



THE HAGUE ACADEMIC COALITION

The Dynamics of Constitutionalism in the Age of Globalisation

FROM PEACE TO JUSTICE

ANNUAL CONFERENCE OF THE HAGUE ACADEMIC COALITION

15 - 16 May 2008

Peace Palace

The Hague

15 May 2008

**Keynote speech by:
Professor Bertrand G. Ramcharan**
Reception

16 May 2008

**Opening plenary session
Parallel workshops
Closing plenary session**

Further information and registration form:

www.haguecoalition.org



The Conference

The Dynamics of Constitutionalism in the Age of Globalisation

The theme of this year's HAC conference brings together the notions of 'constitutionalism' and of 'globalisation'. Against the backdrop of the overarching 'Peace and Justice' theme which has characterized the annual Hague Academic Coalition (HAC) conferences since 2004, speakers and participants - national and international academics and practitioners from a variety of disciplines - will discuss the various contexts in which the discourse of constitutionalism nowadays occurs.

Constitutions have always been seen as fundamental pillars for stable societies. They provide the basic framework within which the actors in a society relate to each other and they determine the relationship between those that govern and those that are governed.

Whereas the concept of a constitution and the corresponding ideology of constitutionalism have undeniably emerged in the context of nation states, any contemporary discussion of the dynamics of constitutionalism cannot be confined to this traditional framework. The world has changed significantly since Montesquieu and Locke devised the paradigms that are so familiar to us today. Through the process of globalisation, national legal systems are increasingly intertwined and connected, which puts pressure on the doctrine of separation of powers as originally conceived. Increasingly, states have an interest in the functioning of each other's legal system.

At the same time, the process of globalisation may be related to a process of constitutionalization at the international and European levels. With 'power' and 'governance' becoming more diverse and multi-faceted, it seems opportune to (re)consider the phenomenon of constitutionalism at the national, European and international levels.

The aim of the conference is to explore, from a variety of viewpoints, the dynamics and (changing) meaning(s) of constitutionalism in today's globalizing world by means of plenary sessions with keynote speakers as well as interactive workshop discussions. A provisional definition, for the purposes of this conference, may run as follows: 'Constitutionalism' refers to a current of legal and political thought which holds that any form of governance ought to be constantly circumscribed by a set of checks and limits derived from a primary legal document or body of principles.

For questions about registration, please email
secretariat@haguecoalition.org
or call: + 31 (0)70 4260 494
All other questions can be emailed to:
hac2008@hiil.org

Conference Sessions

The conference will commence in the afternoon on 15 May, with a keynote speech by Bertrand G. Ramcharan, Professor of Human Rights and former United Nations (acting) High Commissioner for Human Rights, followed by a welcome reception. The actual exchange of views will take place on 16 May. The day will begin with a plenary session featuring two speakers of different primary perspectives, one from practice (TBA) and one from academia (Prof. Erika de Wet of the UvA) who will together lay the general groundwork. After the plenary, the conference will branch out into four parallel workshops, each of which is organised by one (or more) of the HAC member institutes, in accordance with their respective fields of interest and expertise.

The workshops are:

1. *International Law, Development and Conflict: Comparative Perspectives on Cultures of Constitutionalism*
(ISS)
2. *Constitutional Protection, the Internationalisation of Law and Transnational Constitutional Principles*
(Hiil & Grotius Centre)
3. *Constitutionalism in the European Union*
(Clingendael Institute)
4. *Constitutionalism in Public International Law*
(T.M.C. Asser Instituut)

Towards the end of the afternoon of 16 May, the conference will conclude with a general closing plenary session in which the strands developed in the four workshops will be brought together.

Thursday 15 May 2008

16.00 - 16.30

Registration at the Peace Palace

16.30 - 17.15

Keynote Speech by Professor Bertrand Ramcharan

17.15 - 18.00

Reception

Friday 16 May 2008

09.00 - 09.30

Registration and welcome coffee

09.30 - 11.15

Opening plenary session

11.15 - 11.30

Break

11.30 - 13.00

Four workshops in parallel sessions

13.00 - 14.00

Lunch

14.00 - 15.30

Parallel workshop sessions continue

15.30 - 15.45

Break

15.45 - 17.00

Closing plenary session

17.00 - 17.30

Reception

Parallel Sessions

International Law, Development and Conflict: Comparative Perspectives on Cultures of Constitutionalism

Institute of Social Studies

Depending on context and purpose, the term constitutionalism has multiple interpretations. Legal systems in especially developing countries and countries in conflict tend to reflect a wide spectrum of legal pluralism, drawing on colonial inheritance, post-independence counter-currents and, particularly in the last decade, international law. Critical analyses of case studies from Israel, Nepal and South Africa will address the manner in which international law has been incorporated into national legal systems, with a particular focus on the extent to which human rights have been protected and codified, contributing to a 'culture of constitutionalism' on the basis of universal legal principles.

Constitutional Protection, the Internationalisation of Law and Transnational Constitutional Principles

Hague Institute for the Internationalisation of Law & Grotius Centre

International institutions and informal international cooperation are performing an increasingly essential role nowadays, but they might also infringe upon individuals' rights. National constitutional law does not control the international level, while constitutional principles and guarantees are either lacking or much weaker within the international legal order itself. The workshop will discuss the nature and scope of this problem and will examine whether a solution can be found in transnational constitutional principles applied by judges at the national level, providing the necessary guarantees against any act of governance.

Constitutionalism in the European Union

Clingendael Institute

This session will be confined to the dynamics of constitutionalism in the European Union (EU) as the most advanced international organization. It will examine the differences between supranational and intergovernmental cooperation. In so doing the unique structures of the EU cooperation will be discussed. With this as a background, the gradual development of the institutional structures of the EU will be examined. Particular attention will be paid to the innovations introduced by the Treaty of Lisbon. Finally, participants will discuss the question whether the term 'constitutional' refers to a European concept, or has a purely national origin.

Constitutionalism in Public International Law

T.M.C. Asser Instituut

In this workshop, the phenomenon of constitutionalism in public international law will be considered from several perspectives. First, constitutionalism will be considered within the discipline of public international law itself, focusing on the Charter of the United Nations, the concept of jus cogens or, more generally, the emergence of an international constitutional order. Second, constitutionalism in public international law will be considered from the perspective of the theory of international relations, in particular its international society discourse. Third, constitutionalism will be considered from the perspective of legal theory, including the so-called domestic analogy.