



WORKSHOP ON:

Local, Regional and International Perspectives on Political Settlement and Transition

Coordinators: **Fionnuala Ní Aoláin** (Transitional Justice Institute, Belfast) and **Gina Bekker**
(Transitional Justice Institute, Belfast)

14 – 15 July 2016

This Workshop is, in part supported by the DfID funded political settlement
project <http://www.politicalsettlements.org>

Provisional programme

Thursday 14 July 2016

8.45-9.00: Registration

09.00-9.15: Welcome and introduction

09.15-11.15: SESSION 1

Local: Northern Ireland: Localisms, hybrid constitutionalism and transition

This first session will tease out the challenges and complexity of political settlements embedded in the local. Whilst the Northern Ireland example is rooted within a particular historical, political and social context, there are broader lessons to be learnt in respect of political settlement, constitutionalism, and complex justice accommodations that can be applied beyond the jurisdiction. Northern Ireland is presented in many sites as model for states transitioning from conflict to peace but political accommodation and transition remains a work in progress. At present, Northern Ireland finds itself at a crossroads - having effectively reached a political stalemate due in part to the complexity and structure of the transitional governance arrangements put in place through the Belfast Peace Agreement. The session will provide a point of assessment on constitutional form, the nature of further adaptations required and the extent to which transition will remain consistent with a positive trajectory or will require the infusion of new mechanisms to move beyond the contemporary impasse.

Chair: Monica McWilliams: Professor of Women's Studies, School of Criminology, Politics & Social Policy, Transitional Justice Institute, Ulster University

Speakers:

Daniel Holder: Deputy Director, Committee on the Administration of Justice

Christopher McCrudden: Professor of Human Rights and Equality Law, Queen's University Belfast

Anne Smith: Lecturer, School of Law, Transitional Justice Institute, Ulster University

PhD student: TBC

11h15-11h30 BREAK

Thursday 14 July 2016 (continuation)

11.30-13.30: SESSION 2

Local: The Basque Country: Localisms, hybrid constitutionalism and transition

This second session will further address the challenges and complexity of political settlements embedded in the local. The analysis will analyse transitional process in the Basque Country, with an emphasis on tracking the stop-start aspects of local political engagement, as well as the extent to which regional and international geo-politics have framed transitional conversations in the region. Particular emphasis in this session will be placed on the influence of regional devolution and secession discourses in Spain and the extent to which (or not) a broader constitutional renegotiation frames political settlement progress in the Basque Country. Parallel to the Northern Ireland thematic focus emphasis will be placed on the success, failure and absence of specific kinds of transitional justice measures to address the legacy of the past, and the relationship between such measures and political settlement success.

Chair: Brandon Hamber, Director of the International Conflict Research Institute (INCORE), the John Hume and Thomas P. O'Neill Chair in Peace, Transitional Justice Institute, Ulster University

Speakers:

Gorka Espiau Idoiaga: Director of Places and International Affairs at The Young Foundation and a Senior Fellow, Agirre Lehendakaria Center for Social and Political Studies

Jean-Pierre Massias: Professor of Public Law, University of Pau (TBC)

Jon Mirena Landa: Professor of Criminal Law, University of the Basque Country

PhD student*: Amaia Alvarez Berastegi, Transitional Justice Institute, Ulster University.

13.30-15.00 Lunch break

15.00-17.00 SESSION 3

Federal: Scotland and Discourses of Political Settlement, Separation and Self-Determination

