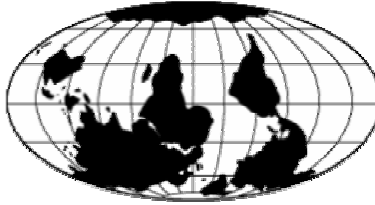


Building Global Networks of Critical Knowledge



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Call for Papers & Panel Proposals

The LatCrit/Rulci Colloquium on International and Comparative Law & on Constitutional Law and Theory

University of Western Cape Law Faculty
CAPE TOWN, SOUTH AFRICA
August 8-10, 2004

RESPONSE DUE DATE: MAY 14, 2004

SPONSORED BY:

RESEARCH UNIT FOR CONSTITUTIONAL AND LEGAL INTERPRETATION (RULCI), A JOINT PROJECT OF THE LAW FACULTY, UNIVERSITY OF WESTERN CAPE AND THE LAW FACULTY, STELLENBOSCH UNIVERSITY
THE LAW FACULTY, UNIVERSITY OF CAPE TOWN
UNIVERSITY OF MIAMI SCHOOL OF LAW
UNIVERSITY OF BALTIMORE SCHOOL OF LAW

PRESENTED BY:

LATCRIT, INC.

The **LatCrit Colloquium** on International and Comparative Law convenes in different locales of the world to consider current issues of law, policy and theory from critical, cross-cultural, and interdisciplinary perspectives. Since the inception of LatCrit theory in the mid-1990s, the Colloquium has convened five times: once in Miami, Florida, USA (1996), twice in Malaga, Spain (1998 and 1999), once in Santiago de Chile (2002) and once in Buenos Aires, Argentina (2003). The Colloquium now is scheduled to convene again, this time in Cape Town, South Africa from August 8-10, 2004 as part of the Critical Global Classroom, a unique study-abroad program devoted to law, policy and social justice activism (for more information on the CGC, please visit the CGC website at law.ubalt.edu/cgc or email cgc@ubalt.edu and for more information on LatCrit please visit the LatCrit website at www.latcrit.org or write to LatCrit at the address above).

The **Rulci Colloquium** on Constitutional Law and Theory has convened for the past five years in Cape Town to provide a platform for both established and emerging researchers to engage critically with an emerging South African Constitutionalism in terms of theory and

praxis. South Africa is celebrating 10 years of democracy in 2004, and to celebrate this milestone Rulci joins forces with LatCrit to present an enlarged Colloquium from August 8-10, 2003 in Cape Town (for more information on Rulci, see www.uwc.ac.za/RULCI).

This brief summary is designed to introduce the basic concept specifically of the Colloquium, and to encourage interested scholars, activists, practitioners, students, policymakers and others to plan ahead to join us for this event. A detailed Program and Schedule with site and travel information will be distributed in early June 2004 based on your responses to this **Call for Papers & Panel Proposals**.

The purposes of this year's Colloquium are varied but inter-related and mutually reinforcing. A key purpose is to provide a venue for scholarly exploration and exchange of critical knowledge among LatCrits and other scholars from the North, and scholars from South Africa and elsewhere in the South. South Africa this year is celebrating 10 years of democracy and faces many challenges similar to those faced by other countries of the South. The Colloquium aims to facilitate a creative and critical dialogue with scholars from various parts of the globe and to establish a means for sustained and sustainable collaboration between and among LatCrit scholars and similarly minded scholars, activists, practitioners, students and others throughout the world. This Colloquium is thus designed both to produce knowledge and cultivate community in "global" terms – in terms that fuse the local with the global so that we can study both local particularities and the global patterns that they form. Over time, we hope that Colloquium participants will collaborate in the creation, expansion and articulation of transnational and interdisciplinary networks of critical knowledge.

The Colloquium is also designed to bring together scholars who engage critically with constitutional theory and with legal discourse in general not merely for the thrill of intellectual discovery, but also to seek new ways of utilizing legal theory and praxis to make a difference to the lives of marginalized and vulnerable individuals in our various societies.

Another and related key purpose is to build a substantive record of critical analysis and theory to design concrete policy interventions both at the national and international levels. The Colloquium participants will therefore be invited to publish their presentations in a scholarly journal, a practice designed not only to disseminate knowledge but also to develop a coherent body of literature from which LatCrit and allied scholars, as well as policy makers and others, can derive insights for legal reform and social transformation.

Finally, this Colloquium is designed to empower the next generation of scholars and social justice activists. From a LatCrit perspective, this Colloquium is also part of the formal academic curriculum of the Critical Global Classroom study-abroad program and CGC students will be in attendance. From a Rulci perspective, emerging researchers associated with Rulci will be provided with a platform to present their work in progress, thus providing often silenced and marginalized voices within the South African academy the opportunity to grow as scholars and to engage with established scholars from all over the globe.

