



EUCOPAS

Jean Monnet Centre of Excellence
Cologne - Paris

Report on EUCOPAS-PROTEUS International Summer School and Simulation Exercise

The European Refugee Crisis and EU-Turkey relations

06th-10th June 2016, Brussels

The Summer School takes place within the framework of the Jean Monnet Centre of Excellence EUCOPAS and the teaching project PROTEUS. EUCOPAS is a Jean Monnet Centre of Excellence consisting of the Jean Monnet Chair, Prof. Wessels, University of Cologne and the Jean Monnet Chair in European Union Law and Political Science at Sciences Po, Paris. PROTEUS is a multinational and interdisciplinary course in the law and politics of the European Union, using a simulation exercise or moot court carried out by way of cooperation between different partner institutions.

Executive Summary:

In view of the current refugee crisis in Europe and the new phase of upgrading EU-Turkey relations – as agreed in the summit declaration of November 2015 - the summer school focused on the ongoing negotiations about EU wide solutions to this challenge.

European politics is facing complex challenges. On the one hand, the Union is confronted with the refugee crisis and unmanageable migratory routes. On the other hand, security threats by terrorists and the unstable neighbourhood demand different solutions. Discussions on questions such as the refugee deal with Turkey are heating up the political climate.

The EUCOPAS-PROTEUS Summer School 2016 took up this current debate. From 06 to 10 June 2016, 27 international students discussed the topic "The European Refugee Crisis and EU-Turkey relations" with international experts at the EU institutions, NGOs, Think Tanks, as well as EU delegations.

During the first three days, the students received profound knowledge of the many facets of the topic in a series of presentations and discussions approaching the topic from unique angles and perspectives. In a final simulation exercise of the European Council during the last two days, they could then apply their newly gained knowledge by getting stuck into the process of negotiations in their new team roles.

Monday 06th June 2016
Centre for European Policy Studies
Leonhard den Hertog, The Centre for European Policy Studies, Brussels
EU budgetary responses to the refugee crisis

Leonhard den Hertog works as a researcher for the Centre for European Policy Studies, a Brussels-based think tank, where he is doing research on EU migration policy, focusing inter alia on funding instruments. He obtained his PhD degree within an interdisciplinary program at the University of Cologne and the University of Edinburgh.

Den Hertog, in his speech, argued that looking at the way specific programs are funded is important when examining EU policies since it reveals much about the importance attributed to specific policies, while furthermore decisions about funding can to some extent be taken without Member states. Especially in negotiations during the refugee crisis with third countries such as Turkey, offering funding is one of the few measures the European Commission can take independently. Hereby, he contended, the increasing use of flexibility instruments plays a large role, allowing the Commission to respond to crisis situations and shape policy making, while on the other hand also undermining traditional accounting rules and the European Parliament's budgetary rights. Funds used for new policies, den Hertog explained, are often not new but relabelled from other sources, for example in the recent EU-Turkey 'deal' where part of the unused funds from the previous decision to relocate refugees from Italy and Greece has been redirected to the funds committed to Turkey, thus showing a change in approach and a de-prioritizing of the relocation policy which is officially upheld.

Council of the European Union
Carsten Pillath, Director-General, DG Economic Affairs and Competitiveness
European Council in practice. How does the preparation work?

Carsten Pillath was the final speaker on the first day of our Summer School. His objective was to explain how meetings of the European Council are prepared in practice.

We learned that the preparation procedure essentially consists of drafting the Annotated Draft Agenda, the Guidelines for Conclusions, and the Draft Conclusions. These documents are circulated several times between the Committee of Permanent Representatives, the President of the European Council, the General Secretariat of the European Council, and the Commission. This process ensures that the different actors involved – in particular the Member States – can influence the Agenda and the Conclusions before an actual European Council meeting. The outcome of this preparation process is a basic set of Conclusions to be adopted in a European Council meeting.

In conclusion, the preparation process does not lack transparency per se, but is nevertheless difficult to follow due to its high complexity. Thanks to Carsten Pillath's practical presentation we are now capable of understanding and following the different stages of this complex process. This turned out to be very useful for the highlight of our Summer School – the simulation of a meeting of the European Council.

