



**Workshop On:
Local, Regional and International
Perspectives on Political Settlement and
Transition**

14 - 15 July 2016

**Coordinators: Professor Fionnuala Ní Aoláin
and Dr. Gina Bekker**

Programme

Meeting room: Karl Renner & Achille Loria (1st floor)

Wednesday 13 July 2016

21.00: Welcome Reception at the Residence

Thursday 14 July 2016

8.45-9.00: Registration at the IISL office

9.00-9.30: Welcome and Introduction

09.30-12.30: SESSION 1

Local: Northern Ireland and Scotland: Localisms, hybrid constitutionalism and transition

This first session will tease out the challenges and complexity of political settlements embedded in the local. The two interlinked and complimentary sites of Northern Ireland and Scotland will be the primary focus of analysis. 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 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. 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.

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 cyclical political impasse in Northern Ireland. The session will further 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 renewed debates on federalism, autonomy and devolution in Scotland. The two sites of analysis have organic links in that agreement on a revised constitutional settlement for Scotland has 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.

A short break will take place from 11.00-11.15

Chair: Monica McWilliams: Professor of Women's Studies and Social Policy, Transitional Justice Institute, Ulster University

Speakers:

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

Duncan Morrow: Lecturer, Politics and Director of Community Engagement, Ulster University

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

Donncha O'Connell: Head of School & Professor of Law, University of Galway

Kenneth Campbell: PhD candidate, School of Law, University of Edinburgh

12:30-14.00 Lunch

14.00-16.00: 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. It will analyse the 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: Professor Rory O'Connell: Professor of Law and Director Transitional Justice Institute

Speakers:

Gorka Espiau Idoiaga: Senior Fellow at the Agirre Lehendakaria Center for Social and Political Studies

Paul Rios: Coordinator, Lokarri

Amaia Alvarez Berastegi: PhD, Transitional Justice Institute, Ulster University

21.00 Dinner

Friday 15 July 2016

09.00-9.15: Welcome by Adam Czarnota (Scientific Director – IISL) and Cristina Ruiz (Publications – IISL)

09.15-11.15: SESSION 3

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 African 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 in post-conflict/post-authoritarian societies. Further issues explored include political settlements in divided societies, the role of the judiciary and other actors in transitions 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:

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

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

Hakeem Yusuf: Reader in Global Legal Studies, Birmingham Law School, University of Birmingham

Sidonia Lucia Kula: PhD candidate, School of Law, SOAS, University of London

11h15-11h30 Break

11.30-13.30 SESSION 4

EU: Role of International Actors and INGO's in the Law and Policy in Transitional Justice and Political Settlement

International institutions and INGO's play an increasingly important role in the development and practice of transitional justice and political settlement. This panel addresses that complexity by offering case studies of the practice of the European Union and INGO's that have adopted a transitional justice lens to their work.

Through its External Affairs policy the EU 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. In parallel, for a number of INGO's engagement with transitional justice concepts and practice has been a novel feature of their work in grassroots community engagement. Transitional justice practice has offered new possibilities of engagement but also provided challenges on the ground.

This session seeks to explore the institutional capacity and utility of transitional justice, in tandem with assessment of the pro-active role of the European Union in conflict prevention, conflict management and political settlement. The session will also address the deployment of Transitional Justice in grassroots community led engagement by INGO's offering a spectrum analysis of contemporary use. The session will explore the institutional dilemmas that arise when deploying Transitional Justice 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 Ní Aoláin, Professor of Law, Transitional Justice Institute, Ulster University

Speakers:

Laura Davis: Consultant

Catherine Wollard: Secretary General, European Council on Refugees and Exiles

Elise Ketelaars: PhD candidate, Transitional Justice Institute, Ulster University

Karol Balfe: Christian Aid, Ireland, Adviser on Governance, Peace Building and Human Rights

13.30-15.00 Lunch

15.00-15.30 Final Reflections and Future Planning