

MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Directors:
Professor Dr. Armin von Bogdandy
Professor Dr. Dr. h.c. Rüdiger Wolfrum



PROGRAM:

**MAX PLANCK CONFERENCE ON
CONSTITUTIONAL REFORM IN ARAB COUNTRIES**

22ND – 24TH FEBRUARY 2012

HEIDELBERG, GERMANY

WEDNESDAY, FEBRUARY 22ND, 2012

- 09:00-09:10 Opening Address, *Rüdiger Wolfrum*
09:10-09:20 Introduction to the Symposium, *Tilman Röder*

LEGITIMACY OF CONSTITUTION-MAKING

Chair: Judge Medhat al-Mahmood

- 09:20-09:40 A Comparative Perspective on the Legitimacy of Constitution-Making, *Rüdiger Wolfrum*
09:40-10:00 Islam and a Constitution Based State: a Contradiction?, *Salwa El-Deghali*
10:00-10:20 Islam and a Constitution Based State: a Contradiction? Comments from a Tunisian Perspective, *Ferhat Horchani*
10:20-10:50 Discussion
10:50-11:20 Tea/Coffee Break
11:20-11:40 Legitimacy of Procedures of, and Institutions Involved in Constitutional Reform, *Yehia El-Gamal*
11:40-12:20 Short Comments on the situation in selected countries: Tunisia (*Kaouthar Debbeche*), Egypt (*Ibrahim Darwish*) Syria/Lebanon (*Jacques El-Hakim*); Jordan (*Mohammad Hammouri*)
12:20-12:45 Discussion
12:45-14:00 Lunch Break

THE ORGANIZATION OF GOVERNMENT

Chair: Prof. Dr. Mohammad Hashim Kamali

- 14:00-14:20 Forms of Political Systems and the Equilibrium of Power in the Arab Political and Constitutional Debate, *Ghazi Al-Gherairi*
14:20-14:30 Comment: *Abdelali Hamidine*
14:30-14:40 Centralized vs. Decentralized State: Common Discussions and Tendencies in the Transition States, *Xavier Philippe*
14:40-14:50 Comment: Iraq (*Sheik Humam Hamoudi*)
14:50-15:20 Discussion
15:20-15:40 Tea/Coffee Break

THE ROLE AND FUNCTIONS OF THE MILITARY IN A DEMOCRATIC STATE

Chair: Prof. Dr. Ilhan Uzel

- 15:40-16:00 The Role of Military and Security Services in Authoritarian Political Systems, *Abdelmadjid Benchikh*
16:00-16:20 Relations between the Military and the Judiciary, *Hatem Bagato*
16:20-16:40 Comments on the situation in selected countries: Mauritania (*Mohamed Driss Horma Babana*); Egypt (*Nour Farahat*)
16:40-17:00 Discussion

THURSDAY, FEBRUARY 23RD, 2012

INSTITUTIONAL SAFEGUARDS AGAINST BREACHES OF CONSTITUTIONAL LAW

Chair: Judge Abdul Gadire Koroma

- 09:00-09:20 Considerations of a Constitutional Review Mechanism: the Example of Jordan, *Raed Faqir*
- 09:20-09:40 Comments: *Nadia Bernoussi, Nacer-Eddine Ghozali*
- 09:40-10:20 Discussion
- 10:20-10:40 Tea/Coffee Break
- 10:40-11:00 Constitutional Jurisdiction in Times of Crisis: Experiences from Iraq, *Medhat al-Mahmood*
- 11:00-11:20 The Mauritanian Constitutional Judge and the Military Coup of 6 August 2008: Chronicle of one Year of Crisis for the Rule of Law, *Ahmed Salem Ould Bouboutt*
- 11:20-11:30 General Comment: *Thomas Markert*
- 11:30-12:00 Discussion
- 12:00-13:00 Lunch Break

POLITICAL RIGHTS AND CIVIL RIGHTS

Chair: Prof. Asifa Quraishi-Landes

- 13:00-13:20 Political Rights and Civil Rights as a Precondition of Democratic Participation, *Mohammed Amin Al-Midani*
- 13:20-13:50 Comments on the situation in selected countries: Egypt (*Hanafi Gebali*), Lebanon (*Georges Kadige*), Tunisia (*Fadhel Moussa*)
- 13:50-14:30 Discussion
- 14:30-15:00 Tea/Coffee Break
- 15:00-15:20 Women's Rights at Risk? *Huda Ali Alawi*
- 15:20-15:40 New Perspectives for Cultural Rights? *Ali Karimi*
- 15:40-16:15 Discussion

EVENING PROGRAM

- 19:00 Bus shuttle to restaurant
- 19:30-22:00 Conference Dinner

FRIDAY, FEBRUARY 24TH, 2012

INTERNATIONAL LAW IN THE CONTEXT OF CONSTITUTIONAL DEVELOPMENT

Chair: Prof. Dr. Rüdiger Wolfrum

- 09:00-09:20 Constitutional Review in Arab Countries: Dawn of a New Era?, *Rainer Grote*
- 09:20-09:40 International Human Rights Law as a Frame for New State Constitutions in the MENA Region, *Said Mahmoudi*
- 09:40-10:20 Discussion
- 10:20-10:40 Tea/Coffee Break
- 10:40-11:00 De Facto and De Iure Recognition of Governments: Recent Cases from the MENA Region, *Stefan Talmon*
- 11:00-11:20 International Tribunals and National Constitutions, *Hazem Atlam*
- 11:20-11:50 Discussion
- 11:50-12:00 Follow-up to the conference: our plans for future assistance projects, *Tilmann Röder*
- 12:00-12:15 Summary and Closing address, *Rüdiger Wolfrum*
- 12:15-12:45 Lunch Break

AFTERNOON PROGRAM

- 12:45 Bus shuttle to the mosque (voluntary)
- 15:00 Guided city tour and visit of Heidelberg castle (voluntary)