

**JOINT RESEARCH PROJECT**

**FINAL REPORT**  
**For Japan-Korea Joint Research Project**

AREA	1. Mathematics & Physics 2. Chemistry & Material Science 3. Biology 4. Informatics & Mechatronics 5. Geo-Science & Space Science 6. Medical Science ⑦. Humanities & Social Sciences
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**1. Research Title:**

Japan-Korea-China Joint Study for Constitutional Law

**2. Term of Research:** From July 1, 2009 To June 30, 2011

**3. Total Budget**

a. Financial Support by JSPS: Total amount: 2400 thousand yen

1<sup>st</sup> Year 600 thousand yen      2<sup>nd</sup> Year 1200 thousand yen

3<sup>rd</sup> Year 600 thousand yen

b. Other Financial Support : Total amount: 0 thousand yen

**4. Project Organization**

<b>a. Japanese Principal Researcher</b>	
Name	Kokubun, Noriko
Institution / Department	Univeristy of Tsukuba/ Graduate School of Humanities and Social Sciences
Position	Professor
<b>b. Korean Principal Researcher</b>	
Name	Jeong Kuk Won
Institution / Department	Daegu University/ College of Law
Position	Professor

**c. List of Japanese-side Participants (Except for Principal Researcher)**

Name	Institution/Department	Position
Tonami Koji	Waseda University/Faculty of Law	Professor
Okada Nobuhiro	Hokkaido University/ School of Law	Professor
Ina Masaki	International Christian University/ College of Liberal Arts	Professor
Kochu Nobuo	Kansai University/ Faculty of Policy Studies	Professor
Ishimura Osamu	Senshu University/Law School	Professor
Naito Mitsuhiro	Senshu University/Faculty of Law	Professor
Nishihara Hiroshi	Waseda University/ Faculty of Social Sciences	Professor
Oka Katsuhiko	Fukuoka Women's University	Professor
Koyama Go	Keio University/ Faculty of Law	Professor
Yoshida Hitomi	Kantogakuin University/ Faculty of Law	Professor
Ishizuka Jin	University of Yamanashi/ Faculty of Education Human Sciences	Associate Professor
Yun YongTaek	Soka University/ Law School	Professor
Kim Byonghak	Fukushima University/ Faculty of Administration and Social Sciences	Associate Professor

**d. List of Korean-side Participants (Except for Principal Researcher)**

Name	Institution/Department	Position
Shin Pyung	Kyungpook National University/Law School	Professor
Kim, Seung Hwan	Chonbuk National University/Law School	Professor
Lim Jong-Hoon	Hongik University/	Professor
Kwon Young-HO	Cheju National University	Professor
Lee Heon Hwan	Ajou University/Faculty of Law	Professor
Lee Kyeong-Ju	Inha University/Professor/Constitutional Law	Professor
Song Seog-Yun	Seoul National University/ Law School	Professor
Lee Dong Hoon	Semyung University/Faculty of Law	Professor
Seo Bo-Keon	Yeungnam University/ Law School	Professor
Min Byoung-Ro	Chonnam National University/ Law School	Professor

**5. Number of Exchanges during the Final Fiscal Year\***

**a. from Japan to Korea**

\*Japanese fiscal year begins April 1.

Name	Home Institution	Duration	Host Institution
For Final Fiscal Year(FY2011) Total: <u>    0    </u> persons		For Final Fiscal Year(FY2011) Total: <u>    0    </u> man-days	
Numbers of Exchanges during the past fiscal years			
FY2009: Total <u>    5    </u> persons			
FY2010: Total <u>    7    </u> persons			

**b. from Korea to Japan**

Name	Home Institution	Duration	Host Institution
For Final Fiscal Year(FY2011) Total: <u>    0    </u> persons		For Final Fiscal Year(FY2011) Total: <u>    0    </u> man-days	
Numbers of Exchanges during the past fiscal years			
FY2009: Total <u>    0    </u> persons			
FY2010: Total <u>    0    </u> persons			

**6. Objective of Research**

Originally this joint research began aiming for both Japan and Korean researchers on constitutional law to conduct a joint research on Japanese, Korean and Asian constitutional laws, exchanging between the researchers from both countries and striving for scholastic development through comparative study in constitutional laws. As was written in the application, “East Asian Constitutional Law Association” was meant to be established with China in addition to Japan and Korea for building permanent organizational foundation of joint research.

