



W G HART LEGAL WORKSHOP 2010

# ***Comparative Aspects on Constitutions: Theory and Practice***

Tuesday 29 June –Thursday 1 July 2010

Venue: Institute of Advanced Legal Studies , 17 Russell Square London WC1B 5DR

## **Academic Directors**

**Professor Martin Loughlin, London School of Economics**

**Professor Dawn Oliver, University College London**

**Dr Helen Xanthaki and Dr Constantin Stefanou, Institute of Advanced Legal Studies**

## **PROGRAMME**

**(Subject to Change)**

### **DAY ONE: Tuesday 29 June**

9.00 Registration

9.30 Welcome: Professor Avrom Sherr, Director, Institute of Advanced Legal Studies

### ***Theme 1: Conceptualisations of the Purposes of Constitutions***

9.45 *Keynote Speaker:*

**Professor Christoph Möllers, Professor of Public Law, Humboldt University, Berlin**

**Chair: The Rt Hon the Lord Hope of Craighead, KT**

11.00 Coffee

### **11.15 Workshop 1: Constitutions/Constitutionalism General**

**Colm O’Cinneide, University College London**

*Steering the Ship of State: Fundamental Rights, State Power and Janus-Faced Constitutionalism*

**Dr Antonios Platsas, University of Derby**

*Principles as Comparative Denominators of Constitutions*

11.15 **Workshop 2: Socio-economic rights protection**

**Paul O’Connell**, University of Leicester

*The Death of Socio-Economic Rights*

**Dr Oliver Gerstenberg**, University of Leeds

*Negative / Positive Constitutionalism, “Fair Balance,” and the Problem of Justiciability*

**Dr Murray Wesson**, University of Leeds

*Constitutionalising the Welfare State*

12.45 Lunch

14.00 **Workshop 3: Political/legal constitutionalism**

**Professor Colin Harvey**, Queen’s University, Belfast

*The ‘Political Constitution’ of Northern Ireland*

**Professor Cesare Pinelli**, Sapienza University, Rome

*The combination of negative with positive constitutionalism and the quest of a ‘just distance’ between citizens and the public power*

**Dr Fergal Davis**, University of Lancaster

*The (Im)Pure theory of Extra-constitutionalism: uniting Kelsen and Tushnet?*

14.00 **Workshop 4: Constitutional development**

**Professor Wim Voermans**, Leiden University, The Netherlands

*Covert Constitutions*

**Catherine Dupre**, University of Exeter

*Time: The Forgotten Dimension of European Constitutionalism*

**Stefano Barrazza**

*Sailing Democracy in the Stormy Seas of Global Constitutionalism*

15.30 Tea

16.00 **Workshop 5: Post-communist constitutionalism**

**Davit Zedelashvili**, Central European University, Budapest

*The Problems and Promises of Legal Constitution*

**Gábor Attila Tóth**

*From Uneasy Compromises to Democratic Partnership: The Prospects of the Central European Constitutionalism*

**William Partlett**, Law Clerk on the United States Court of Appeals for the Eleventh Circuit

*The Dangers of Constitutional Politics in Democratization: The Post-Soviet Experience*

16.00 **Workshop 6: Constitutional development: II**

**Dr Asem Khalil**, New York University and Birzeit University

*Constitutionalism in Palestine: From a Basic Law to a Text-Based-Institutional Practice, and Backward*

**Vimalen Reddi**, Commonwealth Secretariat

*The “best loser system” in Mauritian Constitution: Reconciling group rights in a multicultural democracy*

17.30 Reception

**DAY TWO: Wednesday 30 June**

***Theme 2 – Transplants, Irritations, Migrations, Harmonization***

9.45 *Keynote speaker:*

**Professor Cheryl Saunders**, Laureate Professor, University of Melbourne

**Chair: Professor Dawn Oliver**

11.00 Coffee

11.15 **Workshop 1: Transplants and the Development of International Constitutional Standards**

**Dr Konrad Lachmayer**, University of Vienna

*Between Power and Transparency: The Migration of Constitutional Ideas in an International Constitutional Network*

**Allan Tatham**, Péter Pázmány Catholic University, Budapest

*In the judicial steps of Bolívar and Morazán? Supranational Court Conversations between Europe and Latin America*

11.15 **Workshop 2: National Constitutions and International Legal Standards**

**Professor Guillaume Tusseau**, Professor of Public Law at Sciences Po Law School, Member of the Institut universitaire de France

*The Interpretation of National Constitutions by International Judges*

**Dr Theodore Konstadinides**, University of Surrey

*Constitutional Specificity à la mode: National Courts, State-Centric Models and Constitutional Identity Checks in the European Union*

**Dr Anneli Albi**, University of Kent

*Global Financial Governance Meets National Constitutions: The Latvian Constitutional Court’s IMF case and Iceland’s Icesave referendum*

