

## **Dr Miro (Miroslav) Cerar**

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Miro Cerar Jr (full name: Miroslav Cerar) was born on 25 August 1963. After graduating in law, he was employed by the Ljubljana Faculty of Law. In the late 1980s, he actively participated in the efforts for the democratisation and state independence of Slovenia. In 1990 and 1991, he participated in the drafting of the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia and the Constitution of the Republic of Slovenia. Between 1992 and 2014, he was a lecturer at the Faculty of Law of Ljubljana University, and an external adviser to the National Assembly of the Republic of Slovenia for constitutional and other legal matters. In 2008, as a Fulbright Fellow, he lectured on comparative constitutional law at the Golden Gate University School of Law in San Francisco and pursued post-doctoral studies at the University of California School of Law at Berkeley. Before entering politics in 2014, he was known as a jurist and intellectual specialising in the interpretation of constitutionality and the legality of the operation of state authorities. He advocated the rule of law, constitutional democracy, improved legal culture and higher ethical standards in the society. In the 2000–2018 period, in the annual polls conducted by the *Ius Software* portal (*iusinfo.si*), he ranked among ten most influential Slovenian lawyers 17 times, and in the 2011–2014 period, users of the *Tax-Fin-Lex* portal voted him the most influential Slovenian legal expert four times.

In 2014, he entered politics, established the Miro Cerar Party (SMC) and was elected prime minister after his party won the parliamentary elections. After a number of crisis years, his coalition government (2014–2018) managed to stabilise the political situation and lead the country out of the financial-economic crisis. The government consolidated public finances, adopted a state asset management strategy and gradually abandoned the austerity measures. The government encouraged rapid economic recovery and stable economic growth, and started allocating more resources to all social areas. These and some other measures made it possible for Slovenia to correct excessive macroeconomic imbalances, which had persisted after 2011.

In 2015 and 2016, in cooperation with local communities and NGOs, Cerar's government managed to secure the humane and safe treatment and transit of approximately half a million migrants across the Slovenian territory.

In the 2018–2020 period, Cerar was Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Slovenia. By ensuring balanced foreign policy and good neighbourly relations, he intensified cooperation with the EU core countries, with pronounced relations with Benelux, and the USA. He advocated Slovenia's greater opening up into the world. Among his priorities were economic diplomacy, sustainable development, rule of law, human rights, humanitarian action, and multilateralism. He was among the most ardent European promoters of the EU enlargement to the Western Balkans.

In 2020, he resumed his position as full professor at the Faculty of Law of the University of Ljubljana.

## **1. Early life**

Miroslav Cerar was born on 25 August 1963 in Ljubljana. He is the father of three children (Eva, Miha, and Maja).

He grew up with his sisters, Alenka and Vesna, in Ljubljana and Grosuplje. His father Miroslav Cerar (born in 1939) is a multiple European, world, and Olympic pommel horse champion (he also won medals in other gymnastic disciplines), and after the end of his sports career, he worked as a lawyer until his retirement. He is a founding member and active official of the Olympic Committee of Slovenia. Cerar's mother Zdenka Cerar (née Prusnik, 1941–2013) was a national gymnastics champion in her youth, and later, when she worked as a lawyer, she served as State Prosecutor General and Minister of Justice.

Miro Cerar Jr started attending the Prule Primary School in 1970 and enrolled in the Ivan Cankar Grammar School in Ljubljana in 1978. From 1982 to 1983, he did his one-year compulsory military service in today's Podgorica, Montenegro (formerly Titograd, Montenegro, SFR Yugoslavia), and started studying law in 1983.

In his youth, he was an avid athlete. As a primary school pupil, he tried himself in gymnastics and football. In later years, until he entered military service, he was an active basketball player, a member of the Trnovo and Slovan Basketball Clubs. In primary school, he played the accordion and completed six years of music school, and later taught himself to play the guitar. After completing his studies in law, he dedicated himself to the legal and teaching profession.

