Parliament’s Legislative Business
Policymaking to
Contribute to Conflict Prevention/Resolution

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Overview

- Parliaments and the lawmaking/policymaking function

- Policymaking for peace: examples from several nations

- Discussion: can any of these examples be applied in your nation? Other ideas?
Parliaments and policymaking

- The first major function of parliaments is representation. The second major function is lawmaking, or policymaking. Parliamentarians bargain and negotiate among the various interests they represent, reach agreement on the policies which will govern the nation, codify those agreements and pass them into law.

- Obviously, it is easier to represent competing interests than it is to come to make agreements among them.

- For several reasons, the kind of lawmaking roles parliaments play vary considerably.
Parliaments and policymaking

- Legislative types
  - Rubber stamp legislature – approves whatever executive or party sends
  - Arena legislature – discussion and debate
  - Transformative – rewrites legislation and budgets
  - Emerging – transitioning from weaker to stronger

- Rubber Stamp
- Arena
- Transformative
- Emerging
Parliaments and policymaking

- Rubber Stamp
- Arena
- Transformative

- Emerging

- Low Information needs
- Great information needs
- More Staff
- New kinds of staff
- Greater resource needs
Parliaments and policymaking

- What parliaments can do depends on how much power and influence they have or can develop. Parliaments with well developed lawmaking powers and capacities (particularly over taxing and spending), strong claims to represent important interests, and a history of effective oversight over the executive (including the military) are in the best position to shape policies in conflict situations.

- Insofar as their other powers over lawmaking and oversight develop, parliamentary bodies can become the places where disagreements are resolved through negotiation and compromise.
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Policymaking & Peace: Examples

- Taking the initiative to broker peace accords
- When the executive is unable to act because of conflict/instability
- Searching for solutions – helping to shape the agenda in policy mediation (importance of effective committees)
- Acting to limit the extension of violent conflict
- Political reform to better check the executive
- Legislators directing government funds to poor/conflict areas
- Individual legislator efforts
- Importance of effective committees
Policymaking & Peace: Examples

- Taking the initiative to broker peace accords

- Ta’if Agreement ending the civil war in Lebanon

In late 1989, “sixty two of the seventy one surviving members of Lebanon’s last prewar parliament (voted to office in 1972) met in Ta’if “to hammer out a peace agreement to end the Lebanese civil war.” Ta’if was instrumental in ending the organized fighting, and despite numerous violations of various provisions, it has shaped the post-conflict process ever since.

- Ta’if changed the representation formulas in the country, bringing them closer to actual numbers (50 – 50 Christian – Muslim)
Policymaking & Peace: Examples

- When the executive is unable to act because of conflict, instability
  - Nepal November 2006

- The Nepali Parliament has never been directly involved in peace negotiations. Conflict in parliament has led King to dissolve it a number of times over the short life of Nepal’s democracy

- April 2006 – Parliament restored by King Gyanendra – King’s efforts to deal with Maoist insurgency failing

- June 2006 – Parliament ended monarchy – ruling the new nation

- November 2006 – agreement by Maoist rebels to negotiate – new elections

- Outcome yet to be determined
When the executive is unable to act because of conflict, instability


Bolivia’s Congress accepted the resignation of President Sanchez de Lozada in 2003, after public protests against his policies had resulted in the deaths of over 80 Bolivians. Vice President Carlos Mesa became interim president.

Bolivia’s Congress facilitated the transition to Mesa, and during 2004 worked on a more liberal hydrocarbons law (natural gas exports policies had fueled the protests that led to Sanchez de Lozada’s resignation) with public participation, and on forming the constituent assembly that will write the new constitution.

New indigenous President now, and stability – military has not intervened
Policymaking & Peace: Examples

- When the executive is unable to act because of conflict, instability

- November 2004, Ukraine’s parliament rejected the results of the country’s presidential election, and called for a new vote.

- Central Election Commission had declared the government’s candidate the winner, but supporters of opposition candidate Viktor Yushchenko and international election observers protested those results.

- In December parliament passed a vote of no confidence in the government, and later passed an amendment transferring some powers of the president to the parliament, and amending the electoral law.

- Opposition candidate Yushchenko won the electoral rerun on December 26. Ukraine’s parliament brokered an agreement which avoided serious confrontations between protesters and government, and helped lead to a clear electoral victory.
Policymaking & Peace: Examples

- Searching for solutions – helping to shape the agenda in policy mediation

In Bangladesh, MPs have contributed to the process of conflict mediation/resolution by stimulating forums, through helping to set agendas, and through building constituencies for resolving conflict. There the process has been facilitated by use of legislative committees. A parliamentary standing committee established in 1991 has worked to promote peace. Other committees have been appointed to look into issues related to the Chittagong Hill Tract Areas (CHTA) and select committees have recommended amendments to laws relating specifically to the CHT Regional Council Acts.
Policymaking & Peace: Examples

- Searching for solutions – helping to shape the agenda in policy mediation
- After a decade of military operations, and victory of the Bangladesh Nationalist Party in 1991, the GOB changed its confrontational approach and established a parliamentary committee to conduct negotiations with the PCJSS – the organization representing the people of the Chittagong Hill Tract Areas (CHTA).

