



the center for
constitutional
transitions



Dealing with Territorial Cleavages in Constitutional Transitions

Brussels Conference, September 29 y 30 2015

In Cooperation with:



And hosted by

European Union Committee of the Regions

EUROPEAN UNION



Committee of the Regions

Background:

From Myanmar to Libya, and Ukraine to the Philippines, the world is currently rife with situations of demands for increased autonomy and recognition from territorially-concentrated populations coupled with overarching constitutional reform processes. Spain, Nepal, Tanzania, Yemen, Italy, South Sudan, the United Kingdom, Sri Lanka and Trinidad and Tobago and many others could also be added to this list.

How these demands are met, or not, has significant consequences not only for the national actors involved, but also for the international community at large. Unsuccessful resolution risks considerable detrimental consequences in terms of international conflict, economic trade and development, increased refugee flow and the protection of human rights.

These complex political transitions involve three separate but linked dynamics:

- Political mobilization of interests and identities: who or what causes such mobilization and how they shape the constitutional reform agenda
- Constitutional transition processes: who is involved in negotiations, under what terms and through which institutions
- Constitutional design to accommodate territorially-based politically salient populations: how to balance devolution of powers and resources, recognition of diversity and guarantees for local autonomy with forces encouraging national unity and cooperative politics.

There is a substantial body of research and policy guidance in each of these fields, however there is little to no study of how these three interact with each other. To address this issue, the International Institute for Democracy and Electoral Assistance (International IDEA), the Forum of Federations, the Center for Constitutional Transitions at University of California, Berkeley and the Manuel Giménez Abad Foundation of Aragon, Spain¹ launched the project “Dealing with Territorial Cleavages in Constitutional Transitions”.

The Project:

The project aims to provide a series of knowledge resources based on comparative constitutional design and comparative political science research conducted by leading scholars in the field. Research includes a broad selection of case studies, past and present (Ukraine, the United Kingdom, Bosnia and Herzegovina, Cyprus, Spain, India, Sri Lanka, Philippines, Indonesia, Nepal, Bolivia, Iraq, Ethiopia, Kenya, Nigeria and South Africa) as well as comparative analysis of the three issues listed above.

Research is due to conclude in summer 2015 and International IDEA, along with the project partners, plans to present the findings of the research at an international conference in September/October 2015.

Oxford University Press has already recognized the importance of this research through a commitment to publish a complete edited volume, while International IDEA will produce policy-oriented knowledge

¹ The United Nations Department for Political Affairs has also provided input through reviewing the research proposal and participation in the authors’ meeting

resources for policy-makers and advisors. A report capturing preliminary findings from the research has been published in May 2015.

The Conference

To benefit from the results of this research, whilst also providing a forum for focused discussion on ongoing crises caused by issues relating to territorial cleavages, International IDEA and its project partners plan to hold a conference for policy makers, advisors and scholars to take place in Brussels, Belgium on 29-30 September.

This international forum will include national and sub-national government representatives, representatives of intergovernmental organizations, senior scholars and prominent civil society actors engaged in relevant advocacy efforts.

Proposed Agenda

(Day One: 29 September):

Centre de Conférences Albert Borschette

- | | |
|-----------------|--|
| 9-9.30am: | Opening:
EEAS, International IDEA, Forum of Federations, Constitutional Transitions |
| 9.30-10am: | Keynote:
Jack McConnell. House of Lords, United Kingdom |
| 10am – 11.30am: | General findings from the research: trends, lessons learned and contextual factors to consider

Cheryl Saunders
César Colino
Tom Ginsburg
Chair: Sumit Bisarya |
| 11.30-11.45am: | Coffee Break |
| 11.45 – 1.15pm: | Africa and MENA: Lessons learned and current challenges |

Kenya: Yashpal Ghai and Jill Cottrell Ghai

Nigeria: Rotimi Suberu

Ethiopia: Assefa Fiseha

Yemen: Stephanie Koury

Chair: Ramon Blecua, Head of Political Section of the EU Delegation to Yemen

1.15-2.15pm:

Lunch

2.15-3.45pm:

Asia: Lessons learned and current challenges

Philippines: Bryony Lau

Indonesia: Jacques Bertrand

Sri Lanka: Asanga Welikala

Nepal: Mara Malagodi

Myanmar: Richard Horsey (tbc)

Chair: Katia Papagianni, Director for Policy and Mediation Support, Center for Humanitarian Dialogue

3.45pm-4pm:

Coffee Break

4pm-5.15pm:

Europe:

Cyprus: Neophytos Loizides

Macedonia: Nicole Topperwien

Bosnia-Herzegovina: Marie-Joelle Zahar

Chair: tbc

5.15pm-5.45pm:

Concluding remarks:

George Anderson

Yashpal Ghai

Chair: Emmanuele Giaufret, Head of Division, Democracy Support and Electoral Observation, EEAS.

Day Two:

European Union Committee of the Regions

9am – 9.30am:

Welcome:

Committee of Regions Vice President: Karl Heinz Lambert

International IDEA Secretary General: Yves Leterme

9.30am – 11.30am:

Libya:

Chair: Michael Meyer, Democracy Reporting International

Panel: Members of the Libya National Constitution Drafting Assembly

11.30am – 11.45am:

Coffee Break

11.45am – 1.15pm:

Ukraine:

Chair: Thomas Markert, Venice Commission

Panel:

Marcus Brand, UNDP Ukraine

Sergii Ivanovych Chernov

Lucan Way

Member of Constitutional Commission of Ukraine (tbc)

1.15pm – 2pm:

Closing remarks:

Sujit Choudhry

Jason Gluck

CoR

Jack McConnell

Chair: Sumit Bisarya

The orientation of the conference is towards policy guidance, not academic debate. Thus, there will be no academic papers submitted or discussed; rather each session will focus on the current debate in the countries of interest and how the findings of the project's research can be helpful in providing policy guidance.

Thursday pm:

Project authors and editors only:

Working Lunch (Buffet):

2.30pm – 3pm

Working Session Continues:

3pm – 6pm (with coffee/tea served)