

BROCHURE OF THE
THE 3RD ANNUAL SUMMER INSTITUTE IN
INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS

“Internal Conflicts in the Asia Pacific Region”

Monday, May 10 – Saturday, May 22, 2010
Bali / Aceh, Indonesia

Organized by
the Asian International Justice Initiative
a collaboration between
the University of California Berkeley War Crimes Studies Center and the East-West Center
in partnership with
the Indonesian National Human Rights Commission (Komnas HAM)

OVERVIEW

The Summer Institute in International Humanitarian Law (IHL) and Human Rights is a regionally based workshop held in partnership with organizations in Southeast Asia to consider key IHL and human rights issues, past and present, facing the region. Established in 2008, the Summer Institute is designed for participants working across a broad range of fields and disciplines and is best suited to those working within the Asia Pacific region, whose work has an Asia Pacific focus, or who wish to engage in comparative analysis regarding the application of IHL and human rights instruments as they apply in historical and political context of the region.

The third annual Summer Institute will be held in Bali, with a field trip to Aceh, Sumatra. This year's course will focus on an area of study and practice that engages key international humanitarian law and human rights issues facing advocates, policy-makers and academics today: the rise of internal (or non-international) conflicts in the latter part of the twentieth century and the first decade of the new millennium, and their impact on both regional and international peace and security. In keeping with the rationale behind the establishment of the Summer Institute, the curriculum will focus on emergence of conflict and approaches to conflict resolution in the Asia Pacific region, with a specific emphasis on conflicts, past and present, in Southeast Asia and Sri Lanka. The primary country case studies considered during this course will be: Indonesia (particularly focusing on the conflicts in Aceh and Papua); the Philippines (particularly focusing on the conflict between the government and the Moro Islamic Liberation Front in Mindanao); Sri Lanka; and southern Thailand.

The aim of the course is to provide participants with skills and knowledge that will:

- (i) enhance their performance in IHL and human rights-related fields (be it as judges, lawyers, government officials, NGO workers) or as observers of those working in those fields (as academics, monitors, journalists and human rights educators);
- (ii) promote skills-development that will enhance the effectiveness of reporting, analysis, investigation, and prosecution of human rights violations. These skills will also contribute to mediation, reconciliation, and reinstatement of human rights norms in conflict situations;
- (iii) enable them to assess the impact of internal conflict on regional and international peace and security from a broad range of perspectives; and
- (iv) assist participants to contribute more meaningfully to the ongoing debates regarding how best to respond to and resolve internal conflicts throughout the region.

In this regard, the Summer Institute has a practice-oriented focus: rather than providing participants with a 'textbook' course on IHL and human rights, it engages them to think about both the practical and theoretical application of the discipline to concrete cases in the Asia Pacific region. The Summer Institute faculty includes distinguished practitioners and experts from the region and beyond. The program aims to develop both the legal and political knowledge of the participants, and also the practical skills necessary for people who are working in the field in conflict or post-conflict situations. Unlike similar short courses offered in Europe and North America, the Summer Institute focuses primarily on the Asia Pacific region, using case studies and examples from across the ASEAN countries as its starting point for discussion and debate.

WHO SHOULD APPLY

The Summer Institute is aimed at professionals and practitioners working throughout a broad range of fields dealing with the legal, political, or humanitarian context in conflict and post-conflict societies. This would include advocates in human rights or peace, humanitarian workers, legal officers, advanced (graduate-level) students, academics, government officials, members of international or regional organizations, and military or security personnel. Although the course is open to participants internationally, individuals who show a strong interest in IHL and human rights as it pertains to the Asia Pacific region and those living within ASEAN countries are particularly encouraged to apply. It is currently envisaged that 30 places will be made available for this course.

FACULTY

We are presently in the process of finalizing our faculty roster for Summer Institute 2010. Check our website for the most updated list of tentative and confirmed faculty members (<http://www.eastwestcenter.org/research/asian-international-justice-initiative/summer-institute>)

STRUCTURE OF THE COURSE

The course will be conducted over a period of seven days (Mon-Fri of the first week, and Mon-Tues in the second) in Bali. An optional three-day field trip to Aceh directly follows the course in the second week. For participants who receive scholarships, the field trip will be compulsory. Rather than opting for a lecture-based format, this course focuses on small group and panel discussions, facilitated by experts from the region (as well as North America and Europe). Although the course is taught predominantly from a legal perspective, the emphasis on contemporary practice in the field necessarily presupposes an interdisciplinary approach to the topic. Participants will therefore be encouraged to consider the subject matter of the course from a holistic perspective, considering political, historical and social factors that both precipitate conflicts and lead to their successful resolution. Discussions will be supplemented by exercises specifically focused on allowing participants to consider in practice the key challenges associated with applying the law in real-life situations.

