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Economic Forum - Krynica-Zdroj, Poland



In what became a traditional event during the month of September, the Krynica-Zdroj Economic Forum marked this year its 26th edition (6-8 September) and brought into the spotlight the passion for heated debates dedicated to crucial European and international issues. Under the motto **“United or Divided? Europe in the Face of the Challenges of Tomorrow”**, over 3 000 delegates from Europe, USA, China, Japan and other global players had the opportunity to watch or engage in debates over six plenary sessions, 17 thematic groups and around 120 panels, seminars and round tables ... **p.2**

in this issue _____

- 4 *10 years of Strategy and Policy Studies (SPOS)*
- 6 *Erasmus+, an experience worth having at least once in your lifetime*
- 8 *An EIR expert takes part in the “European Y.O.U.T.H.: Welcoming Refugees!” international seminar*
- 10 *Why do the Europeans still need the Union?*
- 11 *The EU Bratislava Summit*
- 11 *Sargsyan and Chiragov – two particularly important judgments of the European Court of Human Rights, in a difficult political context*

publications _____

Romanian Journal of European Affairs: 2016 Autumn Edition

The fall of 2016 comes up with a new edition of the *Romanian Journal of European Affairs*. The main topics focus on socio-economic and political issues, security and strategic policies of European Union. Written by professors and academics from Estonia, Italy, Czech Republic, Russian Federation and Germany, this issue is the outcome of a thorough and far-reaching process of research.

The first article, written by **Ramon Loik** (frm. Advisor to the Estonian Minister of Defence and Vice-Rector of the Estonian Academy of Security Sciences) and **Ketlin Jaani-Vihalem** ... **p.5**





... By far, the most anticipated discussion of the forum was the debate named “*Central and Eastern Europe - that can speak with one voice?*”, which featured the participation of five European Prime Ministers: Beata Szydło of Poland, Viktor Orban of Hungary, Bohuslav Sobotka of the Czech Republic, Robert Fico of Slovakia and Vladimir Groysman of Ukraine.

The main topics of the discussion were as follows: the shaping of social and economic policies in order to make sure they defend the interests of all citizens, to capitalize on the potential of the Visegrad Four countries for the benefit of the whole of Europe, but also the migration policy and its consequences for the continent.

Representing the host country and the presidency of the Visegrad Group¹, *Mrs Beata Szydło, the Polish Prime Minister*, has said that the V4 countries are “open for discussion” and their prime goal is the overall well-being of the European Union. “Krynica is a good place to build good projects, and such a project we are building together now. The Visegrad Group is often perceived by the colleagues from the EU as a group of unruly Prime Ministers, who always have their own opinion on any subject. But it turns out that we are right”, underlined Mrs. Szydło, adding that Poland has raised the possibility of introducing changes in the EU Treaties and the European Commission should respect them, not „just do the politics”.

On his behalf, *Prime Minister Viktor Orban* said that the EU ought to be a homogenous and bureaucratic group of countries, coordinated by Brussels. For him, the recipe for the current EU challenges would be a *Europe of Nation-States*. “The countries which do not have a strong identity are doomed to failure”, he explained.

“There are differences among us, but we acknowledge the importance of the EU and, if we don’t act soon, the values associated with the Union may be lost”, has stressed Prime Minister *Robert Fico*², warning against the danger of fragmentation, which may occur in Europe against the background of a divided political scene.

The *Czech Prime Minister Bohuslav Sobotka* in his speech repeatedly stressed that the integration process in Europe is built on strong foundations, and “that the EU will cope well with the situation it is now in”. “Cooperation is better than confrontation, but if Europe is to cope with the new challenges, it must get changed”, said Mr. Sobotka.

Mr Vladimir Groysman, the Ukrainian premier, has assured that, in spite of all the difficult circumstances his country currently faces, it will not give up on its accession process. “Ukraine sincerely cheers the European Union, and Ukrainian citizens are convinced that Europe will overcome the new challenges, and that Ukraine will be a strong partner and a future member of the European community”, said Mr. Groysman.

For the fifth consecutive year, the **European Institute of Romania (EIR)** had the honour to be a partner of the **Foundation Institute for Eastern Studies** based in Warsaw (ISW), in organising a panel session in the Forum’s program. The general theme was ***Cultural and Creative Industries - Growth Potential for the Economies of ECE Countries***. With the participation of: **Grzegorz Czelej**, Vice-president of the Senate, Republic of Poland, **Piotr Glinski**, Deputy Prime Minister and Minister of Culture and National Heritage, Republic of Poland, **Tibor Narvacsics**, European Commissioner for Education, Culture, Youth and Sport, **Dragoş Pîslaru**, Minister of Labour, Family, Social Protection and Elderly, Romania. The panel was moderated by *Mrs Gabriela Drăgan*, Director General of EIR and took place on the third day of the forum (8 September).



During her opening speech, *Mrs Drăgan* said that, given the multiple definitions attributed to Cultural and Creative Industries, it is important to remember the different fields engulfed in the sector, showcasing its heterogeneity: architecture, design, publicity, arts, radio and TV production, music production etc., all having *creativity* as a common denominator. As such, the discussions in the panel focused on the importance of this sector, both on a European and national level, and also on the different hurdles (legislative, fiscal etc.) that hinder the development of the sector and need to be addressed.

¹ Poland holds the Visegrad Four presidency during July 1st 2016 and June 30th 2017.

² Whose country holds the semestrial EU presidency in the 2nd half of 2016.

Grzegorz Czelej, Vice-president of the Senate, Republic of Poland

- The definition of the sector is different: innovation industry (USA), cultural industry (Germany), creative and cultural industry (Poland) etc.
- The core of CCI is *culture and art* (music, film, books, radio and TV).

