



Conflict Resolution in the Philippines and Debate on Basic Law

Sevtap Yokuş



Published by
Democratic Progress Institute
11 Guilford Street
London WC1N 1DH
United Kingdom

www.democraticprogress.org
info@democraticprogress.org
+44 (0)203 206 9939

First published, 2016

© DPI – Democratic Progress Institute, 2016

DPI – Democratic Progress Institute is a charity registered in England and Wales. Registered Charity No. 1037236. Registered Company No. 2922108.

This publication is copyright, but may be reproduced by any method without fee or prior permission for teaching purposes, but not for resale. For copying in any other circumstances, prior written permission must be obtained from the publisher, and a fee may be payable. be obtained from the publisher, and a fee may be payable.

Conflict Resolution in the Philippines and Debate on Basic Law¹

Sevtap Yokuş²

A comparative study visit was organised by the London-based Democratic Progress Institute (DPI) to the Philippines in June 2015. The group consisted of academics, politicians and journalists and created a significant opportunity to gain experience and the possibility for debate. Following previous studies of the situations in Northern Ireland, Scotland, Wales and South Africa regarding conflict resolution, the comparative study visit to the Philippines contained significant lessons. In all these studies carried out by the DPI, the opportunity has been created to identify similar and dissimilar conditions in different countries. The main aim of these studies is to determine learnings on principles leading to success, as well as errors to be avoided in conflict resolution. In this context, each example is highly instructive.

1 This article was also published in the December 2015-January 2016 issue of the journal *Güncel Hukuk Dergisi* in Turkey

2 Prof. Dr. Sevtap Yokuş is a member of DPI's Council of Experts and a Professor of Law at the University of Kocaeli. She is a widely published expert in the areas of constitutional law and human rights law, and is a practitioner in the European Court of Human Rights.

The process of conflict resolution in the Philippines is an important experience worthy of note, in particular since Turkey has played a role as “observer-mediator” at an ambassadorial level in this process.

Historical Background³

Mindanao, the second largest island in the Philippines, was colonised by the Spanish at the end of the 16th century. The Spanish called the Muslim population of the island “Moros”, like the Muslim inhabitants of South Africa. Following the Spanish-American War of 1898 the USA acquired the Philippines for a sum of \$20 million during peace talks. The Muslim Moros resisted the Americans, as they had resisted the Spanish. For years forces directed by the US army were used to suppress the Moros’ rebellion. After 1920 the Americans tried to integrate the Moros by using administrators from the Christians of the Northern Philippines. In the Second World War during fighting between US and Japanese forces the Philippines was occupied by the Japanese, the country achieving independence in 1945. However, the independent Philippines maintained the colonisation of the Muslim-majority Mindanao. The Moro region, covering the Sulu area in addition to Mindanao, is an impoverished region, the population of which comprises 5 per cent of the total population of the Philippines.

3 Thomas Benedikter, *Modern Özerklik Sistemleri Dünya Özerklik Örnekleri*, Nika Yayınevi, Ankara 2014, s.288-290; Salah Jubair, *Bangsamoro A Nation Under Endless Tyranny*, Fourth Edition, Malaysia 2014; Graeme Mac Donald, *Güney Filipinler’de Barış İhtimali ve Karşılaşılan Engeller*, Democratic Progress Institute, London Aralık 2013.

The central Philippines government, while endeavouring to develop the subterranean resources and fertile soil of the Moro region, also followed a policy of settling landless peasants from the north and former communist resistance fighters in the region. In particular during the Marcos presidency the Muslim population of the region decreased as an internal colonisation took place supported by US policy. In this period Mindanao was the most militarised area of the archipelago, and the Philippine army worked closely with paramilitary militias fighting Muslims.

The Moro National Liberation Front (MNLF) was founded in 1968, with the goal of establishing a separate, independent Moro state (Bangsamoro) in Mindanao. Since conflict between the Philippine army and Muslim guerrillas began hundreds of villages have been destroyed, 120,000 people have died and thousands of people have been displaced. A peace agreement in 1976 in Tripoli, Libya foresaw the establishing of an autonomous region and, although this did not materialise, a process of resolution began.

