

The Åland Example and Conflict Resolution Today



Seminar at Finland's Permanent Representation
to the European Union, Tuesday 15 September 2015

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European Union
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Organized by the Government of Åland, the Permanent
Representation of Finland to the European Union and the
Foreign Ministry of Finland

More information on the Åland Islands: www.aland.ax

Background

The Åland Islands, located in the northern part of the Baltic Sea between Finland and Sweden, constitute a very special case in international law. These islands under Finnish sovereignty have been demilitarized since the peace negotiations in Paris ending the Crimean War 1856. After Finland's declaration of independence from Russian rule in 1917, the Åland Islands wished to be ceded back to Sweden, resulting in emerging tension between Finland and Sweden. It was never self-evident that Åland would be a success story. After all, at the time the autonomy was imposed on people against their will. However, the Åland example shows that a solution, with which all parties were initially dissatisfied, can be successful in the long term.

In 1921, the Council of the League of Nations laid down international guarantees for the autonomy of Åland, including a guarantee to maintain the Swedish language as well as their own culture and local traditions. A multilateral Convention on Åland's demilitarization and neutralization was concluded the same year. The Convention is still in force, and Åland's autonomy, both within the Republic of Finland and within the European Union, is firmly anchored in both regional customary law and Finnish constitutional law.

The purpose of the seminar held in Brussels in September 2015 was to explore how the Åland example can contribute to conflict resolution today, at the same time serving as inspiration for the European Union in its important role in building peace through political, technical and economic support.

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Welcoming words

Mrs Pilvi-Sisko Vierros-Villeneuve

Ambassador, Permanent Representative of Finland to the EU

Excellencies, Ladies and Gentlemen,

I have the pleasure to welcome you to this seminar on the Åland Example and conflict resolution, as well as to our premises here at Finland's Permanent Representation to the European Union.

This seminar is a follow-up to the previous Åland seminars organized by the Contact Group consisting of representatives of the Government of Åland and the Ministry for Foreign Affairs of Finland. The Contact Group deals with issues such as the application of the Åland Example in international contexts and it is delightful to see that this topic has attracted so many guests.

The Åland Example serves as an illustration of a successful solution to a minority conflict. In this seminar the Åland Example and its topicality are reflected upon and the cases of Aceh and Northern Ireland are used as points of comparison.

Finland's Permanent Representation to the EU provides an excellent setting for this seminar as the European Union itself was founded to guarantee peace in Europe, and still plays an important role in peace building.

The speakers in this seminar represent great and diverse expertise in this field:

- Minister for Foreign Affairs of Finland, Mr Timo Soini

- Head of Government of Åland, Premier, Ms Camilla Gunell
- Minister of Administrative Affairs of the Government of Åland, Mr Wille Valve
- Deputy Executive Director of the European Institute of Peace, Mr Peter W. Brorsen
- Team Leader for the European Union's Mediation Support Team in the Conflict Prevention, Peacebuilding and Mediation Instruments Division of the European External Action Service, Mr Tomas Henning
- Professor of Women's Studies and Research Fellow in the Transitional Justice Institute at Ulster University, Ms Monica McWilliams
- Acting Director of the Åland Islands Peace Institute, Mr Kjell-Åke Nordquist; and
- Senior Advisor to the Office of President Ahtisaari at the Conflict Management Institute, Mr Jaakko Oksanen

I would like to express our gratitude to all of the speakers for their efforts, as well as to all guests for taking part in this event. I give the floor now to Minister Soini. Thank you.

Opening Address

Timo Soini

Minister for Foreign Affairs of Finland

Excellencies, Ladies and Gentlemen,

It is a great pleasure for me to give the opening address of this seminar. I am pleased to see that so many of you have taken the time to attend this seminar here in the hub of official EU-meetings.

The nature of conflicts has changed dramatically in the past decades. Today's conflicts range from intra-state and inter-state to cross-border conflicts, with multiple actors and opposing and sometimes unclear interests and goals. It also seems to me that conflicts have become very cruel as far as the human suffering is concerned. In some cases, like the war waged by ISIL, nothing is spared from being targeted or used as a tool of war.

Situations differ from one conflict to another, and there is certainly no one-size-fits-all model for conflict resolution. So it is difficult to envisage better ways to address conflict resolution. But history – luckily - has also many positive lessons to learn from. One of them is the case in point today: the Åland Example.

This seminar is organized by our permanent representation to the European Union together with the contact group between the Ministry for Foreign Affairs of Finland and the Government of Åland. The main task of this contact group is to highlight the Åland Islands as an example of peaceful governance. One of the purposes of this seminar is also to explore the potential of this example for settling disputes that

have a regional or ethnic connotation or involve issues concerning minorities.

We would also like to discuss the conflict resolution in Aceh and Northern Ireland, which are more recent examples. Finland played an important role in the conflict resolution in Aceh as our former President, Mr. Martti Ahtisaari, facilitated the peace process between the Government of Indonesia and the Free Aceh Movement in 2005.

The Åland Example has contributed to peace and stability in the Baltic Sea region. For us, the success of the Åland Example contributed to our belief in the strong mediation role of the UN. The solution of the League of Nations on the Åland Islands meant that the Åland Islands remained a demilitarized and neutralized part of Finland, guaranteed with an autonomous status with a Parliament, a provincial government and legislative power of their own. Finland has concluded an agreement with Russia on the demilitarization of the Åland Islands. The demilitarization and the basic principles on the neutralization of the Åland Islands also constitute regional, European, customary law. Hence, the status of Åland Islands is firmly rooted in international law. The Åland case has also served as a source of inspiration for others searching for peaceful conflict resolution. Representatives of various minorities and population groups have found interest in the different elements of the example.

Ladies and Gentlemen,

Mediation is one of the priorities of Finnish foreign policy. We are working to strengthen the normative and institutional basis for mediation. The normative work aims at better skills, knowhow, partnerships, as well as material support needed to prevent and solve conflicts. But it is also very important to act at a more practical level. I have appointed Pekka Haavisto, a

Member of Parliament, as my Special Representative on mediation, focusing on Africa. I am also very keen to promote a dialogue among different cultures and religions as a means to advance peaceful coexistence between different religious and ethnic groups.

We can and should still learn a lot from each other's experiences in the field of conflict resolution. Therefore Finland and Turkey have founded the Group of Friends of Mediation at the United Nations. The Group brings together over 40 countries, seven regional organizations and the United Nations. During the forthcoming UN General Assembly meeting in New York, the ministers of this Group of Friends will discuss the recommendations of the recently published UN Peace Operations Report. I believe the report is an excellent stepping stone to advance mediation and conflict prevention. And I hope that we can find ways to put forward these recommendations for concrete actions.

I should mention that similar Friends' Groups have been established also in Europe, one in the Organization for Security and Co-operation in Europe and the other here in the EU. Here in Brussels we co-chair the EU Friends of Mediation together with our Spanish colleagues. One of the assets of these Friends' Groups is the exchange of information and best practices between the member states involved or interested in mediation. And this is our goal also today.

Ladies and Gentlemen,

More mediation, not less, is needed in today's world. Peace agreements fail far too often. The inclusive nature of peace processes cannot be stressed enough. Women's full participation is an urgent priority. Lack of it is a major obstacle to peace. Women must be able to take part in the

negotiating teams of conflicting parties, and the voices of women must be included in peace processes. National ownership entails that a peace process cannot engage only the government, but society at large, too. That is why national and local dialogues between different groups of society are essential and must be strongly encouraged. Finland, together with Norway, is currently sponsoring the UN High-level Seminars on Gender and Inclusive Mediation.

We need to find effective ways to help mediators and conflict-ridden countries themselves to increase efforts for peaceful solutions of conflicts. So I hope this seminar will produce new ideas and insights that will lead to common action.

Thank you for your attention.

Camilla Gunell

Premier, Government of Åland

Ambassadors, Your Excellencies, Ladies and gentlemen,

It is a great pleasure to address you today here in Brussels. At times of uncertainty, people in Europe and across the world are reminded of the European Union's fundamental purpose: to further the fraternity between European nations, today and tomorrow.

The European Union has not only brought peace to its own continent, but has also promoted democratic change around the world. Today, the European Union is a global actor in conflict prevention, peace building and mediation.

In this regards, the settlement of the Åland conflict has become one of the most studied examples of autonomy arrangements. It has inspired people to explore the components and mechanisms regulating the autonomy in search for peaceful solutions in various corners of the world. Ladies and gentlemen, it is my hope that today we will inspire you to do the very same.

Åland is sometimes presented as a *model* – a term that would indicate that the demilitarization and neutralization of the islands, the territorial autonomy of the islands and the linguistic and cultural safeguards for its inhabitants may be transferred as a package solution in the endeavor to resolve territorial or ethnical conflicts elsewhere.

