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**PROMOTING INTERNATIONAL RECONCILIATION, HELPING TO BRING STABILITY TO  
REGIONS OF CONFLICT, AND ASSISTING WITH POST-CONFLICT RECONSTRUCTION**

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*"Action within the realm of human affairs (politics) implies... the ability to innovate, create that which is new, bring about the unprecedented; without forgiveness, which frees people from a past that hinders them, action would be suspended as it were or rendered impossible in its ability to innovate".* Valadier Paul, Approches politiques du pardon, Etudes, June 2000, p. 777.

*"Forgiveness does not come easily in politics. It is a sign of weakness, a futile risk. One can only forgive those who can no longer be considered dangerous".* Moreau-Desfarges Philippe, Répentance et réconciliation, Presse des Sciences Politiques, 1999, p. 37.

The theme chosen by the Inter-Parliamentary Union for reflection at the 109<sup>th</sup> Inter-Parliamentary Assembly (1-3 October 2003) hinges on three key words, namely:

- Reconciliation
- Stabilisation
- Reconstruction.

At each of these stages following internal or external conflicts within or between States and regions, parliaments must play a pivotal and active role by making proposals, taking legal steps and overseeing the peace process in a transparent manner. The purpose of this report is to examine what role national and regional parliaments, as well as their world body – the Inter-Parliamentary Union – play or should play at each of these stages.

## **I. Reconciliation**

Firstly, it should be recalled that the notion of arbitration underlay the very inception of the IPU in 1889. Arbitration implies that States can, or indeed are bound to resort to this procedure to settle conflicts between themselves. The establishment and work of the international court of arbitration and the current efforts undertaken by the United Nations in this field point to the strengths but also the weaknesses of the arbitration route. Naturally, IPU's discussions on reconciliation run along this line of thought.

### **A. Definition of reconciliation**

As a concept, reconciliation is more modern than arbitration. It obviously includes the notion of arbitration since it often resorts to neutral mediation or "facilitators", but it goes one step further in that it transcends the legal nature of the arbitrator and international law among States and allows one of the most recent actors on the international relations scene of the 20<sup>th</sup> and 21<sup>st</sup> centuries, the people to step in.

Under pressure from the people who, according to Sophocles "Learn wisdom not in books but from experience", this is the very concept of peace which has evolved from the traditional definition of an inter-war period to another goal altogether, that is, the irrevocable conciliation of the warring factions.

At the end of the 20<sup>th</sup> century, it was obvious that people were no longer a homogenous mass able to identify an enemy and oppose it in a wave of national fervour. Indeed, one of the core missions of governments nowadays is to introduce a heterogeneous population in the global tide and maintain it in that position. The other party can still be an enemy but is above all identified as a competitor, a client, a partner, and therefore, not someone to eliminate but rather someone to woo and seduce.<sup>1</sup>

Indeed, reconciliation is a complex issue on which Joseph Maïla attempted to define at a symposium on "The end of conflict and reconciliation", held at Verdun under the auspices of the University of Peace.

Reconciliation is the crowning achievement of peace.

- It aims not to resolve the conflict but to go beyond it.
- It implies that rights are recognised but, all the same, goes further for its ultimate objective is to achieve an appeased society which recognises free and equal individuals able to confront a history marred by violence, and above all, overcome that history.
- Reconciliation goes hand in hand with forgiveness not so much to erase and forget the past but to live intelligently and in harmony in the present.
- Reconciliation determines a manner of regarding the past which makes it possible to live in the present. Far from being merely a desire to open a new chapter, it advocates active measures to revisit the past and record history in such a way as to enable a once ravaged society to live comfortably with itself and in peace with others.

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<sup>1</sup> Moreau-Desfarges Philippe, Réconciliation et conflits : les perspectives à l'aube du XXIème siècle.

