing World Conference on Women in 1995 for achieving greater gender balance in institutions of political representation. The objective was for women to hold at least 30 percent of parliamentary seats. As of January 2000, Cuba was the Latin American country with the highest percentage of women in its parliament, with 27.6 percent. In terms of the countries examined in the case studies, the percentage of women in parliament is low and certainly not representative of the gender balances in those countries. Argentina, which has a quota system that dictates gender equality in party platforms, is higher at (23%). El Salvador (16.7%), Peru (10.8%) and Guatemala (7.1%) remain considerably under the goals set in Beijing.

An interesting case in terms of the dynamics of representation in Latin American is Bolivia. Despite other reform to modernize parliament, there was little progress on achieving greater representation until after the revamping of the electoral laws that went into effect in 1997. The new system meant that 50 percent of legislative seats in lower house are elected from single member represented districts. The 2002 elections resulted in an 80 percent turnover within the Bolivian Congress with higher female and indigenous participation. The percentage of women parliamentarians increased from 12 percent in 1997 to 18.5 percent. Indigenous representatives now hold approximately 12 percent of the seats. The change also resulted in the first woman President of the Senate in Bolivia.

The considerable effect of electoral law reform on parliaments is seen not only in terms of the diversity of the members of congress, but the slowly changing relationship between parliamentarians and their constituents. When parliamentarians depend on support from a specific district, they have higher incentives to spend time in that district and represent the needs of those communities. Innovative programs such as the "Congreso Visible" (Visible Congress) program developed by the University of Los Andes in Colombia in 1998 that provides constituents with access to information about parliamentarians and contribute to increasing transparency of the institution. The program distributed detailed information throughout the nation via participating universities and was supported by the National Endowment for Democracy (via USAID) and the Canadian and German development agencies.

Legislation

The legislative process in many Latin American countries is slow and unpredictable. Many systems have vastly complicated legal codes and thousands of contradictory laws, as well as structural impediments such as antiquated, highly bureaucratic procedures, insufficient and unskilled staff, absence or misuse of a committee system and lack of access to information.

Legislative action can only be accounted for if it is known. There has been some improvement in terms of keeping records of parliamentary procedures and public access to voting records using information technology--the Brazilian and Chilean congresses record most votes and post the records on their websites. Argentina and Peru began to do the same a few years ago. Public access to the information is limited in Mexico and Nicaragua but most votes are recorded. Bolivia, Colombia, Ecuador, Costa Rica, El Salvador, Guatemala, Honduras, Paraguay, Uruguay and Venezuela record very few notes and access to those records varies. (Carey, 2002)

The legislative progress has been complicated by fragmentation of the political party system. With 3, 4 or more major political parties represented in a parliament consensus building around policy is almost impossible. The result is major conflicts with the executive and gridlock on the legislative process. President Fox of Mexico has not been able to pass one single major law through the opposition controlled Congress.

When legislation is passed the next hurdle is effective implementation. In another Latinobarometro survey for UNDP, only three countries received a score higher than five (out of 10 total) when Latin American participants were asked whether their governments actually complied with existing legislation.

Oversight

In many countries, researchers observe a continuing centralization of power in the executive branch to the point at which the legislative and judicial branches are subordinate. Yet while the emphasis in Latin American governance is still on leaders rather than institutions parliamentarians have been exercising their mandate to limit the power and mandate of the executive. In Argentina, Bolivia, Ecuador and Guatemala, parliaments have been instrumental in ousting the president.

Headway has been made in some countries in terms of increased transparency around the budgetary process. But Parliamentarians often lack the expertise and/or the presence of skilled staff and information to provide true oversight. One deficit is the lack of a functioning committee system that can focus attention and expertise to critical areas such as the budget. A committee system offers a procedure for representatives to bring constituent concerns into the decision-making process and yet provide a space for negotiation and consensus building.

In regards to capacities for conflict management, Rodolfo Mariani in the Argentine case study offers the observation that historically Latin American countries have often experienced military takeovers in the face of crises. Thus the fact that parliaments have dealt with many of the crises of governance in the past decade constitutionally can be seen as a step forward. In Argentine case the National Congress provided an institutional and constitutional solution to the immediate crisis precipitated by high levels of dissatisfaction with the government of Fernando de la Rúa. While any interruption in constitutional procedure is a cause for concern, the parliamentary replacements of presidents seen in Argentina, Bolivia, Ecuador and Peru have generally been less violent, and certainly have a stronger claim to democratic legitimacy than military takeovers.

