CONSTITUTION BUILDING IN STATES WITH TERRITORIALLY BASED SOCIETAL CONFLICT

Melbourne Forum on Constitution Building in Asia and the Pacific

Jointly organised by International IDEA and the Constitution Transformation Network
at the Centre for Comparative Constitutional Studies, Melbourne Law School

18 and 19 August 2016
Level 9, Room 920
Melbourne Law School
185 Pelham Street, Carlton

The Melbourne Forum on Constitution Building 2016 brings together practitioners and scholars from across Asia and the Pacific to share their experiences of constitution building in societies in which there is territorially based conflict. Many states and polities in the Asia Pacific region have sought to accommodate territorially based conflict in their constitutional systems. All speakers at the Forum have been directly involved in the processes of constitution-building in their respective states and polities. The Forum provides an opportunity for understanding the experiences of different states, in depth discussion of shared issues and challenges, and meaningful comparison across the region.

The Forum considers both the substance and the processes of constitution building in contexts of territorially based societal conflict, including issues as to:

• The nature of the societal conflict and the political/cultural impediments to solutions.
• The form and principal design features of federalism, devolution and/or local autonomy and their effectiveness.
• Arrangements for ‘shared rule’ in central governing institutions and constitutional provisions for shared ownership of the state, and their effectiveness.
• The principal features of the processes used for constitution building; whether these processes might themselves foster a sense of collective ownership of the constitution and the state; and any problems that have or might arise.
• Challenges of constitutional implementation.
• The insights that can be drawn for constitution building in conditions of societal conflict elsewhere in the region and globally.

International IDEA and the Constitution Transformation Network are proud to organise the Melbourne Forum on Constitution Building 2016 and to facilitate this timely discussion of a significant and global dimension of constitution building.

www.law.unimelb.edu.au/cccs
# PROGRAM

## THURSDAY 18 AUGUST

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<td>9.15 – 9.30</td>
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| 9.30 – 10.30 | Welcome: Adrienne Stone  
Introductions: Leena Rikkila Tamang and Cheryl Saunders |
| 10.30 – 11.00 | Morning Tea                                                          |
| 11.30 – 1.30 | Session 1 Constitutional design: Federalism and Devolution  
- Madhav Khosla: India  
- Surya Dhungel: Nepal  
- Stephen Pokawin: Papua New Guinea  
Chair: Cheryl Saunders |
| 1.30 – 2.30 | Lunch                                                                  |
| 2.30 – 4.30 | Session 2 Constitutional design: Special Autonomy and other measures  
- Kearnneth Nanei: Bougainville  
- Carine David: New Caledonia  
Chair: Sumit Bisarya |
| 4.30 – 5.00 | Afternoon Tea                                                          |
| 5.00 – 6.00 | Roundtable discussion  
An introduction to the Constitution Transformation Network and discussion of women’s participation in constitution building in the region |

## FRIDAY 19 AUGUST

<table>
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<tr>
<th>Time</th>
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| 9.00 – 11.00 | Session 3 Constitution making processes  
- Warren Paia: Solomon Islands  
- Asanga Welikala: Sri Lanka (current process)  
- Benedicto Bacani: Philippines (current process)  
- Raissa Jajurie: Philippines (Bangsamoro agreements)  
- U Ko Ni: Myanmar  
Chair: Will Partlett |
| 11.00 – 11.30 | Morning Tea                                                          |
| 11.30 – 1.30 | Session 4: Implementation  
- Djohermansyah Djoohan: Indonesia  
- Surya Dhungel: Nepal  
- Asanga Welikala: Sri Lanka (13th Amendment)  
Comment: Bui Ngoc Son Vietnam  
Chair: Pip Nicholson |
| 1.30 – 2.30 | Lunch                                                                  |
| 2.30 – 4.00 | Discussion and conclusion  