European Union and Legal Reform Summer School Assessment 2003-2011 and Future Developments

CCSDD

Via Belmeloro 10

40126 Bologna, Italy

Project coordinator: Dr SARA PENNICINO

sara@ccsdd.org

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1. Who we are

Center for Constitutional Studies and Democratic Development (CCSDD)

The Center for Constitutional Studies and Democratic Development (CCSDD) is an international center that carries out research and training related to countries undergoing a transition to democracy. Through conferences, workshops, publications, study trips and film screenings the CCSDD addresses issues of civil society development and legal reform.

Current projects include the "European Union and Legal Reform" Summer School, the Sarajevo Study Trip, the CCSDD Lecture Series and related publications as well as several Research Projects on Constitutional transitions and Democratic development.

The CCSDD is a partnership between the Faculty of Law of the University of Bologna and the Johns Hopkins University's Paul H. Nitze School of Advanced International Studies (SAIS) Bologna Center. The Faculty of Law of the University of Bologna, which is Europe's oldest university (established in 1088), boasts a long-standing, prestigious tradition in both teaching and research activity. The SAIS Bologna Center, established in 1955, trains students to enter the fields of diplomatic and government service, non-profit organizations and the private sector.

2. The EU and Legal Reform Summer School

Overview

The Summer School brings together students and academics from various countries in Central and Eastern Europe, including the Balkans. During the Summer School, students and faculty discuss the constitutional implications of EU enlargement and the lessons that can be learnt from the founding members of the European Economic Community (EEC) as well as the reforms that need to be implemented in what are often termed as "consolidated democracies".

Organised for the first time in 2003 the *European Union and Legal Reform* Summer School takes place in Igalo (Herzeg-Novi), Montenegro, which is located at a strategic and attractive geographic area between the highest mountain of the Dinara massive, Orjen (1,895 m) and the entrance of one of the most beautiful bays in the world, the Bay of Kotor (Boka Kotorska) Igalo.

This program has successfully survived financial adversities thanks to the passion and stamina of the Directors of the summer school, Justin Frosini and Stevan Lilic, who never once gave up on the idea of enhancing the dialogue and the exchange of experiences regarding constitutional law and public policies among people coming from Eastern Europe, the Balkans and Western Europe.

In particular, the Summer School has recently focused on enlargement due to the fact that in 2004 ten new member states entered the European Union. The enlargement itself has represented a chance to evaluate the goals already achieved and to identify what new challenges will come at EU level, but has also influenced the basic idea underlying the Summer School. The Balkans represent a key area for the future enlargement of the EU. While enlargement is the core issue of the European Union and Legal Reform Summer School, every year the CCSDD, under the advice of the Scientific Board, puts together an innovative series of lectures to address topics that fit the interests of selected participants and, at the same time, the above-mentioned goals of the Summer School.

As an official Summer School of the University of Bologna, it assigns 7 European ECTS credits to participants who successfully complete the course.

3. Project Description

Project Goals

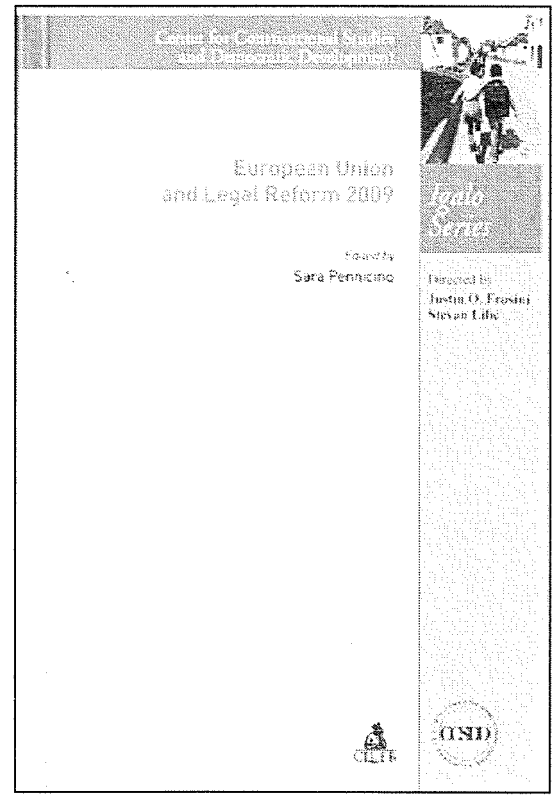
The vision is to create a network of extremely dynamic, passionate and well-trained Law Fellows who will be working and/or researching on the progressive harmonization of European legal systems, in close collaboration with academics and judges, in their respective universities. The School also aims to lay the foundations for future enlargement of the EU, by creating a group of young Central and Eastern European jurists capable of drawing up credible reform proposals that can be implemented in their countries.