- Reconciliation is the trademark of an appeased society. It is neither hiding the past nor forgetting its violent memories. It is an exorcism of fear and hatred and an opening to the future.
- The test of reconciliation is when the rights of all parties are effectively recognised.
- Yet reconciliation goes above and beyond formal, legal settlement. Settlement of a dispute puts an end to the *raison d'être* of a conflict.
- Reconciliation gives us reason to hope.
- Reconciliation implies the settlement of a dispute by agreement but it also has the innate feature of solidarity. It has a propensity for repositioning the actors in a conflict within an appeased community. Whereas settlement is an attempt to resolve past problems, inversely, reconciliation attempts to envision the shape of the future.
- Reconciliation places rights and identities within the historical setting of the widest possible solidarity and cooperation.
- Reconciliation is not merely overcoming the *raison d'être* of a conflict, it is above all creating the conditions to sustain dialogue. It is also facing up to a tumultuous past full of hatred and striking the right balance in our memory: forgetting sufficiently to not fight anymore and remembering sufficiently to not start over.

There can be no genuine peace without reconciliation, without popular consent and the approval of the democratically elected representatives of the people. Indeed, over the past years, reconciliation has tended to become an inescapable political and legal process.

## **B. International reconciliation**

Traditionally, conflicts between States have been resolved through traditional international law mechanisms such as peace treaties and arbitration, to name a few. History has shown that the existence of these treaties, in the absence of reconciliation among nations, has rarely ever brought lasting peace. They were limited to a cease-fire in an inter-war period. The inter-war period between 1918 and 1940 should be qualified as the pre-war rather than the post-war period. Lasting peace was actually achieved either through a sustained balancing act of the powers (Vienna Congress) or the persevering strength of the victor (Pax Romana). For a long time, international reconciliation also entailed a turn around of alliances whereby two former foes joined forces to combat a third adversary. This was illustrated when Alexander the Great reconciled with Athens to conquer Persia.

Current international reconciliation is quite another matter since, as Joseph Maïla recalls, its aim is not to resolve a conflict but to go beyond it to achieve lasting peace.

### **1. Reconciliation between States**

International reconciliation in the strictest sense involves countries with latent or open conflict, such as, *inter alia*: India and Pakistan, Algeria and Morocco, Ethiopia and Eritrea, the USA and Cuba, and Israel and Palestine. It is worth mentioning that the majority of conflicts that fall under this category have been several centuries in the making and the causes are extremely complex and sensitive.

Two examples of this new process of reconciliation allow us to identify its conditions and mechanisms, namely: the successful reconciliation between Germany and its neighbours after 1945 and the pending reconciliation between Israel and Palestine.

**a. Reconciliation between Germany and its neighbours**

The German example is one of a successful reconciliation that subsequently spread across an entire region. It began with a *rapprochement* with Germany's main foe, France, and then extended to its other neighbours within the Europe of Six, then to the Twelve and Fifteen Members and finally to the whole of Europe given the current enlargement process.

What factors contributed to such a success? Of course, awareness among people at the end of the conflicts and the pivotal role played by eminent personalities such as Jean Monnet, Robert Schuman, de Gasperi, Conrad Adenauer, Charles de Gaulle, to name but a few, were determining factors. The pooling of coal and steel, the two weapons of modern warfare at the time, through the ECSC Treaty, was also a very poignant symbolic gesture.

Apart from these major causes, it should also be stressed that, with the onset of the Cold War, fear and inability to go to war characterized the post-1945 period. Doubtless, at the outset, fear of communism brought the two countries together and the reconstruction of a free and liberal Europe, propelled by the Marshall Plan, was a compelling political objective. Similarly, one can claim, like Philippe Moreau-Desfarges, that under the double guardianship of the USA and the USSR, Europe lost the right to wage war as was illustrated by the war for the Suez Canal in 1956. The same author summarises this trend of thought in succinct fashion "Europe is walking the path of reconciliation because it is defeated and is caught in the grip of the two super powers". Finally, an important factor of lasting peace was the recognition of the intangible borders of Europe by the Conference on Security and Co-operation in Europe (CSCE).