After divisions in the Moro National Liberation Front in 1977, a new armed organisation, the Moro Islamic Liberation Front (MILF), was founded. MILF was an organisation defined by an Islamic identity, rather than being based on a national identity. With these developments and in the years following the peace agreement, that is, from the late 1970s until the mid-1980s, conflict in the southern Philippines abated. In 1989 a law was enacted that envisaged the forming of an autonomous region in

Muslim Mindanao. In 1990 the Autonomous Region of Muslim Mindanao was officially proclaimed and the city of Cotobato became the region's capital. Disagreement over the transfer of power continued, with clashes flaring up from time to time. The period up to the present constitutes the historical, political and juridical dimensions of a resolution.

The Progress of the Process of Resolution

A speech by MILF leader Al Haj Murad Ebrahim regarding the progress of the process of resolution may be summarised in the following way:⁴

‘The Organisation of Islamic Cooperation persuaded the Moro to demand autonomy instead of independence. There was disagreement on how the 1976 Peace Agreement was to be implemented. The Philippine Government interpreted it in its own way and maintained hostility. At this time there were internal troubles within the MNLF because of this and factions began to break away’.

Following the overthrowing of the Marcos government in 1986, President Aquino began talks with the MILF. However, no agreement was reached. The government of President Ramos continued negotiations and in 1996 a Peace Agreement was

4 An interview with Al Haj Murad Ebrahim, leader of the MILF. Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report Cotobato 25 June 2015.

signed, which in fact signified the implementation of the Tripoli Agreement. But this agreement was also unsuccessful. In 1997 the MILF was invited for further talks, but in 2000 there was a resumption of hostilities, and the government launched all out war. In 2001 talks began again and as there was a need for a third party, Malaysia was invited as a “facilitator.”

The Basic Law framed in 2012 was rejected by the Philippines Constitutional Court. Although negotiations had continued since 2008, the Philippines Government was signing agreements, but not implementing them. A need for a guarantor emerged, and the International Contact Group (ICG) comprising the UK, Japan, Saudi Arabia and Turkey joined the process. It was envisaged that the third parties would observe negotiations and take the process forward. It was the ICG that first brought the state and civil society organisations together. The State and NGOs were seen to complement each other. The Coordinating Committee on the Cessation of Hostilities (CCCH) was set up, in order to maintain the ceasefire. An “International Monitoring Team” (IMT) comprising Malaysia, Indonesia, Libya and the European Union (EU) was also established. The Bangsamoro Development Agency was also set up to implement development programmes in the area and to motivate people to support the peace process.

The outcomes of the negotiations are currently being discussed with the Aquino government. The first meeting of the leaders in Tokyo in 2010 was a turning point, which accelerated the negotiations

due to a building of trust and confidence. The “Bangsamoro Basic Law Agreement” was signed in 2012 and a road map was framed. It is now necessary for the parties to fulfil their obligations. However, the Bangsamoro Basic Law faces difficulties. According to Al Haj Murad the government has an obligation to enact the Comprehensive Agreement on the Bangsamoro and the MILF has an obligation to support it. Meanwhile, the MILF has made a symbolic gesture of disarmament by demobilising 145 fighters. The Turkish Ambassador Haydar Berk is head of the Symbolic Disarmament Commission.

The Socialisation of the Process

As far as the people of the Philippines are concerned, they have not contributed to the advancement of the process. People reacted on account of certain violent incidents. The Muslim population of the Philippines is small and the area of conflict is far away from most of the population of the country. Hence, the socialisation of the process has been difficult.⁵

One of the fundamental difficulties of the process has been the existence of horizontal conflict. Clashes between tribes and armed groups, the amount of weapons and blood feuds have complicated matters.

5 “The role of the International Contact Group-ICG in Conflict Resolution” meeting, Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Manila 22 June 2015.

