

## 7. Coming to Terms with Belgium's Colonial Past: The Failure of the Parliamentary Commission

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**Abstract:** The chapter explores the scope and limits of the Special Commission established in 2020 by the Belgian Parliament to deal with its colonial past. This case underlines the weight of the 'absents' and the difficulty of agreeing on the most appropriate way to represent and honour them. The starting point of this chapter is two successive participant observations in the framework of this Commission (panel of 10 experts in charge of writing the initial report, from August 2020 to November 2021, and panel of three experts in charge of writing the final report, from February 2021 until December 2022). This experience led to a succession of meetings within the Commission and with Belgian Afro-descendants' associations, former colonials' associations, and Burundian, Congolese, and Rwandan scholars and practitioners. Most of these meetings share common characteristics: the processes' distributive dimension, the dynamics' highly emotional character, and the pervasiveness of justice claims.

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[F]or years on end he had listened to his professors,  
he had learned the law and its interpretation,  
he had tried to get a good grasp of criminal proceedings  
– yet only today, only in his own first plea to the court,  
did he understand that those  
proceedings were really about something  
quite different: abused human beings.'

Ferdinand von Schirach<sup>1</sup>

### Introduction

In his bestseller *Der Fall Collini*, published in Germany in 2011, the lawyer-turned-author Ferdinand von Schirach questions the nexus between the intergenerational transmission of memory and the role of a judicial proceeding. The thriller starts with the brutal murder of a prominent industrialist

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1 Ferdinand von Schirach, *L'affaire Collini* (Gallimard 2014) 101.

in one of Berlin's most exclusive hotels. The criminal, Fabrizio Collini, is a quiet, recently retired man who could not be suspected of hurting anyone. The puzzle of the novel is why he became a criminal. As his young advocate searches for clues, he discovers that the victim was responsible for shooting Italian partisans during World War II. The objective of this introduction is not to disclose the novel's storyline but to illustrate the procedural dimension of what is known in Germany as *Vergangenheitsbewältigung* (the process of dealing with the past). Interestingly, the novel's storyline resonates with its author's personal story. The grandfather of Ferdinand von Schirach was a Nazi who headed the Hitler Youth and was eventually sentenced to 20 years for crimes against humanity at the Nuremberg war trials.

This theme is far from new. From Deuteronomy to Hamlet, cohorts of murdered people's descendants are driven by the need for justice. Myths, tragedies, and real stories on all continents reveal the strength of loyalty that can bind individuals to unfairly treated and dead ancestors. They highlight the significance of individual and collective proceedings designed to deal with a 'difficult past'.<sup>2</sup> This chapter explores the scope and limits of one specific case study related to the past of millions of individuals, namely the Special Commission established in 2020 by the Belgian Parliament to deal with its colonial past. This case underlines the weight of the 'absents' and the difficulty of agreeing on the most appropriate way to represent and honour them. But, first and foremost, it forces us to address an initial question: who are the absents we are talking about? Most voices insist on the victims of colonial violence. Yet, as we will see, there is no consensus on the identity of those who should be central throughout the process. The tensions that characterise the work carried out by the Parliamentary Com-

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2 See Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Beacon Press 1998); Elazar Barkan, *The Guilt of Nations. Restitution and Negotiating Historical Injustices* (The Johns Hopkins University Press 2000); Patricia Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (Routledge 2001); Nigel Biggar (ed), *Burying the Past. Making Peace and doing Justice after Civil Conflicts*, (Georgetown University Press 2003); John Torpey, *Making Whole What Has Been Smashed: On Reparation Politics* (Harvard University Press 2006); Jeff Olick, *The Politics of Regret: On Collective Memory and Historical Responsibility* (Routledge 2007); Christopher Daase and others, *Apology and Reconciliation in International Relations. The Importance of Being Sorry* (Routledge 2016).

mission show how ambiguous the notion of 'absent' is. It also questions the role played by the victims in the proceeding.<sup>3</sup>

The Belgian case is emblematic in four respects. First, the Belgian colonial period is often depicted as a textbook case because of the degree of brutalisation reached. Since the publication of Conrad's *Heart of Darkness*, King Leopold II has become one of the symbols of colonial brutality. In 2020, his statues were systematically targeted by the protests against racism that followed the death of George Floyd and the 'Black Lives Matter' movement. Besides the extent of colonial violence, the Belgian case is particularly significant for a second reason: the political nature of the Commission. It was composed of 19 Belgian Members of Parliament (MPs) representing all the elected political parties from the far right to the far left. Some were strongly in favour of the work being done by the Commission, while others were entirely opposed to it.

Third, the mandate of most commissions related to the colonial past focuses on a specific aspect of this past. In the Belgian case, the mandate of the Parliamentary Commission was extremely broad. It concerned not only past injustices (the crimes committed in Congo from 1885 to 1960 and in Burundi and Rwanda from 1919 to 1962) but also contemporary injustices (current discrimination against Afro-descendants in Belgium). This twofold ambition allows us to observe the pros and cons of a maximalist approach. The fourth reason that justifies the exemplary nature of the Belgian case is its unexpected outcome – or rather, lack of outcome. After two and a half years of readings, hearings, and negotiations at all levels, the members of the Parliamentary Commission failed to reach a political deal. The absence of consensual recommendations allows us to question the notion of failure.<sup>4</sup> Who decides what a failure is? Based on which criteria? Above all, when do

3 See Sandra Walklate, *Imagining the Victim of Crime* (McGraw-Hill 2007); Tshepo Madlingozi, 'On Transitional Justice Entrepreneurs and the Production of Victims' (2010) 2(2) *Journal of Human Rights Practice* 208; Inge Vanfaechem, Anthony Pemberton and Felix Mukwiza Ndahinda (eds), *Justice for Victims: Perspectives on Rights, Transitions and Reconciliation* (Routledge 2014); Cheryl Lawther, "'Let Me Tell You": Transitional Justice, Victimhood, and Dealing with a Contested Past' (2020) 30(6) *Social & Legal Studies* 890.

4 On failure, see Elizabeth A Cole, Valérie Rosoux and Lauren Van Metre, 'Deepening Understandings of Success and Failure in Post-conflict Reconciliation' (2022) 10(4) *Peacebuilding* 357, and Stipe Odak, 'Reevaluating Religious Understandings of Reconciliation: A Study in Bosnia and Herzegovina' (2022) 10(4) *Peacebuilding* 434.

we decide whether a procedure failed or not<sup>5</sup>? The Belgian case indicates that a political failure does not automatically mean the whole prospect was null and void.