These causes of political realism have undoubtedly fostered the necessary environment which, nevertheless, is not sufficient for reconciliation, a complex process which, according to Professor William Zartman, hinges on at least seven fundamental prerequisites, namely:

- Mutual recognition
- Making peace
- Mediation
- Establishing joint institutions
- Justice
- Remembrance
- Conducting joint projects

A final prerequisite is required, the affirmation of common values in the area of basic freedoms and human rights. Germany's reconciliation with its neighbours illustrates perfectly this reasoning, the most important point being the conduct of joint projects.

Among the institutions established to seal reconciliation, parliaments hold a special place and the Council of Europe and the European Parliament are the most striking examples. Yet the role of national parliaments should also be highlighted. Within the context of subsidiarity, they have authorised the transfer of competence to a necessary supranational level. Regarding Germany and

France, the coming together of parliaments extends to the joint organisation of meetings of committees within the National Assembly and the Bundestag and close cooperation between German and French Houses of Parliament, including exchange of officers. The Bundestag and the National Assembly and the Bundesrat and the Senate met in a symbolic gesture to commemorate the 40<sup>th</sup> anniversary of the Treaty of Elysée. At the government level, both countries have joint Councils of Ministers and their Heads of State and Government meet regularly and even substitute each other at certain European meetings.

Finally, it should be noted that the reconciliation between Germany and France (Treaty of Elysée of 1963) spilled over to some extent to Poland by virtue of the German-Polish Treaty of 1991. Furthermore, this Treaty was drawn up by the Weimar Triangle of Germany, France and Poland. The same is true of the bilateral treaty of 1996 signed by Romania and Hungary, confirming their historic reconciliation and establishing a partnership for a common future within Europe.

To a certain extent, and without disregarding economic factors, the construction of Europe is the joint project that enabled the Franco-German reconciliation to become a full-fledged reality. Conversely, the Franco-German *rapprochement* clearly constitutes a fundamental European building block. The European institutions such as ECSC, EURATOM, EEC and the European Union gave concrete expression to the accomplishment of this joint project.

#### **b. Pending reconciliation between Israel and Palestine**

The accords signed at Oslo in 1993 brought great hope. They were aimed at achieving “a historic reconciliation within the framework of the agreed process”. It was based on a number of the conditions mentioned above, in particular mutual recognition.

One of the drawbacks of the recognition that took place at Oslo was its failure to formally recognise the aspiration of the Palestinian people to create a State. The Accords were signed by the PLO, recognising the State of Israel and by Israel, recognising “the Palestine Liberation Organisation as the representative the Palestinian people”. Only much later would the need for the establishment of a Palestinian State be acknowledged. This original imbalance is one of the reasons why the process failed.

The second prerequisite, making peace, was itself enshrined in a process which entailed a number of phases (withdrawal of Israeli military forces from the occupied territories, establishment of institutions and a Palestinian administrative and political authority) and mutual confidence-building measures. The most sensitive issues, such as the status of Jerusalem, refugees and their right to return to their homeland, and the establishment of colonies, were left to the end of the process. No doubt these questions as well as the issue of a Palestinian State were too sensitive to be outlined too explicitly in the Oslo Accords. These omissions explain to a large extent the failed attempt at reconciliation.

The confidence-building measures provided for in Article 20 of the Accord on the Gaza Strip and the Jericho Area of 4 May 1994 and in Article 16 of the Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995 were enshrined in the spirit of a genuine process of reconciliation, that is, of mutual forgiveness. They involved the prohibition of legal proceedings both against Palestinians who had worked for Israel and an amnesty of sorts for Palestinians

granted by Israel. They also envisaged the scheduled release of Palestinian prisoners according to specific criteria, cooperation in security arrangements and common policies. It is obvious that these confidence-building measures, which should have been part and parcel of the overall peace process, have been taken to a very limited extent only, thereby contributing to the failure of the process as a whole.