- 12.45 Lunch
- 14.00 **Workshop 3: Comparative Law and Constitutional Transplants into National Constitutions**
- Dr Eoin Carolan**, University College Dublin  
*Diffusing Bad Ideas: what the migration of the separation of powers means for comparative constitutionalism*
- Dr Derek O'Brien**, Oxford Brookes University  
*The Role of the Head of State in the Modern Commonwealth Caribbean*
- Merris Amos**, Queen Mary, University of London  
*Standing to Seek a Remedy for a Violation of Human Rights Law: has the United Kingdom got this particular transplant right?*
- 14.00 **Workshop 4: Constitutional reform/formation: Comparative and International Influences**
- Grégoire Webber**, London School of Economics  
*Post-Conflict Constitutions and Constitutional Narratives*
- Professor Sophie Boyron**, University of Birmingham  
*Constitutional Reform in France and the UK: Understanding the comparative dimension(s) in constitutional change*
- Paul Brady**, Balliol College, University of Oxford  
*Political-Philosophical Ideas in the Construction of the Irish Constitutional Order*
- Vijayashri Sripati**, Osgoode Hall Law School, Canada  
*UN Constitutional Assistance [UNCA]: New additions to the “Standard of Civilization”?*
- 15.30 Tea

### ***Theme 3: Constructing Constitutions***

- 16.00 **Workshop 1: Styles and conventions of constitutional drafting**
- Matthew Crow**, UCLA  
*Radical Jurisprudence in Constitutional Text-Making: Jefferson’s Writings and Rewritings*
- Professor David Golov and Professor Daniel Hulsebosch**, New York University School of Law  
*On an Equal Footing: Constitution-Making, the Law of Nations, and the Pursuit of International Recognition in the Early American Republic*
- Dr Mara Malagodi**, School of Oriental and African Studies, University of London  
*Constitutionalizing Nepal’s Hindu Monarchy: Rationale and Impact (1990-2007)*
- Dr David Marrani**, University of Essex  
*The Real Nature of the Fifth French Republic (under N Sarkozy...)*

16.00 **Workshop 2: Influence of culture and tradition in the drafting and implementation of constitutions**

**Dr Elizabeth Craig**, University of Sussex

*Cultural Difference and Mutual Recognition: A Critique of Recent Constitutional Developments in Northern Ireland*

**Riddhi Dasgupta**

*Competing Constitutional Ideals: Viewing Constitutional Process v. Particular Results through the Medium of Federalism*

**Professor Mary Clark**, American University, Washington College of Law

*Comparative Constitutional Provisions*

**Dr Mariusz Golecki**, University of Łódź, Poland

*Constitutional features of a complex legal system: European law from Grundnorm towards a transnational framework*

16.00 **Workshop 3: The Role of Judges And Courts With Constitutional Competence In The Implementation Of Constitutional Instruments, and the Role of Parliamentary Committees**

**Jack Caird**, School of Oriental and African Studies

*The Role of the House of Lords Select Committee on the Constitution in Enforcing the British Constitution*

**Dr Arthur Dyeve**, Centro de Estudios Politicos y Constitucionales, Madrid

*The Case for Judicial Review: Judges as Agents and Judges as Trustees*

**Matthew Williams**, Wadham College, University of Oxford

*What role has the language of legislation played in changes to the constitutional role of senior judges in British politics since 1960?*

**Dr Yuri Borgmann-Prebil**, University of Sussex

*A Jurisprudential Perspective of Constitutional Conflict between Constitutional Courts: Between National Constitutional Supremacy and European Constitutional Supremacy*

19:00 Workshop Dinner (optional, details to be confirmed)

## **DAY THREE: Thursday 1 July**

09.30 **Introduction**

09.45 **Workshop 4: Constitutional Purposes**

**Professor Andrew Harding**, University of Victoria, British Columbia, Canada and

**Professor Peter Leyland**, London Metropolitan University

*The Colour of Thailand's (Un)Constitutional Reforms: Red, Yellow or Orange?*

**Dr Giuseppe Martinico**, Scuola Superiore Sant' Anna, Pisa

*Constitutionalism as a "resource": strength and weakness of a constitutional approach to the development debate*

**Arun Sagar**, University of Rouen

*Constitutional Interpretation in Federations and its Impact on the Federal Balance*

09.45 **Workshop 5: Formulation and drafting of specific constitutional provisions**

**Roger Masterman**, Durham University

*Dynamics of a contemporary separation of powers*

**Liav Orgad**, Interdisciplinary Center (IDC) Herzliya, Israel

*The Preamble in Constitutional Interpretation*

**Dr Alfred Kellermann**, TMC Asser Institute, The Hague

*Constructing constitutions - The influence of international legal developments on the drafting and implementation of constitutions: The European Union and national constitutions*

09.45 **Workshop 6: Human Rights in Constitutions**

**Dr Charlotte Skeet**, University of Sussex

*Transjudicialism, Amendment, and Constitutional Design: Constitutionalisation of Women's Human Rights Norms in the UK*

**Dita Gill**, London Metropolitan University

*Stretch to fit: a comparative analysis of the impact of "constitutional status" of international children's rights on the enforceability of such rights*

**Dr Ioannis Glinavos**, Kingston University, Kingston upon Thames

*Pro-market reform sustainability and the tool of 'Constitutionalization'*

11.00 Coffee

11.30 **Concluding Plenary Session**

**Stephens Laws CB**, First Parliamentary Counsel

**Professor Jeffrey Jowell QC**, University College London

13.00 Lunch

End