The starting point of this chapter is two successive participant observations in the framework of this Commission. The first occurred from August 2020 to November 2021 (panel of 10 academics and civil society representatives in charge of writing the initial report, 689 p.). The second started in February 2021 until the end of the Special Commission's mandate in December 2022 (panel of three experts in charge of writing the final paper, 112 p.).<sup>6</sup> This experience led to a succession of weekly meetings within the groups of experts and the Commission and a series of encounters with Belgian Afro-descendants' associations, former colonials' associations, and Burundian, Congolese, and Rwandan scholars and practitioners. Most of these meetings share common characteristics: the processes' distributive dimension, the dynamics' highly emotional character, and the pervasiveness of justice claims. The tensions and even contradictions between protagonists forced me to examine my own beliefs, judgements, and practices and be particularly vigilant to their potential influence on the analyses.

The chapter is divided into three parts. The first underlines the specificities of the Belgian context. The second focuses on three major procedural choices made throughout the process. The third concentrates on the main constraints and challenges observed throughout the process.

### 1. *Glorifying and Silencing the Past*

Unlike French, Dutch, or British colonisation, the creation of the Congo was 'one man's personal adventure'.<sup>7</sup> Between 1885 and 1908, the *Etat Indépendant du Congo* (EIC – Congo Free State) was, in fact, the personal property of King Leopold II. Whereas in Belgium, his constitutional role prevented him from taking any public action without a minister's approval, in the colony, the King enjoyed power often described as absolute. Only in 1908, mainly due to international pressure, did the Congo officially become

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5 See Cecilia Albin and Daniel Druckman, 'Procedures Matter: Justice and Effectiveness in International Trade Negotiations' (2014) 20(4) *European Journal of International Relations* 1014.

6 See the initial and final reports: <<https://perma.cc/D48B-FNB>> and <<https://perma.cc/5KSQ-CWQ5>>.

7 Jean Stengers, *Congo. Mythes et réalités* (Racine 2007) 45.

a Belgian colony. Second, the territory of Ruanda-Urundi was administered by Belgium from 1922 to 1962 without being a colony in the strict sense of the term. From 1916 to 1922, it was under military occupation and later became a Belgian-controlled Mandate under the League of Nations. After World War II, it became a United Nations trust territory.

Throughout the first half of the 20<sup>th</sup> century, Belgian authorities represented the colonial past in such a way as to glorify the country's achievements. Belgian school textbooks were remarkably similar to the equally uncritical *Petit Lavis* schoolbook used by schoolchildren in France. All emphasis was placed on the benefits of colonisation since the concept of national identity made it inconceivable that crimes could be committed on behalf of the State. In the view of the Belgian authorities, Belgium's administration of a territory 80 times its size gave the impression to the outside world of the workings of a 'model colony'. No single reference was made to the widespread violations of humanitarian standards.

Following independence and the shedding of some illusions, Belgium's colonial history was scarcely referred to in official addresses. State representatives systematically erased the bitter criticisms that had been levelled against colonisation for decades. This concealment policy was excused either by the need to normalise relations with the former colony or by the slogan 'Africa for the Africans'. Far from the *Belgium caput mundi* approach,<sup>8</sup> the Belgian authorities tried to avoid even the slightest accusation of neo-colonialism. Within just a few decades, aspirations had changed completely. As former Belgian Prime Minister Jean-Luc Dehaene explained in May 1999, 'the colonial past is completely past... There is really no strong emotional link anymore. It does not move the people. It's part of the past. It's history.'<sup>9</sup> This observation was soon to be contradicted.

Three months later, the new government of Guy Verhofstadt would radically change this approach and encourage a critical acceptance of the country's colonial heritage. The new Minister of Foreign Affairs, Louis Michel, acknowledged that:

'former colonial powers, such as Belgium, owe a large part of their development to their former colonies', and that 'it was thanks to "these colonies" that we were able, in part, to create the country we are today,

8 Laurent Demoulin, *Ulysse Lumumba* (Talus d'approche 2000) 14.

9 Quoted in Stephen Bates, 'The Hidden Holocaust' *The Guardian* (London, 13 May 1999).

the twelfth richest country in the world – the fourth, if we follow the UN classification system.<sup>10</sup>

In 2000, Belgian representatives launched a Parliamentary Commission to determine the exact circumstances of the murder of Patrice Lumumba and the possible implications of Belgian political responsibility therein.<sup>11</sup> The Commission report led to official apologies by the Minister for Foreign Affairs, who acknowledged the ‘apathy’ and ‘cold indifference’ of the Belgian government at the time.

This approach was again overturned in July 2004 with the appointment of a new Minister for Foreign Affairs, Karel De Gucht. His attitude was far from apologetic, and he took an admonishing tone in his speeches. During his official visits to Central Africa, Karel De Gucht stirred up intense controversies by referring explicitly to the devastating effects of corruption, impunity, and violence in the Democratic Republic of Congo (DRC). Rather than stressing Belgium’s ‘responsibility’ towards its former colony, the talk was now of the need to stop being ‘indulgent’.<sup>12</sup> Karel De Gucht wished to put aside any ‘misplaced’ feelings of guilt. By way of response to accusations of paternalism, he recalled that colonisation also involved ‘mass literacy campaigns’, ‘the setting up of an educational system’, and ‘generalised health coverage’.<sup>13</sup>

This uncritical attitude would progressively come to be considered as inappropriate. In 2019, former Belgian Prime Minister Charles Michel apologised for the kidnapping, segregation, and forced adoption of thousands of mixed-race children throughout Belgian colonial Africa. One year later, the murder of George Floyd in Minneapolis and the subsequent ‘Black Lives Matter’ movement impacted the Belgian political scene. On 7 June 2020, a demonstration brought together more than 10 000 protestors in Brussels despite the restrictions imposed due to Covid 19. Three weeks later, King Philippe marked the 60<sup>th</sup> anniversary of the independence of the DRC, expressing his ‘deepest regrets’ for acts of violence and brutality inflicted

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10 Liège, 28 February 2003.

11 Patrice Lumumba was the first Prime Minister of the independent Democratic Republic of the Congo. He was assassinated on 17 January 1961. See Ludo De Witte, *De Moord op Lumumba* (Van Halewijck 1999) and Jean Omasombo Tshonda, ‘Commission Lumumba : difficile regard sur un passé’ (2002) 22 Nieuwsbrief Belgische Vereniging van Afrikanisten 11.

