



OPENING CEREMONY

University of Prishtina (KOSOVO), 25-26 September 2025

6th FRANCO-GERMAN-EUROPEAN SUMMER UNIVERSITY IN LAW IN THE BALKANS: “European Integrations - Present Prospects and Challenges Rule of Law and Transitional Justice - The reflection of the past from an academic perspective“

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Introductory speech,

September 25, 9:30 a.m.

*Honorable Dean,
Excellencies, the Ambassadors of France and Germany,
Ladies and Gentlemen,
Dear Students,
Dear Colleagues,*

As a founding father of the Franco-German-European Summer University in Law in the Western Balkans, it is a particular pleasure for me to return to Prishtina for its 6th edition: the University of Prishtina (Universiteti i Prishtinës "Hasan Prishtina") is the first partner in Kosovo to actively participate in the European network of Summer Universities, which the **Franco-German Law Studies at the University of Paris Nanterre** have established in the new member and candidate states of **the post-communist space since the EU's eastern enlargement in 2004**. The (informal) network of academic partners involved in this project stretches from the Baltics to the Western

Balkans. The originality of the project contributes to becoming a source of inspiration for innovative didactic and methodological approaches at universities outside of Europe (Maghreb states, sub-Saharan Africa, the Indian Ocean, India, and South America), and even beyond that: it has stimulated initiatives to promote "civic engagement" and the involvement of "civil society" in constitutional decision-making processes.

Our series of **Summer Universities in Law, launched in Vilnius, Lithuania, in 2004**, and now running for over 20 years, examines the consequences and evolutions for the EU and its member states in the enlarged European "legal area". Their program is not limited to the study of the foundations and developments of Community law. Above all, they question the difficulties of adaptation that the reforms and the harmonization of law in the enlarged EU entail. They require constant reflection on the identity and values of the Union. As actors of civil society, universities not only transmit knowledge and qualified training, but also develop ethical and civic skills oriented towards the "common good" and the "general interest". We grant students and young researchers the greatest possible autonomy in the treatment of subjects (presentations, transnational workshops, group work, etc.). Multinational and multilingual, our Summer Universities conceive of **LAW as a vector of "European identity"**. Their contribution to shaping "civil society" is all the more welcome today as the foundations of the rule of law and representative democracy are threatened by political polarization not only in the countries of the post-communist area, but also in the founding states of the Union.

Cross-border and itinerant, the Summer University proposed by Paris-Nanterre in 2012 here in the Western Balkans is the first of its kind in Southeast Europe, with the main partners being the universities of Münster (Germany), Skopje (North Macedonia), Tirana (Albania) and Pristina (Kosovo). The initiative is part of a rapprochement between the states that (re)emerged in the 1990s, after the breakup of Yugoslavia, in a region marked by past antagonisms and conflicts. The participants are questioning both the identity of the Balkan countries and the conditions and possibilities for their accession to the EU, in accordance with the Copenhagen criteria (1993). Inspired by Franco-German reconciliation and its impact on the process of economic and political integration in Europe, this traveling Summer University is examining the contribution

of European law to the region, which is called upon to strengthen the principles of the rule of law, liberal democracy and the social market economy.

Our initiative (a source of inspiration for other cooperation projects between French, German, and Balkan universities) received special recognition in 2015: in JOINT DECLARATIONS, the Ambassadors of France and Germany in Skopje, Pristina, and Tirana highlighted the beneficial cultural and geopolitical effects of an approach that is “perfectly aligned with the objectives set by the Western Balkans Conference” initiated in Berlin in 2014.

We therefore attach great importance, a symbolic significance, to the presence of the Ambassadors from France and Germany, Olivier Guerot and Jörn Rohde. Even if we are not a Franco-German “institution” we are nevertheless a functioning informal network whose initiatives and experiences have also become a source of inspiration for ministries (programme PARCECO, *Ministère de l'Enseignement Supérieur*, Paris), Franco-German organizations such as the Franco-German Youth Office (*Office Franco-Allemand pour la Jeunesse*) or academic institutions such as the Franco-German University (*Université Franco-Allemande*). Therefore, “it would be time” - as we recently informed the German Embassy in Paris – “to thank the many French and German diplomats who, for over 30 years, have shared the motivation for our Franco-German and European engagement and, above all, have supported our (mostly trinational) Summer Universities in law since 2004” (cf. <https://www.france-blog.info/wp-content/uploads/2020/09/Seul-O-Synthese-geopolitique-des-Universitees-d-ete-dec-2020.pdf>).