Key elements that effect institutional capacity

Parliaments must be considered within their particular political and historical circumstances. In the case of Latin America, poverty and inequality are the key impediments to development overall. That said, this section examines a group of similar challenges to the institutional capacity of parliaments as observed in the case studies in more detail below:

1. Fragmented, undemocratic and unstable nature of political parties.

The absence of democracy within political parties is an element that affects and continues to affect the image of legislators, who are not seen as representatives of citizens. (Thillet, 2005, 9)

Political parties play an important role in democratic governance. In Latin American political parties have been essentials to everything from the selection of presidential candidates and parliamentarians, to defining the constitutional and legal system to providing a supply of public officials for the highest government positions. But the discrediting of political parties over the past 10 years is a phenomenon seen all over the region. Young people are not interested in joining political parties and citizens in general are suspicious of their origins and objectives. According to the Latinobarometro survey, confidence in Latin American political parties declined from 20 percent in 1996 to 11 percent in 2003. The lack of confidence is apparent in the high levels of electoral volatility and the decline in electoral support for the largest parties, -19.1 percent from 1990-2002.¹⁴ Again the problems are multifold: the literature suggests that party representation does not reflect the interests of the majority of the populations and there is a lack of organization and party discipline. Deputies/parliamentarians routinely switch allegiances during sessions.

Much of this is the fault of the parties themselves. Traditional political parties are ill-suited to rise above partisan interests because they never succeed in establishing themselves on a national or popular level. Parties tend to be developed as vehicles for one charismatic leader and they are born and die within short periods. Parties tend to be undemocratic and hierarchal, offering little incentive for young or new members to join. One result is the proliferation of new parties, ad hoc movements and non party political actors. Since 1985, 57 different political parties have been formed in Guatemala (Clingendael Institute, 2005)

2. Conflict between the executive and the legislative

While many researchers still focus on executive dominance in governments in the region, there is also the issue of a gap between formal power and capacity to exercise it. As mentioned above, the presence of 3 or more major political parties often leads to a politically paralyzed government as the president/executive faces an opposition parliament. The Argentine and Guatemala case studies exhibit this

There is an on-going debate in Latin American about the benefits of presidential versus parliamentary systems. The debate has taken on more force in the observation that many of the crises of the past few years have been set off by a decline in the popularity of presidents: in Ecuador in 1997, 2000 and 2005, in Peru in 2000, in Argentina in 2001, Venezuela in 2002, and Bolivia in 2005. Critics of presidential systems warn that these situations can easily become regime crises because there is no constitutional mechanism for removing a chief executive who has lost the ability to govern, as there is under parliamentarism. Jon Carey in his 2002 article in *Revista* evocates suggests that the trigger mechanism for these crises is conflict between the executive and legislative branches, which incites the president/executive to ignore or trample the constitution generating popular outburst and government collapse. It is a scenario which has a long history in Latin America.

¹⁴ UNDP, Towards a Citizen's Democracy, 2004

3. Insufficient representation

The section above charts the progress that has been made in Latin American in terms of representation but women, indigenous and Afro-descendants are still participating well below their demographic weight in these societies. Eleven countries (Argentina, Brazil, Ecuador, Dominican Republic, Colombia, Costa Rica, Mexico Panama, Paraguay, Peru, and Venezuela) have adopted quota systems that ensure women's participation in parliament. The quota system is generally viewed as a positive development in Latin American. (Peshard, J., 2002) Few countries have adopted effective measures to promote greater representations of minorities.

4. Lack of constructive dialogue/lack of democratic culture

Case study authors alluded to a lack of constructive dialogue, a lack of democratic culture and even a tendency to authoritarianism in Latin American parliaments and politics in general. Both the Guatemalan and Argentine cases studies observe a predisposition toward authoritarianism within the structure of the parliaments and political parties and the lack of procedure for facilitating democratic debate. One issue is the absence of the loyal opposition as described.