We hope you will join us for this exciting event, and look forward to receiving your program proposals for a paper presentation or panel. Don't delay; make your advance plans now!

To follow up, please fully complete and timely return the attached **Program Proposal Form** – we hope to see you on August 8-10, 2004 in Cape Town, South Africa for this year's Colloquium.

For more additional copies of this Call, or for more information on LatCrit theory, publications, projects or plans, please visit the LatCrit website at www.latcrit.org.

SUBSTANTIVE SUBMISSION GUIDELINES FOR PAPERS AND PANELS

Past LatCrit events – both conferences and colloquia – have explored operations of the law upon ethnic, gender, religious, class and other differences within Latina/o and other “outsider” communities, including issues of labor, housing, transportation, schools, technology, political participation, criminal justice, environment, and culture as they relate to local, regional and international life. This LatCrit effort to link identity issues to substantive analyses of law and policy has been particularly fruitful in revealing the ways that race, ethnicity, class, gender and sexuality are implicated precisely in those areas of law and policy that are ordinarily thought *not* to be about “identity”: for example, in conventional notions of sovereignty, in the structuring of formal labor rights, in the premises and goals of globalization, in the recognition of intellectual property, in the organization of antitrust law, in the operations and assumptions of international law and legal process, in the fields of business regulation and “free trade” laws, in the management of foreign affairs generally and war-making specifically, in liberal and neoliberal renditions of democracy, and in the effects of organized religion, to name just a few areas of LatCrit attention during the past eight years.

Past Rulci events have explored, in a critical manner, the theoretical assumptions and underpinnings of human rights and judicial review in general, and as it relates to the South African Constitutional project in particular. Bringing together critical theorists and Constitutional law scholars from South Africa, Europe and the USA, these events have provided a platform for a constructive dialogue about the role of law in general and Constitutional law in particular in the emancipation of outsider (marginalized and vulnerable) communities in South Africa and elsewhere. These events have also been concerned with the theory and praxis of building a viable and vibrant democracy in a deeply divided society in the context of the prevalence of neoliberal economic policies and the effects of globalization. As South Africa has only recently emerged from a dark period in which racial, sexual and class identities were deployed to oppress and control the population, a major concern of these events has also been to explore and understand the ambivalent role of identity in the emancipation/oppression of identifiable groups. These events have often focused on ideas and strategies first formulated by progressive North scholars, thus not always taking account of the insights and lessons to be drawn from other South scholars.

It is against this background that everyone is encouraged to develop their proposals for papers or panels for this year’s Colloquium program. In particular, the Colloquium organizing committee hopes that paper and panel proposal will endeavor to (A) expand our understanding of the impact of social identity in substantive areas of law and policy ordinarily thought to be about “something other than identity” (e.g., issues like those noted above); (B) deepen our analysis of the various ways in which identity issues intersect, conflate and conflict in our self-understandings and coalitional social justice activism; and (C) understand the similarities and differences in the way identity issues influence and inform legal discourse in general, and Constitutional discourse in particular, in both the North and the South and in different countries and continents in the South.

The following four **Substantive Submission Guidelines for Papers and Panels** are offered, therefore, as common points of reference both for individual papers and presentations, or for panels consisting of between three or four papers or presentations each (see below for more detail). Ideally, interested scholars will submit proposals that cover the entire range of issues so that the final Colloquium program will reflect our ongoing efforts in these various areas of critical inquiry. Our aim each year is to ensure a substantive Colloquium program based on your paper and panel proposals that spans the range of these Guidelines to ensure a steady expansion and development of LatCrit theory, and of critical jurisprudence more generally, in transnational, interdisciplinary and comparative terms. Before completing and returning your Program Proposal Form, please review and consider these Guidelines as ***guidelines***;

remember, the Guidelines presented below are provided here as flexible substantive guideposts to encourage, not constrict, scholarly participation in this year's program events:

- I. Papers or panels that explore or elucidate some **key themes** of the Colloquium program as a whole, as follows:
 1. Pre-colonial Arrangements and Colonial or PostColonial Histories and Legacies;
 2. Historic and Contemporary Outsider Issues and Inter-Group Power Relations;
 3. Economic Control of Society and Wealth-Identity Hierarchies and Distributions;
 4. The Role of Constitutional and Legal Systems in Maintaining or Reforming the Socioeconomic Status Quo under the "Rule of Law"; and
 5. The Effects and Prospects of Corporate Globalization on the Local and Regional Political, Social, Economic and Legal Arrangements.