Piotr Gliński, Deputy Prime Minister, Minister of Culture and National Heritage, Republic of Poland

- Poland is trying to find a balance between specific interests in order to develop CCI sector, e.g. intellectual property right.
- Active support for CCI, active attitude, approach of the Government.
- First of all it is important to find the freedoms zone, and the regulation, legislation in order to balance the interest within these various groups.
- Support for investment in CCI sector.
- In this sector, giving new life to various programs remains a big challenge.
- The legislation regarding the intellectual property right is not perfect and a new special body meant to update it is bound to be created.
- CCI will be featured as a main theme in various conferences and debates to be organized.
- Poland is a leader in terms of computer games sales: over 6 million copies sold worldwide, with approximately 200 small companies working in the field.

Tibor Narvacsics, European Commissioner for Education, Culture, Youth and Sport

- Europe is a big power in CCI, but it is not the only player on the world market, and sometimes players outside the Europe can dictate the tendency of this sector.
- At the European level, there are two parallel but sometimes antagonistic tendencies inside the category; the first one is the huge and large numbers of local initiatives (1.4 million), SME's very innovative small companies, providing 8.5 million jobs; on the other side, there are the global companies which can give the direction of this sector.
- Two main obstacles were identified: the need of financing for local entrepreneurs and SME's and a more flexible legislation for the big companies in order to help them operate more freely, at least inside the EU, but in an optimal case on the world market also.
- At EU level, a very important and difficult aspect is how to ensure solid finances and funding for SME's? It is true that there are European projects and funds and we are trying to raise the level of financing for cultural investments through the European Regional Development Fund and also through the Creative Europe program. But these are only complementary issues, the biggest issue in financing and funding is how to capitalize intellectual property for banks, for loans, for grants, because if a young entrepreneur goes to a bank in order to get some credits, or loans, or grants, the biggest problem is that he/she cannot monetarize the value of the intellectual property; this is the biggest challenge at the EU level and member states level as well.
- The global companies are faced usually with the legislative challenges; there are Digital Single Market agenda and program and the reform of copyright system is on the table of the Commission now.
- It is important to find a good balance in legislation; strike with the very delicate balance between two opposite, but very legitimate objectives: the first, to ensure as easy access as we can to the consumers and, the opposite angle, to secure the remuneration of the creators; solid financing of the actors, solid financing of creativity is huge advantage of the European society and European economy and the EU is competitive just because this very efficient copyright system.
- The challenge in educating the future generations; we are lacking entrepreneurial skills, no data on entrepreneurship at European level, no culture of business failure, we are afraid of economic failures, while Asian or American counterparts are much better on those area, which help them to build a new business system, while European system are still very rigid.
- The EU needs a Strategy for Creative and Culture Industry for including all those aspects in the future.

Dragoș Pîslaru, Minister of Labour, Family, Social Protection and Elderly, Romania

- CCI are about talent; at least in ECE countries a major challenge is how to retain and attract talents in order to transform our societies.
- CCI is a way of looking at the future; CC sector are the economic fields based on the creativity and talent of individuals and have the potential of generating economic growth and employment.
- They are about: Publishing; architecture; art and art market; design; fashion; film, photo, video; software&computer games; music and performing arts; publishing; radio, TV; crafts.
- CC sector represent 7% of the Romanian GDP (estimates of 2015, including ICT), and has the biggest growth in the last 5 years (55%), 3,52% of employees (2014);

- Creative industries are a national priority; *objective*: transforming Romania in a development hub for creativity and technology in the next 5 years.
- 2020: Contribution of CCS of at least 10% of GDP; 10% of workplaces to be associated with creativity & creative skills; 1% of local budgets for infrastructure investments (for eg. buildings) to be dedicated to CCS.
- What we are up to? Further improve fiscal incentives for ICT talent; set up a public-private Creative Community; October - Creative Month of Invest Romania; Creative sectors - strategic sectors for EU funding.
- *A strong voice from the creative community is essential!*

The Economic Forum agenda also included a debate entitled **Vicious Circle - Youth on Labour Market in Europe**, with the participation of Professor **Alina Bârgăoanu**, Vice-Rector of the National University of Political Science and Administration and President of EIR's Administration Board.

Romania was also represented in various themed panels by: **Ioan Mircea Pașcu**, Vice-President of the European Parliament; **Ana Birchall**, President of the European Affairs Commission, Chamber of Deputies; **Sebastian Huluban**, Presidential Advisor; **Ștefan Tinca**, Secretary of State, Ministry of National Defence; **Dan Neculăescu**, Secretary of State, Ministry of Foreign Affairs; **Mihaela Vrabete**, Secretary of State, Ministry of Regional Development and Public Administration, **Bogdan Chirițoiu**, president of the Competition Council, among other political, economic and security analysts and experts.

We thank our colleagues from the Institute for Eastern Studies in Warsaw for their cooperation, trust and support for the Romanian participants in the Economic Forum. Also, we express our gratitude to **Caleaeuropeana.ro** for their live broadcast of the EIR-ISW panel.

For further information, please visit the official website of the event: <http://www.forum-ekonomiczne.pl>



Florentina Costache

10 years of Strategy and Policy Studies (SPOS)

In 2006, the European Institute of Romania (EIR) launched a project with resonance for the field of European affairs research that took the form of strategy and policy studies, meant to support the decision makers (especially, the Romanian Government) in substantiating their positions, necessary within the European institutions, on various issues.

10 years later from the launch of the project, the Studies and Analyses Unit prepared a collection of 4 topics in the framework of 2016 series of studies. The subjects in question relate to fields such as energy, economy, migration and security, and this year they will be materialized in the following studies: 1. *The energy diplomacy of the European Union and the potential of developing new infrastructure projects*; 2. *The relationship between the legal migration phenomenon and the labour market in Romania. Relevant developments, potential impact, policy recommendations*; 3. *The future of the strategic partnership between Romania and the United States of America in the context of the Free Trade Agreement between the EU and the USA (TTIP - The Transatlantic Trade and Investment Partnership)*; 4. *Romania and the accession to Euro zone. Constraints and opportunities*.