Exchange with researchers in East Asia has been increasing recently in the field of law, and numerous symposia have been held in constitutional law. However, most of such symposia ended as a single occasion, failing to form a continuous foundation of academic exchange. So it was the original main purpose of this application to form such foundation. Therefore it was in our mind to widely seek search issues of modern constitutionalism shared by countries in East Asia including not only Korea but also China, though it was applied as “bilateral joint research”. However, financial difficulties occurred during the implementation process, and the subject of the research was limited to comparative examination in only constitutional law studies in Japan and Korea in the latter half of the research period (= fall of 2010). Therefore attention was paid especially to the following points in the latter half of the research period.

There is a so called history issue between Japan and Korea, also there are interesting differences in the governing organization such as parliamentary cabinet system and presidential government system, one-chamber system and two-chamber system, existence of constitutional court, etc. On the other hand, there is quite a similarity in social and cultural condition, and both countries share many common political and social issues. The purpose is for Japanese and Korean constitutional law researchers to

1. deepen mutual understandings in the constitutional law and current condition in the constitutional law research in both countries
2. form a common foundation of argument for Japanese and Korean constitutional law researchers
3. feedback the gained results through comparative examination in the joint research to constitutional law research in his/her country
4. seek solution for common constitutional law issues in Japan and Korea through investigating current argument in his/her country, and reporting over it.

## 7. Methodology

As was mentioned in **Objection of Research**, the purpose of this joint research was to organize “East Asian Constitutional Law Association” with China in addition to Japan and Korea and to establish foundation of permanent joint research. In concrete terms, Japan, China and Korea would take turns to hold annual symposium for research exchange where common issues of constitutional laws in East Asia would be focused and solution for such issues would be examined through comparative approach. Members from Japan and Korea participated in such symposium held in China in the summer of 2009 where reports and discussions were held under the theme of “Judicial Review”.

When the symposium planned to be held in Japan in FY2010 became unavailable as was mentioned before, the system was reconstructed to be a joint research between Japan and Korea only. “Conference of Constitutional Researchers in Japan and Korea” was held in Korea in March 2011 and opinions on common constitutional themes in Japan and Korea (pacifism, sovereignty, family structure, and minority rights) were exchanged.

By the way, based on this opinion exchange at the conference this past March, 2-vol “Dialogue concerning Constitutional Studies in Japan and Korea (tentative)” is being written in the following manner.

Vol. 1: Outline and governing organization of constitutional law

Theme of each chapter: Issues (outline) of constitutional studies in Japan and Korea:

- Pacifism
- Concept of ‘Nation’
- Democracy and constitutionalism
- Political parties
- Judicial Review
- Local government

Vol 2: Human rights

Theme of each chapter: Subjective rights and constitutional rights in the objective law

- Equality under the law
- Marriage and family
- Freedom of expression
- Freedom of occupation
- Social rights
- Standard of Judicial Review

For each chapter mentioned above, one author from each of Japan and Korea will analyze the current issues on each theme based on the situation of theories and judicial cases in his/her country. Our plan is to expose the difference/similarities of current situation of issues and theories in the constitutional law studies in Japan and Korea through these, and to identify the common issues between Japan and Korea at the same time.

Related to the aforementioned publishing the studies, individual visits to Korea, material research and interview researches there by researchers on Japan side have been conducted in addition to the above as a part of work to publish the above studies.