

**A PAPER PRESENTED BY HON. BETTY AMONGI,
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ROLE OF PARLIAMENTARIANS IN THE PEACE PROCESS AND
POST-CONFLICT MANAGEMENT**

**AT THE LAUNCH OF A TRANSITIONAL JUSTICE PROJECT
ENTITLED “*BEYOND JUBA: BUILDING CONSENSUS ON A
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DEFINING CONFLICT

Conflict is an ambiguous concept that takes on different meanings for different groups and in different contexts. In particular, conflict tends to be understood as a negative phenomenon, synonymous with violence. Within the framework of this paper, a broader approach to understanding conflict has been adopted; it regards conflict as a natural multidimensional phenomenon that is typically indicative of change within society.

Conflict occurs when two or more parties believe that their interests are incompatible, expresses hostile attitudes or take action that damages other parties' ability to pursue their interests. It becomes violent when parties no longer seek to attain their goals peacefully, but resort to violence.

Violent conflicts are thus not inevitable, nor do they happen overnight; conflict is a dynamic process, which may take different forms and run through various stages of escalation and de-escalation, resulting from the complex combination and overlap of the various causes of conflict. Violent conflict is used to describe acts of open hostility

ROOT CAUSES OF VIOLENT CONFLICT

Violent conflict occurs in a situation where unequal, unjust and unrepresentative structures prevent humans from realizing their full potential. Research shows that poverty and extreme inequalities between rich and poor, the governed and the governors, become sources of conflict where they are linked to real or perceived oppression of certain groups. Despite the above, there however exist the historical causes of most conflicts in Africa-the colonial legacy.

The partition of Africa into territorial units left many countries with unrelated people and areas joined together which posed a challenge to national unity. The

framework for colonial structures, laws and institutions which were inherited by most states had been designed to exploit local divisions rather than to overcome them. Most states had to start grappling with nation and state building of which some have never achieved it. Many times, ethnicity has guided the policy of many leaders distorting even the smallest element of nationalism resulting into persistent conflict along tribal and ethnic lines.

The colonial powers developed a political economy that supported external market rather than internal market.

The Changing Nature of Conflict and Conflict Management

In recent years a new type of conflict has come increasingly to the fore: conflict that takes place within and across states, or *intra-state* conflict, in the form of civil wars, armed insurrections, violent secessionist movements and other domestic warfare. The change has been dramatic: in the last three decades, for example, most major armed conflict originated at the domestic level within a state, rather than between states. Two powerful elements often combine in such conflicts. One is *identity*: the mobilization of people in communal identity groups based on race, religion, culture, language, and so on. The other is *distribution*: the means of sharing the economic, social and political resources within a society. Where perceived imbalance in distribution coincides with identity differences (where, for example, one religious group is deprived of certain resources available to others) we have the potential for conflict. It is this combination of potent identity-based factors with wider perceptions of economic and social injustice that often fuels what we call “deeprootedconflict”.

A striking characteristic of such internal conflict is its sheer persistence. And this arises, above all, because its origins often lie in deep-seated issues of identity. In this respect, the term *ethnic conflict* is often invoked. Ethnicity is a broad concept, covering a multiplicity of elements: race, culture, religion, heritage, history,

language, and so on. But at bottom, these are all *identity* issues. What they fuel is termed identity-related conflict – in short, conflict over any concept around which a community of people focuses its fundamental identity and sense of itself as a group, and over which it chooses, or feels compelled, to resort to violent means to protect that identity under threat. Often, such identity-related factors combine with conflicts over the distribution of *resources* – such as territory, economic power, employment prospects, and so on. Cases where the identity and distributive issues are combined provide the opportunity for exploitation and manipulation by opportunistic leaders, and the highest potential for conflict.

THE POLITICAL ECONOMY OF CONFLICT.

Conflict can benefit certain sectors of society, thus creating vested interests in perpetuating conflict and impeding peace. The political economy of conflict is thus an important consideration in understanding mechanisms to be adopted to address conflict.

Many conflict is understood to have its origin in unaddressed grievances eg ethnic, religious or regional discrimination, horizontally unequal distribution of resources and dramatic increases in unemployment. There seems to be benefits that accrue from participation in conflict like employment in armed forces, access to scarce resources, power. In many countries, war lords and insurgents need funds for food and supplies and they often raise this through illegal means like imposition of taxes, ransoms from kidnappings, illicit drug trade, lootings from civilians etc.

Over time violent conflict encourages the emergence of a war economy dominated by politicians, commanders and fighters whose interests are to generate new forms of profit, power and protection (ghost soldiers in payroll, corruption, diversion of the resources from war zones for personal enrichments etc.

On the other hand, a showdy economy emerges to make high profits at the margin of conflict. Political and other entrepreneurs benefit from the general insecurity and lack of rule of law to extract precious natural resources, to trade in illicit goods, drugs and to smuggle high value commodities like timber, gold etc. international assistance can make matters worst by adding to the vested interests of those who benefit prolongin war; for example, some leaders go to the extent of controlling and profiting from relief. Those being employed by various NGOs, offering or perporing to offer assistance to the affected communities attempts to do little to protect their jobs; in otherwords, the economic structures created by conflict are among the most powerful blockages to making peace.