The relevance of the themes, their alignment with the European agenda and the potential to generate debate within the Romanian society determined the potential authors to apply in a rather large number, following EIR's call for applications. Thereby, out of all the submitted applications, the prevailing ones were the research proposals coordinated by: **Sorin Ioniță**, President - Expert Forum (for study no. 1), **Rodica Milena Zaharia**, Ph.D. Professor - Faculty of International Economic Relations, ASE Bucharest (for study no. 2), **Cristian Niță**, Scientific Researcher II - National Institute for Intelligence Studies, National Academy of Information "Mihai Viteazul" (for study no. 3) and **Daniel Dăianu**, Ph.D. Professor - SNSPA, Bucharest, Member of the National Bank of Romania Board of Directors (for study no. 4).

Regarding the first study, *Energy Diplomacy*, the concept came in the context of the steps the European Union took to respond to the geopolitical challenges affecting the energy sector. The European Institute of Romania aims to analyse the way in which the EU makes use of energy diplomacy to broadcast aggregated European messages, in relation to its external partners, to contribute to the diversification of

sources, suppliers and routes, and also to ensure the energy security.

In respect to the second study, *the connection between legal migration and the labour market*, the opportunity of developing the topic arose from both the scientific interest and the coverage of the media towards the analysis of the dynamics of the Romanian migrants' flows from and to the European Union. Thus, the team of researchers aims to make an overall assessment of every form of migration and, in particular, to identify correlations related to the demographical transformations in Romania.

If until now, the topic of *the Strategic Partnership between Romania and the USA*, respectively the subject of the *Transatlantic Trade and Investment Partnership* were treated dissociated, through the dedicated study from 2016, EIR will emphasize the idea of complementarity between the two treaties. Moreover, given the fact that the Romania - USA Strategic Partnership is on the list of priorities on the Romanian decision makers' agenda, the current study aims to facilitate a comprehensive understanding of the way this treaty was implemented and to showcase the opportunities to strengthen the cooperation. In this regard, the authors will seek to analyse the evolution of the cooperation between Romania and the United States, calling upon the negotiations for signing of the Transatlantic Trade and Investments Partnership.

Considering the study focused on *joining the Euro zone*, the research team aims to examine the real and structural convergence and to create a roadmap which will refer to the economic policies and structural reforms needed in Romania for supporting the adherence. As it will be outlined in the study as well, the true challenge is not the actual accession



but the economic and social performance the State is capable of after entering the Euro zone, meaning the moment when it does not benefit anymore from the independent monetary policy.

Beyond the tradition of the making and the publishing of these studies in the spirit of promoting the European values, the SPOS series has another important attribute: generating debates in the public arena by organizing dedicated events. In this way, at the beginning of next year, there will be more debates organized to promote the recommendations made by the research teams and, also, to bring speakers from various but complementary fields of activity to the same table. As it is mentioned in the legal status, **EIR does not aim only to support the substantiation and implementation of the Romanian Government's policies in the field of European affairs, but also to bring the Romanian citizens closer to the European agenda.**

Eliza Vaş

Romanian Journal of European Affairs: 2016 Autumn Edition

The fall of 2016 comes up with a new edition of the *Romanian Journal of European Affairs*. The main topics focus on socio-economic and political issues, security and strategic policies of European Union. Written by professors and academics from Estonia, Italy, Czech Republic, Russian Federation and Germany, this issue is the outcome of a thorough and far-reaching process of research.

The first article, written by **Ramon Loik** (frm. Advisor to the Estonian Minister of Defence and Vice-Rector of the Estonian Academy of Security Sciences) and **Ketlin Jaani-Vihalem** (Guest Lecturer at the Estonian Academy of Security Sciences, Institute of Internal Security) discusses about the national goals within the European Union and the small states' strategy in terms of internal security integration. The article is based on study cases and talks about the efficiency of the integration process, considering the internal political context, the professional expertise of the public servants and the strategic prioritization. The small or new Member States are not completely capable to meet their national goals in the international arena and the Europeanization process is hindered by interests of supranational institutions.

Daniela Irrera (Associate Professor of Political Science and International Relations, University of Catania) has made a study analysing the relation between European Union, NGOs and migrants. This globally debated and sensitive subject invites the reader to focus on the perception of migrants, who are generally seemed to be perceived as a threat. The study talks about the NGOs active interventions and the search and rescue operation in the Mediterranean. More and more immigrant communities arise and they are expected to become a source of support to the non-governmental sectors. Therefore, a healthy collaboration between the public institutions, organizations and these communities implies an empowered and authorized dialogue and interaction. Nevertheless, many of the migrants rely either on their own resources, either on informal networks.

Another issue of interest on the European Union agenda is discussed under this publication by **Vladimir Vučković**, a PhD candidate at the Department of International Relations and European Studies, Faculty of Social Studies, Masaryk University, Czech Republic. The theme is mainly about the Europeanization process of the Montenegrin political parties, considering the internal factors that hinder and negatively influence the entire transformation course. The impact of the EU on different parties slightly varies, depending on their absorption capacity and their willingness to comply with the EU requirements. Anyway, the EU impact on domestic changes is expected to be limited, unless the political elites truly demonstrate a political will to align with the EU conditions.

