

Click [here](#) if you are having trouble viewing this message.



**Newsletter Issue 4 | August 2018**

*This newsletter is published by the Constitution Transformation Network (ConTransNet) based at Melbourne Law School. We are a network of expert scholars sharing our latest research and experiences regarding the development of constitution-making processes, content and implementation.*

## On the Radar

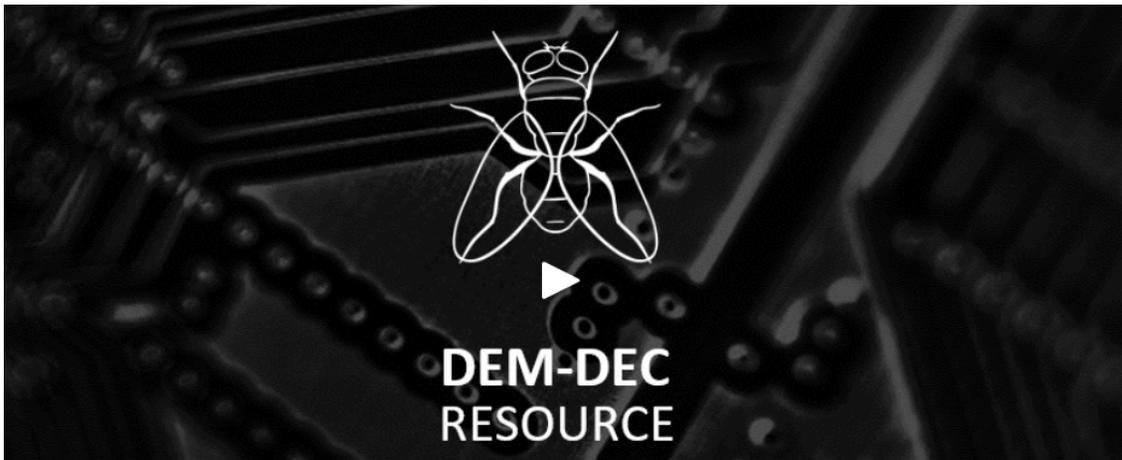
### **"The Pressing Global Challenge of Democratic Decay", by Dr Tom Daly**

What links seemingly disparate events such as the ongoing Mueller investigation into Russian interference in the 2016 US presidential elections, the growing conflict between the Polish government and the EU on ousting of Supreme Court judges, or the intensifying crisis caused by thousands of Venezuelan citizens spilling into neighbouring countries? All are aspects of the growing global phenomenon of 'democratic decay' - the creeping deterioration of democratic rule worldwide.

Since the mid-2000s global democracy indices (produced by e.g. Freedom House and the Economist Intelligence Unit) have tended to show a year-on-year decline in democratic rule worldwide; a 'democratic recession' reversing decades of democratic expansion. Until recently, this was most evident in young democracies. Hungary has become the paradigm example, where from 2010 a democratically elected government used legal means (including a new Constitution of 2011), and other tactics such as buy-outs of independent media, to incrementally neuter key accountability institutions (e.g. the Constitutional Court, media, human rights organisations, the Central European University). Once considered a star democratic performer, Hungary is now commonly considered at best a hybrid regime (i.e. a governance system blending democratic and authoritarian elements).

[Click here to read more](#)

## Launch



In June 2018, CTN Co-Convenor Dr Tom Gerald Daly, launched the [Democratic Decay Resource \(DEM-DEC\)](#). DEM-DEC is a major new online resource that focuses on the global challenge of the incremental deterioration of democratic rule and is broadly pitched at public lawyers working on constitutional, international and transnational law. It is supported by a range of leading organisations in public law and policy. The website contains a range of material, including:

- [Concept Index](#): Contains definitions and explainers of some 80 key concepts in the field (e.g. 'rule of law', 'rule by law', 'autocratic legalism', 'authoritarian backsliding'), including key sources, explainers and cross-references to related concepts.
- [Concept Map](#): Provides a basic map of the overall conceptual landscape.
- [Scholars](#): Provides a list of scholars working on the area globally, with keywords to identify their main interests, country/region focus, and link to their profile.
- [Bibliography](#): Online version and versions for download. Organised under 3 headings:
  - Themes (e.g. 'The Current Crisis of Democracy: Recent Research', 'Hybrid Regimes and Modern Authoritarianism', 'Law as a Weapon: Hollowing Out Democracy' etc)
  - World Regions (Europe, North America, Latin America etc)
  - International Organisations (EU, OAS, MERCOSUR, AU etc)
- [Events](#): Collates events and calls for papers related to the topic of democratic decay.
- [Links](#): Lists leading organisations, centres and other research material.

