



Centre for Asian Legal Studies  
Faculty of Law



School of  
Law



PUBLIC WORKSHOP ON

# CONSTITUTIONALISM AND DEVELOPMENT IN ASIA

**Wednesday, 25 April 2018, 2.00pm to 5.00pm**

Lee Sheridan Conference Room, Eu Tong Sen Building, Level 1  
Faculty of Law, National University of Singapore

## SYNOPSIS

The turn of the twenty-first century has witnessed considerable attention among academics and policy makers on the role of constitutional law in socio-economic development. Conceptually, this is connected to the third period of law and development studies and practical programs, which tend to focus on the role of public law in promoting development. Practically, a new wave of constitutional change is happening in the current century. Asia is a good place to study constitutionalism and development. Many Asian countries are struggling with constitutional reforms and socio-economic development at the same time. Expert panelists in the first Roundtable will canvass how the constitutional regimes in selected Asian jurisdictions have evolved in recent history to achieve developmental objectives and highlight the diverse origins of these objectives. In the second Roundtable, panelists will share their views on the likely features of future stages and the related interplay between constitutional development on the one hand, and economic-political development on the other hand.

## PANELLISTS AND MODERATORS

Dato' Param Cumaraswamy (Malaysia), Dr. Khin Khin Oo (Myanmar), Prof. Taing Ratana (Cambodia), Dr. Cha Won-Il (South Korea), Dr. Bipin Adhikari (Nepal), Dr. Mario Gomez (Sri Lanka), Dr. Bui Ngoc Son (NUS), Justice Adolf Azcuna (The Philippines), Dato' Mah Weng Kwai (Malaysia), Dr. Juergen Broehmer (Australia), Prof. Andrew J. Harding (NUS), Assoc. Prof. Maartje de Visser (SMU), Assoc. Prof. Eugene KB Tan (SMU).

## REGISTRATION

There is no fee for this workshop, but seats are limited. Light refreshment is provided.

To register, click [here](#) or scan the QR code:

Closing date for registration: **Friday, 20 April 2018**

For enquiries, please contact Alexandria at [cals@nus.edu.sg](mailto:cals@nus.edu.sg)





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**Jointly organized by:**

The Rule of Law Programme in Asia, Konrad Adenauer Stiftung  
Centre for Asian Legal Studies, Faculty of Law, National University of Singapore  
School of Law, Singapore Management University

### PROGRAMME SCHEDULE

**14:00 – 14:30** Registration

**14:30 – 14:45** **Introduction and Welcome Remarks**

**Assoc. Prof. Dan Puchniak** (Director, Centre for Asian Legal Studies)

**Mrs. Gisela Elsner** (Director, Rule of Law Programme Asia)

#### Open Panel Discussion 1

##### **Developing Constitutionalism in Asia: National Trajectories**

*The panellists in this Roundtable will canvass how the constitutional regimes in selected Asian jurisdictions have evolved in recent history to achieve developmental objectives and highlight the diverse origins of these objectives*

All speakers are asked to present 1 or 2 core points, max. 5 minutes

Moderator: Prof. Andrew J. Harding

**14:45 – 15:15** **Dato' Param Cumaraswamy**, Former United Nations Special Rapporteur on the Independence of Judges and Lawyers, Advocate and Solicitor

**Prof. Khin Khin Oo**, Department of Law, University of Mandalay

**Prof. Taing Ratana**, Secretary General to the President of the Constitutional Council of the Kingdom of Cambodia

**Dr. Cha Won-II**, Researcher, Constitutional Court of Korea

**Prof. Bipin Adhikari**, Dean of Kathmandu University School of Law

**Dr. Mario Gomez**, Executive Director, International Centre for Ethnic Studies

**15:15 – 15:45 Q&A/Discussion**  
**Wrap-Up of Panel 1** by Moderator

### Open Panel Discussion 2

#### The Next Stage(s) for Constitutionalism and Development in Asia

*Constitutionalism in Asia, as elsewhere, is a work in progress. Set against the background of previous waves of constitutional reform, the panellists in this Roundtable will share their views on the likely features of future stages and the related interplay between constitutional development on the one hand, and economic-political development on the other hand. Work in Progress or Arrested Development?*

All speakers are asked to present 1 or 2 core points, max. 5 minutes

Moderator: Assoc. Prof. Eugene Tan, SMU

**15:45 – 16:15** **Dr. Bui Ngoc Son**, Faculty of Law, National University of Singapore  
**Justice Adolf Azcuna**, Chancellor, Supreme Court of the Philippines, Philippines Judicial Academy  
**Dato' Mah Weng Kwai**, Commissioner SUHAKAM (National Human Rights Commission of Malaysia), retired Judge, Court of Appeal  
**Prof. Juergen Broehmer**, Professor of Law and Dean of the Law School, Murdoch University Australia  
**Prof. Andrew J. Harding**, Faculty of Law, National University of Singapore  
**Assoc. Prof. Maartje de Visser**, School of Law, Singapore Management University

**16:15 – 16:45 Q&A/Discussion**  
**Wrap-Up of Panel 2** by Moderator

**16:45 – 16:50 Overall Wrap-Up and Closing Remarks**  
Prof. Andrew J. Harding and Assoc. Prof. Maartje de Visser

**16:50** Reception



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### PANELLISTS' AND MODERATORS' BIOGRAPHIES



**Dan PUCHNIAK** is the Director of the National University of Singapore (NUS) Centre for Asian Legal Studies (CALs), the Editor-in-Chief of the Asian Journal of Comparative Law (AsJCL) and an Associate Professor at NUS Law. He has received numerous domestic and international awards for his academic research and teaching. Dan Puchniak specializes in corporate law with an emphasis on comparative corporate law in Asia. He has published widely on comparative, Asian, Singapore, and Japanese corporate law and governance and is regularly invited to present his scholarship and teach at leading law schools around the world.



**Gisela ELSNER** is a German jurist and the Director of the Rule of Law Programme Asia of Konrad Adenauer Stiftung. Before being posted to Singapore in August 2015, she worked in the KAS Head Office in Berlin for 4 years, most of the time directing the Department for Latin America, being responsible for the almost 20 KAS offices on the Latin-American continent. Besides, Gisela Elsner coordinated the worldwide Rule of Law work of KAS, after having been Director of the Rule of Law Programme Latin America, at that time based in Montevideo, Uruguay, from 2006 to 2011.



**Andrew J. HARDING** is a leading scholar in the fields of Asian legal studies and comparative constitutional law. He commenced his academic career at NUS before moving to SOAS, University of London, where he became Head of the School of Law. He joined NUS from the University of Victoria, BC Canada, where he was Professor of Asia-Pacific Legal Relations and Director of the Centre for Asia-Pacific Initiatives. At NUS he has been Director of the Centre for Asian Legal Studies, Director of the Asian Law Institute, and a Chief Editor of the Asian Journal of Comparative Law.



**Eugene TAN** is an Associate Professor of Law at Singapore Management University. He holds degrees from the National University of Singapore Faculty of Law, the London School of Economics, and Stanford University. He previously held positions at the National University of Singapore and worked as foreign service officer in Singapore's Ministry of Foreign Affairs. He teaches and researches in the area of Constitutional and Administrative Law as well as the Law and Policy of Ethnic Relations in Singapore.



**Dato' Param CUMARASWAMY** is a barrister-at-law at Inner Temple, London, and an Advocate and Solicitor in Kuala Lumpur. He was President of the Malaysian Bar (1986-1988) and a founding member of the Bar Council's Human Rights and Legal Aid Committees. He is a life member of the Law Association of Asia and the Pacific and served as its President from 1993-1995. Since 1990, he has been a Commissioner of the International Commission of Jurists, of which he once served as Vice-President (2004-2005). In 1994, he was appointed the United Nations Special Rapporteur on the Independence of Judges and Lawyers by the UN Commission on Human Rights and served on that mandate until 2003. He is a founder member of the Regional Working Group for an ASEAN Human Rights Mechanism of which he is currently a co-chair.



**Khin Khin Oo** is a Professor at the Department of Law, University of Yangon (Myanmar), and received her LLB (1993), LLM (1997), and PhD in Law (2005) degrees from University of Yangon. Her area of specialization is in criminal law, civil law, family law and constitutional law. She has been a Visiting Research Fellow at the National University of Singapore, an ISEF fellow at Seoul National University as well as a visiting scholar at the Central European University Department of Legal Studies in Budapest, Hungary and at Max-Planck-Institute for Comparative Public Law and International Law in Heidelberg, Germany.



**TAING Ratana** is Secretary General of the Constitutional Council of the Kingdom of Cambodia (with rank equal to Secretary of State). He has worked for the Constitutional Council and other institutions for more than 12 years. He is a holder of various degrees: Executive Master of Advanced Studies in Development Studies from the Graduate Institute of International and Development Studies (IHEID), Geneva, Switzerland; LL.B and LL.M from Royal University of Law and Economics (RULE), Phnom Penh; Bachelor of English Literature from Build Bright University (BBU); and DDS from University of Health Sciences (UHS), Phnom Penh.



**CHA Won-II** is a Researcher with the Constitutional Court of Korea. She has been in the role since 2015, and was a lecturer at the Yonsei University Graduate School of Law before that. She holds her doctoral degree from the University of Cologne, Germany, a Masters and Bachelors in Laws from the Yonsei University in Seoul.



**Bipin ADHIKARI** is Dean of the Kathmandu University School of law and is an expert on constitutional law. He teaches Constitutional Law and Federalism. He is involved with many legal reform and institution building issues in Nepal. He is also implementing the Masters by Research Programme at the Kathmandu University School of Law in the area of Corporate Law, International Trade Law, International Investment Law, Intellectual Property Law and Energy and Infrastructure Law. Bipin Adhikari has keen interest in legal aspects of the Belt and Road Initiative (BRI) programme and their implications for Nepal and its prospect for further development.



**Mario GOMEZ** is the Executive Director at the International Centre for Ethnic Studies (ICES). He has a Bachelor's degree, a Master's degree, and Doctorate in Law. He has lectured and published in the areas of post-conflict justice, administrative and constitutional law, economic and social rights, gender and the law, national human rights institutions, and the rights of internally displaced persons. ICES was established in 1982 and is one of Sri Lanka's leading research centres, focusing on ethnicity, identity politics, conflict and conflict resolution, post-war reconstruction, democracy and governance, human rights, development and gender.



**BUI Ngoc Son** is a Senior Research Fellow of the Centre for Asian Legal Studies, Faculty of Law, National University of Singapore, where he was previously a postdoctoral fellow. He obtained his PhD from The University of Hong Kong. He also studied as a visiting researcher/scholar at Harvard Law School and Tsinghua Law School. He is the author of the book *Confucian Constitutionalism in East Asia* (Routledge, 2016). His research interests include Asian legal systems, Asian legal and political philosophy, Asian constitutional law, non-juricentric constitutional theory, and legal change in the contemporary socialist nations.



**Justice Adolf AZCUNA** is a Filipino jurist who served as an Associate Justice of the Supreme Court of the Philippines from 2002 to 2009. He was appointed to the Court by President Gloria Macapagal-Arroyo on October 24, 2002. Justice Azcuna taught International Law at his alma mater, Ateneo de Manila, from 1967 to 1986. In 1982, he completed post-graduate studies in International Law and Jurisprudence at the Salzburg University in Austria. He is the current Chancellor of the Philippine Judicial Academy (PHILJA), having been appointed to that position by the Supreme Court of the Philippines on June 1, 2009.



**Dato' MAH Weng Kwai** is currently a Commissioner of the Human Rights Commission of Malaysia (SUHAKAM) for the term 2016-2019. In 2010 Dato' Mah was appointed a Judicial Commissioner of the High Court of Malaya and in 2011 a Judge of the High Court of Malaya in Kuala Lumpur. He was elevated to the Court of Appeal, Malaysia in 2012. After his retirement as a Court of Appeal Judge in 2015, he became a consultant again and he is also certified as a mediator by the Malaysian Mediation Centre. Dato' Mah Weng Kwai was called to the English Bar as a Barrister-at-Law in 1971 and to the Malaysian Bar as an Advocate and solicitor of the High Court of Malaya in July 1972. In 1973, Dato' Mah joined the Judicial and Legal Services of Malaysia and held, inter alia, the posts of Magistrate, President of the Sessions Court and Senior Assistant Registrar of the High Court. He also served as a Deputy Public Prosecutor and Senior Federal Counsel in the Attorney General's Chambers.



**Jürgen BRÖHMER** is Dean and Professor of Law at Murdoch University in Perth, Australia, since January 2012. Before joining Murdoch University he worked at the University of New England, in Armidale, NSW, Australia, having commenced there in 2006 and serving as Head of the Law School from 2007 to 2011 (and as an Adjunct Professor since his departure). He received his law degree from Mannheim University in Germany and his doctorate and post-doctoral habilitation from Saarland University in Saarbrücken, Germany where worked at the Europa-Institute of Saarland University from 1992 to 2006 and where he continues to be part of the visiting faculty.



**Maartje DE VISSER** is Associate Professor of Law, and Associate Dean (PG Teaching & Curriculum) at the Singapore Management University School of Law. Prior to this, she held appointments at Maastricht University and Tilburg Law School in the Netherlands. Maartje read for law at Maastricht (meester in de rechten, cum laude) and Oxford University (MJur with distinction), and obtained her PhD at Tilburg University (cum laude). The topic of her doctoral thesis formed the basis for her first book, entitled *Network-based Governance in EC Law: The example of EC Competition and EC Communications Law* (Oxford, Hart Publishing, 2009). Maartje's main research interests are in the fields of European and comparative constitutional law.