Åland however, should not be understood as a one-size-fits-all solution but as an *example* – all three components individually and specific features of either the demilitarization,

neutralization, the autonomy or the linguistic and cultural safeguards can - and have in many instances – served as points of departure for constructive discussions in many countries with domestic conflicts.

The Åland Islands – located at the entrance to the Gulf of Bothnia – have always been of strategic relevance in the Baltic region. Napoleon, for example, said that the Åland Islands in the hands of a great power is like a weapon aimed at Sweden's heart.

This small archipelago – constituting more than 6 500 islands and inhabited by some 29 000 people – has been in the European spotlight on three different occasions.

The first time was in Paris in 1856 when the Peace Treaty after the Crimean War was concluded. In Paris Åland became a demilitarized territory by the so-called Åland Servitude. At this time, Åland had experienced a period of intense fortification by the Russian Empire, with troops of thousands based at the Bomarsund fortress, culminating in a military confrontation. The reason to demilitarize the islands was the strategic importance and therefore threat of military involvement.

The inhabitants of the islands were neither the subject nor the object of this decision. Military security is central for many autonomy arrangements and permanent demilitarization may offer a viable alternative.

The second time the Åland Islands were brought to the limelight in European history was in Geneva in 1921. In the aftermath of the First World War the islands became an object for territorial dispute between the Kingdom of Sweden and

the newly born Republic of Finland. The Åland Islands were inhabited by a Swedish speaking population – and when Finland declared itself independent from Russia – the residents of the islands demanded a reunification with Sweden. In order to prevent an armed conflict over the status of the Islands the matter was referred to the newly founded League of Nations.

The League of Nations presented a compromise decision which recognized Finland's sovereignty over the Åland Islands but placed an obligation for Finland to guarantee the Åland population its Swedish language, culture and local traditions. The League also decided that a treaty governing Åland's demilitarization and neutralization should be drawn up to ensure that the islands would never become a military threat to Sweden. The inhabitants of the Islands had now become the core of the decision.

The third time Åland was put on the European map was here in Brussels in 1994. When Finland prepared to join the European Union the Åland Parliament had to give its consent, or could opt out from the union. One of the demands for joining the Union together with Finland from the Åland Parliament was to ensure the cultural and linguistic safeguards agreed in Geneva.

In the end, the cultural and linguistic safeguards – in their modern forms – were preserved at the time Finland joined the European Union. A separate Protocol is attached to the Finnish Accession Treaty where, in the preamble, the special status which the Åland Islands enjoy under international law is referred to. This reference in the Accession Treaty can be seen as strengthening the position of Åland's autonomy, and its special status in the modern international legal order.

These safeguards have evolved considerably during the past 90 years. The special rights formulated in 1921 have been incorporated in the modern right of domicile. The right of domicile – a kind of regional citizenship – has since developed as a concept regulating both the right to vote and stand for elections and to acquire real estate on Åland.

While we are familiar to the concept of failed states and good practices of peace mediation – there is still little knowledge about autonomy arrangements and the factors making them viable in the long term.

It is often said that autonomy is reluctantly offered and ungratefully received. An autonomy solution has over time been proven difficult. Almost always the amount of autonomy that is accepted by one part is not enough for the other. When communities within a state strive for separation, autonomy has seldom proven enough to fulfill the desire for independence.

Here, Åland has proven to be an exemption. Is this only due to the unique historical, cultural and geographical context of the Åland solution? Or can the Åland example be used elsewhere? This is one of the topics to be explored by our distinguished speakers this morning. When we learn about peace mediation today, national and local ownership form the basis of the mediation process. In this respect, the League of Nations' decision regarding Åland is inevitably outdated. But still the demilitarization has lasted some 160 years and the autonomy nearly a century.

For me, the most important lesson to learn from the Åland example is that flexibility and imagination is always needed when applying general principles to particular situations. The experience of the Åland Islands is that even in well entrenched autonomies with clear and separate legislative and executive

competences, cooperation is always needed. Interdependence between the state and the autonomy affects all aspects of a governance model built on shared competence. This is particularly true when several levels of governance coexist. The Government of Åland is also part of a bigger Nordic cooperation and the European framework.

Territories may not be moved around; I would argue that cooperation is likely to be necessary and desired both due to regional networking and integration as well as due to the globalization of international affairs including the mobility of ideas, persons, goods and services. Autonomy is then about finding a workable balance between separation and cooperation.

Ladies and gentlemen, the Åland example has proved significant for several reasons. It was one of the first interstate disputes which arose in the years after the First World War – and before the establishment of the Permanent Court of International Justice. The delegation sent to Åland on behalf of the League of Nations was important since it proved an international organization competent to settle interstate disputes – and provided a much needed forum for dispute settlements. But foremost, the fact that the parties to the conflict fully endorsed the final recommendation of the League's Council further confirmed the legitimacy of this international intervention.

This last reason is not to be taken for granted. For several years the question of Åland's state affiliation had been front page news and had led to huge public involvement among the inhabitants of Åland.

When the issue was settled the population found themselves left alone with an autonomy they never asked for. But

eventually the people of Åland and the political leaders swallowed their personal prestige and got to work. Their pragmatic decision to start forming the autonomy we enjoy today has to be stressed.

Ladies and gentlemen, several regions in the world are still taking the first steps towards a lasting peaceful governance model. I sincerely hope that this seminar can provide food for thought on how to contribute to their search for a peaceful future.

Thank you.

Experiences from conflict resolution

Åland Island

Kjell-Åke Nordqvist, Acting Director, Åland Island Peace Institute

Introduction

Conflict parties tend to say that “our conflict is a very different one” – which means that it cannot be compared with any other, and therefore they implicitly try to say that “we have nothing to learn” or that “all situations are unique”. This seminar is in itself an argument against such a simplistic view of social situations, human relations and the conditions for political action.

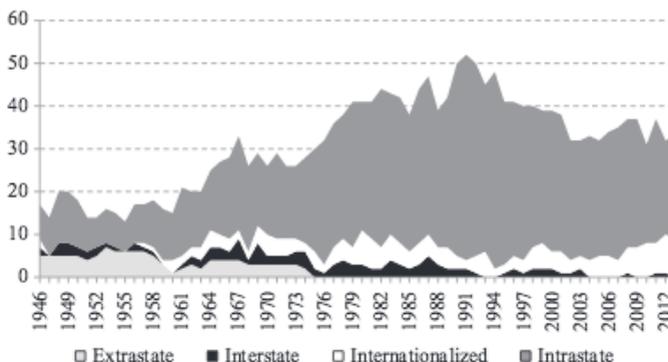
While everybody would recognize that local historic settings are in one way unique on the surface, as cultures do differ on our five continents, the argument for the utility of a *comparative reflection* over similarities and differences between social situations, is however supported *both from a bottom-up and top-down perspective*: we are all human beings with human needs, and at the same time we all live in a system of social structures and states with national interests and global relations. But in between these two extremes, there is a space where we can say that specific and tailored political arrangements are effective instruments for meeting both local human needs and the nation state’s interests. In my view, an autonomy arrangement is such an effective instrument.

Having said that, I think we have identified a basic reason why – over the years – so many politicians, diplomats, journalists and researchers have come to the Åland Islands to see first-hand, what the situation is like when people have settled a complex issue that once upon a time had so many dimensions in common with on-going conflict situations of today.

At that time – in the early years of the last century – the political situation in the Nordic region was volatile: Norway peacefully left the union with Sweden in 1905, and when Finland declared independence from Russia in 1917 and the WWI took on the European continent in the years that followed, the Ålanders felt – one can imagine – that they were located somewhere in between, and wanted to get their situation sorted out, having lived with a demilitarization status from 1856 and with a historically strong cultural affiliation with Sweden.

What we saw in the Baltics and the Åland Islands at that time was an *internationalized internal conflict* – and that is a concept and a category that is used also today, in the study of conflicts on a global level. Having been affiliated for long with the Uppsala University Conflict Data Program I cannot resist to present figures on the four categories of conflicts that the Program identifies: extrastate conflicts (i.e. colonial wars), interstate (wars), intrastate (civil wars) and internationalized (civil wars but external actors also involved) armed conflicts. *Generally speaking, about half of the civil wars are about government control, and half are about how the constitutional structure for a territory should be designed.* It is enough for the purpose here, to observe the overwhelming dominance of the grey area, that is, of the *internal armed conflicts*, plus the white area below the grey: *internationalized internal armed conflicts*. This indicates that the kind of complexity with overlapping cultural and geostrategic interests among interested neighbors and actors that we recognize from the Åland historic situation, is a common, if not dominating, feature of conflicts also today.