Democratic culture implies the active socialization of organized groups and citizens at large into the practice of democratic principles of behavior within their own societal transactions, as well as an awareness of their individual rights as participants in the monitoring of governmental and non-governmental performance. It seems that the evolution of democratic culture in Latin American can be viewed from an optimistic or more pessimistic view. A recent article in the *Christian Science Monitor* lauded the emergence of people power in the region as civil society from Mexico to Ecuador to Bolivia has hit the streets in the last few months to demand change. The article quotes Riordan Roett, director of the Latin American Studies Program at the Johns Hopkins School of Advanced International Studies (SAIS) in Washington, who sees the phenomenon as a "redefinition of civil society," able today to stand up to traditional elites.¹⁵ Yet others find the trend more ominous. Analysis of the April 2005 crisis in Ecuador described it as "politics by the mob"¹⁶ and a "rebellion of outlaws."¹⁷

Democratic political culture is the 'sediment produced by the prolonged practice of participation and tolerance, critical and consensus-building capacity, and the strengthening of the social bases of the political citizenry.' (Jessup quoting War Torn Societies Project, 2005)

5. Continued lack of institutional and human capacity

All the case studies referred to the structural deficiencies in Latin American parliaments. Although great strides have been made with the support of international assistance, huge bureaucracies, lack of professional staff, limited access to information and analysis, records of legislation, etc... still characterize the majority of parliaments in the region.

6. Corruption and insufficient legal frameworks

¹⁵ Harmon, 2005

¹⁶ Editorial page, "Politics by the mob claims another victim," *Miami Herald* (April 22, 2005)

¹⁷ Saavendar, Luis Angel, "The Rebellion of Outlaws," *Latin America Press*, (May 5, 2005)

There is an endless procession of political corruption scandals splashed on the front pages of Latin American newspapers. While difficult to measure, experts agree that it is widespread and systemic. Transparency International's Global Corruption Report 2005 called attention to government corruption cases in Bolivia, Brazil, Colombia, Costa Rica and Peru.

Few Latin American countries have anti-corruption legislation and fewer parliaments have internal regulation providing for effective ethics training and self-policing such as investigations and policing. In Guatemala, the 1986 Law of Interior Regime gave the President of the Congress authority to handle the budget resources of the institution at his discretion. Most parliamentarians in Latin America are granted some sort of immunity under the constitution. In Bolivia, parliamentary immunity has impeded

The upside is that there is greater awareness among Latin American populations of the high levels corruption. Many countries have created anti-corruption offices or ombudsmen positions but there is still little political will to go after offenders and a lack of effective judicial system to prosecute and sanction corrupt officials.

7. Divisive electoral systems and inadequate campaign financing rules

Most Latin American electoral systems are proportional and use closed lists in at least the most highly populated districts. These systems foster tension between elected representatives, party leadership and voters and result in the over concentration of power within parties and weak constituent-representative relations. As party leaders choose who gets which seats, there is no incentive for candidates to build or maintain support in their districts.

The Bolivia example described in the anterior section demonstrates how changing electoral law can have a profound effect on the representation of parliament not only in terms of diversity but in terms of the relationship between representatives of parliament and their constituents. Yet the change has also had some unforeseen consequences in terms of the rise of regionalism as a decisive force in parliamentary decision-making.

High levels of citizen dissatisfaction with electoral systems have promoted experiments with direct democracy mechanisms including referenda, plebiscites, and consultation. In Latin America 13 out of 18 countries have direct democracy mechanisms included in their constitutions, with 10 of those 13 having used them. (IDEA)

VI. INTERNATIONAL ASSISTANCE

Assistance to parliaments should help them develop capacity to become more representative, more effective at lawmaking and more capable of oversight¹⁸

Development assistance is provided to parliaments from a wide variety of sources: bi-lateral and multi-lateral funding organizations, through the work of parliamentary associations such as the International Institute for Democracy or the Inter-Parliamentary Union, institutions associated with

¹⁸ Johnson J. & Nakamura R., 3
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political parties such as the International Republican Institute of the United States, and universities. International development organizations, particularly the U.S. Agency for International Development, began to focus international assistance on parliaments in the 1980s. While parliamentary strengthening programmes vary depending on the country context, overall approaches to these types of programmes can be described as three different generations. In the first generation (1980s-early 1990s) the focus of international assistance was technical capacity building. From the late 1990s to the early 2000s there was a shift to a more political focus. In the past 2-3 years there is an emphasis on more issue-based programming, for example focused on corruption or economic-decision making and parliaments.