EU-Russia rivalry in the Balkans: the case of Serbia is examined by **Galina A. Nelaeva** (PhD, Associate Professor, Modern History and International Relations Department, Tyumen State University) and **Andrey V. Semenov** (PhD, Associate Professor, Center for Comparative History and Politics Studies, Perm State National Research University), trying to explain the long and problematic process of European Integration. During this process, there has been present the Soviet influence, alongside the economic crisis, natural disasters and the difficulties of a post-conflict reconstruction. Under Russian pressure, Serbia has also been constraint by the European Union. Besides the different signals and demands coming from both parts, there were also to be considered the needs and requirements of the Serbian population, situation which led to a social strain and a delayed decision-making process.

The European legal framework regarding the international transactions within the common market represents the main interest for two of the authors of the next article. **Hamed Alavi** (MBA, LL.M., PhD candidate, lecturer at Tallinn School of Law, Tallinn University of Technology) and **Tatsiana Khamichonak** (LL.M. Candidate in Vrije Universiteit Amsterdam) herein analyse the European provisions in relation to protection of dissenting shareholders within the framework of cross-border mergers. The legal jurisdiction and dispositions from the national level have been perceived as being an impediment in the European framework, hence the European Court of Justice has decided to facilitate these complex transactions by enacting the Cross-Border Mergers Directive as a harmonising instrument.

The journal also presents a review of a volume published in 2015, in Germany. Representing the University of Applied Sciences and Arts, Dortmund, Business Faculty, **Dr. phil. Werner Müller-Pelzer**, together with other students and researchers invite us to focus on the European Citizen concept. The collection of articles presented in the volume talks about the citizens, the feeling of belonging together and the need of setting common goals and strategies. There is, therefore, the concept of “*Europe Renaissance*”, which is focused on the social perspective and its development. This issue is raised because, despite the economic and political power on a European level, there is the social side that has not yet met such a strong evolution.

Răzvan Nicolescu, intern

opinion

Erasmus+, an experience worth having at least once in your lifetime

Not so long ago, when you would hear someone talk about **Erasmus**, you would invariably think about the famous Dutch humanist and scholar who lived in the 16th century, the first editor of the New Testament and author of the famous “*Praise of Folly*”. A reformist and opponent of dogmatism, he lived and worked in various parts of Europe, dedicating his life to learning new things and acquiring new knowledge through interaction with people from other cultures. And it should come as no surprise if his personality actually inspired the bold Erasmus initiative of the European Union, a backronym coming from *EuRopean Community Action Scheme for the Mobility of University Students*. As such, for almost 30 years now, the EU has financed this program that has enabled over three million students to spend a part of their higher education cycles in partner institutions abroad. The study period may vary between 3 months (or an academic semester) to a maximum of 12 months. And the sheer academic valence of the mobility

is complemented by the cultural and personal development ones, through interactions with the locals and other foreign students and by visiting new places. Also, for many persons such a study mobility marks their first experience of living on their own, contributing as such to their process of growing up to become mature and responsible individuals.

Currently, *Erasmus+ is the umbrella program of the European Union*, sheltering under one name seven previous programs, meant to support the academic and professional formation of persons of all ages from the Old Continent, offering opportunities not only for them, but also for an extensive range of organizations, in the larger framework of the *Europe 2020 Strategy*. And the current Newsletter article aims at showcasing, in a non-exhaustive manner, some of the more relevant elements of the author’s rather recent Erasmus study mobility, not necessarily as a European Institute of



Romania expert, but rather as a MA student passionate about international relations and European affairs. An experience that took place during five months at the Comenius University in Bratislava, the largest and oldest university in Slovakia.

Situated in the geographical centre of Europe, Slovakia, a country with around 5.5 million people which adopted the euro in 2009, still has a lot of catching up to do in terms of internal structural cohesion. And one of the reasons for this state of affairs is that unlike the other Visegrad countries - the Czech Republic, Hungary, and Poland - Slovakia never had its own national state before the twentieth century. And, since I had the opportunity to take there a course dedicated to Post-war European History, I will note here that the first attempt to that aforementioned end was the puppet republic governed by the Roman-Catholic priest Josef Tiso, a fine ally of the Nazis, of sad memory for Slovaks. **Previously, starting with the XIth century, in the states it belonged to - the Kingdom of Hungary, the Dual Monarchy or, after WWII, Czechoslovakia, Slovakia usually was the most impoverished and least developed region of these territorial entities.** The existence of a certain complex of inferiority inside the population, especially when we are talking about their Czech neighbours, is not really all that hard to notice, regardless if we talk about hockey (the national sport), industry or the benefits of EU membership. *The difference between Bratislava and Vienna, two European capitals separated by only 60 kilometres, remains a rather striking one even today.* “We should not deceive ourselves. By comparison with Vienna, Budapest or Prague, Bratislava seems more like an oversized village”, told me one of my professors. And the persistent discrepancies between the West (richer) and the East (poorer) undermine the ambitions of socio-economic cohesion of a country which has one of the most beautiful and diverse landscape in Europe and, also, the most castles per capita - over 300.

Holding and exercising the semestrial presidency of the EU provides a Member State with arguably one of the most sensitive and demanding mandatory tasks that derive from EU membership. At the same time, it represents an ideal

opportunity for the country at the helm of the Council of the EU for half a year to highlight its leadership qualities, boost its visibility on a European and international level and truly leave its mark on the decision and policy making processes of the EU. **Starting with the second half of 2016, more exactly 1st of July 2016, this role is played by Slovakia, a small country with big ambitions.** And the political leader deemed to attract all spotlights is Robert Fico, whose right wing party SMER won all parliamentary elections starting from 2006.