- II. Papers and panels that connect or contrast LatCrit theory to **other genres or "schools" of scholarship**, and in particular the various strands of critical theory and jurisprudence (critical race theory, feminist legal theory, queer legal theory) that critique class, gender, race, sexuality and other categories of social-legal identities and relations. In addition, however, we also invite proposals that engage the "law and" schools of scholarship – law and literature, law and society, law and economics, law and development, etc. The idea behind this second substantive Guideline is to encourage scholarship that explains the development of critical knowledge in the form of various "schools" of theory and jurisprudence. By fostering a critical and self-critical exchange of ideas and insights across schools of thought and inquiry, we hope to help interconnect currents of knowledge that otherwise might not intersect, thus helping to build networks of knowledge that transcend disciplinary as well as other kinds of borders.

- III. Papers or panels that bring a **regional focus** to the colloquium corresponding to the region or locale of our gathering: South Africa. This regional focus ideally will invite and facilitate comparative analyses of intra- and inter-regional differences and commonalities regarding particular areas of law and policy, particularly Constitutional Law. The idea behind this third Guideline is that a regional focus not only should enable study and discussion of local and specific conditions, but also should help to set the stage for comparative critiques of similar conditions in other regions of the hemisphere or globe.

- IV. The fourth and final substantive Guideline invites papers and panels that **focus on Constitutional law and theory**. South Africa is celebrating 10 years of democracy and the South African Constitution is often viewed as one of the most progressive and innovative Constitutions in the world. Progressive scholars often talk about the transformative nature of this Constitution as it is aimed at facilitating the economic and social transformation of South Africa. The idea behind this Guideline is to contribute to a dialogue about the possibilities and limitations of Constitutional adjudication in the emancipation of outsider groups in South Africa and elsewhere. Participants from the North or from other South destinations are particularly encouraged to submit proposals for papers or panels that engage in a comparative analysis.

We look forward to receiving your timely and creative program proposals for papers or panels based on these flexible Guidelines.

Notes for Advance Planning: Dates, Travel, Site, etc.

These closing notes provide practical information so that everyone can begin to make advance travel plans and otherwise prepare for the Colloquium ... after we have received everyone's completed Program Proposal Form, we will follow up with final program materials and more detailed logistical information, as outlined below.

Program Proposals: Papers and/or Panels

This Call invites responses from scholars, activists, students and others that propose either a paper or a panel. Individuals who wish to present a paper may submit a "PAPER PROPOSAL" that specifies (1) the title of the paper followed by (2) a short, one-paragraph description of the paper's contents. Groups or individuals who wish to propose a full panel must submit a "PANEL PROPOSAL" that provides both the title for the proposed panel followed by a short, one-paragraph description of the proposed panel *as well as* the working titles of each paper in the proposed panel and a short, one-paragraph description of each such paper (as described immediately above for individual paper proposals). Panel proposals must consist of no less than three and no more than four papers or presentations. After receiving all the responses proposing papers and panels, we will organize the Colloquium Program and Schedule, and send these materials to all respondents in early June (see "Key Dates" below).

Colloquium Presentations: The Oral Presentation of Core Ideas

The Colloquium program will allow 15 minutes for each individual presentation of a paper. Preferably, the presenters will not simply "read" their paper but rather present the core ideas of their paper in a way designed to invite audience discussion after the presentation. Presentations must be in English, though final papers may be submitted for publication either in Spanish or in English.

Colloquium Publication: The Final Essays

The GRIFFITH LAW REVIEW, based in Australia, will publish timely submitted essays based on the Colloquium presentations a Symposium. Details regarding publication arrangements will be circulated together with the Colloquium Program and Schedule.

Key Dates: What to Expect, How to Follow Up

- **May 14:** Submit your completed Program Proposal Form via email, in which you describe the proposed paper OR panel as described immediately above.
- **June 1:** We will send to all respondents who proposed a paper or a panel the Colloquium Program and Schedule that shows how your proposal is placed in the program and schedule of Colloquium events.
- **June 15:** Confirm your attendance and participation in the Colloquium as reflected in the Program and Schedule via email in accordance with the instructions that will be provided in the Colloquium Program and Schedule.
- **July 1:** We will send to all confirmed participants a copy of the Final Colloquium Program and Schedule, together with a registration form for the Colloquium events.
- **July 15:** Submit a draft of your paper in accordance with the instructions that will be provided in the Colloquium Program and Schedule (drafts should be between 10-15 pages).
- **August 8-10:** Attend, and participate in, the Colloquium program in Cape Town.
- **September 30:** Submit the final draft of your paper for publication as an essay in the Colloquium proceedings (final papers should be between 20-30 pages).

