



**STATEMENT BY MR. V.K. NAMBIAR, PERMANENT REPRESENTATIVE, ON
POST-CONFLICT NATIONAL RECONCILIATION: ROLE OF THE UNITED
NATIONS AT THE SECURITY COUNCIL ON JANUARY 26, 2004**

Madam President,

We thank you for scheduling this public meeting of the Security Council on an issue to which the Security Council has not applied itself specifically on any previous occasion, but which is, nonetheless, of considerable import and great concern today. We note in particular, Madam President, the intensity of your personal involvement in the subject of today's debate.

For many members of the UN family, the experience of nationhood is still relatively new. Indeed, the post-World War II transition from Empire to nationhood in major regions of Asia, Africa and parts of the Caribbean was itself the result of a definite process of political conflict, post-conflict reconciliation and the deliberate crafting of nationhood. This process was unique for each region, if not for every nation. The role of the United Nations was also significant, though of a nature somewhat different from what seems relevant to the present debate.

What is the basis of the current consideration of this subject by the Security Council? Since the Congo crisis of 1960, the UN has considered aspects of internal conflicts on account of their potential implications for international peace and security in terms of Article 36 (1) of the Charter. This Article allows the Council to consider or make a recommendation in respect of either a dispute or "a situation of like nature" "at any stage", with perhaps the minimal requirement of an investigation under Article 34. The fact that since the Nineties the UN has been involved in a variety of 'robust' peacekeeping operations makes such a search for a Charter basis only academic today. For the Council to proceed from peacekeeping to peacemaking and post-conflict reconciliation, it would seem, is but a short step.

Madam President,

The nub of the present debate seems to be concentrated on the effects of intra-state conflicts that have bedevilled the international scene in the post-Cold War period and bred ethnic conflicts, or factional struggles for military control, political power, economic resources or external patronage within states. Though it is arguable that most

intra-state conflicts invariably have external components, the concept of peace-building that arose in the early 1990s and provided the impetus for robust international action by the UN to intervene in many areas of the world was directed mainly to prevent, mitigate, resolve or manage such conflicts to avoid their exacerbation, thereby affecting international peace and security but also to enable broader political transitions to take place within these societies for long-term regional stability. How far these processes represented an imposition on the part of the outside agencies including the UN and how far they had the effect of encouraging genuinely authentic indigenous authority structures or institutions to develop are assessments on which the judgments of the outside world would vary.

It is axiomatic that reconciliation within any nation must be not only home-grown but also home-nurtured. This is more than a routine expression of *pro patria* sentiment. There are many examples where solutions sought to be imposed from outside, have collapsed when the external influences disappeared. Similarly, any process that does not fully involve the participation of the local population in all its diversity is also unlikely to yield lasting peace. It is said that peace looks to the future and justice to the past. If true reconciliation is to be achieved there must clearly be a blend of both values. Without a willingness to look beyond the bitterness, rancour and misgivings of the past the expectation of future reconciliation is unlikely to be realised. But by the same token, unless there is a credible sense of justice and accountability for past actions, especially in cases where there have been grave and systematic violations, it would be equally unrealistic to bring about genuine reconciliation between the opposing parties. However wrenching the process may be, the various contending parties must deal with each other in order to arrive at mutual accommodation and deal with issues of the past, including those relating to peace, justice, reparation and amnesty.

Post-conflict societies also require new rigour in their judicial system. The establishment of criminal courts, truth commissions, and some system of reparation for the losses sustained by the victims of crimes may become necessary in certain circumstances. However, it is important that establishment of rule of law and dispensation of justice in post-conflict societies be fashioned in accordance with the needs and aspirations of the people in those societies. Promotion of post-conflict healing is a dynamic process. The local actors must lead the process. Externally imposed prescriptions will not necessarily work. International assistance for the establishment of a rule of law regime and dispensation of justice in post conflict societies, therefore, should help in setting up credible local institutions and in building up their public image and acceptance.

Madam President,

What should the role of the UN and the international community be in such a scenario? Our view is that the UN should play a supportive and facilitating role, without seeking to impose an outside optic or values of any particular country or group of countries on the delicate process of reconciliation under way in any war-torn society. This is not to belittle or underplay the role of the United Nations or the considerable expertise available within the system to deal with crises and complex situations, including those available with the Funds and Programmes. Nor is it an argument against

basic benchmarks of human rights values that need to be adhered to in all civilised societies. What is of paramount importance is to recognise the complexity of any exercise in national reconciliation in post-conflict situations and deal with it from a perspective informed by sympathy and understanding, rather than prescription.

Although the post-conflict reconciliation theologian is likely to make a sharp distinction between in-conflict and post-conflict situations, the reality, in most cases, is far more complex. Reconciliation efforts often commence even while the conflict continues and persist after peace agreements are signed. On the other hand, even after the formal ending of hostilities and the signing of peace accords, conflicts continue, sometimes sporadically, and at other times assuming even more virulent forms. Any involvement of the UN will need to take into account this reality.