12 Kinshasa, 21 April 2008.

13 Tervuren, 3 February 2005.

during his country's rule over the Congo (30 June 2020). At approximately the same time, the Belgian Parliament established the special Commission to confront its colonial past.<sup>14</sup>

The creation of the Parliamentary Commission resulted from a series of negotiation processes within and between political parties and civil society organisations. For decades, the small size of the Congolese, Rwandan, and Burundian diasporic groups in Belgium explained their marginal influence on the public debate. However, the progressive arrival of refugees from the African Great Lakes called into question the predominance of a white, Eurocentric perspective on the colonial past.<sup>15</sup> In 2004, a group of activists cut off the hand of a 'grateful Congolese' kneeling before Leopold II in a famous monument in Ostend. From 2010 on, with the renovation of the Royal Museum of Central Africa, the African diasporic groups in Belgium tried to take a leading role in the societal exploration of the colonial legacy.<sup>16</sup> Their voices were amplified in 2019 by the final report of the UN Working Group of Experts on People of African Descent.<sup>17</sup> This report urged Belgium to recognise the injustices of its colonial past and tackle the root causes of present-day racism. A couple of months later, during the June 2020 protests, colonial monuments were vandalised. Besides the King's letter to the Congolese Prime Minister, several colonial monuments were removed from public spaces in various cities and University campuses. For

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- 14 The idea of a Parliamentary Commission dealing with the colonial past was not entirely new. It had been proposed several times since 2012 but was never supported by a majority of political parties.
  - 15 Danièle Bentrovato and Karel Van Nieuwenhuysse, 'Confronting "Dark" Colonial Past: A Historical Analysis of Practices of Representation in Belgian and Congolese Schools, 1945–2015' (2020) 56(3) *Pedagogica Historica* 293.
  - 16 The passage of a second generation of Afro-descendants living in Belgium reinforced the work of local activist groups, which had been active since the end of the 1980s (see the websites of Collectif Mémoire Coloniale, Bamako, Change (ASBL), Black Speaks Back (BSB), Decolonize Belgium and Hand in Hand Against Racism). On the evolution of the representations of colonialism shared by Congolese immigrants living in Belgium, see Ana Figueiredo, Géraldine Oldenhove and Laurent Licata, 'Collective Memories of Colonialism and Acculturation Dynamics Among Congolese Immigrants Living in Belgium' (2018) 62 *International Journal of Intercultural Relations* 80. The findings of this study are interesting: while older participants (grand-parents) tend to evoke more positive memories of colonialism, younger generations (grandchildren) think more negatively of Belgian colonialism. As for the intermediate generation (parents), they present this past in a somewhat ambivalent way.
  - 17 On the report, see <<https://digitallibrary.un.org/record/568010?ln=en#record-files-collapse-header>> accessed 7 July 2023.

decolonisation advocates, this succession of events created the momentum to raise the issue of past and enduring injustices.

The pace of the decisions that followed was swift. Ten days after the demonstration of 7 June, the speaker of the Federal Parliament announced that the House of Representatives had decided to hold hearings on the troubled history of Belgium in the Congo. The proposal obtained the support of all political parties, with the exception of the Flemish nationalist *Vlaams Belang*. According to the Parliament chair Patrick Dewael (Open VLD), Belgium needed truth and reconciliation. He, therefore, presented the South African Truth and Reconciliation Commission (TRC) as a model.<sup>18</sup> This reference may be surprising if one considers the numerous contrasts between the Belgian and South-African cases (regarding the nature of past violence, the political regime and, above all, the timing, as most of the South African witnesses were still alive at the moment of the TRC).

At this stage, three main procedural issues were discussed in the Federal Chamber. First, the precise terms of reference for the Commission: should it be the responsibility of an existing parliamentary committee or a new one set up for the occasion? Second, the mandate: should the agenda be restricted to the first colonial period (when the Congo was the personal property of Leopold II) or related to Belgium's entire colonial past? Third, the role of experts: should they come from academia and/or civil society militant groups? To address these questions, the members of the Commission found themselves facing all the tensions that undermine Belgian national identity: Catholics versus secularists, French speakers versus Dutch speakers, opponents versus defenders of the Royal Institution, and left-wing versus right-wing political parties.

The parliamentarians appointed a panel of ten experts in August. Their task was to prepare the work of the Commission in writing a report on historical issues (what are the historical consensus on colonisation, the grey areas, and the historical gaps?) and reconciliation mechanisms (what are the lessons learned from other countries that tried to deal with their colonial past?). Their mandate covered past and enduring injustices.<sup>19</sup> After this initial stage, the Commission structured its work in six main phases:

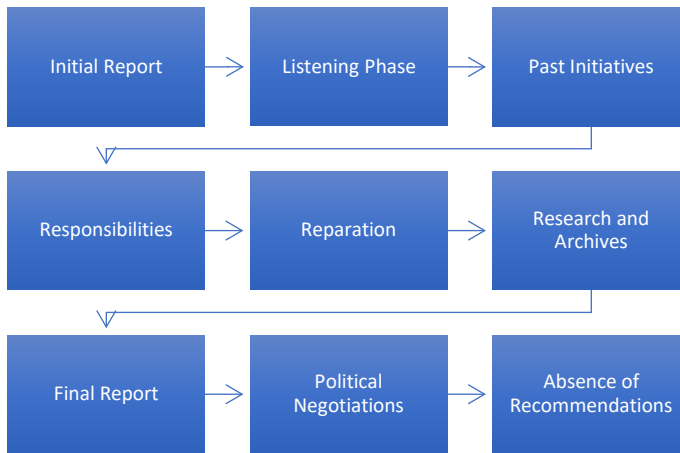
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18 Alan Hope, 'Parliament approves commission on Belgium's colonial past' *Brussels Times* (Brussels, 17 June 2021).

19 The initial report was presented and defended at the Belgian Parliament on the 22<sup>nd</sup> of November 2021. To watch the video of all presentations and debates between the members of the Commission and the experts, see <<https://www.lachambre.be/media/index.html?language=fr&sid=55U2243>> accessed 7 July 2023.



(1) listening to representatives of Belgian civil society associations as well as Burundian, Congolese, and Rwandan representatives; (2) scope and limits of past initiatives such as the Lumumba Commission and the Commission devoted to the Metis who were victims of systematic segregation (*cf. infra*); (3) responsibilities of the monarchy, the Belgian state, the Church and the business community; (4) academic research and archives, whether in Belgium or Burundi, Congo or Rwanda; (5) reparations and reconciliation; (6) final report and negotiation of the recommendations.



More than 150 witnesses, academics, artists, diplomats, and militants shared their views and expertise with the Parliament.<sup>20</sup> Their words and experiences were transcribed and videotaped. The same number of people (official representatives, academic experts, artists, representatives of civil society organisations, and students) met with the Belgian delegation of MPs who went to Kinshasa, Bujumbura, and Kigali in September 2022. Their expectations were systematically notified and reported to the Parliament. A list of 128 recommendations presented by the President of the Commission was officially published with the experts' final report in November 2022.

These recommendations covered all the issues analysed throughout the process, from research, archives, and international cooperation between

20 See the list of all sessions and hearings on the website of the federal Parliament: <<https://www.lachambre.be/kvvcr/showpage.cfm?language=fr&section=/pri/congo&story=audition.xml>> accessed 7 July 2023.