Fig 1. Armed conflicts between 1946 and 2013



Source: (L Themnér & P Wallensteen, *Journal of Peace Research* July 2014 vol. 51 no. 4 541-554)

The conflict over the Åland Islands situation was never militarized, and, as mentioned, the Islands were demilitarized since 1856.

One may discuss about the demilitarization of Åland, and its possible role for the peaceful developments that surrounded the creation of its present status. I tend not to make too much of a point of that, since I think that at the turn of the 19th century there was a much broader view in the Nordic societies about the value of peaceful conflict resolution than what a single demilitarization regime in one area could produce. A demilitarization regime, both then and today, has more the character of a "confidence building measure" than a "mentality forming measure", in my view.

Six experiences from the Åland Islands Peace Institute

So, if we return to the experiences based in the work of the Åland Islands Peace Institute when it comes to autonomy as a conflict resolution instrument, how can they be described?

Let me summarize the experiences in six concepts. Åland, in peace processes, can be a

- content provider
- concept provider
- space provider
- freedom provider
- singularity provider
- compromise provider

At the Åland Islands Peace Institute, we have developed the concept of the Åland Example, as a way of framing the relationship between various components in the constitutional and political package that make up the viable political unit we see today in the Åland Islands.

Content provider

To be a *content provider* is *on the one hand* the least interesting role of the Åland Example for international conflict resolution since this is the most "literal" and therefore least flexible component of the Åland Islands case. *On the other hand* it may be the most interesting one, since the concrete text of the Autonomy Act, plus examples of the legislation that is based on the Act, is the real life application of what the whole Åland Islands Example stands for.

As an example of being a content provider, we can mention that in the late 1990s, negotiators and political actors from all sides in the East Timor de-colonization process were having seminars on the Åland Islands. Several times actually. In addition, the UN negotiators – dealing with the Indonesian and Portuguese talks over East Timor - were always represented in

these talks on Åland. The autonomy alternative that was finally created in the UN-organized referendum on East Timor, in 1999, has traits from the Åland autonomy act, for instance when it comes to property rights.

Concept provider

In the role of being a concept provider, an autonomy arrangement becomes a really interesting and fruitful tool for a peace process. This is because the concept of autonomy in itself opens a number of dimensions related to identity, political structure, resources or international relations. The autonomy concept puts a *menu for choice* on the table for peace-makers and for conflict parties. Besides the obvious – that is, the elimination of the autonomy itself – there is really no other matter that cannot be discussed. Åland can serve, from this point of view, as a role model, as a living example, utilizing its particular historic and current political realities as well as possible.

This “concept provider” approach was taken by the then mediator of the Minsk Group, Mr Jan Eliasson – today Deputy Secretary-General of the United Nations – when he was working with the parties in the Nagorno-Karabakh conflict. He was using an array of parameters, as wide as possible, that autonomy can represent, as a platform for cooperation and compromise between the parties. The Åland islands were a concrete point of reference by which it could be studied whether a certain degree of self-rule on a certain dimension was applied or not, and if it was applied: how well did it work?

The point of departure for autonomy as a concept provider is an understanding that *autonomy is most often a win-win solution*. In relation to what a protracted or non-settled conflict would cost and eventually end up into, it is most likely a win-

win situation. The League of Nations' decision in 1921 solved a problem for Finland, as well as for the Ålanders, maybe not on the level of an ideal solution, but effective enough to take the steam out of any wish to continue a hard line.

This leads to the observation that the success or failure of autonomy is not only a matter of what, in our case, Åland does or does not do. I think it is more correct to say that – *besides a capacity to apply the autonomy mandate – a critical dimension of the concept of autonomy is actually its capacity for relationship-building with the central government as well as regionally.* To be isolated or left aside is not really a viable situation for any political or cultural unit today. Instead, creating an autonomy has to be, and here I repeat myself, a *relationship-building exercise.* Without an understanding of this – by all sides involved – we have lost a critical insight.

It is maybe a disturbing observation to say that autonomy-building is relationship-building, simply because during and after conflicts, parties do not necessarily like to talk to each other. Polarization, tunnel vision and a degree of isolation is part of the concentration of resources that is natural for any party in a conflict. So, one may wonder, how to break such a circle of polarization and eventually isolation? The third concept may be helpful in these situations.

Space provider

An autonomous region, when it comes to political significance, differs in status from the capital of the host state, or from any capital for that matter. It is easy to see this, and what from one perspective can be seen as a weakness is, I would argue, in certain phases of a peace process an asset. For instance, visiting the Åland Islands is politically less significant than visiting a capital. Practically speaking I would say that an autonomous region should be used for providing

space for a dialogue which is supposed to have a low, if any, political cost *if it is a failure*. As negotiators know, if the political cost for failing talks is high, it frames a negotiation in a very different way from what is considered a low profile, non-committed exploration in an environment that doesn't require the paraphernalia of international relations and diplomacy. I think that international organizations, such as the EU, can and should use such different environmental approaches in the mediation processes they are supporting or leading, just to provide a variety of spaces that might be useful in a certain phase of a perceived longer process.

Freedom provider

Now - while *space* is a practical and maybe obvious concept from one point of view, the concept of *freedom provider* sounds as a cheap slogan. But it is not. It stands for the observation that an autonomy in certain respects can provide a higher degree of rights and needs satisfaction than a state can do on a national level. Many conflict parties may think that independence is "heaven on earth," because they understand the concepts of sovereignty and independence literally and may therefore take no time to reflect on the limitations that are there for any sovereign state when it comes to international legal obligations, something which all states have to abide by, in one way or another.

The space for local adjustments of certain international commitments – or the margin of appreciation, as it is called – is likely to be higher for an autonomous area than for a state as a whole. An autonomy is in the first place created to protect particular rights for a defined territory or a defined category of persons, and such rights may not be possible to expand on national level. That is the whole idea of being autonomous. So for want of a less slogan-like concept, I think it is correct to see an autonomy regime as a *freedom provider* in this sense.

Singularity provider

By saying that an autonomy should be a *singularity provider*, the idea is that a relevant autonomy is crafted so as to reflect what is particular or unique for the area where it is supposed to be applied. The autonomy should reflect the particular quality of an area. The autonomy is a response to a demand of a kind where the national level is maybe too general, or would not be effective, as a response. It would require a lot of protection mechanisms and exceptions, and with that one loses the possibility of creating a win-win situation. So many conflict situations of today, and let me mention Burma/Myanmar as an example since they are about to sign a national cease-fire agreement these days, consist of situations where there is no possibility whatsoever to effectively settle the concerns of minorities – cultural, linguistic and/or religious – without a careful adaptation of local self-government structures. They cannot be generalized or streamlined, as the temptation would be in a federal state, but will require various types and crafting of territorial autonomies in order to be responsive to the different needs and characteristics of the various nationalities in that country. There are groups in Burma/Myanmar today that look into the Åland Islands with great interest as an inspiration for further development of the peace process on the level of ethnic territories in the country.

Here we have reached a point where the two extreme positions, that we identified in the introduction, actually can meet: while conflicts share a number of common characteristics on one level, the response to these conflicts in a specific situation may have to be just that: specific, that is, tailor-made. The autonomy concept provides such a singular win-win solution and is doing so, and this is important, *on a level that doesn't challenge key national interests.*

Compromise provider

This brings us to the last and probably most important dimension of the Åland Islands' experiences in conflict resolution: it has demonstrated what *compromise* – to share the cost for giving and taking in negotiations - results in practice in effective pragmatism, when based on respect for fundamental human relations and constitutional arrangements.

The institutional structures that link Helsinki and Mariehamn and are parts of the Åland Example – such as the Åland Delegation – are crucial in this respect. Such structures clarify, create space for dialogue, and keep uncertainty at a minimum about the other side's intentions. Under such conditions, compromise is possible because it will not be an expression of surrender but of *trust and pragmatism*. Also this idea has been brought into autonomy proposals produced with Åland as an example of what is possible, including the one for East Timor which I happen to know particularly well.

This brings us to the end, where I think that a concluding observation would be to say, that it is a wise political approach of a central government, which has a territory that is different in some politically relevant aspect, to allow this difference to be operationalized into political structures on an appropriate level. This is so, since well-treated autonomies stay within their host countries – a fact that goes against many misunderstandings about autonomies. If the Åland Example can bring that message out, it has challenged a common and misleading perception about reality – an important first step in building a more peaceful world.

Aceh

Jaakko Oksanen, Senior Advisor, Crisis Management Initiative

Background

Aceh has a long history of conflict including generations of resistance to Dutch colonial rule. The Free Aceh Movement (GAM) began its operations in 1976 by declaring Aceh independent. GAM claimed that Aceh had been annexed illegally to Indonesia in 1949. The argument was that Aceh had never been officially part of the Dutch colonial power. Aceh Sultanate had been independent for centuries and the Indonesian occupation power must end.