It should also be underscored that although the intervention of the Norwegian Government was important, the subsequent US mediation of the Oslo Accords was undoubtedly inadequate although it was described as a "fair and honest broker" by Secretary of State James Baker. The absence of strong mediation compounded by the conditions appended to each stage of the peace process and the original imbalance of the process gradually but inevitably resulted in a failure rendered unavoidable by the weakness of the Palestinian authority and the activity of extremist groups.

All in all, the majority of conditions needed for reconciliation, which had been explicitly provided for in the Oslo Accords, could not be met due to the lack of political will to achieve genuine peace.

The reconciliation process, which is the only valid solution to one of the oldest international conflicts, is now pending. Naturally, this state of affairs, attributed to both parties, does not, however, prevent the proliferation of initiatives, themselves by-products of the blocked mechanism. Among them, apart from the Geneva initiative, which has just given rise to concrete proposals, the parliamentary initiatives taken either directly or through international organisations are also worth mentioning.

In this respect, the role of the IPU and its Committee on Middle East Questions should be highlighted. Dialogue among MPs is one of the most important factors of international reconciliation. The example of Germany's reconciliation with its neighbours is ample proof of that. Parliamentarians are the democratically elected representatives of the citizens. In this capacity, they are called on to support or criticise the policies drawn up by their governments. In this case, the *rapprochement* between the Members of the Knesset and the Palestinian Legislative Council undeniably serves the cause of peace and reconciliation. It influences this inescapable prerequisite of reconciliation, political will.

<b>Recommendations</b>
Request that parliaments engage in a policy of good auspices and cooperation with parliaments of countries in conflict or undergoing reconciliation.
Request that parliaments of countries engaged in a process of reconciliation meet and develop joint projects.
Request that IPU establish committees to foster dialogue among MPs in cases where the peace and reconciliation processes fail to work.
Urge parliaments to make use of mechanisms to oversee the foreign policy of their governments in order to see the reconciliation process through.

### **c. The role of international organisations and the Inter-Parliamentary Union**

The role and work of international organisations are becoming increasingly important, not only in the area of conflict prevention but also in reconciliation, stabilisation and reconstruction activities.

Be it the regional (OAU and OSCE) or international level (United Nations), more and more the work of these organisations goes beyond technical and financial assistance and they are starting to take on a central role.

#### **1. The United Nations**

The United Nations has adopted an extremely firm stance on reconciliation. It rejects impunity, thereby paving the way for dissuasion and the free course of justice. This attitude towards impunity is a fundamental prerequisite of peace and respect for international law. Underlying this stance and conviction is the fact that impunity leads to fresh violence and is spurned by international humanitarian law.

The stance taken by the United Nations and its Secretary-General finds concrete expression in the countries where United Nations missions have intervened. One of the official tasks of UNAMSIL, ONUSAL, UNMOT and UNOSOM has been the pursuit and trial of criminals. Similarly, the establishment of international tribunals has won United Nations support. Moreover, the United Nations is concerned about the tardy arrest of the individuals charged with war crimes in Bosnia-Herzegovina, Rwanda and Cambodia.

This position is based on the conviction that identifying crimes committed is one of the prerequisites of reconciliation. That is why the United Nations also seeks to ensure that justice is carried out in a completely impartial manner. The establishment of special tribunals and the International Criminal Court supersede national trials with a view to wider impartiality. The examples of massacres, mutilations, rape, torture and communal graves in Rwanda, Burundi, Liberia, Sierra Leone, Bosnia-Herzegovina, Kosovo and the Middle East should lead one, and IPU and its parliaments in particular, to reflect on what can be done to strengthen and bring about universal acceptance of the International Criminal Court.

The United Nations also fights for enhanced justice systems in those countries that have come out of a conflict and also in other countries for which such improvements are an important stake in democracy.

The United Nations is also behind the establishment, operation and follow-up of truth and reconciliation commissions (TRC). It also decides on the establishment of peacekeeping missions which, in keeping with the vision of reconciliation, cannot limit their action to mere military intervention to act as a buffer between hostile factions. Such missions must be composed increasingly of qualified personnel from various fields, including psychologists. In its myriad of activities and far-reaching scope, the United Nations needs the approval and support of national parliaments which must voice their opinion with their governments.