The recent Scottish referendum vote for independence resulted in a decision to remain in the United Kingdom by a margin of 55% to 45%. Despite the result, the conversation on independence is not over, nor are the implications of the vote and the shock waves that reverberated from it entirely absorbed within the UK and the European Union family. Fragmentation of the Union remains a prescient reality in the United Kingdom, and the consequences of the last minute promises made by Prime Minister David Cameron on giving greater autonomy to Scotland including on the regulation of taxation and welfare support portend extensive constitutional rifts to come. It is not entirely clear what DevoMax means, but it is no easy half-way house between full independence and the status quo. The United Kingdom must now devise and negotiate a further constitutional settlement that mandates a more clearly defined federal structure. This is no easy task. Further splitting the divisions of power in the United Kingdom is difficult to do coherently. This session will address the usefulness of political settlement and transitional justice discourses as a means to bridge some of the contemporary debates concerning separation and self-determination. It will also address the implications for the transition in Northern Ireland of renewed debates on federalism, autonomy and devolution in Scotland. The implications for the status of the Belfast Peace Agreement which is premised on a consociational structure where both internal balances between the main Nationalist and Unionist parties, function in tandem with a particular set of agreed relationships to the United Kingdom and the Republic of Ireland will be looked at. Undoing that balance runs serious risks of derailing the delicate political balance that has brought transition and a degree of peaceful co-existence to Northern Ireland. The prospect of Scotland gaining more political and economic autonomy under devo-max than was negotiated via international treaty with two guarantor states, an American negotiator and the engagement of the Clinton Administration as a whole leaves the stability of the Good Friday settlement in some serious local doubt, and this adds another dimension to the political settlement analysis of Scottish devolution. The Scottish session offers the opportunity to apply the concepts and forms of transitional justice and political settlement discourses to the post-Referendum landscape. It also has an organic link with Session 1, in that forthcoming agreement on a revised constitutional settlement for Scotland have significant implications for the integrity of the Belfast Peace Agreement. Here, the session has fruitful ground to visit yet unexplored connections between internal political settlements and the mechanisms of transitional justice and the inter-dependencies between them.

Chair: Rory O'Connell: Professor of Law and Director Transitional Justice Institute, Ulster University

Speakers:

Meryl Kenny: Lecturer in Politics (Gender), Politics and International Relations, School of Social and Political Science, University of Edinburgh

Fiona Mckay: Dean and Head of School of Social and Political Science, Professor of Politics, Politics and International Relations, School of Social and Political Science, University of Edinburgh

Colm O'Conneide*: Professor of Law, University College London

Ph.D Student: Kenneth Campbell, School of Law, University of Edinburgh

Friday 15 July 2016

09.15-11.15: SESSION 4

Comparative: Fragile states, legal forms and political imperatives in the African context

This session will explore transition and political settlement from a comparative perspective. Drawing on case studies from across the continent, the themes of peace, security and development will be examined. In this regard, current discourses often tend to ignore the importance of development and socio-economic rights to long term stability and the endurance of political settlements. Further issues explored include political settlements in divided societies, civilian-military relations, rebuilding state institutions with the aim of constructing resilient states and the role and experience of women in transitional societies. The analysis will address the challenge of accounting for past human rights violations in the region and the relationship between accountability and rebuilding the rule of law. The role of the African Union Governance Architecture in promoting good governance and democratization in Africa, will be examined as will the African Union's approach to transitional justice, including developments in respect of an African Transitional Justice Policy Framework.

Chair: Gina Bekker: Lecturer, School of Law, Transitional Justice Institute, Ulster University

Speakers:

Omar Ashour: Senior Lecturer in Middle East Politics and Security Studies, Institute of Arab and Islamic Studies, University of Exeter

Khanyisela Moyo: Lecturer, School of Law, Transitional Justice Institute, Ulster University

George Mukundi Wachira: Head of the African Governance Architecture (AGA) Secretariat, Department of Political Affairs, African Union (AU) Commission

Ph.D student: TBC

11h15-11h30 BREAK

11.30-13.00 SESSION 5

EU: Role of EU Law and Policy in Transitional Justice and Political Settlement through External Affairs Policy and the legal dimensions of its action

The European Union through its External Affairs policy has recently sought to develop a comprehensive policy and practice with respect to transitional justice. The increased visibility of transitional justice discourses, and the use of transitional justice tools in European action in fragile states, post-conflict settings and transitions to democracy demonstrate the increasing institutional usage of the concept and its mechanisms in supranational settings. This session seeks to explore the institutional capacity and utility of transitional justice, in tandem with assessment of the pro-active role of the Union in conflict prevention, conflict management and political settlement. The session will explore the institutional dilemmas that arise when deploying these tools, the challenges to formal rule of law adherence in transitional and settlement contexts, and the extent to which the use of these concepts and tools by supranational institutions fundamentally reshapes the concepts and practices themselves.

Chair: Fionnuala Ni Aolain, Professor of Law, Transitional Justice Institute, Ulster University

Speakers:

Laura Davis: Consultant

Paul Seils*: Vice President, International Center for Transitional Justice (NY)

Catherine Wollard*: Consultant, International Diplomat (TBC)

Ph.D. student: Elise Ketelaars, Transitional Justice Institute, Ulster University

13.00-15.00 Lunch break

15.00-17.00 Final Reflections and Future Planning
