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Provisional

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Monday, 26 January 2004, 10 a.m.

New York

<i>President:</i>	Mrs. Alvear Valenzuela	(Chile)
<i>Members:</i>	Algeria	Mr. Baali
	Angola	Mr. Gaspar Martins
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	France	Mr. Duclos
	Germany	Mr. Pleuger
	Pakistan	Mr. Akram
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Negroponte

Agenda

Post-conflict national reconciliation: role of the United Nations

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04-21947 (E)

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Post-conflict national reconciliation: role of the United Nations

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Afghanistan, Argentina, Bosnia and Herzegovina, Burundi, Costa Rica, Côte d'Ivoire, Croatia, Egypt, Guatemala, India, Ireland, Japan, Liechtenstein, Mexico, Morocco, Nigeria, Peru, the Republic of Korea, Rwanda, Serbia and Montenegro, Sierra Leone and South Africa, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs.

There being no objection, it is so decided.

I invite Mr. Kalomoh to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme.

There being no objection, it is so decided.

I invite Mr. Malloch Brown to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

There being no objection, it is so decided.

I invite Ms. McAskie to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

In accordance with the understanding reached among Council members, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate the texts in writing and to deliver a condensed version when speaking in the Chamber.

As another measure to optimize the use of our time in order to allow as many delegations as possible to take the floor, I shall not individually invite speakers to take seats at the table or invite them to resume their seats on the side. When a speaker is taking the floor, the Conference Officer will seat the next speaker on the list at the table. I thank members for their understanding and cooperation.

At this meeting, the Security Council will hear briefings by Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs; Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme; and Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

Post-conflict national reconciliation is a subject that should be systematically integrated in the United Nations in order to prevent the resurgence of conflicts and to create more stable societies. This question lies at the intersection of the ethical responsibility and the political responsibility of the international community to create conditions for lasting peace in societies emerging from conflicts. It presents challenges for the work of the United Nations. In recent years, the United

Nations has been involved in post-conflict situations in which reconciliation has had to be addressed in order to overcome antagonisms among those who must learn again to live together in a single society.

In the light of that reality, we should ask ourselves some questions. What role should the United Nations have in processes of national reconciliation? Should we incorporate the need for reconciliation into exit strategies for post-conflict situations? Should the United Nations design strategies for reconciliation? Is there a role to be played by other principal organs of the Organization? As we have noted in listening to various non-governmental organizations under the Arria formula, these and other questions underlie an issue in which civil society demand coherent and timely responses. Other questions that could be approached in this debate concern the principles and mechanisms of reconciliation, the instruments for seeking truth such as truth and reconciliation commissions, consensus-building among political actors, reparations for victims and the role of justice.

I invite delegations today to present their observations and comments on how the Security Council and the United Nations system as a whole can approach the question of post-conflict national reconciliation in the future.

I would like to inform delegates that I have received a message from Archbishop Desmond Tutu, Nobel Peace Prize laureate, on the occasion of this debate. The message will be circulated in the Chamber. I will therefore read only a few paragraphs from it. He says the following:

“I begin by commending your Excellency for convening this session on peace and reconciliation and the role of the United Nations. I am sorry not to have been able to be present.

“This body was set up precisely to guarantee and promote peace and stability in our world and is thus most appropriate. Our world is wracked by conflict, hatred and strife, particularly between those who share the same borders, who should be fellow citizens or at least good neighbours in juxtaposition ...

“When human beings have been humiliated, oppressed, slighted or have imagined themselves to have suffered these things, then almost always they have wanted to get their own back, to even

scores, to avenge their setbacks. These things are etched in the tribal memory, and so strife, which may have been provoked by something fairly insignificant, continues because the resentment, the grudge, has lost nothing in the telling and retelling. That is how we tend to behave — but it is not inevitable or invariably the case. Two conspicuous examples show that it is possible ...

“Nearly everyone predicted that South Africa would be overwhelmed by a racial conflagration. It did not happen. The courageous leadership of Mr. F. W. de Klerk and especially of Nelson Mandela, ready to compromise, remarkably ready to forgive in a display of magnanimity and generosity emulated by followers, helped that land to walk the path of forgiveness and reconciliation and to become, so improbably, a beacon of hope for lands hagridden with conflict and strife.

“And East Timor, where the United Nations played a pivotal role in its birth: its leaders also chose not to engage in retribution and revenge but to concentrate on building up a nation on the foundations of forgiveness and reconciliation.”

These are excerpts from some of the paragraphs of the letter received from Archbishop Desmond Tutu.

I shall now give the floor to Mr. Tuliameni Kalomoh, Assistant Secretary-General for Political Affairs.

Mr. Kalomoh: Most armed conflicts eventually come to a physical end. However, many such conflicts linger on in the minds and hearts of the parties and their victims. Every armed conflict is a human disaster, and its real ending requires genuine reconciliation. Post-conflict reconciliation is closely related to the broader discussion of the rule of law and to addressing in all seriousness the root causes of the conflict. An important debate on this issue was begun in September of last year under the Security Council presidency of the United Kingdom. That debate clearly identified the need to more systematically incorporate rule of law concerns in the activities of the United Nations. The Secretary-General looks forward to presenting his first report on this matter to the Council later this year.

Reconciliation, most simply understood, is about allowing people who share a painful and divided past but who are united in a common future to resume

harmonious relations and to live together once more. Often this requires more than simply the laying down of arms and the shaking of hands. To be lasting, reconciliation may require the settling of the past, an accounting of prior wrongs and an acceptance of responsibility for abuses.

How this is achieved, though, varies according to specific national circumstances. The pursuit of justice, accounting for past atrocities, restitution for victims and the regeneration of the severed bonds of trust and civility — these are daunting tasks in a shattered society, but they must not be overlooked when we deal with the pressing matters of restoring stability and bringing violence to a definitive end. In particular, they must be borne in mind when peace agreements are being negotiated. Peace agreements tend to frame the context for national reconciliation. Often the imperatives of the present, especially the need to restore stability and the rule of law, triumph over the long-term need for justice. Tensions between peace and justice are common in post-conflict societies. Helping war-shattered people to resolve those tensions is a key role that the international community can and should play.

The international community has employed a number of instruments in post-conflict situations to address the important issue of reconciliation. I will mention but a few. Some, such as tribunals, seek to contribute to reconciliation by trying and punishing the perpetrators of crimes. Others, such as truth and reconciliation commissions, seek to contribute to a better future by establishing an official accounting of past violations of human rights during a specific historical period. Knowing the truth and accepting responsibility, whether judicial or not, is an important basis on which reconciliation can rest.

In addition, amnesties, except for genocide, war crimes and crimes against humanity, reparations and targeted assistance programmes designed to promote, inter alia, communal harmony have constituted important tools for international efforts to support national reconciliation processes. The return of displaced populations in post-conflict situations also often provides critical opportunities to sustain a peace process through the promotion of measures conducive to national reconciliation. To be successful, these instruments need to be combined in a social process of catharsis.

Our experience has shown that it is indeed difficult, even impossible, to set in stone prescriptions for reconciliation that would apply to each and every situation. What may work in one case may not be ideal, or ideally suited, in another. The process of catharsis that I mentioned earlier is assisted by different means in different places. Today, during the course of this debate, we are likely to hear specific examples of combinations of measures that have been successfully applied in some circumstances and not so successfully in others.

Nonetheless, irrespective of national specificities, some general observations should inform the international community's activities. First, peace without reconciliation is hardly ever durable. Secondly, it is difficult to achieve reconciliation without a significant measure of justice. Thirdly, there are some crimes that are so heinous that they require that justice be done. Fourthly, the pursuit of justice should not become an obstacle to establishing or maintaining peace.

Ending the climate of impunity in conflict, post-conflict and transitional situations is vital to restoring public confidence and normalcy. The particular formula for any given country should be determined on the basis of appropriately facilitated national consultation. It is for each society to decide its own best approach to address past crimes and the violation of domestic or international law. The international community can offer assistance, outline options and provide information about what other countries in similar circumstances have done regarding, among others, prosecution, truth-seeking endeavours, reparations and apologies.

While amnesties may sometimes be seen as the price to be paid for peace agreements to succeed or for stability to be maintained, the United Nations cannot condone agreements arrived at through negotiations that violate Charter principles. Amnesty clauses in peace agreements must exclude amnesties for war crimes, genocide, crimes against humanity and other serious violations of international human rights and humanitarian law. Blanket amnesty clauses are inconsistent with the twin goals of justice and reconciliation. As the Secretary-General has stated, this Council must attempt to balance the demands for peace and justice, conscious that they often compete and aware that there may be times when they cannot be fully reconciled.

When reconciliation does not involve providing a sense of justice for the worst crimes, the wounds of the past have a way of resurfacing. An essential part of reconciliation is to isolate those who are most responsible and have committed the most egregious violations in order to bring them to justice. To ensure that justice is done in post-conflict societies, the United Nations has established, or helped establish, a number of courts and tribunals to try those responsible for serious violations of international humanitarian law committed during the preceding or ongoing conflicts. In doing so, the United Nations has explicitly pursued a number of objectives that have included the provision of justice to the victims of violations and the promotion of national reconciliation within societies affected by conflict. At the international level, the International Criminal Court seeks to ensure that egregious violations do not go unpunished.

The establishment of tribunals, however, has not been problem-free, and working with domestic courts when possible is often a wiser course. Criminal courts are the instrument needed to try and punish the guilty. No matter their design, however, they are unlikely to be successful at fully meeting the objectives of providing justice to victims and promoting national reconciliation. They are intended to ascertain the fate of missing persons. They are ill-suited to ensure compensation to a larger number of victims. They are, then, by their nature, ill-adapted to granting “moral” forms of reparation. Whereas criminal courts are intended to resolve the problems of individual accountability for specific alleged crimes, they are ill-suited for establishing official historical accounts. For these reasons and others, additional non-judicial mechanisms, such as truth and reconciliation commissions, may be useful in fulfilling some of these tasks and can complement judicial instruments.

Finally, efforts to promote justice need to be accompanied by reconciliation and peace-building strategies that will address the root causes of the conflict, be they ethnic, social or economic. Formal legal processes and processes to bring about truth and justice should go hand in hand with economic and social measures to fight the inequalities and exclusion that may have fuelled the conflict in the first place.

Reconciliation is a complex, often difficult process in which contradictions may be inevitable. It involves accounting for the past and meeting demands for justice and the degree of forgiveness that will allow

for the reconstruction of a social fabric that has been rent by conflict. It is a process that involves striking a balance between the aggrieved and the aggressors, the pursuit of justice and stability. It is a long-term, difficult process, the conclusion of which cannot be clearly identified in advance. The difficulties of the process have been captured in the words of Hannah Arendt, who, when referring to atrocities committed during the Second World War, spoke of how we are unable to forgive what we cannot punish and unable to punish what has turned out to be unforgivable.

Our collective experience has shown that the right combination of measures will depend on the specific conditions in each post-conflict situation. In all cases, domestic enlightened leadership can be a catalyst for the creation of the social consensus necessary for reconciliation. At the very least, the past and reconciling with it should offer hopes for a better future. In the words of Maya Angelou, “History, despite its wrenching pain, can not be unlived, but if faced with courage, need not be lived again.”

The President (*spoke in Spanish*): I now call on Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme.

Mr. Malloch Brown: I am grateful for this invitation to address the Security Council on this subject, which is very close to the institutional heart of the United Nations Development Programme (UNDP).

Let me frame my remarks in terms of the political economy of reconciliation and therefore talk a little bit about the politics, the issue of building democracy, how quickly to do it, the issue of other processes which can sometimes substitute for or supplement democracy as a means of achieving a national dialogue, and the critical issues that we keep on running into of the minority rights and the rule of law, as well as the role of other institutions, such as the police, who are so critical to sustained reconciliation.

I also want to say a word on the economics of reconciliation, because, while it may appear to be less important than the political or even the social dimensions, it is a lot harder to reconcile populations that have been in conflict in a context of economic austerity and the lack of jobs and growth than it is if you can achieve an economically dynamic situation. Again, I want to say something about that, and then briefly something about the institutional side of this — the question you have posed, Madame, in this debate

today of what the United Nations can do — and therefore, of course, particularly a little advertisement for what UNDP seeks to do, as well as an observation on the role of the Security Council.

Turning first to the political dimensions and democracy. There is no bigger advocate across the United Nations for democracy than UNDP. We have long since concluded that it is at the heart of sustainable development. However, I have to say that, perhaps precisely because we are so enthusiastic about it, we are also cautious about introducing it too quickly and in too imperfect a way. We have come to recognize from experience that, while over time you have to try and shift the competition between different groups in a society from an armed competition to a peaceful and democratic one at the ballot box, nevertheless, if you rush that shift — if you move immediately to a democratic competition without addressing the underlying causes of conflict — you can indeed drive parties further apart. We have been very struck by the value of the cautious approach adopted in Afghanistan of moving directly to a recognized interim Government and to a Loya Jirga process in order to both build a consensus and then endorse a Constitution and only at the end of that process to direct elections.