## Upcoming Events



**SEMINAR:**  
***"National Identity and European Integration - Reflections on the Realities of Constitutionalism"***

**Dr Michael Goldhammer**  
**1-2pm, 14 September 2018,**  
**Room 104, MLS**

[Click for Bio & Abstract](#)

---

**SEMINAR:**

***"Constitutional Reform in Sri Lanka - Meeting Majoritarian Challenges While Providing For Meaningful Devolution"***

**Justice Jayampathy Wickramaratne**

**1-2pm, 5 November 2018**

**Room G-08, MLS**

[Click for Bio & Abstract](#)



## News

### **Workshop: "Somalia Constitution-Making: Key Issues"**

On 13 June, CTN was very pleased to host a seminar on "Constitution-Making" for a group of eminent Somali diaspora committed to engaging in the ongoing process of constitutional reform currently underway in Somalia. Participants were keen to focus on the most critical issues dominating current constitution-making discussions, namely the overarching issue of how federalism will be implemented in practice, with the federal division of powers and resources of particular interest.

[Read more](#)



### **IACL World Congress Workshop: "External Influences on Constitution-Building Processes"**

On 20 June, Cheryl Saunders, CTN Co-Convenor, and Chaihark Haim convened a workshop during the IACL Congress to discuss external involvement in the process of constitution building. The workshop was a forum for exchanging ideas and arguments between participants—both theoreticians and

### **IACL World Congress Workshop: "Post-Soviet Constitutionalism and Peace Building"**

On 21 June, William Partlett, CTN co-convenor, and Sergey A. Belov, a Russian academic, convened a workshop at the IACL World Congress to evaluate the continuing legacy of Soviet constitutionalism for post-Soviet constitutionalism as well as constitutionalism more globally. The workshop was motivated by the 100th anniversary of the establishment of the Soviet legal and constitutional systems in the 1917 Russian Revolution.

[Read more](#)



### **Presentation: "Constitutional change from the bottom up"**

On 25 June 2018, Cheryl Saunders participated as an expert panelist at the fifth [ANU Crawford Leadership Forum](#). She presented on a panel called "Creating a new case for constitutional reform". The panel sought to consider a number of related questions: Has the need for reform faded or has the willingness to take the political risk been lost? What will it take to build a new interest in updating the constitution? What

practitioners—from a range of constitutional traditions and regions.

[Read more](#)



### Workshop: "Legal and operational frameworks for Anti-Corruption Agencies"

From 25-27 July 2018, Charmaine Rodrigues, CTN's Coordinator, was an expert resource person at a UNODC/UNDP workshop for global anti-corruption practitioners to develop and validate guidance on the 2012 [Jakarta Principles for Anti-Corruption Agencies](#). Charmaine worked with UNODC to develop a draft "Commentary on the Jakarta Principles" to sharing good practice from anti-corruption agencies around the world.

[Read more](#)



should the priorities be? How do we start to build a case for the reforms we want or need?

[Read more](#)



### Second Knowledge Exchange with the Sri Lanka judiciary

From 9-11 August, Melbourne Law School hosted a group of judges from the Sri Lankan Supreme Court and Court of Appeal to share MLS scholars' expertise on key issues of interest to the visiting judges. ConTransNet hosted Day 2 of the knowledge exchange with the agenda focused on showcasing Australia's constitutional history, institutions and practice, as well as canvassing global developments relevant to Sri Lanka.

[Read more](#)



## Publications



On 25 May 2018, '[The Oxford Handbook of the Australian Constitution](#)', edited by Emeritus Professor Cheryl Saunders and Professor Adrienne Stone, was launched at Melbourne Law School by Hon. Susan Kiefel AC, Chief Justice of Australia. The Handbook provides a reliable source of knowledge, understanding, and insight into the Australian Constitution.

In August 2018, Anna Dziedzic published a post on the *Lowy Interpreter*, titled "[A new court for Nauru](#)". It analysed the features of the new Court of Appeal and suggested there are reasons to be hopeful the new Court will have the structure and capacity to uphold rule of the law and judicial independence in Nauru.



## Courses

### Constitution Making (LAWS70269)

Christina Murray and Cheryl Saunders will teach this course from 7-11 November 2018. The course explores the process of constitution making, by reference to a range of topical case studies with which one or both of the instructors have had direct experience. This includes Fiji, Iraq, Kenya, Nepal, Timor l'Este and Yemen.

[Read more...](#)



Click [here](#) to unsubscribe or to change your Subscription Preferences. CRICOS Provider Code: 00116K