

The University of Luxembourg and the International Association of Constitutional Law (Constitution-Making and Constitutional Change Research Group) organize a Roundtable on

“Constitutional Change and the People”

Chair : Prof. Dr. Dr. h.c. mult. Vassilios Skouris | President of the European Court of Justice

Abstract

Recent examples of constitutional amendments in Iceland and Ireland and the current debates in Scotland and Catalonia regarding referendums on regional autonomy have stimulated a renewal in academic research on the involvement of the people in constitution making and constitutional amendment including the question - raised recently in Switzerland – how to avoid that referendums bring about unlawful restrictions to fundamental rights. This raises a more general question of how to reconcile the basic principles of (direct) democracy, the rule of law and fundamental rights.

Such questions are also relevant for the legal situation in Luxembourg marked by the ongoing procedure of constitutional restatement, which was initiated in April 2009. The government decided indeed to submit several questions to a consultative referendum in 2015 before pursuing the parliamentary procedure and come to a final, decisive, referendum on the amendment proposal in 2016. This develop is part of a broader tendency to introduce, in Luxembourg and elsewhere, elements of direct democracy such as referendums, citizens' initiatives and online petitions into political systems organized as representative democracies.

The roundtable aims to identify and discuss the main procedural, legal and theoretical problems raised in general by popular consent in the field of constitutional change.

Friday, 12 December 2014
9.00 am – 6.00 pm

Location

University of Luxembourg
Campus Limpertsberg
Bâtiment des Sciences
Room BSC 0.01
162a, avenue de la Faïencerie
L-1511 Luxembourg

Language
English

Registration

- Free seminar
- Maximum number of attendees: 30
- Lunch is planned for registered participants
- Registration via Eventbrite upon invitation

Contact

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Programme

9.00 am | Welcome address and workshop introduction

9.15 am | 1° "Recourse to the people in constitutional reform: theoretical rationales and normative justifications"

Dr. Paul Blokker, University of Trento

2° "The sudden eagerness to consult the Luxembourgish people on constitutional change"

Prof. Dr. Jörg Gerkrath, University of Luxembourg

Discussion

10.45 am | Coffee break

11.00 am | 3° "The role of the people in constitutional amendment in Greece: between narratives and practice"

Xenophon Contiades, Professor of Public Law, University of Peloponnese

Dr Alkmene Fotiadou, Centre for European Constitutional Law

4° "The Past Bloom of the National Referendum in the French Constitution of 1958"

Jan-Herman Reestman, Professor, University of Amsterdam

Discussion

12.30 pm | Light walking lunch

2.00 pm | 5° "Bringing People into the Heart of Constitutional Design: The Irish Constitutional Convention 2012-14"

David Farrell, Professor of Politics, University College Dublin

6° "The people's contribution to constitutional changes- Writing, Advising or Approving? Lessons from Iceland"

Björg Thorarensen, Professor of Law, Faculty of Law, University of Iceland

Discussion

3.30 pm | Coffee break

3.45 pm | 7° "Participation of Citizens in Constitution Making; Assets and Challenges, according to the Swiss experience"

Thomas Fleiner, Professor Emeritus of Public Law, University of Fribourg

Interventions of young scholars and closing discussion

5.15 pm | Concluding remarks

Xenophon Contiades and Jörg Gerkrath

6.00 pm | Closing of Roundtable