The most recent elections that took place this year, which I had the opportunity of observing from the ground, have displayed the profound divisions inside the Slovak electorate and have sent in the legislative two extreme right parties, including a Neo-Nazi one. This was a historical premiere, which took by surprise the academic milieu. Fico, whose party won the elections with less than 30% of the votes, is a vocal critic of the EU policy on migration and has sometimes embraced a conservative version of xenophobia. In the past, he was compared with his Hungarian counterpart Viktor Orban, who in 2014 in Băile Tuşnad has publicly expressed his admiration for the principle of illiberal democracy. *But the Slovak Prime Minister did not step in those shoes and he did not try to undermine the stability of the rule of law or to try and transform the press in a blow horn of the ruling party.* And the fact that, starting with 2014, almost half of the country’s population (including pupils and students) benefits from free train rides inside the country makes for one of the most popular legislative initiatives endorsed by the government of Robert Fico.

Going back to my Erasmus experience, I will briefly say a few things about its academic dimension, as a student of both the Faculty of Management and the Faculty of Social and Economic Sciences. Aside from the Post-war European History course which I mentioned earlier (where I have been invited to discuss on various topics related to Romania like our country’s reaction during the *Prague Spring*, Ceauşescu’s cult of personality and the way in which both Romanians and Slovaks turned arms during WWII against Nazi Germany), without a doubt one of the most interesting and instructive was the one named “*Nationality, Ethnicity and the State*”. A subject as timely as ever given the current migrant crisis spawning from the MENA region which Europe is facing, marked by a sharp rise of nationalist, mercantilist and xenophobic attitudes. And, putting aside complex academic definitions, of philosophical or legalist origins, it can be said that, ultimately, we are talking about social constructs whose ultimate goal is *differentiation. Between Us and the Others.*

And this differentiation is absolutely normal and benign as long as it respects the principle of *unity in diversity* and is not accompanied by simple dichotomies, by a hierarchyization, an inferiorisation and, in the end, by exclusion fuelled by an explicit or implicit discrimination of the Others. **Recent developments, which had the gift of giving substance to the concept of “Fortress Europe”, have undermined the normative power of the post-modern European project and have outlined serious fault lines between Member States, culminating with the British decision to leave the EU via referendum.** The overall quality and consistency of the professors and courses was at least on par with the ones available in the Romanian higher education system, and studying contemporary international relations having as class

support the “*Lord of the Flies*” and “*Fatal Attraction*” movies proved to be a better idea for understanding *Neorealism* and *Feminism* than I initially thought. *In fact, eliminating or, at least, reducing prejudices and the fear of the unknown and of the worst case scenario happening, either when talking about places or persons, is perhaps the most important personal gain of an Erasmus mobility, during which each one of us plays the role of a cultural ambassador without mandate.*

The social and cultural significance of the mobility clearly surpasses the academic and financial value of what is far from being a prolonged holiday or unpaid leave of absence. Or, on the contrary, it may be just that because, in pure *Constructivist* fashion, ***an Erasmus study mobility is what everybody makes of it, in the absence of a predefined pattern or scenario.*** And, putting aside preconceptions about people, or more specifically nationalities and countries, there are numerous preconceived ideas and expectations about the experience itself. As such, right from the first day of the new semester, our coordinator gave us a heads up about the fact that we ought to improve and burnish our English language skills as soon as possible because we were going to have common courses with Slovak students and “it would not be fair to lower the bar for them”. *That was, undoubtedly, a very common-sense recommendation and with the best intentions at heart, but the subliminal message was that Erasmus students are expected to have a rather poor English, which was the study language.* Of course, there were a few “black sheep” to confirm this fatidic expectation, but that was by no means the norm and such simplistic correlations were empirically invalidated in the classrooms where sometimes, to the teacher’s delight, the Erasmus students were the ones leading the offensive in debates. Actually, in relative terms, I have noticed a rather low disposition of my Slovak classmates to engage in debates and question the strong assertions of the



teachers on various topics that would invite for such reactions meant to stimulate critical thinking.

In the end, after weighing both positive and negative aspects (like the almost impossible effort for a speaker of Latin languages to learn Slovak), I could say that the balance would eventually point to only one conclusion: ***Erasmus makes for an experience worth having at least once in your lifetime, opening new horizons and fuelling a process of self-discovery and growing up in ways otherwise hard to access.***

Bogdan Mureşan

event

An EIR expert takes part in the “European Y.O.U.T.H.: Welcoming Refugees!” international seminar

Currently, Europe is dealing with one of the worst humanitarian crises in its history, in general, and since the end of World War II, in particular. At the core of this crisis lie the refugees spawning from the MENA (Middle East and North Africa) region, fleeing from violent conflict zones in countries like Syria, Libya, Iraq and Afghanistan with the hope of building a better and safer life in Germany, Austria, Sweden or Great Britain. After the end of WWII, the refugees were, in their vast majority, Europeans who had fled or lost their homes during the horrors of the worst clash between nations and humanity’s bloodiest war. In the aftermath of the conflagration, to help and assist these people in need, the United Nations Refugee Agency (UNHCR) was created, in 1950, with an initial mandate of



three years in order to complete its work. Today, over 66 years later, the organization which won the Nobel Peace Prize in 1954, is still hard at work, protecting and assisting refugees around the world. As such, UNCHR estimated that, by the end of 2014, approximately 60 million people were forced to leave their homes because of persecutions, violent conflicts and various



human rights abuses. Out of these, around 20 million were considered “refugees” under the 1951 Refugee Convention.