**2. IPU**

As the world body of parliaments, the IPU must play a significant role in finding the truth and restoring democracy. The Union is a permanent forum of dialogue and interaction for the parliaments of the world.

Through its various committees, IPU has made its contribution to reconciliation activities via its Committee on Middle East Questions, the Conference on Security and Cooperation in the Mediterranean (CSCM), the Coordinating Committee of Women Parliamentarians and the pre-election activities it conducted in Rwanda. IPU has also provided assistance and cooperation in operations in Timor, Gabon, Cambodia and Albania, to name a few.

It is, above all, through its Committee on the Human Rights of Parliamentarians that IPU can be associated with finding the truth when the rights of MPs are violated, which is often the case with present-day conflicts.

Having granted observer status to the IPU, the United Nations should include the Union more systematically in peacekeeping and post-conflict operations by drawing on its concrete and hand-on experience in restoring democracy.

<b>Recommendations</b>
Develop IPU's democratic engineering capacity
Identify the role, activities and participation of the Committee on the Human Rights of Parliamentarians in TRCs
Make IPU's expertise in the field of human rights available to TRCs
Participate systematically in United Nations peace restoration operations

**d. Parliaments at the centre of the reconciliation process**

Parliament, as the expression of national will and the natural by-product of the nation, is the guardian of civil peace. Conflicts, which are evidently erosions of civil peace, often lead to a lessened role or complete effacement of parliament. The opposition either rallies with the majority and supports the war effort or is quashed. During conflicts, parliaments often have no alternative but to accept or authorise restrictions on fundamental freedoms, such as freedom of expression, freedom of movement, freedom of the press, special tribunals, martial law, etc.

By definition, the end of a conflict confirms a new balance of political forces which should be translated into the democratic election of a new assembly, representative of the changes that occurred as a result of the conflict.

The end and cessation of conflict should place parliament (the existing, transitional or temporary parliament) at the centre of the reconciliation process. Intervention by parliament, the guardian of public freedoms, in the immediate post-conflict period, is well justified in cases where serious human rights violations have occurred. Such action should meet three basic conditions of reconciliation, namely:



- Truth
- Justice
- Compensation

Naturally, the role of parliament should be limited to the immediate conditions of reconciliation. In the long term, parliamentary action aims to construct a genuinely democratic society and assist in stabilisation and reconstruction (see below).

The difference between national and international reconciliation mechanisms is of little relevance here. The inescapable participation of parliament in this process remains unchanged whether the conflict involves several States or is limited to one country. Furthermore, one cannot help but observe, particularly in Africa, that the historically inherited borders of the 19<sup>th</sup> and 20<sup>th</sup> centuries have often been drawn to depict the political rather than the sociological, ethnic or historical reality.<sup>2</sup>

Regarding international reconciliation, parliamentary action at the country level, jointly (see the Franco-German example), through regional assemblies, at the international level such as via the IPU, or separately within national borders, is based on the same reasoning, applies the same criteria and uses the same reconciliation mechanisms as it does at the national level.

However, insofar as the IPU's Standing Committee III is entrusted with the issue of national reconciliation, particularly from a human rights perspective, the rapporteurs considered that it would be simpler to refer to the complementary analyses of that Committee's report. Naturally, the rapporteurs of both Committees collaborated and reached agreement on the analysis and recommendations proposed to Member Parliaments as provided below:

### 1. Truth

<b>Recommendations</b>
Establish legally constituted TRCs where possible.
Ensure fair representation of national diversity within TRCs, in particular that of women.
Ensure that TRCs have the resources they need to carry out their mandate.
Ensure that the work and outcomes of the TRCs are made public.
Monitor consideration of TRC recommendations by the Executive.
Ensure follow-up of TRC recommendations.