We contrast that to processes that we have been very involved in in Cambodia, Bosnia and Herzegovina, Haiti or Kosovo and recognize that there is real value in getting it right and taking the time to put in place the conditions for an electoral exercise which will pull people together rather than drive them further apart. I think we are all struggling with that now in the context of Iraq. We are very anxious to see that the democratic processes evolve in a way which allows the maximum direct representation possible, while ensuring that the different parties in that country are not driven apart by the exercise.

It is for that reason that we as an Organization have become very involved in the promotion of national reconciliation dialogues, both where a Parliament and an election do not yet exist and in many situations where there is a Parliament but the democratic process has somehow become narrowed or not fully representative of the elements in a country. We have seen, particularly in Latin America, starting with the aftermath of conflict in Central America, how the important role which a dialogue that brings together different civil society groups with the political leadership can, at the very least, supplement — and

often, in some cases, temporarily substitute for — a more formal democratic process and can critically lay the groundwork for a later democratic exercise which will enjoy broader support.

As we have reviewed these national reconciliation processes, we have noticed that, on a number of occasions — in Haiti in 1987, in Zaire in 1991, and in Côte d'Ivoire in 2001 — there were struggling indigenous reconciliation processes which were, perhaps, fatally handicapped by the lack of strong international support. With the value of hindsight, one sees that, possibly, the small sapling of the beginning of a reconciliation that might have avoided later conflict never grew into a stronger oak because there was not the right international support and encouragement. Equally, we have seen the vital role of civil society in both formal democratic exercises and in these national reconciliation dialogues as well, where the requirement of bringing as broad a range of opinion to the table as possible is absolutely critical.

Let me make one other observation on the political process, concerning the issue of minority rights. Too often in straightforward, quick, early elections after conflict, we see a winner-takes-all mentality develop where those who have lost at the ballot box — and perhaps had been the losers in the previous military conflict — feel further alienated from the situation and that their rights are not protected. Of course, this is a tremendous incentive to conflict's renewing. Indeed, in our *Human Development Report 2002* on democracy, we spent a lot of time arguing for a second generation of democratic reforms, where the issues of minority rights and more broadly of human rights, the issue of media freedom and the broader culture of democracy — where the vote exists in a much broader set of cultural and ethical values in a society about respecting each other's opinions and allowing the competition of ideas to take place in a free political exchange — are critical. We must not blind ourselves into believing that democracy consists solely of an exercise of the ballot box.

As we have just heard from Mr. Kalomoh, behind these issues lies the critical issue of justice and reconciliation. He made many important points on this and I do not want to repeat what he has said, except to observe that, from UNDP's experience — and, I must, say, in part my own as well — truth and reconciliation, a little bit like democracy, cannot be rushed. I have

been very struck by the experiences of Chile and Argentina, as well as by that of South Africa, that, for this to be a genuine internal process — with a society feeling strong enough and harmonious enough to take on these issues in a thoroughgoing way — usually some time has to have elapsed. Democracy needs to be well established, and the feeling that the ghosts of the past can be revisited without risk to the democratic present takes time.

It is also, however, inevitable. I myself have yet to see what I would consider a full reconciliation after conflict where this process has not occurred. Thus, while, arguably, it should not happen at the beginning, it is an inevitable step on the road to a real healing. I think there is a real issue of the international role in this. Sometimes that international role may be a little heavy-handed and too early in terms of trying to move too quickly to a process of justice and accountability before a country is ready for it. Secondly, at a critical moment, international justice, through commissions or other forms, can be a key catalyst for the country itself taking hold of the issue and pushing it to conclusion. I therefore think this is an area of enormous interest.

Let me say, however, that some more mundane issues of institutions matter as well. UNDP as a development agency is, I think, continuously surprised to find the extent to which we have become a police training agency, because whether it is supporting the German-led Trust Fund in Afghanistan or, more directly, supporting police training efforts in countries such as Haiti or Mozambique over the years, with the help of Spain and many others in this room, we have found that, unless citizens feel that their personal security is being met by effective policing of their streets and communities, a lot of the rest of reconciliation and peace-building is hard to achieve. Yet this is, in terms of international support, one of the most costly, ambitious and difficult commitments to secure. It is one which very much falls on the shoulders of the United Nations, because the World Bank, for example, treats this — I think understandably — as being outside its mandate. One last institutional political comment is that the vital tasks of demobilization, reintegration and landmine collection are key to these reconciliation processes, as well as — often — being difficult to resource quickly or effectively enough in the period when reconciliation is just beginning.

I said at the start of my statement that I wanted to say a word about the “economy” part of political economy. It is a lot easier to achieve reconciliation in the context of economic growth than it is in the context of austerity and budget reduction. Yet the characteristics of a post-conflict situation are usually austerity and budget reduction. A post-conflict Government almost always inherits a situation of either no tax base or a very impaired one. The response of many of the international financial institutions to that has been to insist on a reduction of Government expenditure to a level which reflects that situation — and for very reasonable reasons, because as demand is also at a low level in the economy, anything bigger on the Government side can be highly inflationary, as well as unsustainable.

Yet the fact is, unless you have an economic strategy which is based on expansion and therefore on job creation and the ability to finance the provision of services, including health education, to the other victims of conflict, and, above all, to manage the downsizing of critical areas of Government, such as, in particular, the army — which may have many of the ex-combatants in its ranks — the financial stability you may wish to achieve will fall victim to the absence of real stability and to the renewal of conflict.

At Davos over the weekend I chaired some very interesting discussions between the International Monetary Fund and Professor Joe Stiglitz — who is the champion of expansionary economics — on how to reconcile these two sides of the dilemma. I think that that is an area to which we need to give a lot more attention as we move forward.

I would like to make two institutional points. First, with regard to the role of UNDP, since the Brahimi report I think there has been a very clear understanding of the different roles played by the various parts of the United Nations, under the leadership of the Department for Political Affairs, in post-conflict reconstruction in general and, therefore, in reconciliation in particular. We as system have just had a report on transitional work, prepared under the chairmanship of Carol Bellamy of the United Nations Children’s Fund (UNICEF), which touches on this.

For us in UNDP that presents a couple of critical issues. First, as we move from relief to reconciliation and our colleagues in the Office for the Coordination of Humanitarian Affairs (OCHA) start to scale down their

roles, while we are required to build up ours, we see a terrible funding gap. We see it today in Liberia. We have seen it in every post-conflict situation.

Secondly, whereas our colleagues in OCHA have an impressive massed strength in the different areas of relief work, we in UNDP are much less well resourced in areas such as disarmament, demobilization and reintegration, the rule of law and justice and early support for building electoral systems. We work in all of those areas and, under Julia Taft's leadership, have strengthened enormously our capacity in each. But I sometimes feel like those generals who say that they can deploy their armies in only one foreign operation at a time. I have huge difficulty in providing adequate support to half a dozen of these activities around the world at one time, and have therefore begun a conversation with key supporters in this area about how, first, we can strengthen our own capabilities in this regard — to both learn the lessons of these operations and have enough human capacity to deploy to support our country offices and United Nations teams in these areas — and how, secondly, the international community can make funds available more quickly for the early steps of reconciliation.

The situation is comparable to that of a heart attack victim. All the research tells us that the greatest propensity to revert to conflict is in the early months after conflict. But that is the period when we are least able to put up the resources for successful demobilization and reintegration. That brings me to a final point about the Security Council, and to another medical analogy. You are very good in the operating theatre — you do peace agreements well, you do peacekeeping well. But my challenge to you all — and I say this without making any comment on the debate between the various organs of the United Nations — is that the real statistics of peace-building demonstrate that the most critical interventions are, in a medical sense, in the preventive health phase — the pre-heart-attack phase — as well as in the rehabilitation — the post-heart-attack phase. Yet the focus of all your activities is in the operating theatre, not in the clinic afterwards — let alone giving the patient the preventive help beforehand.

The President (*spoke in Spanish*): I thank Mr. Malloch Brown for his informative briefing, in which he was so eloquent with regard to what needs to be done.

I give the floor to Ms. Carolyn McAskie, Deputy Emergency Relief Coordinator.

Ms. McAskie: On behalf of my colleagues in the humanitarian community, I should like to thank you very much, Madam President, for giving me this opportunity to address the Council on such an important matter. National reconciliation in post-conflict situations is a complex issue that we all know needs to be addressed comprehensively, taking into account a wide range of issues and perspectives. It is for this reason that I am pleased to be able to put before the Council some humanitarian perspectives on post-conflict reconciliation.

Why is post-conflict reconciliation of concern to the humanitarian community? The simple answer is that it is an issue upon which our humanitarian work can have a significant impact. Conversely, it is an issue that can have a direct and significant impact on our humanitarian work.

I will probably touch in my statement on some issues that have already been raised by my colleagues Mr. Malloch Brown and Mr. Kalomoh, but I will try to do so from the point of view of the humanitarian consequences and the humanitarian context.

As we are all aware, post-conflict reconciliation is not an event, but an ongoing process. It can begin, and should be nurtured, in the immediate humanitarian response phase of a conflict, and can be informed by the neutrality and impartiality that humanitarians bring with them. Their message is one of putting the individual — the woman, the man, the child — at the centre of what the United Nations is there to do.

When we hear the phrase “post-conflict reconciliation”, we first think of formal reconciliation processes, some of which have been mentioned — truth and reconciliation commissions and so forth — and their role relative to criminal justice processes. These formal processes are undeniably critical to national reconciliation and sustainable peace. But some of the most powerful forms of reconciliation, in terms of restoring the social fabric and regaining national unity, will be found in everyday life: children of different ethnic groups sitting together at school, neighbours working together to rebuild their villages and health clinics, despite the fact that they were on opposite sides during the conflict. Indeed, formal reconciliation processes and these grass-roots forms of reconciliation

must be seen as complementary and mutually reinforcing. One can grow and evolve from the other.

In the same way, we cannot afford to focus exclusively on political developments and peace processes in countries that are in transition from conflict to peace. Here I would refer to Mr. Malloch Brown's very good analogy at the end of his statement about the operating theatre; that has been very much the focus of our work. The broader humanitarian concerns must be addressed properly, and we must ensure that the international humanitarian response supports — and does not undermine — efforts to foster national reconciliation and the consolidation of peace. Getting humanitarian assistance right is an important building block for post-conflict reconciliation.

The starting point must be to ensure that adequate levels of humanitarian assistance are available in the most critical situations. The inability to ensure even minimal levels of assistance in immediate post-conflict situations will serve only to increase tensions and foster grievances, thereby undermining efforts at reconciliation. If we are not there to provide that assistance, the people remain at the mercy of warlords for their basic survival. Sadly, it is in the "forgotten" emergencies that the risks are greatest. The serious lack of attention and material support to countries such as the Republic of the Congo have consistently undermined local and national efforts at reconciliation.

The humanitarian assistance itself must be provided equitably and efficiently, on the basis of demonstrable need. This fundamental humanitarian principle can frequently be the most challenging, particularly in situations where we are denied access or where factions seek to manipulate and misuse humanitarian assistance to their own ends. The legitimacy of a faction's engagement in peace processes should be based on its commitment to unhindered humanitarian access.

A very blatant example of this was the situation last year in the Democratic Republic of the Congo, when the Rassemblement Congolais pour la Démocratie-Goma (RDC-Goma) was requesting protection from the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) — for it to come down to Kinshasa — even as it was perpetrating the most blatant violations of human rights, including sexual abuse, on the population in its own area. There was an example of a

case in which we could have insisted that the United Nations should not provide protection until they themselves were providing protection to their own people.

The humanitarian community must also ensure that it works with people and communities that are the victims of conflict, rather than acting on their behalf. Humanitarian assistance needs to be seen as an investment that enables people to rebuild their lives and sustains the very fabric of society, which will be essential to peace and reconciliation processes.

A principled and strategic approach to humanitarian assistance is therefore required, so as to ensure that it is delivered in a way that does not perpetuate grievance or hamper longer-term societal and institutional development, the restoration of livelihoods and the strengthening of State legitimacy. The responsibility for this lies as much with donor countries and the international community as with humanitarian agencies. Mr. Malloch Brown referred to the work that the United Nations is doing on transition. I will not repeat his words here, but this is an important element in that respect.