Thirty years of struggle without success led the Government of Indonesia (GOI) and GAM to understand that there is no military solution to this conflict. The situation in the province of about four million inhabitants was unbearable. A minimum of 15,000 people are officially acknowledged to have been killed, but some estimates (for example IOM) indicate that the figure is closer to 30,000.

There were efforts to find a negotiated settlement to the conflict but they all failed. Great distrust followed the collapse of the Cessation of Hostilities Agreement (COHA) in May 2003.

The parties had agreed on the opening of negotiations through President Ahtisaari in December 2004, soon after the tsunami struck. It was a “warning of God” said some locals. The province of Aceh was traumatized and totally tired of war.

President Ahtisaari’s message to the negotiating parties was also clear: “Use the advantage of this opportunity, there will be no second chance in your lifetime”.

Negotiations

Negotiations started in Helsinki, January 2005. President Ahtisaari was both facilitator and mediator. He was supported by the CMI team and the Ministry for Foreign Affairs of Finland.

The delegation of GOI was led by the Minister of Law and Human Rights and the delegation of GAM was led by their political leader. Each delegation had about ten members.

Meetings between the parties, five rounds altogether were scheduled to happen about once a month. Between the negotiations there were other meetings and visits. A lot of home work was done between the meetings.

Representatives of the EU were invited to the last two meetings. Assessment visits were made to the Aceh province to find out if civil society, the Indonesian Army (TNI) soldiers and the GAM fighters on the field knew what was going on in Helsinki.

Ceasefire was not under negotiations but Ahtisaari asked both parties to use common sense. Hostilities on ground decreased during the negotiations. The agreement on the size and security of the possible monitoring mission was under discussion through the negotiations.

The EU was informed regularly about the developments in the process. EU's possible support to the process together with tsunami support encouraged the parties.

Media was informed regularly and the negotiating parties followed the line which was agreed upon before each press conference.

The Agreement, Memorandum of Understanding (MOU), was signed on 15th August 2005.

Principles, which were followed through the negotiations

President Ahtisaari followed **the empty table policy**; no pre demands were accepted. "The sooner you stop dreaming about

the impossible the more you can achieve”. The other principle was carefully followed as well; **nothing is agreed before everything is agreed.**

In the meetings there was a real effort to **get a win-win situation** for the parties. The **atmosphere of trust and confidence** helped with this.

Dignity for all was well understood by every member of the negotiating team. It was easy to see in everybody’s behavior and this continued afterwards in the field in Aceh among victims and citizens.

Other observations

The process was **supported by the Indonesian president and vice president.** The Indonesian Parliament was informed about the process but not involved otherwise.

Leadership on both sides was crucial. The parties had a mandate to make decisions on spot. The same people were later responsible for the AMM support in Aceh. GOI and GAM were **reliable partners**; what was agreed upon at the table, was realized on the ground. This was one of the success factors for the monitoring mission.

Memorandum of Understanding between the Government of Indonesia and the Free Aceh Movement (MOU).

The negotiations phase was very short, only seven months. The MOU was signed by the representative of GOI and the representative of the GAM political leadership, witnessed by President Ahtisaari.

The main points of the agreement are:

- **Governing of Aceh**
 - Law on the Governing of Aceh (LOGA, by 31/03/06)
 - Political participation (elections April 2006)
 - Economy
 - Rule of law.

- **Human rights** (Human rights Court, A Commission for truth and reconciliation)
- **Amnesty and Reintegration into Society** (Amnesty by 30 August 2005)
- **Security arrangements**
- **Establishment of the ACEH Monitoring Mission**
- **Dispute settlement.**

The MOU was short, the content was clear and it gave good basis for the implementation and the monitoring mission. The MOU is not regarded as a legally binding source of the LOGA.

Monitoring

The Aceh Monitoring Mission (AMM) was established by the European Union and five ASEAN countries; Thailand, Malaysia, Philippines, Singapore and Brunei.

The security of the AMM personnel was guaranteed by GOI and supported by GAM.

Fifty people without official mandate were sent to Aceh one day after the MOU was signed in Helsinki. This was a necessary act to show the flag and not to lose the momentum. This temporary presence was also used to establish AMM.

The AMM was a fully integrated EU–ASEAN monitoring mission of 300 persons. Most of the observers from European countries had a military background and all observers from the ASEAN countries were in active military service.

The mandate was to monitor the implementation of the MOU in 2005–2006.

The main tasks of the AMM were as follows:

- **Monitor the demobilization** of GAM (3000 fighters) and the decommissioning of its armaments (840 weapons + improvised devises)
- **Monitor the relocation** of non-organic TNI forces 25890 (14700 organic could stay) and non-organic police troops 5791 (9100 organic could stay)
- **Monitor the reintegration** of active GAM members
- **Establish and maintain liaison and good cooperation** with the parties.
- **Monitor the human rights** situation and provide assistance
- **Monitor the process of legislation change**(NLT 31 Mar 2006)
- **Rule on disputed amnesty cases** (70-80)
- **Investigate and rule on complaints** and violations of the MOU.

Completion of the AMM tasks

AMM organization consisted of headquarters in Banda Aceh, twelve district offices and two mobile teams for the decommissioning of GAM weapons.

The demobilization of GAM fighters and decommissioning of their armaments was carried out in four months' time by 31st December. Using mobile teams to collect the weapons from the villages, AMM managed to minimize the movements of armed GAM fighters. Weapons were cut into three parts on spot and improvised explosives were destroyed. These were handed over to TNI and the police and the whole process was done publicly.

The plan for decommissioning and relocation of TNI troops was agreed upon by both parties. During the first month GAM

handed over one quarter of their armaments. After that, TNI moved one quarter of their operational units out of Aceh. The police followed the same principle. After four months' time by 31st December this part of the MOU obligations was fulfilled by both parties. After this date every weapon, which was found in Aceh was illegal and a reason for investigation.

Most of these decommissioning events became village celebrations. The AMM also used these events to advertise the MOU to the village people. Other tools, which AMM used for this purpose, were the local television, radio and organizing special events.

The reintegration of active GAM members back into society started well but was not finished during the AMM. The discussion between the parties continued if the number of 3000 active fighters was enough and how the compensation should be allocated.

One of the basic processes to handle security and other MOU issues on ground was the Committee of Security Arrangements (COSA). The chairman of this committee was Head of the AMM. Both parties were represented by the people who were in charge of the MOU implementation. All violations of the MOU were investigated and solved at the table.

Head of the AMM also had the responsibility and mandate to handle the disputed amnesty cases. By the end of the mission there were only three cases left. Those cases did not meet the conditions of amnesty.

The risks which were foreseen before the mission did not materialize. These were loss of momentum, unrealistic expectations and decline in political support. The challenge of insufficient coordination between political, security, economic and social programs was always there.

The AMM was welcome to Aceh and it fulfilled its mission. Parties wanted AMM to continue but the time was right to hand over the responsibilities to the parties by the end of 2006.

Aceh Peace Process Follow-up Project

CMI's follow up project was initiated in 2010 in order to support the process for implementing the outstanding issues of the MOU. The project lasted two years 2010–2012.

The basic element in this project was Focused Group Discussions (FGD). Both parties had their representatives and experts in the meetings to discuss outstanding issues. A CMI representative was invited to witness the meeting but also to advise and consult the parties. Structured meetings helped parties to continue the implementation process.

Recommendations

The dialogue process between the parties and the implementation of the MOU should continue. The outstanding issues are linked to the deviations of the LOGA from the MOU and unimplemented MOU provisions. The fulfillment of the original MOU commitments should be a matter to be dealt with by the Government of Aceh or the Parliament of Aceh (DPRA) and the GOI or the national parliament.

The role of civil society should be more active and women should have a bigger role in the process.

The division of responsibilities between the army and the police should stabilize. Only the police should take care of internal security. Interventions of the armed forces in internal security matters, if needed in exceptional cases, should only be at the request of the police and under police leadership.

The Government of Aceh should make a strong effort to attract investments in Aceh and the international donor community should be reactivated.

Peace in Aceh has been a success story. The Memorandum of Understanding (MOU) signed in Helsinki in 2005 was the result of the negotiating parties' willingness to set aside their differences in order to make peace. But peace agreements cannot solve all problems. They can create democratic institutional and political frameworks that enable the parties to continue working together with the issues agreed upon. These frameworks are in place in Aceh.