### 2. Justice

<b>Recommendations</b>
Recognise the imprescriptibility of serious crimes in violation of human rights.
Ratify international human rights instruments.
Ratify in particular the statutes of the International Court of Justice and special courts of justice established by the United Nations.
Establish human rights committees in each parliament.
Repeal existing laws or amend amnesty bills that include imprescriptible crimes in international law.

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<sup>2</sup> Notwithstanding this remark, one should not forget that the intangibility of borders is a fundamental feature of world peace and the reconciliation process as Europe has illustrated with the CSCE.

## **II. Stabilisation and reconstruction**

It is evident that the cessation of hostilities does not equal peace or reconciliation, which is the crowning achievement of peace as it goes beyond the conflict itself.

### **1. Stabilisation**

**Stabilisation** of conflict-prone regions usually precedes conflict. Undoubtedly, it is one of the most complex crisis resolution challenges, for such is the interwoven nature of the interests and historical settings at stake.

In global terms, stabilisation of regions coming out of a conflict often occurs via intervention between the warring factions. Stabilisation creates temporary conditions in preparation for peace and reconciliation. These so-called “peacekeeping” operations can be conducted only by the United Nations, the only competent organisation in this field.

National parliaments intervene at all stages in cases where their country intervenes under the flag of the United Nations or a regional organisation such as the OAU. This action can take many forms – political or financial. It is particularly important for parliaments to ensure on such occasions that special concerns are taken into account within the priorities of stabilisation and peacekeeping, particularly restoring the rule of law and parliamentary freedoms, which constitute powerful instruments of dialogue as early as the stabilisation phase. It can also mean taking into account the gender parity dimension in the post- conflict period.

During this delicate phase, parliaments that are not party to the conflict, such as regional parliamentary assemblies or international parliamentary organisations, can also intervene by way of complementary or parallel mediation alongside the efforts of international organisations such as the United Nations and the OAU (see below).

The contribution of parliaments and the IPU to the primary task of the United Nations, “**to maintain international peace and security**”, as defined in Article 1 of the Charter, can take the form of encouraging governments to exercise moderation and employ dialogue in situations where all the odds are in favour of hostilities. Their action should be complementary, either lending support to the decisions which they consider to be just or condemning in an appropriate manner those decisions which they consider to go against the aspirations of the people and which reflect only the selfish interests of certain States.

Stabilisation of conflict-prone regions also implies assisting in developing these regions to extricate them from the torments of poverty and destitution. In cases of internal conflict, IPU can use its influence to assist in reducing social inequality, respecting human rights and fundamental freedoms and encouraging or urging governments to practise good governance.

The Inter-Parliamentary Union has a crucial role to play in the areas of peace and security. IPU promotes active parliamentary diplomacy and encourages parliamentary action in certain security-related issues.

Mention has already been made of the action taken within the framework of the Committee on Middle East Questions and the CSCM. The most recent example of stabilisation efforts is Iraq. By virtue of the resolution adopted in Santiago de Chile at its 108<sup>th</sup> Conference, IPU undertook to make its expertise available in the reconstruction of Iraq.

This resolution was extended at the 109<sup>th</sup> Assembly, which decided to propose that IPU establish or be party to a constitutional convention for Iraq. That proposal was submitted to the Secretary-General of the United Nations at the Fifty-eighth Session of the General Assembly.

<b>Recommendations</b>
Develop IPU's role in the areas of peace and security.
Develop IPU's United Nations dimension by making its expertise in democracy available in stabilisation and peacekeeping operations.
Encourage governments to participate in and finance peacekeeping operations under the aegis of the United Nations.

## **2. Reconstruction**

The cessation of hostilities, particularly regarding internal conflicts, is but one step towards the permanent and lasting resolution of the conflict. The end of a conflict can only come about after the parties involved have found solutions to the various causes of the conflict. Furthermore, all armed conflicts bring damage, destruction, ruin and inflict wounds that take a long time to heal. A conflict that lasted one year, for example, can cause damage that will stunt the coherent and lasting developing of the particular region or country for over ten years. Several developing countries have undergone this regrettable experience and are finding it difficult to make any economic headway.

