

Lawyering for Change 2022 Conference

SUMMARY

How to tackle colonial and post-colonial injustices?

Workshop - Wednesday October 12th 2 PM - 3.20 PM

Speakers:

- **Sihem Bensedrine** – Journalist, Human rights defender and president of the Truth and Dignity Commission (Tunisia)
- **Georgine Dibua Mbombo** – Founder of Bakushinta (Belgium)

Moderation by **Valérie Arnould** – Legal and Policy Advisor in Transitional Justice and colonial past, Avocats Sans Frontières (Belgium)

Recently, there has been an increased visibility of demands for dealing with the legacies of colonialism. Some former colonial powers are even, tentatively, setting up processes to address this past. For instance, Belgium created a Special Parliamentary Commission to deal with the country's colonial past, France ordered expert reports on the colonisation and war of Algeria ('report Stora') and the restitution of artefacts ('report Sarr and Savoy'), while Germany engaged in reparations negotiations with the Namibian state over the Herero and Nama genocide. For 'traditional' development cooperation organisations, such as ASF, working on the issue of decolonisation is multifaceted. It requires addressing the interconnectivity of North-South dynamics and human rights problems; developing actions 'at home'; looking at its own internal and external practices from a decolonial angle; and critically engaging with the colonial roots of development cooperation, international law and certain rule of law instruments.

Furthermore, there is a need to reflect on what conditions need to be met to make it a legitimate actor to work on decolonisation and how it can play a role alongside, and not in replacement of, local actors and afro-descendent organisations who have been active on this topic for decades. It is notable that the latter often struggle to obtain public subsidies to support their work, are not equally recognised as experts on the issue, and that they receive less attention from the press, political actors and broader society when they speak up about decolonisation compared to white civil society actors or organisations. It is therefore important to build genuine collaborations between white and afro-descent organisations where the latter do not simply serve as stooges but are equal partners whose knowledge, potentials and understanding of the field are recognised and mobilised.

1. The Truth and Dignity Commission: the case of Tunisia

While, as mentioned, some former colonial powers have taken the initiative to set up processes to address the legacies of their colonial past, societies which have suffered colonialism can also take measures to hold former colonial powers to account. For instance, in Tunisia the Truth and Dignity Commission (IVD) produced two memorandums, addressed to France and to the World Bank and IFM (International Monetary Fund), concerning their responsibility for human rights violations and economic-financial crimes committed in Tunisia. Colonial crimes or injustices were not part of the commissions' mandate but once it started examining the 63,000 testimonies it received from victims and asking the question 'who is responsible for these crimes' (identifying responsibility was the formal task of the commission), it became evident that for certain violations it was not the Tunisian State but the French State which was responsible. In the period between 1955 and 1963 Tunisia was formally independent but in practice had limited sovereignty

under the Franco-Tunisian Convention of 1955. Under this convention, French military forces had effective control over large parts of Tunisia, in particular the northern regions and the border areas with Algeria and Libya. These French troops committed numerous grave human rights violations, even crimes against humanity. The IVD documented 700 assassinations and extra-judicial killings committed by French forces.

In addition, the IVD also documented instances of economic rights violations linked to the bilateral debt, economic exploitation of Tunisian patrimony and resources, etc. The question of debt is extremely important because it has paved the way for colonial and post-colonial practices that perpetuate dependence. Every time we are offered very generous cooperation, there is behind it always a debt that accumulates. Over half of Tunisian current debt is with France; this cannot be a coincidence. Debt is a tool of domination which ultimately generates human rights violations.

The memorandum puts forward four demands: recognition of the facts, reparations for victims, cancellation of the odious debt and restitution of Tunisian archives (at present, these are held in Nantes, Aix and other French cities). However, these demands have not received a positive response from either France or the Tunisian government. This underscores the importance – when thinking of responsibilities for colonial legacies – to unravel and understand the power of local relays. There is an elite that works on behalf of colonial and post-colonial powers, otherwise the latter would not have the continued influence it has. We need to unravel the networks of these relays, which are present in the economic, political, cultural and academic sectors.

2. Decolonisation efforts in Belgium and their shortcomings

This lack of will to reckon with the colonial past can also be seen in Belgium where colonial messages continue to circulate in public spaces, in books, at schools etc. For instance, the role of Congolese Force Publique soldiers in key battlefields of the World Wars is largely unknown within Belgium and recognition for them is not included in official commemoration events - which is why Bakunshinta each year organises its own commemoration event on November 11th.

The Brussels government created a working group on the decolonisation of public spaces in the capital but questions can be raised about the expertise of some members of this working group. Also, so far, no follow up has been given by the authorities on the implementation of the working group's report. The Brussels government has also failed to transmit the report to all the communal authorities. This raises questions about the genuine commitment of public authorities to the promised decolonisation efforts. The same goes for the Special Parliamentary Commission on Belgium's colonial past. While the gesture is appreciated and diaspora actors such as Bakushinta have been consulted by the commission, we remain doubtful. Its creation was very hasty, its public hearings were held at a breakneck pace, and often in a climate of political warfare.

3. Conclusion

As the case of Tunisia and Belgium illustrate it, there is an obvious need to deal, for former colonial powers, with their colonial past and to take actions. For the case of Tunisia, France needs to respond to the IVD's demands and for Belgium, if creating institutions to reckon its colonial past is a first step, there is a need to act on it. Also, decolonisation efforts needs to be done with a collaboration between the former colonial State and the former colony.