More specifically, the Summer School's goals are:

1. To create a network of young Central and Eastern European jurists who will assist in legal reform and European integration processes in their countries
2. To initiate a fruitful exchange of best practices/ experiences during and after the Summer School that may lead to future transnational projects
3. To publish essays written by scholars and students inspired by the presentations and discussions occurred during the week of the summer school

Primary Activities

- Lectures
- Roundtable discussions
- Student presentations
- Trips to cultural sites
- Boat trip
- Publication of selected student essays (see the cover of the 2009 edition of the *Igalo Series*)



4. Scientific Board

Giuseppe de Vergottini, Chairman

Giuseppe de Vergottini is a member of the Johns Hopkins University Advisory Board and of the directive committee of the CCSDD. He is Emeritus Professor of Constitutional Law of the faculty of Law of the University of Bologna. Prof. de Vergottini is a Honorary President of the International Association of Constitutional Law and of the Italian Association of Constitutional Law, Comparative, Political and Social Science. Over the last thirty years, he has held numerous offices, as for example Vice President of the Consiglio della Magistratura Militare (in 2005) and roles in prestigious cultural institutions, such as President of the Class of moral Sciences of the Academy of Sciences of Bologna.

Prof. de Vergottini has authored many books and publications concerning public economy law, EC and comparative law, military and foreign law. Recent publications include *Manuale di diritto costituzionale comparato,* Padova, Cedam, 2011 (Spanish translation edited by UNAM, Mexico); *Manuale di diritto costituzionale*, Padova, Cedam, 2010; *Oltre il dialogo tra le Corti. Giudici, diritto straniero, comparazione*, il Mulino, 2010; *Le transizioni costituzionali*, Bologna, Il Mulino, 1998.

Prof. de Vergottini is a worldwide famous constitutional scholar international expert in the fields of: Comparative constitutional law, National security and emergencies, Government – Parliament relations and the Statute of the opposition, Constitutional Reform and Federalism.

Members

To be selected

5. Principal Faculty and Staff

Co-Directors

Justin Frosini

Justin Frosini is the director of the CCSDD and Assistant Professor of Public Law in the Faculty of Economics of the "Luigi Bocconi" University, Milan.

He has published widely in English and Italian in the field of Comparative Constitutional Law with particular attention for federalism, regionalism and devolution, constitutional justice and forms of government; some of his works have been translated into Spanish, Serbo-Croat and Ukrainian. He is the author of several articles and book chapters, such as for example *The Prime Ministerial Executive and the Israeli Feint in a Comparative Context* in G. Pasquino, *The Powers of Heads of Government*, Bologna, 2006; *Further Amendments to the Italian Constitution?* in J.O. Frosini, G. Pasquino (eds), *For a Fistful of Votes. The 2006 Italian Elections*, Bologna, 2006, 45-74; *The Queen and Her "President". A Presidentialisation of the British Form of Government?* in A. Di Giovine, A. Mastromarino (eds), *The Presidentialisation of the Executive Branch of Government in Contemporary Democracies*, Torino, 2007 [in Italian]; *The Tale of Two Presidents...or Just One? The Electoral College Revisited* in *Revista General de Derecho Público Comparado*, 2009; *The Prime Ministerial Executive: a Fifth Form of Government?*, in Quaderni costituzionali, 2010 [in Italian]; *Forms of State and Forms of Government*, in G.F. Ferrari (ed.), *Introduction to Italian Public Law*, Giuffré, Milano, 2008. His most recent edited publications include: N. Cornago, I. Filibi, J.O. Frosini (eds), *Democracy with(out) nations? Old and new foundations for political communities in a changing world*, University of the Basque Country, 2011; J.O. Frosini, G. Pasquino (eds), *For a Fistful of Votes. The 2006 Italian Elections*, Bologna, 2006. He also is the author of a forthcoming book on *The Constitution of Italy* (Hart Publishers, Oxford) and a member of the editorial committee of the comparative law journal "Diritto pubblico comparato ed europeo", of the Italian constitutional law journal "Quaderni Costituzionali" and of the scientific board of the Italian Public Law journal "Istituzioni del Federalimo". His fields of interest are comparative constitutional law, democratic development, constitutional adjudication, devolution and federalism.