Northern Ireland

Monica McWilliams, Professor Transitional Justice Institute,
Ulster University

The recent conflict in Northern Ireland has been of considerable interest to others. First it occurred in a Western European democracy rather than the global south and second, when the peace accord was finally agreed, it did not break down compared to 50% of others which collapse within the first five years. Success has of course been varied: from time to time the agreement has faltered and like many others it has been subject to on-going renegotiation. What was agreed has been instrumental in directing the future course of the territory in question – in Ireland (both north and south) and with the rest of the UK. What happened in Northern Ireland is in some ways atypical. But in all these processes there are similarities and differences.

Almost twenty years after the agreement was signed, continuing vigilance is demanded to ensure that what was a relatively successful process in terms of a shift from violence to stability does not become derailed. The peace agreement heralded a change from the partiality that characterized the previous experience of government (through a one party state); a change from the relative unaccountability of policies and laws, directly influenced or imposed by outsiders; and a change from the sterile politics of domination that created a vacuum too easily filled by violence. It is the case that although we experienced a serious conflict in Northern Ireland, it was not as great or traumatic a conflict as many others. However, in a small country of one and a half million people, 3,700 were killed and over 30,000 were seriously injured which is the equivalent of eight 9/11 attacks for each of the 30 years of the conflict. Our prisons became severely overcrowded with 30,000 detained for political offences whilst

thousands of others were forced out of their homes, intimidated, beaten up, harassed and made to leave jobs.

How did the transition happen in a place where people like myself grew accustomed to living ‘alongside one another but not among one another’ – going to separate schools, with separate sports and separate facilities. ‘Transition’ (‘going across’) implies a journey with beginning and end points. As travelers making the transition, we were inexperienced and our former paths to peace had proved useless. New territory had to be entered – involving mostly uncharted ground. Tony Blair, then the UK Prime Minister directly involved in the peace talks, referred to the process as ‘a complicated trek through a very dense and dangerous jungle as we tried to get to the uplands where we could see our way to a negotiated deal.’

For countries like Northern Ireland, a peace process has to be built from the ground up; it is not simply arrived at. It can take years to build and decades to work. Almost thirty years ago Gerry Adams, the leader of Sinn Fein stated “Sinn Fein has consistently endorsed a policy of talking and listening to anyone who has a contribution to make– especially to those who do not accept or understand us or those who oppose us.” John Hume made a courageous decision to enter that dialogue with him but others (on their own side as well as on the opposite side) saw it as a form of treachery. What should have been significant about those meetings was not that they happened but they took so long to happen – as is generally the case with the key protagonists in any conflict. It is a process and not an event and requires patience, persistence and perseverance. Where cultures have clashed and the ‘constitutional’ conversations too often end in a blame game, the process needs political players exercising leadership in ways in which they were previously unaccustomed. So a peace

process requires the right relationships to be in place as well as meaningful participation and inclusion.

In our peace agreement we had to address some difficult issues. How can different values and standards be defined through a new lens; how can key demands be brought together in a new political settlement and how can an agreed interpretation be achieved on the new political dispensation? These are the questions that stare anyone in the face when negotiating and implementing an agreement in a conflicted society.

The first part was to create a constructive process for those who were part of the problem to become engaged in being part of the solution; the second part was to ensure that the peace talks were meaningful to those who agreed to come to the table and the final part was to ensure that what was promised got implemented. The Northern Ireland process was relatively successful in facing the first two challenges with an outcome that was generally regarded as comprehensive and inclusive in its approach. But the third stage, implementing what was agreed, has proved to be the most challenging.

For negotiations to begin, a ceasefire generally needs to be in place. However, when 'the right to self-defense' has been the predominant motivator over a long period of conflict, what then are the triggers for such an initiative? According to Zartman 'each party must begin to feel uncomfortable in the costly dead end that it has reached.' When there was no security or military solution to the conflict and when walls, built to keep the communities apart, did not work there had to be some alternative. As governments roll out more and more exceptional measures to deal with the threat of international terrorism, Northern Ireland should stand as an example of a place where these exceptional measures were not the

alternative. Measures such as detention without trial and stop and search singled out communities as objects of suspicion. It alienated the very communities whose support was needed to combat terrorism. Moreover, exceptional measures became the norm that in turn led to communities having little allegiance in this 'rule of law'. So ceasefires must be accompanied by fairness. So confidence building is not only about armed groups agreeing to a ceasefire, it also requires a reassurance that other kinds of power will also be transformed.

There can be no victors where paramilitaries on the ground continue to face army personnel relying on sophisticated intelligence for successful engagements or where local combatants become heroes for doing battle with soldiers perceived as aggressive outsiders. What the ceasefires acknowledge is the need to declare a draw, halt the military/paramilitary action and enter a political process in which the legitimacy of each side can be recognized.

The main apprehension of political parties in these circumstances is that gunmen outside the negotiating rooms may determine both the direction and pace of subsequent negotiations. In Northern Ireland, the Mitchell Principles were drafted to address these concerns. As a delegate to the peace talks, I had to formally declare that my party would resolve any difficulties through peaceful resolution without resort to violence. For all us around the table agreeing to this principle meant that we would not incite violence throughout the period of negotiations. Some of us argued that working towards an end to political violence was the responsibility of all of us, and not just the armed groups. We also argued that the 'violence of the tongue' had to stop as well as the 'violence of the gun'. As in most peace processes it has proved just as difficult to stop 'hate speech' as it is to decommission weapons.

Keeping the momentum going – away from the cameras and the microphones - and protecting confidentiality while also being transparent about the discussions inside the talks is a juggling exercise. Political parties used to rush out of the room to be the first on the media with the latest ‘win’ for their side – and every time this happened it meant that the goal posts went up even higher for the other side. Negotiating by proxy through the media is meaningless – so when principles are respected, the talks become serious. We knew we had reached this stage in the final days before the agreement when confidential documents were no longer being leaked to the press. Face-to-face exchanges can be productive but difficult to arrange when the press is scurrying around every corner, waiting on the latest snippet.

Being taken out of the country to a place where the parties can sit around a table together is much more conducive to honest exchanges than the stilted plenaries so often associated with formal negotiations. Each has a duty to persuade others engaged in political dialogue of the merits of their approach and it is at times like these that individual participants discover the humanity, as well as the sincerity, of the other side. When we are finally able to look down from the balcony, we begin to see ourselves as others see us. If we stay at home, refusing to mix with others, we remain self-obsessed, endlessly fixating on the merits of our own position.

There are various stages to a peace process. In the Northern Ireland context, elections to multi-party peace talks were held with an innovative electoral system designed to allow the first ten parties elected to achieve a mandate to enter the negotiations. The choice of electoral systems matter – going on doing the same thing, holding the same old elections, and expecting a different outcome changes nothing so designers of a peace process have to be inventive. Six weeks before the elections, a group of women including myself sat down around a table to talk about the possibility of becoming one of those

ten parties. We decided to form a cross-community Women's Coalition to test the idea – we were Protestant and Catholic, rural and urban, Irish and British with lots of other binary identities. After intense discussion with women activists from a wide variety of backgrounds and political opinions we came to a realization that unless we formed ourselves into a political coalition, the talks on the future of Northern Ireland would be heavily influenced by a different kind of gender dynamics. The decision was taken to form the Northern Ireland Women's Coalition into a political party and six weeks later the party succeeded in entering the peace negotiations. Only 4% of women around the world are signatories to a peace accord and the delegates from Women's Coalition are part of that figure.

As President Mandela pointed out in his advice to us in South Africa, that as negotiators we would have to make peace with our enemies and not with our friends. This meant that constitutionalists and combatants would have to sit down together for the process to be effective. The exclusion of some parties will only breed insecurity. What we learned was that creating an inclusive process meant a greater likelihood of creating a sustainable peace. However maintaining this sense of inclusion in the aftermath is much harder – too often the main political parties want to return to what they think will benefit them most.

Recognizing this interdependence means opening up back channels so as to encourage more groups to participate in the process. But this is not easy, particularly if the affiliation of some parties to armed groups is perceived as a threat. Prior to and during the peace talks, the Women's Coalition decided to nurture contacts with both republican and loyalist paramilitaries. This approach was to prove critical to the maintenance of the peace talks when both republicans and loyalists were excluded for short periods, following breaches

of their ceasefires. We ensured that channels remained open and the bi-laterals that took place provided a space for sensitive briefings especially when these parties became 'outsiders'. For engaging in this kind of dialogue we were told by those at the table who regarded themselves as 'having no blood on their hands' that 'we were in love with murderers'. We were constantly confusing others by such actions but it made sense to us to talk when no one else would claim to be doing so. It was much later that we found out that the governments had also been talking behind the scenes but not making this public. So even if formal negotiations don't always succeed, the back channels should stay in place as they also can save lives.

