

The 6th Asian Constitutional Law Forum

*'Constitutionalism in the Courts: Judicial Review
and the Separation of Powers in Asia'*

*10 & 11 December, Thursday and Friday, 2015
National University of Singapore, Faculty of Law*



NUS
National University
of Singapore

Centre for Asian Legal Studies
Faculty of Law

The 6th Asian Constitutional Law Forum:

Constitutionalism in the Courts: Judicial Review and the Separation of Powers in Asia

Day One: 10 December 2015, Thursday

TIME	PROGRAMME		
9.30am - 10.00am	Shuttle Bus Pick-up at Designated Conference Hotels		
10.00am - 10.40am	Registration Venue: Executive Seminar Room 3, Block B BTC Campus, Faculty of Law, National University of Singapore		
10.40am - 10.50am	Welcome Speech Director of Asian Law Institute and Centre for Asian Legal Studies <i>Professor Andrew Harding</i> Faculty of Law, National University of Singapore		
10.50am - 11.00am	Welcome Address by Chan Professor of Constitutional Law <i>Professor Albert H. Y. Chen</i> Faculty of Law, University of Hong Kong		
11.00am - 11.40am	Keynote Speech <i>Constitutional Courts in Asia: A Comparative Perspective</i> Laureate Professor Emeritus Cheryl Saunders AO Director of Studies, Government Law, Co-Director of Studies Public and International Law		
11.40am - 12.00pm	Coffee & Tea Break @ Level 3, Block B (Outside Auditorium)		
12.00pm - 1.20pm (Parallel Session 1)	Constitutional Courts: Theoretical and Comparative Issues	Elections and Constitutions	Resonance on Constitutional Amendments
Venues	CR3-5	CR3-6	CR3-7
1.20pm - 2.20pm	Lunch @ Level 3, Block B (Outside Auditorium)		
2.20pm - 3.40pm (Parallel Session 2)	Constitutional issues in the Philippines and India	Constitutional Courts in Transitional States	Representative Democracy and Constitutions
Venues	CR3-5	CR3-6	CR3-7
3.40pm - 4.00pm	Coffee & Tea Break @ Level 3, Block B (Outside Auditorium)		
4.00pm - 5.20pm (Parallel Session 3)	Judicial Power in Malaysia	Constitutionalism in East Asia	Evolution of Constitutional Courts
Venues	CR3-5	CR3-6	CR3-7
5.30pm	Please Proceed to Block B for the Shuttle Bus for the Opening Dinner		
9.00pm	Shuttle Bus from Opening Dinner to Selected Hotels		

The 6th Asian Constitutional Law Forum:

Constitutionalism in the Courts: Judicial Review and the Separation of Powers in Asia

Day Two: 11 December 2015, Friday

TIME	PROGRAMME	
10.30am - 11.00am	Shuttle Bus Pick-up at Designated Conference Hotels	
11.00am - 11.15am	Coffee & Tea Break @ Level 3, Block B (Outside Auditorium)	
11.15am - 12.35pm (Parallel Session 4)	Constitutional Courts in Fragile States	Courts, Legislation and Politics
Venues	CR3-5	CR3-6
12.35pm - 1.35pm	Lunch @ Level 3, Block B (Outside Auditorium)	
1.35pm - 2.55pm (Parallel Session 5)	Established Constitutional Courts	Minority Rights
Venues	CR3-5	CR3-6
3.00pm - 3.15pm	Coffee & Tea Break @ Level 3, Block B (Outside Auditorium)	
3.15pm - 4.35pm (Parallel Session 5)	Judicial Review and Politics	Human Rights
Venues	CR3-5	CR3-6
4.40pm - 5.20pm	Round Up Discussion <i>Professor Andrew Harding and Professor Albert Chen</i> Executive Seminar Room 3, Block B BTC Campus, Faculty of Law, National University of Singapore	
5.30pm	Please Proceed to Block B for the Shuttle Bus for the Closing Dinner	
9.00pm	Shuttle Bus from Closing Dinner to Selected Hotels	