Belgium and its former colonies, to memorialisation, restitution, reparation, official apologies, and the fight against racism. Specific attention was paid to the commemoration of former Congolese combatants during World War I and World War II, the rehabilitation of Simon Kimbangu,<sup>21</sup> the restoration of the dignity of the victims of the human zoos,<sup>22</sup> and the school textbooks. Knowing that financial compensations were highly contentious among the political parties, one of the recommendations explicitly mentioned that the official apologies that the Belgian government and Parliament could present would not imply any financial reparation (recommendation 70). Nevertheless, this statement did not appease the tensions between the left and right parties. After six weeks of intense negotiation, there was no zone of potential agreement between the political parties of the majority in power: to the *Parti Socialiste* (PS), official apologies were unnegotiable requirements; to the *Mouvement réformateur* (MR), a list of recommendations that would mention official apologies was simply unacceptable. The absence of any agreement shows that the political parties preferred to take the risk of a 'zero recommendation' rather than conceding.

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21 Simon Kimbangu is a central figure of the anti-colonial resistance in Congo. He was condemned to death (commuted to life imprisonment) in 1921. Mathieu Zana Etambala devoted an entire section of the initial report of the experts to this figure (pp. 154–185). For further information, see Diangienda Kuntima, *L'histoire du Kimbanguisme* (Éditions Kimbanguistes 1984).

22 Human zoos are among the most dramatic expressions of dehumanisation during the colonial period. The first 'negro village' in Belgium was created in Antwerp in 1885, with 12 Africans. Seven years later, Belgium organised a colonial exhibition in Tervuren as part of the Exposition Universelle. The so-called 'authentic villages' displayed 267 people brought from Congo. Seven of them died of cold or disease. Another village showed Congolese children going to school. Sixty children were brought to Belgium between 1891 and 1900 without their families. Twelve of them also died. On 2 December 2018, the Royal Museum for Central Africa inaugurated a commemorative plaque on this subject. In 1958, another human zoo was set up during the Exposition Universelle in Brussels. This time, 598 Congolese, including 197 children, were brought to this international exhibition. Many complained about the poor living conditions, the restrictions on their movements and contacts, and the daily abuse they faced during these 'mass spectacles'. More than six decades later, in 2021, the Royal Museum for Central Africa presented the exhibition 'Human Zoo'. Artists Teddy Mazina and Romeo Mivekannin invited the visitors to reflect on the impact of these human zoos. See Pascal Blanchard, Maarten Couttenier and Mathieu Zana Etambala, *Mensentuin. Koloniale tentoonstellingen wereldwijd* (Africa Museum 2021).

## 2. Major Procedural Choices

Proceedings related to reparation for historical injustices are often put into three main categories<sup>23</sup>. The first concerns individuals who were victims of an injustice committed many years ago. This can be illustrated by the compensation claims made by Aboriginal Australians who were abducted from their families when they were children. The second category covers injustices done to a community itself, such as seizing communal lands. In this case, the parties are not specific individuals but representatives of communities, nations, or groups. The third category results from the pressure of the individuals who are the descendants of victims of injustice.

These three categories were relevant in the framework of the Belgian Parliamentary Commission. Hearings devoted to the Metis were centred on individual witnesses who told their personal stories. The fate of those who were long stigmatised as the 'children of sin' is poignant. The stories of these direct witnesses to colonialism have been forgotten for decades. During the colonial period, interracial marriages were legally impossible as they threatened the division of power based on race. Children were taken from their African mothers and placed in Christian (mainly Catholic) boarding schools. At the time of independence, thousands of mixed-race children left Africa with a Belgian passport. Most of them were sent to Belgium where they were placed in adoptive families or children's homes. Many of them could never find their parents.<sup>24</sup> Besides this individual category, most hearings devoted to reparation focused on historical injustices done to entire communities in Congo, Rwanda, and Burundi. These injustices can be summarised by three main processes that were deeply interconnected: the destructuretion, exploitation and segregation of the local population.<sup>25</sup>

23 See Janna Thompson, 'Justifying Claims of Descendants' (2001) 112(1) *Ethics* 114.

24 See Kathleen Ghequiere and Sibö Kanobana, *De bastaards van onze kolonie: Verzwegen verhalen van Belgische metissen* (Roularta 2010); Sarah Heynssens, *De kinderen van Save: Een geschiedenis tussen Afrika en België* (Uitgeverij Polis 2017); and Georges Kamanayo Kazungu, *Tussen twee werelden. Een leven in Europa en Afrika* (Uitgeverij Polis 2020).

25 On Belgian colonialism in Congo, see Didier Gondola, *The History of Congo* (Greenwood Publishing 2002); Georges Nzongola-Ntalaja, *The Congo from Leopold to Kabila: A People's History* (Zed Books 2007) and Isidore Ndaywel, *Nouvelle Histoire du Congo. Des origines à la République Démocratique* (Le Cri édition-Afrique Éditions 2008). On Belgian influence in Rwanda and Burundi, see Joseph Gahama, *Le Burundi sous l'administration belge. La période du Mandat, 1919–1939* (Karthala 1983); Melchior Mbonimpa, *Hutu, Tutsi, Twa: pour une société sans castes* (L'Harmattan

Knowing that the mandate of the Commission was not only centred on historical injustices but also on enduring discriminations against Afro-descendants, the members of the Commission faced a series of procedural questions. Three main sets of procedural choices were made throughout the process. The first covers agenda-setting. The second concerns the parties. The third is related to the principles of justice.

## 2.1. Agenda-setting: No Zone of Potential Agreement

The debates provoked by the creation of the Parliamentary Commission showed that the issues to be placed on the agenda were highly controversial. Most parties identified three main issues: truth, reconciliation, and justice. Regarding truth, two different opinions coexisted. For some, the truth about colonialism was already primarily known, ‘the past is past’, and it was therefore far more essential to concentrate on current and future national challenges. They emphasised the need to look forward and not backward.

Conversely, other parties considered the past still ‘haunting’ the present. They did not deny that most historians agree on the main aspects of Belgium’s colonial past. Nonetheless, they argued that this academic knowledge was not sufficiently diffused and known within Belgian society. To them, it was crucial to modify school textbooks and launch a national debate on the topic.

