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Supporters, spoilers or sidelined: the role of parliaments in peacebuilding

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List of acronyms

ANC	African National Congress
BTA	Bangsamoro Transitional Authority
TBUC	Building a United Community
DPR	Dewan Perwakilan Rakyat Daerah Aceh
GAM	Free Aceh Movement
FARC	Fuerzas Armadas Revolucionarias de Colombia
IPU	Inter-Parliamentary Union
TNI-Law	Indonesian Armed Forces Law
HRW	Human Rights Watch
LoGA	Law on the Governance of Aceh
LTTE	Liberation Tigers of Tamil Eelam
MoU	Memorandum of Understanding
MILF	Moro Islamic Liberation Front
OFMdFM	Office of the First Minister and deputy First Minister
OHR	Office of the High Representative
PR	Proportional Representation
DPD	Regional Representative Council (Dewan Perwakilan Daerah)
JEP	Special Jurisdiction for Peace (Jurisdicción Especial para la Paz)
TNA	Tamil National Alliance
TRC	Truth and Reconciliation Commission
TRJ	Transitional Justice
UNDP	United Nations Development Programme
UNSCR	UN Security Council Resolution

Executive summary

It has long been established that institutions and institutional design play a central role in peacebuilding and the impact of some of these institutions have been studied extensively, particularly the military, executive, judiciary and increasingly, political parties. Like these institutions, legislatures are present in almost every state's political system, yet they remain under-emphasised in peacebuilding theory and the literature on other domestic institutions usually only mention them in passing.

This research paper seeks to address this gap in the literature and to understand what role parliaments have played in peacebuilding processes. It does so through a qualitative assessment of pre-selected case studies:

- Aceh (Indonesia)
- Bangsamoro (the Philippines)
- Bosnia and Herzegovina
- Colombia
- Lebanon
- Northern Ireland
- South Africa
- Sri Lanka

The study's most important findings confirm the expectations: parliaments are integral for post-war governance and instrumental in securing successful implementation of peace agreements and long-term quality of peace.

Parliaments play a number of key roles in peacebuilding:

- Parliaments have the ultimate legal responsibility for the implementation of peace agreements, including institutional reform.
- Parliaments' have a formal role in relation to peacebuilding, such as supporting transitional justice and integration of former armed groups and across the main conflict cleavages.
- In the long-term, parliaments can govern in support of peace, become sites of national dialogue and hold the executive to account.

However, while parliaments possess characteristics that can be leveraged to lead to peace, equally, those same characteristics can mean parliaments often act as obstacles to peace. This study finds evidence of parliaments supporting peace, acting as a spoiler or being sidelined.

Some parliaments clearly adopt a 'peacebuilding identity' while others continue to reflect divisions of the civil war. The case studies also suggest that parliaments are important sites of continued negotiations of aspects agreed upon in the peace agreement, and that parliaments are central sites for conflict resolution in that opposing sides at least meet and negotiate on a regular basis. The case studies reveal a complex and uneven path of parliamentary impact on peacebuilding, but one that nevertheless signifies this institution as determinant for the relative quality of peace in the short and long term.

Introduction

Parliaments are likely to play a crucial role when states transition from war towards peace. Yet this role is often overlooked and very little research exists on the role of parliaments in peace processes and peacebuilding. Parliaments are an important arena for the inclusion of warring parties, and the resulting interactions could either aid or hinder the consolidation of peace. Former enemies, or their elected representatives, are expected to meet and even work together in post-conflict parliaments. This could lead to the discovery of new, peaceful ways of resolving disputes, but could also result in polarisation and renewed tensions. Parliaments are moreover an arena where hitherto underrepresented communities and marginalised groups can seek formal political representation via elections and be given a voice. However, such hopes for more inclusive post-conflict institutions may be disappointed, and parliaments could in that case reflect a failure to address the underlying causes of conflict or they could sow the seeds of new conflict.

In the following section we will draw on the existing literature and empirical examples to elucidate the potential impacts of parliaments – legislative assemblies – on peacebuilding. Even the limited literature that is already available suggests that parliaments are a key factor in explaining post-war stability. We therefore need to take their role seriously and aim to understand better both the positive and negative potential of parliaments. This discussion is followed by a more in-depth analysis of selected case studies, focusing on three core issues: (1) the role that parliaments play in the implementation of peace agreements; (2) how parliaments formally operate in relation to peacebuilding; and (3) how parliaments govern with regard to peacebuilding.

The study of parliaments in the context of peacebuilding is methodologically challenging. The most feasible approach at this stage is a qualitative assessment of pre-selected cases. We have selected cases that vary significantly, when it comes to the dynamics of conflict and the nature of post-war politics. Such variation allows for a broad-based assessment of how parliaments influence peacebuilding and has led us to include the following case studies: Aceh (Indonesia), Bangsamoro (the Philippines), Bosnia and Herzegovina, Colombia, Lebanon, Northern Ireland, South Africa and Sri Lanka. The cases also vary when it comes to data availability on such matters as voting patterns and parliamentary behaviour by parties and politicians. This means that it is not possible to make similar levels of assessment in all selected cases, but it has also allowed us to make an assessment of the kind of data that is available via secondary sources and various online resources with follow-up interviews with experts.

Seen together the case studies reveal a complex and uneven path of parliamentary impact on peacebuilding, but one that nevertheless signifies this institution as determinant for the relative quality of peace in the short and long run. Strong parliaments have the capacity to ensure that key aspects of the peace agreements are translated into legislation and effectively implemented. Conversely, such high capacity parliaments also often hold the power to delay or water down the most contentious aspects of peace agreements. The case study comparisons also reveal a difference between parliaments that adopt a peacebuilding identity and parliaments that reflect divisions of the civil war – confirming expectations that victors' parliaments are more likely to seek to set in motion a long-term peacebuilding agenda.

> The study's most important findings confirm the expectations set at the outset: parliaments are integral for post-war governance and instrumental in securing successful implementation of peace agreements and long-term quality of peace. The study also suggests that parliaments are important sites of continued conflict negotiations. Where this works, it has positive effects on peace. Where it does not work, the consequences are governance inertia and heightened conflict.

By better understanding how, and in what circumstances, parliaments can make a positive contribution towards post-conflict peacebuilding, we will be able to design more effective strategies for avoiding a resumption of violence and ensuring sustainable peace. This report is intended to be a first step in that direction.

A gap in the literature

It has long been established that institutions and institutional design play a central role in peacebuilding and the impact of some of these institutions has been studied extensively. The role of the armed forces and security sector reform (for example, Toft 2009; Civic and Miklaucic, 2011) in ensuring durable peace is frequently analysed and we also find a growing body of research on the role of other domestic institutions such as the executive (Rothchild, 2007; Manning, 2007), local government (for example, Bush, 2004), the judiciary (for example, Sriram, 2004), and increasingly also on political parties (for example, Reilley and Nordlund, 2008; Marshall and Ishiyama, 2016; Ishiyama 2016; Sindre and Söderström 2016). Like these institutions, legislatures are present in almost every state's political system (Wilson and Woldense 2019, p.586), yet they remain under-emphasised in peacebuilding theory and the literature on other domestic institutions usually only mentions them in passing. In part this may be because there has often been the assumption that parliaments in illiberal, undemocratic or transitional contexts do little more than 'rubber stamp' the decisions of elites who operate autonomously of them. However, recent research suggests the power relationship is not so unidirectional (ibid., pp.586-7), and there is reason to assume that parliaments could have an important role to play in peacebuilding.

The nature of parliaments gives them the ability to support or reject peace. As the legislature, theirs is the responsibility for the implementation of legislation that promotes peace, and they can therefore be crucial veto holders in peace processes. Such veto holders, who sometimes play the role of spoilers, are extensively analysed in the literature, but the focus tends to be armed actors that pose a security threat (for example, Stedman, 1997).

Parliaments are also central in some of the institutional frameworks used to promote peace. For example, most peace agreements signed in territorial conflicts promise some form of territorial self-governance (Caspersen, 2017), which typically includes the creation of a regional parliament and specifies, up to a point at least, its relationship with the state-level parliament. Parliaments are potential sites of inclusion and compromise and their effective functioning, both at the national and sub-national level, is crucial for the success of peace agreements and the promotion of post-war stability. Yet, to date, research and related policy recommendations have largely focused on the institutional frameworks ex ante, and very little on how parliaments actually work to influence on peacebuilding.

In the following section, we draw on the existing research and empirical examples to explore the potential impact, both positive and negative, parliaments can have on peacebuilding.

Section I: The potential impact of parliaments on peacebuilding

1. Potential positive impact

First and foremost, parliaments have the ultimate legal responsibility for the implementation of peace agreements and decision-making on policy that impacts peace. Crucially, they have the final say on peace agreements themselves. Colombia's Congress, for instance, did so on the 24th of November 2016 (Meernik, DeMeritt and Uribe-Lopez 2019, p.6). In terms of the implementation of such agreements, the Inter-Parliamentary Union (IPU) has led the limited work that has brought attention to the significance of parliaments. They produced a report in 2005, which will be referenced throughout, and even made their case before the UN General Assembly (IPU 2018).

The IPU lay a particular stress on parliament's role in judicial reform. Parliaments make the legal frameworks that underpin vetting individuals for their suitability for office – and potentially also for general lustration – and thus are central in ensuring that individual guilt is punished with ascribing collective guilt to identity groups (IDEA 2005, p.16). Further, they need to establish new bodies to promote human rights, namely 'civilian oversight bodies to monitor the military, anti-corruption entities, specialised courts, and... national human rights commissions and ombudsmen's offices' – while also delivering human rights training to public servants (ibid.). An interesting example of a parliament's power to pursue these goals is when, in 2006, Afghan parliamentarians mobilised to reject the reappointment of a supreme court opposed to liberalising legal reforms (Suhrke and Borchgrevink 2008, pp.220-1).