One of the biggest changes since the onset of the process of resolution has taken place in the area of security. An Internal Security Plan has been introduced on the orders of the President which includes the police force. According to the military, there has been a paradigm shift from the military view to one concentrating on the people. The military are thus endeavouring to reach the smallest groups and prevent them from sabotaging the process of resolution.⁶

In the Philippines the concept of “normalisation” is used instead of “decommissioning” in the process of conflict resolution. Between 2012 and 2014 significant progress was made towards normalisation, which is expected to be completed in 2016. In the meantime the MILF will carry out decommissioning and the relevant legislation will be introduced. Justice in the transition period is one of the most problematic areas and the Transitional Justice and Reconciliation Commission (TJRC) is expected to issue a report. However, this will only be a start.⁷

In the process of conflict resolution the fate of the Bangsamoro Basic Law will be crucial. If it is accepted by the Philippines Congress, there will be a plebiscite once it has been ratified by the President. The Bangsamoro Transition Commission will complete

6 Roundtable Meeting with Major General Edmundo R. Pangilinan of the 6th Infantry Division of the Armed Forces of the Philippines Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotobato 24 June 2015.

7 “The role of the International Contact Group-ICG in Conflict Resolution” meeting, Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Manila 22 June 2015.

its transition process. In theory, the process will be completed by 2016 and an election will take place in the Bangsamoro region. Difficulties regarding the Basic Law include it failing to be accepted by Congress, a negative result in the plebiscite and the possibility of the Constitutional Court finding that the Basic Law contravenes the Constitution.⁸

While the Bangsamoro Basic Law was being prepared, civil society organisations from Mindanao held public meetings in Manila, the capital of the Philippines, in an effort to garner support. Meetings were also held with lobby groups. Supportive members of Congress were contacted and demonstrations were organised in support of the Basic Law.⁹

On 16 June 2015 a symbolic handing over of weapons took place. It is envisaged that once the Bangsamoro Basic Law has been accepted by Congress and a positive outcome has been obtained in the plebiscite, 30 per cent of weapons will be handed over. At the third stage, when the Bangsamoro police become operational, another 35 per cent of weapons will be decommissioned. In the final phase, once the parties have reached final agreement the remaining 35 per cent will be decommissioned.

8 Meeting of the Bangsamoro Transition Commission chaired by Mohagher Iqbal Democratic Progress Institute (DPI), "Conflict Resolution – The Philippines Experience" A Comparative Study Visit Report, Cotobato 24 June 2015.

9 Roundtable Meeting: The Role of Civil Society in Conflict Resolution "Democratic Progress Institute (DPI), "Conflict Resolution – The Philippines Experience" A Comparative Study Visit Report, Cotobato 24 June 2015.

In case of the process of resolution coming to a halt, the proportion of arms remaining will not be decommissioned. According to the Bangsamoro Transition Commission Chairman: “if in the event of everything being completed, the Basic Law is annulled, it would be difficult to say what would happen. However, in that situation, the MILF would take its place in the struggle of the people for autonomy”.¹⁰ According to a representative of the MILF, integration of their fighters is important. They wish to be responsible for their own security.¹¹

The Bangsamoro Basic Law is expected to be ratified at the end of September 2015. If it is ratified then a plebiscite will take place in January 2016, with the process reaching completion in June 2016. In the event of the Basic Law not being ratified, then the General Elections in the Philippines may be delayed. According to the Presidential Advisor on the Peace Process whether the law that emerges from Parliament is in harmony with the Bangsamoro Basic Law is a significant point. There is also a debate over the constitutionality of the Basic Law. For instance, while it is envisaged that in certain conditions Sharia Law will be implemented in courts in the Bangsamoro region, these provisions should not violate the Constitution.

10 Meeting of the Bangsamoro Transition Commission chaired by Mohagher Iqbal Democratic Progress Institute (DPI), “Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotobato 24 June 2015.

11 Meeting with military representative of Moro Islamic Liberation Front Democratic Progress Institute (DPI) “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotobato 25 June 2015.