With specific regard to the Western Balkans, between 2000 and 2004, Frosini was involved in several projects sponsored by the European Union to provide on-line training for judges in Albania, BiH, Croatia, Macedonia, Montenegro and Serbia. Prior to beginning his academic career, Frosini was an active politician at a local level, and in 2007 a founding member of the Italian Democratic Party. Frosini is also a member of the Istituto De Gasperi.

Stevan Lilic

Stevan Lilic serves as the CCSDD's lead faculty partner in the European Union Legal Reform Program. He is currently chairman of the Serbia and Montenegro Constitutional Legal Reform Program. Dr. Lilic received his PhD in Law from the University of Belgrade and became a Full Professor in 1997. Prof. Lilic has published over 250 essays, monographs, university textbooks, articles, research projects, etc. throughout his career. Among his most recent publications: *The Modernization of the Serbian State Administration,* Reforms: The Political Will and Administrative Capacity, Faculty of Economics, Finance and Administration, Singidunum University, Belgrade, 2011; *Legal Remedies and the New Law on Administrative Disputes of Serbia,*Proceedings in honour of professor Naum Grizo, Faculty of Law "Justinian Frist", Skopje, 2011. He also authored and edited numerous books, such as *European Administrative Law*, Belgrade, 2011 (together with Katarina Golubović) and *Climate Changes. Legal and Economic Challenges*, Collected Articles, Belgrade, 2011.

He is the president of the Lawyers for Democracy and the Legal Informatics Society and a member of the Lawyers Committee for Human Rights (YUCOM), the World Jurist

Association, and the Balkan Network Against Torture (BAN). Dr. Lilic was a member of the Serbian parliament from 2001 to 2003, and has held positions on the Constitutional Committee the Committee for Foreign Relations. He is a founding member of the Center for Anti-War Action and the Helsinki Committee for Human Rights in Serbia.

Faculty Members

Over the years numerous Professors have taken part in the Summer School, including:

Bill Bowring

Bill Bowring, BA, Barrister, is Professor of Law in the School of Law, Birkbeck, University of London, and joined the Law School in 2006. He is a practising barrister at Field Court Chambers, Gray's Inn. He has previously held posts at the University of East London, University of Essex, and London Metropolitan University, and was Director of the Pan-European Institute, University of Essex from 1997-2000, and Director of the Human Rights and Social Justice Research Institute, London Metropolitan University, from 2003-2006. He is currently a Fellow of the Human Rights Centre at the University of Essex.

Professor Bowring has many publications on topics of international law, human rights, and Russian law, such as "The Russian Federation, Protocol No. 14 (and 14 bis), and the Battle for the Soul of the ECHR', *Göttingen Journal of International Law*, Vol 2, No 2 (2010); "Manual of the Wearing of Religious Symbols in Public Areas", *Security and Human Rights* 21/2 (June 2010) and "Fragmentation, Lex Specialis and the Tensions in the Jurisprudence of the European Court of Human Rights", *Journal of Conflict & Security Law*14/3 (2010). He also is the author of a book entitled "The Degradation Of The International Legal Order: The Rehabilitation Of Law And The Possibility Of Politics", Routledge Cavendish, 2008. Professor Bowring has extensive professional practice representing applicants and appearing in the European Court of Human Rights. He speaks fluent Russian and has travelled to Russia and other countries of the former USSR and central and eastern Europe for international organisations on a regular basis.

Karel Klima

Karel Klima is Vice-Dean for International Relations of the Faculty of Law, Chief of the Center of European Studies beside the Faculty of Law, and Chief of the Department of Constitutional Law and the Law of the European Union of the Faculty of Law at the University of West Bohemia, Pilsen, Czech Republic. He has extensive experience in the field of human rights as a deputy of clients in cases of human rights protection, and he specializes in constitutional complaints to the Constitutional Court of the Czech Republic and to the European Court for Human Rights.

Susanna Mancini

Susanna Mancini is Associate professor of comparative public law at the University of Bologna and Adjunct professor of International Law (Fall and Spring Semesters). A Fernand Braudel Senior Fellow at the European University Institute (spring 2009) Prof. Mancini was a Visiting Professor at Central European University, Budapest (2009, 2010, 2011) and Floersheimer fellow and Visiting Professor at B. Cardozo Law School, New York City (2008, 2010, 2011). She is the author of numerous article, as for example "The Crucifix Rage: Supra-National Constitutionalism Bumps Against the Counter-Majoritarian Difficulty," in European Constitutional Law Review (2010);"To Be Or Not To Be Jewish: The Supreme Court Of The United Kingdom Answers The Question," European Constitutional Law Review (2010); "The judge as Moral Arbiter? The Case of Abortion" (with M. Rosenfeld) in A. Sajo, R. Uitz, (eds.) in Constitutional Topography: Constitutions and Values (2010); "The Power of Symbols and Symbols as Power: Secularism and Religion as Guarantors of Cultural Convergence," in Cardozo Law