Parliaments also play an important role in other aspects of institutional reform. Devolved institutions, often so crucial to peace agreements, can be created by parliamentary decision. The 2001 peace agreement in Papua New Guinea was legislated through the national parliament and, among other things, gave huge prerogatives to Bougainville's autonomous institutions – even in matters of foreign policy and defence (Ghai and Regab 2006, p.598). Security sector reform is another enormously important part of peacebuilding (Muggah and de Boer 2019, p.3) and parliaments are likely to need to legislate for it. In the case of Nepal, the 2011 Seven Point Agreement among parliamentarians addressed integrating paramilitary combatants into a unified army under democratic oversight (Mayer-Rieckh 2013, p.53).

Similarly, parliaments have played an important role in the establishment and support of truth commissions; even in cases where it may not at first be apparent. A number of truth commissions have been established directly by parliaments, but even where these commissions have been founded by executives, the legal reality has often been that legislatures were still involved. To reference Nepal again, here executive powers were used to found a truth commission, but only pursuant to legislative branch recommendations (IDEA 2005, p.11). Moreover, their involvement is sometimes subtle, such as when representatives of parliamentary parties acted as part of the consultative mechanism for appointing commissioners in South Africa (ibid., pp.11-2). Parliaments are necessary later, too, in order to implement their recommendations. Truth commissions may suggest anything from compensation schemes to wholesale institutional reform, any of which require parliaments to legislate. Reparations, regardless of their relationship to truth commissions, are also often in the purview of parliaments. Material reparations or legal reparations, like the restitution of employment contracts or property, require legislation (ibid., pp.15-6). The Colombian Congress, for instance, passed three different reparations acts between 2005 and 2011 (Brett and Malagon 2013, pp.263-4).

Finally, the IPU also points to the significance of parliamentary oversight. It calls for parliaments to use their oversight powers to ensure that amnesty is a step of last resort and, when it is unavoidable, allow only the minimum amnesty required to be implemented (IDEA 2005, p.17). More generally, Wilson and Woldense (2019, p.600) note a strong correlation between the 'level of democracy' and the legal and implied powers of the parliament; this in turn suggests, among other things, that the ability to hold the executive branch to account is an important aspect of democratisation.

Let us now turn to the nature of parliaments as assemblies. Parliaments, through their discursive and deliberative set-up, are well suited to provide for the inclusion of important social groups in decision-making (ibid., p.10). Sometimes a peace agreement mandates the inclusion of reserved seats, as in Kosovo (Balkans Group 2015, p.14) and examples of this are considered below. This analysis seeks to be broader, nonetheless, and to consider the significance of parliaments as sites where representatives of distinctive groups and parties come together to legislate.

What is the nature of these different groups and parties? Ethnic parties may spring to mind first. The Parliamentary Assembly of Bosnia-Herzegovina is part of a complicated tapestry of power-sharing. Along with those other institutions, it has become the archetype of ethnic-based inclusion through its principles of 'grand coalitions, minority veto and parity of representation' (Caspersen 2017. p.67). Bougainville's devolved, autonomous parliament contains seats reserved for minority ethnic groups as well as guaranteed representation for former combatants (Ghai and Regab 2005, p.599). In addition, women's participation in parliaments is also significant. In terms of formal inclusion, Rwanda's constitution-building process, mandated by the Arusha Accords, eventually resulted with 24 seats reserved for women (Devlin and Elgie 2008, p.242). The United Nations Development Programme (UNDP) recognises the role of parliaments in promoting women's political participation more generally, including through legislating for National Gender Action Plans, and has therefore sought to support women parliamentarians in particular (Saeedi 2016). Ex-combatants make up a third group.

While inclusion of women places specific commitments on political parties to ensure enough women representatives within the parties, ex-combatants may opt to form their own political parties. A peace agreement will often allow for, and sometimes require, the formation of political parties by armed opposition groups who lay down their arms as part of the treaty (Sindre and Söderström 2016, p.109). Indeed, more than half of armed opposition groups that sign peace agreements form political parties and participate in elections (Manning and Smith 2016, p.973) and many, such as the Aceh Party in Indonesia's Aceh province and Renamo in Mozambique, remain stable contenders in post-war politics (Curtis and Sindre, 2019). In some contexts, the armed movements join electoral politics without demobilising their armed wing. An example of this is the participation in the Lebanese legislature by Hezbollah, which symbolised its identification with the political system (Berti 2016, p.126). There is, consequently, a growing literature on political parties as a factor in making sense of a country's post-conflict trajectory (Alfieri 2016, p.235). In all of these cases, the legislature involves representatives of important groups in its decision-making processes.

The hope, then, is that parliament will act as a platform for constructive debate and collaboration between these groups and hence put them on the road to a sustainable modus vivendi. To return to the IPU report, it asserts that a parliament acting as an effective forum for the open discussion of national issues is a signifier of successful reconciliation (IDEA 2005, p.10). Parliamentarians can act as 'opinion leaders who can initiate and steer a public debate on pressing issues and can play an effective role in the promotion of tolerance and reconciliation' (ibid.). The 25% of seats reserved for women in Sudan's National Assembly, achieved in 2008, was brought about through inter-sectional mobilisation led by parliamentarians (Tønnessen and al-Nagar 2013, p.125). Women in parliament allied with constituencies outside of parliament to bring about the quota (ibid., pp.129-30). In that way, the National Assembly was used as a platform to push for more inclusion.

2. Potential negative impact

However, parliaments could also have a negative impact on peacebuilding, and act as 'spoilers' that aim to undermine peace, both in the short and the long term. Alternatively, parliaments could, less dramatically but no less significantly, fail to have a positive impact on a peace process. The latter would represent a missed opportunity for supporting a more stable future.

It is of course precisely their power to legislate that means parliaments can choose not to do so in the cause of peace. In 2016, the Libyan House of Representatives refused to pass the extremely sensitive Article 8 of the peace agreement, leaving the whole peace process and indeed the country's governance in a 'state of limbo' (Lacher 2020, pp.46-7). Parliaments also sometimes retain the power to effectively revoke extant agreements. The Papua New Guinean national parliament has the final say on the independence of Bougainville, regardless of the outcome of the promised independence referendum (Caspersen 2017, p.114), when the existence of such a road to independence was critical to the initial peace agreement (Ghai and Regab 2006, p.599). Whether a parliament is too weak or simply unwilling to legislate for peace depends on context. There has, for instance, been a bad track record on implementation of truth commission recommendations thanks to both insufficient institutional capacity and lack of political will (IDEA 2005, p.12). In this instance, the same aspect of peacebuilding is jeopardised in different ways depending on the context—be it a strong but non-compliant parliament or a powerless one. In both cases, parliament is key to understanding the (non-) implementation of peace-sensitive policies.

While strong parliaments can deliberately choose to undermine peace, weak parliaments can fail to act as an effective brake on the consolidation of power by the executive branch of government – see for example Edmunds (2018, p.71) on Croatia, and Bruneau (2006, p.234) on Colombia. This may be related to political parties in the legislature being far apart on specific issues and simply unwilling to collaborate as has been argued for the case of Bosnia and Herzegovina, but it may also result from low institutional capacity within parliament itself. How well are sub-committees operating? To what extent is parliament an arena for capacity building in the realm of governance? An important link in democratic governance is thereby missing, which could threaten the development of durable peace.

As for being platforms involving many social constituencies, this could also result in parliaments acting as a space to subvert the processes of government and where antagonisms can be fought out in public. Rather than being a site of inclusion and cooperation, parliaments can become a platform for competition and argument. Parties that emerge from armed opposition groups may want to foster a good working relationship with other parties, but they might also have reasons not to do so. Sindre and Söderström (2016, p.111) point out that integrating formerly armed groups does not neutralise them but, on the contrary, facilitates their 'political role'. They may very well not want the institutional arrangements to work. Such opposition can be displayed through boycotts of parliamentary voting, which has often been used by Renamo in Mozambique (Bekoe, 2008, pp. 50-1) or strategic decisions to refrain from participating in day-to-day parliamentary work, as has on occasion been common practice by opposition parties in Sri Lanka. Separatist groups in transitional periods have an incentive to show that association does not work in order to strengthen their case that independence is the only option (Caspersen 2017, pp.116-7).

Even consistent participation does not always indicate that parties are engaging in constructive institutionalisation, even less democratisation. They may also be mobilising primarily around war-time social cleavages (Manning and Smith 2016, p.419). Sometimes they do not even relinquish their armed wings, as with Lebanon's Hezbollah (Berti 2016, pp.122-3). The outcome may thereby be that parliament simply becomes an arena for particularistic and divisive discourses with little positive impact on long-term peacebuilding. Minority veto powers can also result in inter-ethnic resentments, for example in Kosovo where proposals to create an official military (popular among the majority Albanian population) have been consistently blocked

by the Serb delegates (Bucaj 2019, p.88). These are issues that remain fluid and need further attention in the form of systematic, comparative research to assess the conditions under which such structures may shift over time and as peace processes progress.

> The above discussion argues that parliaments possess characteristics that can be leveraged to lead to peace and, equally, those same characteristics can mean parliaments often act as obstacles to peace.

One aspect relates to the institutional composition of parliaments, such as the degree of formal inclusivity, which can create a space for constructive cooperation or public discord. However, to date there has been little effort at systematically analysing the conditions under which such institutional inclusivity has a positive impact on peace. Equally, there is the power of the central role of parliaments in deciding whether to accept peace agreements and how to implement them, as well as peace-promoting policy more generally.

Parliaments, then, are important to peacebuilding. It behoves scholars of post-war dynamics to take seriously what parliaments do to support and undermine peace. We should examine linkages between particular features of parliaments and their impact on policy outcomes relevant to the creation and maintenance of peace.

