

**International Association of Constitutional Law**  
*Association Internationale de Droit Constitutionnel*

**CAPE TOWN ROUNDTABLE - DRAFT PROGRAMME**

**9-11 April 2006**

**Constitutionalism after Transition**

The 1990s was a decade of constitution-making around the world. A central interest of comparative constitutional lawyers then was the role of constitutions in facilitating democratic transition. And, indeed, constitutionalism (or at least, written constitutional guarantees), does appear to have been successful in several countries as a device to persuade parties to enter the democratic process. In addition to laying down the democratic 'rules of the game', some of these constitutions also had a clear transformative intent, promising social justice after a period of totalitarian or otherwise unjust rule. Ten to 15 years later, the question is whether these constitutions have been successful – have they served to entrench constitutionalism and lived up to their transformative promise?

The Cape Town roundtable conference aims to use South Africa as a focal point for addressing this broad question. It is organised around three themes: past political violence, ethnic minorities and poverty alleviation. Each of these themes was chosen for its importance to South Africa's transition and post-transitional challenges. But they also resonate with the experience of many other countries which participated in the third wave of constitutionalism.

In exploring these themes, the conference will seek answers to the following main questions:

- Have constitutionally entrenched amnesty provisions succeeded in addressing both the need for a stable political settlement and the needs of victims for justice?
- Have individual rights proved to be a successful device for addressing ethnic conflict?
- Transitional constitutions may be designed to address certain political cleavages. Do they run the risk of perpetuating those divisions whilst failing to fulfil more general democratic needs?
- And finally, can constitutions provide rights to a genuinely pro-poor economic policy, or is economic policy immune to constitutional prescription?

In keeping with the focus on the role of constitutions in poverty alleviation, the conference will include a specialised workshop on the domestic implementation of international trade agreements in Africa

## **PROGRAMME**

### **Sunday 9 April: Pre-roundtable sessions**

Meeting of African network  
Meeting of Tralac network

### **Sunday 9 April 6pm**

#### **Opening session**

Welcome:

University of Cape Town Law Faculty  
Prof Cheryl Saunders: President IACL (Melbourne)

Keynote addresses:

Chief Justice Pius Langa:  
Steven Friedman: tentative title 'Constitutionalism after the transition'

Discussion

### **Monday 10 April: 9.30 – 12.45**

#### **Past political violence: Truth and amnesty**

Pumla Madikizela Godobo (University of Cape Town)  
Respondent: XXX

Fatuma Ndagiza (Unity and Reconciliation Commission, Rwanda)  
Respondent: XXX

Panel: Dumisa Ntsebeza (South Africa); Lech Garlicki (Poland); Aderito Soares (East Timor); Paul Naritulya (Uganda).

### **Monday 10 April: 2 – 5**

#### **Ethnic Minorities**

Julian Hottinger  
Respondent: XXX

Jone Madraiwiwi (Fiji)  
Respondent: Fink Haysom (SA)

Panel: Bereket Habte Selassie (Eritrea/USA); Siphoo Seepe (South Africa); Ato Menberetsehay Tadesse (Ethiopia); Raoul Pangalangan (Philippines); Judge G W Kanyeihamba (Uganda); Rassie Malherbe (South Africa)

**EVENING: SOCIAL EVENT (perhaps wine farm for dinner)**

**Tuesday 11 April: 9.30 – 12.45**

**The domestic incorporation of international trade agreements in Africa**  
(programme for morning to be arranged by TRALAC)

Speaker 1: Gerhard Erasmus ‘Integrating the international legal regime in new democracies’

Speaker 2: Mozambique

Speaker 3: Amadou Tankoano (Niger)

Speaker 4: Botswana

Possible respondent or speaker – XXXXX

Other possibilities: Migai Akech – Kenya

**Tuesday 11 April: 2 -5**

**Poverty alleviation and social and economic rights**

Sandi Liebenberg (South Africa)

Respondent: Eibe Reidel (Germany)

Javier Couso (Chile)

Respondent: Danwood Chirwa (South Africa)

Panel: Chris Peter Maine (Dar-es-Salaam); Marius Pieterse (Wits); Rajeev Dhavan (India), Arivanga Pillay (CJ Mauritius also UN Com on Soc and Ec Rights), Martin Scheinin (Finland)