## **2. Studies, teaching and research activities**

In 1983, Cerar enrolled in the Faculty of Law in Ljubljana, and graduated in 1987. In 1987, he received the Dr Slavko Zore prize awarded by the United Nations Association of Slovenia for his graduation thesis entitled *Legal Protection of Trademarks* (mentor: Dr Krešimir Puharič). Upon graduation, he was employed as a teaching assistant at the Theory of Law Department at the Faculty of Law in Ljubljana.

In the late 1980s, he published a number of scientific and popular science articles, and started asserting himself as a critical legal thinker in the Slovenian public. In 1988, he was one of the authors of the book *Pravni memorandum: Vojaški tožilec versus Borštner, Janša, Tasič, Zavrl* (Legal Memorandum: Military Prosecutor vs Borštner, Janša, Tasič, Zavrl), and in 1989, he participated in the writing of *Pravni memorandum: Svoboda združevanja* (Legal Memorandum: Freedom of Association). Both books called for the enforcement of the rule of law and democratic values, particularly in the light of the then non-democratic pressures of the regime on the democratisation process in Slovenia.

Between 1993 and 1999, he was a correspondent of the Center for the Study of Constitutionalism in Eastern Europe (based at the *New York University School of Law*, and previously at the *University of Chicago Law School* and *Central European University* in Budapest), and contributed periodic reports on the development of constitutionalism in Slovenia to the *East European Constitutional Review*.

In 1993, he obtained his master's degree from the Faculty of Law, Ljubljana University, with a thesis entitled *Multidimensional Nature of Human Rights and Duties*, and in 1999, his doctoral degree from the same faculty with a thesis *(Ir)rationality of Modern Law*. In 2000, he was elected Assistant Professor at the Faculty of Law; in 2005, he became Associate Professor, and in 2011, he was habilitated Full Professor. His areas of expertise included the theory and philosophy of law, comparative law, constitutional law and the ethics of legal professions. He also lectured on the basics of law at the Faculty of Social Sciences at the University of Ljubljana (2006–2014), and on the theory of law and state at the Faculty of Law, University of Maribor (1995–1998). In the 2002–2014 period, he annually delivered a set of lectures on basic legal concepts for translation students (specialising in the German language). In the 2011–2012 academic year, the Student Council of the University of Ljubljana voted him the best teacher at the Faculty of Law.

Between 1989 and 2004, he was a mentor in the Legal Aid Service for Students, established by the University of Ljubljana Student Organisation, where students from the Ljubljana Faculty of Law provided free legal assistance in study-related matters to other students.

From 1994 to 2003, he was an external evaluator for the Matura subject 'Law'. Between 1994 and 2014, he lectured on constitutional topics as part of the specialised training programme for state administration employees. In the 2009–2012 period, he was chair of the examination committee for the state bar exam, and an examiner in the fields of constitutional arrangement, organisation of justice system, and state administration, as well as the foundations of the EU legal order.

From 2003 to 2014, he was Vice President of the Slovenian Association for Legal and Social Philosophy.

As a lecturer and contributor, he participated in numerous scientific and professional meetings, symposiums, conferences, and similar events at home and abroad. In Slovenia, he delivered lectures on legal and wider societal topics at the invitation of schools, institutes, societies, chambers, and other associations and organisations.

For six months in 2008, as a Fulbright Fellow, he taught comparative constitutional law at the *Golden Gate University School of Law* in San Francisco and pursued post-doctoral studies at the *University of California School of Law* at Berkeley.

From 1990 to 1992, he was a member of the editorial board of *Časopis za kritiko znanosti* (Journal for the Critique of Science). In the 1995–2014 period, he was an editor of the scientific publication entitled *Zbornik znanstvenih razprav* at the Faculty of Law at the University of Ljubljana. From 2003 to 2014, he was a member of the editorial board of the scientific series *Manet* of the Ljubljana Faculty of Law, and from 2003 to 2006, a member of the editorial board of the *Revus* magazine (covering European constitutionality) published by GV Revije. In the 2002–2014 period, he was a member of the editorial board of the *Theory and Practice* journal published by the Faculty of Social Sciences in Ljubljana, and of the *Legal Horizons* book series issued by the Cankarjeva Založba publishing house in Ljubljana.