Post-conflict situations exemplify the importance of ensuring that adequate funding is provided not only for life-sustaining humanitarian assistance, but also for other programmes that will have a significant impact on national reconciliation. Effective peace and reconciliation processes require effective social and administrative structures. It is important, therefore, that schools and their teachers, health centres and their workers, local administrative offices, and local welfare and community structures not be neglected by the international humanitarian community, but that every effort be made to engage and sustain them through times of conflict. Rapid and effective responses to key transition needs are critical to national reconciliation efforts. If people are denied the fruits of peace — such as shelter, education, health care and employment — national reconciliation will be much harder to achieve.

Our experience with the consolidated appeals process, however, reveals that, while donor countries are willing to support initiatives that address immediate humanitarian needs, the longer- or medium-term tools of reconciliation, such as education, health care and demobilization and disarmament, are often underfunded. This can serve to undermine post-conflict reconciliation in a number of ways. Inadequate

resources for education programmes can result, for example, in generations denied access to education and left with poor prospects for the future, thus perpetuating the social divisions at the root of conflict. Burundi is an unfortunate salutary case in point.

I believe that there is considerable scope to look further into ways to channel reconciliation efforts into the programmatic work of our agencies, bearing in mind the fact that the impartiality and neutrality of humanitarians provides us with a unique base from which to play an important bridging role. The United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP) and other humanitarian agencies already play this role in their everyday work.

The impact of reconciliation on the work of humanitarian agencies is the other side of the coin. A fundamental concern to humanitarians in post-conflict situations is the risk of a return to armed conflict if peace processes and reconciliation measures fail. The need for massive humanitarian assistance will remain if reconciliation issues are not handled effectively and swiftly. It is therefore critical to ensure that reconciliation measures do not inadvertently exacerbate tensions and encourage a return to conflict. This could happen, for example, through inconsistent application of measures related to justice and impunity, property restitution, and reintegration. These are problems that have plagued peace processes in various countries, and, once again, I would use Burundi as an example.

Indeed, consistency must be seen as one of the cornerstones of reconciliation in post-conflict situations. Humanitarian aid must be consistently and equitably provided; legal and judicial mechanisms, international humanitarian law, property restitution, reintegration, reparations — all must be consistently applied if reconciliation is to have a solid base.

Effective post-conflict reconciliation requires us to address not only institution-building, but also the root causes of the crisis, and Mr. Kalomoh has spoken on this issue. But at the root of most conflicts are issues of poverty, corruption, deliberate manipulation of minority groups, social inequity and exclusion, with certain elements of society denied access to political and social processes, property and education. We must ensure that we do not perpetuate socially divisive institutions that leave no scope for reconciliation,

either by inadequately funding and implementing humanitarian assistance or through the manner of our engagement in local capacity-building.

As the Council is aware, humanitarians are often present in conflict situations when no one else is. It is our experience that, in countries recovering from conflict, peace and national reconciliation ultimately depend on attitudinal and behavioural changes within society. This is particularly the case where society has become polarized. Far too often, peace processes are seen as the prerogative of combatant forces, but lasting peace and national reconciliation will depend on developing a social climate that seeks to sustain peace. All sectors and elements of society — not just the fighting forces — need to be brought together to that end.

In terms of the work of the Security Council, I think that this is an issue on which we could usefully focus: that political processes — peace processes — tend to ignore the vast swath of communities that have been affected by the crisis and that have a stake in the future; they should be at the table, not just the parties in conflict.

The earliest possible involvement in reconciliation efforts of local community leaders — representing the range of interests and perspectives within a society — is critical. Civil society organizations in particular, which provide important channels for understanding the key concerns of various sectors of a society, can help to build bridges between divided and disaffected communities.

Post-conflict situations also provide an opportunity to recognize and promote the important role of women in reconciliation efforts, as well as to address the gender inequality that prevails in many societies. Women's lack of equality in Africa, for example, is too often their death sentence, as they are forced to adopt survival strategies that increase their risk of contracting HIV. Women are also central to the response to HIV/AIDS and to other aspects of emergencies, but entrenched gender hierarchies all too often hinder appropriate responses. If we are serious about reversing that situation, we must return to women's control over their livelihoods and their bodies, and we must bring their needs and concerns into humanitarian planning and post-conflict responses at the strategic level.

Before closing, I should like to touch very briefly on some key issues of concern for humanitarians as they relate to reconciliation. Foremost among humanitarian concerns are issues surrounding the return of refugees and internally displaced persons and their reintegration into their communities. When members of ethnic minorities choose to return to still-fragile communities emerging from conflict, there is no more important role for the humanitarian community than ensuring that they are safe and protected and that they are helped to remain in their homes.

Over the past 10 years, there have been successful and well-targeted humanitarian and recovery programmes to foster the commitment to reconciliation in practical ways. I am thinking here, for example, of the UNHCR's Rwandan and Bosnian Women's Initiatives, in which women from across ethnic and party lines were offered the opportunity for vocational training and microcredit funding so that they could collectively begin the process of recovery and reconciliation themselves. We also have positive, practical lessons to learn from the reintegration of internally displaced persons in East Timor, where reception ceremonies based on traditional practices were held to foster the acceptance of those persons into their communities. In Angola, the *regulamentos* have proved an important tool for the restoration of property rights to the former internally displaced.

Similarly, effective disarmament, demobilization, reintegration and rehabilitation (DDRR) can provide vital support to national reconciliation efforts. The culture of youth violence witnessed in the Mano River Basin and in Côte d'Ivoire, for example, will continue to impede reconciliation efforts unless well-designed and well-resourced regional DDRR programmes are introduced to address the particular needs of young people brutalized by war and now left with no means of survival but the gun. In line with the mutually reinforcing nature of these issues, DDRR initiatives depend on reconciliation efforts for their success, because the reintegration of combatants is critically dependent on the ability of societies to accept them back into the community.

The recognition of rape and other forms of sexual violence as weapons of war raises particularly difficult issues of reconciliation. Only now is the extent of deliberate, broad-based attacks on women and girls being acknowledged. Beyond the devastating physical, psychological, emotional and social traumas suffered

by women and children who are brutally attacked, those egregious crimes undermine cultural values and community relationships, and they can destroy the very ties that bind society together. I have already mentioned the particularly horrifying consequence with which many are faced: the spectre of HIV/AIDS. Helping the survivors of sexual violence — and their communities — to heal requires a concerted response by the humanitarian community. Humanitarian programmes that provide health, medical, nutritional and psychosocial support, trauma counselling, education and advocacy therefore become vital to reconciliation efforts. Given cultural and social sensitivities, it is especially important that this work be carried out through local non-governmental organizations and women's initiatives, but with the full support of the political process and not as something separate.

Finally, I should just like to refer briefly to the fact that one of the most disturbing aspects of the widespread sexual and other violence perpetrated against innocent civilians in armed conflict is that those crimes are committed in a climate of impunity — a topic that was fully addressed by my colleague Mr. Kalomoh. In post-conflict situations, reconciliation must be tempered with a clear commitment to ending impunity for serious violations of international humanitarian and human rights law. Effective conflict resolution and longer-term national reconciliation depend on processes of reconciliation and justice — something on which we are all agreed. Indeed, justice and reconciliation — as Mr. Kalomoh pointed out — must be seen as complementary. Both are vital to effective reconciliation in the broader sense. And, while amnesties provide an important measure for dealing with lower-level perpetrators, they must never be granted for serious violations of international humanitarian and human rights law.

In conclusion, we cannot expect reconciliation to be an easy or straightforward process. In many post-conflict countries, the brutal memories of past abuses take years to heal. Indeed, one of the most difficult challenges of reconciliation in post-conflict situations is how to focus on the future without ignoring the past.

It has long been clear that humanitarian assistance alone will not provide a solution to crises. Unless proper and timely attention is paid to reconciliation, rehabilitation, reconstruction and development, countries will slip back into the horrors

of war, and the efforts of the humanitarian community — often at great peril for humanitarian workers, I should add — will be lost. As we know, 65 per cent of the countries emerging from conflict in Africa are slipping back into violence, and we cannot afford to be complacent on that front. It is therefore vital to have an effective, broad-based, international support strategy to ensure that humanitarian activities are reinforced with corresponding reconciliation, rehabilitation and reconstruction efforts. We must also recognize within that context, however, that each country must find its own path to reconciliation. Humanitarian actors are in a position to begin that process, and it is important to recognize that reality within such an international strategy.

The President (*spoke in Spanish*): I thank Ms. McAskie for her briefing.

I now give the floor to members of the Council. I should like to reiterate that speakers should strive to limit their statements to five minutes so that we can hear all those on the list, and that those who have more extensive statements should circulate the texts in writing.

Mr. Pleuger (Germany): First of all, I should like to thank Mr. Kalomoh, Mr. Malloch Brown and Ms. McAskie for their briefings initiating today's debate. I present my remarks in anticipation of a more comprehensive statement to be made later by the representative of Ireland on behalf of the European Union. We fully endorse that statement.

Germany welcomes Chile's initiative to hold this open debate on the role of the United Nations in post-conflict national reconciliation. The fact that you are presiding, Madam President, demonstrates the importance that you attach to this subject.

After the debate held in September 2003 on the role of the United Nations in promoting justice and the rule of law, today's debate will again highlight the wish of the Council — and indeed of the entire United Nations membership — to ensure that peacekeeping and peace-building efforts can be sustainable. In the Council's debate on justice and the rule of law, Mr. Guéhenno clearly expressed what is at stake. He said:

“... if the international community limits its response to post-conflict situations to the creation of traditional criminal justice mechanisms such as

courts, focused on delivering retribution and meting out punishment, then it will fail to respond to many of the expectations that victims and ‘victim societies’ have concerning mechanisms of post-conflict justice, in particular reparation, a full accounting of what happened and national reconciliation.” (*S/PV.4835, p. 5*)

Patrick Burgess, former Legal Counsel of the Commission for Reception, Truth and Reconciliation in Timor-Leste, described the challenge in even more evocative terms:

“Punishment of those most responsible is not the complete picture. Populations in post-conflict situations are faced with the real and present danger that the dry grass of past anger and resentment will burst into flame again and, fanned by the winds of poverty, frustration and joblessness, soon become an uncontrollable fire. Punishment will help to heal past wounds and provide some consolation to victims, but focus also needs to be maintained on the damaged relationships between individuals at a grass-roots level. Not only punitive justice but also restorative justice is required to mend these relationships.”

These two quotations, we feel, quite rightly make the point that justice and reconciliation — or punitive and restorative justice — ultimately serve the same purpose: to heal the wounds of a conflict-torn society, first, by acknowledging and establishing accountability for the wounds that have been inflicted on victims; secondly, by creating a just and inclusive social and political order that offers guarantees for the peaceful resolution of future conflicts and against the recurrence of past conflicts and social injustices; and thirdly, by restoring a sense of common purpose among a hitherto divided population.

The United Nations has broad experience in addressing each of these areas, ranging from the establishment of justice and reconciliation mechanisms to assistance in building democratic institutions and the promotion of a common development perspective based on greater participation and shared benefits. Specific activities to achieve these goals include programmes as diverse as the creation of tribunals and truth and reconciliation commissions, assistance in organizing and holding free and fair elections, assistance in drawing up a new, integrative

constitution, joint demilitarization and demining, as well as the complete range of disarmament, demobilization and reintegration programmes for ex-combatants of former civil war enemies, and the mobilization of international financial and technical assistance for post-conflict economic and social reconstruction plans.

In declaring its readiness to host a Bonn II conference on Afghanistan, Germany follows that same holistic approach to national reconciliation. Indeed, the purpose of the conference, in line with suggestions by Special Representative Mr. Lakhdar Brahimi, would be to promote throughout the international community efforts that lay the foundation for further reconciliation in a more peaceful and more prosperous Afghanistan.

A real challenge for the United Nations will be the ability to deliver its expertise and its assistance in a coherent, coordinated and effective manner. In the interest of quality and cost-effectiveness, consideration may be given to the establishment of a Secretariat unit that has the necessary conceptual and operational know-how in the area of promoting national reconciliation in post-conflict situations and that can coordinate the various actors engaged in that field throughout the United Nations system. In the Council's ministerial meeting on justice and the rule of law, held on 24 September 2003, Germany suggested the establishment of a rule-of-law task force in the Secretariat. Given the close relationship between issues of justice and reconciliation, I suggest that they be dealt with jointly by such a task force.

A starting point in addressing post-conflict reconciliation issues must be that no post-conflict situation is equal to another and that there are no one-size-fits-all solutions. But, on the other hand, the opposite is also true: the wheel does not need to be reinvented on every occasion, and there are certainly a few standard parameters and model procedures that can usefully be defined and applied.

