

**Nagoya University Center for Asian Legal Exchange (CALE)
and Graduate School of Law (GSL)**

**Workshop Series on Constitutionalism in Asia and Beyond
Consolidating Constitutionalism in New
Democracies: Perspectives from Eurasia
(II)**

Date/ Time: October 21 (Wednesday) 2020, 17:00 – 19:00 (Japan)

Venue: Via Zoom online conferencing system

Hosted by: Nagoya University Center for Asian Legal Exchange (CALE) and Graduate School of Law (Japan)

Organized by: Institute for East European Law (OSTRECHT, Germany), University of Melbourne Law School (Australia), Mongolian National University (Mongolia), Kyrgyz-Russian Slavic University (Kyrgyzstan), University of Georgia, Research Institute Gnomon Wise (Georgia), Yerevan State University (Armenia), Baku State University, Azerbaijan Lawyers Confederation (Azerbaijan)

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”

Language: English

(Workshop papers to be published in OSTRECHT Book Series)

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**Nagoya University Center for Asian Legal Exchange (CALE)
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Workshop Series on Constitutionalism in Asia and Beyond

**Consolidating Constitutionalism in New
Democracies: Perspectives from Eurasia (II)**

There is a notion that common characteristic of the system-changes in the Eurasian states in the early 1990s was that these countries had to achieve an independent nation-state, a vibrant civil society with a private economy, and constitutional structure at the same time. In a narrow specific perspective, the democratic transition and its constitution-making process was considered to be a part of the transformation towards a Western model of democracy. Scholars say that such multiple transition scenario is different from some states in Europe, Asia and Africa, and can be viewed as complex phenomenon which is differently conceptualized even within transition states from socialism to market economy and liberal democracy.

Simultaneously, constitutionalism in transitional societies represents a hybrid mixture of constitutional cultures, traditions and logics. As an example, whereas after the collapse of the socialism in Eastern Europe, the newly created constitutional courts actively involved into the so-called 'lustration cases' demonizing ex-socialist regimes, in most former USSR states and Mongolia such tendencies, at least within the domain of constitutional review, were almost non-existent. Hence, one may say that states in transition have also developed their own constitutional identity that relies on various theories and practices. Such a multidimensional theoretical background raises a scholarly interest and necessitates an individual approach to analyze the constitutional identity of jurisdictions in transitional countries and conceptualize their legal philosophies.

In line with such pluralist objective, we will look at the theoretical constitutional foundations and discuss how constitutional ideas had evolved in the context of transition and who the local constitutions were designed to control to? This will include individual specifics of constitutional identity that include *inter alia*, parliamentarism, constitutional review, human rights, rule of law and *Rechtsstaat*. By focusing on their concrete research topics, the speakers will also point to the factors affecting constitutional development and direction of the constitutionalism. Participants of this workshop are welcome to present their ideas on other transitional jurisdictions, including on constitutional specifics presented in a comparative constitutional perspective. We also expect participation of law students and practitioners in this event.



Program

October 21 (Wednesday) 2020, 17:00 – 19:00 (Japan)

Introduction to the Workshop

Kaoru OBATA (Professor, Graduate School of Law, Nagoya University, Japan)

William PARTLETT (Associate Professor, Melbourne Law School, Australia)

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

1) **Aliia MARALBAEVA** (Associate Professor, Kyrgyz-Russian Slavic University, Kyrgyzstan)

“Constitutional Review in the Kyrgyz Republic”

2) **Anahit MANASYAN** (Associate Professor, Yerevan State University, Armenia)

“Constitutionalism in the Republic of Armenia: Contemporary Challenges and Prospects for Evolution”

3) **Davit ZEDELASHVILI** (Professor, Research Institute Gnomon Wise, University of Georgia, Georgia)

“Constitutionalism in Georgia - Internal Contradictions and Confrontation with Abuse”

4) **Jeyhun QARACHAYEV** (Professor, Baku State University; Board Member, Azerbaijan Lawyers Confederation, Azerbaijan)

“The Constitutional Development of the Republic of Azerbaijan”

5) **Munkhsaikhan ODONKHUU** (Professor, National University of Mongolia, Mongolia)

“Judicial Independence and Accountability in Mongolia”

6) **Andriy TYUSHKA** (Senior Research Fellow, College of Europe, Poland)

“Revolutionary Constitutionalism: Constitutional Order, Contentious Constitutional Politics and Participatory Constitutional Change in Ukraine since 1990”

18:10-18:50 Q & A/ Discussions

18:50-19:00 Closing remarks

Herbert KUEPPER (Professor/Director, Institute for East European Law, Germany)

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