Between 2009 and 2013, he was a member of the Expert Board for Scientific Books and Journals at the Slovenian Book Agency, acting particularly as a reviewer of diverse social science contributions.

He has authored and co-authored many books, studies, and articles in Slovenian and foreign scientific journals and magazines.

In the 2000–2018 period, in the annual polls conducted by the *Ius Software* portal (*iusinfo.si*), he ranked among the ten most influential Slovenian lawyers 17 times, and in the 2011–2014 period, users of the *Tax-Fin-Lex* portal voted him the most influential Slovenian legal expert four times. Before entering politics in 2014, he was known as a jurist and intellectual specialising in the interpretation of constitutionality and the legality of the operation of state authorities. He advocated the rule of law, constitutional democracy, improved legal culture, and higher ethical standards in the society.

### **3. Participation in the drafting of the Slovenian Constitution and other independence acts**

In June 1990, Cerar, together with Dr Peter Jambrek, Dr Lojze Ude, and other experts, participated in the drafting of the initial proposal for launching the procedure for the adoption of a new Slovenian constitution put forth by the Presidency of the Republic of Slovenia. As an expert assistant, he coordinated the work of a 7-member expert group (members: Dr Franc Grad, Dr Tine Hribar, Dr Peter Jambrek, Dr Tone Jerovšek, Matevž Krivic, Dr Anton Perenič, and Dr Lojze Ude), which prepared a working draft of a new Slovenian constitution at Podvin Castle in August 1990.

Between 1991 and 1992, he was Secretary of the Constitutional Commission of the Assembly of the Republic of Slovenia. In the same period, he also participated in the drafting of the following constitutional and legislative proposals: Amendments 99 and 100 to the then Constitution of the Republic of Slovenia; Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia and the constitutional act for its implementation (25 June 1991); Constitution of the Republic of Slovenia and the constitutional act for its implementation (23 December 1991); and acts governing the elections into the National Assembly and the National Council, and presidential elections (1992).

#### **4. External adviser to the National Assembly of the Republic of Slovenia**

In the periods 1993–2007 and 2009–2014, Cerar served as an external adviser to the National Assembly of the Republic of Slovenia for constitutional and legal matters, regularly coordinating the work of expert groups drafting opinions and constitutional amendments for the Constitutional Commission of the National Assembly. From the adoption of the Constitution (1991) to the moment he entered politics (2014), he participated in all discussions on constitutional amendments.

He contributed to opinions on various constitutional and legal matters, particularly related to the electoral and wider political system, referendums, immunity of deputies, and parliamentary rules of procedure. He was a member of expert groups tasked with the preparation of changes to rules of procedure and with the English translation of the Constitution, other constitutional acts, and the Rules of Procedure of the National Assembly. He advised the Legal Service of the National Assembly, Secretariat General, Office of the President of the National Assembly, and Constitutional Commission.

#### **5. President of the Judicial Council**

After having served as deputy president since 2009, Cerar acted as president of the Judicial Council between 2010 and 2012. In this capacity, he participated in the procedures for the election, appointment, and discharge of judges and presidents of the courts, and those related to the promotion of judges, the immunity of judges and the incompatibility of the functions, disciplinary procedures against judges, and other procedures falling under the competence of the Judicial Council.

He participated in several expert meetings with high representatives of judicial councils of European countries. As Slovenian representative to the European Network of Councils for the Judiciary (ENCJ), Cerar participated in the ENCJ project group tasked with *establishing the level of public trust in the judiciary at the national and supranational levels* in the 2010–2011 period, and in the 2011–2012 period in the ENCJ working group on *judicial reform in Europe*.

#### **6. Other legal expertise and advisory activities**

Before starting his political career, Cerar participated in several working groups tasked with drafting the preparatory work, legislative drafts and other acts for various ministries, especially in the areas of the electoral system, including e-voting, and concerning regulation on referendums, associations and the school system.

In the 2007–2013 period, he provided external advice to the law firm Miro Senica and Attorneys in the fields of constitutional and administrative law.

