

1 October 2022

Call for Papers

Conference on Global Crisis and Global Legal Orders: “What should we now discuss for the Future of Global Legal Ordering?”, in a hybrid format

The Global Constitutionalism Study Group and the Institute of Comparative Law, Waseda University

We invite all scholars with global perspectives, of international law, constitutional law, and international relations throughout the world to apply for participation in this conference.

Date: 1-2 March 2023

Venue: Tokyo, Japan (with online participation)

Deadline for abstract submission: 30 November 2022 (to waseda-conference@list.waseda.jp)

Purpose of the conference

Since the 1990s, legal scholars, keenly aware of the decline of the significance of national borders, have recognized the intercourse between international and domestic laws, particularly constitutional laws. Domestic constitutions cope with local issues from national perspectives. Nevertheless, national experiences are often a basis for tackling global issues. This phenomenon called for a search for legal theories that would have the power to explain both the ‘constitutionalization of international law’ and the ‘internationalization of constitutional laws’.

The theories that were put forward include global constitutionalism, radical pluralism, global administrative law, and others. As this varied landscape suggests, discussions are still ongoing, and the main arguments have not been settled yet. The question then, is, how is the current state of affairs in the world affecting these theories and arguments?

It seems fair to say that we may be nearing a turning point for global governance. International systems or organizations which have supported the global legal ordering have now encountered various problems including climate change, pandemics, and interstate war. Therefore, legal scholars cannot be indifferent to the future of international law, constitutional law, and global legal ordering. We have to discuss how they should move forward with global legal ordering. Even if many states share the fundamental principles of constitutionalism, how these principles are actualized differs from state to state. The conference aims to facilitate a conversation among scholars from across the world on key issues for the future (including the specification of key issues). The proposed conference themes as elaborated below are not exhaustive but rather invitations to further critical engagement with those broad themes.

Contact information: Ms. Ayaka Joann Doyle (e-mail: waseda-conference@list.waseda.jp)

Proposed agendas

The following issues are for discussion:

1. Peace, Climate Change, Global Inequality, and Global Legal Ordering

Global problems are now grave. The maintenance of peace is both a requirement and an aim of global legal ordering. The Russian aggression against Ukraine has undermined the rule of law in international society as well as peace. Climate change and global inequality have swayed the sustainability of the world. How can we reestablish a global system to maintain peace, promote the rule of law and human rights and respond to climate change and global inequality?

Possible topics (examples):

- Viability of global approaches under the multi-polarization of the world.
- Impact of the Russian aggression on global legal ordering, particularly international law.
- Role of international organizations for peace and the direction of their reforms.
- Meaning of peace, for example, the relation between just and peace in a global setting.
- Development of constitutionalism to cover environment and climate change.

2. Domestic Constitutionalism and International Society

Global constitutionalism has long been heedful of the mutual complementary relationship between domestic constitutions and international law. Domestic constitutionalism is a mother of constitutionalism beyond the state. How can global constitutionalism contribute to domestic constitutionalism? How are they connected? Conversely, as a result of the entrenchment of their separation, will global legal ordering fall back to assuming the strict duality of international and domestic laws?

Possible topics (examples):

- Universality versus particularity in the current context.
- Absoluteness and relativity of national sovereignty (the principle of non-interference and the interest of the world community).
- Conditions that make possible the interaction between domestic and international levels (e.g., the openness of national constitutions, and judicial dialogue).
- Coexistence of constitutionalism and authoritarianism.

3. Nation-states, nationalism, and constitutionalism

Nation-state building is an ongoing challenge faced by not a few developing states, and nationalism still remains a key element in nurturing a national identity for them. However, in the present age of crises, two opposing vectors coexist: one is the erosion of national sovereignty under economic globalization, and the other is the growing importance of actions by sovereign states in response to various crises. How should domestic constitutions react to such a situation?

Possible topics (examples):

- Nationalism and domestic constitutions that are suitable for a global society.
- National constitutions in the age of crisis (populism and the crisis of domestic constitutionalism).
- International assistance for state-building (e.g., peace-building under the aegis of the UN) and colonialism.
- Universality of human rights and their implementation in the national context.

Practical information

Date: 1-2 March 2023 (Exact timetables to be decided)

Venue: Tokyo, Japan

Format: A hybrid format of in-person and online. We intend to hold the workshop and other networking events in person, but in order to broaden access to the workshop to those who may not be able to travel to Tokyo, sessions may be held in a hybrid format.