In the remaining parts of this report we probe these linkages in a series of case studies focusing on (1) the role that parliaments play in the implementation of peace agreements; (2) how parliaments formally operate in relation to peacebuilding; and (3) how parliaments govern with regard to peacebuilding.

> What we will see from these case studies is that few parliaments have a straightforwardly positive or negative impact on peacebuilding.

Even if the overall impact is positive, there are frequently a number of obstacles and setbacks that have to be overcome. Likewise, even if parliaments are characterised by deadlock and conflict, which could be perceived as having a negative impact on peacebuilding, the existence of a forum that allows for dialogue and inclusivity, however strained it may be, could still have a small positive impact on the prospect for peacebuilding. The case studies shed light on this 'grey zone' in which domestic political actors and international policy makers need to navigate.
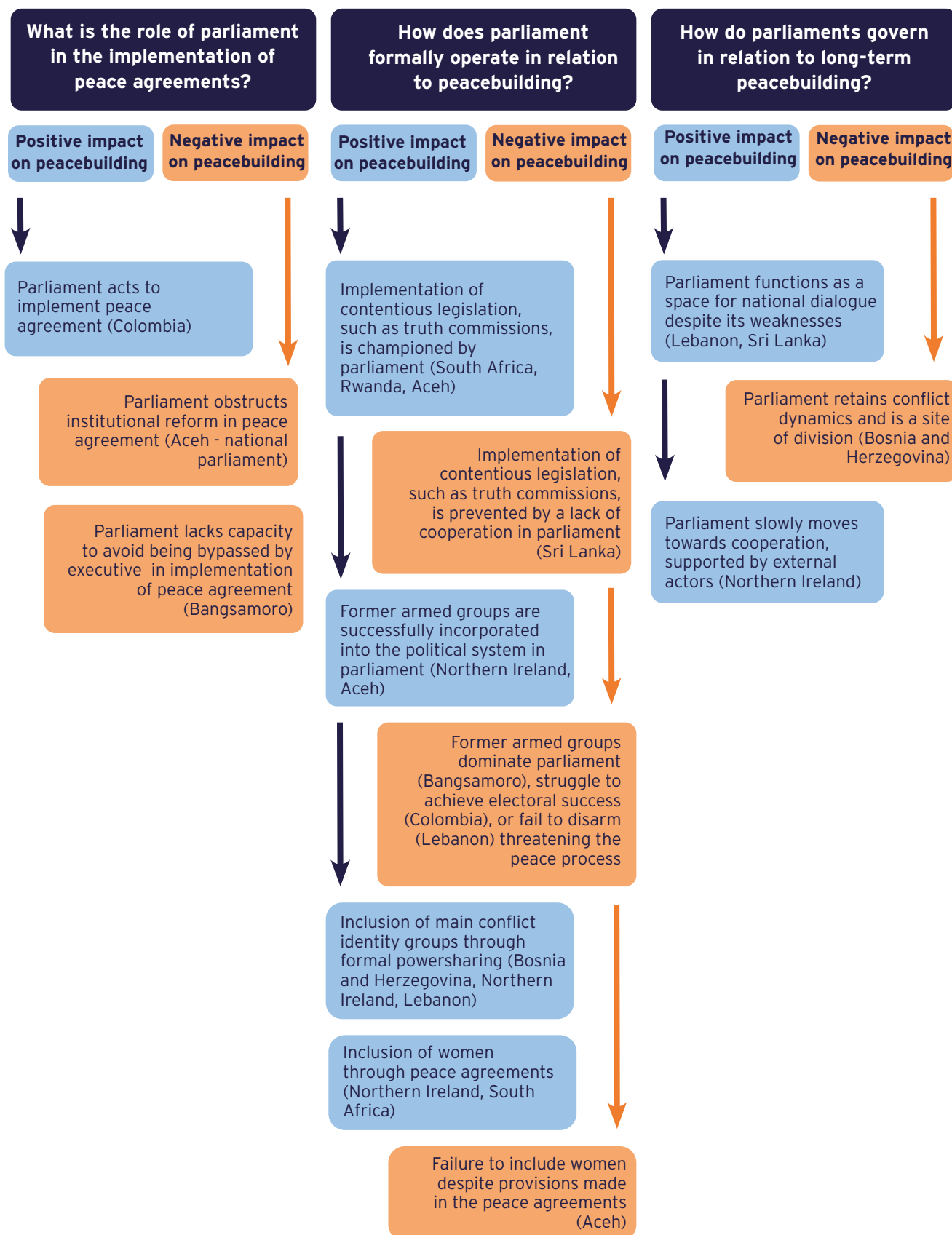
Section II: Case studies

The following section draws on analysis of eight case studies of post-conflict parliaments. These cases differ significantly when it comes to how the conflict ended, the institutional framework in place and the capacity of the parliaments.

The report includes two case studies where a negotiated peace settlement resulted in regional self-governance. In **Aceh** (Indonesia), the Memorandum of Understanding (MoU) was signed between the Free Aceh Movement (GAM) and the Indonesian government in 2005. It provided the region of Aceh with extensive autonomous governance, including a provincial assembly. GAM gave up on its demand for independence in return and transformed into a regional political party (Thorburg 2012, 84-6). A similar arrangement was negotiated between the Government of the Philippines and the Moro Islamic Liberation Front (MILF) in 2014. The Comprehensive Agreement on **Bangsamoro** created a new autonomous region, in return for the disarmament of the MILF. The agreement stipulated the formation of the Bangsamoro Transitional Authority (BTA) as the interim regional government of the Bangsamoro Autonomous Region with legislative and executive branches. The MILF constitutes the majority party of the interim Bangsamoro Parliament until the parliamentary election, which is scheduled for 2022 (ICG 2019).

These two peace agreements represent a territorial form of power-sharing and we also include three cases of political power-sharing. The 1995 Dayton Agreement for **Bosnia and Herzegovina** created a complex consociationalism system, with two territorial entities – the Serb-dominated Republika Srpska and the Bosniak-Croat Federation of Bosnia-Herzegovina – and several layers of power-sharing governance and minority vetoes. The implementation, and oftentimes functioning, of this system was ensured by the international Office of the High Representative. Another power-sharing peace agreement was signed in **Northern Ireland** in 1998. The Belfast Agreement, or Good Friday Agreement, provides for a power-sharing Northern Ireland Assembly, as well as institutional links with the Republic of Ireland. In return, the Irish Republican Army agreed to decommission its weapons. The final power-sharing agreement is **Lebanon**'s 1989 Taif Agreement, which provided for a consociational system where the primary religious groups - Druze, Maronite, Shi'ite and Sunni - would all have a role and a stake in political life. Political parties engaged in civil war and their leaders became included and represented in the resulting institutions, including Hezbollah which began to participate in political life as a party from the 1992 elections (Berti 2016, 122).

Figure 1: Positive and negative impacts of parliament in relation to peacebuilding

What is the role of parliament in the implementation of peace agreements?	How does parliament formally operate in relation to peacebuilding?	How do parliaments govern in relation to long-term peacebuilding?
Positive impact on peacebuilding / **Negative impact on peacebuilding**	**Positive impact on peacebuilding** / **Negative impact on peacebuilding**	**Positive impact on peacebuilding** / **Negative impact on peacebuilding**

Column 1 — What is the role of parliament in the implementation of peace agreements?

Positive impact:
- Parliament acts to implement peace agreement (Colombia)

Negative impact:
- Parliament obstructs institutional reform in peace agreement (Aceh - national parliament)
- Parliament lacks capacity to avoid being bypassed by executive in implementation of peace agreement (Bangsamoro)

Column 2 — How does parliament formally operate in relation to peacebuilding?

Positive impact:
- Implementation of contentious legislation, such as truth commissions, is championed by parliament (South Africa, Rwanda, Aceh)
- Former armed groups are successfully incorporated into the political system in parliament (Northern Ireland, Aceh)
- Inclusion of main conflict identity groups through formal powersharing (Bosnia and Herzegovina, Northern Ireland, Lebanon)
- Inclusion of women through peace agreements (Northern Ireland, South Africa)

Negative impact:
- Implementation of contentious legislation, such as truth commissions, is prevented by a lack of cooperation in parliament (Sri Lanka)
- Former armed groups dominate parliament (Bangsamoro), struggle to achieve electoral success (Colombia), or fail to disarm (Lebanon) threatening the peace process
- Failure to include women despite provisions made in the peace agreements (Aceh)

Column 3 — How do parliaments govern in relation to long-term peacebuilding?

Positive impact:
- Parliament functions as a space for national dialogue despite its weaknesses (Lebanon, Sri Lanka)
- Parliament slowly moves towards cooperation, supported by external actors (Northern Ireland)

Negative impact:
- Parliament retains conflict dynamics and is a site of division (Bosnia and Herzegovina)

We also include case studies of two non-territorial conflicts where a compromise agreement was negotiated but where the position of the armed movements differed considerably after the war. In 2016 a peace agreement was signed between the Government of **Colombia** and Fuerzas Armadas Revolucionarias de Colombia (FARC). This addressed 'rural reform, illicit crops, political participation of minority groups, and transitional justice' (Rettberg 2019, 84-6) and provided for the transformation of FARC into a political party. The peace agreement in Colombia has also been described as a negotiated defeat (for example, Marks, 2017). The end of apartheid in **South Africa** was the result of lengthy negotiations between the governing National Party and the African National Congress (ANC) led by Nelson Mandela, and several other political organisations. In 1991 a National Peace Accord was signed and in 1993 the Multiparty Negotiating Forum agreed on an interim constitution. This paved the way for the Truth and Reconciliation Commission (TRC) between the 1994 democratic elections and the formation of a Government of National Unity. In contrast to Colombia, the peace agreement in South Africa can also be described as a rebel victory in that the main opposition group emerged from the conflict as victorious with powers to define the post-war political order (Manning and Smith 2019).