The following is a synopsis of the guided discussions that will take place on each day of the course. Further information on the course content, including a draft course outline and the complete faculty roster, will be posted on the Summer Institute 2010 webpage shortly. Prospective participants should continue to check our website for updates later in the fall: <http://www.eastwestcenter.org/research/asian-international-justice-initiative/summer-institute> Participants may also wish to contact the Course Coordinator, Penelope Van Tuyl, by email at: summerinstitute@eastwestcenter.org.

Days One and Two: Causes of Internal Conflict

The course begins by considering the root causes of violent internal conflict. It looks at both how and why conflicts emerge, as well as how both the parties to the conflict and local and international media characterize them. Whether a conflict is considered as a territorial dispute or secessionist struggle, as ethnic strife or a religious war, greatly impacts on the way in which both local and international actors respond to it. It will also determine how the conflict is categorized under both domestic and international law. In the post-9/11 political environment, the prevalence in the popular media to characterize alleged Muslim perpetrators of violence as 'Islamic militants' or 'jihadists' has greatly influenced the international response to conflicts. Participants will be asked to consider what effect this has had, both on the parties' response as well as those of external actors, and whether this characterization could in fact, exacerbate the conflicts in question, rather than lead to their

peaceful resolution. The case studies of southern Thailand and Mindanao (in the Philippines) will be particularly discussed.

Days Three and Four: Legal Characterization and Responses During the Conflict

After considering causal factors and characterization, the course then turns to look at both when and which international law applies during violent internal conflicts. When is a conflict considered to have reached the threshold of a non-international armed conflict under the Geneva Conventions and Additional Protocols, for instance? When might sustained acts of violence be characterized as a crime against humanity, war crimes or genocide? What obligations follow from such characterizations, and what is the appropriate or legitimate international response? Who gets to decide? This part of the course will cover both the law that applies to the parties to the conflict, as well as the victims of violence. As well as considering the laws of war, the application of international refugee law and international human rights law will be considered. Their applicability in local contexts will also be considered, as will the role of both ASEAN and international agencies (particularly the ICRC) during conflict. Case studies from throughout the region will be discussed.

Day Five: Military Solutions

Having considered how to characterize conflict from the perspective of international law as well as appropriate international responses, participants will then look at military solutions to conflicts. When is a party to a conflict likely to opt for sustaining the armed conflict, rather than negotiating a peace agreement? (Alternatively, when might parties be using peace negotiations to 'stall' or recoup resources for further armed struggle)? When will a military solution be considered a viable option, and how likely is this to ensure eventual ceasefire and lasting peace? Participants will look in-depth at the case study of Sri Lanka, and the Sri Lankan government's 'victorious' counterinsurgency against the Liberation Tigers of Tamil Eelam. Why did the conflict in Sri Lanka ultimately end through military means? What might this say about the likelihood of peace negotiations in other contexts being successful?

Day Six: Peace Agreements

Next, participants will consider the flip side to military solutions: negotiated peace settlements and peace agreements. In particular, they will consider what conditions are required for peace negotiations to be entered into, and to be successful. What conditions are required to ensure that both sides to a conflict agree to a peaceful resolution? What factors might exacerbate these intentions, or enhance them? How important is it to have a neutral third party or skilful negotiator facilitating this process? The successful negotiations between the Free Aceh Movement (Gerakan Aceh Merdeka or 'GAM') and the Government of Indonesia in Helsinki in 2005 will be considered in-depth. The factors that can be attributed to the success of peace negotiations in this context will be considered against other examples from the region.

Day Seven: Regional Responses and Ongoing Challenges

Having considered various internal conflicts in-depth, the final day of the course will then look prospectively, at what are likely to be ongoing challenges within Southeast Asia for dealing with internal conflicts. What might be the best way to consider these challenges and how might they best be dealt with? What are the key 'lessons learned' to date from the way in which both ASEAN countries, ASEAN and the international community have dealt with internal conflicts, and what might further key challenges be?

Days Eight to Ten: Field trip

Following the first seven days of course material presentation and discussion, participants are invited to partake in a 3-day field trip to Aceh with select faculty, organizers, and interested fellow participants. The course coordinator is presently working together with Komnas HAM to plan the field trip component of this course. Details will be provided to prospective participants as they become available.

The application deadline is 1 January 2010. Applicants are encouraged to apply early, and will have the greatest chance of receiving one of a limited number of scholarships (assuming their application complies with scholarship conditions and fund availability) if they meet this deadline.

Recommendations are due by 15 January 2010.