

Strongly condemned all violations of international law, including international humanitarian law, human rights law and refugee law, committed against women and girls in situations of

armed conflict, including killing, maiming, sexual violence, exploitation and abuse; urged the complete cessation by all parties of such acts with immediate effect.

## 44. Post-conflict national reconciliation: role of the United Nations

### Initial proceedings

#### Decision of 26 January 2004 (4903rd meeting): statement by the President

At its 4903rd meeting, on 26 January 2004, the Security Council included in its agenda the item entitled “Post-conflict national reconciliation: role of the United Nations”. The Council was briefed by the Assistant Secretary-General for Political Affairs, the Administrator of the United Nations Development Programme and the Deputy Emergency Relief Coordinator. Statements were made by all Council members and the representatives of Afghanistan, Argentina, Bosnia and Herzegovina, Burundi, Cameroon, Costa Rica, Côte d’Ivoire, Croatia, Egypt, Guatemala, India, Ireland (on behalf of the European Union),<sup>1</sup> Japan, Liechtenstein, Mexico, Morocco, Nigeria, Peru, the Republic of Korea, Rwanda, Serbia and Montenegro, Sierra Leone and South Africa.

In her introductory remarks, the President (Chile) underlined that post-conflict national reconciliation, which lay at “the intersection of the ethical responsibility and the political responsibility of the international community”, should be systematically integrated in the United Nations in order to prevent the resurgence of conflicts. She highlighted the involvement of the United Nations in post-conflict situations and said that the questions which should be asked were what role the United Nations should have in processes of national reconciliation; whether the need for reconciliation could be incorporated into exit strategies for post-conflict situations; whether the United Nations should design strategies for reconciliation; and what should be the role of other principal United Nations organs.<sup>2</sup>

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<sup>1</sup> Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Malta, Norway, Poland, Romania, Serbia and Montenegro, Slovakia, Slovenia, the former Yugoslav Republic of Macedonia and Turkey aligned themselves with the statement.

<sup>2</sup> S/PV.4903, pp. 2-3.

In his briefing, the Assistant Secretary-General noted that, for reconciliation to last, it would require the settling of the past, an accounting of prior wrongs and an acceptance of responsibility for abuses. The achievement of those requirements would vary according to specific national circumstances. He observed that the pursuit of justice, accounting for past atrocities, restitution for victims and regeneration of severed bonds of trust and civility should not be overlooked when dealing with pressing matters of restoring stability and must be borne in mind when peace agreements were being negotiated. Such tensions between peace and justice were common in post-conflict societies and the international community should play a key role in helping war-shattered people to resolve those tensions. He further referred to a number of instruments such as tribunals, truth and reconciliation commissions, amnesties and return of displaced populations employed by the international community in addressing reconciliation in post-conflict situations and stated that those instruments needed to be “combined in a social process of catharsis” for them to be successful. Noting that the particular formula for any given country should be determined on the basis of appropriately facilitated national consultation, he stated that the international community could offer assistance, outline options and provide information about what other countries in similar circumstances had done. While amnesties could sometimes be seen as the price to be paid for peace agreements to succeed, he warned that the United Nations could not condone agreements arrived at through negotiations that violated the principles of the Charter.<sup>3</sup>

The Administrator of the United Nations Development Programme referred to the issue of building democracy as part of the political economy of reconciliation and cautioned that moving too quickly from an armed competition to a democratic one without addressing the underlying causes of conflict could drive the parties further apart. He emphasized that a dialogue that brought together different civil society groups with

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<sup>3</sup> Ibid., pp. 3-5.

the political leadership could supplement or in some cases temporarily be substituted for a more formal democratic process. It could also, critically, lay the groundwork for a later democratic exercise which would enjoy broader support. He added that reconciliation and peacebuilding was hard to achieve, unless citizens felt that their personal security was being met by effective policing of their streets and communities, and in this connection pointed to the United Nations costly but essential police training efforts. Comparing the situation to that of a heart attack victim, he challenged the Security Council to expand the focus of its activities beyond the “operating theatre”, bearing in mind that the real statistics of peacebuilding demonstrated that the most critical interventions were in the preventive and rehabilitation phases.<sup>4</sup>

In her briefing, the Deputy Emergency Relief Coordinator opined that post-conflict reconciliation should be nurtured in the immediate humanitarian response phase of a conflict. She was of the view that, while formal reconciliation processes were undeniably critical to sustainable peace, some of the most powerful forms of reconciliation, in terms of restoring the social fabric and regaining national unity, were to be found in everyday life. In critical situations, she said that a starting point must be to ensure that adequate levels of humanitarian assistance were available and noted that sadly it was in the “forgotten” emergencies that the risks were greatest. Pointing to the fact that the legitimacy of a faction’s engagement in peace processes should be based on its commitment to unhindered humanitarian access, she suggested that humanitarian assistance should be delivered in a way that did not perpetuate grievance or hamper longer-term societal and institutional development, the restoration of livelihoods and the strengthening of State legitimacy. She also raised the concern that longer- or medium-term tools of reconciliation such as education, health care and demobilization and disarmament were often underfunded and could perpetuate social divisions. In terms of the work of the Security Council, she noted that peace processes tended to ignore “the vast swath of communities that have been affected by the crisis and that have a stake in the future” and should also “be at the table”. She emphasized that the needs and concerns of women, and the reintegration of refugees and internally displaced persons and child soldiers should be brought into

<sup>4</sup> Ibid., pp. 5-8.

humanitarian planning and post-conflict responses at the strategic level.<sup>5</sup>