As for reconciliation, the opinions were once again radically divergent. Some participants in the preliminary consultation initiated by the group of experts explained that there was no need for reconciliation since there was no conflict: ‘The Congolese are not angry at us. Not at all.’<sup>26</sup> This position was far from consensual. In the Great Lakes, Congolese, Burundians, and Rwandans called for reconciliation based on the acknowledgement of the sombre aspects of colonisation, recalling some harrowing events such as the forced transfer of population or the denigration and progressive destruction of their ancestors’ religious beliefs. In Belgium, Afro-descendants’ associations systematically linked past and present discrimination, considering

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1993); David Newbury, ‘Precolonial Burundi and Rwanda: Local Loyalties, Regional Royalties’ (2001) 34(2) *The International Journal of African Historical Studies* 271, and Deo Byanafashe and Paul Rutayisire (eds), *Histoire du Rwanda des origines à la fin du XX<sup>e</sup> siècle* (UNR-CNUR, 2011).

<sup>26</sup> Brussels, 7 October 2020.

that past wrongdoings undermine the legitimacy of contemporary resource holdings and, therefore, justify the need for reparations. From this perspective, reconciliation could not be envisaged without structural changes. What they wanted was 'truth and justice'.<sup>27</sup>

In the triptych 'truth, reconciliation, justice', justice was the most divisive issue for two main reasons. First, there was no consensus on an overarching standard that defines what justice means. Even if all parties used the language of justice (from far-right to far-left parties), there was no zone of potential agreement between those who associated justice to redress and reparation and those who did not accept the appropriateness of apologies. The same comment can be made regarding restitution. Presented as a *sine qua non* condition of genuine decolonisation by some, they were not even tolerated as a potential option by others. Second, justice as an issue triggered intense emotions on all sides. Admittedly, a variety of positions existed. These cannot be reduced to a binary and brutal opposition between Blacks and Whites. Yet, detecting two viscerally opposed and almost caricatural attitudes at the extreme points of a long continuum is helpful.

On the one hand, most representatives of former colonialists' associations felt blamed, disrespected, and stigmatised based on current moral standards. They insisted that the events in question were not considered illegal at their time and that legal rules should not be applied retroactively.<sup>28</sup> Furthermore, they did not want to accept playing 'a tricky game' that would ultimately lead to an 'unfair and indecent' money transfer. To the spokespersons of Afro-descendants' associations, this attitude demonstrated that nothing had changed since colonial times. As far as they were concerned, official apologies were necessary but not sufficient. They would seem insincere and even obsequious if not accompanied by direct and immediate actions to stop current discrimination.

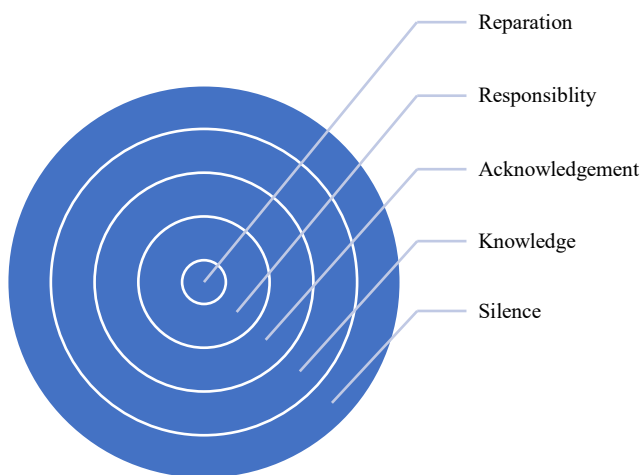
The *disputatio* between these two positions did not take the form of a rational debate but a deadlock characterised by anger, rage, resentment, shame, and guilt. Money was the ultimate bone of contention that all parties kept in mind, even though it was rarely made explicit. Most anti-racist militants called for an equitable redistribution of resources, while a vast majority of actors implicated in the colonial episode (first and second gen-

27 Brussels, discussion with representatives of *Change* on 16 February 2021.

28 On the limits of the principle of intertemporality, see Andreas Von Arnould, 'How to Illegalize Past Injustices: Reinterpreting the Rules of Intertemporality' (2021) 32(2) *European Journal of International Law* 401 and Michel Erpelding, 'Vers des réparations au titre du colonialisme?' (2022) 67 *Annuaire français de droit international* 1.

erations) categorically refused the idea of retrospective responsibility. These respective perceptions remained incompatible until the end of the process. Leaders of large companies active during the colonial period viewed any reference to compensation with suspicion.

In contrast, Afro-descendants' representatives repeated that current discrimination was directly related to the colonial past and needed, therefore, to be taken seriously into account. One of their strongest arguments resulted from the report of the UN Working Group of Experts on People of African Descent (2019). According to the experts, 'Belgium must recognise the true scope of the violence and injustice of its colonial past to tackle the root causes of present-day racism faced by people of African descent.'<sup>29</sup> This report led to an internal debate, within diasporic groups, about calculating past exploitation costs.<sup>30</sup> The questions that arose were: whose resources, and how much?



29 'We found clear evidence that racial discrimination is endemic in institutions in Belgium. People of African descent face discrimination in the enjoyment of economic, social, and cultural rights, including diversion from mainstream education into vocational schooling, 'downgrading' in employment opportunities and discrimination in the housing market'. See the full statement to the media by the United Nations Working Group of Experts on People of African Descent, on the conclusion of its official visit to Belgium, 4–11 February 2019 <<https://perma.cc/3V3S-3J TZ>>.

30 See Cecilia Albin, 'Negotiating International Cooperation: Global Public Goods and Fairness' (2003) 29 *Review of International Studies* 365.

## 2.2. Parties: Who can Speak on Behalf of the Absents?

Besides the agenda-setting, a second central interrogation was related to the legitimacy of the parties invited to participate in the process. This issue initially concerned the experts appointed by the Commission. The ten members of the first group of experts came from various backgrounds (history, political science, law and theology). The Commission aimed to avoid strictly technical expertise and to include academics, militants, and practitioners from the beginning of the process. Six members came from academia (in Belgium and the United States). The four other members were representatives of civil society associations (NGOs, diasporic associations, and churches in Burundi).<sup>31</sup> The selection made by the parliamentarians was immediately questioned in the national and international media. Various criticisms were made. The first came from civil society associations which criticised the Commission for the political nature of its selection.<sup>32</sup> Their main question can be summarised as: 'Why them, and not us?' The point made in this criticism did not only result from a potential competition between representatives of diasporic groups, it also revealed the gap between academic expertise and experience. As one young representative of a diasporic group said: 'We are the real experts! What is at stake is not an academic issue. It is our life.'<sup>33</sup> This reaction referred to persisting injustices faced by current Belgian Afro-descendants.

Besides this significant argument, the central polemic came from Kigali, where major concerns were expressed about two points. The first relates

31 The members of the panel were Zana Mathieu Etambala (historian at Leuven University), Gillian Mathys (historian at Ghent University), Elikia M'Bokolo (historian at the EHESS in Paris and professor at Kinshasa University), Anne Wetsi Mpoma (art historian and member of the anti-racist association *BAMKO*), Bishop Jean-Louis Nahimana, former president of the Burundian Truth Commission, Pierre-Luc Plasmann (historian from the University of Louvain), Valérie Rosoux (philosopher and political scientist, professor at the University of Louvain – FNRS), Martien Schotsmans (lawyer, former director of the NGO *RCN Justice et Démocratie*, mainly active in the African Great Lakes), Laure Uwase (lawyer and member of the Rwandan diasporic association *Jambo*), and Sarah Van Beurden (historian and professor at Ohio State University).