Selection: In order to apply, please submit an English language paper abstract of up to 500 words at the maximum and an academic biography of 150 words. The result of our selection will be informed before the 24th of December 2022.

Each selected scholar is required to submit his or her short write-up (2,000 words maximum) before the conference. The deadline for the short write-up will be set two weeks before the conference. Necessary documents should be submitted to Ms. Ayaka Juann Doyle (e-mail: waseda-conference@list.waseda.jp).

Travel and accommodation: We will provide economy class air tickets and three nights' accommodations for several scholars. If you would like to apply for these slots, please mention your intention to do so when you submit your abstract

Publication: We are planning for the achievements of this conference to be published as a book by one of the established publishers. Although the conference organizers will arrange the structure of the book, it is likely that many of the papers based on submitted short write-ups will be included in this edited volume.

Conference information: All information on this conference will be available on the website of the Institute of Comparative Law from the middle of October 2022 (<https://www.waseda.jp/folaw/icl/>).

Contact information: Prof. Takao Suami (Professor of Law, Waseda Law School) and Ms. Ayaka Doyle. All correspondence should be sent to Ms. Doyle (waseda-conference@list.waseda.jp).

About the organizers

The **Global Constitutionalism Study Group** is an ad-hoc study group consisting of scholars from diverse fields (international law, EU law, constitutional law, administrative law, legal philosophy, and international relations). All members belong to universities in Japan. The group started its study of global constitutionalism in 2013 with a grant from the Japan Society for the Promotion of Science. Its major result was *Global Constitutionalism from European and East Asian Perspectives* (Takao Suami, Anne Peters, Dimitri Vanoverbeke and Mattias Kumm eds., Cambridge University Press, 2018) and a special edition on "Global Constitutionalism and International Law from Japanese Perspectives", *Japanese Yearbook of International Law*, Vol.64, 1-116 (2022).

The **Institute of Comparative Law (ICL)** was founded at the School of Law, Waseda University, in 1958. The Institute's mission is to make significant contributions to legal studies in Japan and abroad through comparative legal research. The purpose of the Institute is to conduct comparative research on the legal systems of Japan and other countries and to contribute to research and education in the field of Japanese legal studies. It currently aims to disseminate information on the development of

contemporary Japanese law and Japan's legal system and to raise critical legal questions of universal importance from a Japanese perspective. The Institute has been active in providing comparative law research and introducing Japanese law abroad. The Library of the Institute has also been actively compiling a large number of foreign legal resources, especially statutes, cases, and law reviews. In 2018, the ICL marked its 60th anniversary.

Some additional remarks on the conference

There seems to be no end in sight regarding the ongoing war in Ukraine, while in East Asia the conflict over Taiwan has emerged and is becoming ever more intense. Meanwhile, the situation in Myanmar after the bloody coup remains unchanged. In such an unstable situation, where is our world heading? What has become of the state of affairs of global legal ordering, which has been moving forward under the interaction between international and domestic laws? What are pressing issues that we must discuss for the future of global legal ordering? These questions have propelled us to hold this international conference.

Against the backdrop of the continuous pandemic caused by COVID-19, the existence of nation-states has come to the fore more than ever before. Furthermore, the ongoing war in Ukraine and the emerging Taiwan crisis can be regarded as having exposed the rift within the permanent members of the UN Security Council again. Due to this, it appears that international society, as well as the global market, has been divided up into several blocks. In the context of these confrontations and divisions, global legal ordering seems to be exposed to an existential danger. However, it is not clear at the moment whether or not the process of global legal ordering will be forced to stop or regress. This is because international law has already undergone various political crises in the past. The current crises may become an opportunity to strengthen the global legal ordering.

On the basis of this sort of understanding, we have presented the aforesaid agendas for discussion at the conference. However, we want to clarify that those agendas are in no way established. We will be delighted if you agree with our agendas, but we are always open to the possibility of different agendas born from totally different perspectives. We take this stance because we are aware that our agenda-setting is mainly based upon discussions within Japan. The agenda-setting that we strive for must be based upon worldwide discussions whose reach goes beyond any particular state or region. Therefore, we greatly welcome submissions of your original ideas. In our view, the interchange of ideas between you and us will constitute a starting point for further studies on genuine global legal ordering.