History has provided us with an example, the Marshall Plan, which can allow us to hope that well-designed and well-managed programmes or plans can lead to the reconstruction of regions or countries devastated by war. Many continue to allude to the Plan but are reluctant to reproduce it under different circumstances. IPU must muster up the moral strength, through active diplomacy, to convince the world economic powers to invest a little bit more in post-conflict reconstruction. Many countries around the world are currently in need of such action, including Somalia, Liberia, Sierra Leone, Rwanda, Burundi, the Democratic Republic of Congo, the Central African Republic, Angola, Afghanistan, Iraq, Kosovo and Bosnia-Herzegovina. Although some of these countries have already been targeted by regional organisations, others, particularly those in Africa, have been truly abandoned. In many cases, everything seems to indicate that, if nothing is done to help them in the reconstruction process, they will succumb yet again to chaos.

On the official level, it is important for interim arrangements such as ceasefire agreements or truces, which would eventually have been signed, to be strengthened by more lasting mechanisms. For instance, between two warring States, the conclusion of bilateral friendship treaties could be envisaged following the spectacular example of Germany and France. Here are two States which, after several centuries of mutual mistrust and bloody hostilities, started a friendship which today is one of the most solid on the European continent. In the absence of a friendship treaty, warring States from the same geographical region can conclude a good neighbourliness treaty containing

rules and mechanisms for guaranteeing non-aggression and multisector crossborder cooperation arrangements.

Examples of such an arrangement exist in several regions throughout the world, for example the Quadripartite Agreement between Nigeria, Benin, Togo and Ghana concluded with a view to stabilising an area where the borders inherited from colonisation are shifting and cannot easily abide by the resolution of the Organisation of African Unity (OAU) adopted in Cairo in 1964 on the intangibility of these borders.

Sub-regional organisations, and to a lesser extent regional organisations, provide frameworks in which latent conflicts can be averted via mechanisms established to maintain an environment of peace among the various member States. The parliaments that make up the IPU should therefore encourage the establishment of friendship and good neighbourliness treaties and the setting up or promotion of sub-regional organisations to assist in peacekeeping by maintaining and strengthening a climate of international reconciliation.

We have underscored the central role of parliaments in this process of reconstruction. In fact, parliament can be defined as a place where tolerance is institutionalised and the instrument through which conflict resolution and dispute settlement is carried out in a peaceful manner. It is a fundamentally humanist place where the flagship principle is respect for and acceptance of others.

Parliament is the institution *par excellence* that incarnates society in its diverse facets and opinions and relays and channels this diversity in the political process. Its mission is to temper tensions and maintain balance between the rivalling aspirations of diversity and uniformity, and the individual and the collective with the aim of strengthening social cohesion and solidarity (see IPU model legal framework for the work of the parliamentary opposition, Libreville, 17-19 May 1999).

By its very nature, parliament, in its composition and *modus operandi*, reflects the image of successful reconciliation. As a player at the very outset of the process of democratisation, parliament must be considered as a foretaste of a reconciled society.

Before we deal with two important aspects of parliament in the reconstruction phase - parliamentary diplomacy and cooperation and bicameralism as a means of representing national diversity - it should be recalled that development underlies peace and security. National parliaments, therefore, have an important role to play in ensuring that the commitments made by their governments in terms of financing for development are honoured and that adequate budgetary resources are earmarked to that end. Similar action should be taken regarding issues such as sustainable development and environmental problems, to name a few.

### **3. The role of parliamentary diplomacy and technical cooperation**

The international action of parliaments has developed remarkably over the past few years. It has taken the form of genuine "parliamentary diplomacy" through various activities. These parliamentary tools help bring about reconciliation.

For instance, on the initiative of the President of the French Senate, a meeting was organised for the Speakers of the three States in the southern Caucasus involved in the Upper Karabagh conflict

(mediation-facilitation). Two meetings have been held since 1999 and a third is scheduled for early 2004. At the conclusion of the first working meeting, the Speakers of the Parliaments of Armenia, Azerbaijan and Georgia signed a joint declaration by virtue of which they agreed to establish a mechanism of consultation and cooperation among their parliaments in several legislative areas representing common interests (joint projects). They also decided to meet regularly to discuss issues related to security and stability in the region and to foster cultural, economic and financial relations between their States and the rest of Europe (mutual recognition).