Among those standard parameters, let me mention three that are of particular importance. First, experiences in Sierra Leone and Timor-Leste have made it quite clear that the way in which courts and reconciliation mechanisms interact with and complement one another should be well-defined. In that regard, it is important to ensure that both mechanisms, taken together, cover the whole spectrum of injustices committed during a conflict, without

leaving an impunity gap. Closing the impunity gap has been high on the international agenda, and reconciliation mechanisms, if properly combined with judicial mechanisms, can play an important role in that regard.

Secondly, those bearing the greatest responsibility for war crimes, genocide, crimes against humanity and other serious violations of human rights and humanitarian law must not escape punishment. Secretary-General Kofi Annan was right in reminding the Council in his statement during the debate on justice and the rule of law that there are international standards to be adhered to. The International Criminal Court was created precisely for the purpose of ensuring criminal accountability for these crimes should national jurisdictions fail to do so.

Thirdly, it should be recalled that judicial and non-judicial mechanisms need local acceptance and legitimacy. Before such mechanisms are established, interested segments of a victimized society should be consulted. Once the mechanisms are operating, they need to be engaged in ongoing outreach efforts. We applaud the thorough outreach activities undertaken in Sierra Leone, and we hope that such activities can avoid the recurrence of situations in which a defendant finds an audience for his twisted claim that he is the victim and the judges are the villains. Against that backdrop, it is an important challenge for all of us to ensure that transitional justice mechanisms in Iraq will meet with broad popular support.

The last point leads me to my final observation. None of the goals contained in the paramount goal of reconciliation — neither justice nor reconciliation nor development — can be achieved without the firm political will of local decision-makers. Where such political will is weak or non-existent, it may be one of the most delicate and challenging tasks for the United Nations to inspire among local policy-makers and conflict-torn populations the confidence necessary to make the policy choices that hold the promise of a just and more prosperous future. Indeed, the United Nations has a unique legitimacy to do so.

The President (*spoke in Spanish*): I thank the representative of Germany for his kind words addressed to me.

Mr. Baali (Algeria) (*spoke in French*): Allow me at the outset to thank the delegation of Chile for taking the initiative of organizing this debate on a question

which is clearly central to the mission of our Organization. I also thank Ambassador Muñoz for enabling our discussion of this question with the non-governmental organizations at the Arria formula meeting he organized on 22 January.

The spirit and the letter of the United Nations Charter make civil concord among members of a single human society — and reconciliation among them if that concord is broken — the primary condition to be met in order to build a world of peace.

Reconciliation follows a phase in which a society's harmonious relations have been ruptured, most often by a violent armed conflict in the case of civil war, by violence practised by a State against society or part of society in the case of dictatorships, or by violence directed at both society and the State in order to undermine their foundations for political purposes. National reconciliation attempts to heal a society of the effects of these breaches and therefore can only be successful if a reliable and objective diagnosis of the causes of the conflict is provided.

To that end, the observation of conflict situations, of which the United Nations has been seized since its creation, points to the recurrent presence of certain symptoms, namely one social or ethnic group's excessive domination over other groups or components of society. This is reflected, generally speaking, in the monopolizing of national resources and positions of power, causing, more often than not, the use of State repression to maintain this domination. This does not allow for any kind of counterweights or opposing powers, which are the hallmarks of the rule of law. The absence of the rule of law, therefore, is at the source of violent conflicts of interest within a society. These conflicts would have been peacefully resolved if they had taken place in a democratic environment characterized by the sound practices of good governance and respect for the law, a law drafted in a spirit of fairness and with the aim of preserving everyone's rights.

National reconciliation, therefore, cannot be dissociated from the establishment or rehabilitation of the rule of law, characterized by the idea of justice. In a post-conflict situation, national reconciliation, to attain its overriding goal, a peaceful society, necessarily involves telling the truth, which is the basis of justice. This occurs at two levels: first, setting the record straight about the causes of conflicts, including the

inequalities and denials of rights which caused them, and universal recognition of those imbalances; secondly, telling the truth about the human rights violations and atrocities committed during the period of hostilities.

While the first stage naturally lends itself to reconciliation by calling on the political arena to summon up the will — and create the conditions — to correct previous imbalances, the second does give rise to many questions, since it rejects the idea of impunity in favour of the idea of settling accounts, of punishment, and of reparations due to the victims as well as to moral rehabilitation, all of which increase the chances of lasting reconciliation.

The main difficulty in this exercise lies in reconciling the rejection of impunity — demanded by the rule of law — and the risk of a conflict dragging on because of the fears that the prospect of prosecution gives rise to among those who have violated human rights. This places the whole question of amnesty in our discussion today.

The problem of amnesty does not come up in situations where one of the parties to the conflict was defeated militarily by the other party, whether by the victor's own means or with the support of the international community. In that situation, generally speaking, those who are defeated will be prosecuted. In situations where the belligerents have the means to prolong a conflict, along with its accompanying atrocities, or in situations where the wielders of State power negotiate the conditions for retreat, the scenario is not the same. We all know that, while a settlement is being negotiated, the mediators are always confronted with demands for amnesty and this amnesty often determines the success of their efforts.

Truth and reconciliation commissions, as in the case of Chile and South Africa in particular, try to get around this difficulty inherent in the rule of law, of the obligation to prosecute, by emphasizing the therapeutic value of digging up the truth. This practice has the immense merit of fulfilling the duty to remember, which is essential for building a new national consensus, while avoiding a repetition of the errors of the past. However, since it does circumvent the judicial phase, it is nonetheless a kind of amnesty, similar to the one that was negotiated and obtained recently for Charles Taylor by the Economic Community of West African States (ECOWAS) mediators. These mediators,

to their credit, did spare Liberia the additional tribulation caused by the inertia of the international community in the face of a major humanitarian catastrophe.

I now come to the question before us — the role of the United Nations in the process of national reconciliation.

First, on the question of impunity and amnesty, the Organization seems to have opted for a firm position of not granting any concessions to the parties to the conflict that it is seized of, as Mr. Kalomoh recalled. This is a position that is legally justified, but its downside is that it reduces the Organization's ability to put an end to the hostilities by mediation alone, since some of the belligerents will distrust the Organization if it has, in advance, opted in favour of a criminal prosecution of these crimes.

Furthermore, the considerable developments in international criminal law in recent years do not allow the Organization and Member States much room for manoeuvre in this area. In the specific case of international crimes, namely, war crimes, genocide and crimes against humanity, this room for manoeuvre is henceforth practically nil. Yet it is interesting to note, here, that even the Rome Statute of the International Criminal Court (ICC), in article 53, paragraph 2 (c), gives the prosecutor some leeway and the discretionary power not to open a judicial enquiry if "A prosecution is not in the interests of justice, taking into account all the circumstances, including the gravity of the crime [and] the interests of victims ...".

In order to maintain its role as an honest broker, the United Nations must first, as far as possible, avoid placing itself in the position of accuser, even more so since it is less and less the United Nations and increasingly the States or regional or subregional organizations that are involved in the difficult quest for solutions to particularly bloody conflicts.

Secondly, the United Nations needs to establish the conditions whereby it can credibly threaten the use of force against recalcitrant parties. These conditions, which, we think, are lacking today, depend on the affirmation of a clear political will on the part of the Security Council, in particular on the part of the permanent members, and in the availability of appropriate resources for the Department of Peacekeeping Operations.

In the post-conflict period, the role of the United Nations seems to have been clearly defined in the Millennium Declaration. I do not want to go into any details here, but in the specific case of national reconciliation processes, it seems to us that this role consists of supporting the former parties to the conflict during the peace-building stage and in the transition to the rule of law. This can be done in the following ways: by sharing the Organization's experience and recognized expertise in the resolute conduct and completion of disarmament, demobilization and reintegration processes; through assistance in electoral processes and the establishment of representative democratic institutions, including political parties and civil society organizations; by the establishment of an independent, impartial and functioning judicial system; by developing public information bodies that embody the values of democracy and tolerance in order to counter the adverse effects of partisan media, sometimes referred to as hate media, which may not only create a climate leading to the outbreak of conflict but also cause the failure of national reconciliation; and, finally, by the mobilization of international assistance for reconstruction.

As I recalled in our debate on West Africa, clearly, if the United Nations were to become decisively involved in conflict-prevention by tackling, in particular, the socioeconomic causes and by mobilizing more resources for development, many countries would be spared many conflicts, which are costly in many respects. The international community would thus have to finance neither peacekeeping operations that are often burdensome, nor post-conflict activities of sometimes questionable usefulness and consistency. In other words — in the medical usage evoked by Mr. Malloch Brown, with my regrets for using such a prosaic formula — it is better to prevent than to cure.

The President (*spoke in Spanish*): I thank the representative of Algeria for his kind words addressed to our mission.

Mr. Arias (Spain) (*spoke in Spanish*): I wish to thank the Chilean delegation for organizing this debate, which gives us the opportunity to delve more deeply into a subject of great importance.

We endorse the statement to be made by the representative of Ireland on behalf of the European Union.

Despite more than half a century of experience of the United Nations and other organizations in preventive diplomacy and peacekeeping, only very recently have we begun to understand the critical role that we must play in post-conflict situations, the strengthening of the rule of law and the administration of justice, and the follow-up and facilitation of the entire process of national reconciliation. The task of strengthening and broadening the mandates of peacekeeping operations is no doubt part of that trend and we must continue to work in that direction by including in our mandates, in an increasingly systematic way, elements of human rights, the rule of law and the facilitation of national reconciliation processes.

In the context of reconciliation efforts, the rebuilding of the rule of law and the subsequent consolidation of institutions are priorities. Without them, it is impossible to guarantee security in any way, impunity remains the rule and economic activities are seriously disrupted. In such conditions, consolidating a political process is even more complicated and cannot succeed in the long term.

It is essential to focus efforts on such tasks before attempting to step up the reconciliation process, for instance, through the holding of general elections. Without due prior stabilization of the situation, elections can prove to be ineffective and sometimes even counterproductive. In any event, the involvement of the United Nations will differ in response to each specific case. It can vary from accompanying, supervising and even assuming the functions of a justice system through the post-conflict transition process, as in Timor-Leste, to helping a State through a stage of convalescence to restore its mechanisms of law and consolidate its national institutions.

It must, however, always enjoy the will of the people most directly affected. Indeed, as the Secretary-General said in the debate on justice and the rule of law, the United Nations must hope to guide, not direct. In cases where circumstances do not permit at the outset, responsibility must be shifted at the proper time to local actors, whose role should always be central.

It is also necessary to settle accounts with the past so as to be able to face the future with greater confidence. That requires elucidating the truth of what has occurred, providing opportunities for victims to express themselves and closing the doors on impunity

for those who have committed extremely grave acts that are offensive to humankind. There are various mechanisms to that end, the most innovative and demonstrably useful of which is the constitution of mixed tribunals. It is worth looking more closely into that mechanism. In any case, and whatever system is adopted, the task will be enormously difficult, since it will require striking a balance between the necessary application of justice and the search for national peace and reconciliation.

In carrying out such tasks, the Council will need to be most mindful of the specificities of each particular situation, of whether or not there existed a genuine rule of law within the State before a conflict, and of the prevailing legal system in order to ensure that the mandates it confers are clear and unequivocal. To facilitate that task, it may be useful to prepare a compendium of model practices for use by the United Nations in each post-conflict situation. Undoubtedly, such practices will need to be flexible and adaptable to the specificity of each situation.

Finally, we stress the role that falls to the International Criminal Court. The international community now has an independent and impartial forum to render justice in the most serious cases of violations of human rights and international humanitarian law in situations where, in keeping with the principle of complementarity, national penal systems are unable to address the matter in a genuine and effective way. Beyond the specific cases that are submitted to its jurisdiction, we are certain that the Court will contribute to establishing guidelines for penal justice and respect for the rights of accused and victim alike that will serve as guidance for all States in the area of crimes against humanity. In that way, the International Criminal Court will contribute through its work not only to the achievement of justice and the effectiveness of human rights and humanitarian standards, but also to strengthening peace and security throughout the world.

Mr. Duclos (France) (*spoke in French*): At the heart of the process of national reconciliation often lie — as your country, Madame, knows especially well — serious political and moral dilemmas in terms of justice. My delegation was very interested in the meeting that Ambassador Muñoz organized a few days ago with the non-governmental organizations, which provided particularly enlightening testimony on the subject. I pay tribute here to their work and thinking.

My delegation listened with great attention to the outstanding statement of Mr. Kalomoh on this subject early in this meeting.

We believe that the solution to these dilemmas always lies in the establishment of the rule of law, with all of the force and breadth inherent in that concept. Your delegation, Madame, was wise in holding today's discussion in the wake of the Security Council's debate in September, presided over by Mr. Jack Straw, the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, whose initiative my country deeply appreciated.