- Committee represented major opposition parties; charged with finding ways to solve the problem of the (CHTA) through dialogue and participation

- Committee held talks with the PCJSS and agreed to extend a cease fire and continue talks to reach a political settlement, negotiations held in a spirit of compromise (even though all of PCJSS demands were not met)

- PCJSS demanded the involvement of MPs or political leaders in the peace negotiation (extended beyond the military and the executive)

- Led to negotiating in a climate of mutual respect and trust
Policymaking & Peace: Examples

- Searching for solutions – helping to shape the agenda in policy mediation
- Political regimes recognized that CHT issues were political and could not be addressed by military means. MPs’ contributions to the process included:

- Enabling a political settlement: MPs convinced CHT that a political settlement is possible and desirable. This led to a condition of constructive engagement, mutual trust and reciprocity.

- Trust building: As Parliamentary Committee Members, MPs made some pro-active decisions backed up by concrete follow-up actions with regard to the peace accord.

- Involvement in draft laws, popular participation: MPs were active in drafting and reviewing the legislation on the CHT local Council Act.
Policymaking & Peace: Examples

- Importance of effective committees
- Policy-making in committees – across party lines (Kenya, Uganda)
- Freedom in debates (note – Zimbabwe example – minister of being a “stranger to the truth” House was burned down. Need not just legal, but practical immunity.)
Policymaking & Peace: Examples

- Acting to limit the extension of violent conflict

- Uganda: Members of the Ugandan Parliament tried, unsuccessfully, to limit President Museveni’s intervention in the Congo by introducing a War Powers Act in the late 1990s. While the ruling party’s overwhelming majority prevented passage, the issue was nevertheless debated in parliament and reported on widely.
Policymaking & Peace: Examples

- Legislators directing government funds to poor/conflict areas

- Revenue sharing agreements legislated to keep stability, keep nations intact - Yugoslavia and Czechoslovakia

- Constituency development funds in Kenya, Ghana, Zambia:
  - Kenya - $300 - $500,000 per constituency per year

- Philippines: development funds for districts.
  - Priority Development Assistance Fund (PDAF) $1.2 million Congressmen, Senators $3.68 million. Mindanao legislators direct some of these funds toward projects designed to encourage and sustain peace in their districts.
Policymaking & Peace: Examples

- Individual legislator efforts
- Philippines
- But Presidents Ramos and Arroyo and officials in the peace panels have called on legislators to present their views and advise the executive. Congress is an indirect actor in peace negotiations, a number of legislators have played important roles in the struggle for sustainable peace in facilitating the peace process in Mindanao.

- Speaker Jose De Venecia, Jr. brought then Presidential candidate Fidel Ramos to Libya to get President Qadhafi’s support in bringing MNLF Leader Misuari to the negotiating table. De Venecia later helped persuade Misuari to accept a government peace plan.

- Speaker De Venecia proposal to create a new office in the UN to promote understanding and cooperation among the world’s religions was approved by the UN General Assembly. Speaker De Venecia also met with leaders from a number of Organization of Islamic Countries (OIC) nations to win their support for the peace process in the Philippines.
Policymaking & Peace: Examples

- Individual legislator efforts
- Philippines

The Speaker developed a coalition of Muslim Congressmen for peace, proposed a Marshall Plan for Muslim Mindanao, and initiated a USAID funded Congressional Internship Program for Young Muslim Leaders, which brings 40 interns to Congress each year.

Legislative leaders serve as advisors to the Government on the peace talks, and contribute ideas to help avoid the problems of former peace agreements.

Deputy Speaker Gerry Salapuddin persuaded President Arroyo to require American troops to provide some non-military aid, such as building roads and schools, which made their presence very acceptable to the Muslim community.

Representative Benasing O. Macarambon Jr., sees himself as a “ventilator of the sentiments of Muslims”, and an advocate for government programs and affirmative action to promote peace and economic development. He played a peacemaking role in the February 2005 clash between government troops and the MNLF in Sulu, and may have helped prevent the clash from turning into a larger confrontation.
Policymaking & Peace: Examples

- Individual legislator efforts
  - Facilitating back-channel contacts and dialogue with hardcore MNLF members;

- Providing resources, including the House’s Mindanao Peace and Development Fund. In addition, in 2003, the 50 House members from Mindanao pooled their resources by pledging contributions from each of their PDAF’s for a Mindanao fund for development, initially for the conflict-affected areas.

- Special projects for Muslim constituencies, funding scholars, medical and dental missions;

- Ensuring cultural and religious sensitivity (Rep Amin sponsored a law to recognize Eid’l Fitr - the end of Ramadan);

- Convene associations of civil society groups to call for an end to hostilities, to provide basic social services, and to improve infrastructure;

- Establishing informal alliances, such as the Mindanao Legislators Association (MLA), to develop and promote a legislative agenda beneficial to the Mindanao economy.
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- Political reform to better check the executive
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- Individual legislator efforts
- Other ideas for discussion