PANEL ASSIGNMENT

Date: Thursday 10th December 2015

Session One: 12:00pm – 1:20pm

Panel & Moderator	Constitutional Courts: Theoretical and Comparative Issues Moderator: Woo-Young Rhee	Elections and Constitutions Moderator: Swati Jhaveri	Resonance of Constitutional Amendments Moderator: Ngoc Son Bui
Venue	CR3-5	CR3-6	CR3-7
1	Albert H. Y. Chen University of Hong Kong <i>Constitutions, Regime Types and Constitutionalism in East Asia</i>	Arwyn Singh HELP University <i>The Election Commission of Malaysia: Challenges and Prospects</i>	Adeeba Khan SOAS, University of London <i>The Politicization of the Judiciary and Constitutional Reforms in Bangladesh: A Study of Constitutional Amendments in Relation to the Non-Party Caretaker Government</i>
2	Maartje De Visser Singapore Management University <i>We All Stand Together: Cultivating Cooperation Among Constitutional Courts in Asia</i>	Ayesha Wijayalath Institute of South Asian Studies National University of Singapore <i>The Executive President, 19th Amendment and Sri Lanka's democratic future</i>	Poonthep Sirinupong Thammasat University <i>Coup d'Etat to secure unamendability?: Thailand's controversies on unconstitutional constitutional amendment</i>
3	Bjoern Dressel Crawford School of Public Policy, Australian National University <i>The Informal Dimension of Constitutional Politics in Asia: Insights from the Philippines and Indonesia</i>	Andi Muhammad Asrun University of Pakuan <i>The Future of Indonesian Democracy: How The Constitutional Court Settle the 2014 Presidential Election Dispute</i>	Arun Kumar Thiruvengadam School of Policy and Governance, Azim Premji University <i>One Year On: Salient constitutional issues in the first year of the Modi Administration in India (2014-15)</i>
4	Shahdeen Malik Bangladesh Institute for Legal and International Affairs (BILIA) and Advocate Supreme Court of Bangladesh Cynthia Farid University of Wisconsin- Madison <i>Who will Guard the Constitutional Guardians: Bangladesh Supreme Court as the Proverbial Bull in a China Shop</i>	Michael Davis Distinguished Visiting Professor at Jindal Global University University of Hong Kong <i>"One Country, Two Systems": Have the Beijing Decisions put Hong Kong's Constitutional Development and Rule of Law at Risk?</i>	Prajwal Gyawali ICICI Bank Ltd <i>Nepal's Constituent Assembly: Amendments to Article 64 for extending the CA's tenure and the battle with the Supreme Court</i>

PANEL ASSIGNMENT

Date: Thursday 10th December 2015

Session Two: 2:20pm – 3:40pm

Panel & Moderator	Constitutional issues in the Philippines and India Moderator: Michael C. Davis	Constitutional Courts in Transitional States Moderator: Maartje de Visser	Representative Democracy and Constitutions Moderator: Dian Shah
Venue	CR3-5	CR3-6	CR3-7
1	Dante Buenbrazo Gatmaytan <i>University of the Philippines</i> <i>Judicial Review of Peace Initiatives</i>	Tom Ginsburg University of Chicago <i>Mongolia's Constitutional Development: An Assessment</i>	Jack Tsen-Ta Lee Singapore Management University Jaclyn L Neo National University of Singapore <i>Changing Ideas of Representation: The Vellama Cases and Representative Democracy in Singapore</i>
2	G B Reddy Osmania University <i>Struggle for Constitutional Custody in India : Recent Developments</i>	Bui Ngoc Son Centre for Asian Legal Studies National University of Singapore <i>The discourse of constitutional review in Vietnam</i>	Swati Jhaveri National University of Singapore <i>Courts and Democracy in Hong Kong</i>
3	Harunrashid A. Kadri N B Thakur Law College National Judicial <i>Appointments Commission and Independence of Judiciary in India - A Critical Analysis</i>	Zhang Qianfan Peking University <i>Establishing Judicial Review in China: Impediments and Prospects</i>	Yap Po Jen University of Hong Kong <i>Judicial Review of the Electoral Process in Singapore after Vellama</i>

PANEL ASSIGNMENT

Date: Thursday 10th December 2015

Session Three: 4:00pm – 5:20pm

Panel & Moderator	Judicial Power in Malaysia Moderator: Surabhi Chopra	Constitutionalism in East Asia Moderator: Karen Kong	Evolution of Constitutional Courts Moderator: Melissa Crouch
Venue	CR3-5	CR3-6	CR3-7
1	Vanitha Sundra-Karean. University of Southern Queensland <i>Judicial Review in Transplanted Asian Constitutions – The Indian Influence on the Malaysian Constitution – Is Resurrection of Judicial Responsibility for Constitutionalism Possible in Malaysia?</i>	Yasuo Hasebe Waseda University <i>The Supreme Court of Japan: A Judicial Court, not necessarily a Constitutional Court</i>	Bunyodbek Ibragimov Nagoya University <i>Judiciary Independence of Constitutional Court of Uzbekistan</i>
2	Wilson Tze Vern Tay National University of Singapore <i>The Contestation over Judicial Power In Malaysia</i>	Yuichiro Tsuji University of Tsukuba <i>Is a Constitutional Law Court Necessary in Japan?</i>	Dian Agung Wicaksono Universitas Gadjah Mada <i>Extended Interpretation of Impartiality: Lessons from the Indonesian Constitutional Court Practices</i>
3	Lorne Neudorf Thompson Rivers University <i>Judicial Independence and the Evolution of Courts in Malaysia and Pakistan</i>	Simon Drugda Institute of Asian Studies <i>Judging the Security Legislation: Judicial Review of National Security by the Supreme Court of Japan</i>	Theunis Roux University of New South Wales <i>Trajectories of Curial Power: The Rise, Fall and Partial Rehabilitation of the Indonesian Constitutional Court</i>
4.	Mohd Nazim Ganti Shaari Universiti Teknologi MARA <i>Judicial Power, "Reasonable Restrictions" & The Politics of Executive Supremacy in Malaysia?</i>	Tokujin Matsudaira Kanagawa University <i>Japan: What comes after the nation-building constitutionalism? --Authoritarian Repealing vs Civic Retaking of the 1946 Constitution</i>	Ali Abdillah Universitas Indonesia The Constitutionalism of ASEAN Communities: Role of Judiciary Institution in Rule of Law Enforcement in ASEAN