National reconciliation often requires a balance between the imperatives of justice and the defence of universal values, on the one hand, and taking into account the circumstances inherent in a situation or a particular culture, on the other. Wise time management is often a condition of success. Such non-judicial instruments as truth and reconciliation commissions may make a valuable contribution. However, that which is inviolate must be respected. There can be no impunity for serious crimes under international criminal law. Likewise, victims are entitled to the truth and reparations.

The United Nations must continue to play a role in this area, first by including in the mandates of peacekeeping missions — as is increasingly the case — measures to fight impunity by, for example, investigating human rights violations and then, when this is appropriate or necessary, by providing support for national tribunals. As the representative of Spain stated, the International Criminal Court can now, of course, make a major contribution in this respect. It is respectful of national jurisdictions and can help to make up for any possible shortcomings that they may have.

Justice is not the only key to the success of any national reconciliation process. It first requires a peace agreement or other viable form of agreement — one that does not contain within it the seeds of another conflict or civil war, but that makes it possible to deal with or resolve basic problems. Success will also depend on the process being inclusive. It is crucial that the positive effects of national reconciliation spread to all segments of the population. That is why, in this context, special importance must be accorded to disarmament and reintegration programmes for former combatants, to the situation of children, to the situation

of women — whose important role has been acknowledged in resolution 1325 (2000) — and to the full integration of communities, minority groups, refugees and foreign or displaced populations.

Nor should we forget that if we truly want to bring about national reconciliation in current post-conflict situations, the fair distribution of economic resources, as well as power-sharing, access to education and health and development are all necessary conditions for improved coexistence and, ultimately, for the return of trust. The earlier comments of Mr. Mark Malloch Brown and of Ms. Carolyn McAskie were very interesting in this respect.

Thus it can be seen that, in dealing with these problems, we have moved from a simple approach — support for a top-down agreement between government and opposition leaders — to a more complex and comprehensive approach involving several kinds of support from the international community. This, of course, means greater involvement on the part not only of the Security Council but of the entire United Nations system — though such involvement can never be a substitute for the will of local stakeholders.

My delegation, like others, believes that in practice it would be beneficial for the Secretariat to bring together in a more effective way the unique experience and expertise of the United Nations and to better coordinate the instruments and mechanisms that need to be mobilized. It would also be desirable that the Secretary-General's report — pursuant to the discussion last September — reflect the discussion that we are having today.

My delegation is particularly grateful to you, Mr. President, for having organized this very important and useful debate that will shed light on the day-to-day activities of the Security Council. My delegation fully aligns itself with the statement to be made later by the representative of Ireland, speaking on behalf of the European Union.

Mr. Sardenberg (Brazil) (*spoke in Spanish*): I should like at the outset to thank Assistant Secretary-General Kalomoh; the Administrator of the United Nations Development Programme, Mr. Mark Malloch Brown; and the Deputy Emergency Relief Coordinator, Ms. Carolyn McAskie, for their introductory statements.

I should also like to thank you, Mr. President, for having organized the Arria-formula meeting held last week with non-governmental organizations, which provided us with a great deal of interesting information.

My delegation is honoured and pleased that once again the Foreign Minister of Chile was in the Chair, presiding over our meeting. I also express my delegation's satisfaction that you yourself, Sir, presided over the work that led to this open debate on a subject proposed, in a very timely manner, by the delegation of Chile. This is certainly a question that merits — and demands — close attention. National reconciliation represents the culmination of the Security Council's work when considering a conflict situation.

(spoke in English)

It has by now been widely accepted that the United Nations has a major role to play not only in the resolution and immediate aftermath of conflict situations, but also in conceiving and conducting long-term post-conflict initiatives, such as demobilization, disarmament and reintegration and the restructuring of the police, armed forces and the judicial system. Beyond conflict resolution and stabilization lies the long road towards development, democratization and the strengthening of the rule of law. There is much that the Security Council can do with a view to achieving those objectives, particularly if it makes more extensive use of the provision contained in Article 65 of the Charter and seeks the collaboration of the Economic and Social Council — as it has done in the cases of Guinea-Bissau and Burundi, with some success.

We believe that reconciliation efforts are compromised when the legacy of past violence is left unaddressed. National reconciliation is the best way for divided countries to confront threats to their stability and to promote and build durable peace and viable democratic institutions and practices. The role of the United Nations in post-conflict national reconciliation has not received nearly as much attention as it merits. The reticence as regards a more focused United Nations approach to this subject is perhaps due in part to its utter complexity.

National reconciliation depends on many diversified factors and is riddled with challenges. No single model is applicable. What works in one case does not necessarily work in another. In each

experience, the dynamic is different, but studies show that successfully reconciled societies usually undergo an extensive process of truth, justice, reparation and the re-establishment of identities.

Closely related to the matter of justice, the search for truth is central to the process. Information is not only unveiled, but also publicly recognized, and findings are widely disseminated. Truth commissions provide a public platform for victims and create common understanding. Ideally, their findings should inform the progress towards justice and lead to constructive recommendations on legal and institutional reform.

Aside from institution-building aspects — which often entail the training of judges and lawyers — an adequate balance should be struck. When Sergio Vieira de Mello addressed the Council in January 2002 as Transitional Administrator for East Timor, his assessment was that

“Long-term peace and stability will depend on the degree to which we can overcome the legacy of ... violence ... by fostering and facilitating reconciliation and by the effective prosecution of serious crimes. Those efforts should be viewed as interdependent”. (*S/PV.4462, p. 4*)

In his understanding, a truth commission seeks the truth about human rights violations and facilitates community reconciliation. But it should not act as a substitute for the judicial process.

As a matter of fact, in situations of post-conflict national reconciliation the legacy of past violence must be addressed, and a victim-centred approach is certainly required. In most situations, one can identify very clearly who the victims were and who the offenders were. If, on the one hand, offenders must be prosecuted for their crimes, so, on the other, the limitations of prosecutorial methods must also be borne in mind.

As the Secretary-General, Kofi Annan, stressed last year during the debate on justice and the rule of law, “there cannot be real peace without justice” (*S/PV.4833, p. 3*). At the same time, one has to agree with his statement that “If we always and everywhere insist on uncompromising standards of justice, a delicate peace may not survive” (*ibid.*). The challenge

is to facilitate the reintegration of offenders and at the same time bring a sense of justice to the victims, breaking the cycle of impunity and defending the rule of law without provoking a destabilizing backlash, with political stability remaining precarious.

Given this context, the concept of restorative justice has been gaining legitimacy as a middle ground between retributive justice and a blanket pardon. Restorative justice would rely on traditional arbitrators and on a high degree of public participation, flexible procedures, and social pressure as a means of enforcement and accountability. Ideally, greater emphasis should be placed on the acceptance of responsibility and on the making of amends than on the severity of the punishment meted out.

Restorative justice addresses the need to preserve public order and to maintain a just peace. It cannot be regarded as a panacea, and it certainly does not detract from the work of the International Criminal Court and the fight against impunity, both of which are of the utmost relevance. It certainly merits the attention of the United Nations and could be made a part of future peace negotiations.

Restorative justice is a helpful concept, as it focuses on undoing harm. In this regard, the timing of the reparations made to victims is crucial. The re-establishment of identities and a commitment to a new social relationship are also highly important elements. Groups are brought once again into the framework of political interaction, and the military is, in most cases, depoliticized.

Reconciliation does imply the striking of a delicate balance between antagonists, within the context of justice and truth-telling. An emphasis on building trust is indispensable for reconciliation in ravaged societies. Otherwise, great resentment may be created that could lead to recidivism, a phenomenon that could make the reconciliation process seem like a continuous tightrope walk.

Each new national reconciliation effort requires a deep immersion in the specific grievances of the afflicted community, through the establishment of lines of dialogue with the key actors, as well as — incrementally — among them. The United Nations cannot impose a durable peace; only victims and perpetrators can strive to reconcile with one another. The United Nations can, however — by positioning itself as a neutral facilitator while clearly leaving the

ultimate responsibility for reconciliation in the hands of the aggrieved population — establish favourable conditions as well as offer political advice and valuable technical assistance in the areas of justice and truth-seeking.

On a concluding note, our delegation would like to stress that, although there is no single model for post-conflict reconciliation, and any effort will always be subject to pitfalls, an integrated approach to the process must nonetheless be sought and, to the extent possible, woven into the work and mandates of the United Nations as it endeavours to help war-torn societies get back on their feet and achieve durable peace.

The President (*spoke in Spanish*): I thank the representative of Brazil for the kind words he addressed to our Mission.

Mr. Akram (Pakistan): I would like to welcome you once again, Madam, to the presidency of the Security Council. We wish also to thank you, Ambassador Muñoz and the Chilean delegation for having convened this important debate and for the Arria-formula session which was arranged with non-governmental organizations (NGOs). I should like also to thank Under-Secretary-General Kalomoh for his important statement as well as the Administrator of the United Nations Development Programme (UNDP), Mr. Mark Malloch Brown, and Ms. McAskie, Deputy Emergency Relief Coordinator.

The conclusion of the cold war, instead of promoting universal peace, coincided with the eruption of a number of conflicts among, and especially within, States in various regions of the world. The agenda of the Security Council and the list of our peacekeeping operations over the last decade reflect this.

The Pakistan delegation has consistently emphasized the point — which was raised this morning by the UNDP Administrator and Ms. McAskie — that prevention is better than cure. The Security Council, the Secretary-General and our other agencies have considerable scope for action to prevent conflicts through the modalities and mechanisms available under Chapter VI of the United Nations Charter.

Reconciliation entails a multifaceted process. The first fact which must be acknowledged is that there is no “one size fits all” approach to promoting post-conflict national reconciliation. Each situation is

different and unique. However, some general guidelines, or parameters, as my German colleague said, can be identified in promoting post-conflict peace and reconciliation.

The first step in all situations must be to end the conflict and the accompanying violence and violations of humanitarian law and human rights. Without this, expressions of the desire for post-conflict peace and reconciliation will continue to ring hollow. The onus for halting existing violence must fall equitably on all parties, but especially on the Governments concerned, because they have an institutional capacity and the clear international obligation to halt the recourse to imposed and violent solutions.

The second step, which can be initiated in parallel with the first, is to address the root causes of the conflict. These causes can be both internal — religious or group differences, political and social injustices, a struggle for power among rival groups and local leaders — and, often, external — conflicts which are fuelled by external influences such as foreign occupation, arms supplies and the illegal cross-border exploitation of natural resources. In such cases, internal and external steps to halt conflicts and violence would have to go hand in hand in a parallel and reciprocal process.

Economic deprivation and discrimination exercised over extensive periods prior to the conflicts are often ignored, although in most cases they are the root causes of the conflict. Post-conflict reconciliation can be facilitated considerably by equitable socio-economic development.

In the process of national reconciliation, transparency and openness, especially to impartial international actions such as those of civil society organizations and the United Nations, can be helpful in arresting ongoing violence and violations and in encouraging the parties to address the underlying causes of the conflict. The focus on providing transitional justice and redress for past violations and injustices for affected individuals and groups no doubt constitutes an important element in promoting national reconciliation. This can obviously happen only once ongoing violations and violence have been halted. The pursuit of justice, while essential, should not become an obstacle to peace, as the Secretary-General noted at our previous meeting. Brazil's reference to "restorative justice" is an interesting concept.

However, in any case, there must be no impunity for the most serious violations, such as genocide and violations of the Fourth Geneva Convention, which must not go unpunished.

The Security Council, the Secretary-General, the United Nations Secretariat and our agencies such as UNDP are well placed to play an active role in post-conflict reconciliation. This is indeed the desire of world public opinion and of the people who are involved in such conflicts.

Over the past decade, the United Nations has gained considerable experience and developed institutional mechanisms and methodologies to respond to the serial conflicts and post-conflict situations in various parts of the world, such as East Timor, Bosnia and Herzegovina, Cambodia, Sierra Leone and Afghanistan. United Nations efforts must therefore receive adequate financial and political support from all Governments in order to attain the objectives which have been espoused by the world community.

The precise response of the Security Council and of the United Nations at large will naturally depend on the specific nature and content of a given situation. Such responses can include the dispatch of a special envoy to mediate, a fact-finding mission, utilizing the specific mechanisms of the Commission on Human Rights and of the Office of the United Nations High Commissioner for Human Rights, the appointment of a special representative of the Secretary-General and dispatching a peace observer mission.

And where efforts at post-conflict reconciliation are being conducted in parallel with containing a conflict, there will be a need to buttress the process with full-fledged peacekeeping operations, such as those in Afghanistan, in Liberia and soon, we hope, in Côte d'Ivoire. Such peacekeeping operations should encompass wider mandates to monitor human rights violations and progress in peace-building and reconciliation; to identify responsibility for war crimes and crimes against humanity; to implement disarmament, demobilization and reintegration programmes; and to provide technical, legal and institutional support to the parties concerned.