Third parties can also help to create an effective and meaningful change. In Northern Ireland, the British and Irish Governments, the American administration and the European Union all provided support. The European Peace Funds for example have provided over two billion dollars. Irish organizations outside the country, particularly in the USA, exerted pressure on the Clinton administration to get directly involved. The support from the US Congress was followed by the International Fund for Ireland and the American Ireland Partnership. But third parties have also to show that they have no selfish or strategic interest in the process – so the question arises can this also be said of those involved in the Middle East or indeed elsewhere in Eastern Europe.

What is often forgotten is that in a peace process, there is not just one but a whole range of peace processes going on with civic society playing a crucial part. A pre-existing network based in civic activism, and expertise from a range of community backgrounds adds to the skill base for peace negotiations. In the Northern Ireland Women's Coalition, the skills and knowledge came from those who had participated in

the civil rights movement as well as ‘accidental activists’ who had cut their political teeth on women’s rights issues. I had learned that waiting for negotiations to be convened, or indeed waiting for the post conflict period to include women misses a key opportunity. For women’s role in peace negotiations to be effective, skills and capacity need to be addressed before rather than during or after a transition.

The experience from all of these conflicts shows how negotiations require the involvement of those from the formal and less formal, track one and track two, processes. Women activists in civil society have the capacity to test the public thermometer for political accommodation, dismantle rumors, maintain dialogue at times of crisis and sustain momentum when the process stalls. As peace processes increasingly recognize, women’s participation also enables proposals for change that include a more gendered understanding of peace and security.

During the peace talks, we spent three days in the eastern Cape of South Africa where we listened to their political leaders. What we learned was to keep the dialogue going at all times – especially during the hard times and not to let intransigence set in. When we returned in July 1997, the IRA reinstated their ceasefire, Sinn Fein entered the peace talks and the agreement was signed a year later. The impact of South Africa on all the negotiators was remarkable. In many ways, it empowered us to find our own solutions.

To move out of conflict the old problems need new questions asked of them. The people who say ‘Why not?’ are critical in peace processes – enquiring minds not held back by rigid certainties.

In a process where nothing was agreed until everything was agreed, a new way of reaching decisions also had to be found

– one that ensured the parties would become tied into the process. Allowing any party to exercise a veto does not help with confidence building. The Northern Ireland process was built on a ‘sufficiency of consensus’ – a concept adapted from the South African process. This meant that the larger parties had to seek the support of the smaller parties in order to reach this consensus. Working in this way, the process minimized accusations as it required a sufficiency of consensus for the resolution of contentious issues.

Deadlines were also important in negotiations and should be agreed for each stage. Good Friday was the date set for the final agreement as the main players wanted to get home for Easter. This may sound trite but, after two years at the table, it was important not to let the process drag on endlessly. The language used and the seating arrangements at negotiations can also provide opportunities so some thought needs to be given to both. Word choice can play a critical role – when we were told at the start that we had to learn to trust each other, most parties began to yawn. Parties at this stage are generally too cynical to even contemplate using the word trust. The language that participants were using at the table was not the language of trust. It was bitter and adversarial and untrustworthy. Today we talk about cohesion, building a united community and we talk about confidence building measures rather than trust building. The same concerns applied to the word ‘compromise’ – it was too difficult a word to put on paper or to say out loud – so we started talking about ‘an accommodation’ or ‘a new political dispensation’ – anything but compromise.

And when armed groups tell us that they are putting their arms beyond use – how are we meant to interpret this? If they reassure us that physical force is at an end – does this mean that the war is over? They will not say the war is over because

that reeks of surrender so instead they have to find language that says much the same thing. Language and seating arrangements need to be creative. Placing strangers next to each other at the table helps delegates to become acquainted and can encourage communication amongst previous protagonists. Such an imaginative seating arrangement was employed during the final devolution stage when one of the leaders did not wish to be seen seated next to his arch enemy. His comfort zone was reinstated by each of them agreeing to sit opposite, but close to, the diamond shaped corner of a rectangular table. The media pictures of the seating arrangement showed the closeness of the pair, symbolizing a new historical relationship. An extraordinary moment was provided by that ordinary table and that particular day in May 2007 is now referred to as the day that a corner, in more ways than one, was finally turned.

So let me recap on some of the principles so far. First find ways to stop the violence and agree to work for exclusively peaceful means to resolve the conflict; agree standards to respect human rights; to uphold the rule of law (where it is just and fair) and to recognize the legitimacy of others to be part of the process. Ensuring that the process is transparent and accountable is key. But confidentiality has also to be maintained and this needs careful choreography. Having impartial and trusted third parties helps but there comes a time when they need to leave. The 'aftercare' needed for implementation is just as important but the role and character of such support transforms as a new phase is entered.

Having outlined the ingredients for a constructive process, I want to turn next to the substance of negotiations. The elements that constitute a peace agreement can be compared to the four wheels of a wagon. The first wheel is the establishment of Effective Governance arrangements; the

second wheel is built on Law and Security – reforms of policing and criminal justice, disarmament and demilitarization; the third wheel requires Institutional Building – putting equality and human rights at the center of the new institutions and addressing social and economic issues; and finally, the fourth and hardest wheel, is Reconciliation – truth recovery and reparation for victims, dealing with the legacy of the past. One of the significant factors in the Northern Ireland process is that whilst the wagon is pulled along simultaneously, by both the Irish and British governments, it depends mainly on the parties to keep the wheels moving,

In Northern Ireland, some of the most difficult issues were resolved first – the demobilization of army units and the reforms to policing. Interestingly, changing the name from a police force to a police service was interpreted by those opposed to these changes as the emasculation of policing as an institution. The term ‘emasculation’ sums up the perception by some that the country was to be run in a weak and presumably more feminine manner. Despite this attempt to undermine the change, we learned that the more accountable and representative a police service becomes and the more it upholds human rights, then the more support it will achieve on the ground. It also means that there is less fear about the old habits of the past returning. Some pot holes were discovered when police officers who had accepted redundancy were found to have been hired back into the system to deal with death investigations in which they had been implicated.

Despite the institutional reforms and the new power sharing arrangements, there is an increasing concern that the dominant political parties are more interested in ‘sharing in power’ (between themselves) rather than ‘sharing out power’. In Northern Ireland the main parties signed up for a form of power sharing known as consociation and although it is

viewed as being beneficial in the short term, it has closed down a wider space for pluralism to work. Porter argues that genuine power sharing involves building a pluralist society that respects diversity where we can be different and equal and where we are all interdependent, one on another.

Turning to the third stage of implementation, we can learn from our mistakes. Unlike the Mindanao peace process in the Philippines, the delegates to the Northern Ireland talks could not figure out a way to ensure the implementation process worked. We should have agreed, as they did in the Philippines, to a Transition Committee to oversee their Framework agreement. On Good Friday, 1998, the Women's Coalition proposed a Validation Committee to oversee the next phase – but it was dismissed as surplus to requirements. A toxic atmosphere between the parties set in creating a great deal of cynicism about the entire process. Almost 20 years later, an implementation process, involving roundtable talks, has now been established as the parties have recognized the need for a more positive and conducive environment to take forward the outstanding issues.

The fundamental project of the Agreement was to create a set of structures and institutions that all could support and have confidence in. The right of British, Irish or dual citizenship was guaranteed and the political structures, the deep reforms to police and criminal justice and the establishment of institutions with effective powers and legislation were designed to achieve this objective. But reaching a shared society where symbols are bitterly, and brutally, fought over means that the final wheel of the wagon, the one built on genuine reconciliation, is the hardest of all. What is required to overcome these is the kind of political leadership that has a clear-eyed view on the future. For those in the grip of fear, the requirement to work across differences demands too much of

them but spoilers need to be confronted by leaders who have sufficient inclination to place the interests of all the country's citizens above their group/constituents interests.

But leaders also want to avoid fragmentation within their own side and the strongest sign of leadership is when leaders challenge their own side and manage to bring them through the transition without too much fragmentation. I have seen one courageous leader do this in our own process – David Ervine had spent 10 years in prison for political offences and spoke of how prison had changed his political perspective. David spoke about how all liberation and paramilitary groups develop their own mythology and justification for the violence they commit but that mythology traps them in a mindset that is very difficult to transcend. It was these mindsets that he helped to radically change – by starting with his own side first. This was an act of a brave man, who took risks, and when I was asked to speak at his funeral, I recalled how we had come to rely on each other, to interpret the political situation from our different standpoints so that we could figure out what to do next. Eventually we understood each other perfectly. It took a toll on his life, with a fatal heart attack, but his massive funeral showed that he had lived a life much respected and died a death much regretted.

