

Institution: University of Cambridge
Unit of Assessment: UoA21
Title of case study: Cambridge-Project on Self Determination Settlements, Peace-making and Transitions
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>This project, which commenced in 2000 and continues to this day, has addressed the settlement of conflicts within states. The project has yielded important findings in the areas of complex power-sharing, autonomy and self-governance, political participation mechanisms for non-dominant groups, peace-making and transitional arrangements in peace agreements. These findings have flowed into the policies and practices of major international actors (United Nations, Council of Europe, Organization for Security and Cooperation in Europe), and have been implemented in a number of sensitive contexts. The project findings were also applied directly in a significant number of international negotiations and settlements. This includes the independence of Kosovo and South Sudan, the peace negotiations on Darfur, UN planning for the transition in Libya, the United Nations-led negotiations on a settlement for the conflict in Syria, and the peace agreement and transitional arrangements addressing the deep crisis in Yemen.</p> <p>2. Underpinning research (indicative maximum 500 words)</p> <p>This research was carried out by Professor Marc Weller of the Department of Politics and International Studies (POLIS). Professor Weller joined the University of Cambridge in 1990 and became Professor of International Law and International Constitutional Studies in 2010. The project has been developed by him over the past decade. He devised the concept, and raised in excess of USD 1.5 million from major Foundations. Professor Weller established and led an international research team and authored the major elements of the outputs of the project.</p> <p>The first phase of the work addressed the issue of secession and secessionist conflicts. It studied this phenomenon in depth, reviewing a significant number of internationalized peace agreements of the 1990s, and then identified different types of accommodation that have occurred in practice. The project noted a new trend in recent settlement practice and engaged in a detailed collective study of the phenomenon of complex power-sharing agreements as a means of settling ethnic and self-determination conflicts. Through this work, it advanced the understanding of peaceful remedies to address on-going conflict, and of the architecture of complex power sharing, combining consociationalist tools with integrative techniques of state construction and with international involvement in post-settlement implementation.</p> <p>In a further phase the project focused on asymmetric autonomy as a means of addressing self-determination conflicts. This work considered the concerning trend of simply assigning a broad range of powers to secessionist units without paying sufficient attention to the addition of integrationalist elements of state design, and offered guidance on how to overcome the weaknesses in such a simplistic approach.</p> <p>After having considered macro-solutions in terms of state design, the project then addressed softer options of accommodating non-dominant groups within states. This concerned mechanisms for political participation of minorities in the overall state. The project offered original insights into the emerging principle of political participation as a legal entitlement, along with the different sets of tools for facilitating its implementation.</p> <p>Having dealt with autonomy, complex power-sharing and political participation mechanisms, attention turned to the issue of facilitated secession. The research then identified and analysed entirely new patterns of addressing the self-determination dimension outright, ranging from deferred secession options to the balancing of claims and the issue of conditional statehood.</p>

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In its present phase, the project has broadened out, addressing internal peace settlements, and the peace processes leading to them, more generally. In this way, the understanding of conflict management tools derived from the context of self-determination conflicts can, where appropriate, also be put to use in other contexts.

3. References to the research (indicative maximum of six references)

1. Marc Weller, ed., (Katherine Nobbs, Assistant Editor), *A Commentary on the Right to Political Participation of Minorities*, Oxford University Press, 2010, 855 pages.
2. Marc Weller and Katherine Nobbs, eds., *Asymmetrical State Design as a Tool of Ethnopolitical Conflict Settlement*, Pennsylvania University Press, 2010, 320 pages.
3. Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*, Oxford University Press, 2009, 328 pages, also published in translation as *Shtetesia e kuntestuar*, Koha Publishing House, 2009.
4. Marc Weller, *Escaping the Self-determination Trap*, Martinus Nijhoff Publishers, 2008, 224 pages.
5. Marc Weller, Denika Blacklock and Katherine Nobbs, eds., *The Protection of Minorities in the Wider Europe*, Palgrave, Macmillan, 2008, 296 pages.
6. Marc Weller and Barbara Metzger, eds., *Settling Self-determination Conflicts*, Martinus Nijhoff Publishers, 2008, 768 pages.

This project has been supported by a series of research grants awarded to Professor Weller. Including those given by the Carnegie Corporation of New York, from 2000 to 2013, totalling around USD 1.5 million. During the REF Period, these were Carnegie Corporation of New York Grants:

B 7736.R01 - \$356,000 Duration: 10/1/07-9/30/09, Asymmetric Autonomy
B 7736.R02 - \$378,000 Duration: 10/1/09-9/30/13, Completion Grant

The follow-on work has attracted support from the Newton Trust in the order of £52,000 for 2012-1013, and \$106,000 from the Humanity United Foundation for the same period ('Legal Tools of Peace-making'). A further application for ESRC at the level of £900,000 is under way.