Finally, we include a conflict that ended in the victory of one side: the case of **Sri Lanka**. In 2008, the Liberation Tigers of Tamil Eelam (LTTE) were militarily defeated by the Sri Lankan national army. As a result of this defeat, the Tamil National Alliance (TNA), an electoral political party, abandoned the cause of independence. Instead the TNA now advocates for autonomy for the Tamil minority and has also shifted away from ethnonationalism toward tolerance and minority rights (Sindre 2019, 504-5). Sri Lanka's parliament has remained one of the most stable parliaments in Asia.

1. Role of parliament in the implementation of peace agreements

Parliaments have, as noted above, the ultimate legal responsibility for the implementation of peace agreements and decision-making on policy that impacts peace. They can therefore play the role as a veto holder in a peace process. However, the extent to which parliament is able to play this role – either to aid or to hinder the peace agreement – depends on interactions with other institutions, the institutional framework under which they operate, and the degree of contestation surrounding the policy that needs to be implemented.

In some of our case studies parliaments have played an important positive role in the implementation of peace agreements. In the case of **Colombia**, parliament was willing to support the 2016 agreement between the Colombian government and FARC, despite its narrow defeat in a hotly contested referendum. Following the referendum, the Colombian Congress ratified an amended version of the agreement (Meernik, DeMeritt and Uribe-Lopez 2019, 6) that made Congress directly responsible for its implementation. However, implementation was always going to be difficult, especially when it comes to core conflict issues such as land. By July 2018 around 66% of the total stipulations had been implemented at least at minimum level, but only 22% had been fully implemented (PRIO 2018), and some provisions including the reassigning of land remain unimplemented (Rettberg 2019, 87). In 2019, the Kroc Institute found that 51% rural reform provisions in the peace agreement 'have made such little progress that it is unclear they will ever be fully implemented' and a further 38% 'have made no progress at all' (ICG 2019a). Congress has a duty to reassign ten million hectares of land to various 'rural development initiatives' under Chapter 1 (Angelo 2017), but in 2019, 500 Colombian NGOs complained to the European parliament that the provisions regarding crop substitution (Alsema 2019) have yet to be implemented. Both the UN (UNVMC 2020, 5) and FARC leaders (Wola 2020) have lamented this failure. A critical obstacle to the implementation of the agreement has been the resistance of Ivan Duque who was elected president in August 2018, on a promise to 'modify' the peace agreement (ICG 2018). The reluctance of the Duque administration to implement key provisions has resulted in significant tensions with Congress and crucial delays. For example, the statutory law on the transitional justice mechanism, the 'Special Jurisdiction for Peace' (Jurisdicción Especial para la Paz, JEP), was already approved by Congress in 2017. However, President Duque initially refused to sign it, announcing that he objected to six of the 159 articles. This was reportedly the first time a President refused to sign a statutory

law already approved by Congress and the Constitutional Court (ReliefWeb 2019). In the meantime, the JEP was able to function on the basis of an amnesty law from 2016 and the 2017 constitutional amendment that created the mechanism, but it lacked a comprehensive legal framework (Quintero 2019; Open Democracy 2019). The President finally signed the bill in June 2019, after Congress voted to override his objections, a decision that was backed up by the Constitutional Court (ICG 2019a). But the President cut the JEP budget by 40%, thereby curtailing its effective functioning (Aponte 2019). Therefore, although parliament played a crucial role in the implementation of the bill, and the functioning of the JEP in the meantime, what resulted was a weakened transitional justice mechanism. Moreover, polarisation around the issue had increased as a result of the prolonged debate (ICJ, 2019).

> However, in a number of other cases, parliaments have had greater difficulty agreeing on the implementation of peace agreements and have in some cases actively sought to undermine key provisions.

In the case of power-sharing parliaments, the implementation of peace agreements is likely to face additional challenges, due to the minority vetoes usually included in the arrangements. **Bosnia and Herzegovina**'s Dayton Agreement effectively gives each constituent nation (Bosniaks, Serbs and Croats) two vetoes, one formal and one practical (McEvoy 2014, 112). The lower house needs at least the support of one third of the representatives from each of the two federal entities, and any constituent nation in the upper house can declare legislation to pertain to their vital interests, in which case it needs a majority from all groups to pass (McCrudden and O'Leary 2013, 28). The international community had hoped that elections held only nine months after the signing of the Dayton Agreement would result in the replacement of nationalist forces with more moderate MPs who would be willing to cooperate. However, no such shift occurred and boycotts were used as a means of blocking the effective functioning of parliament; frequently the required one third of MPs from each territory simply did not turn up (Caspersen, 2004). This made it extremely difficult to get any legislation through parliament, including legislation that was needed to implement core provisions of the agreement such as refugee returns (ibid.). Refugee returns were intended, by the international community, to weaken the ethnic autonomy that was also contained in the Dayton Agreement. However, it would therefore also weaken the power of nationalist leaders, both centrally and locally, and faced significant resistance (Caspersen 2017, 106). After two years of very little progress, the powers of the Office of the High Representative were extended, giving this unelected and unaccountable international representative the powers to decree legislation. The majority of the peace agreement's provisions were eventually implemented, but parliament and other domestic institutions were bypassed in the process.

Several of the case studies draw attention to the often complex role that parliaments play, both at regional and national levels, when it comes to the implementation of peace agreements. For territorial conflicts where the agreement introduces power sharing in the form of special autonomy provisions, one of the most pressing issues concerns the national parliament's willingness to formally devolve power to regional parliaments. Such regional power sharing arrangements usually require major constitutional changes such as regional reform and changes to party laws and election laws, and the translation of the agreement into law is usually put forward for parliamentary approval.

For the cases of **Aceh** (Indonesia) and **Bangsamoro** (the Philippines) where peace is premised upon the strengthening of regional parliaments, and upon the provisions for rebel groups to transform into political parties and put forward candidates in regional-level elections alongside other regional and national political parties, the peace agreements have undergone additional scrutiny and debate within national parliaments. The two cases highlight different roles of national-level parliaments in implementing the agreements. In Aceh, the national parliament opposed key aspects of the agreement, whereas in the Philippines, to date at least, it seems evident that the regional parliament is increasingly being bypassed by the executive in securing full implementation of key inclusive aspects of the agreement.

In Indonesia's **Aceh** province, the peace negotiations were primarily focused on finding a framework for territorial governance requiring the armed movement to give up their claim to independent statehood and the Indonesian government to devolve powers to a regional parliament. The peace settlement, the Memorandum of Understanding (MoU) laid out provisions for special autonomy provisions that included the strengthening of the regional parliament, the Dewan Perwakilan Rakyat Daerah Aceh (DPR), provisions for regional political parties to be established, including for GAM to transform into a regional political party and place forward candidates for DPR and for direct elections for governor, mayors and regents. The MoU stipulated that a new Law on the Governance of Aceh (LoGA) would be promulgated, based on principle that Aceh will exercise authority within all sectors of public affairs, except for the field of foreign affairs, external defence, national security, monetary and fiscal matters, and justice and freedom of religion (MoU 2005).

The Law on the Governing on Aceh (LoGA), Law No 11/2006, was promulgated and passed by the national parliament in August 2006 after considerable delay, about one year after the signing of the peace agreement. The drafting of the law went through several rounds of stakeholder involvement at regional and national levels as well as parliamentary scrutiny at both levels. On the one hand, the process of widespread deliberation and community involvement in providing input to the draft law could have ensured – and was probably intended to ensure – that the agreement and law itself gained popular support and a firm anchor amongst key stakeholders and society as a whole. On the other hand, as the parliamentary process actually excluded GAM and main negotiators, the outcome was a complex document that was far removed from the original intent of 'self-government' outlined in the MoU. Below, we first briefly describe the process of deliberation and parliamentary involvement in drafting the law, before assessing the impact of the discrepancies between the MoU and the LoGA.

The first draft of the law was prepared by GAM and although it contained some fairly radical ideas of Aceh's 'self-government' that included Aceh's independent membership in certain UN bodies as well as complete control over regional fiscal policies, it was precise and close to their own interpretations of what they had agreed on in the MoU. This draft was presented to the provincial parliament and government before being presented to deliberation with regional-level stakeholders, including business, religious leaders and legal experts. Importantly, despite the MoU's emphasis on early elections, elections were not held until August 2006, which meant that GAM members were not represented within the provincial assembly or government. Consequently, the draft law that was proposed by the regional assembly and approved by the regional government did not formally require GAM's approval or formal involvement beyond consultation. Considerable changes to the first and second drafts were finally introduced by Indonesia's national parliament after deliberations also in Jakarta. In the end, the final document did not provide a precise stipulation of Aceh's regional autonomy arrangements and departed considerably from what was set out in the MoU (for example, Sindre 2011; Aspinall 2014).

While the Indonesian president was a signatory to the peace agreement between GAM and the Indonesian government, the Indonesian parliament was not. Rather, the parliament was concerned with ensuring that the LoGA was reconcilable with existing laws and regulations about the relationship between regions and the centre. In the end the, discrepancies between the MoU and the LoGA concern key issues such as the extent of Aceh's special autonomy arrangements vis-à-vis the central government; how power is divided between the province and the districts within Aceh proper; and, importantly, parliament's insistence that the Indonesian Armed Forces Law (TNI-Law, that is, Law 34/2004) also encompassed Aceh. The latter departs from the MoU in stating that the TNI would play the same role in Aceh as elsewhere in Indonesia including in dealing with internal security disturbances. One of the main issues for GAM was to limit TNI's role to securing Indonesia's outer borders and removing any so-called non-organic (that is, non-Acehnese) troops from Aceh. The two above principles awarded Jakarta considerable control over Aceh's domestic affairs, departing from the MoU in removing the MoU's second principle that 'decisions with regard to Aceh by the legislature of the Republic of Indonesia will be taken into *consultation* with and *with the consent* of the legislature of Aceh'. In addition, parliament's decision to give the TNI-Law precedence over any local laws goes against central

principles in the MoU relating to preventing the Indonesian military from intervening in internal security matters (Hillman 2012; Aspinall 2014). Consequently, following parliamentary scrutiny and drafting of the law, the powers of the DPR were considerably diminished. Throughout the process, it became clear that the national parliament treated the MoU and especially the principles of autonomy as a set of general guidelines rather than principles and commitments to adhere to.