But there were also those who were opposed to prisoner releases and who almost succeeded in wrecking the agreement – with fears that terrorists would be running the government. There was little mercy in their voices and it was incredible how easy it was for those on the anti-agreement side to tear down what we were trying to build. It is easy, and much more simple, to tell people to vote No whilst we, on the agreement side, tried to explain the working out of the settlement. Showing mercy is only one of the expectations of transitional justice. The usual goals are truth, reconciliation, justice and

deterrence – and these can create soaring, rather than realistic, expectations. Grappling with the questions of how we deliver truth to a divided people and how we do justice to that truth takes time. For societies coming out of conflict ‘some truth and some justice’ is an agreed concession to allow for an end to the atrocities and to allow a route for reconciliation with those who do not come with clean hands. This partiality in turn creates a problem with victims – for once a partial justice is acknowledged, there is a need to unpack ‘who gets’ and who does not. There also needs to be a collective response – the state apology by the British Prime Minister for the actions of the army on Bloody Sunday is one example. Likewise this admission from the other side was profound: “Republicans should recognize the healing influence of being able to say sorry for the human effects of all actions caused during the armed struggle. The political reality is those actions cannot be undone or disowned. It would be better they had never happened.”

One of the most important issues in the wake of the Good Friday Agreement has arisen almost by accident and that is the telling of personal stories, the validation of experiences that have been suppressed for many years. There is increasing evidence that without some acceptance of the admission of wrong doing and apology, there can be little healing of relationships. Where there are allegations of ethnic cleansing or the collusion of security forces there may need to be a collective admittance. The focus to date has been on the ‘individual’ perpetrator, as well as the victim – with prosecutions, inquiries, inquests and investigations. But recent initiatives from Colombia, Spain and Northern Ireland all speak to the importance of ‘Healing Through Remembering’. What we know is that we now need a more thematic, inclusive approach to dealing with the legacy of the past for the success of transitions will be more deeply felt when there is a

multitude of measures that respond to the needs of deeply fractured societies and to those who have experienced the greatest harms.

Again let me recap on the story so far:

- Create confidence building steps
- Bank small/symbolic agreements along the way
- Interpret the language to make it meaningful
- Be inventive about seating arrangements
- Keep the dialogue going
- Ensure that the expectations are manageable
- Break the issues into jigsaw pieces
- Set a deadline
- Engage those who are skeptical
- Keep back channels open
- Encourage parties to stay on board
- Hold a referendum and let the people decide

Finally I want to turn to the issue of building relationships. This requires people, parties, even governments acknowledging the part they played in causing division and taking responsibility. Naomi Chazan, the former deputy speaker of the Knesset and a former participant in the Israeli/Palestinian talks, used to argue that each time she visited Northern Ireland, she could see that we were suffering, like her own country, from too much failure, too much friction and too much fear but most of all we lacked the curiosity to see things differently. In negotiations I was always struck at the lack of curiosity between the delegates at the start of the process. Some took pride on insisting that they would never speak to the other side let alone enter a dialogue with them – and they held to that position throughout the two years of the Forum for Dialogue and Understanding. Refusing to recognize

the legitimacy of the other side is not strength – it is a weakness. That we have arrived at this acknowledgment is a huge step forward.

To overcome the problem that we were all strangers on entering these talks, the women in my Coalition invited members of former paramilitary organizations to our homes to eat dinner so that we could start a quiet engagement of ‘getting to know each other’. In this way our curiosity stood us in good stead as it turned out that we were the only party that every party was talking to – and hence our tool-box of negotiating skills filled up rapidly. We believed like Vaclav Havel did, after the collapse of communism, that ‘politics is the art of the possible’. A peace process needs people to bring solutions, not problems, and it needs hope, not fear, that some of these will eventually work. Taking risks, staying hopeful, being inventive, willing to change and exercising some curiosity; all of these help to create workable relationships.

In all conflicts, parties will struggle to make the choices demanded of them – the adherence to old dogmas and certainties, old positions, old and worn language of division, a choice between that and new thinking, new vision, new political imagining. Despite the differences in Northern Ireland, an agreement was reached and the political change that followed was greatly welcomed. However opposition threatened, and still threatens, the process with the continual clashing interpretations of what is needed to create the kind of change required. What is needed is a convincing interpretation of what a shared society means – an interpretation that is equipped to make sense of the new practices that a new political order implies.

I do not have conclusive answers to what will be the outcome for Northern Ireland – where we are still working on the

constructive ambiguities that often form part of a peace agreement. Where we are dealing with the legacy of the past, where we are trying to find some moral agency as we ‘bear in mind the dead’, where the narrative of the ‘Troubles’ may involve a partial truth on all sides, there is still work to do. If the process is an unfinished business, it has at least been demystified. We know that travelling the multiple paths that need to be pursued in order to consolidate and sustain peace will continue to be a challenge. Local ownership is important so it is local politicians who have to make the peace work. It is the local people who suffer the dire consequences should decisions and actions go astray. We know that exercising pragmatism, whilst upholding principles, can be hard work. The other learning is that to include women in political decision-making in transitional societies is to take gender justice seriously. The UN Security Council Resolution (UNSCR) 1325 on women, peace and security is more than a catchphrase – practical peace building must be truly inclusive – of women as well as men from all branches of life. We now know that a peace agreement is not just a matter of discussion, or reconstruction or the building of bridges. It involves a new way of living, of feeling safe, of rebuilding damaged relationships and protecting and vindicating the human rights of all.

Panel discussion: How can the EU use experience from resolved conflicts in the peace building process?

There were five panelists to address the theme of the Åland example and conflict resolution today – how can the EU use experience from resolved conflict in the peace building process? The panelists were; Tomas Henning from European External Action Service as Team Leader; Kjell-Åke Nordqvist, Acting Director from Åland Island Peace Institute; Peter Brorsen, Deputy Executive Director from European Institute of Peace; Monica McWilliams, Professor from Transitional Justice Institute, Ulster University; Jaakko Oksanen, Senior Advisor from Crisis Management Initiative.

Mr. Henning:

The Åland example has been used in many instances as an example of peace building. We have heard the importance of mediation in conflicts to be able to discuss how to solve problems. All the panelists will first, one by one, explain their area more and explain in which way the EU can use experience from resolved conflict in the peace building process, and after that if there is time we will take questions from the audience. So if we start with Mr. Oksanen, how can we implement peace agreements, how did you do it in the case of Aceh?

Mr. Oksanen:

The EU involvement was one of the success factors of the Aceh peace process. EU followed its principals; promoting mediation, leveraging mediation and giving political weight, and also supported, facilitated and funded different processes.

Early involvement created the link between negotiations and implementation. This also gave political weight in the process. The first tsunami support was humanitarian and unconditional but the parties understood that if there is an ongoing conflict in the province there is no guarantee to get support for reconstruction.

EU was seen as a credible, neutral and accepted regional organization to monitor the MOU implementation together with five ASEAN contributing countries. Credibility was shown by financing the mission and by rapid deployment of the mission. The mission was fully integrated and cooperation worked well with ASEAN friends without any hidden agenda. EU had a plan for the desired end state of the mission. How to complete the mission and when is the right time to hand over the responsibilities to the host nation and parties is one of the critical decisions. It is always a risk that this kind of mission changes its character; monitoring mission turn out to become like an institution or social office.

EU funded and supported the Aceh Peace Process Follow up project in 2010–2012. This kind of inventory is necessary to do. It gives a good understanding if the parties and responsible actors have done what they have promised to the citizens. Capacity building is always needed to build up good governance after the conflict. This takes time and needs a lot of resources. It is difficult for former freedom fighters to change their mind-set and start using the political frameworks to reach desired goals. These frameworks are in place in Aceh.

You can say that EU was babysitting the Aceh process. It is the people of Aceh's conflict and they have to solve it, but the EU will be there to help guide them in solving the conflict and will leave when the process is done. It is interesting to see how the process is evolving after the peace agreement, how the

people feel about it afterwards, because a way of thinking does not change in four years. People have been enemies for years, aiming to shoot each other through the rifle sight. It takes time to go from shooting to voting.

Mr Henning:

Ms. McWilliams, in the case of Northern Ireland, are other studies to be used than comparative studies?

Ms. McWilliams:

I unfortunately never had the opportunity to go to the Åland Island, but I would like to go there one day. It is always good to visit a place which has experience of resolved conflicts and to learn more about how to be able to use this experience in other conflicts.

When there is a conflict to be solved it can be necessary to leave your own country when the conflict negotiation is going on. As the case was for the conflict in Northern Ireland, we went to South Africa to negotiate, since the tension in our country was so high. You have people leaking to the press and media about the negotiations and then you only get one side of the story, the whole thing makes it hard to get to a conclusion. Therefore, it is sometimes important to get out of the country to consult.