A majority of the speakers shared the view that post-conflict reconciliation represented a long-term process which required sustained commitment and support of the United Nations and the international community, and further pointed to the broad expertise of the United Nations in the fields of disarmament, demobilization, reintegration and rehabilitation. Some speakers encouraged cooperation among the Security Council, the General Assembly and the Economic and Social Council in promoting a coherent approach in resolving complex crisis situations. Other speakers stressed that the United Nations should take the role of a neutral facilitator, create a favourable environment, and offer political advice and technical assistance in the areas of justice and truth-seeking.<sup>6</sup> Some delegations also highlighted the importance of adequate financial and political support for the United Nations peacekeeping operations, as well as more robust mandates to monitor human rights violations and provide institutional support to the parties concerned.<sup>7</sup> Most delegations also shared the view that a variety of approaches were applicable, depending on the country-specific context. The representatives of Germany and Pakistan noted that there was no “one-size-fits-all” solution to promoting post-conflict national reconciliation.<sup>8</sup> Several speakers highlighted the importance of justice and the rule of law in post-conflict reconciliation,<sup>9</sup> and cautioned that the premature holding of elections without the re-establishment of the rule of law, consideration of State institutions and stabilization of the post-conflict economy could prove to be ineffective and even counterproductive.<sup>10</sup>

A number of speakers pointed to the delicate balance between punishment and maintenance of peace and stability in a post-conflict environment and the fact

<sup>5</sup> Ibid., pp. 8-12.

<sup>6</sup> Ibid., p. 19 (Brazil); S/PV.4903 (Resumption 1), p. 18 (India); p. 22 (Morocco); p. 36 (Nigeria); and p. 37 (Côte d’Ivoire).

<sup>7</sup> S/PV.4903, p. 15 (Algeria); p. 16 (Spain); p. 17 (France); p. 20 (Pakistan); and p. 32 (Romania).

<sup>8</sup> Ibid., p. 13 (Germany); and p. 19 (Pakistan).

<sup>9</sup> Ibid., p. 12 (Germany); p. 16 (Spain); p. 18 (Brazil); p. 23 (United Kingdom); S/PV.4903 (Resumption 1), p. 3 (Ireland); p. 26 (Burundi); p. 32 (Mexico); and p. 34 (Liechtenstein).

<sup>10</sup> S/PV.4903, pp. 15-16 (Spain); and pp. 29-30 (Benin).

that, while impunity for serious human rights violations could not be tolerated and perpetrators had to be held accountable, the quest for justice should not become an obstacle to peace.<sup>11</sup>

The representatives of Germany, Spain and France stressed the importance of the supportive role of the International Criminal Court in the achievement of justice, effective humanitarian standards and strengthening peace and security throughout the world.<sup>12</sup> Pointing to their specific national experiences, the representatives of Angola and Benin made reference to truth and reconciliation commissions, amnesties, collective apologies and financial reparations as a means to end conflicts and set in motion processes of national reconciliation.<sup>13</sup>

<sup>11</sup> Ibid., p. 16 (Spain); p. 17 (France); p. 19 (Brazil); pp. 19-20 (Pakistan); p. 21 (Russian Federation); p. 25-(Philippines); and p. 29 (China).

<sup>12</sup> Ibid., p. 13 (Germany); p. 16 (Spain); and p. 17 (France).

<sup>13</sup> Ibid., p. 26 (Angola); and p. 30 (Benin).

At the end of the debate, the President made a statement on behalf of the Council,<sup>14</sup> by which the Council, *inter alia*:

Reaffirmed the vital importance of the role of the United Nations in post-conflict national reconciliation;

Considered that it would be appropriate to examine further how to harness and direct the expertise and experience of the United Nations system, drawn up from several key areas, so that the lessons and experience of the past could be learned and built on;

Invited the Secretary-General to give consideration to the relevant views expressed in the debate in the preparation of his report on the role of the United Nations in justice and the rule of law;

Invited all Members of the United Nations, and other parts of the United Nations system with relevant experience and expertise, to contribute to the process.

<sup>14</sup> S/PRST/2004/2.

## 45. Items relating to business and civil society

### A. The role of business in conflict prevention, peacekeeping and post-conflict peacebuilding

#### Initial proceedings

##### Deliberations of 15 April 2004 (4943rd meeting)

At its 4943rd meeting, on 15 April 2004, the Security Council heard briefings by the President of the World Bank, the President and Chief Executive Officer of Siemens, the President of the Economic and Social Council, and the Chairman of the Ad Hoc Advisory Group on African Countries Emerging from Conflict. Statements were made by the Secretary-General and by all Council members.

In his introductory statement, the Secretary-General recalled that the Council had set up expert panels to assess the role of political economy in triggering or prolonging conflict. It had authorized some peacekeeping missions to assist in the monitoring of economic sanctions and arms embargoes and to support efforts to re-establish national authority over natural resources. He elaborated on various efforts and initiatives undertaken to address the economic

dimensions of armed conflict and stressed that the time had come to translate those ad hoc efforts into a more systematic approach. In his view, such an approach would promote greater cooperation and interaction between the United Nations security and development arms and ensure that the economic dynamics of armed conflict were reflected in efforts to prevent conflict, in peace agreements and in peacekeeping mandates. The Secretary-General informed the Council that he had established an inter-agency group on the political economy of armed conflict, chaired by the Department of Political Affairs, which would be offering recommendations to both the United Nations system and Member States.<sup>1</sup>

Recalling the efforts made by the World Bank in different regions, the President of the World Bank highlighted the positive role which could be played by business in conflict prevention and reconstruction. He noted that lack of economic opportunity and resulting competition for scarce resources was at the root of

<sup>1</sup> S/PV.4943, pp. 3-4.