Before involving itself in a particular situation, the UN will thus need to recognise that there are no uniform approaches it can be called upon to adopt in all situations. Every post-conflict situation will have its distinctive characteristics which need to be given full weight in any reconciliation model. Where societies have traditionally enjoyed a high degree of provincial or local autonomy, it would be futile to set up highly centralised unitary structures. In the case of large communities with mixed compositions, the distribution of power between federal and provincial governments would need to be worked out with great care.

Any process of national reconciliation will require time and painstaking efforts. Short-sighted approaches with unrealistic time-tables based on considerations of purely financial implications are not always likely to succeed.

An important contribution the UN can make, in our view, is to ensure the centrality of the local actors in the political process. Models forced upon societies by outside have often failed. Full ownership by the political elements of the society in an inclusive, rather than exclusive, process would also ensure that the solutions devised do not already contain the seeds of resurgence of conflict.

Madam President,

We are convinced that for a system of governance to work in post-conflict societies it must respect the dynamic of the community in its plurality. It also follows that only a political form that is inclusive, tolerant of dissent and democratic can provide the required space for national reconciliation as well as a stake for all in its future well-being. Democratic governance implies governance through the will of the citizen, exercised through independent constitutional mechanisms. It is the will of the people that defines the political institutions, the economic and social manifestoes, the targets and the instruments. But reaching targets, democratically set, needs resources. Resources are the crucial factor that can determine the difference between effective governance that delivers, and governance, however well-meaning, that fails to meet the needs of its people. Extra-territorial and other threats to the sovereignty of states are further factors that seriously impinge on national capacity and self-image and divert attention away from the priorities of social and economic development. Too narrow a

focus on governance, we feel, therefore, without adequate attention to the challenges of social order and security, are likely to affect the consolidation of post-conflict societies.

Democracy is a major area where the UN can assist in national reconciliation efforts. Different parts of the UN system have acquired experience and expertise in providing assistance in census operations, preparation and revision of electoral rolls, delimitation of constituencies, verification and other areas considered essential for the successful conduct of elections.

There are other areas where the UN would prove invaluable. These relate to provision of humanitarian assistance, protection and promotion of human rights, judicial assistance, and, of late, dealing with the political processes. The instrumentality available in the UN system to deal with each of these areas has different characteristics. Many of them have time-honoured traditions of neutrality and impartiality. We urge that caution be the watchword in dealing with the intersections of the political process, humanitarian assistance, peacekeeping operations and those for the promotion and protection of human rights. A push in one direction to satisfy any donor-country or interest- group without taking into account its impact on the other three could lead to consequences or situations that hinder, rather than assist, the process of reconciliation.

Madam President,

A leading non-governmental organisation has identified truth, justice and reparations as the three indispensable pillars of post-conflict national reconciliation. The three are also intrinsically linked. The instances of South Africa's Truth and National Reconciliation Process as well as Peru's Truth and Reconciliation Commission have been held out as examples of the success of such efforts. They have enabled an outpouring of admissions and grievances thereby providing the basis for an effective reconciliation. In the case of Afghanistan, the imperatives of truth and justice have to be balanced by the demands of stability and order. In Cambodia, on the other hand, the urgency displayed by the international community in seeking justice from the Khmer Rouge after over two decades of their fall from power does not absolve it of the failure to seek this truth when the Khmer Rouge was in power. Here too, we are faced with the complex and often controversial balance of the moral imperatives of a post-modern civilised society and the perceived political interests of powerful states.

Amnesty is also linked to justice. Blanket amnesty, in the interest of peace, can prevent truth and justice from emerging. At the same time, complete denial of amnesty in the interest of justice can sometimes hinder peace efforts. Here too, balance is essential. Reparations are important in securing reconciliation but need to be carefully quantified to ensure they are not unduly at the expense of other parties to the conflict. History is replete with instances of the perceived injustice of reparations leading to further conflict. This issue continues to be relevant in our times.

Unfortunately, national reconciliation can sometimes be pursued with misplaced vigour. For a community emerging out of the shadow of death and destruction, starvation and deprivation, the goal of political reconciliation, however imperative, comes with a psychological cost. The scars of the past do not heal as quickly as

demanded by the international community as the price of their activist humanitarian interventions. When individual elements in the UN or the international humanitarian community decide to intervene in a manner that seems to privilege or favour one group over another, even with the soundest of motives, these actions run the risk of foisting an outside construct on the situation. While it is difficult to make value judgments on such situations, we must agree with what was stated by a scholar recently, that the attempt to do good, if poorly planned and lacking in strategy, can do more harm than good.

India firmly believes that national reconciliation must be a soft process of co-optation and cooperation. It cannot be thrust on an unwilling or unprepared society. Political engineering in the form of empowering one group at the expense of another may appear to be essential for the restoration of ethnic balance, but can come at the expense of minority interests and heighten tensions in the future. They may also affect the neutrality of the UN in the perception of the people of the affected country and result in long-term disharmony.

The role the United Nations in supporting national reconciliation must involve assistance through a system-wide, coherent needs-based approach which can result in the consolidation of security and peace, democracy, economic freedom, social order and justice. In all these areas the United Nations should play a basically supportive role.

Thank you, Madam President.

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