In the 2012–2014 period, he chaired the Ethics Committee of the European Centre for Dispute Resolution (ECDR) from Ljubljana.

In the 2013–2014 period, he was a member of the Board of Experts of the *Ne-odvisen.si* programme (a national programme of open expert dialogue with youth and adults).

## **7. Early political career (2014 election)**

On 13 February 2013, Cerar refused the offer by the then majority parliamentary coalition to assume the office of Prime Minister, claiming that the parliamentary parties did not provide the necessary foundations for successfully overcoming the social crisis (later, the coalition parties elected Alenka Bratušek as Prime Minister). In the months that followed, Cerar brought together a group of like-minded individuals with whom on 2 June 2014 he formed a central social-liberal party called the Miro Cerar Party (SMC), just six weeks before an early parliamentary election. The party manifesto focused on different measures to overcome the crisis underlining human dignity, the rule of law, improved political culture and sustainable development.

Cerar was elected deputy and his party took 34.5% of the vote (36 seats, the biggest number of deputies of a single party so far) thus claiming electoral victory. On 25 August, the National Assembly elected Cerar as Prime Minister. He formed a centre-left coalition and began his term on 17 September. On 21 November 2014, SMC joined the ALDE European political group (the Alliance of Liberals and Democrats for Europe), and in March 2015 the party was renamed the Party of the Modern Centre (SMC) on the initiative of Miro Cerar.

## **8. Prime Minister of the Republic of Slovenia (2014–2018)**

The 12th Slovenian Government was formed with a coalition of three parties: SMC (9 ministers, some of whom were not members of the party), the Democratic Party of Pensioners of Slovenia – Desus (4 ministers) and Social Democrats – SD (3 ministers); this was the first Slovenian Government comprising an equal number of female and male ministers throughout its term of office.

After several years of turmoil, this Government managed to stabilise the political situation leading the country out of the financial and economic crisis. The Government consolidated the public finances and gradually loosened the austerity measures. The country experienced a rapid economic recovery with a stable and relatively high economic growth and a considerable drop in unemployment, particularly among the young population. The Government gradually increased the funds for all areas of social life. These and other measures and institutional changes helped Slovenia correct the macroeconomic imbalances, recorded since 2011, for which it was publicly also commended by the European Commission. During the last year in office (2018), the Government managed to secure a balanced budget with a surplus, while the sovereign debt started its downward trend and unemployment hit a record low for the first time since 2009.

To tackle the economic crisis, Cerar's government revived and strengthened national and foreign investment, including in public infrastructure with the upgrade and modernisation of rail and road connections. The Government also secured the fulfilment of key administrative and financial conditions to begin the construction of the second track of the Divača–Koper railway line. In addition, it provided incentives for start-ups and the digitalisation of public administration in cooperation with the private sector. In its efforts to overcome the crisis, the Government tried to ensure balanced regional development, including through regular government visits across the regions.

In the 2015–2016 period, the Government joined forces with the local authorities and NGOs to enable the humane and safe treatment and passage of some 500,000 migrants across the Slovenian territory. During the largest migrant wave in modern times, Cerar launched a special initiative to spur cooperation between EU Member States and the Western Balkan states, which eventually lead to the closure of the so-called Balkan migrant route.

On 14 March 2018, Cerar resigned as Prime Minister following a Supreme Court decision to overturn the results of the referendum on the second railway track which garnered 53% of support; according to him, this was "the last straw" as it provided unjustified support to all those wishing to halt the project. At the same time, his resignation averted the possible consequences of considerable financial claims by certain trade unions that would hinder the successful consolidation of public finances (due to Cerar's resignation the negotiations between the Government and public sector trade unions automatically stopped).

The resignation was announced only a few months prior to the deadline for calling and organising the regular parliamentary election. The early election was held on 3 June 2018, i.e. already within the time frame of the envisaged regular 2018 election. After his resignation, Cerar continued to serve as caretaker Prime Minister until the new government was approved on 13 September 2018.