One issue that often needs to be addressed is the question of the consent of the parties concerned to the mediatory and peace-building role of the United Nations. Refusal by any State or other party to allow the United Nations to play a helpful role in conflict

resolution and peace-building cannot be a sign of good intentions. Obviously, where a conflict situation cannot be successfully addressed by the parties, the need for the Security Council and the Secretary-General to assume a role should be evident, in accordance with the provisions of the United Nations Charter.

Yet even where the parties are engaged in peace-building, the United Nations can and should play a useful role in encouraging them, in monitoring progress and in playing a good-offices and mediatory role, as outlined in Chapter VI of the Charter, especially where the United Nations has obvious and direct responsibilities under resolutions and decisions of the Security Council.

Finally, we cannot ignore the fact that many conflict situations arise from the politics of poverty and scarcity. Post-conflict reconciliation will inevitably have to be built upon the provision to destitute and desperate people of hope for a better tomorrow. Thus, economic and social development must constitute an integral part of the international community's endeavours to promote peace and reconciliation on a sustainable basis in various conflict situations. The United Nations and its family of organizations, including the Bretton Woods institutions, as well as civil society, have a vital role to play in generating equitable socio-economic development in those countries and regions.

To that end, the principal organs of the United Nations — the Security Council, the General Assembly and the Economic and Social Council — must promote and pursue a coherent approach in helping to build peace and reconciliation in complex crisis situations.

Mr. Lavrov (Russian Federation) (*spoke in Russian*): We are delighted, Madam Minister, to see you in the Chair, presiding over the Security Council. Our thanks go to the delegation of Chile, which has been guiding our work this January with an effectiveness that we anticipate will continue throughout the month.

The item before us today is most topical in the context of the activities of the Security Council with respect to various conflicts. A key goal in conflict resolution is the attainment of national reconciliation in the countries emerging from crisis. The Security Council devotes great attention to the issue of national reconciliation in the specific situations on its agenda.

In January 2004, the Council has adopted resolution 1522 (2004) to assist in efforts to form an integrated national army in the Democratic Republic of the Congo; it has considered the post-conflict rehabilitation of Sierra Leone; it has discussed the implementation of the recommendations of the Security Council mission to West Africa; and it is engaged in intensive work to prepare the deployment of a large-scale, multi-function United Nations mission to Côte d'Ivoire. Those are examples from one month alone, and all of them are directly related to the promotion of national reconciliation.

There is no doubt that the parties to a conflict themselves must play the main role in charting the paths towards national reconciliation — paths that take account of local characteristics, traditions and customs. Here, the range can be extremely broad: from the establishment of national truth and reconciliation commissions, the organization of nationwide dialogue, the formation of transitional governments of national unity and the proclamation of general amnesties to the setting up of ad hoc tribunals to prosecute of all those involved in crimes during the conflict, including those involved in massive violations of human rights and of the norms of international law, in particular international humanitarian law.

We have repeatedly observed that there can be no peace or concord without justice. But the quest for justice should not be an impediment to peace. In this complex and painful process, a special role should be played by the international community, and primarily by the United Nations, whose key task is to promote the creation of the conditions necessary for national reconciliation processes. Here, we refer primarily to establishing a secure climate that can rule out attempts to use armed force to settle political problems.

The experience of United Nations peacekeeping operations has shown that only a comprehensive approach to a settlement can restore lasting peace and ensure the attainment of genuine national reconciliation in countries emerging from crisis. Such approaches include assistance in the disarmament, demobilization and reintegration of ex-combatants; the provision of international guarantees; and assistance with building a civil society and the rebuilding of State institutions — including through the holding of free democratic elections; fostering post-conflict economic rehabilitation; promoting security, judicial and law-

enforcement reform; addressing women's issues and the problem child soldiers; et cetera.

A striking example of the special responsibility borne by the parties to a conflict can be seen in Kosovo, Serbia and Montenegro. Unfortunately, the progress made in the Kosovo settlement has come about thanks essentially to the international presences in that province. The Provisional Institutions of Self-Government often complicate such efforts, abuse their powers and even attempt to undermine the basic resolution of the Security Council: resolution 1244 (1999). Another conclusion we can draw from the case of Kosovo is the importance of a holistic approach, establishing a division of labour between the United Nations and regional organizations. In that province, there is close interaction not only among various components of the United Nations system, but also among regional organizations such as the North Atlantic Treaty Organization, the European Union, the Organization for Security and Cooperation in Europe and the Council of Europe. All together, they make an important contribution to the common cause.

United Nations peacekeeping operations in Africa, particularly those in Angola and in Sierra Leone, clearly demonstrate the Council's ability to deal with the most complex of tasks involved in the settlement of crises and the promotion of national reconciliation.

A striking example of the great importance of ensuring a central role for the United Nations in promoting national reconciliation is that of Afghanistan. The briefing recently given to the Security Council by Mr. Lakhdar Brahimi, the then Special Representative of the Secretary-General for Afghanistan (see S/PV.4893), showed that some fairly good results have been achieved in that country in an unusually brief span of history. We note in particular the country's adoption of a new Constitution, which has opened the way for democratic reforms in Afghan society.

Certainly, much remains to be done, and the Security Council must continue to devote priority attention to Afghanistan's problems. It will be possible to implement our shared effort to support the Afghan settlement only if a unified approach is maintained in the international community as a whole, particularly among Afghanistan's neighbours. The convening of a

representative international conference on Afghanistan would be another important step in that area.

The successful experience of the settlement achieved in Tajikistan offers a wealth of lessons on national reconciliation. That experience was useful also because it included an effective plan for interaction among the various international actors. The United Nations Mission of Observers in Tajikistan, Contact Group of Guarantor States and international organizations donor countries all played an indispensable role at various stages of the inter-Tajik settlement, whose culmination was the implementation of the Moscow General Agreement on the Establishment of Peace and National Accord in Tajikistan. That the effort was effective is demonstrated by the fact that today, Tajikistan is experiencing development, has successfully overcome a dire societal division and is on the path to national harmony.

The Security Council must take all of those lessons into account in its current work on the post-war rehabilitation of Iraq and in post-conflict rehabilitation efforts in Liberia, Guinea-Bissau, the Central African Republic and other crisis areas. We look forward to further close cooperation with all Council members and with members of the wider United Nations family in carrying out those efforts.

The President (*spoke in Spanish*): I thank the representative of the Russian Federation for the kind words he addressed to my delegation.

Sir Emyr Jones Parry (United Kingdom): Building a sustainable peace in countries that have suffered from armed conflict is one of the most difficult challenges we face, so I thank you, Madam Minister, for scheduling this debate. I am grateful to those who presented briefings, and I should like to associate myself with the remarks to be made later by Ambassador Ryan on behalf of the European Union.

I shall shorten my intervention, Madam President, to comply with your request at the beginning of today's meeting.

The rule of law is an essential element in establishing democracy, but it is not enough in itself. The goal for countries emerging from conflict is to be able to transform themselves into democratic States — not only States that respect law, but States whose citizens are bound together by common commitments

and objectives, regardless of ethnicity, religion, past division or conflict. The minimum is coexistence among citizens; much better are productive cooperation and harmonious, peaceful living together.

History, if it has taught us anything, has shown us that cycles of conflict are truly broken where political and social measures accompany legal ones and where the participatory and emotional elements of reconciliation are not overlooked. Finding ways and processes that enable people to participate in the rebuilding of their country and to deal with those emotions is perhaps the most difficult challenge. It seems to the United Kingdom that, in many ways, reconciliation is about trust: promoting it where it has never existed and re-establishing it where it has been lost — trust between communities on different sides of a conflict, between groups within society or between citizens and their Government. It is a bridge from being in a state of conflict to reaching a shared peace, and, where it includes the end to injustice, it can provide a foundation for preventing future atrocities.

As others have said, there is no one blueprint for justice and reconciliation that fits all cases; different approaches fit different countries. Experience suggests that a reconciliation process has the best chance of success if it is built from the ground level. Durability is best guaranteed by local ownership. If the people of the conflicting parties or ethnic groups — both perpetrators and victims — are to be encouraged to enter that painful process, then they need to have a common purpose to rebuild their societies. Different models exist and have been described by others.

There are issues of sequencing. In that regard, permit me, if I may, to borrow from some recent comments by Lakhdar Brahimi, who said that there are three key steps to establishing justice and the rule of law: first, injustice needs to be ended; secondly, a fair judicial system needs to be created; and it is right to take the third step — of tackling past crimes — only when those two steps have been taken. So perhaps there is a time and a place to pursue justice and reconciliation vigorously and a time and a place to hold back.

The key focus of today's discussion is how best the United Nations can help. Few would argue with the moral authority of the United Nations, an impartial actor with the weight of the international community behind it. Politically, not only has the United Nations

played a key role in facilitating peace processes around the world, but, at the country level, United Nations country teams, Resident Coordinators and agencies have sometimes played a more subtle convening role in difficult situations, bringing together various stakeholders to start a dialogue or facilitating a planning process to bring about consensus on the way forward for a difficult set of issues.

United Nations peacekeeping operations around the world can provide the essential security framework that is the catalyst for national reconciliation to proceed — a framework for security that allows communities to re-establish some sense of normality in their lives, to restart economic activity and to move more freely. And it is in development terms that the programmes of United Nations agencies aim to facilitate the building of basic elements of human security: good governance, security sector reform, participation, justice, health, education and economic opportunities. All those processes, as we have heard, support national reconciliation.

Given the United Nations experience of reconciliation, how can we ensure better use of best practices? First, I would suggest that we should encourage the agencies to maintain — and indeed to enhance — their excellent work. Secondly, we might support United Nations efforts to identify and use the network of reconciliation practitioners: United Nations staff who have experienced reconciliation first-hand and can put that experience to good use in a different context. Thirdly, we should make creative use of information systems to provide the huge benefits of lessons learned and best practices, ensuring that information is shared quickly and easily among the right people so that the United Nations has the capacity at Headquarters to mobilize and moderate such information and best practices. And fourthly, we might continue to encourage an integrated approach among the various parts of the United Nations system so that lessons on the political, peacekeeping and developmental approaches can be shared, with no sense of departmental boundaries.

Re-establishing justice and starting to reconcile communities that were once in conflict will inevitably be an imperfect process, but the United Nations can and should play a central supporting role. It has the right tools to make a contribution and breadth of experience that enables it to add value where others cannot. I hope that this debate that you have launched,

Madam President, will be the start of our consideration of how we can better support the United Nations to be more effective in this area, but not only here in the Council: given the interest that all parts of the United Nations have, that consideration should be taken forward coherently in the General Assembly, in the Economic and Social Council and in the executive boards.

Mr. Baja (Philippines): I would like to congratulate your delegation, Madam President, for organizing this debate on a very timely topic and for organizing an Arria formula debate on the same topic last week. We are again honoured by your presence and by your presiding over this meeting on the eve of your much-awaited visit to my country. We are also grateful for the very informative briefings given by the Assistant Secretary-General for Political Affairs, the Administrator of the United Nations Development Programme and the Deputy Emergency Relief Coordinator.

The issue of national reconciliation has touched every nation in one form or another, some in the distant past while others more recently, if not even at the present time. No country has ever been homogenous in all respects. All are liable to be challenged by fissures in the fabric of their societies, some more acutely than others.

There are diverse sources of the division of societies and communities, and experience has shown that they run the gamut of racial, ethnic, political, ideological and religious factors. Unfortunately, such conflict sometimes leads to violent confrontation and the breakdown of the body politic. If this happens, the easier task is to stop the violence. The harder challenge is to begin the process of reconciliation and reverse the dynamics of conflict that ruptured the society. Winning the war is easier than winning the peace.

My delegation would like to add further emphasis to some general propositions referred to previously by members of the Council that have enriched our discussion of the topic at hand.

First, there are no quick fixes to achieve reconciliation in post-conflict societies. National reconciliation generally takes place through a long-term process, aided by policies and actions that confront the conflict head-on. It requires serious efforts to take stock of, assess and analyse the conditions under which reconciliation can take place. While there

are no easy solutions, the process of reconciliation is indispensable to ensure the long-lasting stability of post-conflict societies.

Secondly, national reconciliation is essentially an internal process and cannot be imposed externally on communities in conflict. I think the delegations of Brazil and the United Kingdom have eloquently observed that. The context of each post-conflict society is unique. The parameters of the process of reconciliation must grow out of the specific experiences of the society concerned. No external body or organ can decree reconciliation from the outside. That would invite disaster. Stakeholders in post-conflict societies must have the sense of having ownership of the process if it is to bring about the emergence of institutions and practices capable of creatively resolving the kind of social and political tensions that led to past violent conflict.