Site, Hotel, Facilities and Travel: Preliminary Notes

The first day of the Colloquium program is scheduled to take place on Robben Island, outside Cape Town on August 8, 2004. The opening session will be preceded by a guided tour (by an ex-political prisoner) of Robben Island Prison and the cell where Nelson Mandela was imprisoned during the apartheid era. All other events on the Colloquium program will take place at an

appropriate and centrally-located hotel or facility on August 9 and 10, 2004. A block of rooms at a four-star yet affordable nearby hotel is being reserved for our use; site and hotel registration information will follow in the next mailing, together with the Colloquium Program and Schedule, so that all Colloquium participants may make their hotel reservations directly. Travel plans to South Africa should be made well in advance to secure best prices. All out-of-town Colloquium participants are encouraged to plan to arrive by August 7 at the latest, and to depart on August 12 at the earliest, to allow for time/travel adjustments prior to the Colloquium and for community-building interaction afterwards.

REMEMBER:

This Call For Papers & Panels, and the attached Program Proposal Form, also are available at the LatCrit website:

www.latcrit.org

**!! PLEASE TAKE A MOMENT NOW TO COMPLETE AND RETURN
THE PROGRAM PROPOSAL FORM IMMEDIATELY BELOW !!**

Program Proposal Form

The LatCrit/Rulci Colloquium on International and Comparative Law & on Constitutional Law and Theory

University of Western Cape Law Faculty
CAPE TOWN, SOUTH AFRICA
August 8-10, 2004

RESPONSE DUE DATE: MAY 14, 2004

Please return your fully-completed Program Proposal Form to Pierre DeVos via reply email (pdevos@uwc.ac.za) as soon as possible, **and no later than May 14, 2004** ... Please use additional sheets if necessary and please be timely! As described above, additional information will follow in early June. Muchas Gracias! Many Thanks!

Name: _____ School: _____

Phone: _____ Fax: _____

Email: _____ Other Contact Info: _____

____ Yes, I plan to attend this year's Colloquium (August 8-10, 2004) and propose the following paper OR panel for the program in accordance with the Substantive Submission Guidelines set forth in the Call for Papers & Panel Proposal:

FOR "PAPER" PROGRAM PROPOSALS:

1. Please state the title and briefly describe the topic and thesis of your proposed **paper**:

FOR "PANEL" PROGRAM PROPOSALS:

1. Please state the title and briefly describe the topic or focus of your proposed **panel**:

2. For this **panel**, please state the title and briefly describe the topics and theses of the three or four papers (see above) that constitute your proposed panel (use extra sheets as may be necessary):

Construyendo redes globales de pensamiento crítico



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COLOQUIO DE DERECHO INTERNACIONAL Y COMPARADO

Ciudad del Cabo (Sudáfrica), 8-10 de agosto de 2004

Organizado por:

*University of Western Cape
Stellenbosch University
Latina/o Critical Legal Theory (LatCrit)
University of Miami School of Law*

Con la colaboración de:

*Facultad Latinoamericana de Ciencias Sociales
Universidad de Buenos Aires
Universidad Alberto Hurtado
University of Baltimore School of Law*

Invitación para presentar ponencias y conformar paneles

▪ ***Por qué asistir a un Coloquio de Derecho Internacional y Comparado:***

Participar en el Coloquio de Derecho Internacional y Comparado es una oportunidad para compartir los resultados de las investigaciones propias y contrastarlas con las reflexiones de otros autores sobre asuntos similares en distintas latitudes del mundo. Es una oportunidad para aprender de las experiencias y lecciones comparadas que dicen que ver con la construcción de pensamiento jurídico y con la vigencia y eficacia de las normas en regiones que pueden ser muy diversas a la realidad en la cual uno se encuentra.

Académicos, intelectuales y activistas relacionados con la defensa de los derechos humanos y la construcción de pensamiento crítico, sobre todo en las áreas del derecho y las ciencias sociales, han organizado una serie de encuentros en distintas partes del mundo, para discutir sobre el rol del derecho y las políticas públicas en la sociedad, potenciando el *análisis intercultural, crítico e interdisciplinario*.

La sexta versión del Coloquio de Derecho Internacional y Comparado tendrá lugar en la Ciudad del Cabo (Sudáfrica), entre los días 8 y 10 de agosto de 2004. Las entidades responsables de la organización del evento son el movimiento jurídico Latina and Latino Critical Legal Theory (LatCrit) y el consorcio de investigación constitucional integrado por las escuelas de derecho de las universidades de Western Cape y Stellenbosch (Rulci). En el pasado, LatCrit ha coordinado coloquios internacionales en las ciudades de Miami (1996), Málaga (1998-1999), Santiago (2002), y Buenos Aires (2003). Por su parte, el consorcio Rulci ha organizado encuentros de debate constitucional en los últimos cinco años, con la finalidad de mirar de manera crítica el desarrollo del constitucionalismo sudafricano. Todos estos encuentros han sido evaluados exitosamente, tanto en la producción de material valioso para influir en el curso que el derecho y las políticas públicas

adoptan, como en la construcción de redes en las que confluyen personas de las más diversas nacionalidades e intereses.