The Indonesian parliament also acted as an obstacle to the implementation of trust and reconciliation provisions in the peace agreement. Although the Memorandum of Understanding included stipulations for a truth and reconciliation commission, and a human rights court, this aspect of the peace agreement has been stalled by 'reluctant policy makers' (Suh 2015). Following the signing of the peace settlement, the Indonesian Human Rights Commissioner, Komnas Ham, produced a series of pro-justicia reports depicting the past human rights atrocities in Aceh. The reports featured as part of Komnas Ham's overall work in tracking past atrocities of the New Order regime. Even though the reports on Aceh were presented in parliament, they were largely ignored by the national parliament (the DPR) and the president. At the signing of the MoU, negotiators had expected that Aceh would feature as part of a national Truth and Reconciliation Commission which meant that it was left to Indonesian lawmakers rather than the international apparatus. To date, the bill only exists as a draft law that has been presented to lawmakers on several occasions, but never passed by the parliament. In 2013 President Yudhoyono withdrew the bill from the DPR upon which it was returned to the coordinating ministry for another legal overhaul (Wahyuningroem 2013, 128).

In the Philippines, the national parliament also contributed to halting the implementation of the 2014 Comprehensive Agreement on the **Bangsamoro** signed between the Moro Islamic Liberation Front (MILF) and the Philippine government. The passage of the Bangsamoro Basic Law, which is the legal instrument for the implementation of the agreement, was beset by years of delays, both due to outbreaks of violence and unwillingness of national level politicians to pass it through Congress (ICG 2019b). In contrast to Aceh, where GAM had been sidelined in the immediate post-settlement period (Sindre 2014), in Bangsamoro the former insurgents, the MILF, have had significant powers to influence and strategise on the establishment of the regional parliament and authority for the Bangsamoro Autonomous Region of Muslim Mindanao. As signatories to the peace agreement, the MILF control the Bangsamoro Transitional Authority – including holding a majority of seats in the transitional legislature - and therefore has the main responsibility to translate some of the most radical, inclusive aspects of the peace settlement such as drafting the electoral code, ensuring bottom-up involvement and strengthening of parliamentary oversight. However, to date the transitional parliament has on several occasions been bypassed by the executive. One example is the Bangsamoro transitional plan itself, in which the members of the regional parliament were given just one day to review the draft and vote for the transitional plan. In addition to leading to heightened tensions (ICG 2020), the lack of due process and involvement of the assembly in the legislative process weakens the opportunity for capacity training, which is especially important in places such as Bangsamoro where the majority of MPs lack such experience and whose backgrounds are from within the militarised systems of an armed movement (De Zeeuw 2008).

> Where national parliaments have acted as an obstacle to the implementation of peace agreements, regional parliaments have sometimes managed to play a positive role.

In **Aceh**, the regional parliament pursued a parallel track for truth and reconciliation commissions when it became evident that policy makers in Jakarta would not commit. In practice, an Aceh TRC Law was passed as early as 2006, as Article 229 (1) of the LoGA stating that 'to seek the truth and reconciliation, a Truth and Reconciliation Commission shall be established in Aceh by virtue of this Law' (LoGA 2006). Consequently, Aceh needed only the working procedures of the TRC by provincial regulation; that is, a qanun, not another legal umbrella at the national level. In December 2008 a coalition of victims' associations and Acehnese

NGOs submitted a TRC bill to the Aceh parliament. This bill was put into the local legislative programme in February 2011 where it remained dormant for two years before it was revived as tensions arose over the DPRs decision to adopt the GAM banner as its official flag (ICG 2013). The Aceh parliament invited local and national human rights activists for a public hearing on the local TRC bill. The bill for a stand-alone Aceh TRC was passed in the DPR, but again rejected by DPR with the excuse that the national TRC was still in motion to be introduced (Suh 2015). Against Jakarta's will, Aceh passed the TRC *quanun* at the end of the year. The Aceh TRC does not cover gross human rights violations and is primarily focused on truth-seeking about social, economic and cultural rights. It also explicitly denies that reconciliation forecloses the possibility of prosecution (Suh 2015). The passing of the Aceh TRC *quanun* caused considerable concern in Jakarta (BBC Indonesia, December 27, 2013). The Ministry of Home Affairs demanded that all clauses on truth-seeking, reparations, reconciliation and data management must be deleted (Menteri Dalam Negeri 2014 cited in Suh 2015). In the end, the establishment of the Aceh TRC was a way for the provincial parliament to assert its autonomy, which coincides with ensuring the implementation of key features in the peace settlement that had been overridden by Jakarta. However, without national-level commitment and inclusion in national legislation, there is little chance of prosecution of human rights offenders.

> The implementation of peace agreements often faces significant obstacles and the journey towards parliamentary approval is often severely contested. Parliamentary approval can help ensure popular backing for, and scrutiny of, agreements that are often negotiated behind closed doors. This is an important function and can help ensure a sense of much-needed local ownership.

Parliamentary backing can also help insulate an agreement against popular mistrust, and even a change in government. However not all parliaments will have the capacity to ensure appropriate levels of scrutiny or support for the agreement; this is particularly the case for regional parliaments who may also be deliberately sidestepped in the implementation process. Parliaments may of course also lack the willingness to implement difficult compromises. The timing of elections; the composition of the parliament (especially the position and perceived legitimacy of the former armed group turned political party); the institutional framework, including the requirement for super majorities; and the dominant perception of the agreement (in other words, is it merely perceived to provide guidance?) were also found to be potentially important factors. In addition, in some cases international involvement were needed to ensure implementation of severely contested provisions, such as those relating to transitional justice. While these post-conflict measures are standard to most peace agreements, parliaments have often not followed through with ensuring legislation in this arena or been able to hold the executive accountable to these commitments. Where parliaments have successfully passed legislation that has led to the establishment of human rights courts and commissions, these are mostly in places with heavy involvement by internationals in the design and running of tribunals, such as in Cambodia and Sierra Leone (Stensrud 2009).

However, it is important to note that even where parliaments have blocked or watered down core provisions, or the implementation has necessitated significant international involvement, peace has not necessarily been undermined. The Dayton Agreement and its power-sharing system institutionalised the conflict in Bosnia and Herzegovina, and it is therefore hardly surprising that deadlocks occurred, especially considering that the peace agreement was the result of a significant amount of international arm twisting and coercion. Yet violence did not re-erupt; the conflict was contained in the political realm: the parliamentary squabbles, and the imposition of legislation, did not spill onto the street or cause a domestic backlash (Caspersen, 2004). Similarly, in the case of Aceh, peace has remained stable over fifteen years across four election cycles, despite parliament's role in curbing autonomy provisions. In retrospect, the most important provisions of the MoU that were successfully implemented concern changes to the party laws and in particular provisions for the former armed group, GAM, to put forward candidates for local elections and transform into a regional political party, and provisions for regional political parties. Following electoral support in regional-level elections,

former GAM members have been able to control the executive in more than half of the province's districts and is the largest party in the provincial legislature and several of the district legislatures. Controlling the legislature has also meant access to rent-seeking mechanisms and illicit fundraising opportunities that have also been dubbed 'predatory peace' (Aspinall 2014). To ensure continued influence in Jakarta, informal power sharing and agreements have been struck between GAM's successor party, the Aceh Party and national-level parties. For instance, the Aceh party has entered into widely publicised pacts with national level parties and politicians in which the national party promises to support the local level party and vice-versa (Hillman 2012, 432-3; Al Jazeera 2019). Peacebuilding is a long-term process, it is multi-faceted, and we see similar examples of obstacles and setbacks when it comes to the further involvement of parliaments in peacebuilding.

2. How do parliaments formally operate in relation to peacebuilding?

The role of parliaments in relation to peacebuilding does not stop once a peace agreement is implemented. Parliaments often play a role in formal policymaking in the areas of conflict resolution and peacebuilding, but this role depends on how they are organised. Parliaments can be organised in ways that ensure inclusivity and enable and promote collaboration across conflict and cleavage lines. Parliamentary inclusivity is relevant in all post-conflict contexts, but the mechanisms designed to promote this differ significantly between the cases – between negotiated peace settlements and conflicts that ended in the victory of one side. Moreover, different types of inclusion are associated with different procedures and rules, and the issues at stake also differ. Below, we first examine the role of parliaments in a deeply contentious area of policymaking: **transitional justice**. We then examine how parliamentary inclusivity is promoted in different post-conflict cases; when it comes to representation, decision-making rules, and parliamentary committee work. If effective, such rules can turn parliaments into **sites of national dialogue** and help the move away from violence. We examine the formal operation of parliaments, and some of the tensions this engenders, in relation to the inclusion of former combatants, marginalised communities and the main identity groups.

