



NUFFIELD COLLEGE
University of Oxford



UNIVERSIDAD
DE SALAMANCA



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

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 Detlef Nolte (Vice-President GIGA) Dorothee Fiedler (Ministerialdirigentin BMZ) 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 Detlef Nolte (GIGA Hamburg) Dorothee Fiedler (BMZ Ministerialdirigentin)
9:45-11:00 Room 519	Opening Session Laurence Whitehead (University of Oxford) <i>Constitutionalism in Latin America: A Long and Winding Road</i> Moderation: Magnus Lembke (Stockholm University)
11:00-11:30	Coffee Break
11:30-13:00	Panel 1: Constitutional Change and Social Transformation

<p>0 Room 519</p>	<p>Moderation & Discussion: Jorge Gordin (GIGA Hamburg)</p> <p>Speaker: Roberto Gargarrella (CMI Bergen) <i>Constitutionalism in Latin America, Past and Present</i></p> <p>Fernando Carrillo-Florez (IADB Brasilia) <i>Constitutional Rights, Development and the fight against inequality</i></p> <p>Siri Gloppen (CHR Michelsen Institute/University of Bergen) <i>Social Transformation Through Rights Based Participation?</i></p> <p>Franz Barrios Suvelza (TUB Berlin) <i>Deviation problems between constitutional decisions and legal applications: some lessons from Bolivia and Ecuador in the field of territorial autonomy</i></p>
<p>13:00-15:00</p>	<p>Lunch (Coordination meeting RedGob)</p>
<p>15:00-16:30 Room 519</p>	<p>Panel 2: State Transformation, Participation and New Forms of Democracy</p> <p>Moderation & Discussion: Olivier Dabene (Paris Institute of Political Studies)</p> <p>Speaker: Rickard Lalander (University of Stockholm) <i>Neo-Constitutionalism in 21st Century Venezuela: Participatory Democracy or Centralized Populism?</i></p> <p>Jonas Wolff (Peace Research Institute Frankfurt – PRIF/HSFK) <i>The new Constitutions and the Transformations of Democracy in Ecuador and Bolivia</i></p> <p>Oscar Vega (UMSA La Paz) <i>Democracy and Decolonization: Challenges in the Transition of a Plurinational State</i></p>
<p>16:30-17:00</p>	<p>Coffee Break</p>
<p>17:00-18:30 Room 519</p>	<p>Key Note Lecture Albert Noguera (University of Extremadura) <i>What Do We Mean When We Talk About a “Critical Constitutionalism”?</i> <i>Reflections About the New Latin American Constitutionalism</i></p> <p>Moderation: Theresa Kernecker (University of Salamanca)</p>
<p>19:00</p>	<p>Reception in Hamburg’s city hall Welcome Buffet</p>

Detailed Conference Schedule
Friday, 26 November 2010

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

11:00-11:30	Coffee Break

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

13:00-15:00	Lunch
-------------	-------

15:00-16:30	<p>Panel 7: Comparative Perspectives on Constitutional Change in Latin America Moderation & Discussion: Nina Wiesehomeier (Universidade Lisboa)</p> <p>Speaker: Gabriel Negretto (CIDE Mexiko) <i>Replacing and Amending Constitutions. The Logic of Constitutional Change in Latin America</i></p> <p>Detlef Nolte (GIGA Hamburg) <i>The Latin American Experiences with Constitutional Reforms since the Transitions to Democracy</i></p> <p>Leiv Marsteintredet (University of Bergen) <i>Change and continuity in Dominican Constitutions: The 2010 reform compared</i></p> <p>Rogério Arantes (USP, Brasil) <i>Constitutionalizing Policy: The Brazilian Constitution of 1988 and its Impact on Governance</i></p>
16:30-17:00	Coffee Break
17:00-18:30	<p>Panel 8: Global Constitutional Developments Moderation & Discussion: Alexander Stroh (GIGA Hamburg)</p> <p>Speaker: Antje Wiener (University of Hamburg) <i>Creeping Global Constitutionalism</i></p> <p>Astrid Lorenz (Humboldt University Berlin) <i>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</i></p> <p>Marco Bünthe (GIGA Hamburg) <i>Is There a New Constitutionalism in East Asia?</i></p> <p>Christina Murray (University of Cape Town) <i>Is There a New Constitutionalism in Africa?</i></p>
18:30-18:45	<p>Concluding Remarks Detlef Nolte</p>

With the financial support of BMZ (Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung) and Fritz Thyssen Stiftung für Wissenschaftsförderung:

