

Program of Workshop in KUBEC on the 31st Oct. and the 1st Nov. 2019

【Theme】

The Rule of Law, Democracy and Constitutionalism: Dialogue between Japan and Europe

【Purpose of the Workshop】

The year 2019 is a historical turning point for both Japan and Europe. There has been the imperial succession in Japan, when the new Emperor, who is the third Emperor since the Japanese Constitution of 1947, acceded to the throne. In Europe, this year marks the 70th Anniversary of the German Fundamental Law (GG), the 30th Anniversary of the Fall of Berlin Wall and also the 30th Anniversary of the first Free Elections in Poland. Moreover, the European Union enters the 10th year since the enforcement of The Lisbon Treaty, and the EU-Japan EPA/SPA enters into force this year.

In spite of so many important anniversaries, however, the Constitutionalism including the principles of the rule of law and democracy in both Japan and Europe is now wavering. The amendment of the Constitution has become one of the most important problems on the political level in Japan. Due to its difficulty under the Japanese Constitution, neither the Diet nor the Supreme Court, but the Cabinet changes the normative contents of the Japanese Constitution, esp. Article 9 which makes the normative contents of the principle of Pacifism concrete, by its interpretation. This approach of the Cabinet depends on the numbers of the representatives in the Diet only by emphasizing the principle of the Parliamentary Democracy and Parliamentary Government. Europe has seen an upsurge of populism due to the refugee and migrant crisis, and as the results of the European Parliament Elections this year showed, the number of the representatives belonging to the anti-EU parties has increased. There are more clouds on the horizon for the European Union also because of the uncertainty surrounding Brexit. Moreover, Germany whose legal system has a very strong impact on the Japanese one, has seen the AfD, one of the extreme right parties, come to the fore, and the prospect of the post-Merkel regime is currently opaque under the German Constitutionalism. In Poland, the PiS regime is now developing its peculiar Constitutionalism in opposition to the EU, while its characteristics are seen as illiberal democracy.

At such time, we must re-consider the normative contents of the fundamental principles of the Constitutionalism including the rule of law, democracy and the guarantee of the

fundamental rights in both Japan and European countries with the EU Law's level together. Taking into account the current situation in both Japan and Europe, we will discuss the problems surrounding the Japanese and European Constitutionalism from a comparative viewpoint. From the Japanese side, we will give presentations about such problems in comparison with the European side. From the European side, we hope that the presentations will be given concerning such problems in each country including the EU Law's level. Although the presentations may not always necessarily correspond to each other, this Workshop aims to strengthen and deepen the mutual understanding of Constitutionalism between Japan and Europe, including the EU.

【Date】

The 31st October (Thursday) and the 1st November (Friday) 2019

【Place】

Kobe University Brussels European Centre (KUBEC)

www.office.kobe-u.ac.jp/ipiep/materials/access.pdf

【Time Schedule】

• The 31st October (Thursday)

13:30 ~: Opening Remarks: Prof. Dr. INOUE, Noriyuki (Kobe Univ.: Japan)

14:00~14:45: Japan-EU relationship from the economic aspects:

Prof. Dr. Masahiko Yoshii (Kobe Univ.: Japan);

„Impacts of the Japan-EU EPA on the two economic regions and the global order ”

Prof. Dr. Kirsten Schmalenbach (Salzburg, Austria)

„ Non-trade Clausures in the Japan-EU EPA: Rule of Law, Human Right & Environment”

Discussion

14:45~15:00: Coffee Break

15:00~17:00: Aspects about the guarantee of Human Rights in Japan and Europe

Prof. Dr. UEKI, Atsushi (Meijo Univ., Nagoya):

Discrimination because of Nationality from the comparative viewpoint of Japan, the United States and the EU.

Ass. Prof. Dr. HARUNA, Maki (Shitennouji Univ., Osaka):

Legal Problem concerning Family and LGBT under the System of the Guarantee of European Fundamental Rights in comparison with the Japanese one.

Lecturer Dr. TAKAHASHI, Kazuhiro (Toho Univ., Chiba):

The Right to be forgotten and the System of the Protection of Private Data in comparison between Japan and Europe.

Discussion about the Themes of each Presentation

18:30 Dinner with all participants together

• The 1st November (Friday)

10:30~12:00: The rule of law in turmoil

Prof. Dr. Maciej Serowaniec (Torun, Poland)

"Contemporary challenges of the judiciary in Poland.

Prof. Dr. Zbigniewowi Witkowskieu (Torun, Poland)

"The lawmaking process in Poland - theory and practice".

Prof. Dr. Cristina Fasone (LUISS Univ. in Rome: Italy)

"The rule of law crisis in Italy in the framework of the European Union"

12:00~14:00: Lunch Break

14:00~15:00: Migration and Refugee in Japan and Europe

Prof. MONDEN, Takashi (Hiroshima Univ.):

Japanese Legal Problems concerning Migration as foreign workers in comparison with European one.

Prof. SEKINE, Yuki (Kobe Univ.: Japan):

Evolutions in Social Security and Immigration Laws: their interactions and hints from EU Case Law

15:00~15:15: Coffee Break

15:15~16:30:

Prof. Dr. Markus Kotzur (Hamburg Univ.: Germany):

„The rule of law under pressure – the role of the European Union as „normative power““

Prof. Dr. Noriyuki Inoue (Kobe Univ.: Japan)

„Constitutionalism beyond National-Border as the Universal Value“

16:30~17:30: Discussion about the Themes of each Presentation

【Time of each Presentation】 about 20~30 minutes

【Language】 English

【Participant】

Prof. Dr. Noriyuki Inoue (Kobe Univ.: Japan)

Prof. SEKINE, Yuki (Kobe Univ.: Japan):

Prof. Dr. Masahiko Yoshii (Kobe Univ.: Japan)

Prof. MONDEN, Takashi (Hiroshima Univ.):

Ass. Prof. Dr. HARUNA, Maki (Shitennouji Univ., Osaka)

Prof. Dr. UEKI, Atsushi (Meijo Univ., Nagoya):

Lecturer Dr. TAKAHASHI, Kazuhiro (Toho Univ., Chiba)

Prof. Dr. Markus Kotzur (Hamburg Univ.: Germany)

Prof. Dr. Kirsten Schmalenbach (Salzburg, Austria)

Prof. Dr. Maciej Serowaniec (Torun, Poland)

Prof. Dr. Zbigniewowi Witkowskieu (Torun, Poland)

Prof. Dr. Cristina Fasone (LUISS Univ. in Rome: Italy)