This is not to say, however, that the expertise and the guidance that could be provided by outside groups such as the United Nations have no place in national reconciliation processes. In many instances, the traumas of violent conflicts are so deep that conflicting groups require the even-handedness of objective outsiders to overcome emotional, cultural, political and other hurdles to mount a successful reconciliation process. But such an intervention, while desirable in certain instances, must be pursued carefully to maintain the integrity of the reconciliation process. One danger that could undermine such integrity would be for the interveners to yield, wittingly or unwittingly, to the temptation of supplanting the goals and values of the stakeholders with their own.

Thirdly, reconciliation should delve into a conflict's dynamics, which span the entire political, physical, cultural and psycho-social dimensions of the society concerned. The physical and political ravages of war and violence are clearly felt and observed and, more often than not, become the focus of attention in the reconstruction of societies in transition. While this is an important consideration, those ravages do not represent the totality of the negative impact of conflict. Healing the hearts and minds of victims in post-conflict societies is sometimes more critical than the reconstruction of burned villages or the salving of maimed bodies. The violent rupturing of a society sometimes necessitates the search for new social identity, meaning and values, which cannot be

downplayed or smoothed over with political niceties and rhetoric.

Post-conflict societies face a multitude of challenges. Let me at this time discuss one of the shared, perennial dilemmas in transitional societies that weigh heavily on the issue of reconciliation: how to balance the legitimate demands for justice against the perpetrators of heinous crimes with the vital need for peace and stability. It is difficult to measure the legitimate interest in punishing perpetrators against the imperative for national reconciliation in a society recently torn by conflict. Should post-conflict societies pursue truth and justice above all else, or should they focus on the attainment of political stability and not put in jeopardy their fragile new democracies under the pressure of truth commissions and prosecutions?

In our view, the correct approach would be somewhere in between those two positions. While justice should figure out in the process of national reconciliation, it must be recognized that in many instances the attainment of retributive justice is not feasible at the onset of the reconciliation process because of the inability of transitional institutions to provide justice through conventional means. This is why one of the most important needs in post-conflict societies is the strengthening of the rule of law and its institutions.

This does not mean, however, that contrition and restitution by wrongdoers are not possible during the reconciliation process. Those goals could be pursued through truth-telling alternatives such as truth commissions, which have been tried in various post-conflict societies over the last few decades. Reconciliation, in this case, can lay the path from a past where justice was denied, to a present where it is not yet fully attainable and to a future where it will be an integral part of the social order.

Finally, let us not lose sight of one of the most important functions of national reconciliation: to lay the foundation for preventing future conflicts and atrocities. This is one of the dimensions of the process that must be carefully considered by the parties to the conflict. National reconciliation should not focus narrowly on reacting to overt violence associated with the widespread abuse of human rights. It must include proactive social and political strategies for the removal of political and social conditions that made discrimination and abuse acceptable in the society. This

is not a simple task, as it could require the transformation of post-conflict societies from the culture of violence to the culture of peace.

In the end, the goal of national reconciliation is to enhance justice based on recognizing and completely accepting the supreme value of the human person, as guaranteed by institutions providing its fullest expression. It creates a society that would have a capacity to deal creatively and equitably with the threat or eruption of conflict based on the values of truth, justice, mercy and dignity.

With those considerations in mind, the United Nations has a key role in achieving national reconciliation in post-conflict situations. In playing such a role, security and development offices within the United Nations system should maintain their core roles as they work for greater synergy, which will integrate political strategies with development policies. As the delegation of Germany has observed, the real challenge for the United Nations will be its ability to deliver its expertise and its assistance in a coherent, coordinated and effective manner. Here, the Security Council should have a leading role in generating the political will among the parties in conflict areas, the countries in the region and the subregion and the international community to adopt strategies and frameworks that will heal the wounds of conflict and promote the reconciliation process.

The President (*spoke in Spanish*): I thank the representative of the Philippines for his kind words addressed to me.

Mr. Gaspar Martins (Angola): I would like to start by thanking you very much, Madam, for presiding over this important debate. This is a very important contribution by Chile, especially following the very rich Arria-formula meeting that we had last Thursday. I would also like to thank Assistant Secretary-General Kalomoh for his contribution and Mr. Mark Malloch Brown, Administrator of the United Nations Development Programme (UNDP), and Ms. Carolyn McAskie for their respective contributions to our debate. I trust that this meeting will contribute to a better conceptual understanding of the issue we are addressing today, particularly on the United Nations role in fostering national reconciliation and assisting countries emerging from conflict to establish the rule of law and justice, the pillars of genuine reconciliation.

The lessons learned from peacekeeping operations in various regions of the world point to the need to further explore the linkages between peace, security and justice on the one hand and economic and social development on the other. The challenge ahead is, therefore, to promote a coherent and integrated approach involving early warning, conflict prevention, crisis management, conflict resolution and post-conflict national reconciliation and reconstruction.

Every society emerging from conflict faces the issue of addressing the human rights violations committed during the conflict. Accountability for those crimes is not only a question of justice for the victims and for those guilty of committing such crimes but also of looking forward to a future of justice. The criminal accountability for war crimes, genocide and crimes against humanity is, therefore, a critical component of the process of national reconciliation. The international tribunals for Rwanda, Sierra Leone and the former Yugoslavia, as well as the International Criminal Court (ICC), are very important instruments in rebuilding the foundations of a society governed by the rule of law and fostering national reconciliation.

Lessons can be drawn from post-conflict national reconciliation processes that stem from national specificities. In fact, countries emerging from conflict have employed a variety of accountability mechanisms as alternatives to criminal prosecution. A national apology, reparations to the victims, international public pressure and shaming, truth and reconciliation commissions and outright amnesties have been applied as means to end conflicts and set in motion processes of national reconciliation. Each method can be effectively applied under the appropriate political conditions as a price to pay for the attainment of peace. These alternative mechanisms can be successful in fostering peace and national reconciliation if the societies are ready and prepared to engage in a meaningful process of national reconciliation and if the forces causing the divisions are effectively isolated.

Today's meeting takes place two years after the signing of the Memorandum of Understanding at a symbolic and highly meaningful ceremony, which put an end to the long war in Angola. This is also, therefore, an appropriate occasion to take stock of the achievements and of the challenges that lie ahead, especially in fostering national reconciliation. The signing ceremony I am referring to not only signalled the end of the war, a very difficult and painful period

indeed in the history of the nation; it also marked the beginning of a process and of a period of rebirth for a reconciled nation in which people, irrespective of their past and free from war, can live together and face together the challenge of building the pillars of reconstruction to prevent a return to the past.

National reconciliation is an imperative, and an expression of the people's will translated into practice by the political determination of the Government of Angola and of UNITA to live within a pluralistic political framework under the rule of law. In this context of national reconciliation, the competent institutions granted an amnesty for crimes committed during the conflict. The candidates elected in the legislative elections on the list of UNITA and other political parties assumed functions in the national assembly, enjoying the rights, freedoms, guarantees, immunities and privilege provided for by law. Social welfare and social reintegration programmes are being implemented throughout the national territory and, in application of the relevant provisions of the general principle of national reconciliation, members of different political parties were invited to assume posts in the national reconciliation Government and in local administration. A political process was set in motion, conducive to the holding of general elections, as a step towards the consolidation of democratic institutions and the rule of law. Basically, post-conflict reconciliation in Angola is being pursued as a real process of forgiveness and reintegration, in which Angolans are called upon to forgive but not to forget the divisions and the crimes committed during the conflict, in order to build a peaceful society, aware of past divisions — and of the dangers ahead if the programme collapses.

Angola's experience and that of other countries confirms that there is no preset approach to post-conflict national reconciliation and that each situation calls for specific solutions. Every process of national reconciliation must, however, be participative, must enjoy popular adherence and must be seen as a way for the entire nation to reconcile itself with the past and to build a better future.

The Security Council has, in recent years, contributed to various aspects of post-conflict national reconciliation. This is reflected in the measures and norms instituted for the protection of civilians in armed conflict; disarmament, demobilization and reintegration programmes in the context of peacekeeping operations;

and strengthening of international criminal justice. Assistance and financing for reconstruction and reconciliation processes are critical; much more needs to be done in order to ensure the success of reconciliation in countries emerging from conflict.

This goal can be advanced through greater coordination within the United Nations system, the Security Council and the Economic and Social Council especially, as well as the Secretariat, the agencies and the Bretton Woods institutions, as has already been noted. In that connection, we look forward to the Secretary-General's report on this theme, which I trust will help to fill a gap that seems to remain and has not yet been satisfactorily addressed or covered, as was hinted at again this morning by the Administrator of the United Nations Development Programme.

Special attention should be given to the appropriate organ for coordinating post-conflict assistance, comprehensively assessing and meeting the needs of countries emerging from conflict, and coordinating the actions of all international actors assisting in the reconciliation and reconstruction processes, in order to ensure its efficiency and the success of the whole enterprise.

This debate addresses an important area of the agenda of our Council, which will deserve more attention in the future. In order to be successful, peacekeeping operations will have to be followed by well-conceived and implemented post-conflict programmes related to cross-cutting issues involving the areas which are covered by the Security Council and the Economic and Social Council, bringing about cooperation between those two organs. The consolidation of peace following a successful peacekeeping operation stands as one of the main challenges to be addressed by our Council. This is therefore a timely debate.

Let me end by commending you, Madame, for including this theme on your agenda.

The President (*spoke in Spanish*): I thank the representative of Angola for his kind words addressed to me.

Mr. Cunningham (United States of America): First, let me join others in welcoming you back to the Council, Madame. I want to express my delegation's appreciation that you are again leading our Council's deliberations on a topic of such complexity and

genuine importance. Your presence adds significance to our debate today and is clear evidence of your personal commitment and that of Ambassador Muñoz and the Chilean delegation to finding creative ways for the Security Council better to meet future challenges.

Like many people around the world, Americans also live in a post-conflict society. Although our wrenching national tragedy — what we call the Civil War — ended nearly a century and a half ago, its echoes have been felt throughout the intervening generations. Historians have written volumes about the issues related to national reconciliation faced by the United States as the agonies of war gave way to the promise and realization of a reunited, peaceful and prosperous nation.

Although our own reconstruction was obviously achieved without the assistance of the United Nations, we believe that the issues we faced as a nation still have relevance to nations attempting to recovery from their own, more recent national nightmares. The need to address issues of transitional and long-term justice, reconciliation, the establishment or reinvigoration of democratic institutions, economic restructuring and recovery, and reintegration into the community of nations remains as critical and as challenging today as it was when we began our effort to address some of those same issues as a post-conflict nation, beginning in the latter half of the nineteenth century. Our effort continued through the twentieth century and, in some ways, is still ongoing this very day.

But twenty-first century circumstances offer enormously promising new opportunities for nations facing the challenges of post-conflict national reconciliation. Advances in communications and the increasing interdependence of our world mean that national tragedies are now played out on the world stage. A growing sense of commonality and shared experience has increased the number and scope of potential remedies available as countries begin their long roads back to peace, justice and normalcy.

Intra-State conflicts are fundamentally different from those that occur between nations and it is an unfortunate fact of recent history that deadly conflicts are increasingly occurring within, rather than between States. Unlike traditional conflicts between States, where the belligerents can be expected to return to their own territories, in these conflicts former belligerents must, at the end of the conflict, resume their roles as

neighbours and fellow citizens. That was the case in my country at the end of the Civil War.

Finding a home to come home to is the great task of any post-conflict society. Among the most significant potential resources available now to assist nations in their effort at post-conflict national reconciliation — finding that home to come home to — is the United Nations itself. In its deliberations last week, the Council focused on children and armed conflict. Finding homes for those children to come home to poses a unique and special challenge. Indeed, all the disarmament, demobilization and reintegration programmes and activities of the United Nations and other international actors are, in a very real sense, the mechanism to accomplish that goal.

The various organs and specialized agencies of the United Nations have experience and demonstrated expertise in a number of relevant areas. The scope and duration of the United Nations direct involvement should and will vary considerably from case to case. We may use it to go as far as creating an interim administration that effectively becomes the post-conflict governing authority until local authorities are ready to assume that responsibility themselves. In other cases, the United Nations involvement may be more narrowly focused, drawing on the wide range of capabilities it can bring to bear, many of which we have already discussed this morning. Our task as the international community and as the Security Council is to find the right set of tools to help bridge the gap between the end of conflict and the resumption of normal economic life in a reconstituted society.

Others have noted that each national situation is unique. The United Nations experience over the years in dealing with conflicts at varying stages and in different capacities makes it a repository of knowledge and a valuable unifying instrument that can materially enhance the effectiveness of international assistance to a nation embarking on the path of reconciliation and recovery.

