

International conference
on “**Legal discourses on international and EU migration/refugee law in Central and Eastern Europe: emerging new narratives or business as usual?**”

organized as a European Society of International Law (ESIL)-supported event by the Faculty of Law of Charles University (Czechia) and the Corvinus University of Budapest (Hungary) with the support of the Institute for Legal Studies– Hungary, the UN Refugee Agency (UNHCR) and the Odysseus Academic Network

**Faculty of Law, Charles University, Prague
9-10 May 2024**

Overall Theme and Aim

Among the current 27 Member States of the European Union (EU), 13 joined the Union in 2004 and thereafter. This sizable group of countries, nearly representing half of the EU Member States, is located in *Central and Eastern Europe lato sensu*. Most of them previously belonged to the socialist bloc as satellite countries of the Soviet Union, having spent long decades on the east side of the Iron Curtain after the Second World War.

The year 2024 will mark the *20th anniversary* of the “*big bang*” *EU enlargement* admitting ten ex-socialist “Eastern” countries to the club; three more joined in 2007 and 2013. This round anniversary presents a good occasion to look back, appraise, and revisit the approaches of legal scholars and reflective practitioners in this sub-region concerning the ways they engage with *EU and international migration/refugee law*; both when contributing to the international legal discourse and when teaching these subject matters in their respective institutions.

Considering post-2004 State practice in this sub-region, the first ten years or so have not been noticeably characteristic as per these countries’ shaping of the development of EU and international law governing cross-border human mobility, despite new realities and challenges arising both at the global and regional (European) levels touching upon a wide range of aspects of (forced) migration across the borders. Rather, post-EU accession migration and asylum policies of the new “Eastern” EU countries typically followed mainstream trends and embraced pre-existing doctrines. At that time, they primarily focused on the correct transposition of the ever-growing EU migration/asylum *acquis* into their domestic law and practice, while eagerly aligning with existing legal frameworks of universal and pan-European character, including jurisprudence from international (regional) judicial and quasi-judicial bodies.

This approach of “quiet and zealous compliance” in migration/asylum matters – treating the issue as technical, “low-politics” – has radically changed in many Central and Eastern European countries during and following the so-called “European migration and refugee crisis” of 2015-2016. The new (hard) policy line included loudly opposing certain EU measures aimed at responding to the then mass influx of protection seekers; blocking the reaching of European compromises; building physical barriers at borders; and taking a predominately restrictive, securitisation-driven stance. In some countries, this was followed by the adoption of national legislations manifestly conflicting with EU and international legal standards on the matter, failing to respect human rights safeguards and generally eroding the rule of law (including the authority of relevant judicial and non-judicial institutions). Likewise, at the universal level, the multi-year process of preparing and elaborating the UN Global Compact for Safe, Orderly and Regular Migration (GCM) in 2016-2018 showed this group’s similar distancing from the existing legal frameworks and the generally accepted legal capturing of the complex phenomenon of migration, including expressly rejecting the GCM itself by some. Such anti-migration policy approaches have

been grounded in the overly emphasised, expanded concept of State sovereignty and public order/national security-related risks migration may entail, to the detriment of human-rights centred and protection-oriented narratives. Ongoing harsh policy debates around reforming the EU common immigration and asylum system; and the reluctance by several Central and Eastern European countries to reflect the globally agreed commitments under the GCM in their domestic policies continue to vividly testify this significant shift towards restrictive, sovereigntist national policies. All of the above have propelled issues of migration and asylum into the realm of super sensitive “high-politics” of crucial importance.

Set against this background, multiple questions emerge:

- To what extent have the afore-canvassed (reverse) developments and changes in policies, practices and priorities of many Central and Eastern European States impacted upon the *framing, narratives and discourses in legal scholarship* concerning EU and international migration/refugee law?

- Have the *foundational doctrines, values and desired policy goals* of the law that governs migration/asylum also been somewhat *reconceptualised, transformed* or even *distorted* in the (academic) legal discourse in the region?

- Has one been witnessing resuscitated legal academic debates in the region about the seemingly irreconcilable pairs of opposites of “*sovereignty and security v. human rights of non-nationals*” and “*intensified controlling of the people on the move v. offering freedom of movement and protection-sensitive entry channels*”, as well as other (at times competing) basic tenets?

- Is there a *particular way* lawyers of this sub-region in the “East of the Elbe” look at and grasp the *grand design, key characteristics, and essential concepts* of what we call “international and European migration/refugee law”?

In view of the foregoing, the conference seeks to thoroughly investigate, unpack and rigorously analyse whether there are any tangibly and meaningfully discernible *sub-regional approaches* in this semi-peripheric region of Europe towards underlying *basic doctrines, value choices and key standards of international and EU law governing the movement of people across borders*. It also purports to identify and critically discuss novel (implicit or explicit) *narratives and avenues of legal reasoning* – both in *legal research and teaching* – when this “epistemic community” of lawyers has partaken in the shaping of the international/European legal discourse over the past decades and today.

The conference organizers invite submissions of papers including (but not limited to) one on the following themes:

- changes in laws of the CEES and their framing,
- legal scholarships on refugee and migration issues in the CEES region,
- sovereignty v human rights in the narratives and discourses of the CEES legal scholarships, protection entry channels in the narratives and legal scholarship of CEES, breaching international and European Law in CEES and reflection of it in the academic debates,
- ...and others

The organizers particularly encourage applications from young scholars from Central and Eastern European States.

Format

The format chosen is an in-person event which will be held in Prague, Czechia. Speakers whose abstracts will be selected are expected to come to conference in person. They are expected to bear the costs of their own travel and accommodation.

The programme will contain the following parts:

- Doctoral session (Thursday from 1 pm)
- Conference (Thursday from 4 pm to 6 pm and Friday from 9.30 am to 2 pm)
- Panel on teaching migration and refugee law (Friday 3- 5.30 pm)
- Lunch will be provided on Friday and a dinner for conference participants will be hosted on Thursday. Coffee breaks are also provided during the conference.

Organizing Committee

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and Corvinus University of Budapest (Hungary)

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