According to the same UN specialized agency, over a million refugees and migrants have crossed the European border in 2015, many of them at the end of perilous and life-threatening journeys across the Mediterranean Sea aboard improvised and overcrowded boats owned by profit hungry smugglers. Out of these, at least 4 000 have lost their lives drowned and their lifeless bodies usually rounded up on the shores of Greece and Italy, the two countries that stand in the first line of the migrant crisis. Without a doubt, the number of persons displaced by wars and other types of armed violence is the largest that Western and Central Europe is struggling to accommodate since the Balkan crises from the ‘90’s. And populist politicians are using the situation to rekindle old nationalistic

pathologies, to polarize the different European societies and fuel their xenophobia and euroscepticism, with notable results in countries like France and Great Britain, but not only. This is the overall gloomy context, characterized by numerous moral dilemmas, in which the “*European Y.O.U.T.H.: Welcoming Refugees!*” international seminar, organized by JEF Europe, took place between 6 and 10 July 2016. JEF is a supranational, politically pluralist youth NGO with about 30 000 members in over 30 countries. The goal of JEF is the creation of a democratic European federation as a guarantee for peace and more free, just and democratic society. Following a competitive selection process, 25 participants with diverse academic and working backgrounds, coming from all corners in Europe, joined forces in Malta, a small island country in the middle of the Mediterranean with a rich experience in handling waves of migrants, in order to debate and develop concrete proposals in view of combating xenophobia and promote tolerance on the Old Continent.

During the second day of the seminar, the group of students and young professionals engaged in a dialogue with a representative of the European Asylum Support Office (EASO), an EU agency created with the aim of providing expertise on asylum and help Member States fulfil their European and international obligations to give protection to people in need. On this occasion, the participants got to know the important work this organization does in the registration and resettlement of refugees from “hotspots” in Greece and Italy to other European countries. Later on, the participants received a visit from the Migrants Offshore Aid Station (MOAS), in which they got a closer look on rescue missions on the sea, in order to help migrants fleeing to Europe by boat, as this Maltese non-profit foundation has rescued over 20 000 refugees by now, with the help of its sole private ship.

On the third day, the president of SOS Malta has presented the participants details about the way in which refugees interact with civil society on the island of Malta itself, where this organisation has helped in previous migration crises. SOS Malta, the first international NGO in the island state, was created in order to assist the Albanian migrants who reached Maltese shores during early ‘90’s. Presently, the organisation is very active in supporting young migrants, especially of African origins, and is working with the local authorities in their fight against racism and ethnic-based discrimination. Afterwards, the participants had the opportunity to discuss with the spokesperson of UNHCR Malta, which opened its offices in 2001. Among other things, the spokesperson highlighted the fact that Malta is not going through any migration crisis at the moment, but, nevertheless, that Europe needs to offer a concerted answer to the continental crisis; in order to limit illegal migration and boost the legal one, “cheaper and safer, but hindered by bureaucratic hurdles”. In this context, he explained that there are three durable solutions to solve a refugee’s situation, given the fact that the refugee status is only a temporary one: voluntary repatriation to the country of origin, local integration in the country of asylum and relocation to a third country. As a fun fact, according to the figures of the latest census in Malta, dating from 2011, the most immigrants were British. The final meeting of the day consisted of a visit from the Office of the Refugee Commissioner, Maltese Ministry of Home Affairs and National Security, in which the participants got an in-depth view on the asylum procedure in Malta and the statistics concerning this. The representative noted that, according to the local legislation, there are three types of protection that the government can offer to foreigners: refugee status, subsidiary protection and temporary protection.

Aside from these visits and meetings with experts representing official institutions and NGO’s, the participants got involved in various interactive and creative workshop activities, where they put their energy and experience in common in order to try and devise viable solutions for the migrant crisis, which is eroding the normative power of the European Union. And one of the main outcomes and conclusions was that civil society action is necessary in order to create a more humanitarian environment towards refugees, given the fact that the political and socioeconomic sides of the story have already been analyzed from all angles by politicians and the media. Another issue revolved around the EU-Turkey Refugee Deal, meant to stop the influx of refugees pouring into Europe, but plagued by serious logistical, legal and political flaws. In the end, we could argue that the *realpolitik* approach of the EU in the case of this deal has undermined some of the normative valences of the Union, which usually likes to act as a standard-bearer in the field of human rights and rule of law.

Bogdan Mureşan

Why do the Europeans still need the Union?

On September 14th, the President of the European Commission was addressing the European Parliament for the *State of Union* speech¹. It was the moment of presenting the achievements of the past year and also of putting forward the matters of greatest importance for 2017, without leaving aside the current challenges the EU is now facing. For the second time in a row, Jean-Claude Juncker sat in front of the Parliament and affirmed that the State of Union doesn't look too good. However, this year he was even more straightforward in his talk, when he declared that **EU is in an existential crisis**.

The subject of disagreement between the Member States and the EU was clearly brought to our attention and the idea of *never seeing such little common ground between the Member States and so few areas where they agree to work on together* left no room for further interpretation. Moreover, he spoke about the forces of populism and the potential risk for national governments to be defeated in the elections given the current changes in the political arenas. In this context of uncertainty, he raised one important question concerning the involvement of Europeans: **are we going to witness the falling apart of our Union or act before it's too late?**

Speaking of the unsolved problems in Europe, Mr. Juncker stressed upon the high unemployment rates, the social inequality, the public debt, the challenge of integrating the refugees and the internal/external security challenges. Nonetheless, he pointed out the existing solutions to these problems, marking in this way **the strategic directions** for 2017. A more efficient Union should mean a Europe that protects, preserves the European way of life, empowers the citizens, defends at home and abroad and takes responsibility. When it comes to protection, the President of the Commission sought to remember that above all, **Europe means peace** and in a world with 40 active armed conflicts, the EU represents a model for its 70 years of lasting peace. After all, this is the most important outcome delivered by the EU so far.