32 On the limits of political appointments, see Jeremy Sarkin and Ram K. Bandari, 'Why Political Appointments to Truth Commissions Cause Difficulties for These Institutions: Using the Crisis in the Transitional Justice Process in Nepal to Understand how Matters of Legitimacy and Credibility Undermine Such Commissions' (2020) 12(2) *Journal of Human Rights Practice* 1.

33 Brussels, 16 February 2021.

to the absence of Rwandan representatives within the panel. The second regards the impartiality and moral integrity of one of the experts. To the Rwandan authorities, the appointment of one representative of the *Jambo* association was overtly politically and not done independently. Arguing that some members of *Jambo* deny the genocide of the Tutsi in Rwanda, they considered that the presence of one representative of this association within the experts' panel discredited the whole Commission. The tone of the criticisms expressed in the Rwandan media was sharp, as suggested by the terms used: 'outrage', 'disgrace to the Commission', 'usurpation of the expert title', and 'rubbing salt in a wound of a genocide survivor'.<sup>34</sup> Following this polemic, *Ibuka*, the association of survivors of the Tutsi genocide in Rwanda, and the Burundian collective refused to collaborate with the experts. As this initial tension reminds us, the challenge of reconciliation in the Great Lakes, and in Rwanda in particular, was directly reflected in the preparatory work of the Commission.

A second criticism came from 60 historians and colonial experts who expressed their scepticism about the presence of militant representatives among the experts and called for an independent report.<sup>35</sup> In amalgamating historians, lawyers, and representatives of diasporic groups, they said, the Commission took the risk of historical research being instrumentalised by political groups. According to them, the finality pursued by 'militants' or 'activists' is not to search for historical truth but to remain loyal to their group and to gain power. Along the same lines, the members of the Commission were also criticised for not including Rwandan and Burundian historians who could have contributed to avoiding any partial research posture. Lastly, some French historians explained that foreign historians should have also been selected to help Belgians and Congolese experts step back and consider Belgian national history with impartiality. In short, the experts' legitimacy was systematically questioned.

Beyond these polemics, the variety of the profiles chosen by the Commission impacted the concrete work of the experts' panel. The plurality of backgrounds and generations was undeniably a source of richness and reflexivity. Yet, it implied a 'taming process' between us. We were all positioned on a continuum between two extreme points. For some, the main objective was to share research findings and clarify the potential

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34 Emmanuel Ntiringanya, 'Outrage as Genocide Denier is Chosen Expert on Belgian Colonial Role in Rwanda' *The New Times* (Kigali, 8 August 2020).

35 'Eerst het onderzoek, dan het debat' *De Standaard* (Brussels, 17 August 2020).



options for the Commission members to make decisions. For others, the aim was to change the power asymmetry and convince the Commission members. After numerous discussions about the level of integration of our work, we decided that each expert would write a personal section of the report. This decision did not prevent us from collaborating and even co-signing some contributions. However, the guarantee that we could each share the findings we found relevant without compromising appeased the tension within the group.

This group adjustment required flexibility on all sides to establish our methodology and ethics and create sub-groups (history, reconciliation, links with diaspora). This initial phase led to a second phase of consultations conceived as a preliminary step to the consultations and hearings organised by the Commission. One of the objectives of the consultations (based on interviews and surveys) was to cope with the under-representation of historians of Congolese, Burundian and Rwandan origin in the group of experts. The message sent to the Commission was that experts from the Great Lakes could not be reduced to the role of local advisors or informants and needed to be on an equal footing with Belgian colleagues.

Besides the group of experts, the issue of legitimacy also concerned the participants in the public hearings. From a negotiation perspective, fairness implies bringing all parties to the negotiation table. Such ethics of equal participation favours inclusivity.<sup>36</sup> It also enhances the outcome's legitimacy and facilitates its implementation. Nonetheless, some diasporic groups, in particular did not agree to consider all parties as being on equal footing because it was time, they said, to listen to the voices of those who remained unheard for so long.<sup>37</sup> In their view, including former colonists' associations in the public hearings would reinforce a narrative that had been dominant in Belgium and the Great Lakes for more than a century and a half. The members of the Commission still decided to invite some representatives of the associations of former colonists to participate in the hearings.

The radically asymmetrical relations that characterised colonialism also raised difficult questions about the legitimate representatives of the colonised communities. Besides Afro-descendants living in Belgium, Con-

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36 Nancy Fraser, 'From Redistribution to Recognition? Dilemmas of Justice in a 'Post Socialist' Age' in Cinthia Willett (ed), *Theorizing Multiculturalism: A Guide to the Current Debate* (Blackwell 1998); Onur Bakiner, *Truth Commissions. Memory, Power, and Legitimacy* (Penn University Press 2016).

37 Letter signed by 33 associations of Afro-descendants in Belgium, 8 July 2020.

golese, Burundian, and Rwandan official authorities considered themselves the legitimate spokespersons of all descendants of the colonised people. Their legitimacy seemed to be recognised by their Belgian counterparts, as was shown by the secret talks organised at the highest level regarding the restitution of archives, artistic or sacred pieces. However, their credibility was questioned by the descendants of the 'Congolese dynastic monarchs' who presented themselves as the 'genuine owners of the Congolese territory' for centuries.<sup>38</sup> As they explained, their ancestors were manipulated to sign treaties while they could neither read nor write. They were not even invited to participate in the conferences of Berlin in February 1885 and Brussels in November 1908 (at the time of the transfer of the rights of the Congo Free State by King Leopold II to Belgium). Three layers of victimhood completed this argument.<sup>39</sup> As far as they were concerned, 'the holders of ancestral power in the Congo constitute undeniably the cohort of the only victims' of the territorial conquests launched by Henry Morton Stanley from 1876 until 1879. They were also presented as 'the only victims of the transfer of the Congo Free State to Belgium.' And, for the third time, were 'the only victims of the independence' on 30 June 1960. Their conclusion was sharp: the Congolese monarchs should be 'the first, if not the only ones', to negotiate a justice based on the principles of restitution and rehabilitation.<sup>40</sup>

This competition between representatives of the absents indicates one of the peculiarities of the whole process: the systematic disqualification of the parties. In terms of legitimacy, academics were criticised by diasporic groups ('it is about us, and not about them'), Afro-descendant militants by former colonialists ('they want money and nothing else'), transitional justice experts by historians ('experts cannot get involved in politics'), Belgian experts by foreign ones ('they are not impartial'), White Belgian experts by some anti-racist militants ('they take our place'). This list could be extended. These tensions prefigured the incompatibilities that led to the impasse.

