



**Nagoya University Center for Asian Legal Exchange (CALE)
and Graduate School of Law (GSL)
Workshop Series on Constitutionalism in Asia and Beyond
Judicial Independence in ASEAN:
A Comparative Perspective**

Date/ Time: January 14 (Thursday) 2021, 13:00 – 15:00 (Japan) 10:30 – 12:30 (Myanmar)

Venue: Via Zoom online conferencing system

Hosted by: Nagoya University Center for Asian Legal Exchange (CALE) and Graduate School of Law (Japan), University of Yangon Department of Law, Myanmar-Japan Legal Research Center

Organized by: Constitutional Tribunal of the Union (Myanmar), National University of Singapore Center for Asian Legal Studies (CALs, Singapore), University of New South Wales (Australia)

Supported by: JSPS Core-to-Core Program: Asia-Africa Science Platforms “Advancing Research in Asian Constitutionalism – Establishing a Transnational Research Network to Promote Human Rights and Legal System”
JSPS Grants-in-Aid for Scientific Research (B) “Commencement of the ASEAN Community and the Emergence of Heterologous Constitutional Profiles in the Region”
JSPS Grants-in-Aid for Scientific Research (C) “The Constitutional Tribunal of Myanmar and the Challenges of Separation of Powers and Protection of Human Rights: A Comparative Analysis with Uzbekistan”

Language: English

(Selected workshop papers to be published in CALE publication)

Please register from here:

https://us02web.zoom.us/meeting/register/tZAKf-6pqjgsHdCVqDttH8nAF99PP3_4MhT

If you do not receive an immediate automatic response after registration or experience any issues joining the workshop, please check your spam box or contact CALE at cale-jimu@law.nagoya-u.ac.jp



Centre for Asian Legal Studies
Faculty of Law





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Workshop Series on Constitutionalism in Asia and Beyond

Judicial Independence in ASEAN: A Comparative Perspective

In a common view, judicial independence is essential to handle disputes impartially and without being influenced or controlled by anyone. The general context of ensuring independent judiciary, emphasizes on collective independence of the judiciary as a whole rather than the independence of individual judges. In order to safeguard independent judiciary in any jurisdiction, policymakers have to create adequate frameworks for appointing and promoting judges, as well as securing their independent status.

ASEAN member states, in their endeavors to create a new era judiciary which is independent and effective, face numerous challenges. For example, in Cambodia, the Minister of Justice has an authority to influence every stage of the decision-making process concerning judges' careers. In Myanmar, the direct involvement of ex-military personnel in the judiciary questions both the impartiality and independence of judges. In Vietnam, the principles of democratic centralism which prioritize the supremacy of legislature eventually affect the whole judicial sector, including independence of judges. Thus, in the domain of judicial independence, many ASEAN member-states often demonstrate similar tendencies. Yet, different historical, cultural, and political backgrounds in each jurisdiction shape the problem in a uniquely challenging way and require a specific approach.

In the present workshop, our guest speakers and participants will discuss remaining challenges and ongoing reforms in the domain of judicial independence. Speakers will additionally touch upon the social justice, accountability, and transparency, which are partly sequenced with the theme of judicial independence. The general discussion will be centered around, but not limited to, particular ASEAN jurisdictions, including Cambodia, Indonesia, Myanmar, and Vietnam. Select workshop reports will be published in Center of Asian Legal Exchange, (CALE's) periodical.



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Program

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Introduction to the Workshop

Khin Khin Oo, (*Professor, Department of Law, University of Yangon*)

Moderator: **Aziz ISMATOV** (Assistant Professor, CALE, Nagoya University, Japan)

- 1) **Andrew HARDING** (Professor of Law, National University of Singapore)
“Judicial Reform and the Law and Development Movement”
- 2) **Melissa CROUCH** (Professor, Faculty of Law, University of New South Wales)
“Judicial Independence in Indonesia”
- 3) **Cho Mar HTAY** (Deputy Director, Constitutional Tribunal of the Union of Myanmar)
“Challenges of the Independence of the Constitutional Tribunal in Myanmar”
- 4) **Ratana TAING** (Secretary-General of the Constitutional Council of Cambodia)
“The Constitutional Council of Cambodia: An Independent Institution in Ruling on Electoral Litigations”
- 5) **Ngoc Son BUI** (Assistant Professor of Chinese University of Hong Kong)
“Judicial Independence in Vietnam”

14:20-14:50 Q & A/ Discussions

14:50-15:00 Closing remarks

Jonathan LILJEBLAD (Senior Lecturer, College of Law, Australia National University)

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