



UNIVERSITY  
OF TRENTO - Italy  
Faculty of Law

**JS**  
Jurisdiction  
and Pluralisms

# International Workshop Constitutional Protection of Minorities

## Comparing Concepts, Models and Experiences in Asia and in Europe

May 4<sup>th</sup> and 5<sup>th</sup>, 2018

Conference Room, Palazzo di Giurisprudenza  
via Verdi 53, Trento

The existence of diversities within nation-states is a shared feature of European as well as of Asian jurisdictions. With the likely exception of indigenous peoples, who represent a fairly more relevant phenomenon in Asia, quite similar are also the main factors of diversity, such as nationality (or ethnicity), religion, traditions, life-style, language. In both regions, protection of minorities – including gender-wise and cultural or social structurally weak segments of society - has gradually become one of the controversial issues of constitutionalism, centred as it is on the balance between unity and uniformity of rules on the one hand and, on the other, differentiation and self-rule, with regard to territorial and/or religious self-government, as practiced by regimes of religion-based personal laws in significant parts of Asia. When such a balance is not achieved, conflicts with various degrees of violence between the majority and minorities have occurred and still do occur. Prevention of such conflicts thus becomes part of notions of communitarian or consociational democracies that, although with differences, is experienced in both regions and are reflected in the form of government.

The International Workshop contributes to a better knowledge and understanding of the conceptual and normative background of minorities' protection in South and Southeast Asia by exploring some national case-studies, by examining the contribution given by the international dimension, by making reference to the social and cultural setting of their respective societies. Comparing experiences and concepts in Asia and in Europe is expected to allow the elaboration of models and, ultimately, to enhance their circulation and cross-fertilisation.

## Programme

Friday, May 4<sup>th</sup>, 9.00 – 12.45

**First Session: Case Studies in Protection of Minorities in Asia**

Chair: **Joseph Marko**, University of Graz

Protection of Minorities in Myanmar, Malaysia, Singapore

**Jaclyn Neo**, National University of Singapore (NUS) and  
Visiting Professor at the Faculty of Law, University of Trento

Protection of Minorities in India

**Domenico Amirante**, University of Campania “Luigi Vanvitelli”

Protection of Minorities in Nepal

**Mara Malagodi**, City University of London

Protection of Minorities in the Philippines:  
the Experience of the Autonomous Islamic Region of Mindanao

**Roberto Toniatti**, University of Trento

Discussant: **Pasquale Viola**, University of Campania “Luigi Vanvitelli”

Friday, May 4<sup>th</sup>, 14.15 – 18.15

**Second Session: Individual and Collective Approach  
to the Domestic and International Protection of Minorities**

Chair: **Pamela Stephens**, Vermont Law School, Fulbright Scholar at the  
Faculty of Law - University of Trento

The Ambiguity of the non Collective Approach to Minority Rights  
in the European Framework Convention

**Francesco Palermo**, EurAc, Bolzano/Bozen, University of Verona

The Individual Approach to Protection of Human Rights in the ASEAN  
Declaration

**Michelle Staggs Kelsall**, University of Nottingham

Constitutional Rights and Legal Systems: Protection of Minorities  
through Personal Laws

**Francesco Alicino**, LUM Jean Monnet, Bari and School of Government  
LUISS, Rome

Factors of Diversity in Asian Societies

**Wilfried Swenden**, Co-Director Centre of South Asian Studies,  
University of Edinburgh

Discussant: **Angelo Rinella**, LUMSA University, Rome

Saturday, May 5<sup>th</sup>, 9.30 – 12.45

**Third Session: Asian and European  
Constitutional Concepts of “Minorities” Compared**

Chair: **Roberto Toniatti**, University of Trento

Concepts of Minority in Constitutional Law in Asia

**Alexander Fischer**, Jindal Global Law School, New Delhi

Concepts of Minority in Constitutional Law in Europe

**Joseph Marko**, University of Graz

Discussant: **Jens Woelk**, University of Trento

### Information

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