Parliaments represent a high risk investment for donors. As inherently political institutions, they remained outside of the classic international development entry points and recipient institutions such as macroeconomic governance, public administration reform and rule of law through judiciary strengthening. Election cycles make it difficult to guarantee long-term commitment to a reform process. Learning on the part of the international development community as to how to assist parliaments has been an experience of learning by doing; the result is that the lessons learned are often drawn from failures. All the cases seem to reinforce the conclusion of Arthur Sist in his case study of Bolivia,

Despite these undeniably important gains...neither the assistance of the international donor community nor the capacity of the congress, were equal to the challenge of overcoming the obstacles preventing congress from becoming an effective instrument for the prevention and/or resolution of the extremely serious conflicts that have arisen and continue to plague Bolivian society. (Sist, 2005)

Assistance to support the representative function of parliaments seems to have had the most impact. A 2005 report by the World Bank states that non-governmental organizations, often funded by international development organizations, play a large role in increasing indigenous political influence. Increased and broadened representation has brought with it another host of other issues and emphasized the problem of focusing on only one function of an institution.

Current international assistance to parliaments broadens the picture of the political processes and reforms which can increase their legitimacy, in particular, analyzing how parliaments are elected, how the political parties and electoral campaigns are financed and supporting efforts in the field of ethics, standards of behavior in public life and codes of conduct for elected representatives. Other areas of assistance to parliaments include increasing the administrative capacity of parliaments and encouraging increased contact between parliamentarians and citizens. The focus is increasingly on reducing the conditions that enable corruption, conflict and crisis.

The section below explores the parliamentary assistance programs of the biggest donors in the region: United States Agency for International Development, Inter-American Development Bank, United Nations Development Programme and the World Bank. These assistance programs have a variety of approaches to parliamentary strengthening all over the world, and, at least rhetorically, all have embraced this idea that parliaments cannot be separated from their economic, political and social environments, but should be considered as part of an overall political reform process that

includes the larger legislative community. A review of each organization's websites and programme documents suggests they each have a slightly different emphasis or forte. USAID's focus has often been on legislative process, including increasing the technical capacity of parliaments, the World Bank's programs focus more on training and building the capacity of individual members, with an emphasis on their role in budget oversight. More recently the World Bank has worked in increasing the involvement of parliaments in national poverty reduction strategies. UNDP has emphasized the relationship between parliaments and their constituents, through involving parliamentarians in national dialogue processes, as well as providing funding to increase the advocacy role and capacity of non-governmental organization and the media. IDB begin programming in this area later than the others and thus has benefited from the learning done in the 1980-90s in the areas of legislative strengthening, their programs tend to be very comprehensive focusing on areas, like libraries and developing a cadre of professional staff, that benefit all members. The OAS tends to work more on the regional dimension.

United States Agency for International Development

The United States Agency for International Development (USAID) is an independent federal agency of the United States government that provides financial assistance to promote agriculture, democracy and governance, economic growth, the environment, education, health, global partnerships, and humanitarian assistance in more than 100 countries. USAID often works with or through implementing partners such as the National Democratic Institute for International Affairs, a non-profit organization founded on the principles of the U.S. Democratic Party or Management Sciences International, an international development consulting firm, as well as through governments and locally based organizations.

Funding for democracy and governance has four areas of focus: rule of law, elections and political processes, civil society and governance. Legislative strengthening falls under governance, along with decentralization and democratic local governance, anti-corruption, civil-military relations, and improving policy implementation.

USAID's legislative work began in Latin America. The programs in El Salvador and Guatemala in the 1980s represent the first experiences of the international development community in legislative strengthening and tended to stress technocratic solutions as the key to institutional strengthening within the post conflict environments of these countries. Governance issues were often approached solely as administration and service delivery problems in spite of the fact that political issues underlay the poor performance. The result, according to USAID's website "was a lot of failed public administration, decentralization, and civil service reform projects."¹⁹

USAID programs in legislative strengthening in Latin America were robust throughout the 1990s. During administration of President Bill Clinton, USAID programs focused on citizen participation with legislatures as well as institutional strengthening. The focus under President George Bush has been democratic governance. Over \$95 million has been invested in legislative strengthening programmes in Latin American since 1987.

