

*Contemporary Constitutional Changes in a Multipolar World:
Any Role for International Law?*

Assistant Professor Kateřina Uhlířová

Assistant Professor of International Public Law, Department of
International and European Law, Faculty of Law, Masaryk
University, Czech Republic

CONTEMPORARY CONSTITUTIONAL CHANGES IN A MULTIPOLAR WORLD: ANY ROLE FOR INTERNATIONAL LAW?

By Assistant Professor Kateřina Uhlířová

Abstract

This paper examines several recent attempts that various states have made to support the rule of law by importing international law into domestic law. More specifically, this paper focuses on a new wave of introducing references to international law in *national constitutions*.

Previously, it was the region of the former Soviet republics and Central and Eastern Europe, which has become “a major laboratory of constitutional works”.¹ More recently, we can witness important constitutional changes in various African (South Africa, Kenya) and Arab (Tunisia, Egypt, Libya) countries. Constitutional changes often occur in states that are in transition after a violent conflict or an authoritarian past or states that are in a time of political or economic transition not necessarily accompanied by violent conflict.

In any case, however, these situations present unique glimpses into “constitutional moments” that often elevate the role of international law (notably international human rights law and international criminal law) in a domestic legal order. The aim of this paper is to examine often still undergoing constitution-drafting processes in some of these countries and to determine factors which play an important distinct role in the “penetration” of international law into national constitutions.

¹ Russia (12 December 1993), the Czech Republic (16 December 1992), Hungary (24 August 1990), Rumania (21 November 1991), Turkmenistan (18 May 1992), Estonia (28 June 1992), Slovakia (3 September 1992), Poland (17 October 1992), Lithuania (28 October 1992), Uzbekistan (8 December 1992), Kazakhstan (28 January 1993 and 30 August 1995), Kirghizstan (5 May 1993), Belarus (15 March 1994), Moldova (29 July 1994), Tadjikistan (6 November 1994) and Armenia (5 July 1995).