They also remind us that there was no consensus at all about the identity of the 'absents' that should be represented and honoured. Most voices con-

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38 Letter signed by Marilyn Yav, S.A.I. Mwant-a-MWAD, Princess of the Mwant-a-YH-WH dynasty, Lunda Empire LUNDA (DRC, Angola, Zambia), 10 August 2020.

39 See Jean-Michel Chaumont, *La Concurrence des victimes. Génocide, identité, reconnaissance* (La Découverte 2002).

40 Marilyn Yav (n 38).

sidered that the *past absents* were the Congolese, Burundian and Rwandan victims of colonial violence. Yet, others highlighted the Belgian men and women who 'were sincerely committed and deeply attached to the Congo, Rwanda, or Burundi and their people.'<sup>41</sup> Hence, the role of the missionaries in the education of the local populations was stressed by some while highly criticised by others.<sup>42</sup> Further, numerous observers described the category of the *present absents*, namely the descendants of the colonised victims who still live in the Great Lakes. Various questions concerned them: why were they not massively involved in the procedure? Why did the Commission not launch a detailed questionnaire in the three countries? Why did the Commission only organise online hearings for participants coming from Africa? Lastly, the notion of *future absents* also made sense in this case study. To most Afro-descendant militants, their fight was oriented toward improving the living conditions of the next generation. This multiplicity of absents explains, to some extent, the confusion that characterised most of the interactions between parties.

### 2.3. Principles of Justice to Find their Rightful Place

This confusion was particularly palpable in the words and metaphors used by stakeholders. Almost all of them explained that they needed to find their rightful place. One of the requirements emphasised by Afro-descendants' representatives was the following: this time, they wanted to have a *place* at the negotiating table. In contrast to the Berlin Conference (1885), which was the monopoly of white leaders, in contrast to the Belgo-Congolese Round Table conference of 1960 (that led to Congolese independence), where Congolese voices were not heard, they wanted to be part of the process. As one Afro-descendant explained: 'It is because my father was not respected at the economic Round Table that we fight now.'<sup>43</sup> This argument explains why some groups did not agree on the principle of 'equality' according to which parties should receive identical or comparable treatment.

Similarly, they did not stress the principle of 'impartiality' since the purpose was precisely to compensate for decades of injustice. From this perspective, calling for impartiality would have been interpreted as a sym-

41 Speech of King Philippe in Kinshasa on 8 June 2022 <<https://perma.cc/4J5K-BPP8>>.

42 On this specific point, see the final report of the Commission's experts, 56–61.

43 Brussels, 10 October 2020.

bolic act of collaboration with past wrongdoers. Rather than insisting on impartiality, anti-racist groups underlined the necessity for all parties to assume their positionality, considering they were all 'partial and biased'.<sup>44</sup>

In reaction, former colonists' associations referred to the 'fair behaviour' principle. To them, fair hearings meant that each party had a chance to have an input into the process, from the initial stage to the final one. They also mentioned the notion of a rightful *place*. They did not deny the radical asymmetry that characterised colonial relationships. However, they could not accept losing their place and being rejected from the process. In addition to a fair hearing, they called for 'fair play' and complained of being systematically disqualified. They wanted to be 'equally well-placed' to participate in the process rather than being on the frontline.<sup>45</sup> To them, the process could not lead to protecting one set of interests at the expense of others.

To break the deadlock, the members of the Commission did not consider that some of the parties would be welcomed and others not. They focused on procedures and timing in particular. The question was no longer 'who is invited to participate in the process, and who is not?', but 'when shall we listen to each party?'. Sequencing was supposed to give a place to all and was eventually acceptable to all sides. Federal MPs conceived a primacy for descendants of colonised people. The listening sessions allowed them to hear some stories that had never been told before in such an official framework without interrupting them or raising questions, as is usually the case in Parliament. This active listening exercise took place before the waves of formal hearings.

Yet, this procedural choice was insufficient to prevent the sense of injustice underlined by all the parties. Afro-descendants living and often born in Belgium, insisted on the structural racism that directly results from colonialism. Congolese, Rwandan and Burundian participants in the consultation emphasised the brutality of colonial oppression. Former colonists and their descendants underlined the fact that they did not deserve moral disapprobation and they 'also have victims on [their] side'. Defenders of the royal institution argued that Leopold II was not a genocidist and that it was unfair to ruin his entire reputation by reducing a complex episode into a Manichean story. Representatives of the catholic church highlighted the 'positive aspects of the colonisation' and considered that missionaries could

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44 Brussels, 25 September 2020.

45 Brian Barry, *Justice as Impartiality* (Clarendon Press 1995) 51.

not be blamed collectively. Representatives of active Belgian companies during the colonial period stressed that their action 'was perfectly fair at that time.'

These contradictions remind one of the importance of the historical perspective to avoid manipulations and denials. Nonetheless, as necessary as it can be, the work carried out by historians does not constitute a panacea. Their findings allow us to disqualify abusive readings of the past, but they do not give access to *the* Truth. In this respect, it would be naïve or totalitarian to try to impose *the* right narrative of the past. After mass atrocities, no fairytale narrative would homogenise the representations and emotions of all parties in presence. Groups in presence are too far apart to perceive the past similarly.<sup>46</sup>

### 3. When Past and Present Devour Each Other

The empirical analysis of one case study does not allow us to draw up general lessons for theory and practice. However, it raises general questions that might be relevant in other case studies. Three main challenges were unanimously emphasised in the experts' initial report: The Commission's duration, inclusiveness, and transparency.

'Let us not hurry.' These words were both explicitly and implicitly present in the consultations conducted by the experts. The transformation of the representations of the past implies a transformation of the representations of the other and, ultimately, a transformation of the representations of one's own group. This threefold evolution is a *sine qua non* condition for changing not only perceptions but also – and above all – concrete experiences in everyday life. Such evolution takes time. By choosing to consider the lasting impact of the colonial past, the Special Commission took seriously the intergenerational transmission of narratives and emotions linked to this past. It, therefore, launched a long-term project that could simply not be dealt with in a hurry. Far from the slogans calling for reconciliation 'as quickly as possible', the Commission dared to propose a long-term vision. A comparative analysis of approaches undertaken abroad shows that the work of memory that the Special Commission could stimulate resembles a mountain walk. It involves long, slow efforts, but it allows

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46 See Judith N Shklar, *The Faces of Injustice* (Yale University Press 1990).

broadening the horizon and access to unexpected views – from which one no longer observes one single valley but several.