¹⁹ USAID website, "Democracy and Governance,"
(http://www.usaid.gov/our_work/democracy_and_governance/technical_areas/dg_office/gov.html)

The USAID experience in Bolivia is instructive. USAID began its legislative strengthening project in Bolivia in 1992. With additional support from the Inter American Development Bank (IDB), USAID helped to establish the Legislative Modernization Commission (CML), a bicameral committee chaired by the President of the Congress and comprising political leaders of both houses of the Congress, and a central legislative services unit known as CICON. The Congress of Bolivia made both its modernization committee and its new congressional research service permanent through the reforming of rules. According to case study author Arthur Sist, the CICON successfully combined the functions of a Congressional Budget Office and Congressional Research Service and contributed to the oversight and legislative functions of the Bolivian congress. USAID counts both CML and CICON as successes, stating that IDB continued funding for the programme when USAID funding was phased out. Sist argues that USAID “bailed out of its congressional program”²⁰ because the internal nature of the programs had no impact on people’s lives and thus made it a difficult program for USAID to justify the programme before the U.S. Congress.

There are dwindling USAID funds for democracy programs in Latin America. This is primarily because democratic governance funding is going to other parts of the world, i.e. Afghanistan and the Middle East. Current USAID programs consider what Keith Schulz, director of USAID’s Legislative Strengthening Program, calls the “broader legislative community,” such as the committee system, political parties, media, civil society and advocacy groups that are necessary for a robust effective legislature. For example, political parties are now considered as governance actors both in their roles as leaders and constructive opposition forces. An example provided by the USAID website described a programme that seeks to improve fiscal budget techniques and systems linked to support for increased transparency of the budget process. These shifts recognize the learning that a more efficient institution does not necessarily make a more politically effective institution.

USAID is embarking on a huge, three-year evaluation process, including rigorous cross-country comparison (not just single country evaluations); of all democratic governance programs and legislative strengthening will be a part of that process. One of the consequences of the evaluation will probably be a renewed emphasis on public administration in terms of programmes supporting the development of middle level governing institutions and their leadership.

Inter-American Development Bank

The Inter-American Development Bank (IDB) has provided assistance to Latin American and Caribbean parliaments since 1996. Established by Latin American countries in 1959, IDB is the oldest regional development bank in the world and the principle source of multilateral development funding for Latin America and the Caribbean. IDB contributes to development through financial services to government such as investment loans, sector loans and national technical cooperation programs. It also offers non-financial support such as facilitating regular policy dialogues, policy documents, research and analysis.

²⁰ Sist, 15

Traditionally focused on infrastructure and macroeconomic reform, IDB's Board of Governors broadened the scope of the organization's work in 1996 to embrace the recognition that "sustainable development requires a democratic, modern and efficient state."²¹ In its first inception, the so-called *Modernization for the State and Strengthening Civil Society* framework emphasized the need to increase the capacity of specific institutions of governance. Based on the experience of implementing programmes in this area from 1996-2003, IDB changed the focus from institutions to cross-cutting themes: 1) democratic system, 2) rule of law, 3) state, market and society and 4) public management. The new strategy is based on a fundamental assumption that sustainable and equitable growth is dependent on two interdependent objectives: democratic stability and greater political inclusiveness. (IDB, 2003)

A July 2003 strategy documents titled, *Modernization of the State*, provides a justification for the change in focus and identifies the lessons that underlie this shift. The usual nods to national ownership, long-term perspectives and the relationship between state reform and strengthening civil society are covered, but two of the lessons seemed to offer new insight: First, "Target the basic institutions that shape the incentives guiding the behavior of actors,"²² this is described as addressing not only the apparent need, for example training civil servants, but the motivation system that effect political will for change, for example supporting a merit-based civil service. The second lesson is more self-explanatory, "Design operations to have sufficient flexibility to be able to adapt them to changing situations and, at the same time, monitor them more closely during the implementation phase."²³

Within the democratic system theme the Bank identifies two programme focuses with direct reference to parliaments: 1) Strengthen the legislative branch, and 2) modernize the electoral and party system. Specific projects can include strengthening the technical assistance systems, establishing a professional administration, developing channels for communication between parliaments and constituents, developing training programs for political leaders and establishment of independent and technically reliable electoral institutions. IADB has provided technical assistance directly to parliaments in Argentina, Brazil, Colombia, Dominican Republic, El Salvador, Honduras, Panama and Peru. (IDB, 2003)

Parliament in Peru is undergoing a significant reform process. Electoral law was amended to change from a system where representatives were elected at the national level, to a more direct system where representatives are elected in each department of the country. IDB is supporting the reform process with a \$7 million loan. One of the stated aims of IDB's new approach to parliamentary assistance is identify projects that strengthen congress as an institution. The current IDB programme, establishes of a comprehensive parliamentary advisory and information services system by provides aide to the existing parliamentary library and creates a parliamentary research center.

