



In the constitutional democracy, all of the three elements of democracy: input and output legitimacy and the political process through which they are connected, have to take place within the framework of the rule of law. Simultaneously, there can be no rule of law if the laws by which the individuals are ruled do not come into being in a democratic manner. Democracy and the rule of law thus presuppose each other, but at the same time their relationship is not entirely symbiotic. There is a dormant democratic threat that the democratic majority will trump the rights of the outvoted minorities. This is what the rule of law is there for to prevent. This counter-majoritarian problem, as it came to be known, is however only a seeming one. If democracy is not understood as a simple rule by the majority, but rather as a system of the organization of political power whose central value is the protection of equal human dignity, then the constitutional self-limitation of the democratic majority is not democracy's denial, but its vindication.

Against this theoretical background, the Conference will focus on a very practical challenge. It will proceed from the fact that the constitutional democracy has been in an incremental, but definite decline across the European Union, but in particular and most acutely, in the Central European States. On this basis, the Conference will ask a single question:

**How to redeem the status of constitutional democracy properly so-called in the praxis of Central European countries?**



# How to Resolve the Crisis of Constitutional Democracy in Central Europe?

## Conference

Ljubljana, 9-10 December 2016

The Graduate School of Government  
and European Studies  
&  
European Faculty of Law

Classroom 3, Cankarjevo nabrežje 11,  
Ljubljana, Slovenia



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## Program



### Friday, 9 December 2016

15:30  
Registration

16:00  
Opening of the Conference

Introduction: Jernej Letnar Čerňič, Matej Avbelj  
**Keynote Speech by Jan Zobec**, Justice of the Constitutional Court of the Republic of Slovenia:  
*"The Slovenian Conception of Constitutional Democracy"*

16:45 – 18.45  
Panel No. 1: The view from outside

- **Martin Krygier**, University of New South Wales
- **Andrew Drzemczewski**, Former Head of the Legal Affairs & Human Rights Department of the Parliamentary Assembly, Council of Europe, Visiting Professor, School of Law, Middlesex University London
- **Gianluigi Palombella**, Sant'Anna School for Advanced Studies, Pisa

Chair: Matej Avbelj

### Saturday, 10 December 2016

9:00 – 11:00  
Panel No. 2: The view from inside

- **Hent Kalmo**, Deputy Chancellor of Justice, Estonia
  - **David Kosar**, University of Brno
  - **Matthias Goldmann**, Goethe University Frankfurt
  - **Renata Uitz**, Central European University
- Chair: Jernej Letnar Čerňič

Coffee Break: 11:00 – 11:30

11:30 – 13:30  
Panel No. 3: The view from inside: The Former "Yugoslav" and Neighbouring States' perspective

- **Bojan Bugarič**, University of Ljubljana
  - **Alen Uzelac**, University of Zagreb
  - **Sara de Vido**, University of Venice
  - **Tatjana Papić**, Union University Belgrade
- Chair: Marko Novak

14:00  
End of the Conference