‘Towards an inclusive future.’ This objective was one of the wishes expressed in the responses to the initial questionnaire sent in the autumn of 2020. Echoing this, several representatives of civil society organisations complained that their involvement in the process was only ‘superficial and late’. This aspect was a central, not peripheral, dimension of the approach. The inclusive nature of the process did not only concern all the communities present in Belgium, Burundi, Congo, and Rwanda but also all the generations involved. The initiatives taken abroad to deal with the colonial past show the strength of the resistance against any new official representation of the past. Therefore, it was vital to search for platforms outside the parliamentary framework and coordinate their actions with the Commission’s work.

‘Let’s be transparent.’ This demand has also been omnipresent since the creation of the Special Commission. The need for transparency in the decisions taken by the Parliament and by the members of the Commission was obvious. The Commission’s founding resolution was adopted without prior public consultation. The initial meetings of the Commission took place behind closed doors. Criticism also stressed the lack of clear criteria for selecting the first expert group. To the experts, this call for transparency was critical in terms of democracy and ethics. It also concerned the effectiveness of the process: transparency could only strengthen the legitimacy and credibility of the Commission, the experts and victims heard, and of course, the final recommendations.

Were these three elements taken seriously by the Commission? (1) The Commission’s members who were not in favour of the process considered that the duration of the process was far too long. They initially accepted the idea of a four-month mandate and eventually conceded an extension twice. Yet, if we take the Commission’s initial goals seriously, the duration of the process was surprisingly short. The Commission’s mandate was paradoxically maximalist in terms of goals and minimalist in terms of time, resources allocated to the Commission, and outreach efforts. The planned mission implied analysing past and current injustices related to the colonial past in Congo, Burundi, and Rwanda, a scenario to deal with the past fruitfully, and promoting a shared society favouring reconciliation. The Commission had just over two years to attain these ambitious objectives. However, this process was multi-layered (experts’ reports, listening sessions, hearings, official visits to the Great Lakes, and the negotiation

process regarding the recommendations). Each of these stages required numerous adjustments. After massive violations of human rights, changing beliefs, representations, and emotions take time. Acknowledgement of the violence that was inflicted does not happen overnight. The ability to actively listen, understand, digest, and adapt, implies self-awareness. Designing and implementing a scenario based on equity and equality do not take months but years. Thus it could be wise to adopt a humble posture in favour of realistic – and not over-ambitious – mandates in the future.

(2) Like the length of the Commission, its degree of inclusiveness was seen as abusive by some and insufficient by others. On the one hand, political parties opposed to the approach argued that the bottom-up initiative that allowed the presence of civil society associations' representatives to be part of the first group of experts was inappropriate. On the other hand, many voices underlined that none of them was invited to participate in the conception of the Commission's methodology. In this regard, the process remained top-down and centralised around the MPs belonging to the majority in power. Moreover, no real action was taken throughout the process regarding outreach, either in Belgium or in the three relevant countries. However, all case studies demonstrate that outreach activities are decisive to favour a broader societal dialogue on the mandate, activities, and findings of the Commission, not only with victims and other stakeholders, but also with the broader public. The intensity of reactions towards the absence of concrete recommendations and actions indicates that this more comprehensive dialogue can admittedly be postponed but can hardly be avoided.

(3) The call for transparency impacted the process since the Commission selected the three members of the second group of experts and the participants in the hearings based on public calls. During the procedure, all hearings were public, translated into French or Dutch, and accessible online. From this perspective, the Commission could hardly be qualified as opaque. However, the ultimate negotiation that led to an impasse was not totally transparent. The absence of any ultimate recommendations forces us to question the political nature of the process. Was the choice of a Parliamentary Commission appropriate? The arguments in favour of this choice were initially twofold: (1) the legitimacy of all members of the Commission could hardly be called into question since they were all elected by Belgian citizens; (2) the official framework that characterises the Parliament was a signal of political will. However, the decisive role played by the presidents of most political parties demonstrates the pitfalls of this kind of process. The gap between the experience of most MPs who participated in the

hearings and debates for more than two years and the inflexible attitude of most presidents of political parties is striking. None of these presidents attended even a single session of the Commission. Beyond their positions, they shared one commonality. Their reference points were determined by short-term electoral concerns rather than a long-term vision of Belgium as a shared and open society. The next generation of citizens did not inspire their positions. They were defined by constituencies that differ immensely in their political, social, and economic statuses.

The limits of the Commission are clear. Yet, the absence of political recommendations cannot undo what has been done. An official debate has started. Witnesses' experiences and scientific findings were shared. All hearings were transcribed and videotaped. The Burundian, Congolese, and Rwandan official representatives, academic experts, artists, representatives of civil society organisations, and students who met the Parliamentary delegation in Bujumbura, Kinshasa, and Kigali will not be forgotten. Their emotions, criticisms, and /or expectations were systematically notified and reported to Parliament. Their messages and their legitimate hope cannot be erased.

Despite the political failure of the Commission, no one can deny that the succession of testimonies and analyses emphasised every Monday in Parliament was transformative. Several MPs – even among those who were not in favour of the proceeding – were deeply touched by the stories told week after week. Some realised, as in the novel by Ferdinand von Schirach, that the whole proceeding was fundamentally related to abused human beings. The opening of the Archives and the witnesses' personal memories gave them a place in the official narrative. In this regard, they are no longer absent.

### *Epilogue: When Memory Overflows*

Living memory is never stagnant. It flows at a variable rate. A calm stream or a mountain waterfall that nobody can stop. It passes from one generation to the next. When blood has flowed, it floods. Case studies from all continents show that mass crimes inevitably lead to memory spills. Although it is possible to postpone them, it is illusory to try to escape them.

In some cases, denial allows us to do 'as if'. Amnesty, in other cases, claims to turn the page. But memory always resists. Unread ink turns to lead and requests time and attention. Far from any rush, only silence



and concentration can gradually detect the unheard voices, the muzzled cries, and the despised murmurs. They all come to the surface. In these landscapes ravaged by violence, memory does not stop. Far from the easily detectable waterfalls, it digs, gnaws the ground, and finds its way. Underground, it slips away until it resurfaces. The phenomenon of resurgent rivers is striking. The large jet of water suddenly emerges in a calm, peaceful place with an unsuspected force.

This is the experience observed throughout the Parliamentary Commission. The voices of the absents come back and confuse the dialogue between actors and their descendants. Colonialism cannot be reduced to crime. But it is anchored in it. The massacres perpetrated in the Great Lakes have not been fully acknowledged. Unburied bodies are floating and waiting for the moment of rest. Swept along by the waters of memory, the disappeared take everything away and disrupt the priorities of the present. Contradictory interests and raw emotions are unleashed.

To stop this flow and slowly (re)build, procedures matter.