▪ ***Por qué en Sudáfrica:***

La selección del país en el que se realizará el evento no ha sido arbitraria. Se pretende evaluar en terreno y de primera fuente cómo ha sido el proceso de transición a la democracia, iniciado hace diez años, y el funcionamiento del sistema constitucional consensuado entre los pueblos y grupos sociales sudafricanos.

▪ ***Una invitación abierta a la comunidad académica mundial:***

El objetivo de este documento es invitar a todas aquellas personas que pudieran estar interesadas en participar en el próximo encuentro planificado, para que tomen contacto con los organizadores con la debida anticipación y les hagan llegar sus propuestas preliminares de ponencias que les agradecería exponer en Sudáfrica, tanto individual como colectivamente.

No se piense que sólo pueden intervenir académicos e intelectuales de renombre. Por el contrario, una preocupación permanente de los críticos del derecho estriba en la necesidad de estimular a personas que recién inician sus estudios o bien se encuentran perfeccionándose. Así, los organizadores han determinado que las personas que participen en el Summer Program in International and Comparative Law “Critical Global Classroom” (University of Baltimore / LatCrit), así como estudiantes de derecho de distintos continentes, también pueden inscribirse en el Coloquio.

▪ ***Objetivos específicos del Coloquio:***

Un objetivo central del Coloquio es *facilitar el intercambio creativo de reflexiones críticas sobre la función del derecho, estimulando un diálogo de primer nivel entre académicos que pertenecen a diferentes culturas jurídicas pero que investigan sobre fenómenos similares*. Por una parte, se aspira a ofrecer nuevas respuestas teóricas y prácticas a viejas interrogantes, y, al mismo tiempo, se persigue estrechar lazos académicos y de colaboración en un mundo que se torna cada vez más globalizado. Es evidente que la invitación se extiende al ámbito de las posibilidades de poder influir en la toma de decisiones que inciden en la población, a través de intervenciones concretas.

Otro objetivo central es la *publicación y difusión masiva* de las ponencias en las escuelas de derecho. Los expositores están invitados a revisar sus presentaciones dentro de un plazo prudente, para luego enviar las versiones finales de los textos a la editorial encargada de la publicación.

▪ ***Inscripciones y mayores antecedentes:***

Las personas interesadas deben contactarse con los organizadores **antes del 14 de mayo de 2004** utilizando el “Formulario de Propuestas” que sigue abajo.

El *programa definitivo* del Coloquio será enviado por correo certificado a mediados de junio, en consideración de las respuestas que hayan sido enviadas por parte de las personas interesadas en exponer y conformar paneles específicos de trabajo.

Es posible encontrar mayor información en las siguientes páginas web, las que serán actualizadas periódicamente: www.latcrit.org, www.law.ubalt.edu/cgc, www.uwc.ac.za/RULCI.

▪ ***Antecedentes a tomar en cuenta al momento de inscribir ponencias y/o paneles:***

Quienes han asistido a las conferencias y coloquios anteriores han otorgado especial relevancia a temas jurídicos conectados con variables como la identidad cultural, el género, lo étnico, la religión,

las clases sociales, en áreas tan complejas como las relaciones laborales, el acceso a la justicia, la educación, la vivienda, el transporte, la utilización de la tecnología, la vida familiar, la participación política, el derecho de representación, la defensa y la persecución penal, la protección del medio ambiente, las relaciones internacionales, y la promoción y resguardo de los derechos humanos, entre otros temas tan interesantes como son la enseñanza del derecho, las clínicas jurídicas, etc.