4. Details of the impact (indicative maximum 750 words)

There have been five types of immediate impact deriving from this work:

- Developments of international and domestic standards and best practices;
- General dissemination of project results through capacity building;
- Dissemination of project results at points of decision;
- Direct involvement in peace negotiations;
- Establishing a framework for a national transition process.

The first type of impact concerns the **development of standards**. The work performed in the area of community rights has been influential in the progressive interpretation and development of international instruments. This effect is most visible in relation to the Council of Europe, the guardian of the most advanced binding international instrument in this area, and the OSCE High Commissioner for National Minorities, as is attested in the Forewords contributed by both institutions to the Legal Commentary on Political Participation (OUP 2008), edited by Weller [**Ref 1, above**]. The impact of this work on actual standards can be illustrated by reference to the case of Kosovo. Weller provided significant impact into the Ahtisaari peace plan which was endorsed and adopted by Kosovo's declaration of independence in 2008. He then contributed to the drafting of the human and minority rights sections of the constitution of Kosovo, which are based on this document. Moreover, he drafted the Law on the Promotion and Protection of Communities (minorities) which implements these provisions [**Source 1, below**]. The Statute of the Kosovo Community Consultative Council is directly based on Weller's earlier work in writing the Council of Europe Handbook on Minority Consultative Mechanisms (Council of Europe Document DH-

MIN(2006)-012, 20 October 2006) [Source 2].

Weller has had a significant role in disseminating the outcomes of his work through **capacity-building events**, with a particular emphasis on policy-makers and those involved in the implementation of policy. His contribution to policy planning is evidenced, for instance, by his presentations to the United Nations Senior Management team on power-sharing in peace settlement, and by a two-day training seminar held for the Staff of the Organization on the Prohibition of Chemical Weapons at The Hague in 2012 on the challenges of political transitions in the Middle East [Source 3]. Moreover, he has been invited to offer advice at 'challenge sessions' conducted by the FCO to develop its policy, and given subsequent advice, for instance on UK policy relating to the recognition of states, in particular Somaliland in 2012 [Source 4]. He acted as a key speaker at a seminar in the House of Commons in 2010 concerning legal controls over military action [Source 5]. He has been a lecturer in the Senior Officers' Course of the Royal College of Defence Studies (2008 to present), which every year exposes around 100 senior military officers from around the world to academic advances in the area of international law and politics.

The third type of impact has been obtained through direct **dissemination of project results to decision-makers** at the very point of decision. This has included consultations and workshops just before or during negotiations for one or both of the sides in on-going peace settlement attempts. Examples are workshops with high-level officials, or delegations, from Georgia (29.4.2009), Kosovo (24.7.2010), Sudan (8-9.12.2009, 18.7.2010, 17.10.2010), Syria (6.3.2013), (south) Yemen (March 2013) and Burma (May 2013). The workshops were very much focused on allowing the participants to draw upon and operationalize the findings flowing from this project activity, providing settlement options to the participants at critical points in important negotiations. One may also include in this set of activities formal advisory memoranda provided to the United Nations Secretariat, for instance on the legal authority of United Nations Security Council Resolutions and on the legality of the use of unmanned drones (2012/13).

The fourth type of impact relates to **direct involvement in peace settlement negotiations themselves**. This has included the provision of legal and policy advice to delegations in peace settlement negotiations, to the African Union and League of Arab States when acting as mediator, and to the United Nations Department of Political Affairs, or individual Special Representatives of the United Nations Secretary-General [Source 6].

In relation to advice to the African Union, the most pronounced case concerns South Sudan. Weller was engaged by the African Union to support the pre-referendum negotiations between North and South [Source 7]. Moreover, in 2011 he served as advisor to the Joint Special Envoy of the African Union and the United Nations Secretary General for a Settlement in Darfur, assisting the delegation of the Justice and Equality Movement and the Mediation Team. He participated in the critical phases of the Doha negotiations on Darfur, resulting in the settlement (2011) that is at present being implemented [Source 8].

Weller also implemented the project findings in his role as advisor to the League of Arab States and United Nations Joint Special Envoy on Syria, HE Kofi Annan. He drafted the Guidelines and Principles for a Syrian-led Transition adopted in the Geneva Action Group Communiqué in July 2012. This was adopted on 27 September 2013 by the UN Security Council as the basis for a possible peace settlement [Source 9]. In 2013 he has led the preparations for the projected Geneva International Peace Conference for Syria chaired by HE Lakhdar Brahimi, the Secretary-General's Special Envoy [Source 10].

