International Conference

New Constitutionalism in Latin America in Comparative Perspective: A Step towards Good Governance?

VIII Annual Conference of RedGob (Red Euro-Latinoamericana de Gobernabilidad para el Desarrollo)
25. – 26. November 2010
German Institute of Global and Area Studies (GIGA)
Neuer Jungfernstieg 21, Hamburg

Organization: GIGA-Institute in cooperation with the Federal Ministry for Economic Cooperation and Development (BMZ) and the Fritz Thyssen Foundation

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In recent times, several Latin American countries have adopted new constitutions in an effort to transform the states and reconfigure the relationships between the state and its citizens. In particular, the constitutions of Colombia (1991; as a forerunner), Venezuela (1999), Ecuador (1998; 2008) and Bolivia (2009) share specific characteristics which have been subsumed under the concept of "New Constitutionalism of Latin America". The conference will track these constitutional developments and analyse their impacts on socio-political realities of the respective states as well as on their consequences for the achievement of "good governance". Reflecting upon the political, social, economic and cultural dimensions of the reform processes, the conference will offer interdisciplinary discussions of the issues involved. As a means of mapping recent constitutional reforms on a more general level, comparative perspectives from the broader Latin American region as well as global developments will be taken into account.

Conference Programme

	Thursday, 25 November	Friday, 26 November
9.15-11.00	Welcome Remarks Dorothee Fiedler (Ministerialdirigentin BMZ) and Detlef Nolte (Vice-President GIGA) Opening Speech Laurence Whitehead	Parallel Panels: Panel 3: Constitutional Change and Rule of Law Panel 4: Human Rights and Constitutional Change
11.00-11.30	Coffee Break	
11.30-13.00	Panel 1: Constitutional Change and Social Transformation	Parallel Panels: Panel 5: Public Finance and Economic Development Panel 6: Plurinationality and Rights of Indigenous Peoples
13.00-15.00	Lunch	
15.00-16.30	Panel 2: State Transformation, Participation and New Forms of Democracy	Panel 7: Comparative Perspectives on Constitutional Change in Latin America
16.30-17.00	Coffee Break	
17.00-18.30	Key Note Lecture Albert Noguera	Panel 8: Global Constitutional Developments
18.30-18:45		Concluding Remarks: Detlef Nolte

Detailed Conference Schedule
Thursday, 25 November 2010

Time & Room	Activities & Abstracts
8:45-9:15	**Reception & Registration** GIGA Institute, Neuer Jungfernstieg 21, Hamburg 5th floor
9:15-9:45 Room 519	**Welcome Remarks** **Dorothee Fiedler** (BMZ) **Detlef Nolte** (GIGA Hamburg)
9:45-11:00 Room 519	**Opening Session** **Laurence Whitehead** (University of Oxford) ***Constitutionalism in Latin America: A Long and Winding Road***
11:00-11:30	Coffee Break
11:30-13:00 Room 519	**Panel 1: Constitutional Change and Social Transformation** **Moderation & Discussion: Jorge Gordin** (GIGA Hamburg)

	Speaker: **Roberto Gargarrella** (CMI Bergen) ***Constitutionalism in Latin America, Past and Present*** **Fernando Carrillo-Florez** (IADB Brasilia) ***Constitutional Rights, Development and the fight against inequality*** **Siri Gloppen** (CHR Michelsen Institute/University of Bergen) ***Social Transformation Through Rights Based Participation?*** **Franz Barrios Suvelza** (TUB Berlin) ***Deviation problems between constitutional decisions and legal applications: some lessons from Bolivia and Ecuador in the field of territorial autonomy***
13:00-15:00	Lunch (Coordination meeting RedGob)
15:00-16:30 Room 519	**Panel 2: State Transformation, Participation and New Forms of Democracy** **Moderation & Discussion: Olivier Dabene** (Paris Institute of Political Studies) **Speaker:** **Rickard Lalander** (University of Stockholm) ***Neo-Constitutionalism in 21st Century Venezuela: Participatory Democracy or Centralized Populism?*** **Jonas Wolff** (Peace Research Institute Frankfurt – PRIF/HSFK) ***The new Constitutions and the Transformations of Democracy in Ecuador and Bolivia*** **Oscar Vega** (UMSA La Paz) ***Democracy and Decolonization: Challenges in the Transition of a Plurinational State***
16:30-17:00	Coffee Break
17:00-18:30 Room 519	**Key Note Lecture** **Albert Noguera** (University of Extremadura) ***What Do We Mean When We Talk About a "Critical Constitutionalism"? Reflections About the New Latin American Constitutionalism***
19:00	**Reception in Hamburg's city hall** **Welcome Buffet**