The role of the Supreme Court will also continue. The Constitution is secular, but there is the possibility of freedom of faith and religion. The President's principles regarding the Basic Law are that it be constitutional, comprehensive and be feasible, based on past experience. It is likely there will be a majority in the House of Representatives, but the Senate will be more difficult.¹²

The role of Third Parties in Resolution¹³

The International Contact Group (ICG) and the Centre for Humanitarian Dialogue are endeavouring to provide support by means of mediating between the parties.

The ICG was set up in 2009 as a confidence-building measure. It consists of state and non-state actors. "Muhammadiyah", an organisation from Malaysia and "Conciliation Resources", an NGO, are involved in the group. There is also a representative from Turkey in order to promote the rights of Muslims. Efforts are also being made to involve peace activists from many countries.

12 Roundtable Meeting with the Office of the Presidential Advisor on the Peace Process, Democratic Progress Institute (DPI), "Conflict Resolution – The Philippines Experience" A Comparative Study Visit Report, Manila 22 June 2015.

13 Meeting: The Role of International Contact Groups in Conflict Resolution Democratic Progress Institute (DPI), "Conflict Resolution – The Philippines Experience" A Comparative Study Visit Report, Manila 22 June 2015.

The ICG tries to support both sides. For instance, if information is being provided to one side, the other is also informed. Confidential meetings are held with both parties. The parties themselves decide what degree of information should be made public.

The ICG has a hybrid structure and its make up and function are developing within the process. There is a really thin line between the facilitator's role and the role of the ICG. However, the ICG has been able to help resolve tension in the process in a more detailed way than the facilitator states.

According to the UK representative on the ICG, the UK's contribution in the Philippines has been more limited than the other facilitators, such as Japan. As part of its role, the UK wished to share its experience of the Northern Ireland process in order to support the process in the Philippines. The UK joined the ICG in 2009 after being invited by the MILF, which also wanted the US to be involved in the ICG, but this was opposed by the Philippines government (additionally, the MILF did not want Australia to join the group).

Of the "facilitators", Malaysia, was a controversial choice, but a pragmatic preference of the Philippines government, which found it useful. In this way, the Philippines government ensured that Malaysia would act impartially by giving it obligations, and over time as a facilitator Malaysia has increased confidence in its role.

The ICG has been transformed into a new structure through the contributions made by its members and has gained in functionality. It has turned into a support mechanism which has proved to be beneficial. All parties involved in the group have completed a different aspect of the peace process. The ICG takes a cautious approach and does not propose solutions to the parties.

Facilitators have a functional role beyond that of the ICG. For instance, the armed Moro organisation is, on a cultural level, devoted to its arms and is very sensitive with regard to the question of decommissioning. Turkey has played a significant role in this regard and a symbolic act of decommissioning has taken place. The aim of the ICG in giving Turkey a key role may be explained by its recognition of the psychological effect including a Muslim representative would have.

According to representatives of the ICG, the Philippines government's fears that the process would lapse due to the influence of the facilitators was not correct, as structures such as the facilitators of the ICG do not have the power to take decisions. Rather, they provide the desired support to the parties.

Another structure that may be defined as a third party is the International Monitoring Team (IMT), involving Malaysia, Brunei, Japan, Norway and Indonesia. Although the IMT is based in the city of Cotabato in the Mindanao region, it is also active in other cities. The role of the IMT is to monitor and observe the cessation

of hostilities and to document violations of joint agreements along with other monitoring groups. Its work may be summarised as follows: a preventive concept to avoid negative things happening, the concept behind the team is for it to make efforts to manage and de-escalate the conflict and assist with post-conflict reconstruction. The IMT has various components. For instance, the civilian protection component to monitor, verify and report compliance or noncompliance and to protect the safety of civilians. As for the socio-economic assistance component, it is led by Japan, the role and responsibility of which is to assist the parties in forming development plans and to help in their implementation. The ICG is also in contact with many groups in the Mindanao region that have yet to determine whether they will be part of the autonomous region.¹⁴

Basic Law Preparations¹⁵

In the Philippines, the Bangsamoro Basic Law (BBL) has been seminal with regard to the peace process. Negotiations are continuing in the subsequent phase following this agreement.