Today we are once again “stopping off” in Pristina. The question arises as to what interim assessment our colleagues from Kosovo have drawn after **12 years of the Western Balkans Summer University**. The competent person to answer this question is my partner in your Law Faculty, who chaired the Pristina session of our first Western Balkans Summer University in 2013: the professor of International Law, Qerim Qerimi, Rector of your University until last year. If I remind you that he is a member of the Venice Commission of the Council of Europe (*European Commission for Democracy through Law*), it is for good reason: at the founding ceremony of our Summer University in July 2012 in Bitola (North Macedonia), a representative of this commission,

UNESCO delegate Mario Scala, was present. Our joint sessions, as Qerim Qerimi recently told me with regard to our event today in Pristina, are “more than an academic meeting (...), more than a university program”: they represent “a lively dialogue between cultures, legal traditions and histories, building a bridge between Western Europe and the Western Balkans through shared values and critical reflection” (...). They mark a milestone: they symbolize Kosovo's aspiration to stand side by side with a Europe that values dialogue, diversity, and a shared future based on democratic values and the rule of law.” Qerim Qerimi affirms that his country not only participates in academic and political dialogue, but also “helps shape” it: “With this year's focus on European integration, the rule of law, and transitional justice, Kosovo and its academic community proudly affirm their role as co-creators and mirrors of the evolving European identity”.

I take Qerimi's reminder that our Summer University is designed to “critically examine the past and jointly shape the future” as an opportunity to point out the specific concern of my panel here in Pristina, on a topic of depressing topicality: “**Civil Society in the Rule of Law. Reflections on European Values.**” As current events around the world brutally demonstrate, civil society can be exposed to political pressure, existential threats, or even physical destruction. Based on the figures from the “2024 Democracy Index” published by *The Economist*, the **erosion of democracy** continues, dramatically limiting the scope for “civic engagement”: while 42.5% of the population in the 167 countries surveyed currently live in a formal democracy, only 15% live in a *full* democracy, and almost 40% live in a dictatorship. However, only 3.5% of the population enjoys unrestricted civil freedoms. More than 72 percent of citizens live in countries with *oppressed* or *closed* societies!

Even though there are increasing references to civic engagement in our countries, it seems to us that in the public discourse **civil society is not convincingly assessed as a complex social and political phenomenon**. Thus, here in Pristina, I return to a concern that I have been making the subject of surveys and country comparisons for several years at colloquia and Summer Universities of our international *Nanterre Network*: the questioning of **nature, function, and development of civil society in each of the EU Member States**.

Claims that civil society is an untapped resource that could be mobilized to revitalize liberal democracy and the rule of law **misrepresent reality**. Especially in times of increasing **polarization**, it is anything but a homogeneous whole: it reflects an **extreme social and political fragmentation**. Wishful thinking must therefore be replaced by a serious attempt to capture, as precisely as possible, the diversity of tendencies and expressions of civic engagement at the country level, using well-founded analyses.

Please allow me three comments.

1°

What is the EU's vision of the role of civil society? Does it have a concept that member states should implement?

According to the 2001 *White Paper on European Governance*, “networks and grassroots groups” should function as communication forums on European issues. Article 11 of the Treaty on European Union (TEU), in its consolidated version of 2012, advocates permanent information and consultation, i.e., an “open, transparent, and regular dialogue” between the Union institutions and “representative associations and civil society” (paragraph 2). In December 2023, the European Commission called on Member States to improve the framework conditions and opportunities for civil society organizations and human rights defenders to exercise their influence: “They shall act as oversight bodies for violations of the rule of law and actively contribute to the promotion and protection of the values and fundamental rights of the EU” (1).

Have these appeals not been heard or deliberately ignored by the Member States? The fact is that civic engagement has not yet been granted an appropriate “legal framework for action”. It seems to us that it is neither enshrined in fundamental rights nor in constitutional law. From a legal perspective, civil society is associated only with the “practical exercise of fundamental rights” (Matthias Rossi) - in connection with the political implementation of classic constitutional norms such as freedom of expression, freedom of assembly, or freedom of association. Any more concrete definition requires an examination of the *social context* in which civic engagement develops.

In each Member State, civil society represents a diversity of voluntary, public engagement in the “common interest”. Numerically, it is primarily a large number of associations of different nature and, above all, of local and regional “citizens’ initiatives” with little developed structures that engage in non-profit activities, independent of party politics and economic interests. They signal ultimately – in more or less pronounced forms - **citizen criticism and protest**. This can be directed against the dysfunctionality of administration and politics, especially when they produce environmental damage and social inequalities under the pressure of growth constraints. There is evidence that civil society actors can shape legislation and policy, support human rights authorities, facilitate access to justice, and demand accountability and compliance with the law. Such initiatives are rightly credited with raising public awareness of rule of law issues and targeting undesirable developments such as disinformation and corruption (2).

