

Bonavero
Institute
of Human
Rights



BINGHAM
CENTRE FOR
THE
RULE
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LAW



Conference on Remaking the UK Constitution: Politics and Process 22nd and 23rd February 2019

The Bonavero Institute of Human Rights at the University of Oxford, The Bingham Centre for the Rule of Law and The Constitution Unit at University College London welcome you to their joint conference *Remaking the UK Constitution*.

Brexit has generated a widespread recognition on all sides of the debate that the UK is in the midst of one of the greatest constitutional upheavals in its history. Consequently, there is growing interest across and outside the political parties in revisiting some fundamental aspects of the UK Constitution.

Remaking the UK Constitution is intended to be a conference about *how* to remake the UK Constitution in a democratically legitimate manner. It will focus on constitutional processes which would be capable of attracting broad support: a prerequisite of lasting constitutional design. Our hope is that this inclusive discussion of *how* the Constitution could be remade will facilitate further engagement with *whether* it should be and *what* constitutional changes might be necessary and desirable (questions that should be decided by the process itself).

The conference brings together politicians, scholars, legal practitioners, policy makers, civil servants, and journalists to create an accessible and influential set of debates and exchanges. It is being live-streamed to ensure that it becomes a public event that is informed by arguments and information of the highest intellectual quality.

The discussions in the conference will be distilled into a public report – *Remaking the UK Constitution* – to be co-published by Bonavero, Bingham and the Constitution Unit. The report will be published a short time after the conference with a view to influencing public debate.

CONFERENCE PROGRAMME

Friday 22nd February 2019

10.30am: Registration and coffee

11.00am - 12.30pm Session 1: Introductory Framing Session

The introductory session will set the scene in relation to Constitution-making in the UK and provide a survey of relevant concepts and comparative political experience relating to constitution-making. The aim of this session is to equip the audience with the relevant conceptual and political building blocks for participating meaningfully in the conference.

Chair: Professor Kate O'Regan, director of the Bonavero Institute of Human Rights and judge of the Constitutional Court of South Africa (1994 - 2009)

Speakers:

1. **Professor Robert Hazell**, Professor of Government and the Constitution in University College London's School of Public Policy
2. **Associate Professor Stuart White**, Fellow in Politics at Jesus College, Oxford
3. **Dr Alan Renwick**, The Constitution Unit, University College London

1.00pm – 2.00pm Lunch

2.00pm – 4.00pm: Session 2: Brexit and the UK Constitution

This panel will explore the contemporary opportunities for building a broad based political consensus about the need for a constitutional remaking process and what that process should be. Panellists will address the prospects of building such consensus, the current opportunities for remaking the Constitution and what steps might be required to start the process.

Chair: Lord David Anderson QC (Brick Court Chambers), former Independent Reviewer of Terrorism Legislation, cross-bench “People’s Peer”.

Panellists:

1. **Rt Hon Gisela Stuart**, Constitutional Reform Group Steering Committee member and Chair of Wilton Park
2. **Rt Hon Joanna Cherry QC**, Member of Parliament for Edinburgh South West
3. **Frances Foley**, Project Direct, Citizens' Convention on UK Democracy
4. **Anthony Barnett**, Co-Founder, openDemocracy
5. **Dr Elliot Bulmer**, Senior Programme Officer, Constitution Building Programme of the International Institute for Democracy and Electoral Assistance

4.00pm - 4.30pm Tea

4.30 pm – 6.00 pm: Session 3: Thinking about constitution-making in the four constituent countries of the United Kingdom

This session will introduce the current debates and concerns relevant to each of the four countries that make up the United Kingdom, and how those concerns might need to be considered in designing a process for constitution-making in the United Kingdom.