Many Latin American parliaments are experimenting with the use of information technology to enhance the representative function and create greater transparency in the legislative process. IDB provided consulting, equipment and operations assistance for a Congressional portal in Peru that

²¹ Modernization of the State, strategy document (Inter-American Development Bank, Washington, DC; July 2003)

²² IDB, 2003, 8

²³ Ibid, 10

offers a daily journal of legislative activities, summaries as well as full text of legislation under deliberation by the parliament. The public can use the web page to write to the parliament and comment on legislation under consideration. IDB also supported the creation of a bill tracking system through the webportal.

OUTSIDE CRITIQUE? FUTURE OF IDB FUNDING?

United Nations Development Program

The United Nations Development Program is the development arms of the United Nation providing technical assistance and training in 166 countries. UNDP directly implements projects as well as working through partner organizations. The focus of the organization's work is in five key areas: democratic governance, poverty reduction, crisis prevention and recovery, energy and environment and HIV/AIDs.

Governance is an increasingly larger focus on UNDP programming; nearly 50% of UNDPs' program resources were dedicated to governance over the period of 1992-1996. An estimated US\$35 million was dedicated to programs aimed at strengthening parliaments during that time.²⁴ In 2002 UNDP had programmes for legislative development in 51 countries. UNDP work with parliaments spans an array of activities including: electoral assistance, constitutional reform, strengthening internal organization of parliaments, training for legislators and staff, support to civil society and the media, policy development, particularly in human rights legislation and constituency relations.

UNDP has facilitated a number of dialogue projects in Latin America with a focus on political parties, parliamentarians and other political actors. In Guatemala, UNDP and the Netherlands Institute for Multiparty Dialogue, initiated the Multiparty Dialogue Programme to strengthen political parties and overcome the high state of fragmentation in politics. Participants from 20 political parties joined a process to develop a long term vision for the country based on the 1996 Peace Accords. The outcome was a National Shared Agenda, as well as a Permanent Forum for Political Parties that have subscribed to a declaration of compromise.

OUTSIDE CRITIQUE? FUTURE OF UNDP FUNDING?

The World Bank

The World Bank is the global development bank with a mandate to provide loans, policy advice, technical assistance and knowledge sharing resources to developing countries to reduce poverty. It forms part of the Bretton Woods organizations along with the United Nations and the International Monetary Fund, formed in the aftermath of World War II.

The Bank engages with parliamentarians on a variety of levels. The hub for global parliamentary outreach and activities is based in the Vice Presidency for Europe, and run by the Bank's Development Policy Dialogue Team. This team also facilitates the Parliamentary Network

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of the World Bank, an on-line dialogue and member-driven network that was born out of the First World Bank conference with Parliamentarians, held in The Hague in May 2000. There is an annual meeting of parliamentarians working with the World Bank as well as a Field Visit Program. One primary focus of the World Bank's work is engaging parliaments in the Poverty Reduction Strategy Paper's process.

The Bank also works with parliamentarians through the World Bank Institute's (WBI) capacity building programs and our country offices and country teams. The "Parliamentary Strengthening Program" originally focused on strengthening individual parliamentarians and their staff in the areas of budgetary oversight. The Bank developed and facilitated workshops and seminars for over 5,000 parliamentarians. Like the other large donors in the field, the World Bank emphasis now lies on enhancing the capacity of parliament as an institution of governance. Working closely with the National Democratic Institute, the World Bank identifies four areas of work: 1) parliamentary oversight, 2) parliaments in poverty reduction, 3) support to parliamentary networks such as the Global Organization of Parliaments and 4) partnerships. The program is also undertaking empirical and analytical work to increase resource material for parliamentary strengthening programs.

