



## Kingdom of Belgium

Speech by H.E. Mr Philippe Goffin,  
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to the United Nations Security Council

### Open debate

## "Transitional Justice: An Essential Component of Sustaining Peace"

New York, 13 February 2020

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Your Excellencies,  
Ladies and Gentlemen,  
Dear colleagues,

How can a society be reconciled and rebuilt after mass atrocities and massive human rights violations? Such events destabilise families and entire communities and their consequences usually persist for decades or even generations. The three testimonies we have heard today illustrate these challenges, but also outline potential solutions.

Transitional justice is the series of measures that can deal with this difficult past. It encompasses the full range of tools in an attempt to bring **truth, justice** and **reparations** to victims and with the aim of **preventing the recurrence** of future conflicts or atrocities.

The **Security Council** plays an important role in this area. **Peace operations** can help States to build capacity and reform their public institutions, thus re-establishing the rule of law. They have contributed to the implementation of transitional justice measures for almost 30 years.

Many, if not all, of these processes have had a significant impact on the populations concerned, giving them some form of justice to which they would not otherwise have had access. For my country, it is clear that establishing responsibility for human rights violations and the most serious crimes is essential in restoring the population's trust in inclusive institutions and thus achieving lasting peace. **Peace** and **justice** should not be seen as opposing goals, but rather as mutually reinforcing. In accordance with the principle of complementarity, **the International Criminal Court** may also have a role to play alongside national transitional justice measures in cases where the State concerned is unwilling or unable to genuinely carry out the investigation or prosecution.

But the **implementation of transitional justice is complex** and obviously involves many **challenges**. There is often a risk of falling into "victor's justice". Some measures, such as the restoration of a criminal justice system, may be very costly and involve a timeframe that is inappropriate for the immediate issues at stake. Similarly, the financial means required for the "Disarmament, Demobilisation and Reintegration" (DDR) processes may appear inadequate in light of victims' expectations for reparations. The **sequence of measures** to be adopted is therefore crucial for a successful transition. Mechanisms such as truth commissions and vetting processes are sometimes more appropriate than criminal measures when the post-conflict situation is still fragile - even if some of these measures may facilitate prosecution at a later stage.

This is why the Security Council must be careful **not to adopt a generic approach** when validating measures to support a transitional justice process. We must focus our attention and action on clear objectives, taking into account the specific context of each situation. Some **guiding principles** can nevertheless be identified on the basis of the many experiences of the last 30 years. I would like to highlight the following points:

- 1) First of all, **an approach that encompasses all aspects of transitional justice** is fundamental in order to prevent the four pillars that compose it - truth, justice, reparation and guarantees of non-recurrence - from developing independently of each other. Indeed, these pillars are interdependent and complementary. They should also create synergies with other transition processes. A holistic approach is therefore essential. The **Security Council has a role to play** in this regard.
- 2) Transitional justice processes must be **nationally owned**. We have seen, for example, that the lack of physical proximity of certain criminal mechanisms can make it difficult to find a solution and support the population. Awareness campaigns are also often essential.
- 3) **The needs and demands of victims** must be at the heart of the transitional justice process. Victims should be recognised as having rights and be included when defining the measures decided on by the national authorities.
- 4) The **inclusive nature of the process** increases its effectiveness. Particular attention should be paid to the most vulnerable victims, starting during the design phase of transitional justice programmes, by organising national consultations that involve them as well as civil society.

- 5) Transitional justice processes must also include a **gender perspective**. Indeed, women's voices are often ignored when it comes to establishing a version of past events.
- 6) Lastly, transitional justice is an essential tool for **sustainable peace and development**. It must therefore take into account the root causes of conflicts.

These are some of the key principles that can guide this Council in its work to support transitional justice processes. I welcome the presence of a significant number of United Nations members who have come to share their experiences and suggestions, and I look forward to their contribution to this debate.

In conclusion, I would like to quote Secretary-General Guterres, who said that "the challenge here is to reconcile truth, justice and reconciliation."

Thank you.