



AACC Secretariat for Research and Development

1st AACC SRD International Symposium

CONSTITUTIONALISM IN ASIA: PAST, PRESENT AND FUTURE

30 October – 2 November 2017, Seoul, Republic of Korea

Concept

A regional perspective on constitutional developments in Asia is not only of growing interest in the academic community. In the second decade of the 21st century, constitutional courts and equivalent institutions in Asia have strengthened their cooperation. The decision by the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) in August 2016 to establish permanent secretariats is the clearest evidence of such cooperation. One of the permanent AACC secretariats is the AACC's Secretariat for Research and Development (SRD), based in Seoul.

This inaugural symposium of the AACC SRD has chosen the following as its theme: "Constitutionalism in Asia: Past, Present and Future". This theme will allow AACC member institutions as well as guests from non-member institutions and academia to reflect and take stock of recent challenges and opportunities in the growing field of constitutionalism in Asia. The exchange of knowledge, experience and insight at this symposium will be an inspiration for the future work of AACC SRD. Also, this event will serve very practical purposes, such as providing a starting point for building a shared repository of constitutional case law among AACC member institutions, and providing a basis for future AACC SRD conferences, workshops and seminars.

The symposium is divided into four sessions, structuring the discussion of the past, present and future of constitutionalism in Asia:

- Session 1: Diversity in Constitutional Justice: Differences among AACC Members
- Session 2: Protecting and Promoting Fundamental Rights through Constitutional Adjudication
- Session 3: International Human Rights Norms and Constitutional Adjudication: Convergence and Divergence
- Session 4: Necessity of Communication and Cooperation among Constitutional Courts and Equivalent Institutions: Focusing on Expert and Guest suggestions.

Session 1 offers the opportunity to review the diversity of constitutional adjudication in Asia, such as institutional differences and similarities. Discussion may focus on aspects of centralized systems of review such as constitutional complaint or the availability of abstract review of norms, as well as how decentralized systems of review in Asia operate. This session will include considerations regarding different constitutional cultures and their impact on constitutional justice.

Session 2 focuses on case law, aiming to compare major judicial decisions regarding fundamental rights. Constitutional case law can reveal different models of rights protection. Not only can the understanding of a particular right be compared, but also to what extent that right may be limited. The very understanding of what makes up the essence of a particular fundamental right can determine its judicial protection and limitation.

Session 3 addresses the important issue of the relationship between international law and domestic law. International human rights norms are on the one hand seen as standards and best practices. Yet on the other hand, domestic legal systems very often specify the domestic constitution as legally superior to international treaties. How to achieve the right balance is thus of great significance, especially for a region as diverse as Asia.

Session 4 hopes for a discussion on the value of international cooperation between constitutional courts and equivalent institutions. The focus is both on the reasons as well as the methods for international cooperation. Key issues involve, for example, the institutionalization and formalization of judicial networks in the Asian region. The comparison of perspectives from members and non-members of such networks will be of particular value.

By addressing the above issues and questions, the 1st International Symposium of the AACC SRD is only the first step towards greater cooperation in the field of constitutional justice in Asia. It is hoped that the theme "Constitutionalism in Asia: Past, Present and Future" will generate long-term perspectives and lead to in-depth discussion. As mentioned in the invitation letters sent in July 2017, AACC member representatives and guests are kindly requested to select one session in which to make a presentation. Also please submit papers for presentation by **October 18th** for smooth preparation of the Symposium. The suggested length of each presentation is 15 minutes. AACC SRD looks forward to welcoming all participants to Seoul!