Review (2009); "Rethinking the Boundaries of Democratic Secession: Liberalism, Nationalism and the Right of Minorities to Self-Determination," in International Journal of Constitutional Law (2008); "Belgium: A Twofold Constitutional Identity With No Room For Minority Rights," in Percorsi Costituzionali (2008); "Taking Secularism (not too) Seriously: the Italian Crucifix Case," in Religion and Human Rights (2006); "Como reaccionan los ordenamientos juridicos ante culturas diferente?" in Mutliculturalismo (2006).

Susanna Mancini is a member of the Executive Committee of the International Association of Constitutional Law and a member of the Center for Constitutional Studies and Democratic Development (CCSDD).

Luca Mezzetti

Luca Mezzetti is full Professor of Constitutional Law and Human Rights, Faculty of Law, University of Bologna (Italy); Professor of Constitutional Law, School of Law, University "Luigi Bocconi" of Milan (Italy); Professor of Human Rights, Master degree on European Studies, LUISS University, Rome (Italy); visiting Professor of Constitutional Comparative Law and European Union Law, Institute for Advanced Studies – IMT Lucca (Italy); Professor of Constitutional Justice, Postgraduate Law School for Legal Professions, Faculty of Law, University of Bologna (Italy). A member of the Italian Association of Constitutional Law and a honorary member of the Argentine Association of Constitutional Law, Luca Mezzetti is a member of the scientific committees of several Italian and foreign law reviews.

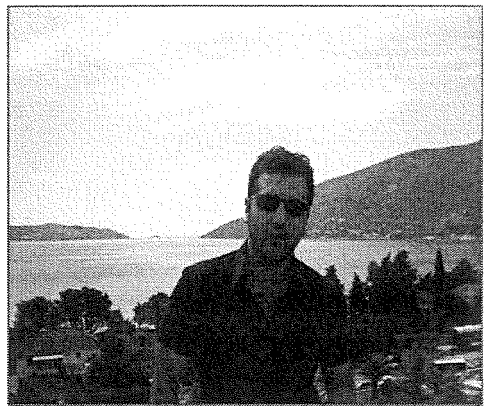
Professor Mezzetti has published widely in Italian, English, Spanish and German in the field of Constitutional Law, Comparative Constitutional Law and European Union Law with particular attention for constitutional justice human rights, form of governments, European Union law, comparative constitutional jurisdiction, constitutional transitions, comparative politics, environment and cultural heritage. He is author, co-author and editor of many books such as for example *Economic Constitution and freedom of competition*, Torino, 1994 [in Italian]; *The nuclear energy in Italy between Utopia and Reality: Prospects for the future as part of the European common market*, in Pelzer (ed.), *Nuclear energy between the exit requirement and European Internal Market*, Baden-Baden, 1991 [in German]; *The uncertain democracies. Constitutional transitions and democratic in Eastern Europe, Africa, Latin America, Asia*, Torino, 2000 [in Italian]; *Constitutional Law. Casebook*, Napoli, 2007 [in Italian]; Theory and practice of constitutional transitions and democratic consolidation, Padova, 2003 [in Italian]; *Human Rights*, Bologna, 2010 [in Italian and English], *Systems and Models of Constitutional Justice* in L. Mezzetti (ed), *Systems and Models of Constitutional Justice II*, Padova, 2008 [in Italian]; *Systems and Models of Constitutional Justice* in L. Mezzetti (ed), *Systems and Models of Constitutional Justice I*, Padova 2011 [in Italian]; *Constitutional Law. Short manual*, 6th edition, Bologna, 2011 [in Italian]. Luca Mezzetti is also the author of a wide number of book chapters and articles published in Italian and International Law Reviews, among which the most recent are: *Constitutional justice. History, models, theory* in L. Mezzetti, M. Belletti, E. D'Orlando, E. Ferioli (eds), *Constitutional justice*, Padova, 2007 [in Italian]; *Constitutional principles and form of European Union; Institutions and form of government of the European Union*, in P. Costanzo, L. Mezzetti, A. Ruggeri (eds), *Outlines of European Union Constitutional Law*, 3rd edition, Torino, 2010 [in Italian]; *Freedom of religion, Islamic headscarf and public order*, in *Percorsi costituzionali*, 2010 [in English]; *Values, principles, rules* in L. Mezzetti (ed), *Constitutional principles*, Torino, 2011 [in Italian]; *The European Convention in the history of human rights* in L. Mezzetti, A. Morrone (eds), *The constitutional instrument of European public order*, Torino, 2011 [in Italian].