The Comprehensive Agreement on the Bangsamoro envisaged the formation of the Bangsamoro Transition Commission (BTC),

¹⁴ Roundtable Meeting: The Role of the International Monitoring Team in the Peace Process, Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotabato 25 June 2015.

¹⁵ Meeting chaired by Mohagher Iqbal of the Bangsamoro Transition Commission, Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotabato 25 June 2015.

which includes members of the Philippines government and representatives of Bangsamoro. This commission prepared the draft of the BBL. While this draft was being prepared some changes were made at the request of the President's Office, following which the final draft was submitted to the Presidency from where it was presented to Congress.

The BTC was established along the following lines:

1. The preparations of the Draft Basic Law
2. The framing of the Basic Law in line with the Comprehensive Agreement on the Bangsamoro
3. For the Law being prepared to be constitutional.
4. For the required amendments to the Constitution to be proposed.

The BTC has sub-committees and sub-commissions such as a Political Committee, Budget Commission and a Constitutional Change Committee. It has a chairman, two deputy chairmen and six sub-committees. There is a coordination committee consisting of the chairmen of each committee. The committees reach decisions unanimously or by majority vote. The final form of the provisions is shaped in general meetings. There is also a socio-economic office which works with the Japanese Development Agency.

Members of the BTC stress that after amendments made to the Basic Law they would rather the law fails to pass through Congress than be subject to further change and watering down.

The Draft BBL has been amended as a result of government pressure. One amendment related to the use of mineral resources, with the aim being to weaken the powers of the Bangsamoro Autonomous Region. This change is in fact in violation of the Comprehensive Agreement on the Bangsamoro (CAB). Another change made in the Draft Law is one set of changes in relation to the whole paradigm. In this context the provision regarding equality between the central government and the autonomous government was changed. According to this, the term 'territory' will not be used and sovereignty will remain with the Philippines government. Also, the term 'National Government' has replaced 'Central Government'. In this way a more unitary structure has been ensured. The provision 'The Bangsamoro Region may be expanded by means of a plebiscite' in the CAB has also been changed in the Basic Law. This change limits provision regarding expansion to large cities, leaving out small municipalities and villages. This amendment also introduces a maximum of two plebiscites. The amendments to the BBL also bring in significant restrictions as regards taxation. While the Mindanao Region may give tax incentives, its ability to impose taxation has been restricted. It will also not be able to accept donations from local donors. Another amendment to the Basic Law involves human rights, whereby supervision in the human rights field has been tied to the Central Government.

As part of efforts to ensure the Basic Law is in accordance with the Constitution, certain amendments virtually deleted some provisions in the law. All these changes have resulted in a Basic Law

that has been watered down, whereas the initial aim of the Basic Law was to create a genuine autonomy based on its own resources, with a horizontal relationship to the Central Government.

According to the drafters of the BBL the judicial system to be introduced in the autonomous region will accept and safeguard individual rights. More than one judicial system is envisaged. Firstly, there is Sharia Law; applicable only to Muslims. Secondly, there are the courts for everyone, and thirdly is an indigenous traditional system which is applicable to the indigenous communities. Lastly there is a dispute resolution system which will mostly be used for clan and family feuds. The supremacy of Sharia Law shall only be for Muslims and this Sharia Law is consistent with human rights conventions. In cases where one party is a Muslim and one is non-Muslim, if the two parties cannot decide between themselves where it is best to take their case, Philippine Law will prevail. The alternative dispute resolution system involves a Council of Judges which will represent all parties. The clerk of the Sharia courts will carry out the secretaryship of this council. This system will also form part of the traditional legal system.

Debate on the Unconstitutionality of the Basic Law

While strong governments are important in peace and resolution processes, when there is a presidential system and the majority in the legislature is with a different party, significant problems regarding the Constitution and legislation may emerge.

In the Philippines, one of the ways of changing the Constitution is through the Constitutional Convention. For this, delegates in Congress may make draft proposals. The second way is for the two houses of Congress, that is, the Senate and the House of Representatives, to make changes as a Constitutional Assembly. The third way is for a popular initiative to put forward proposals. In order for the required constitutional changes to be made as regards Bangsamoro one of the above routes would have to be used.