My delegation looks forward to hearing from others about their individual reconciliation experiences and I think the intervention by the representative of Angola was very illustrative in that regard. Lessons learned from the past may help us address the cases of national reconciliation that will — unfortunately but inevitably — face us in the future. In those future cases, as with those in the past, there will be no easy

prescriptions for success and the cost of failure will be almost immeasurably high.

That said, it is the belief of my Government that the establishment, restoration or preservation of democratic governance should be the most important overarching objective of post-conflict reconciliation. Only thus can the requisite political will and commitment to recovery be built and maintained. Such will is a fundamental precondition for reconciliation. Without developing democratic governance, the likelihood of successfully addressing the critical questions of justice, truth and equitable reconstruction will be vanishingly and tragically small.

Mr. Cheng Jingye (China) (*spoke in Chinese*): I wish to begin by thanking the delegation of Chile for its initiative of convening this open debate. I welcome your presence here, Madame, to preside personally over this important meeting.

I wish to thank Mr. Kalomoh, Mr. Malloch Brown and Ms. McAskie for their statements.

National reconciliation is an important condition for lasting peace and stability in post-conflict regions. When conflicts end, if the parties concerned do not put aside their old grievances, a genuine consolidation will hardly be possible and the flames of conflict are likely to be rekindled. In many instances, post-conflict national reconciliation requires joint efforts on the part of all the parties concerned, as well as support and assistance from the international community, in particular the United Nations.

Over the years, the United Nations has played a useful role in post-conflict national reconciliation processes, thereby acquiring a great deal of experience. We believe that if it is to be successful in helping to facilitate post-conflict national reconciliation, the United Nations should effectively address three specific relationships. The first of these is the relationship between immediate needs and long-term goals. Generally speaking, national reconciliation is a process that cannot be completed overnight. Each phase of the process should have its own focus. The first priority, at the outset of the post-conflict national reconciliation period, is that former combatants lay down their arms so as to create a secure environment. In this phase, the focus should be the disarmament, demobilization and reintegration of former combatants into society. The advantage that the United Nations has in this field must be brought fully into play.

From a long-term perspective, durable national reconciliation must be based on the creation of adequate economic conditions. After the situation has stabilized, the United Nations should actively mobilize the international community to effectively help the countries concerned to achieve economic reconstruction and development.

Secondly, as regards the relationship between justice and stability, national reconciliation requires that the perpetrators of acts that violate international humanitarian and human rights law be punished in order that justice be upheld. At the same time, efforts must be made to avoid a negative impact on the peace process and to forestall the development of new conflict in society. In certain circumstances, therefore, amnesty is indispensable to national reconciliation. In the words of the Secretary-General, Mr. Kofi Annan, if we always and everywhere insist on uncompromising standards of peace, a delicate peace may not survive.

Over the past 10 years or so, some post-conflict countries have taken a variety of measures to ensure justice for victims. Such measures include the establishment of truth and reconciliation commissions and special courts, the holding of national dialogues and the improvement of the justice system, for all of which the United Nations has provided assistance. Relevant United Nations agencies need to take stock of their experience in this regard so as to ensure that United Nations actions have a positive impact on national reconciliation, as well as on the peace process.

Thirdly, with regard to the relationship between international support and ownership by the parties concerned, post-conflict national reconciliation is not possible without the support and assistance of the international community and the United Nations. At the same time, national reconciliation within a country will depend, in the final analysis, on the efforts of all the parties concerned in the country. The support and assistance of the international community must therefore be based on an understanding of and respect for local conditions, traditions, history and culture, and its focus must be on their local interests and needs. Nothing should be imposed upon them.

China supports an active role by the United Nations in helping the countries concerned to achieve post-conflict national reconciliation. In view of the fact that various phases of the national reconciliation process often involve a number of different United

Nations departments, we hope that the United Nations will enhance its internal synergy and take stock, on an ongoing basis, of its experiences and of lessons learned so that its role in the process can be further improved.

Mr. Adechi (Benin) (*spoke in French*): We are delighted to see you, Madam, presiding over our work. We are grateful to you for having organized this open debate. We listened with great attention to the outstanding briefing given by Mr. Kalomoh, as well as to the statements by Mr. Malloch Brown and Ms. Carolyn McAskie.

There can be no doubt that the international community is making an enormous effort to put an end to conflict by securing ceasefires and encouraging warring parties to conclude peace agreements. Concluding and implementing a peace agreement is just the initial phase in a long process of national reconciliation that must be encouraged and supported, because it is the best defence against the re-emergence of conflict. The success of national reconciliation will determine how lasting the peace will be.

Even if conflicts in Africa have certain features in common, every conflict has its own specific characteristics and the actors involved vary from one conflict to another. Examples of successful reconciliation show that there is a need for an integrated approach to be taken to the process of reconciliation — an approach that looks to the long term. The process of reconciliation cannot and should not be a short-term exercise, because it must bring together social, economic and political elements in a coherent political programme, with a view to rebuilding the State and revitalizing the institutions of good governance. The goal should be achieved using long-term solutions.

The specific nature of each situation must be borne in mind, and that is why ownership of the process of national reconciliation is crucial. The parties must be allowed to state their views and concerns. Participation in the process of reconciliation must be as inclusive as possible, and the United Nations or the regional organizations must play a facilitating and support role in this regard.

It is important that discussions take place as much as possible in the national language, or that interpretation be made available, so that contributions can be made at the grass-roots level. The national dialogue organized in Niger with United Nations

support is an example of good practice from the standpoint of ownership of or representation in the process of national reconciliation.

Reconciliation involves action to prevent the re-emergence or outbreak of an internal conflict. Here, I would like briefly to allude to the process of reconciliation in the context of the non-violent restoration of democracy. Benin has had some experience in this area. Fortunately, we did not have to deal with an armed conflict, but all the ingredients were present for the outbreak of civil war.

In keeping with the very African practice of negotiating under the banyan tree, the National Conference of February 1990 brought together representatives of all social groups, whom we in Benin referred to as the dynamic currents of the nation, in order to find the most appropriate way in which to resolve the crisis.

After eight days of debate, a consensus draft of a social document was agreed to. The fundamental texts were drafted and adopted during a transitional period of 12 months, following which a new democratic political system was established. Fourteen years later, democracy, which was restored to Benin, is taking root and ensuring social peace and political stability.

The success of the national reconciliation process in Benin owes its success, first and foremost, to the fact that the political stakeholders abandoned force and violence. The second element — which was decisive — was the fact that priority was accorded to the political and economic dimension and to restructuring the State, rather than to finger-pointing. In order to strike a balance, to ensure that impunity was not encouraged and to bring about social peace, financial reparations were provided in the case of proven human rights violations.

At a more general level, political transition has an important role to play in the restoration of confidence and the strengthening of national reconciliation. Given the competition inherent in any election, hastily organized elections could jeopardize a fragile balance that has not been fully consolidated. A Government of national unity or other power-sharing arrangements may prove to be necessary — indeed, they may be preferable.

It is often forgotten that democracy only survives because democrats are there to guide its institutions. In

general, it is better to take the time to build a consensus according to the rules of the political game before embarking on the electoral process. In achieving such a political process, rather than hastily organizing legislative elections, it is sometimes a good idea to establish an advisory body to consider crucial political, economic and social questions — a body in which all stakeholders in the country are represented.

Regarding the choice between amnesty and ad hoc tribunals to bring about national reconciliation and lasting peace, here again we believe that the nature of each conflict and of the reparations to be made should prevail. There needs to be a process of reflection on the notion of war crimes in a situation where there is no longer a regular army but only barbaric armed gangs. Flagrant human rights violations, crimes against humanity and genocide should not be tolerated and require punitive justice.

The United Nations has an important role to play in the reconciliation process by strengthening the fragile environment in which such a process takes place. The United Nations may assist civil society, which is often a weak and poorly organized element among the parties to a dialogue. The United Nations can promote social peace by helping to reduce economic inequalities. It can supervise the disarmament, demobilization and reintegration of former combatants, with special attention being paid to child soldiers. It can help the subregional organizations to carry out projects that strengthen subregional unity and cohesion.

Finally, the United Nations can strengthen reconciliation by promoting real prospects for social progress by reweaving the social fabric. Ongoing economic assistance to countries in a post-conflict situation is essential in order to restore the general socio-economic balance and to guarantee human security.

It is for that reason that the United Nations must also take into account the impact that poverty continues to have on development and security.

The President (*spoke in Spanish*): I thank the representative of Benin for the kind words he addressed to me.

Mr. Motoc (Romania) (*spoke in French*): The Romanian delegation wishes at the outset to associate itself fully with the statement to be made later by the

Irish presidency of the European Union. I wish, through you, Madam Minister, to express our gratitude to the Chilean presidency for having inscribed this item, which is of a universal character, on the Council's agenda.

The Council is an organ that is essential to international stability and security. However, we often find ourselves running from pillar to post, trying to manage the consequences of conflict, with no time to think about ways of increasing the effectiveness of the solutions we are proposing. In that regard, today's debate can add real value to our thinking about the best means to guarantee lasting solutions to conflicts, most of which, regrettably, have been on the Council's agenda for far too long.

Let us recall that all conflicts destroy not only lives and economies, but also the social fabric that is essential to a functioning society. To make peace prevail and to rebuild infrastructures are vital activities, but they cannot guarantee a permanent end to a conflict. Here we see the need for an integrated approach — political, even military, economic and social — that is present from the very beginning of the Council's reflection on means of restoring stability to crisis areas.

Above all, let us make no mistake; there can be no lasting solution without reconciliation. The persistence of hatred and resentment means, at best, a paralysed society that is incapable of working for its own progress. At worst, it means the probability of a relapse into murderous folly.

Allow me to touch briefly on a subject that is of great importance to the Council: peacekeeping operations. Peacekeeping forces are doing excellent work, interposing themselves, often at the risk of their lives, between rival factions. We must ensure that such missions are put together and equipped in such a way that their action of separating rival parties is supplemented by efforts to bring them together. United Nations forces must not prolong situations of division; they must contribute to the political and social reunification of areas in crisis.

We must not overlook the fact that to speak of reconciliation means taking into account complex disputes that are often difficult to overcome. That means that we must be able not only to contain such disputes to prevent them from recurring, but also to identify, if possible, the principal parties involved.

There are no societies in which reconciliation can be based on individual forgiveness and on forgetting past injuries. To think otherwise would be to labour under a dangerous illusion.

Romania recognizes the unquestionable contribution made to reconciliation by justice in general and in particular by the establishment of international or national ad hoc courts for the most serious crimes. Impunity cannot be accepted as a basis for building a society, because it will permanently undermine confidence in the legal system and encourage future atrocities.

We would mention also the need, in order to strike a balance, to recognize the important role played by amnesties, which, if wisely managed, can contribute greatly to reconciliation. There are, of course, myriad other areas that can contribute to the success or failure of a reconciliation process. We believe that nothing can argue more convincingly in favour of reconciliation than the promise of a decent and stable life.

Another very important element is political reform and the rule of law. In that regard, the role and capacities of the United Nations are invaluable. Good guidance in the context of reform processes is vital, because such processes, if correctly managed, can lead to a moral dynamic, social cohesion and the good will that is necessary to achieve true reconciliation.

The first example that comes to mind in this regard is that of Georgia, where, we believe, a sound programme of economic and political reforms, assisted by a resolute fight against corruption, can have a positive impact on the peace process.

However, United Nations representatives must pay attention to the real political conditions on the ground. They have the support of this delegation for a pragmatic approach, because sometimes a political reform that is too rapid, or inadequate, can be counterproductive to international efforts.

Romania does not wish to let this opportunity go by without touching on some specific aspects relating to the Council's aims with regard to the process of national reconciliation.

For that reason, we would appeal, in the context of resolution 1244 (1999), to the population of Kosovo and to its leaders — Albanian Kosovars and Serb Kosovars alike — to commit to a true reconciliation. Absolute priorities at this time are participation in the

drafting and implementation of a plan of application of the standards for Kosovo, and in particular participation in the direct dialogue between Belgrade and Pristina, which, indeed, is one of those standards.

Allow me to close my statement on this complex subject with a few comments on the role that the Council can play.

National reconciliation cannot be achieved overnight. It is a complex and very delicate psychological process that requires several generations to come to full fruition. For that to happen, there must be a sound initial framework and constant encouragement for the parties in the initial post-conflict stages.

There is no single solution for all conflicts and all parties involved in conflicts throughout the world. For that reason, we are convinced that the Council must have a firm grasp of the political dynamics on the ground and a clear picture of the broader regional or subregional context. It is also important for peacekeeping missions and representatives of the international community and of the United Nations to have a clear mandate and be vested with an authority that is fully supported by the Council in order to make progress in very difficult political and security conditions.

The meeting was suspended at 1.30 p.m.