Contentious policymaking

Parliaments can be a site for formal policy making in the areas of conflict resolution and peacebuilding. However, the establishment of committees to work specifically in the more contentious policy areas such as reconciliation, transitional justice, and human rights courts remains highly contested. As discussed above, although peace agreements stipulate the establishment of transitional justice mechanism, parliaments often block or halt legislation that enable these mechanisms to be put in place. However, in some contexts, parliaments have been directly involved in the creation of truth and reconciliation commissions. One of the most prominent examples remains **South Africa** where the Truth and Reconciliation Commission (TRC) was based on the final clause of the Interim Constitution of 1993 and passed in parliament as the Promotion of the National Unity and Reconciliation Act, No 34 of 1995. Public hearings were held by the Parliamentary Standing Committee on Justice responsible for preparing the legislation for the setting up of the TRC. A multiracial selection panel, including a representative of every major political party, two ecumenical church leaders, a trade unionist, and two human rights lawyers, selected forty-five individuals to be interviewed publicly for the original seventeen (later nineteen) commissioner positions (Graybill 1998, 104). A parliamentary committee was also responsible for handling applications for amnesties to be put forward to the TRC (see for example Gibson 2005). These efforts contrast with some of the more prominent human rights courts as in **Rwanda** where the parliament displayed particular innovation in the design of the courts, by passing the gacaca law (IDEA 2005). While the law in Rwanda has been criticised for failing to meet the criteria for fair trials, it has been perceived to be legitimate and efficient with attention to the Rwandan context.

A contrasting example is provided by **Sri Lanka**, where parliament has not been able to overcome cleavage lines in the area of reconciliation. The Sirisena's unity government, which had been elected in 2015 on a platform that promoted reconciliation, had decided on the formal establishment of a parliamentary reconciliation committee that would lay the foundation for a future truth and reconciliation commission in Sri

Lanka. However, the committee's work has remained contentious. The divisions within parliament have been such that any reforms in the area of transitional justice are heavily contested and voting most likely leads to such bills not being passed. Under the Sirisena government, in 2016, the Office of the Missing Persons Bill was passed without a vote amidst heavy protests by the joint opposition. Then former president Rajapaksa said that every member of parliament that voted in favour of the bill would be held responsible for 'betraying the country's armed forces' (Colombo Telegraph, Aug 11, 2016). The OMP was established with support from the UNHCR and includes seven parliamentarians and three other members of the public (Colombo Telegraph, Sept 30, 2016). As with other legislation, such as the Office for Reparations Legislation that passed in 2018, since 2019, these mechanisms have been put to the side. As a whole, parliament seems to play an important role in mediating issues and debating themes, but there is little support from amongst the major political parties for transitional justice mechanisms to be put in place. As such, while parliament has passed important legislation in this area and key committees have been established, the actual commitment for domestic transitional justice (TRJ) commissions to work to address past human rights abuses and atrocities is not located within a parliament that is divided on these contentious political issues.

The contexts where parliament played a positive role in establishing truth and reconciliation committees are all contexts in which the former rebels hold majority positions in parliament following the end of armed conflict. In contrast to Sri Lanka and Indonesia, the armed opposition groups emerged as victors in South Africa and Rwanda and these movements and parties have very much defined the domestic peacebuilding agenda. In Aceh and Sri Lanka, the national parliaments have blocked legislation in fear that state elites would be persecuted. However, even in South Africa and Rwanda, a series of compromises were made especially regarding the use of amnesties, even for gross human rights violations. In all of these cases, in the years following the peace settlements, parliament thus became a site for mediation and inter-party negotiations on core conflict issues but with varying capacities and willingness to deal with core conflict issues.

This suggests that while it matters significantly how parliaments are organised, the political environment that persists following conflict endings influences how parliaments can operate. In order to have a positive impact on peacebuilding, parliaments should ideally be organised in ways that promote inclusivity and collaboration. Yet, inclusivity can be ensured in a number of different ways; it is not always effective, and it is often the source of significant tensions.

Integrating former combatants

Another important function of post-war parliaments is the integration of former combatants. This is vital for successful peacebuilding, yet often a source of disputes and tensions. Parliaments are important as sites for collaboration across divides and between former enemies that ensure continued dialogue beyond the limited time frame of the peace process. In the case of **Northern Ireland**, Sinn Fein has seen electoral success, both north and south of the border. In the Northern Ireland Assembly, the party is the largest nationalist party and it has consequently held the post of deputy First Minister since 2007. However, Sinn Fein is still not taking its seats in Westminster; it continues its policy of abstentionism and shows no sign of changing its mind (Tonge and Evans 2018, 150). Within the devolved assembly, tensions over sovereignty surfaced when the Ulster Unionist Party refused first to enter, then to remain in the executive with Sinn Fein without IRA decommissioning (Ruane & Todd, 2001, 937). But since then relations between Sinn Fein and the Unionist parties have become more cooperative. The former leader of the Democratic Unionist Party, Ian Paisley, once said of his then counterpart in Sinn Fein, Martin McGuiness: 'I am not going to sit down with bloodthirsty monsters who have been killing and terrifying my people'. But after working together as co-leaders of the Northern Irish Executive, Paisley and McGuiness developed such a positive working relationship that the media dubbed them the 'Chuckle Brothers' (Whiting and Bauchowitz 2020, p. 5).

In **Aceh**, as the only province in Indonesia, the peace settlement opened up for the establishment of regional political parties, which included provisions for the armed group, GAM, to transform into a political party, the

Aceh Party. The Aceh Party remains the largest party in the regional assembly and therefore holds power over provincial legislation. In contrast to Northern Ireland, where, as discussed above, Sinn Fein is formally represented in Westminster but has abstained from taking up their seats, the Aceh Party has pushed for the opportunity to be represented in the Regional Representative Council (Dewan Perwakilan Daerah, DPD) in Jakarta. As a consequence, the Aceh Party has continuously sought to build alliances with national political parties, which ensures a level of collaboration within the regional parliament as well as regional voice in the national parliament (Sindre, 2019). In **Bangsamoro**, as members of the interim transitional authority, former rebel leaders have been given substantial control over the development of the institutional set-up in accordance with the Bangsamoro Basic Law. However, the parliament lacks both in capacity and formal political powers, lacking a legal basis for oversight over local government. Informal power structures are also influencing the functioning of parliament. Access to such informal networks poses a problem to the new interim authority, especially as the MILF leaders lack allies amongst political clans in the region (ICG 2019b).

In other cases, the integration of former combatants remains hotly contested. In **Colombia**, this formed an important part of parliament's role in the peacebuilding efforts. The Colombian Congress was the site of FARC's integration. As part of the agreement, FARC transformed itself into a political party with the same acronym (Maher and Thomson 2018, 2143) and was in return guaranteed ten 'non-competitive seats' in congress for two electoral cycles (Angelo 2017). In 2019, 12 FARC ex-combatants, not all of whom are members of the same party, were elected to Congress (UNVMC 2020, 17). While the transformation of combatants into MPs is an important part of a peace process, this can also cause polarisation. In Colombia, the former FARC combatants now find themselves in parliament with some MPs who actively collaborate with right-wing paramilitary groups (Maher and Thomson 2018, 2148). The demobilisation of these groups was one of FARC's key demands in the peace talks, but this has been incomplete and the paramilitary groups continue to carry out targeted assassinations against former rebels and their families (Maher and Thomson 2018, 2149-2151). Moreover, the transformation into a political party has not been as successful as FARC had hoped. Only 21% of Colombians support the participation of ex-combatants in politics and so it is perhaps unsurprising that they performed very poorly in their first elections (Rettberg 2019, 94). The risk is that this lack of electoral success, along with the polarisation in parliament, may incentivise FARC to return to the battlefield. Many already have. Human Rights Watch (2019) reported 2300 active FARC guerrillas in May 2019 (HRW 2019). In August 2019, four former commanders under investigation by the Special Jurisdiction for Peace took up arms again because of the 'betrayal by the state of the peace accord' (HRW 2019). While the parliamentary party has distanced itself from this – including expelling the commanders (Gill 2019) – it is unclear which strategy will prevail. Finally, in **Lebanon**, the Taif Agreement provided for wartime leaders to become institutionalised parliamentarians, including Hezbollah, which began to participate as a party from the 1992 elections (Berti 2016, 122). However, Hezbollah's parliamentary participation, and its lack of disarmament, is the subject of continued controversy. Yet, their political inclusion into parliamentary politics ensures some degree of formal collaboration and an easily accessible meeting ground that would otherwise have been difficult to form.

All in all, the case studies confirm existing research that although the political inclusion of former armed groups into politics can remain contentious, parliament becomes an important meeting ground for former enemies and it ensures that there is a formal site for collaboration and continued dialogue, whether formally or informally, that stretches beyond the limited time frame of the peace negotiations.

Inclusion of other marginalised groups

In addition to the integration of combatants, some peace agreements have also provided for the parliamentary inclusion and support for representatives from otherwise marginalised groups, or this has been implemented during the peacebuilding phase. These initiatives will sometimes, but not always, cross communal divides. For example, the **Northern Ireland** Assembly launched a cross-party Women's Caucus in 2016, which is aiming to tackle the underrepresentation of women in political life (Politics Plus 2020). The Assembly has also established an All Party Group on UNSCR 1325, Women, Peace and Security. Its aim is to 'raise awareness

of the lack of participation of women in political and public life in areas outlined in UNSCR 1325' (Northern Ireland Assembly 2020).

In **South Africa**, a strong women's movement ensured gender equality was enshrined in the new post-apartheid constitution. The ANC adopted a 30% gender quota on the party lists. The quota, the ANC's commitment to award women with relevant and important leadership roles within the party and the ANC's vote share meant that the proportion of women in the National Assembly rose from 2.6% to 26%. Subsequently, women were represented in all committees. Consequently, the first parliament passed important legislation in changes to customary marriage laws that gave women the right to own land and property (IPTI 2018). Very much based on the experience of South Africa, similar provisions to secure women's representation in parliament have also been integrated as part of peace settlements in places such as **Aceh** and **Bangsamoro**.