Thanks to the EU, it is possible to look for capacity building during conflicts and also afterwards. EU can help by providing information about how conflict resolution has been done before, and for example institution building. After an agreement is made it is important to know how to move along from there, even if the agreement exist it takes time to settle the resolution in the country, to make people accept that they further on have to get along with each other and can no longer

seek revenge for something that had been done before the agreement.

The most crucial factor during a peace building process is mediation. All parties must be able to sit down together and discuss. A strong and independent leader is also important, which we did not have in our negotiations, a leader who is able to question the motives and actions on both sides, even on his own side.

Mr. Henning:

Northern Ireland is often used as an example and has been used in many cases of peace building. Conflict parties have been invited to study this example and so the comparative studies live on. We should try to learn from these examples within the EU. So, how can the EU help in a peace building process with this experience and information?

Mr. Brorsen:

EU can help with cooperation. As said earlier during the presentations, we like to think that “all conflicts are unique”, but the Åland example is context providing. Through these examples we can find similarities and ways to help conflict parties with their cooperation.

We see new challenges growing in the world. The internet and globalization makes it possible for so many options and so much information that we have not had before. We can do shopping online, see all different commercials and take part in discussions in different forums. But, peace building cannot be done on the internet, though open sources can help. It can be a solution to find a way to agree and to make all views heard and in that way resolve the conflict. Internet raises the bar of what is legitimate and acceptable. There is so much information you can take part of and you can easily change

side. With more media there are more arguments to have an opinion about and therefore also more to disagree on.

I suggest that we find a new norm of how to argue. A new method like Open Source Solutions would make a way to communicate between parties and also individuals. This can provide better arguments and a way where individuals can cooperate.

Mr. Henning:

Conflicts are complex we think, but really interesting with this open source solution. There has been work on the case of Colombia, how can the Åland example be used there?

Mr. Nordqvist:

First I would like to reply to the previous comment. What is the work of a diplomat if the negotiations are individual? We need the diplomat to keep in contact with the parties after the peace agreement are made, because there is no peace between the two parties directly afterwards. It takes time and we need someone to mediate afterwards as well. A contact mechanism will strengthen the agreement, which it has done in the case of Helsinki and Åland. It made the relations better afterwards. Both sides have to be able to share.

EU is not a military union power but a geographical, which means it has economic muscles not military. Still, they shall not and cannot use money to pressure people on humanitarian courses, but we shall not overlook the possibility to impact that economic incentive and pressure can have in peace negotiations and long-term reconstruction for infrastructure.

Mr. Henning:

As we can see now, mediation is really important, both for conflict prevention and for peace building. Now, we have some minutes to answer questions from the audience.

**1. A question from Search for Common Ground
(Sandra Melone):**

I would like to ask Mr Oksanen if you can give us any comments on what the situations looks like today regarding Aceh and Indonesia, now when it has been ten years since the agreement. How can Aceh continue to succeed?

**2. A question from Mission of Moldovia to the EU
(Vladimir Cuc):**

This is more of a philosophical question and quite broad. I wonder, what is your assessment, what brings success in peace negotiations? There have been attempts to mediate that failed, what was done wrongly?

**3. A question from International Crisis Group
(Isabelle Arradon):**

What is the lesson for all of us regarding peace processes? How is the human rights provision and situation now in Aceh and is it possible to never face the past, just to look forward? Also, what does this mean for other conflicts in Indonesia?

Mr. Henning:

Thank you. I think Mr Oksanen will answer the first and last question.

Mr. Oksanen:

The situation now in Aceh is good. There are some issues, for example integration of the ex-GAM-soldiers and the compensation for these former fighters. Some fighters now come after living in the jungle for several years and want their compensation. Can the local government fix all this afterward

problems? Are the people satisfied? It is very interesting to follow up this process.

Regarding human rights, all people who survived the conflict have done a human right violation. What happened before the peace agreement was done will not be taken to the Human Right Court.

What more could have been done? Well, civil society must be a crucial part of the negotiations. In the case of Aceh they were not. Also a court should be available in Aceh, because that would help to prevent future cases of violence and help the people to behave.

Mr. Henning:

Thank you. So, then we have the million dollar question, the one very broad and hard to answer. When does mediation work, if it has not been working for decades?

Ms. McWilliams:

Some parties finally say “enough is enough” and then they are ready to start to work on an agreement. You also have to work years after the agreement is signed to make it work. People do not just put down their guns suddenly and are happy about the situation. There is a real rollercoaster in negotiations because political parties never tell what is in it for them, what they stand to win in the negotiations, to the people.

Victims of the conflict were furious with the fact that people who had done violations were now allowed to go free; they had not accepted that the “eye for an eye” principle could not be used anymore.

Strong leadership is also very important to make mediation work, which I also mentioned earlier. When we signed the contract we were afraid of being murdered, but fortunately it

did not happen and we are not going back to the way it was before.

We should not undermine the human rights. We are interdependent on each other, for those who survived, to live peacefully with each other and therefore we need to respect the human rights.

Mr. Nordqvist:

When the mediation takes place it is important to bring all parties together, even the party you think could be able to destroy your agreement on the table. If the possible “destroying parties” are left outside the mediation they will surely be angrier and able to undermine the agreement after it has been sealed, so why not just invite them in the first place? This is a way to eliminate at least one thing that can make an agreement fail.

Closing Remarks

Mr Wille Valve

Minister of Administrative Affairs, Government of Åland

Ambassadors,
Your excellences,
Ladies and gentlemen,

On behalf of the Åland government, I want to thank you for the inspiring presentations on conflict resolution in Aceh, Northern Ireland and the Åland Islands. And a warm thank you to our panelists.

We welcome the strengthening role on mediation in Finnish foreign policy, and in particular the appointment of Mr. Haavisto to Special Representative on mediation, mentioned by Foreign Minister Soini.

When we in Mariehamn approach Helsinki, we strive to think not "this is what we need", but more "how can the Åland Islands contribute to Finland, how can we, for example, contribute to strengthening Finland's role as the "honest broker" in international relations?"

As a result of these aspirations, we have had the privilege to host an Armeni-Azerbaijani delegation, primarily focusing on the conflict of Nagorno-Karabakh. Of course meeting this delegation, we were confronted with the same sentence mentioned by Prof. McWilliams: "Our situation is unique and horrible, there is no one that has such a difficult situation as us". And after that, they bombarded us with more practical questions:

- Who controls the police?
- What happens if you disagree on a law? Are you saying you TRUST the Supreme Court of Finland?

What is always important to stress is – of course – that the Åland example is not a "one size fits all"-model. But some specific elements of our autonomy were obviously interesting.

This delegation had no problems with communicating with each other – in Russian. But sometimes translation from Russian to Russian may be needed. Or English to English, or Serbo-Croatian to Serbo-Croatian.

As Mr. Nordqvist pointed out, sometimes our role is merely the one of the facilitator: We serve the wine and show them some astonishing archipelago. But at some Point the host may be asked: What do YOU think of all this? And these are the moments when very small words can have a profound impact.

What we all want is to live in peace and find a solution. In that spirit, we hope to one day see an official or unofficial Northern Ireland delegation visiting the Åland Islands, with a tailor-made program.

So, last but not least:
Welcome to the Åland Islands!

The Seminar Program

9:30 **Registration and coffee**

10:00 **Welcoming words**

Pilvi-Sisko Vierros-Villeneuve, Permanent Representative of Finland to the EU

Opening Address

Timo Soini, Minister for Foreign Affairs of Finland

Camilla Gunell, Premier, Government of Åland

10:40 **Experiences from conflict resolution**

Åland Islands: Kjell-Åke Nordqvist, Acting Director, Åland Island Peace Institute

Aceh: Jaakko Oksanen, Senior Advisor, Crisis Management Initiative

Northern Ireland: Monica McWilliams, Professor, Transitional Justice Institute, Ulster University

12:00 **Panel discussion: How can the EU use experience from resolved conflicts in the peace building process?**

Tomas Henning, Team Leader, European External Action Service

Kjell-Åke Nordqvist, Acting Director, Åland Island Peace Institute

Peter Brorsen, Deputy Executive Director, European Institute of Peace

Monica McWilliams, Professor, Transitional Justice Institute, Ulster University

Jaakko Oksanen, Senior Advisor, Crisis Management Initiative

12:50 **Closing remarks**

Wille Valve, Minister of Administrative Affairs, Government of Åland



The Government of Åland
P.O. Box 1060,
AX-22111 MARIEHAMN
ÅLAND, Finland
Phone: +358 18 25000
E-mail: info@regeringen.ax
Web: www.regeringen.ax