

CALL FOR APPLICATIONS

May 24-26, 2019 / Prague, Czech Republic

Panel: The Rule of Law & Public Administration

CHAIRS

Polonca Kovač, Slovenia

Anamarija Musa, Croatia

Aims of the panel

The aim of the panel is to discuss the specific elements and sub-principles of the rule of law, their application and effects related to the administration and governance, as well as broader economic, political and societal settings. The rule of law is a traditional legal and administrative principle, aimed at limiting the power of the state toward citizens. It ensures that authoritative decisions are legally based and generally sound, prevents authorities from misusing their superior position, and enables citizens and business to act under equal terms. It frames the rule-making, individual proceedings and implementation of authoritative decisions and legislation, as well as any other administrative actions. Known in various administrative and political-legal legacies, the principle evolved over time within different cultural and political-administrative systems. Nowadays it represents a set of complementary (sub)principles and special guarantees, such as proprietor rights, access to information, right to be heard and participate in public matters, judicial review, etc. The rule of law is a "supra" principle of good administration and public governance, and therefore inevitably related to other administrative and broader societal principles, such as liberal democracy, proportionality, legal certainty, transparency, participation, accountability, efficiency and effectiveness, and innovation.

The rule of law in administrative relations is also one of the salient elements of the ongoing transitional development in CEEs where it especially relates to human and minority rights, separation of power, participative authoritative procedures, transparent and accountable governmental actions, anticorruption, etc. Moreover, it is perceived as a basic requirement for any country to act as a part of the European Administrative Space. However, legal aspects of the rule of law tend to gain a central position, leading occasionally to an overly 'legalistic culture' that does not correspond to the economic and societal aspects of administrative action and complex policy problems of contemporary societies. The panel intends to bring together scholars and practitioners with those interested in the rule of law from the perspective of law and regulation, public policy, economics and PA, as well as the democratic politics and economic aspects in general. The aim is to enlighten eclectic views on the mentioned topics in terms of content, research methods and developmental dimension to maximise its understanding.

Main focus, expectations and topics

The main focus of this newly introduced panel is on the procedural side of administrative action, both at the regulatory level, as well as the level of individual administrative decision-making. It is possible to distinguish between 2 integral approaches to the rule of law - formal and substantive. Nevertheless, particularly procedural rights are put forward to enhance people's sense of the rule of law: people are likely to accept the decisions of administrative authorities in so far as they trust the basic procedural guarantees, the functioning of the institutions, and the rule of law as a whole. However, within the processes of privatisation, globalisation and marketisation in contemporary governance, the rule of law is challenged by both the delegation of regulatory powers of economic and social regulation to state and non-state actors, as well as by the responses to these processes by the governments that might undermine the core principles of democratic governance. The quality of the regulatory process may be considered as a safeguard of the rule of law and a way to prevent state capture and corruption.

The topics of the Panel include: the challenges to the rule of law in complex governance settings; economic and social regulation and regulatory practices that affect or are conditioned by the rule of law; individual rights in administrative procedure and legal remedies, in general or particular, e.g. asylum, access to information, etc.

Requirements for contributions

The panel welcomes both theoretical and empirical papers. We encourage submissions presenting national case studies, as well as comparative papers on the specific rule of law sub-topics. Papers focusing on recent challenges to the rule of law in the CEEs or evolution of the rule of law as a part of administrative reforms in the EU candidate countries are especially welcome.

Application link: <http://www.nispa.org/conference2019/application>

Deadline for applications: October 31, 2018

