



Kingdom of Morocco
Parliament
House of Counselors

Rabat Declaration on National Reconciliation **Rabat, 17-18 January 2019**

After the presentations, discussions and extensive comments expressed during the "International Conference on the experiences of national reconciliation" organized in Rabat, Morocco, on 17 and 18 January 2019 by the House of Councillors of the Kingdom of Morocco in partnership with the Association of Senates, Shoora and Equivalent Councils in Africa and Arab World and the National Human Rights Council in Morocco, **the participants note:**

- I. The importance of this international Conference as a platform to continue the Collective mobilization aiming to providing national reconciliation tools to face violent tensions and gross human rights violations in different parts of the world.

The high level of the debate that marked the two days of the Conference, which brought together parliamentary delegations from the Arab Parliamentary Union, the Parliament of the Economic Community of West African States (ECOWAS), Regional Office of the United Nations Food and Agriculture Organization (FAO), the Pan-African Parliament, the Arab Parliament, the African Parliamentary Union, the Latin American and Caribbean Parliament and Latin American Political Group of the Inter-Parliamentary Union.

- II. , representatives of elected and consultative institutions, as well as consultants and experts from various institutions and actors from civil society.
- III. The diversity and richness of the various transitional justice and national reconciliation experiences presented during the Conference by many participating countries from Africa, the Arab region and Latin America.

IV. While taking into consideration the spirit and the principles of following charters:

1. The United Nations Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Geneva Conventions of 12 August 1949 and Additional Protocols of 8 June 1977 and other relevant instruments of the Humanitarian Law and International Human Rights Law, the Vienna Declaration and Program of Action
2. The General Assembly resolution 20/147 of 12 December 2005, in which the General Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law



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3. Decisions of the Commission on Human Rights on the Human Rights and Transitional Justice, Impunity and the Right to the Truth.
4. Human Rights Council resolution 18/7, appointing a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.
5. Report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies, including the recommendations contained therein.
6. Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (March 2010)
7. All the principles aiming to protect and promote human rights through fighting against impunity.
8. Reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, highlighting the ways in which the promotion of the truth, justice, reparation and guarantees of non-repetition contribute to the consolidation of the rule of law, and his recommendations on the need to perceive transitional justice measures and establish them in a consistent manner with the rule of law in order to achieve sustainability of rights-promoting instruments

V- The participants remarked that:

- The experiences presented and many similar experiences indicate that the cases differ according to contexts of the countries and that there is no single or valid reference model to remedy the past gross human rights violations.
- Reconciliation and transitional justice should not be limited to criminal justice; they must be balanced against the need for peace, democracy, equitable development and the rule of law. Transitional contexts may also include restrictions that prevent certain governments from adopting special judicial procedures.
- Reconciliation and transitional justice mechanisms are still an emergent field, despite their success and wide acceptance in new democracies.
- Reconciliation and transitional justice mechanisms do not pursue criminal justice retroactively at any cost and do not seek to maintain peace at the expense of the right of victims to justice.
- Reconciliation and transitional justice mechanisms emphasize the need to set a balance between different objectives, based on international law, local advantages and constraints and on the creation of a rational and just policy.
- Reconciliation and transitional justice mechanisms focus on an “approach placing the victims at its center” in order to deal with a violent past both in terms of its path and its consequences.



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- The legitimacy of reconciliation and transitional justice mechanisms can be measured by how much the victims object to or support them, and to what degree they can participate and benefit from them.

VI. While taking into consideration the general context in today's world, characterized by an escalation of international and regional tensions, persistence of hegemony attempts and dissemination of hate speech, the participants warn of the dangers posed by those threats to rights and freedoms. These threats weaken the strategies necessary today to seek national reconciliation, pave the way for the implementation of the principles of transitional justice, shield against internal rivalries and consolidate transitions towards democracy. The participants also:

1. Reaffirm the strategic nature of choosing national reconciliation and transitional justice as mechanisms essentially required to redress victims of gross violations and victims of armed conflicts and to guarantee the non-recurrence and establish truth.
2. Recall the historical contexts influencing many countries that suffered from the colonization and its consequences on the development and social justice and the building of institutions.
3. Recall the crucial importance of linking the outcomes of the reconciliation and transitional justice processes with integrated policies in the fields of fighting impunity and spreading the values and principles of human rights, institutional building and social justice.