Chair: Dr Paul Gillespie, Deputy Director, Institute of British-Irish Studies

Panellists:

1. *Wales:* **Professor Laura McAllister**, Professor at the Wales Governance Centre, Cardiff University
2. *England:* **Sunder Katwala**, Director, British Future
3. *Northern Ireland:* **Dr Robin Wilson**, general editor of Social Europe and an expert adviser to the Council of Europe on intercultural integration
4. *Scotland:* **Lesley Riddoch**, Scottish journalist, author, campaigner and Director of the policy group Nordic Horizons

7.00pm Dinner for panellists: Quod Restaurant - Old Bank Hotel

Saturday 23rd February 2019

9.00 am – 11.00 am Session 4: The flexibility of a new constitution

This session will explore the different ways in which constitutions may be amended, and what entrenchment of constitutions means for constitution-making, e.g. referendums, super majorities, and constitutional review processes.

Chair: Professor Jeff King, Professor of Law at the Faculty of Laws, University College London

Panellists:

1. **Professor Dr Matthias Mahlmann**, Chair of Philosophy and Theory of Law, Legal Sociology, and International Public Law, University of Zurich
2. **Dr Silvia Suteu**, UCL Faculty of Laws, University College London
3. **Professor Richard Bellamy**, Professor, University College London; Director of the Max Weber Programme, European University Institute
4. **Professor Dr Maartje de Visser**, Singapore Management University
5. **Professor Peter C. Oliver**, Full Professor and Vice Dean Research, Faculty of Law, University of Ottawa

11.00am - 11.30 am Tea

11.30am –1.00pm: Session 5: Citizens' Assemblies and other forms of Mini-Publics

This session will discuss contemporary examples of citizens' assemblies and other forms of mini-publics. It will focus on the lessons we can learn from particular national experiences for the UK Constitution making process.

Chair: Adam Ramsay, Co-Editor, openDemocracy

Panellists:

1. **Professor David Farrell**, MRIA, Head of School of Politics and International Relations, University College Dublin
2. **Professor Graham Smith**, Centre for the Study of Democracy, University of Westminster
3. **Dr Arianna Giovannini**, Senior Lecturer in Local Politics and Deputy Director of the Local Governance Research Centre, Department of Politics and Public Policy, De Montfort University
4. **Dr Udit Bhatia**, Junior Research Fellow, Jesus College and academic affiliate, Bonavero Institute of Human Rights, University of Oxford

1.00 – 2.00 Lunch

2.00 pm – 4.00 pm Session 6: Constitutional Conventions

This session will discuss contemporary examples of constitutional conventions and what we can learn from them in the UK Constitution making process.

Chair: Dr Udit Bhatia, Junior Research Fellow, Jesus College and academic affiliate, Bonavero Institute of Human Rights, University of Oxford.

Panellists:

1. **Professor Eirikur Bergmann**, Professor of Politics, Bifrost University, Iceland
2. **Associate Professor H el ene Landemore**, Department of Political Science, Yale University
3. **Professor Jeff King**, Professor of Law at the Faculty of Laws, University College London, teaches public law and constitutional theory
4. **Professor Dr Jon Elster**, Robert K. Merton Professor of Social Science, Columbia University, Professeur honoraire, Coll ege de France
5. **Professor Roberto Gargarella**, Professor of Political Philosophy and Constitutional Theory, Universidad de Buenos Aires/ Di Tella, senior Researcher at CONICET

4.00 pm – 4.15 pm Closing remarks by Murray Hunt, Director, Bingham Centre for the Rule of Law.

LIST OF SPEAKERS

Lord David Anderson QC (Brick Court Chambers), former Independent Reviewer of Terrorism Legislation, cross-bench “People’s Peer”

Anthony Barnett, Co-Founder, openDemocracy

Professor Richard Bellamy, Professor, University College London; Director of the Max Weber Programme, European University Institute

Professor Eirikur Bergmann, Professor of Politics, Bifrost University, Iceland. Writes mainly on Nationalism, Populism, European Integration, Icelandic Politics and on Participatory Democracy, author of three novels published in Icelandic and member of the Icelandic Constitutional Council in 2011

Dr Udit Bhatia, Junior Research Fellow, Jesus College and academic affiliate, Bonavero Institute of Human Rights, University of Oxford. Research areas: democratic theory, social epistemology, and constitutional law