However, such efforts are not always successful. In **Aceh**, while the peace negotiations focused on inclusion of women as central to the peace process, women remain underrepresented in the DPRat just 13%, which is not in accordance with national affirmative action law (2003). Importantly, female legislators in Aceh do not occupy any of the more prestigious or strategically influential positions such as chair-persons of special committees, legislative affairs departments or any of the main financial committees (Mardiah et.al. 2019). The legislation that enabled the implementation of the current form of sharia law in Aceh, which disproportionately affects women was signed into law by the governor in 2014 and was passed by parliament. Importantly, in 2009 an earlier attempt to pass the legislation that also included stoning was vetoed by the then governor. In the case of **Aceh**, the attention to gender equality and representation of women as central to peacebuilding has been abandoned by legislatures, who have come to rely on alliances with Islamic clerics for support.

Inclusivity across the main conflict cleavage

Perhaps the biggest challenge is to ensure inclusivity of the main identity groups. Mechanisms for ensuring this are often at the heart of peace agreements signed in intra-state conflicts. However, the mechanisms vary significantly from case to case, depending on the specific conflict dynamics and the way the armed conflict ended. Below we will outline the main mechanisms, while the following section will examine examples of both positive and negative impacts on peacebuilding resulting from such inclusivity.

In power-sharing systems, parliaments play a vital role in minority representation and protections. Power-sharing parliaments are typically elected through proportional representation (PR) systems and inclusive legislation is ensured through forms of minority vetoes. In **Northern Ireland**, key pieces of legislation must pass a 'mutual veto' system: a simple majority that includes a majority of both nationalist and unionist delegate groups or a 60% total majority with at least 40% support from each grouping (Walsh 2016, 288-90). Some 'key decisions' requiring cross-community consent are triggered in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations, but the need for cross-community consent can also be triggered by 'a petition of concern' brought by at least 30 Assembly members (Belfast Agreement, 1998). The petition of concern can be made by any group of Assembly members. Similar veto provisions exist, as noted above, in the case of **Bosnia and Herzegovina**'s Parliamentary Assembly, which consists of two chambers: the House of Representatives and the House of Peoples. The 42 members of the House of Representatives are elected through a PR system in the two federal entities. Decisions need the support of at least one third of the MPs from each entity (McCrudden and O'Leary 2013, 28). The House of Peoples has 15 delegates: five from each constituent nations. A proposed decision can be declared 'to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat or Serb Delegates' (McCulloch, 2018, 739). Both houses of the Parliamentary Assembly of Bosnia and Herzegovina have a speaker and two deputy speakers from each of the constituent nations, with the position of speaker rotating.

Lebanon's power-sharing Assembly of Representatives is based on confessional quotas, with seats and positions reserved for members of particular religious communities (Geha 2019, 127-8). The site of the minority veto in this system is not parliament, but cabinet, where major decisions, such as foreign affairs and budgetary and development plans have to be approved by two thirds of members (McCulloch, 2018, 741). Yet parliament still plays an important role, as a site of debate, and a number of national dialogues on key conflict issues have been initiated by the speaker of parliament, and brought together leaders of the main political parties (UNDP – Lebanese Parliament, 2006). This form of power-sharing has led to the establishment of an effective a 'troika' of confessional leaders in the Maronite President, Sunni Prime Minister and Shi'ite Speaker of Parliament (Geha 2019, 127-8). The latter plays a key role, which speaks to the importance of parliament. Inclusivity in parliamentary committees is similarly provided for in power-sharing systems. In **Northern Ireland**, committee chairs and deputy chairs are appointed using the d'Hondt system (Walsh 2016, 288-90), which ensures representation in proportion to party size. Equal representation of the three constituent nations is also ensured in Bosnia and Herzegovina's parliamentary committees. Standing committees have nine members: three from the Serb-dominated Republika Srpska, and six from the Bosniak-Croat Federation of Bosnia and Herzegovina; joint committees have six members from each house, two from Republika Sprska and four from the federation. The position of chair, first deputy and second deputy are divided between members of the three constituent nations (Official Gazette of Bosnia and Herzegovina 2014). This inclusivity means that parliamentary committees can serve as a forum for inter-communal dialogue, although also sometimes conflict.

> As we will argue below, compromise tends to be easier when the focus is not on core conflict issues, but such collaborations can pave the way for compromise on more sensitive issues.

Most committees in the Northern Ireland Assembly are statutory committees linked to government departments. While these are not directly tasked with peacebuilding, some will focus on issues of importance for this such as Education and Justice. The Committee for the Office of the First Minister and deputy First Minister (OFMdFM) occasionally focuses more directly on peacebuilding work. For example, it launched an inquiry into the strategy for good relations and reconciliation in Northern Ireland: Together: Building a United Community (TBUC), which was published in 2005 (Potter 2014). Some ad hoc committees have also been set up to focus on aspects of the peace agreement, including the Ad Hoc Committee on a Bill of Rights. This bill of rights was mentioned in the Belfast Agreement, but has still not been created (Potter 2020). Due to minority veto provisions and the need for power-sharing governments to bring their communities with them in compromise, parliaments in these systems often become a site of national dialogue, whether formally or informally. This can be highly conflictual, and result in deadlocks, but can also promote cross-communal collaboration. This will be further explored below.

While formal inclusivity may be required as part of a peace settlement, inclusivity in parliamentary committees and inter-party collaboration is expected to be at least as important in contexts where the war ended with military victory and no peace agreement has been put in place. In the absence of a peace process, parliament has the potential to become a site for negotiation and interaction. In **Sri Lanka**, there are long traditions of ensuring formal inclusion in committees across ethnic cleavage barriers that persist within the party system. Such inter-party collaboration, especially across ethnic lines, has become especially important in the absence of a peace agreement and is seen as a way to secure legitimacy for specific legislation and to address minority parties' demands for representation in the policymaking process. However, as discussed below, such formal inclusion and cross-party collaboration is more likely to produce positive outcomes in relation to less contentious policy areas that are directly linked to the conflict.

The extent to which parliament fulfils *its role as opposition* to the executive – and thereby is able to keep the executive in check – is also central to the formal function of parliament. Yet, assessing the relative role of parliament vis-à-vis the executive is not straightforward. In Sri Lanka following the 2015 election, in an attempt to rein in the opposition, President Sirisena sought to create a unity government inviting the main Tamil party, the Tamil National Alliance, to join. Although the TNA formally supported opposition candidate Sirisena's peace platform ahead of the 2015 election as well as his wider reform policies, the TNA decided not to join the unity government, deciding the party would instead remain in opposition until a political solution had been found that addressed the national question. Ultimately, parliament has become the main arena for seeking minority representation and importantly minority influence. Even though the party held alow number of parliamentary seats (16 out of 225), the TNA leader, Sampanthan was chosen as the Leader of the opposition and the TNA emerged as the main opposition party (Sindre 2019). Sri Lanka's parliament became a site for a national dialogue much like Northern Ireland, despite the former not having a formal peace process.

> Ultimately, what these cases highlight is that inclusivity in post-conflict parliaments plays an important role in peacebuilding: it provides a voice to those who would otherwise feel excluded, ensures a level of protection for minority groups and moves conflicts away from the battlefield and into the political realm. However, the latter function also points to the possibility of tensions and disillusionment if expectations of change are not met.

This is especially likely when it comes to the integration of former armed groups. In addition, as some of the case studies highlight, due to the inherently political nature of parliaments, inclusive peace processes and well-articulated agreements that ensure gender quotas and women's representation may not be taken on board by MPs. Due to this inclusivity, which is often ensured through specific provisions in peace agreements, parliaments can become a forum for national dialogues and negotiation of hotly contested issues. Providing an opportunity for these issues to be debated is clearly important, but as the case studies suggest, reaching agreement on core conflict issues remains a huge challenge that many post-conflict parliaments will not be willing or able to rise to. We see this again when we look at how parliaments govern.

3. How do parliaments govern in relation to long-term peacebuilding?

The previous section examined the formal role of parliaments in relation to peacebuilding, but how effectively do they fulfil this role? Does the post-conflict inclusivity work as intended, does it provide for national dialogue and compromises or do we end up with tensions and deadlock? Are these post-conflict parliaments willing and able to pass legislation that supports peace? And to what extent do they hold government accountable? This is a basic parliamentary function but may be difficult to achieve in a post-conflict context, due to the specific requirements of a peace agreement, such as a power-sharing government, or due to a lack of capacity.

Power-sharing systems are typically characterised by a grand coalition: a government with representatives from all the main identity groups (Lijphart 1977). The government is not only majoritarian, it typically includes all the main parties. If an opposition exists, it is therefore likely to be small and parliaments could therefore be expected to be of limited importance. However, due to the existence of a minority veto, which is usually exercised by parliament, legislatures are more significant in these systems than we might expect. Parliamentarians have to be convinced of the need to support peacebuilding, or at least not block it, and power-sharing parliaments are often the site of difficult deliberations and negotiations, in public or behind closed doors. This often results in conflict and deadlock but can also lead to collaboration.

Unlike those in some of the other case studies in this report, the **Northern Ireland Assembly** is a regional parliament. However, it is affected by similar power-sharing mechanisms to the ones we see at the national level in cases such as Bosnia and Herzegovina, and Lebanon, and has also seen its share of deadlocks. Power-

sharing was suspended four times in the first decade after the signing of the peace agreement: 'twice for 24 hours, once for 3 months, and once for 5 years' (Whiting and Bauchowitz 2020, 5). The second parliament only managed 10 votes before it was suspended for five years, when the failure of the IRA to disarm caused unionists to refuse to share power with the IRA's political arm, Sinn Féin (ibid. 10). In 2017 parliament again collapsed, this time for three years. The catalyst was the mismanagement of a renewable heating policy but underlying this were simmering tensions around identity politics (ibid. 5). Such deadlocks could pose a significant threat to peacebuilding. However, the breakdowns of the Northern Irish institutions have been what Roger Mac Ginty once termed 'controlled collapse' (quoted in Caspersen, 2017), since Westminster has repeatedly interfered to make the system work. Direct rule has been imposed when needed and the power-sharing system has eventually been cobbled back together. For example, in 2006 (McEvoy 2014, 87-88) Westminster passed an act founding a transitional assembly to work for restoration and government pressure was applied to the Democratic Unionist Party in 2020, once the party no longer held the balance of power in Westminster (Haywood 2020).

