International Symposium:
“Transformation of Administrative Law under Globalization and Transition:
In Search of the Theory for Comparative Administrative Law – Models and
Common Principles”

Under the auspices of:
AA Science Platform Program 2009-2012 “Strengthening Research Network of Interactive
Comparative Law for Legal Assistance”; and,
Grants-in-Aid for Scientific Research 2008-2010 “Theorizing Interactive Administrative Law
Through Legal Assistance and Building Academic Network for Multifaceted Comparisons
Between Japanese Administrative Law and Administrative Law of Other Developed and
Developing Countries”

Venue: Media Hall, Mie University (Japan)
Date: 30-31 January, 2011

Conceptualization:
Japan as Recipient: Japan was the first country in Asia to undergo modernization. In the
field of administrative law, Japan accepted strong German influences when seeking to
become a modern state and was later influenced by the US model at the end of the Second
World War. Administrative Law has since taken root in Japan. But it has gone through its
own process of development different from experiences found in western countries.

Transformation of Japanese Administrative Law since 1990s: Administrative Law in Japan
underwent new phases of transformation induced by the increasing impacts of deregulation
and globalization in the 1990s. A comprehensive Administrative Procedure Law and the Law
of Access to Information were adopted, and the Law on Administrative Litigation was
amended. We think that many developed countries are also witnessing a period of similar
transformation in their respective administrative legal system.

Japan as Donor of Legal Assistance: Japan has also started to give assistance to some
transitional countries (China and Uzbekistan) in their administrative law reforms. Japan’s
engagement in assisting legal reforms in foreign countries has enabled Japanese
administrative law scholars to acquire new perspectives in comparing administrative law
across constituencies. They begin to discover the need to ponder over the particular
characteristics of Japanese Administrative Law when contrasting Japan’s own experiences
with the transformation which is going on with administrative law in other Asian countries.
In addition, having learned of the differences among donors in their respective
administrative law reform assistance platforms, Japan has come to realize that it is
essential also to make comparisons between its own administrative law and that of other
developed countries.
The Need to Develop Theories for Comparative Administrative Law: We think that we need to compare the Japanese experiences not only with administrative law transformations in developed countries, but also to contrast Japanese administrative law transformation with the administrative law transformations in other Asian countries. Based on these observations, we see the need to conduct multifaceted comparison in administrative law reforms and the need to develop theories for comparative administrative law.

Synchronic Transformation and the Path of Diachronic Evolution: If we consider that countries are embracing both similarities and differences in the synchronic transformation happening at this point of time, we need to examine the history of development of administrative law in these countries and to find out what the social contexts in which the administrative law indeed operates have been like (by looking into diachronic issues, and the theory of path independency, etc). We also think that there is a need to establish social and administrative law theories that can explain the distinctive characteristics of each administrative law model and at the same time identify some common administrative law principles which can be shared by different actors in legal assistance projects and on different legal assistance platforms.

Objectives of the Symposium: For these reasons, the Symposium will be organized into two parts. The first part will consist of reports on how we understand administrative law transformations in Asia and the second part will examine transformations of administrative law in some western countries and will go further into the question of necessity and possibilities of the comparative administrative law.

Program of the Symposium:

Day 1: 30th January 2011

10:00 Registration
10:30~10:45 Opening address: Prof. Katsuya Ichihashi, Director, Centre for Asian Legal Exchange, Nagoya University

Guest remarks: Mr. Naoshi Sato, Senior Advisor, Attorney-at-Law
Japan International Cooperation Agency

Part 1: Transformation of Administrative Law in Asia under Globalization and Transition chaired by Prof. Hiroyuki Shirafuji, Senshu University

10:45~11:00 Introduction: Prof. Shigeru Kodama, Dean, Faculty of Humanities, Law and Economics, Mie University
11:00~11:40 Report: Prof. Katsuya Ichihashi, Nagoya University

“Meta-theory for Legal Assistance in Administrative Law and New Comparative Administrative Law”

11:40~13:00 Luncheon

13:00~13:40 Prof. Ma Huaide, China University of Political Science and Law, China

“China’s Reference to Extraterritorial Experience in Its Thirty Years of Rule of Administrative Law”

13:40~14:20 Prof. Nguyen Van Quang, Hanoi Law University, Vietnam

“Administrative law transformation in transitional Vietnam: the case of adopting a model of administrative tribunals”

14:20~14:40 Coffee Break

14:40~15:20 Prof. THENG Chan-Sangvar, General for Administration and Finance Ministry of Rural Development, Kingdom of Cambodia

“The Cambodian administrative law: the inception under globalization and transition”

15:20~16:00 Prof. Zainal Arifin Mochtar, Lecturer, Faculty of Law Gadjah Mada University, Indonesia

“State Independent Agencies and Its Impact to Administrative Law in Indonesia”

16:00~16:40 Prof. Tahir Musa Luthfi Yazid, Visiting Researcher, Research Institute for Oriental Cultures, Gakushuin University

“Constitutionalism and The Dynamic of Indonesian Administrative Law in The Context of Globalization”

16:40~17:00 Discussion on Items

Commentator: Prof. Takio Honda, Ryukoku University

17:00~17:50 Q&A
Day 2 : 31st January 2011

10 : 00 Registration
10 : 30 Opening Remarks: Mr. Atsumasa Uchid, President, Mie University

Part 2: Transformation of Administrative Law in Europe and North America under Globalization and Transition, chaired by Prof. Takio Honda, Ryukoku University

10 : 40〜11 : 20 Report: Prof. Shigeru Kodama, Mie University
“Necessity and Possibility of Multifaceted Comparative Administrative Law title”

11 : 20〜12 : 00 Prof. Jeffrey S. Lubbers, Washington College of Law, American University, U.S.A.

12 : 00〜13 : 00 Luncheon

13 : 00〜13 : 40 Ms. Caroline Daly, Advisory Counsel, Office of the Attorney General, Dublin, Ireland
"The work of the Council of Europe in the field of Administrative Law”.

13 : 40〜14 : 20 Prof. Matthias Knauff, Substitute, Ludwig-Maximilians-Universität München, Germany
"Europeanization and transformation of administrative law in member states"

14 : 20〜14 : 40 Coffee Break

14 : 40〜15 : 20 Comment: -Prof. Seigo Hirowatari, Senshu University
-Prof. Mitsuo Kobayakawa, Seikei University

15 : 20〜16 : 40 Discussion on Items

16 : 40〜16 : 50 General overview: Prof. Hiroyuki Shirafuji, Senshu University

16 : 50〜17 : 00 Closing Remarks: Prof. Katsuya Ichihashi, Nagoya University