Tuesday 07th June 2016

European Commission

Rainer Emschermann, DG for Neighbourhood and Enlargement Negotiations
Enlargement policy with a particular focus on EU-Turkey relations

Jo Vandercappellen, Member of the speakers' team, DG for Communication
The role of the European Commission as the political executive of the EU

The first presentation was given by Rainer Emschermann, who is working in the Directorate-General for Neighbourhood and Enlargement Negotiations, more precisely in the team dealing with Turkey. During his short historical explanation of Turkey's relations with the EU, Emschermann stated that Turkey, due to its large economy, population and internal diversity, faces more problems in the accession process than countries of the Eastern Enlargement. As well, he made clear that wealth is not a criterion for accession, but the fulfilment and implementation of the *acquis communautaire*. The Commission is in charge of these negotiations simply because it has the information which is also used in the annual progress reports for every applicant country.

The second speaker was Jo Vandercappellen who is a member of the External Speakers Team in the Commission. He offered a precise definition of the EU as an international organization with supranational character due to the transfer of sovereignty and implementation of Qualified Majority Vote. With regard to the Lisbon Treaty he explained that since its enactment there is a differentiation following the American Constitution's example between exclusive competences to the EU, shared competences with the member states and actions to support actions by member states. Furthermore, he elaborated on the Commission's tasks: the right of initiative, its executive power and management of the EU budget and the function as guardian of the Treaties.

Crisis Action & Human Rights Watch

Sacha De Wijs, Brussels Director, Crisis Action

International organisations like crisis action or human rights watch were established to exert pressure on governments. While crisis action tries to work behind the scenes in a small but effective group, Human Rights Watch appeals to people through a loud voice and a worldwide community.

Especially CA works with the philosophy: "Always think politically, make stories personal, and make things real." With this strategy they already achieved successes by bringing together the leaders of conflicting religious groups in the Central African Republic. Additionally they use people who are popular in social media or support art work to submit political statements. Furthermore, they monitor situations in Yemen or Burundi, where radical groups fight for presidency without respecting constitutional fundamentals.

Regarding the topics of immigration and asylum seeking both NGOs agree in their criticism. They are aware that the doors cannot be open to everybody, but express the opinion that most of the refugees are willing to go back if peace is established in their home countries again. They also raised sharp critique about the conditions in refugee camps and the treatment of asylum seekers around the Mediterranean Sea.

This led to a discussion about the question of whether the EU-Turkey refugee deal vio-

lates international law. The NGO`s opinion was that Turkey is not a safe country for refugees ,nevertheless sending them back undermines the right to apply for asylum. Finally a consensus was established that a transmission of the deal regarding to North African countries is not a legal option as they do not offer a human worthy treatment.

In conclusion the speakers offered us a realistic evaluation of the refugee crisis from the perspective of an independent and critical observer.

Wednesday 08th June 2016

Permanent Delegation of Turkey to the EU

Selim Yenel, Ambassador Extraordinary and Plenipotentiary

Our group was welcomed by the Ambassador Extraordinary and Plenipotentiary, Mr Selim Yenel, who has held his current position since December 2011.

At first, he summarised the history of EU-Turkey relations. Turkey applied for membership in 1987 for the first time, but this request was rejected at that time. A major setback for the relations was the EU's decision to accept the post-socialist Eastern European states in 1997 as candidate countries but to only accept Turkey in 1999. After 2005, negotiations recommenced but experienced several setbacks again, notably due to the Cyprus question and the opposition to Turkey's accession from certain European politicians. The migration crisis however changed things in 2015 since Turkey was regarded as a crucial partner to solve this "existential problem" for the EU. One result of the newly revitalized process was the EU-Turkey refugee deal which granted financial aid to Turkey as well as an acceleration of the accession process.

Currently, the agreed visa liberalisation remains an unsolved question, but the Ambassador still stays optimistic. There are also on-going negotiations to settle the Cyprus question. At the end of the year, there might be an agreement that would lead to a unified new Cypriot state, including a withdrawal of all Turkish troops. Turkey is aware that the current structure of the EU and public opinion cast doubt on a full membership. However, according to Mr Yenel, the journey is as important as the goal and it would be both in European and Turkish interests to finish the accession process one day.

Permanent Representation of the Federal Republic of Germany to the EU

Gesine Heinrich, Enlargement/Western Balkans/Macroregional Strategies, Political Section

On Wednesday morning, we went to the Permanent Representation of the Federal Republic of Germany to the EU. We have been welcomed by Gesine Heinrich, one of the German diplomats who works there.