According to the Chairman of the BTC, Mohagher Iqbal, regarding claims that the BBL is in violation of the Philippines Constitution, the slogan: ‘if you want peace, prepare for peace’, rather than ‘if you want peace, prepare for war’ is appropriate. “Those who say the Bangsamoro Basic Law is unconstitutional are pro-war”.¹⁶

¹⁶ Meeting chaired by Mohagher Iqbal of the Bangsamoro Transition Commission, Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotobato 25 June 2015.

When the BBL was being drafted, constitutional lawyers presented opinions regarding the law. Some of the lawyers who considered the law to be in accordance with the ‘principle of social justice’ enshrined in the Constitution, were involved in the drafting of the 1987 Constitution. Others had been members of the Constitutional Court.

Transformation Efforts towards Autonomy¹⁷

The Government of the Autonomous Region of Muslim Mindanao supports the peace process. Preparations are being made for transformation in the region. All personnel are being informed of the importance of the process of transformation and resolution. The Regional Government has made efforts to reach everyone and to inform them that it is in favour of peace.

The Philippines Constitution permits the founding of local autonomy. At present the only autonomous region is the Autonomous Region of Muslim Mindanao, which is permitted by the Constitution of 1987. Through the BBL this region may be transformed into the Bangsamoro Autonomous Region, which is the goal of current efforts. Many powers have yet to be devolved from the Central Government to the Autonomous Region of Muslim Mindanao.

¹⁷ Roundtable Meeting with the Government of the Autonomous Region of Muslim Mindanao (ARMM) Democratic Progress Institute (DPI), “Conflict Resolution – The Philippines Experience” A Comparative Study Visit Report, Cotobato 26 June 2015.

However, with the enacting of the BBL, the situation regarding the sharing of powers will become clear.

During transition work, the Government of the Autonomous Region of Muslim Mindanao has endeavoured to set up databases in all departments, for instance, in education and communication. Efforts have been made to ensure that these databases meet international standards. All of these preparations are explained as being for the purposes of transition to the Bangsamoro Autonomous Region.

Both the MILF and the Philippines Government have launched certain initiatives, with committees being set up during the transition period. Assurances are being given to employees of the Autonomous Region of Muslim Mindanao that there will be no mass unemployment, and that efforts will be made to find these employees jobs within the new administration.

On the completion of the transition process the form of government in the Autonomous Region of Muslim Mindanao will change. In the region a parliamentary form of government will be introduced, different to that of the centre. This is explained as being on account of the existence of social variety in Bangsamoro. At the moment, since the autonomous region was set up so that it is directly linked to the centre, it is distant from political parties. There are concerns that following the transformation there may be difficulties in the Bangsamoro Autonomous Region on account of over-politicisation.

Given the general reluctance of national forces to hand over their resources to autonomous regions, attention is being drawn to the importance of institutions that will act as a kind of monitoring committee regarding relations between the National Parliament and the Autonomous Region.

Conclusion

When global experiences are examined it can be seen that in conflict resolution processes rules and lessons garnered from other cases are crucial in order to achieve a positive result. While every conflict brings its own unique methods of resolution, certain common techniques and principles should be applied in order not to repeat the same errors. These common techniques may be listed as follows:¹⁸

1. The need for a strong government that grasps the moment.
2. Public participation is the best way to gain support for a settlement.
3. Determining periods of confidentiality and transparency.
4. After agreement is reached, for there to be no 'loser'.
5. The role of jurists. Political decisions to be in accordance with law. Using the process in order to go from one point to another. The ability to concentrate on the process.
6. Internal problems of the parties. In the Philippines an organisation regarding the process was founded in 1960, but talks only commenced in 1978.
7. From the point of view of combatants, party divided leadership weakens resolution.

18 Democratic Progress Institute (DPI) roundtable meeting with participants presentation, Director Kerim Yıldız, Democratic Progress Institute (DPI), "Conflict Resolution – The Philippines Experience" A Comparative Study Visit Report, Manila 21 June 2015.