Despite these very public deadlocks and collapses, there is evidence that collaboration is much more dominant than we might expect. Whiting and Bauchowitz (2020) find that polarisation in the Northern Ireland Assembly is rare and when it happens it does not impact the functioning of the institutions. They argue that parties are converging and that identity politics, which remains polarised, is of less importance for parliamentary politics than bread-and-butter issues.

Such dynamics are yet to emerge in the case of **Bosnia and Herzegovina**. Even though the country's Dayton Agreement was signed 25 years ago, conflict dynamics still dominate politics, including parliamentary interactions. Generally speaking, Serbs and Croats push for further decentralisation while Bosniaks push for further centralisation (Belloni and Ramović 2020, 45). The rise of the Alliance of Independence Social Democrats in the Serb federal entity and the increasingly nationalist discourse and policies of its leader Milorad Dodik have only intensified this dynamic (Sindre 2019, 502). In the state parliament, the use of vetoes is 'the norm' (McEvoy 2014, 114) and reform attempts have failed (ibid., 121-9). In 2016, the Office of the High Representative (OHR) complained that, in the legislature, 'increasingly divisive rhetoric often brought discussions to a halt' (OHR 2016) and put it even stronger in its most recent report, arguing that representatives 'have been reduced to fulfilling diplomatic protocol in receiving guests and foreign delegations' while key pieces of legislation are left in the backlog (OHR 2019). McEvoy (2014, 118-9) puts it that the entity institutions essentially only allow the central institutions to be as effective as they want, which is not very effective. Entity parliaments are consequently rather stronger. The parliament of the Serb entity, Republika Srpska, meets frequently and, controversially, legislated for a gendarmerie, which some argue presents a threat to peace. On the other hand, the assembly of the power-sharing Bosniak-Croat entity (the Federation of Bosnia and Herzegovina) is fragmented between Croat and Bosniak politicians and they have not formed a government since the October 2018 elections owing to contention over electoral laws (OHR 2019).

Sectarian divisions also continue to dominate **Lebanon**'s power-sharing parliament. After the end of the 'Pax Syriana' period in 2005, positions have roughly polarised between the March 8 and March 14 movements. In 2011 and 2013 parliamentary coalitions collapsed over disputes between those two blocs (BTI 2018). Furthermore, there remains an enduring issue of parliamentary election laws. The 2008 Doha Agreement resolved what had been open violence over the problems but a lack of agreement on reform resulted in election delays in 2013 and 2014 (BTI 2018). Christian parties pointed to how the sectarian quota interacted with electoral districting to make certain Christian representatives reliant on Muslim majority constituencies (Salloukh 2019, 345). Civil society pressure resulted in municipal elections in 2016, which in turn led to an agreement in 2017 and, finally, elections in 2018 (NDI 2018, 9). The 2017 compromise gives everyone a single preferential vote at mid-level district level while there is PR list voting at the larger electoral district level (Salloukh 2019, 348). Though parliament has since implemented a national commission to investigate wartime disappearances (HRW 2018), and collaboration has been possible on 'bread and butter' issues, the promised raft of reforms in all 2018 election manifestos have not yet been implemented. Moreover, much of parliament's work takes place behind closed doors; there is a lack of transparency, especially in the rare instances when

controversial issues are being discussed in parliamentary committees. The continued deadlocks and lack of transparency have contributed to ongoing mass protests (Abouaoun 2020) and charges that parliament has lost its legitimacy.

However even in these cases where the negative impact of parliaments on peacebuilding could be said to dominate, this is far from the full picture. Despite its challenges, the Parliament of **Lebanon** has served an important role as a site of national dialogue. Following the assassination of former prime minister, Rafic Hariri, in 2005, the President of the National Assembly, Nabih Berry, announced the launching of a national dialogue process (UNDP-Lebanese Parliament 2006). These sessions have brought together the leaders of parliamentary parties and chairs of parliamentary blocs and have over the years focused on fiercely contested issues such as the investigation into Hariri's assassination, disarmament, relations with Syria, and the electoral law. When launching the process, Mr Berry argued that the National Assembly, which represents all components of society, is a national forum for exchanging views freely and publicly (UNDP-Lebanese Parliament 2006, 5). These dialogue sessions have not always produced any concrete outcomes. However, the dialogues are still argued to have reduced tensions between the followers of the parties and helped keep the conflict away from the streets. As the Director of the UNDP Project at the National Assembly, Elie Khoury, argued when the national dialogue process was first launched, participation and compliance was essential, because the stakes from parliament's marginalisation were so high (ibid).

In spite of continuing tensions and frequent deadlocks, **Bosnia and Herzegovina**'s institutions have not collapsed and violence has not re-emerged. The international administration is there as a fallback option and Bosnian politicians know that they will not have to bear the consequences of their failure to compromise (see for example Friedrich-Ebert-Stiftung 2005). It has been argued that this has resulted in the politics of 'irresponsibility' (ibid.), but it is worth noting that similar arguments have been made in the Northern Irish case where parliament is generally held to have had a more positive impact on peacebuilding. Whiting and Bauchowitz (2020) argue that Westminster has responded with either political concessions or financial benefits, and assert that this has meant that Northern Irish parties 'do not necessarily have to suffer the consequences of the positions they adopt, instead blame shifting onto each other and onto Westminster while waiting for a rescue package' Whiting and Bauchowitz 2002, 24).

> Inclusivity is central to power-sharing systems, but also presents significant challenges. These systems are based around a number of, often rigid, mechanisms that ensure inclusive representation and decision making. Parliaments perform a somewhat unusual function in these systems. It was argued above that they can become a forum for inclusive dialogue, but do they also function as an effective opposition that holds the government to account?

Critics of power-sharing have suggested that since an inclusive, power-sharing government is guaranteed, the executive is insulated from effective opposition; there is no government-in-waiting (Taylor 2006). However, as the former leader of Northern Ireland's non-sectarian Alliance Party, Lord John Alderdice, argued, the 'back benchers of all parties can work together across party lines to hold the power-sharing government to account' (UNDP-Lebanese Parliament 2006, 30). Such collaboration is more likely on non-conflict issues, but this can over time help to change the dynamics. In Northern Ireland this does appear to be the case. The largest proportion of Northern Ireland's electorate do not identity as either nationalist or unionist (Hayward and McManus, 2018) and non-sectarian parties are gaining electoral ground. This has also been helped by the creation of a financially supported 'official opposition' (McCulloch, 2018). Even if compromise still proves difficult, parliamentary dialogue can have a positive effect on peacebuilding. As Lord Alderdice commented, 'at its best a parliament, where representatives of the community talk and also listen to each other, is more than just a "talking shop". It is in a very real sense the alternative to political violence.' (UNDP-Lebanese Parliament 2006, 30).

Concluding remarks

Seen together, the case studies reveal a complex and uneven path of parliamentary impact on peacebuilding, but one that nevertheless signifies this institution as determinant for the relative quality of peace in the short and long term. Strong parliaments have the capacity to ensure that key aspects of peace agreements are translated into legislation and effectively implemented. Conversely, such high capacity parliaments also often hold the power to delay or water down the most contentious aspects of peace agreements.

The case studies also reveal that there are major differences in the ways in which parliaments approach issues of conflict resolution and peacebuilding. Some parliaments clearly adopt a 'peacebuilding identity' while others continue to reflect divisions of the civil war. This confirms expectations that in contexts where the opposition group emerged from the war as victors with a parliamentary majority, parliaments are more likely to set in motion a long-term peacebuilding agenda with the aim to ensure the implementation of the peace agreement. Of course, this draws attention to the inherent political nature of parliaments as well: the legitimacy and often the electoral survival of armed opposition groups turned political parties is reliant on the successful implementation of peace settlements. Where the opposition group becomes just one of many political parties with little leverage, as in Colombia, the dynamics are more volatile.

Relatedly, the case studies also suggest that parliaments are important sites of continued negotiations of aspects agreed upon in the peace agreement. Key legislation that might be particularly contentious, such as legislation on transitional justice mechanisms and human rights courts, may be drafted again and again without leading to the actual implementation. In such instances, outcomes depend on the specific parliamentary composition at any given time as well as the general mood in the country rather than the formal capacity of parliaments to actually design and implement policies. Consequently, any policy engagement that is solely geared towards capacity building and training might not lead to the desired outcomes when it comes to peacebuilding. Rather, in such high-capacity parliaments other avenues of engaging with stakeholders in relation to conflict resolution and peacebuilding need to be identified. In contrast, this is very different in contexts where the peace settlement has led to the establishment of interim arrangements and where either parliament or the parties lack training in the formal workings of the institution. Here, attention to capacity training that is mindful of conflict context and the specific actors involved is indeed central to the long-term peacebuilding.

The study finds that parliaments are central sites for conflict resolution in that opposing sides at least meet and negotiate on a regular basis. Cooperation in committee work for instance might install a degree of trust and personal connection between individual policy makers and between otherwise opposing party groups. In highly contentious post-war contexts where the core conflict cleavages transcend most policy areas, such as in Bosnia Herzegovina, Lebanon and Northern Ireland, such collaboration has proven to be necessary for governance and long-term collaboration. Yet, as the study highlights the most contentious policy areas that directly relate to conflict are often stalled even through these channels. Importantly, the study does also highlight that leaders of former armed opposition groups who become MPs are rarely neutralised following their inclusion in politics. The findings are also bound to be context-specific precisely due to the varied nature of conflict endings and subsequent role of former armed opposition groups in politics. Indeed, the research is still nascent in this field and more in-depth case studies are needed as well as more data on the actual formal and informal workings of parliaments in this arena.

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