VII. Participants emphasize:

- The will of the state and society actors is a crucial element in the development of mechanisms for reconciliation and transitional justice in order to confront the past abuses, build the future and restore confidence;
- Transitional justice is based on fundamental requirements centered on the right to justice, the right to truth, the right to reparation and the guarantees of non-recurrence, which are interrelated terms and can complement each other;
- Reconciliation in political transitions takes several forms, including political, social and cultural reconciliation, opening up a dialogue about the serious violations of human rights and their causes, analyzing their contexts, enriching collective memory, restoring trust among the components of society and proposing reforms to ensure non-recurrence of and non-normalization with impunity;



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- Reconciliation should also remedy to other forms of passive violence such as poverty, exclusion, corruption, unemployment, discrimination and ethnic and religious intolerance;
- Reconciliation and transitional justice play a key role in strengthening the rule of law, achieving peace and resolving crises. Establishing a model of reconciliation must be coherent with the specificities of each State that should build a comprehensive and comprehensive reconciliation;
- Confronting the past gross violations of human rights requires reliable reconciliation and transitional justice mechanisms that are close to the reality and supported by civil society. The implementation and follow-up of the recommendations are also crucial elements to the success of the reconciliation and to ensuring stability and security;
- The importance of encouraging and adopting just and fair local reconciliative traditions according to the paths of transitional justice;
- The importance of the role of critical and constructive media in accompanying national reconciliation and transitional justice paths;
- internal factors and actors of each country in reinforcing these paths must be a priority, in order to shield it from external and dominant interventions;
- The importance of the proactive measures and decisions of the Arab Parliament in supporting the paths of reconciliation in the Arab region;
- Resolving the conflict in the Middle East on the basis of recognizing the rights of the Palestinian people to return and establish its independent state in accordance with the international legitimacy resolutions, will have a profound impact on strengthening national reconciliation processes in the countries of the region.

VIII. The participants recommend:

Inter-Parliamentary Union:

- elaborate a framework paper on transitional justice policy in order to deepen the links between reconciliation, governance, human rights, sustainable development, peace, security and social justice;
- Prepare a guidebook on transitional justice
- Examine the possibility of creating a thinking group to prepare a guiding paper to accompany parliaments in different stages and paths of reconciliation in accordance to their constitutional roles.



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National human rights institutions:

- If needed, sign memorandums of understanding between national parliaments and national institutions to enhance the role of parliaments in transitional justice processes in accordance to the Belgrade Principles;
- Elaborate a comparative study by the Global Alliance of National Human Rights Institutions on the laws enacted by national parliaments regarding the establishment of transitional justice mechanisms with recommendations to facilitate future law-making processes and to accompany recent and actual transitional justice experiences;
- Examine the possibility of developing guidelines on the role of parliaments and national human rights institutions in the reconciliation and advocate for a resolution from the UN Human Rights Council.

National parliaments:

- Prepare legislative texts related to reparation, justice and public policy monitoring from a transitional justice perspective;
- Strengthen existing monitoring mechanisms and expand their missions to include monitoring of human rights in general and monitoring of government actions regarding the implementation of the recommendations of truth and reconciliation bodies;
- Work on making the parliamentary institutions an open space for dialogue and a proactive mechanism to contain crises and warn of them before they happen
- Make sure to respect principles of collective reparation and equity during the discussion and ratification of the general budget of the State, in order to avoid tensions and to ensure the sustainability of social stability.

In conclusion, participants call on the Association of Senate and Shura Councils and similar Councils in Africa and the Arab World to:

1. Present this Declaration to the United Nations Human Rights Council and the Inter-Parliamentary Union;
2. Positively react to the Libyan delegation's call for the establishment of a technical committee on successful experiences in the field of transitional justice to help the brothers in Libya launch a national reconciliation dynamic.

Kingdom of Morocco, Rabat, 18 January 2019