8. The importance of time, and for certain times to be made cornerstones.
9. To not ignore or miss conditions and negotiation opportunities.
10. For trust to be a pre-condition.
11. To establish construction and not set a fixed framework. Frameworks make subsequent phases difficult.
12. To keep things simple. To make the process clear and understandable.
13. To take measures to build trust. For this it is necessary to take small steps. In the process of dialogue or negotiations it is important to take the process forward. In order to do this, patience is important.
14. To set up a line of diplomacy.
15. To at all times be focused on a solution. To sit down to negotiations with the intention of finding a solution, not to defeat the other party – and not to sit down with the intention of making no concessions.
16. To never forget that there may be hawks or spoilers – those out to scupper talks on both sides.
17. Sharing of power and a transitional justice period.
18. Much more important than the parties signing an agreement is the *implementation* of the agreement. For instance, in Ireland problems continue in this regard.
19. It is important that there is a third party involved. For

example, in the Philippines the third party has made a great contribution.

20. The need to implement various theories. For instance, the need for 'various feet' (inclusivity) or the bicycle theory (the need to keep pedalling).

DPI Board Members



Kerim Yildiz (Director), Kerim Yildiz is Director of DPI. He is an expert in International Human Rights Law and minority rights, and has written extensively on international Human Rights mechanisms and International Humanitarian Law. Kerim is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011.



Nick Stewart QC (Chair), Barrister and Deputy High Court Judge (Chancery and Queen's Bench Divisions), United Kingdom. Former Chair of the Bar Human Rights Committee of England and Wales and Former President of Union Internationale des Avocats.



Prof. Penny Green (Secretary), Head of Research and Director of the School of Law's Research Programme at King's College London and Director of the International State Crime Initiative (ICSI), United Kingdom (a collaborative enterprise with the Harvard Humanitarian Initiative and the University of Hull, led by King's College London).



Priscilla Hayner: Co-founder of the International Center for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organizations.



Arild Humlen, Lawyer and Director of the Norwegian Bar Association's Legal Committee, Norway. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.



Prof. David Petrasek: Associate Professor, Graduate School of Public and International affairs, formerly Special Adviser to the Secretary-General of Amnesty International, he has worked extensively on human rights, humanitarian and conflict resolution issues, including for Amnesty International (1990-96), for the Office of the UN High Commissioner for Human Rights (1997-98), for the International Council on Human Rights Policy (1998-02), and as Director of Policy at the HD Centre (2003-07).



Antonia Potter, Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, MediatEUr, and Terre des Hommes.



Jacki Muirhead, Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

DPI Council of Experts



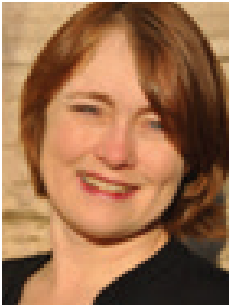
Dermot Ahern

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.



Dr Mehmet Asutay

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at School of Government and International Affairs (SGIA), Durham University, UK. Areas of focus include Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.



Prof. Christine Bell: Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.



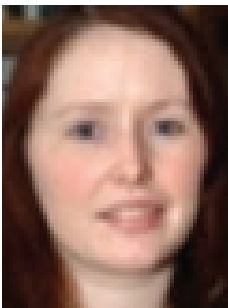
Cengiz Çandar: Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.



Yilmaz Ensaroğlu: SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.



Prof. Mervyn Frost: Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.



Dr. Edel Hughes: Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.



Dr Salomón Lerner Febres: Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Center for Democracy and Human Rights of the Pontifical Catholic University of Perú.



Martin Griffiths: Former Deputy Head, Kofi Annan's UN Mission to Syria. Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.



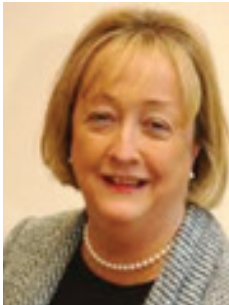
Avila Kilmurray: A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.



Prof. Ram Manikkalingam: Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.