The World Bank also provides loans to government for parliamentary modernization projects. A multi-year project with the National Congress of Chile to strengthen the library and the research capabilities of the Congress was funded in the 1990s.

The Organizations of American States

The Organization of American States (OAS)

The OAS also has a significant focus on Latin American parliaments through the Unit for the Promotion of Democracy's programme "Strengthening of Legislative Institutions." The OAS provides development support to both national and provincial level legislatures primarily in the form of training, workshops and the convening of the Andean Parliament, which is comprised of representatives of National Congresses and promotes the harmonization of Member Country legislation and the growth of cooperative and coordinated relations with the Parliaments of the Andean countries and of third countries, and the establishment of the Andean Legislative Development Center (CADEL).

OAS has played an important role in pushing democratic reform at the regional level. The Inter-American Charter for Democratic Charter and new legal instruments to combat corruption demonstrates a new willingness among Latin America's major democracies to isolate, diplomatically and economically, neighboring governments that breach democratic procedure.

V. INFORMING AND IMPROVING DEVELOPMENT PRACTICE

This overview had two objectives: first to consider of Latin American parliament in terms of their role on conflict management and, second an evaluation of international assistance to parliaments in the region. Given the analysis provided in the cases studies and a review of relevant literature, three conclusions/big questions are offered for discussion.

- 1) Parliaments are barely performing their basic functions in terms of oversight, legislation and representation. While the point has been made that effective parliaments contribute to good

governance and have a positive effect on conditions that may enable violent conflict, it seems unrealistic to add additional expectations in terms of conflict prevention and peacebuilding.

- 2) There is one view that the crises in governance that are occurring in Latin America are a part of the expected transition to mature democracies. The question then is how does international assistance support these transitions in positive ways?
- 3) Leading from the second point, most of the lessons learned described by the big donors in the region states the need to be flexible in terms of democratic governance programmes. But should international assistance support these ad-hoc, extra-governmental instruments or mechanisms that have emerged in situations of governance crises as described in the cases? Do these mechanisms undermine parliaments?

The lessons learned from the cases studies are gathered in a preliminary list below. During the workshop in Guatemala the group will be asked to come to consensus on 8-10 lessons learned and recommendations that are relevant to all the cases.

LESSONS IDENTIFIED IN THE CASES AND RELEVANT LITERATURE

- Parliaments must be considered in terms of their contribution to poverty alleviation and economic and social progress.
- Programmes addressing situations of conflict/crisis are often insufficient and transitory.
- Programmes are often ahistorical in their approach-do not take into account the historical, social economic context of the country.
- Indicators measuring success are often unrealistic.
- Much project time needs to be invested in establishing and building non-partisan relationships with parliamentarians
- The committee system needs more attention from international donors.
- Civil society organizations need training in advocacy so that demands can more often be channeled through political means
- Political participation in projects must be balanced and include the opposition. The longevity of projects depends on their ownership as well.
- There is a need for a formal interlocutor between donors and parliaments to coordinate proposals with members and ensure continuity, such as the now defunct concept of the Legislative Modernization Commission in Bolivia. In Colombia, IDB required the establishment a bi-cameral committee responsible for legislative strengthening: The *Comision Accidental* is a two-house modernization committee, and required that its members remain intact for the four-year life of the Congress.²⁵
- It is not enough to focus on formal roles of parliaments but consider the larger government system, such as the electoral system and the relationship between the legislative and the executive, political parties and political system—the legislative community.
- Fundamental civic education and democratic awareness building, including support to political parties, should be included as part of the democratic agenda,

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- Target the basic institutions that shape the incentives guiding the behavior of actors. Design interventions must not only strengthen institutions but alter incentives
- Operations should be designed to have sufficient flexibility to be able to adapt them to changing situations and, at the same time, monitor them more closely during the implementation phase
- Parliamentary development programs must belong to local legislative leaders. Programmes will not succeed unless there is a clear commitment on the part of parliaments.
- Strengthening the relationship between parliaments and civil society, including the media, is an important area of assistance. For example, Media – Cable TV in Peru carries live all parliamentary sessions. Radio is the most common means of communication in developing countries – think about how to use radio to carry weekly or daily summaries of parliamentary activities.
- Prioritize functions that are strategic starting with the legislative function
- Must balance short term quick fixes to provide momentum on a project and long term vision for structural change.

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