

Opening Ceremony

3rd Itinerant Summer University in the Balkans:

“Refugees, Migration and Rule of Law in Balkan Countries”

Session II: SOFIA/Bulgaria

4th of November 2016

O p e n i n g s p e e c h

(excerpt)

(...) Last year, in July, the Ambassadors of France and Germany in Macedonia, Kosovo and Albania expressed the significance that our Itinerant Summer-/ Autumn University has for them, in a spectacular common declaration on its beneficial effects in terms of cultural and geopolitical policy, highlighting that our initiative is “consistent with the goals formulated at the Conference of Western Balkan States in Berlin in 2014 which called for the expansion of the exchange of the young generations within the region”.

The originality of this Itinerant Summer- /Autumn University in the Balkans is obvious, namely to include neighboring countries which have experienced conflicting relations for a long time and today consequently decided to establish a lasting peace between them, through mutual development that will open the gate to the EU for them, beginning with Albania, Macedonia, Montenegro and Kosovo. In our foundation act in Bitola/Macedonia (2012), we stated: “The reconstruction of the region can only take place through cooperation accrued in the socio-educational, scientific and cultural area (...). Nothing is more fecund than the idea of Europe which has already been concerned with the reuniting of peoples separated by history (...). Since the 1950’s, European law has been a vector of peace between the peoples of “old” Europe, in the first instance between France and Germany, who were so battered in the recent past.”

As the European Motor, it is up to France and Germany to reflect the role of European law for countries which aspire to join to the European Union. During our Summer- /Autumn Universities, professors, Ph.D. students and Master students from France and Germany question– together with their partners from the Balkan countries – the common European roots, as well as the perspectives

and strategies of their European integration. As most of you remember, we tried last year to determine to what extent Macedonia, Kosovo, Albania and Montenegro fulfill the Copenhagen Criteria in different fields of law for the admission to the EU in a near future.

Beyond the scope of the programme, the refugee question and its challenge for Europe was already the prevailing topic of our last Summer-/Autumn University: the *Balkan route* for over half a million (2015) migrants started at the Greek-Macedonian border as we all know. Macedonia strived to cope with its role as transit-country for refugees whose goal was to reach Austria or Germany. Considering the desperate attempts of the country to channel the flows of refugees into organized paths, respecting humanitarian standards, the media sought our advice. In a television interview, we presented ourselves as optimistic that this problem of European impact would be solved sooner or later *together* and that Macedonia would thereby have the opportunity to prove itself as a trustworthy partner and therefore to recommend itself for an membership to the EU in the near future (TV TELMA). This interview was held on September 12th. Our optimism – as you surely noted – was still marked by the *welcoming culture* (Willkommenskultur) of chancellor Angela Merkel (“Wir schaffen das”). But just one day later, on September 13th, the reversal of the tendency was beginning: the German government ordered the temporary reintroduction of controls, especially at the Austrian border.

You are aware of the further developments.

No one in this room will disagree with me when I claim that Europe has not – despite decreasing migration figures – been able to manage or permanently solve the refugee crisis until this day, whether on a political or legal basis. The EU-Turkey *Refugee Convention* from March has never been more controversial, not only because there is more doubt than confidence in regards to its efficiency: since the attempted coup last July, Turkey is leaning towards an authoritarian regime that disregards fundamental principles of the rule of law, which causes an increasing alienation of the partners and could lead to the failure of the Convention.

The main reason for the declining flow of refugees, as you know all too well, is the closing of the *Western-Balkan route*. With which intentions and for what political stake did this happen? During the first session of this year’s Summer- / Autumn University in September in Skopje, representatives of a nongovernmental organisation (NGO) working in refugee aid and in close cooperation with the *Office of the United Nations High Commissioner for Refugees* (UNHCR) and the *International Organisation for Migration* (IOM) referred to the fragile legal and political basis on which the border was closed. Macedonia is accused of breaching the *Geneva Convention on Refugees* and

other human rights conventions. As we all know, even border fences do not prevent refugees from trying to reach their countries of destination in mid, western and northern Europe - through transit countries on new and perhaps more dangerous *Balkan routes*. These countries also include Bulgaria.

It makes sense to resume and finalise our 3rd Itinerant Summer-/Autumn University, that begun in Skopje under the title “Refugees, Migration and Rule of Law in Balkan Countries”, here in Sofia. This country may have had other experiences with the refugee crisis than Macedonia, Kosovo and Albania, but the issues we discussed in the Skopje session are also valid for this second session. Contrary to the countries that hosted our previous events, Bulgaria – already belonging to the European Union – finds itself under a particular responsibility through the EU’s *action-plan* to solve the refugee and migrant crisis. Very recently, on October 6th, the *European border guard* took up its work at the Bulgarian-Turkish border. It has the asserted objective of saving the Schengen-area, thanks especially to increased controls at the external borders, in order to – I am quoting the Parisian daily newspaper LE MONDE from October 7th – “decrease the number of newly arriving migrants and to avoid a new crisis, which could potentially destroy a Europe whose unity is severely compromised”.

As we all know, the quota-policy that has been pursued by the European Union since last year has failed. Especially in the Visegrad-States, which have not agreed with a “mandatory distribution key”. *Solidarity*, according to Jean-Claude Juncker, the President of the European Commission, in September, is now only “a voluntary act. It must come from the heart. It cannot be imposed”. The mandate of the new agency, as expressly emphasised by the European Commission – i.e. increased border controls, organisation of the expulsion of illegals or interventions in emergency situations – must take place “in compliance with human fundamental rights”. Not only does this indicate the issues that will be discussed during the next two days, but also the standards according to which the real or contemplated solutions to these problems shall be measured. A simple glance into the programme reveals that the discussions here in Sofia will be more *interdisciplinary* than during the first session, considering in particular the *political* dimension of the migrants and refugee crisis. This tendency is remarkably underlined by the presence of high-ranking speakers, belonging to the political class. We can only fulfil the objective of our Session if we seize and discuss the refugee and migrant crisis in its *complex reality*.

What also makes this 3rd Summer-/Autumn University in the Balkans particularly attractive is that it enhances the collaboration between partner universities - as impressively shown by the presence of delegations from Skopje, Pristina and Tirana at this session here at the Sofia University St Kliment

Ohridski. In other words, our Balkan network has now been broadened to Bulgaria, true to our motto: to open up to a new partner country every year.

Particular emphasis must be put on the fact that the students are becoming increasingly important *actors* of our Summer-/Autumn Universities, as the number of *workshops* that enable them to work in groups is increasing every year and their composition promotes comparative international law. Here in Sofia, Master students from Bulgaria, France and Germany will come together - every day - to exchange on the legal aspects of the refugee issue. We are on the verge of reaching one of our main objectives: to turn our Summer-/Autumn Universities into a *forum* for the *interactive dialogue* (...).

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