THE ROLE OF MPS.

Increasing attention is being paid to the unique role that parliamentary bodies can play in areas of conflict mediation and resolution. The greater relevance of parliaments in promoting peace is due in part to the changing nature of conflict. International wars are now the exception; conflict today is predominately intra-state in nature, although there are often significant cross-border elements to these conflicts.

According to UNDP's 2002 Human Development Report, in the 1990's 3.6 million people died in intra-state conflicts and the number of refugees and internally displaced persons has increased by 50 percent. In intra-state conflict, national representative legislative bodies possess unique opportunities to mediate disparate national societal interests and to promote peace. Regional organizations of parliamentarians like AMANI forum, The SADAC parliamentary Forum has also begun to play a role in supporting those national efforts of member states and helping to mediate regional disputes and mitigate the cross-border aspects of intra-state conflict.

Participation, Representation and Reconciliation

Politics is the non-violent means through which parties resolve their differences; however, conflicting parties are unable to resolve their differences if they do not have representation or are unable to participate in politics. As the electoral system is the means through which representation in parliament is determined it is important for parliamentarians to ensure that the electoral model chosen in their country facilitates participation and representation by all groups.

A representative parliament is better able to include marginalized groups in parliamentary business, including initiatives undertaken in conjunction with multilateral development agencies. Ensuring that the formulation and implementation of international initiatives are participatory and representative increases the likelihood that they will be sensitive to the interests of divergent groups and potential causes of conflict, thereby contributing to Peace-building while promoting sustainable development.

Mobilization, sensitization and confidence building

As representatives of the people, MPs have a role in mobilizing their constituencies to support policies that bring about peace and amicable resolution of such conflict. They also have a role in mobilization the community to participate in reconciliatory programs and reconstruction program. Awareness creation through information, education and communication is important in ensuring that the public are informed on the policies being pursued and can participate effectively. Parliamentarians have a role in such information dissemination. For instance, in the case of the war in the North, MPs have been facilitated by the government to help mobilize the people to join local defence units to fight along side UPDF in the height of conflict. They have also been facilitated to meet with the LRA in Garamba to persuade them to abandon rebellion and build their confidence on the fact that they will be welcomed by the population after the peace agreement. In Karamoja, MPs have been facilitated to

mobilize the population to abandon cattle raiding and surrender their guns during the disarmament process. MPs have used the mass media to educate the population on the current Juba Peace process and have played a pivotal role in popularizing the content and substance of the signed agreements, educating the public on the intricacies associated with I.C.C indictments and on the various rehabilitation programs pursued overtime in the North.

Parliamentary Functions and Oversight

As a truly representative institution, parliament can start contributing to peace-building by making sure parliament functions as a forum for debating issues and providing oversight. The rules of procedure provide the framework via which parliamentarians voice their concerns and debate issues on the floor of parliament, whilst ensuring the focus remains on the issues rather than the actors. Accordingly, parliamentarians should ensure the rules of procedure are fair and applied impartially and use the committee structure to build consensus on issues.

One of parliament's primary functions is providing oversight. Parliament has a number of options at their disposal to improve oversight and accountability through developing the legislative and institutional framework needed to help prevent conflict. In particular, parliament should facilitate the passing of legislation that encourages an informed and accountable democracy, such as access to information legislation, and legislation that protects fundamental freedoms. Meanwhile, parliament can create the institutional framework needed for oversight and accountability, including the formation of oversight institutions, such as a Public Accounts Committee and parliamentary committees to provide oversight of the security sector.

Through committee work, parliament's role in conflict prevention, conflict mediation, and post-conflict reconstruction is eminent. Parliaments in conflict or post-conflict transition environments need direct and timely interventions to deal with immediate and potentially explosive problems such as violent ethnic divisions, arms proliferation, or sharp economic decline. Entry points for parliament include their oversight role in security sector; and initiating constitutional reform processes that may help to mitigate conflict.

Parliamentary Debates

Parties are most partisan during parliamentary debates and for this reason the procedures for debates need to be transparent, well-defined and closely adhered to if this forum is to serve as a conflict management tool rather than a place to merely entrench the positions of conflicting parties. The rules of procedure, which determine how to conduct the business of parliament, and define the relationship between the majority and minority parties, should be fair and applied impartially. Discussion of bills should not be blocked by majority parties and legislation should not be passed without debate or, when important legislation is being considered, without referring it to committee. This is particularly important when the executive belongs to the majority party in parliament because without proper debate parliament is unable to fulfill its oversight and accountability function.

The rules of procedure provide the framework within which parliamentarians voice their concerns on the floor of parliament, whilst ensuring the focus remains on the issues at hand rather than the actor. Clear rules of procedure and subsequent structured debate facilitate parliaments' peace-building efforts by moving issues of contention between groups in the community away from the point where violent conflict could erupt to a more orderly debate about the issues. If rules of procedure are not enforced parliament runs the risk of parliamentary debates degenerating into personal attacks rather than focusing on important policy considerations. Political parties have a vital role to play in ensuring the floor of parliament reaches its potential as a forum for peace-building.