PANEL ASSIGNMENT

Date: Friday 11th December 2015

Session Four: 11:15am – 12:35pm

Panel & Moderator	Constitutional Courts in Fragile States Moderator: Arun Kumar Thiruvengadam	Courts, Legislation and Politics Moderator: Andrew Harding
Venue	CR3-5	CR3-6
1	Melissa Crouch University of New South Wales <i>Myanmar's Constitutional Tribunal: Five Years of Constitutional Review 2011-2015</i>	Fritz Siregar University of New South Wales <i>The Indonesian Constitutional Court as Positive Legislator</i>
2	Jorg Menzel Universität Bonn <i>Cambodian Constitutional Council</i>	Clark Lombardi University of Washington <i>Constitutional Review and Democratization: Lessons from the Arab Spring</i>
3	Khemthong Tonsakulrungruang Chulalongkorn University <i>The Anti-Majoritarian Court</i>	Jason Gerald Buhi University of Hong Kong <i>Back to the Future: Re-establishing 'Gradual and Orderly Progress' on Hong Kong's Legislative Council Reform after the Umbrella Movement</i>

PANEL ASSIGNMENT

Date: Friday 11th December 2015

Session Five: 1:35pm– 2:55pm

Panel & Moderator	Established Constitutional Courts Moderator: Michael Dowdle	Minority Rights Moderator: Lynette Chua
Venue	CR3-5	CR3-6
1	Jiunn-rong Yeh National Taiwan University <i>Dialectical Constitutionalism: The Constitutional Court and Judicial Review in Taiwan</i>	Ya Lan Chang Cambridge University <i>The Curious Case of Lim Meng Suang v Attorney-General: Judicial Review and the Separation of Powers in Singapore</i>
2	Chaihark Hahm Yonsei University <i>The Constitutional Court of Korea: Guardian of the Constitution or Mouthpiece of the Regime?</i>	Fajri Nursyamsi Indonesia Center for Law and Policy Studies <i>State Guarantee of People with Disabilities Rights on Constitution</i>
3	Woo-Young Rhee Seoul National University <i>Judicial Review of Public Elections and the Discussion on Judicialization of Politics in South Korea, with their Constitutional Ramifications on the Separation of Powers Structure</i>	Leah Angela Vitan Robis The University of Hong Kong <i>The Sun Rises Anew in Mindanao: Towards Recognising the "Bangsamoro" Nation within the Context of the Philippine Republic</i>
4	Simon Butt University of Sydney <i>Indonesia's Constitutional Court and Indonesia's electoral systems</i>	

PANEL ASSIGNMENT

Date: Friday 11th December 2015

Session Six: 3:15pm – 4:35pm

Panel & Moderator	Judicial Review and Politics Moderator: Gisela Elsner	Human Rights Moderator: Jack Lee
Venue	CR3-5	CR3-6
1	Chien-Chih Lin University of Chicago <i>Pace of Constitutional Transition Matters: The Judicialization of Politics in Indonesia and Korea</i>	Bui Thu Hien National University of Singapore <i>Human Rights Budgeting: Making Governments Accountable for Economic, Social and Cultural Rights</i>
2	Yi-Li Lee National Taiwan University College of Law <i>Party Politics in the Constitutional Court: The Case of South Korea</i>	Seokmin Lee University of Tuebingen, Germany Fabian Duessel University of Tuebingen, Germany <i>Adjudicating separation of powers: Lessons from the European Court of Human Rights for a future Asian human rights mechanism?</i>
3	Peter Wang City University of Hong Kong <i>Reconciling Hong Kong's Judicial Review with Central Authority in China: A Perspective from "One Country, Two Systems"</i>	Surabhi Chopra Chinese University of Hong Kong <i>Judging the soldiers: How Indian courts have responded to violations of constitutional rights by the armed forces</i>
4	Karen Kong University of Hong Kong <i>The Uphill Battle for Sustainable Development: Can the Use of Judicial review Protect the Natural Environment in Hong Kong?</i>	