No pudiendo abordar todas las temáticas, a continuación se indican los criterios identificados como claves para avanzar en la construcción del programa tentativo:

1. El Coloquio se estructura en base a los siguientes *temas*: (1) revisión y repercusión de las herencias y/o legados coloniales en la sociedad actual y su evolución postcolonial, (2) regulación de las relaciones entre diferentes sectores sociales, o al interior de un mismo sector social, (3) el control económico en la sociedad, distribución de la riqueza y jerarquías de poder, (4) el rol del estado de derecho y de los sistemas constitucionales y legales en la mantención o reforma del status quo socioeconómico, (5) los efectos de la globalización comercial y corporativa en los ámbitos jurídicos, sociales y económicos, local y regional.
2. Se busca estimular el intercambio entre pensadores pertenecientes a las diversas expresiones y *corrientes críticas* del derecho (LatCrit, critical race theory, feminist legal theory, queer legal theory, teoría crítica del derecho, entre otras), que cuestionan el contenido de las normas y las categorías socio-económicas existentes. Asimismo, es considerado fundamental lograr propender a la interdisciplinariedad en los debates, de modo que todas las corrientes filosóficas, sociológicas e históricas de talante crítico son bienvenidas en el Coloquio.
3. Al tener lugar el Coloquio en *Sudáfrica*, se entiende que los temas a tratar de alguna manera han estar relacionados con los fenómenos observados en dicho país, tanto en el presente como en el pasado, pues las ventajas de apoyarse en las experiencias comparadas será de la máxima utilidad para los activistas e intelectuales sudafricanos que asistirán al Coloquio. En ese sentido, se espera que las personas que se inscriban en el Coloquio manifiesten interés por conocer los debates socio-jurídicos que ocurren en la actualidad en Sudáfrica.
4. Por último, en esta oportunidad se pondrá mayor énfasis que en otras ocasiones en el desarrollo de la *teoría y práctica constitucional*.

Aspectos prácticos

El *programa definitivo* será articulado por una comisión integrada por profesores universitarios que procesarán las propuestas que sean enviadas antes del 14 de mayo.

Las personas que estén entusiasmadas por exponer en el Coloquio, deben especificar el nombre de la *ponencia*, y enviar por email una brevísima descripción de su contenido utilizando el “Formulario de Propuestas” que sigue abajo. En caso de querer constituir un *panel* específico en el que participe un grupo de 3-4 personas, entonces se debe añadir una explicación de la relevancia del panel propuesto.

Cada panelista tendrá un máximo de quince minutos para exponer. Más que leer un texto, se busca que los panelistas proporcionen fotocopias del documento a los asistentes, y se concentren en explicar los aspectos centrales de las investigaciones efectuadas. Todas las ponencias serán efectuadas en inglés; sin embargo, el documento final debe ser enviado antes del 15 de septiembre a la editorial, sea en español o inglés, según la preferencia del autor.

El primer día del Coloquio tendrá lugar en el recinto penitenciario ubicado en *Robben Island*, sitio en el que Nelson Mandela estuvo detenido. Los días siguientes el Coloquio se trasladará a un hotel de Ciudad del Cabo.

En cuanto a los *pasajes aéreos* a Sudáfrica, si bien se trata de un asunto que cada participante deberá atender por sí mismo, anticipamos que los interesados pueden inscribirse antes del 30 de

marzo para aprovechar los cupos asignados en el vuelo Buenos Aires–Cape Town–Buenos Aires, por un valor de US\$344 más impuestos, para lo cual han de enviar un email a: harc@duke.edu.

Formulario de Propuestas

Coloquio de Derecho Internacional y Comparado

University of Western Cape Law Faculty
CAPE TOWN, SOUTH AFRICA
August 8-10, 2004

RESPONSE DUE DATE: MAY 14, 2004

Please return your fully-completed Program Proposal Form to Pierre DeVos via reply email (pdevos@uwc.ac.uk) as soon as possible, *and no later than May 14, 2004* ... please use additional sheets if necessary and please be timely! As described above, additional information will follow in early June.

Name: _____

School: _____

Phone: _____

Fax: _____

Email: _____

Other Contact Info: _____

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1. Please state the title and briefly describe the topic or focus of your proposed **panel**:

2. For the this **panel**, please state the title and briefly describe the topics and theses of the three or four papers (see above) that constitute your proposed panel (use extra sheets as may be necessary):



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Rulci/LatCrit Colloquium
on
International and Comparative Law:
Centering Constitutional Law and Critical Theory

Cape Town, South Africa
9-10 August 2004
UWC Senate Building

Advance Programme

MONDAY 9 AUGUST 2004

- 8:00-9:00: Registration**
- 8:30-8:45: Welcome Remarks: Professor Pierre de Vos**
(University of Western Cape, South Africa)
- 8:45-9:00: Opening Remarks: Professor Frank Valdes**
(University of Miami, US)
- 9:00-9:40: Keynote Address: Professor Upendra Baxi**
(Warwick University, United Kingdom)
- 9:40-10:50: Whose law is it anyway: (Re)-imagining the law**
- Shaun Mcviegh (Griffith University, Australia), “Errant jurisdictions: the responsibility of the camp”
 - David Taylor (Unisa), “Shouting with silence! Indigenous stories about truth, the right to silence and the truth about the right to silence”
 - Julian Jonker (University of Cape Town, South Africa), “Excavating the legal subject: an archeology of bones and knowledge”