Parliamentary cooperation can also take the form of technical cooperation and should play a key role in the reconstruction and stabilisation phases. Regarding stabilisation, technical assistance could be of particular importance for establishing transitional parliaments.

Bilateral cooperation, in the form of hosting interns and seminars, is the oldest form. Multilateral cooperation is also developing rapidly. This type of cooperation is funded by international institutions such as, *inter alia*, the European Union, UNDP and the Inter-American Development Bank. Both types of cooperation are perfectly suited to the reconstruction phase.

Such cooperation is part and parcel of efforts geared towards good governance. Strangely enough, parliaments were excluded until recently from this type of activity although they play a key role in establishing the rule of law. Through cooperation, expertise and best practices can be transferred. Multilateral cooperation is of special interest not only because significant resources can be mobilised depending on the need to upgrade and train parliaments, but also because it brings together several parliaments, thereby providing a plural vision of parliamentary experience.

Such cooperation, from a bilateral perspective, can also take the form of friendship groups.

<b>Recommendations</b>
Foster the development of parliamentary diplomacy.
Develop technical assistance under bilateral cooperation.
Participate via consortia in multilateral cooperation projects.
Foster the development of multilateral cooperation within and under the aegis of the IPU.

The following salient points should also be noted:

In addition to its role of legislator (passing laws, particularly possible amnesty laws; overhauling public institutions, particularly the justice system; guardian of freedoms, etc.), parliament must reflect national diversity. A significant objective of the democratisation process is achieving gender parity within parliament.

Particular attention should also be paid to the rights of the opposition and representation of minorities. These two issues were dealt with by the model legal framework for the work of the parliamentary opposition adopted in Gabon at a conference held in Libreville from 17-19 May 1999 and the Guidelines on the rights and duties of the opposition in Parliament as outlined in the handbook on IPU and democracy published on the occasion of the Fifth Conference on New or Restored Democracies held in Ulaanbaatar, Mongolia from 10-12 September 2003.

This brings to mind the declaration made by the MPs gathered at the Ulaanbaatar Conference: "Democracy cannot be achieved without a genuine partnership between men and women in the conduct of the affairs of the society in which they work in equality and complementarity, drawing mutual enrichment from their differences. Indeed, we consider gender justice and equity as an essential ingredient of democracy. We pledge therefore to continue to work towards greater participation of women in decision-making processes. To this effect, we undertake to promote the necessary structural and legislative measures and to ensure that these are actually implemented".

### **The bicameral scenario**

Bicameralism should be given special mention concerning representation of national diversity. The bicameral system is perceived as a technique of social and political integration, a strategy for appropriating the democratic model and guaranteeing the separation of powers. Moreover, it is a powerful tool for improving the quality of lawmaking.

Alongside this process of democratisation and deepening of the rule of law, it is imperative for the various national groups to work together and, through their individual representation, participate in this process. The existence of a second House which allows, obviously in a non-exclusive manner, for the consideration of this diversity, is an effective means of appropriation employed by the parliamentary system. As a perfect complement to the House elected by direct universal suffrage, through the existence of a second House, the principles of democracy, in particular, the majority rule and respect for human diversity, can be reconciled at all levels.

Among the various facets of national diversity, taking into consideration organisations of which citizens are members is very significant. By virtue of representation of decentralised State institutions, globalisation does not have to be synonymous with uniformity. Local autonomy is therefore experienced as a means of avoiding internal dislocation while maintaining adequate representation at the national level within a second House.

The bicameral system is also the modern expression of the principle of separation of powers by avoiding a confrontation between the Executive and a single assembly. The second House acts as a counterbalance and its existence guarantees respect for the notion of debate by providing a different perspective and provoking discussion.