Dr Elliot Bulmer, Senior Programme Officer, Constitution Building Programme of the International Institute for Democracy and Electoral Assistance; specialises in institutional design, particularly in Westminster-derived contexts

Rt Hon Joanna Cherry QC, Member of Parliament for Edinburgh South West

Professor Dr Jon Elster, Robert K. Merton Professor of Social Science, Columbia University, Professeur honoraire, Collège de France, currently working on a comparison between the Federal Convention (1787) and the first French constituent assembly (1789-91)

Frances Foley, Project Direct, Citizens' Convention on UK Democracy

Professor David Farrell, MRIA, Head of School of Politics and International Relations, University College Dublin. Former research director of the Irish Constitutional Convention (2012-14) and research leader of the Irish Citizens’ Assembly (2016-18)

Professor Roberto Gargarella, Professor of Political Philosophy and Constitutional Theory, Universidad de Buenos Aires/ Di Tella. Senior Researcher at CONICET

Dr Paul Gillespie, Deputy Director, Institute of British-Irish Studies, School of Politics and International Relations, University College Dublin, Irish Times columnist

Dr Arianna Giovannini, Senior Lecturer in Local Politics and Deputy Director of the Local Governance Research Centre at the Department of Politics and Public Policy, De Montfort University. Research areas: territorial and local politics, governance rescaling, devolution and citizens' engagement in the UK and in comparative perspective

Professor Robert Hazell, founder of the Constitution Unit at UCL, Professor of Government and the Constitution in UCL's School of Public Policy

Murray Hunt, Director, Bingham Centre for the Rule of Law

Professor Jeff King, Professor of Law at the Faculty of Laws, University College London, teaches public law and constitutional theory

Sunder Katwala, Director, British Future, an independent, non-partisan thinktank engaging people's hopes and fears about integration and migration, opportunity and identity, to share a confident and welcoming Britain, inclusive and fair to all

Associate Professor Hélène Landemore, Department of Political Science, Yale University

Professor Dr Matthias Mahlmann, Chair of Philosophy and Theory of Law, Legal Sociology, and International Public Law, University of Zurich. Research areas: Comparative Constitutional Law, International Law, Legal philosophy, Law and Society

Professor Laura McAllister, Professor at the Wales Governance Centre, Cardiff University. Research areas: devolution and constitutional matters in Wales

Lesley Riddoch, Scottish journalist, author, campaigner and Director of the policy group Nordic Horizons

Professor Peter C. Oliver, Full Professor and Vice Dean Research, Faculty of Law, University of Ottawa. Works in the field of constitutional law, history and theory - federalism, Commonwealth, sovereignty, constitutional amendment

Professor Kate O'Regan, director of the Bonavero Institute of Human Rights and judge of the Constitutional Court of South Africa (1994 - 2009)

Adam Ramsay, Co-Editor, openDemocracy

Dr Alan Renwick, The Constitution Unit, University College London

Professor Graham Smith, Centre for the Study of Democracy, University of Westminster. Works on democratic theory and practice, with a particular specialism in randomly-selected mini-publics

Rt Hon Gisela Stuart, Constitutional Reform Group Steering Committee member and Chair of Wilton Park

Dr Silvia Suteu, UCL Faculty of Laws, University College London

Professor Dr Maartje de Visser, Associate Professor and Associate Dean for Postgraduate Teaching and Curriculum, School of Law, Singapore Management University. Works on extra-judicial constitutional interpretation and cross-border judicial networking

Associate Professor Stuart White, Fellow in Politics at Jesus College, Oxford. Research areas: philosophical and institutional issues in the relationship between democracy, property and citizenship

Dr Robin Wilson, general editor of Social Europe and an expert adviser to the Council of Europe on intercultural integration and author of Meeting the Challenge of Cultural Diversity in Europe: Moving Beyond the Crisis (Edward Elgar, 2018)

LIST OF ORGANISERS

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