With specific examples for a continent that preserves the European way of life, Mr. Juncker referred to the **common values** of freedom, democracy, human dignity, the rule of law, the respect for the free movement of workers, the fight against racism and discrimination and the stand against death penalty. Also, he mentioned other topics of great significance such as:

- The **open trading with neighbours and countries** all over the world (the EU is the biggest trading bloc in the world, having completed trading agreements with over 140 countries across the globe);
- The **protection of personal data** by the European laws, more specifically the common European Data Protection Regulation that applies to companies wherever they are based;
- The **citizens' protection against cartels and abuses** by powerful companies and the commitment for equal pay for the same work in the same place;
- The **preservation of the agricultural sector** (e.g. in 2015, the dairy sector was hit by a ban imposed by Russia and the Commission reacted by mobilizing 1 billion euros in support of milk farmers);
- The **recovering of jobs** was mostly visible for the 8 million citizens that managed to find a work place in the last three years (only in Spain the number of employed people increased with 1 million from 2013);
- The **investments in digital economy** (the deployment of the 5th generation of mobile communication systems across the EU by 2025 and the proposal to equip every European city/village with free wireless internet access by 2020);
- The **increase of the financial capacity of the Investment Plan for Europe** and its duration (the Fund will provide at least 500 billion of euros in investments by 2020);
- The launch of an **Investment Plan for Africa and the Neighbourhood**, which will follow the same logic as the Investment Plan for Europe (using public funding as a guarantee to attract public and private investments);
- The **creation of European Solidarity Corps**, which aims at involving young people across the EU in volunteering activities in order to respond to crisis situations, such as the refugee crisis or other punctual needs;
- The **measures taken for defence** (the new European Border and Coast Guard, the European Travel Information System, the European Defence Fund).

Ending his speech by noting that in March 2017 we shall celebrate 60 years of the European project, Jean-Claude Juncker said that it's time for all the institutions, the governments and the citizens to take responsibility for building a better Union. At the end of the day, it is the ordinary European who needs the EU the most.

Eliza Vaş

¹ State of the Union Address 2016: Towards a better Europe - a Europe that protects, empowers and defends, Strasbourg, 14 September 2016, http://europa.eu/rapid/press-release_SPEECH-16-3043_en.htm.

The EU Bratislava Summit

Under the Slovak presidency, the first informal meeting of the 27 EU leaders was held on 16 September 2016. The objective of the meeting in Bratislava was to diagnose the state of EU and debate upon the common future. The meeting was cordial and produced a joint statement and a dialogue on a proposed work program.

The Joint Declaration¹ emphasized the unity of the EU, which remains indispensable for its members, determined to ensure the success of EU in 27. Among the challenges the EU has to face, there is the need to provide security to its citizens. The EU must guarantee it, along with peace and democracy. This complements the need for the EU to better serve the needs and wishes of the people to live, study, work, prosper and move freely across the continent. European communication must be improved. A clear and honest discourse must address the expectations of citizens, combating extremist or populist solutions of political forces. Leaders of the 27 states have welcomed the State of the Union speech of the President of the Commission. In the coming months, they will provide a vision for the EU, one that the citizens can trust and support.

During the press conferences following the Summit, the EU and member states' leaders have sustained and nuanced the Joint Declaration. The European Commission President, Jean-Claude Juncker, emphasized the close link between access to internal market and freedom of movement that will underpin the dialogue on Brexit: "I can't see any possibility of compromising on this issue."²

The European Council President, Donald Tusk, stressed that the Union was imperfect, but it enjoyed renewed confidence and trust: „I can say that there is hope."³

The work program discussed comprises key priorities for the coming months, according to a proposal made by



foto: <http://www.eu2016.sk/>

the European Council, the Council Presidency and the Commission. The *Bratislava Roadmap*, as the document was called, highlights the state of the Union and its goals, objectives and measures on migration and external borders, internal and external security, economic and social development and youth.

The way forward proposed by the work program emphasizes delivery of promises and implementation of decisions, loyal cooperation and communication between Member States and institutions. The next informal meeting, with the United Kingdom uninvited, will take place in early 2017 in Malta. It will follow the meeting in Rome, which will celebrate the 60th anniversary of the Treaties of Rome. This will complete the process launched in Bratislava and set forth the orientation for the common future.

Iulian Oneașcă

¹ <http://www.consilium.europa.eu/en/press/press-releases/2016/09/16-tusk-final-remarks-bratislava/>

² <http://www.politico.eu/article/bratislava-summit-live-blog-migration-brexit-terrorism/>

³ <http://www.consilium.europa.eu/en/press/press-releases/2016/09/16-tusk-final-remarks-bratislava/>

publications

Sargsyan and Chiragov – two particularly important judgments of the European Court of Human Rights, in a difficult political context

On 16 June 2015, the European Court of Human Rights delivered its first judgments on Nagorno-Karabakh, namely *Chiragov and Others v. Armenia* and *Sargsyan v. Azerbaijan*.¹ The complaints submitted for the Court's consideration fell within the sensitive framework of an almost 30-year-old conflict, its task being even more complicated in the light of the fact that the applications were not submitted against the two States taken together, but, separately, against each State. Submitted by private individuals, the applications concern a real interstate conflict. In fact, each of the two States was admitted as a third-party intervener in the proceedings.

¹ The original can be found [here](#) and [here](#). The translation into Romanian is available on www.ier.ro.

After the collapse of the USSR, Nagorno-Karabakh Autonomous Oblast (“the NKAO”) was an autonomous province of the Azerbaijan Soviet Socialist Republic (“the Azerbaijan SSR”) and mostly inhabited by Armenians living together with an Azeri minority. In 1988, the first demonstrations broke out in Stepanakert, the regional capital of the NKAO, and in Yerevan, the Armenian capital, demanding the incorporation of Nagorno-Karabakh into Armenia. After Azerbaijan declared its independence, the Soviet of the NKAO announced the establishment of the Nagorno-Karabakh Republic (the “NKR”), consisting of the territory of the NKAO and the Shaumyan district of Azerbaijan and declared that this republic was no longer under Azerbaijani jurisdiction. In a referendum organised in the region on 10 December 1991, 99.9% of participants voted in favour of secession. In early 1992, the conflict gradually escalated into a war. At the end of 1993, Armenian troops controlled almost the entire territory of the former NKAO and seven surrounding Azerbaijani regions, including the district of Lachin. Many Armenians and Azeris left their places of residence because of the conflict. A ceasefire agreement was signed on 5 May 1994. No political settlement of the conflict has been reached so far. The self-proclaimed independence of the “NKR” has not been recognised by any State or international organisation. Recurring breaches of the 1994 ceasefire agreement along the borders have led to the loss of many lives and the rhetoric of authorities remains hostile. Negotiations have been carried out under the aegis of the OSCE, but without any success.