10:50- 11:10: Tea (Registration continues)

11:10-13:00: Constitutional frameworks for gender equality: their limitations and significance

- Peggy Maisel (Florida International University, US), “The Equal Rights Amendment in the US”
- Rashida Manjoo (TC), “The South African Commission on Gender Equality”
- Amina Mama (TC), “title to be announced”
- Irma Kroeze (Unisa), “Legal interpretation”

13:00-13:45: Lunch (Registration continues)

13:45-15:15: Torture and gross human rights violation in a post 9/11 world

- Lawrence G Albrecht (TC), “Post-September 11 lessons learned: constitutional enforcement of human rights in the US and comparative analysis”
- Paul Brietzke and Colin Brietzke (TC), “American torturers: known vicious propensities”
- Hugo Rojas (Alberto Hurtado University, Chile), “Progressive pedagogy & human rights struggles: the contribution of volunteers to the Chilean National Commission on Torture and Political Imprisonment”

15:15-15:40: Tea (Registration continues)

15:40- 17:00: Breakaway groups (please select one):

Group A: Morality, law and culture: The horizontal application of the South African Bill of Rights

- Mary Nel (University of Stellenbosch, South Africa), “Bestiality & the optimal use of criminal sanctions: A constitutional perspective”
- Tebogo Mazibuko (University of Stellenbosch, South Africa), “Reconciling “*ubuntu*” with Western criminal thought”
- AJ Barnard (University of Cape Town, South Africa), “Constitutional influence on traditional notions of morality in contract: The decisions in *Brisley v Drotosky* and *Afrox Healthcare Bpk v Strydom*”

Group B: Enforcing social and economic rights

- Christopher Mbazira (University of Western Cape, South Africa), “Socio-economic rights remedies”
- Eddie Maluleke (Edward, Nathan and Friedland), “Judicial enforcement of socio-economic rights”
- Kevin Iles (University of Western Cape, South Africa), “Limitation clause analysis”

TUESDAY 10 AUGUST 2004

8:30-9:00: Registration (continued)

9:00-9:45: Horizontal application of fundamental rights: South Africa and Germany

- Prof Michael Sachs (Koeln, Germany), “Fundamental rights: individual rights and objective values, horizontal application and the state’s duty to protect – the German experience”
- Justice Dennis Davis (Cape High Court, South Africa) “Horizontal application of the Bill of Rights in South African courts”

9:45-11:15: Law, politics and open spaces (in texts)

- Gerhard du Toit (University of Stellenbosch, South Africa), “Interpreting the open spaces in texts”
- Maartje Pothier (University of Stellenbosch, South Africa), “The politics of law and literature”
- Becky Jacobs (University of Tennessee, US), “Urban settlements: constitutional *Trionf?*”
- Francois du Bois (University of Cape Town, South Africa), “Constitutional texts”

11:15-11:35: Tea

11:35-13:00: Beyond rights consciousness: Constitutions re-evaluated

- Frances Olsen (UCLA, US), “Civil disobedience for social change: constitutional law as facilitative or distracting”
- Christian Halliburton (Seattle University, US), “Imagination and illusion: the aspiration and failure of American constitutionalism”
- Stu Woolman (University of Pretoria, South Africa), “The selfless constitution”
- Jonathan Stubbs, (University of Richmond, US), “Constitutional interpretation in the United States and South Africa: the implications of a uni-racial worldview”

13:00-13:45: Lunch

13:45-15:15: Breakaway groups (please select one):

Group A: Race, power and equality

- Tanya K Hernández (Rutgers University, US), “Inter-group power relations in the courtroom: The adjudication of inter-ethnic discrimination claims”
- Rafia De Gama (University of Cape Town, South Africa), “Majority of one”
- Tshepo Madlingozi (University of Pretoria, South Africa), “Thank God we are not *colour*-blind, not yet anyway: a comparison between American colour-blindness and South African Non-Racism”
- Camille Nelson (Saint Louis University, US) “Decolonizing the colonized mind”

Group B: Protecting vulnerable groups: the role of international law

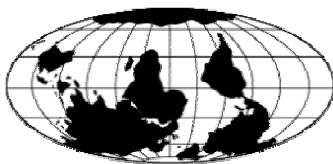
- MM de Gama (University of Stellenbosch, Germany), “Discourse, dialogue and other platitudes: a narrative of constitutionalism in international organisations”
- Tobias van Reenen (University of Western Cape, South Africa) and Theresia Degener (Evangelische Fachhochschule Rheinland-Westfalen-Lippe, Bochum, Germany), “Drafting a UN convention on the rights of persons with disabilities”
- Pamela Hamilton-Stubbs (TC) and Jonathan K Stubbs (University of Richmond, US), “Preliminary observations on recognizing the right to health care: a snapshot of some children’s health care challenges and responses in the US and South Africa”
- Soledad Jorquera Perez (TC) and Rosana Pajarito (TC), “Aids and its responsibilities”