She gave us an instructive presentation about their role, organization, working methods, and more specific issues with which they are confronted. The main task of the 230 employees of the Permanent Representation is on the one hand to represent and ensure the German interests in the EU, and on the other hand to be a mediator between Germany and the principal EU institutions. For the every-day life of a German diplomat in Brussels that means the embassy is at the centre of constant communication. The diplomats have the duty of "same day reporting", i.e. they have to send cables to Berlin as well as other embassies on the same day the meetings take place. Vice versa, she stated that the diplomats are also

constantly updated on new developments and their instructions.

The negotiations themselves are of course mostly about working with the representatives of the other member states – to identify common ground and to find allies, but also to coordinate their positions towards other EU organs. In the course of the negotiations, the diplomats have to constantly confer with Berlin in order to seek approval for possible compromises.

The Permanent Representation, therefore, is more than just a mirror of the government but is rather an active key-player in the dialogue between the German government and the European institutions.

International Organization for Migration, Regional Office for the EEA, the EU and NATO

Samuel Simon, Regional Policy & Programme Analyst

Mr. Samuel Simon, Programme Analyst in the International Organization for Migration (IOM) in the Regional Office for the EEA, the EU and NATO in Brussels and responsible for Regional Policy, received us for a discussion about the EU's migration policy.

Even though the IOM is not a UN organisation, there is a close cooperation between several NGOs and other organisations such as the UNHCR in the field of migration. In this network, IOM's focus is, more specifically, on development policy, counter-trafficking, legal migration, registration of people missing or dead at sea, cooperation with institutions and EU Member States, and support in resettlement decisions.

After passing review on the developments and incidents concerning the migration crisis in 2015, Mr. Simon criticised Europe's migration policy as "not well-constructed". Above all, he regards the implementation of relocation and resettlement, as envisaged in the "EU-Turkey deal", as the least successful aspect that needs to be addressed more decisively. Moreover, Mr. Simon underlined the need for granting migrants access to health care, education and the labour market in order to take the first crucial steps towards a successful integration of refugees into society.

However, and in contrast to the last year, Mr. Simon and the IOM regard the situation in 2016 as more manageable. For further information on the work of the IOM and its latest statistics on migration, the constantly updated website of the organization (migration.iom.int) provides a good overview.

Thursday and Friday, 09th -10th June 2016

The Simulation Exercise: EU-Turkey Summit

Day four and five of the EUCOPAS-PROTEUS Summer School 2016 were dedicated to a simulation of the EU-Turkey Summit on the question of how to continue EU-Turkey relations and whether to update the Dublin system and agree on an alternative redistribution system. Other subjects on the agenda were the implementation of hotspots, the fight against terrorism and external border management. Proceedings were overseen by the European Presidency Team, which drafted the initial agenda and allocated speaking time to individual states. It also acted as a mediator and orchestrated various informal discussions in order to foster and encourage agreements and compromises. On Friday, the final conclusions were adopted after two intensive days of both formal and informal negotiations, speeches and discussions. All in all, all teams were satisfied with the final conclusions adopted.

The combination of academic preparation, practical examples of EU affairs as well as the simulation exercise improves different soft skills, which leads to the enhanced employability of the students. The preparation of the simulation exercise in multinational and interdisciplinary teams stimulates not only the academic exchange but also the ability to work and communicate in a team. The direct dialogue with practitioners facilitates application-oriented research and learning. The simulation exercise, which takes place in English, additionally fosters the communicative skills as well as the student's awareness of different national characteristics. At the same time slipping into a different role demands intellectual flexibility since the students need to abandon certain ways of thinking and to look at problems from a different perspective. Furthermore, the students can learn which challenges are connected with European negotiations such as different interests, cultures and traditions.

The whole simulation exercise was supervised by Prof Wolfgang Wessels, *University of Cologne*, Dr Wulf Reiners and Dr Ebru Turhan from the *Turkish-German University*, as well as Aline Bartenstein and Laura Hughes from the respective EUCOPAS and PROTEUS teams of the *University of Cologne*.

This report was written by Mirko Dallendörfer, Léa Dreidemy, Raphael Fernandez, Leonard Funk, Anton Gerber, Helena Heberer, Dennis Höfer, Mario Kühn, Antoine Merle and Berkan Seip.

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