The applicants in the case of *Chiragov* are Azerbaijani Kurds originating in the district of Lachin. They have stated that, in 1992, they left their homes and they have since been unable to return and to regain possession of their properties. In the case of *Sargsyan*, the applicant of Armenian origin lived in Gulistan, located in the Azerbaijani territory, on the front line separating the troops of the conflicting parties. He complained of a denial of his right to return to his home and to have access to his property or to be compensated for its loss.

In both cases, the Court has found a violation of Article 8 and Article 13 of the Convention and of Article 1 of Protocol no. 1 to the Convention. Both cases raise several issues – exhaustion of domestic remedies, the victim status, the right to restitution and the right to compensation – but what is definitely worth noting is the interpretation given by the Court of the concept of “jurisdiction”. Thus, jurisdiction is a *sine qua non* requirement for establishing State responsibility before the Court. The two judgments provide clarifications both regarding the presumption of jurisdiction in respect of a State’s territory (case of *Sargsyan*) and concerning extra-territorial exercise of jurisdiction (case of *Chiragov*).

1. Territorial jurisdiction – application of the Convention to the whole territory of a State (case of *Sargsyan*)

According to its established case-law², the Court deprives of their effects the declarations and the reservations introducing a territorial limitation of the scope of the Convention. It follows from this case-law that jurisdiction within the meaning of Article 1 of the Convention is presumed to be exercised throughout a Contracting State’s territory. The undertaking given by a Contracting State under Article 1 normally includes two elements: on the one hand, the negative obligation to refrain from any interference with the enjoyment of the rights and freedoms guaranteed and, on the other hand, the positive obligation to take appropriate steps to ensure respect for those rights and freedoms within its territory. Even in exceptional circumstances, where a State is unable to exercise its authority throughout its territory, due to military occupation by the armed forces of another State, acts of war or rebellion or the installation of a separatist regime within its territory, it does not thereby cease to exercise jurisdiction within the meaning of Article 1 of the Convention.

In this case, the Court does not depart from these principles. Having found that there is no secessionist movement or foreign occupation, it appreciates that the situation in this case cannot be assimilated to exceptional circumstances that can limit the scope of a State’s jurisdiction. But, the absolute novelty of this judgment is the refusal to include the areas “rendered inaccessible by circumstances” within the scope of “exceptional circumstances”. Given the particular characteristics of this case – the Court had to rule, for the first time, on the application of the Convention to a “no man’s land” – the respondent Government argued in favour of extending the case-law developed in *Ilaşcu* to such areas. Nevertheless, the Court held that the limitation of jurisdiction cannot operate where no other State Party can be held liable for the acts committed within a certain territory. In other words, Azerbaijan cannot be held responsible for the violation of any obligation under the Convention simply because nobody else can take its place!

2. Extra-territorial jurisdiction – complete or partial dependence (case of *Chiragov*)

According to the Court’s established case-law, a State’s jurisdictional competence under Article 1 is primarily territorial; it is presumed to be exercised normally throughout the State’s territory. Acts of the Contracting States performed, or producing effects, outside their territories can be considered an exercise of jurisdiction within the meaning of Article 1 only in exceptional circumstances. In several recent cases³, the Court has summarised a number of circumstances capable of giving rise to the exercise of extra-territorial jurisdiction: on the one hand, the authority and control exercised by a State agent over individuals and, on the other hand, the exercise of an „effective control” over the territory.

² See *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 331 and 333, ECHR 2004-VII; *Assanidzé v. Georgia* [GC], no. 71503/01, §§ 137-143, ECHR 2004-II; *Loizidou v. Turkey* (preliminary objections), judgment of 23 March 1995, §§ 75 and 93, Series A no. 310.

³ See, for example, *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, ECHR 2011.

In order to establish whether Armenia’s jurisdiction extends to Nagorno-Karabakh and the surrounding territories, the Court had to determine whether an effective control is exercised over this region (or, more precisely, over local authorities). While the criteria typically applied to establish effective control are the military, economic and political ties between the two entities in question, the Court departs from its established case-law, holding that, in this case, we are not talking about a mere support or the “decisive influence” of Armenia over the NKR authorities, but about a real integration: the NKR and its administration survives only by virtue of Armenia’s military, political, financial and other support.

Here the Court used the concept of “effective control”, but, in fact, it applied another criterion - of complete dependence - which is distinguished from the former concept in the ICJ case-law.⁴ Thus, the Court defines “complete dependence” as a particularly high degree of control exercised by the State over the individuals or the entities in question, using the terms “high degree of integration” and evident “political dependence”.

The right to secession

The most important aspect addressed in the two judgments is the acknowledgment of a right to secession - a remedy in a non-colonial context, an extremely important problem of public international law at the beginning of the 21st century. The core of this case concerns the legality in relation to the international right to secession of the NKR, following the independence of the Republic of Azerbaijan from the Soviet Union, and its consequences for the rights and obligations of persons claiming to have been displaced from the new “Republic” after the secession, especially concerning the right to enjoy their property and family life and their obligation to exhaust the local remedies available in the NKR.

Costin Leonard Fălcuță

⁴ *Nicaragua v. United States of America* and *Bosnia and Herzegovina v. Serbia and Montenegro*, cited in the judgment, Concurring opinion of Judge Motoc.

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