Besides, parliamentarians should ensure enhance the inclusion of peace agenda in parliamentary business for instance, The debate on extension of COHA, the Great Lakes peace and Security Pact, The Karamoja issue, the Northern war, SALW bill and policies etc.

Ensuring that the state serves the interest of the people;

There is a potential that the state can be an instrument of discrimination and private enrichment in the hands of a powerful elite and its followers. The oversight function of parliamentarians is to mediate between different interest groups through inclusive political processes and the distribution or re-distribution of resources. MPs must ensure that inequality and discrimination are addressed horizontally and vertically through approving policies that deal with such.

The failure to allocate the proceeds of good governance equitably has a twofold effect: first, it creates an environment that is conducive to actors who are motivated by greed, to kindle conflict; and second, if groups do not share in the proceeds of good governance they will have no incentive to continue participating in the political process, therefore may resort to violent conflict. Parliament should seek to ensure the enabling environment is not conducive to actors, who are motivated by greed, fuelling conflict for their own purposes. As such parliament should encourage pro-poor development policies and investment in their country's social capital through education expenditure and facilitate any corresponding legislation needed to achieve these objectives

MPs have a role in the examination and adoption of policies in a country. They must establish policies that do not exacerbate conflict, which do not support corruption or help to perpetuate an unjust status quo. For instance, policies like SAP tended to increase tensions through reduction of public service staff, cuts in state subsidies, discouraging state intervention in public service provisions etc.

policy makers must ensure that development assistance improves the life of the people and mitigates poverty. When these issues are addressed, development assistance can mitigate violent conflict.

Rule of Law

Strengthening the rule of law has a positive impact on economic development, which assists in creating an enabling environment conducive to peace. The rule of law is able to contribute to peace-building not only by building a framework of laws, based on social norms, which the community will voluntarily adhere to, but also by providing stability through justice. The judiciary is one of the primary institutions responsible for state enforcement of the rule of law and also happens to be a key player in managing conflict between different groups in society.

Parliament should interact with their constituents and civil society so as to ensure the legislation it passes is a true reflection of social norms, thereby aiding economic development.

Furthermore, parliament is in a fortunate position in that it can facilitate the effectiveness and impartiality of the judiciary through their oversight and budgetary processes.

Ensuring structural coordination, monitoring/evaluation, reporting and planning.

In designing programs and projects to address conflict, humanitarian assistance and development, there is need to ensure efficient coordination between local, national and donor agencies. For instance, a lot of complaints are arising out of the fact that NGOs, donor and government are duplicating each other in Northern Uganda. Policy makers have a responsibility in ensuring that a structural linkage is developed to coordinate between local and national organizations at the local and international level. This is important to help optimize sharing of information, avoiding overlap in activities, rationalize use of resources, and avoid counter-

productive programming. There is need for parliament to develop a common set of policy guidelines and rules for engagements by INGO, national NGOs and donor agencies which ensures equal intervention in all effected areas.

Ensuring Accountability.

Parliamentarians must ensure that the agencies are monitored to ensure that they adhere to the rules of engagements, that their intervention reaches the beneficiaries and that funds are being utilized as per the programs for which they were mandated to operate. Corruption is a serious phenomenon in Uganda; it has hobbled and skewed development. MPs must play their oversight role to enforce accountability of funds directed for reconstruction. Recent level of corruption associated with NUSAF is a case to be cited. However, many arrests is now being made and prosecution being effected as a result from call by leaders (MPS).

Enhancing emergency assistance, reconstruction and development.

Emergency relief must be designed to led to development. MPs must put in place structures that can address emergency relief but can also be used for reconstruction and development. Urgent fund has been committed through the framework of PRDP to finance reconstruction in the North; Parliament must ensure that PRDP meets the overall principles of accountability. The provision requiring an establishment of a semi-autonomous body to implement PRDP must be adhered to and parliament must scrutinize the PRDP to ensure that it addresses the core principles to which it is intended to.

Establishment of institutions for implementation of a peace agreement.

When the talks comes to a successful end, there will be need for legal reforms to accommodate the traditional mechanism of conflict resolution. The Amnesty Act, the terrorism Act and other laws will need to be reformed. Some policies and

institutions like the directorate of public prosecution etc might need to be strengthened. Parliament will be required to deal with such changes substantially. Besides, it has to also put in place institutional and legal framework that will deal with the overall question of national reconciliation.

Conclusion.

Parliament is vital in the promotion of peace and security. The role of parliamentarians in the enactment of legislation, adoption of appropriate policies, mobilization, oversight and many more put them at the forefront of the struggle for peace. There is therefore, need for capacity building for parliamentarians in conflict prevention, mitigation, resolution and peace-building so as to enhance their skills in the performance of their duty.