## **9. 2018 Parliamentary Election**

At the June 2018 early election, Cerar was re-elected deputy and his party obtained 9.7% of the vote thus losing its leading position among centrist voters. Despite considerably lower results compared to the previous election, SMC got ten deputies in a 90-seat Parliament and preserved an important role in the Slovenian political arena (sharing the third position in terms of the number of deputies). This was also one of the reasons why the party was crucial in forming the new coalition government, where it took over four ministries. In the centre-left Government, formed by Marjan Šarec in September 2018, Cerar was appointed deputy Prime Minister and Minister of Foreign Affairs, discharging these duties until the change of Government on 13 March 2020.

## **10. Deputy Prime Minister and Minister of Foreign Affairs (2018–2020)**

Upon assuming these duties, Cerar announced and started implementing a partial change in foreign policy, which was to remain balanced in general but, in parallel, turn slightly more towards the West, favouring closer cooperation with the core countries of the European Union, with pronounced relations with Benelux, and the USA. He sped up the preparations for the Slovenian Presidency of the Council of the EU and contributed to the strengthening of Slovenia's credibility within the Union.

He strengthened the bilateral ties between Slovenia and members of the UN Security Council, as well as other countries which are particularly important to Slovenia for political, economic, and other reasons. He dedicated special attention to the strategic cooperation with Germany and France, as well as the relations with the United Kingdom in the post-Brexit period. He prioritised the strengthening of economic diplomacy along with efforts for sustainable development, the rule of law, human rights and non-discrimination, multilateralism and humanitarian aid. He also devoted attention to cooperation with neighbouring countries,

particularly in the light of protecting the rights and interests of Slovenians living in these countries. At the European level, Cerar was among the most vocal supporters of the enlargement process to the Western Balkan countries, and closer Euro-Atlantic cooperation (accession of North Macedonia to NATO).

## **11. Stepping down as president of the SMC**

In the May 2019 European Parliament election, SMC only got 1.6% of the votes. Cerar did not run for MEP and soon after this weak result, he announced an electoral congress of the party to be held on 21 September 2019 where he would not run for president. At the congress, Zdravko Počivalšek became the new president of the party, and Cerar was appointed honorary president by members of the congress.

## **12. Leaving the SMC**

On 2 March 2020, Cerar decided to renounce his title of honorary president and leave the SMC party due to disagreements with the party's position and activities under Počivalšek.

## **13. Returning to the Faculty of Law**

In 2020, after his functions of deputy-prime minister and minister of foreign affairs expired, he resumed his position as full professor at the Faculty of Law of the University of Ljubljana.

As a member of the Department for Legal Theory and Sociology of Law, he teaches the following subjects: Introduction to jurisprudence, Philosophy of law and methodology of legal valuation, Introduction to comparative Law, and Theory of the state with the legislative process.

Since October 1, 2022, he has been the Vice Dean for Curricular Affairs at the Faculty of Law of the University of Ljubljana.

Since May 15, 2023, he has been an expert advisor to the non-governmental organisation Regional Dialogue Slovenia, Uzbekistan Branch, on various areas of rule of law and implementation of the amended (new) Constitution of the Republic of Uzbekistan from 2023.

## **14. Bibliography**

Independent scholarly work:

- *Večrazsežnost človekovih pravic in dolžnosti* (1993, updated and revised 1996),
- *(I)racionalnost modernega prava* (2001).

University textbooks, co-author:

- *Kako študirati pravo* (2002, updated and revised 2012),
- *Uvod v pravoznanstvo* (2006, updated and revised 2012),
- *Temelji prava in pravne ureditve* (2006).

Elementary-school textbook:



- *Svet smo mi 8* (2015).

Popular science books on ethics, politics, law, and society:

- *Pravnikov mozaik* (2007),

- *Pamet v krizi* (2010),

- *Slovenci na popravnem izpitu* (2013),

- *Kako sem otrokom razložil demokracijo* (2009) – 2010 Golden Pear Award in the category original Slovenian youth education book, awarded by Ljubljana City Library.

The list of academic and scientific publications is available at COBISS.