Weller has also given advice on power-sharing issues to the Special Envoy of the United Nations Secretary-General on Libya, Jordanian Foreign Minister al-Khatib (2011) [Source 11]. He also served as legal and political advisor for the United Nations Special Advisor on Yemen, and drafted the Yemen peace settlement of November 2011 [Source 12].

The fifth element concerns **planning for UN sponsored-or supported transitions and their**

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implementation. He gave advice to the UN Under-Secretary-General for Political Affairs on the emerging transitions in Egypt and the post-election crisis in Côte d'Ivoire, and authored a general guidance manual on transitions for the UN Department of Political Affairs [Source 13]. In 2011, Professor Weller served as a member of the UN inter-agency task force for pre-planning for Libya, and contributed elements to the strategic planning document that emerged [Source 14]. That year, he also participated in the planning for the final transitional phase in Somalia. In 2012 he devised and drafted the transition plan for the Maldives after the contested change in government there. As noted, he also had a significant role in designing the transitional process for Yemen during 2012 and 2013, meaning planning and preparation for the National Dialogue process, including its rules of procedure, and drafting its final report [Source 15].

5. Sources to corroborate the impact (indicative maximum of 10 references)

Source 1: Kosovo Law No. 03/LO-47, Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo, at http://www.assembly-kosova.org/common/docs/liqjet/2008_03-L047_en.pdf.

Source 2: http://www.coe.int/t/dghl/monitoring/minorities/6_Resources/PDF_DH-MIN_Handbook_MinConMecanisms_en.pdf

Presidential Decree on the Establishment of the Kosovo Community Consultative Council, 15 September 2008, <http://www.kryeministri-ks.net/zck/?page=2.77>.

Source 3: Letter of Thanks from person 1, Principal Legal Advisor, Organization for the Prohibition of Chemical Weapons, 24 December 2012.

Source 4: Exchange of correspondence with person 2 (Deputy Head and Political Team Leader, UK Somalia Unit; Foreign and Commonwealth Office) and others at the FCO on a Challenge Session relating to Somaliland, held on 28 May 2012 and subsequent request for advice.

Source 5: Invitation and Agenda for a Presentation Event held at the House of Commons, at the invitation of Julian Huppert, MP, on *Enhancing the Role of Legal Advice in Decisions on Peace and War in Government and Parliament*, 28 October 2010.

Source 6: Letter of Appointment as United Nations Senior Mediation Expert (2011-2012) for the Department of Political Affairs from person 3 (Director, Policy and Mediation Division, Department of Political Affairs, United Nations), dated 23 March 2011.

Source 7: Request from person 4 (Head of the African Union Liaison Office in the Sudan) on behalf of the African Union to act in support of the Sudan-South Sudan peace process, September 2010, AU Ref AULOS-k/33/14/09/2010.

Source 8: Terms of Reference for Service to the Doha Peace Process provided to the Joint African Union and United Nations Mediation for the Darfur Peace Negotiations (JMIST), 9 March 2011,

Source 9: Communiqué of the Action Group on Syria, Geneva 30 June 2012, endorsed and adopted by the UN Security Council as Resolution 2118 (2013), Annex II, containing the 'Guidelines and Principles for a Transitions in Syria' drafted by Professor Weller.

Source 10: Workbook and Agenda for the Preparatory Meeting to arrange for the Geneva Peace Conference, and the annotated agenda for the Trilateral meeting between the US and Russian Federation Government and the United Nations, held at Geneva in June 2013.

Source 11: Package of Briefing Materials for HE Minister al-Khatib, UN Special Envoy for Libya, and text of power-point presentation delivered to him, July 2011.

Source 12: Yemen Peace Settlement, 22 November 2011, and associated drafts provided by Professor Weller.

Source 13: *Guidance on Transitions, Prepared for the UN Department of Political Affairs, Mediation Support Unit*, updated March 2013).

Source 14: Draft inputs to the Inter-agency Task Force on Pre-Planning for Libya. The summary of the resulting report, which has remained confidential, has been leaked at <http://www.innercitypress.com/un2replibya082611.html>, 26 August 2011, including elements of input provided by Professor Weller on the constitutional dimension for post-conflict planning.

Source 15: Draft of the rules of procedure of the Yemen National Dialogue Process and the resulting Presidential Decree (2013).