Increasingly, external influences, especially international crises, are calling on citizens to act. Solutions require transnational initiatives and cooperation. They can be controversial not only at the intergovernmental level, but especially at the national level, fueling political polarization. The **migration crisis demonstrates the ambivalence of civil protest**. For both supporters and opponents of immigration – to address the controversy that has most polarized Europe since 2015 –, preserving “social cohesion” is in the “common interest” and serves the “common good.” However, due to their opposing ideological positions, they interpret these values very differently. The former associate “social consensus” with an *open* nation, the latter with a *closed* or *exclusive* nation that rejects any multicultural mixing. In doing so, they isolate “unpatriotic” minorities who “endanger national culture”. In the sphere of an ideology that relies on the “true people”, gender, origin, religion, or sexual identity degrade to discriminatory criteria when it comes to demands such as “equality” or “civic participation”. In short: **polarization fosters a potential that is both “democratizing” and “threatening to democracy”**. Times of rampant right-wing populism and extremism, as well as tendencies toward *illiberal* democratic practices and authoritarian rule, undoubtedly manifest the dwindling influence of European values. Against this background, the diverse forms of organization and action of civil society cannot be bundled into a homogeneous whole. Can it

seriously be claimed that civil society in general makes an “indispensable contribution to the separation of powers” and to the preservation of the “European architecture of fundamental rights”? (2) This would encourage its idealization. Rather, reality-based analyses assume an increasing **fragmentation of civil society** – with serious consequences: citizens' trust in the constitutional order and their capacity for social consensus are dwindling.

In Pristina, I will therefore return to the expectation I expressed during the last “Civil Society Week” in Brussels (March 17-20, 2025). When I advocated a more nuanced assessment of civil society, it was in the conviction that **European strategies for its greater involvement in political decision-making should be based on solid empirical evidence of its development at the national level.**

2.

Due to the immense diversity of their organizational and action forms - often informal, sporadic, and known only to a limited public - there is a lack of reliable data for a well-founded, **cross-national typological assessment of civic engagement.** Within the limited scope of our Summer University, we can only focus on a few prominent civil society activities and examine their significance for the development of liberal democracy and the rule of law.

Non-governmental organizations (NGOs) in particular, should be subjected to a more nuanced analysis than before. Their function and impact differ fundamentally depending on whether they are internationally funded organizations or non-profit initiatives at the local, regional, or national level. Subject neither to state-political control nor to economic interests, they are classified as part of the “third sector”: primarily funded by donations, they function - through self-organization and self-management,

3°

A more nuanced definition and assessment of civil society is complicated by the fact that its components, tendencies, demands, and activities are subject to **constant change** – not least under external pressure. Global crises have different impacts on government,

economy, and society from country to country. They inevitably exacerbate disparities between EU member states.

The European Commission's Economic and Social Committee's call for a Europe-wide appreciation and strengthening of civil society would gain substance and credibility if it were based on a more systematic analysis of civil society developments in the Member States than has been the case so far. This would enable cross-country comparisons. **Universities should be more specifically involved in such empirical research.** Let's remember once again that, through the transmission of knowledge, they convey a societal vision, namely, by developing civic and citizenship skills. In this way, universities shape students and young researchers into "social actors". *Learning by doing*: the civil society **should become a preferred topic for student work in political science, law, and social sciences.**

This proposal should be met with open arms in Brussels. In order to strengthen "cohesion and participation in polarized societies", does the Economic and Social Committee not recommend that the European Commission focus more specifically than before on "education and culture" so that young people in particular are inspired to shape "a stronger and more resilient Europe"?

(1) Empfehlung der Kommission zur Förderung der Mitwirkung und der wirksamen Beteiligung von Bürgerinnen und Bürgern und Organisationen der Zivilgesellschaft an politischen Entscheidungsprozessen, C (2023) 8627 final vom 12. Dezember 2024; https://commission.europa.eu/document/download/27db4143-58b4-4b61-a021-a215940e19d0_de?filename=COM_2024_800_1_DE_ACT_part1_v1.pdf#page=41

(2) FRA-Bericht Europe's civil society: still under pressure – Update 2022 (Die Zivilgesellschaft Europas: nach wie vor unter Druck – Update 2022), https://commission.europa.eu/document/download/27db4143-58b4-4b61-a021-a215940e19d0_de?filename=COM_2024_800_1_DE_ACT_part1_v1.pdf#page=41

----- Otmar Seul – Pristina OS 25.09.2025-----