Project Coordinator

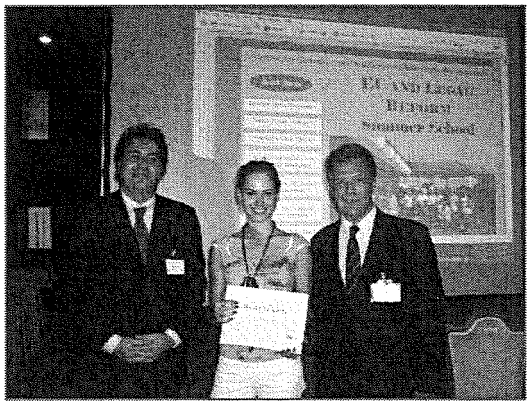
Sara Pennicino

Sara Pennicino is a non tenured Research Fellow of Comparative Public Law at the University of Padua, Italy. After completing a PhD in Comparative Public Law (2008) at the University of Siena she became a first year postdoctoral research fellow at the University of Bologna's School of Law. In the meantime, she also became an affiliated scholar of the Center for Constitutional Studies and Democratic Development (CCSDD), where to date she holds the position of project coordinator. She is the author of numerous articles published in Italian and International Law Reviews focusing on common law systems, with special attention to American constitutional law, as for example *A Case Study on the Use of Comparative Law by the Courts: Ashoka Kumar Thakur v.Union of India & Ors*, in *Revista General de Derecho Publico Comparado*, 1, 2009, *Legal Reasonableness and the Need for a Linguistic Approach in Comparative Constitutional Law* in *Comparative Legilinguistics*, 2, 2010 and *Theories on Constitutional Interpretation and Theories on the Constitution: an Analysis of American Scholarship*, in *Quaderni costituzionali*, 4, 2010 [in Italian]. Her first book, based on her PhD thesis – regarding the use of the concept of reasonableness in the case law of the U.S. Supreme Court –, is due to be published in June 2012. Her current academic work addresses the role played by electoral watchdog bodies in transitional and post conflict countries, with particular reference to countries that were assisted by the international community in organizing and conducting elections on the one hand, and solving the eventual electoral disputes on the other.

2004 edition



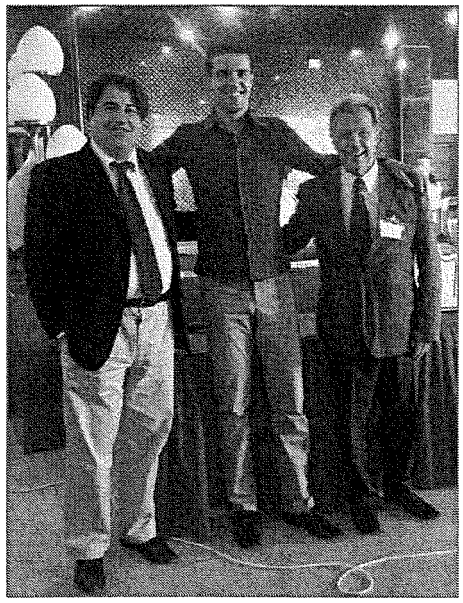
Radulovic, Momcilo graduated in International Relations at the University of Titograd (now Podgorica), Montenegro in 1977. Mr Radulovic was also the coordinator for the School for European Integration and the coordinator for Academic and International Cooperation of the Centre for Civic Education and the Secretary General of the European Movement in Montenegro.



2009 edition

Turković, Bisera holds a Bachelor Degree in Public Administration and European Affairs (she graduated with a thesis on EC Competition Law), European Integration (European Law, Institutions, European Public Finances), Public Administration, Local Self-government and International Affairs from the Faculty of Administrative and European Studies of the Mediterranean University, Law School, Podgorica, Montenegro. She is currently pursuing another Bachelor Degree in Law from the Mediterranean University, Law School, Podgorica, Montenegro.

2011 edition



Boris Bastijančić graduated in Law and is now an Assistant Lecturer at the University of Donja Gorica, Podgorica. He was awarded a scholarship of the Faculty of Law of the University Donja Gorica, Podgorica, to take part to the Summer School.