15:15-15:35: Tea

15:35-17:00: Law and social and economic transformation

- Angela Harris (UC Berkeley, US), “Law, markets, and culture: economics meets critical theory”
- Jonathan Klaaren (Wits, TC), “Social and economic rights and democracy”
- Carolina Valdivia (TC), “Are diffuse interests and collective rights constitutionally recognised?: Critical analysis of Argentinian, Chilean and South African cases”

**17:00-17:15: Closing Remarks: Professor Robert Westley
(Tulane University, US)**



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Rulci/LatCrit Colloquium
on
International and Comparative Law:
Centering Constitutional Law and Critical Theory

Cape Town, South Africa
9-10 August 2004

INFORMATION FOR PARTICIPANTS

1. Registration

All participants must register for the colloquium before 26 July 2004 by filling in the attached registration form and sending it to the address on the form. The registration fee is R200 (about \$35) and is not payable in advance. Please pay the fee when you pick up your registration pack on arrival. Student participants are exempted from paying the registration fee.

2. Conference venue and transport

The conference will be held at the Senate Hall on the campus of the University of Western Cape on Modderdam Road, Bellville. Transport will be provided to and from the De Waterkant area where the conference hotel and accommodation for CGC students are located. The bus will depart every morning from the corner of Somerset Road and Napier Road at 8:10 sharp and will deliver participants back after the end of the days proceedings. Delegates who wish to make their own way to the conference will have to rent a car. Please contact Ms Hazel Jefhta (hjeftha@uwc.ac.za) for directions to the campus.

3. Conference dinner

Participants are invited to the conference dinner on Monday night 9 August 2004. Please indicate on the registration form whether you will attend the dinner or not. The dinner is free for all conference delegates.

4. Conference hotel and other accommodation options

We have secured special rates at the Protea Hotel Victoria Junction in the De Waterkant area for all conference participants (see <http://www.proteahotels.co.za> for more details). The Victoria Junction is a four star hotel close to the city and the Waterfront. The special conference rate is R765 per room (single occupancy) and R996 per room (double occupancy). (\$1=R6.50). Conference goers must make their own bookings preferably before 12 July 2004 by contacting the hotel directly at 27 21 418-1234 (phone) or 27 21 418-5678 (fax) or email: reservations@victoriajunction.com and state that you are making a booking on behalf of **UWC – Faculty of Law**.

Conference participants can also choose to stay in self-catering accommodation in De Waterkant Village at R500 for single occupancy and R900 for double occupancy. Contact 27 4191077.

For those who wish to stay closer to the conference venue and not in the city, Bellrosen Guesthouse in Welgemoed (tel 27 21 9134703, website: www.bellrosen.co.za) or Sontyger Guesthouse (tel 27 21 9190711) will cater to your needs at prices between R200 and R400 per day.

Cheaper options within 5 minutes walk of De Waterkant and the departure point for the bus is Seagulls Holiday apartments (tel 27 21 4399941) which offers self-catering apartments sleeping 6 for R60 per person per day.

5. Safety

Cape Town is a relatively safe city. There are police cameras situated throughout the city centre and there are many private security guards hanging around to ensure the safety of locals and visitors alike. Although petty crime like pickpocketing and bag snatching occurs, most visitors are fine as long as they obey the usual rules: don't loiter in a dark alley all alone late at night; don't accept a ride from strangers; don't look too much like a tourist; don't display cameras and other tourist trappings in an ostentatious way.

6. Transport

Public transport in Cape Town – like elsewhere in South Africa – is not very good. If one does not have access to a car, there are four alternative ways to get around. First, one can walk. De Waterkant Village where most conference participants will stay is centrally situated and is within walking distance of the city Centre and Long Street and the Waterfront. Second, a cheap option is to catch a minibus taxi in Somerset Road. Taxis go to town or to Sea Point and beyond and one can catch one by sticking out a finger to signal for the driver to stop. It will cost about R2.50 to go from De Waterkant to the end of Sea Point. Third, one can call a formal cab. The most reputable companies are: Unicab (4881720/1); City Cabs (0839645333). A cab ride from de Waterkant to the end of Sea Point or to the top end of Long Street will cost between R20 and R40 depending what time of the day or night it is. Lastly, one can rent a car at any of the car rental places.

For more information, contact the organizers or email latcrit@law.miami.edu