

Constitutional Law Study Group

Attendees:

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Chair: Rodrigo Gonzalez

The discussion held by the study group was divided in two main sessions.

Session 1: Questions suggested by IALS.

a. Knowledge: The core elements essential for substantive understanding of the field agreed by the study group are: separation of powers, state structures, human rights, democratic principles, constitutionalism, rule of law, the notion of constitution.

b. Skills: The particular skills required by the field, according to the group are: comparison from experiences, interpretation driven from national case law and international courts, conflict of laws, mastering tests balancing/proportionality.

c. Values to be incorporated in this field's ethical legal education, according to the group: constitutional supremacy, social justice, democracy and solidarity, non discrimination, tolerance, authority, life/dignity/freedom/happiness.

d. Impact of Globalization in courses taught by the group members: systems' comparison, usage of comparative constitutional law materials.

e. Areas for adoption of international standards identified by the group: human rights, judicial review, constitution drafting, constitutional interpretation, international rules' compliance. Why did it happened? mobility, technology, democracy's maturity, scholarship's engagement, case law's translations, international field associations.

f. Field areas to be influenced by globalization, according to the group: the ones signaled by the UN system (water, food); immigration, citizenship, participation; indigenous legal systems, multiculturalism; environment and the constitution; international transfer of legal services, validity of international practitioners.

g. Preparation of students for these challenges within the rule of law, according to the group: pedagogical skills, academic exchange programs, adherence to law.

h. The group concluded that some collaborative approaches across regions informing the field's scholarship may be related to networking, partnerships for classes or legal articles; comparison though contextualizing (time, culture, society, tradition).

Session 2: It was held upon two main topics: the existence of growing commonality in subject matters towards a more harmonized system, and strategies for developing standards for minimum competences in constitutional law globally.

Topic 1: The group agreed on certain common subject matters such as the internationalization of critical issues, phenomena within national jurisdictions, the rule of law, human rights' constitutionalization, state immunity, environmental and political rights, the tension between international law and constitutional law, trends on international and regional courts, local adaptations of international law, harmonization through courts, problems of international decisions' implementation.

Topic 2: Despite certain particularities pertaining to each society, the group agrees that common themes should be taught by any constitutional scholar, such as: human rights, separation of powers, rule of law. Some strategies may help on this task – as a global one – are: studying international courts' case law and documents from UN committees.