Detailed Conference Schedule
Friday, 26 November 2010

Time & Room	Activities & Abstracts
9:15-11:00 Room 519 And 550	**Parallel Panels 3 and 4:** **Panel 3: Constitutional Change and Rule of Law** **Moderation & Discussion: Mariana Llanos** (GIGA Hamburg) **Speaker:** **Peter Thiery** (University of Würzburg) ***Constitutional Engineering, Institutional Stability, and the Rule of Law in Latin America*** **Elena Martínez-Barahona** (University Salamanca) ***Constitutional Courts and Constitutional Change: analysing the cases of presidential re-election in Latin America*** **Helen Ahrens** (GTZ) ***When legal Worlds Overlap: The Globalization of Law and its Impact on Recent Latin-American Constitutions*** **Gisela Elsner** (KAS Montevideo) ***How Constitutional Change impacts the Rule of Law in some Latin American States*** **Panel 4: Human Rights and Constitutional Change** **Moderation & Discussion: Marco Navas Alvear** (Free University Berlin/ Pontífica Universidad Católica del Ecuador) **Speaker:** **Juan Fernando Jaramillo** (National University of Colombia/ DeJuSticia) ***The Colombian Constitution of 1991 and the Revolution of Rights*** **Claudia Müller-Hof** (ECCHR Berlin) ***How do Countries under New Constitutionalism face the Challenges of Global Business Interests of Transnational Corporations and Foreign Investment?*** **Julio Rios-Figueroa** (CIDE Mexico) ***Constitutional Change and the Judicial Protection of Due Process Rights*** **David Cortéz** (University of Vienna) ***Toward a Genealogy of "Good Living" in the New Ecuadorian Constitution***

11:00-11:30	Coffee Break
11:30-13:00 Room 519	**Parallel Panels 5 and 6:** **Panel 5: Public Finance and Economic Development** **Moderation & Discussion: Jann Lay** (GIGA Hamburg) **Speaker:** **Andres Mejia** (IDS UK) ***Constitutional Change and Budget Coalitions: Ecuador in Comparative Perspective*** **Christian von Haldenwang** (DIE Bonn) ***Constitutional Reforms and Fiscal Decentralization in the Andean Countries: The Case of Colombia*** **George Gray Molina** (University of Oxford) ***Plural Economies in the New Bolivian Constitution*** **Dorothee Gottwald** (UNODC Vienna) ***Title?*** ***-- -- --*** **Panel 6: Plurinationality and Rights of Indigenous Peoples** **Moderation & Discussion: Silke Spohn** (GTZ Eschborn) **Speaker:** **René Kuppe** (University of Vienna) ***New Constitutions and Potentials for Conflict*** **Almut Schilling-Vacaflor** (GIGA Hamburg) ***Free, prior and informed consent: Legal norms and legal realities in Bolivia and Ecuador*** **Marco Aparicio** (University of Girona) ***Post-Constituyente: Institutional Reforms in Bolivia*** **Anna Kucia** (GIGA Hamburg) ***How to Deal with a Plurality of Conflicting Jurisdictions? First Attempts to Coordinate State and Non-State Legal Institutions in Bolivia and Ecuador*** **Inti Schubert** (GTZ Bolivia) ***Legal Aspects of the Plurinational State in Bolivia***
13:00-15:00	Lunch

15:00-16:30	**Panel 7: Comparative Perspectives on Constitutional Change in Latin America** **Moderation & Discussion: Nina Wiesehomeier** (Universidade Lisboa) **Speaker:** **Gabriel Negretto** (CIDE Mexiko) ***Replacing and Amending Constitutions. The Logic of Constitutional Change in Latin America*** **Detlef Nolte** (GIGA Hamburg) ***The Latin American Experiences with Constitutional Reforms since the Transitions to Democracy*** **Leiv Marsteintredet** (University of Bergen) ***Against the tide. The 2010 Constitutional Reform in the Dominican Republic*** **Rogerio Arantes** (USP, Brasil) ***Constitutionalizing Policy: The Brazilian Constitution of 1988 and its Impact on Governance***
16:30-17:00	Coffee Break
17:00-18:30	**Panel 8: Global Constitutional Developments** **Moderation & Discussion: Alexander Stroh** (GIGA Hamburg) **Speaker:** **Antje Wiener** (University of Hamburg) ***Creeping Global Constitutionalism*** **Astrid Lorenz** (Humboldt University Berlin) ***The more Actors, the more Common Decisions. How the Party System Structure, the Unitary-Federal Dimension and the Constitutional Rigidity Affect the Number of Constitutional Amendments*** **Marco Bünte** (GIGA Hamburg) ***Is There a New Constitutionalism in East Asia?*** **Christina Murray** (University of Cape Town) ***Is There a New Constitutionalism in Africa?***
18:30-18:45	**Concluding Remarks** **Detlef Nolte**

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