Bejan Matur: Renowned Turkey based Author and Poet. She was a columnist for Zaman newspaper, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).



Monica McWilliams: Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005 2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.



Jonathan Powell: Jonathan Powell is founder and CEO of Inter Mediate, an NGO devoted to conflict resolution working in the Middle East, Latin America, Africa and Asia. Jonathan was Chief of Staff to Tony Blair from 1995 to 2007 and from 1997 was also Chief British Negotiator on Northern Ireland. From 1978-79 he was a broadcast journalist with the BBC and Granada TV and from 1979 to 1994 a British Diplomat.



Sir Kieran Prendergast: Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.



Prof. Naomi Roht-Arriaza: Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.



Rajesh Rai: Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He is Founding Director of HIC, a Community Centred NGO based in Cameroon, and of Human Energy (Uganda) Ltd, and was previously a Director of The Joint Council for the Welfare of Immigrants (JCWI). Rajesh also lectures on a wide variety of legal issues, both for the Bar Human Rights Council and internationally, in India, Africa, Asia, and the USA.



Prof. Dr. Mithat Sancar: Professor of Law at the University of Ankara, expert and author on constitutional citizenship and transitional justice, columnist for Taraf newspaper.



Prof. Dr. Sevtap Yokuş: Professor of Law at the University of Kocaeli. She is a widely published expert in the areas of constitutional law and human rights law, and is a practitioner in the European Court of Human Rights.



David Reddaway: He now works as an adviser, board member and consultant in the private and university sectors. He was previously British Ambassador to Turkey and to Ireland; High Commissioner to Canada; UK Special Representative for Afghanistan; and Charge d’Affaires in Iran, where he had first worked during the Iranian Revolution. He also served in Argentina; India; and Spain. He was a Fellow at Harvard University and a volunteer teacher in Ethiopia. He read History at Cambridge, and Persian at the School of Oriental and African Studies in London.



Mark Muller QC: Senior advocate at Doughty Street Chambers (London) and the Scottish Faculty of Advocates (Edinburgh) specialised in public international law and human rights. He has many years’ experience of advising on conflict resolution, mediation, ceasefire and power-sharing and first-hand experience of a number of conflict zones, including Afghanistan, Libya, Iraq and Syria. Since 2005 he is Senior Advisor to the Centre for Humanitarian Dialogue, Beyond Conflict and Inter-Mediate. He is also a Harvard Law School Fellow and former Chair of the Bar Human Rights Committee and Head of Rule of Law for the Bar Council. He is the founder of Beyond Borders – a Scottish initiative dedicated to fostering peace and international understanding through cultural dialogue. He currently acts as Senior Mediation Expert for the Standby Team of Mediators of the UN Department of Political Affairs.



Joost Lagendijk: Columnist for the Turkish dailies ‘Zaman’ and ‘Today’s Zaman’, and a lecturer on EU Institutions and Policies at the Suleyman Shah University, Istanbul. He is also the author and editor of a number of books on European border issues, US and EU foreign policy strategies, and modern Turkey. From 1998 – 2009 Mr Lagendijk was a Dutch Green Left Party Member of European Parliament, where he focused on foreign policy and EU enlargement. He has also served as Chair of the Parliament’s Turkey Delegation and the rapporteur for the Parliament on the Balkans and Kosovo. From 2009 to 2012, Mr Lagendijk worked as a senior adviser at the Istanbul Policy Center in Istanbul.



Prof. Dr Ahmet Insel: A managing editor of Turkey editing house Iletisim and Head of the Department of Economics in Galatasaray University, Istanbul. Also a Professor at Paris 1 Panthéon-Sorbonne University. Author and columnist.



Ali Bayramoğlu: Writer and political commentator. He is a columnist for the Turkish daily newspaper Yeni Safak. Member of Turkey’s Wise Persons Commission Established by Prime Minister Erdoğan.



11 Guilford Street
London WC1N 1DH
United Kingdom
+44 (0)203 206 9939

info@democraticprogress.org

www.democraticprogress.org

Twitter: @DPI_UK