

**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

Date/ Time: August 10 (Monday) 2020, 17:00 – 18:40 (Japan)
August 11 (Tuesday) 2020, 17:00 – 18:30 (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: Tashkent State University of Law (TSUL, Uzbekistan), National Human Rights Center (Uzbekistan), Institute for East European Law (OSTRECHT, Germany), University of Melbourne Law School (Australia), Regensburg University (Germany)

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 reports to be published in the CALE publication)

Please apply for the workshop from the web link below or QR code to obtain Zoom link.

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Consolidating Constitutionalism in New
Democracies: Perspectives from Eurasia**

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 Central Asia, 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. Though this workshop will expect active participation of legal scholars from Uzbekistan, it is not limited to the characteristics of constitutionalism from this jurisdiction only. Participants 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

August 10, 2020 (Monday)

Opening Remarks: 17:00-17:20 (Japan)

Akira FUJIMOTO (Director/ Professor, CALE, Nagoya University),
Akmal SAIDOV (Director/Academician, National Human Rights Center),
Rahim HAKIMOV (Rector, Tashkent State University of Law)

Introduction to the Workshop

Aziz ISMATOV (Assistant Professor, CALE, Nagoya University)

August 10, 17:20 – 18:40 (Japan)

Session 1 “The Past and Present Challenges to Post-Socialist Constitutionalism”

Moderator: Fumito SATO (Professor, Graduate School of Law, Nagoya University)

- 1) Herbert KUEPPER (Director/Professor, Institute for East European Studies, Germany)
“The politics of the past and their effect on the new constitutions”
- 2) Kamola ALIEVA (Senior Lecturer, TSUL, Uzbekistan)
“Gender equality as a constitutional right: Uzbekistan’s practices”
- 3) Tatiana KHRAMOVA (Associate Professor, Higher School of Economics, Russian Federation)
Alexandra TROITSKAYA (Associate Professor, Lomonosov State University, Russian Federation)
“Distorted constitutionalism in Russia: reflections upon the constitutional reform 2020”
- 4) Aziz ISMATOV (Assistant Professor, CALE, Nagoya University, Japan)
“Positive or natural rights? converging conflicting doctrines in Central Asia’s post-socialist constitutions”

18:00-18:40 Q & A/ Discussions

August 11, 17:00 – 18:30 (Japan)

Session 2 “Rights, Judicial Review and its Effects”

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

- 1) William PARTLETT (Associate Professor, Melbourne University, Australia)
“Constitutional review and the strong state”
- 2) Mirzatlillo TILLABAEV (First Deputy Director, National Human Rights Center, Uzbekistan)
“New Uzbekistan and human rights. Uzbekistan’s progress towards compliance with international obligations on human rights”
- 3) Serikbek MURATAEV (Associate Professor, TSUL, Uzbekistan)
“Problems of the formation of legal policy in Uzbekistan”
- 4) Botirjon KOSIMOV, (Senior Lecturer, Researcher, TSUL, Uzbekistan)
“Issues on ensuring judicial independence in Uzbekistan”

17:40-18:20 Q & A/ Discussions

18:20-18:30 Closing remarks

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

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