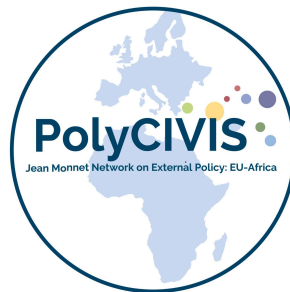


DEVELOPING AFRICAN-EUROPEAN JOINT TEACHING PROGRAMS

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TRANSNATIONAL COLLABORATION IS KEY TO OVERCOME CRISIS, AND IT NEEDS MUTUAL TRUST

Interviewees

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Interviewer

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Introduction

In an era of complex global challenges—ranging from political crises to issues of governance—the need for robust legal frameworks and mutual trust has become more essential than ever. To better understand these dynamics, we had the privilege of speaking with two leading experts from the Université Libre de Bruxelles (ULB): Prof. Anne Weyembergh, a specialist in EU Criminal Law, and Prof. Ramona Coman, a political science professor. Together, they shared their insights on how transnational cooperation, the rule of law, and mutual trust can thrive in a world facing multiple crises. Their perspectives delve into the intricacies of European governance and explore how universities within the PolyCIVIS network can foster joint teaching initiatives to equip future generations to address these multifaceted issues. This interview offers a valuable perspective on the intersection of governance, law, and education in tackling today’s most pressing global challenges.

THE INTERVIEW

[Q1.] Which topics are you teaching within “The rule of law and mutual trust in global and European governance”, and to which kind of students?

Anne Weyembergh: This course is part of the Advanced Master in EU Interdisciplinary Studies, which is a 60-credit Master program in English organized by the IEE-ULB. The program being an advanced master, participating students do already have a master. They are supposed to have a good understanding of the EU, its institutions and decision-making procedures. Beyond some core and mandatory courses, this advanced master program offers the students a choice between 3 different thematic tracks/optional modules. The course belongs to the module related to “EU integration, Regionalism and Global Governance”.

I share the course with my political scientist colleague Ramona Coman. As a lawyer myself, the course is interdisciplinary in nature. Our two approaches complement each other very well, not only because of our respective disciplines, but also because she specializes in issues relating to the rule of law, and I in issues relating to cooperation and mutual trust. As Vice-Rector for

International Relations and Cooperation for the last four years, I have been replaced for this course by Dr Cecilia Rizcallah, who is also a lawyer.

Ramona Coman: In terms of topics covered, the objective of this course is to examine the instruments available to the EU to address the lack of respect for the rule of law and the principle of mutual trust. On the one hand, respect for the rule of law has become a major concern in the European Union. As a number of Member States have challenged this common value, the EU institutions have responded by adopting numerous instruments, not without facing major conflicts and tensions. These instruments have been widely criticized in both their adoption and implementation, with observers, academics and political actors alike lamenting that "too little too late" has been done to halt the gradual or rapid dismantling of the rule of law. On the other hand, mutual trust is a key factor in the functioning of the EU and the relationship between member states.

The course examines the politics of the rule of law tackling questions such as: How does the European Commission fulfill its role as guardian of the treaties? What is the role of the Council? How has the European Parliament sought to shape the EU's rule of law policy? When and why do we see the European Council playing an increasing role in this debate? What is the role of the Court of Justice?

[Q2.] How can mutual trust thrive in polities hit by multiple crises, and become a resource to address or overcome them?

Anne Weyembergh: When faced with multiple crises - in particular when crises are of a transnational nature but also in case of internal crises -, collaboration is quite often key to address or overcome them. And collaboration needs mutual trust. The more mutual trust, the stronger and deeper the collaboration.

[Q3.] Is the EU well equipped to face the challenges of the rule of law in its member states and in third countries?

Ramona Coman: Since the 1990s, the EU has been engaged in a process of promoting the values enshrined in the Treaties. Article 7 TEU - incorporated into the Treaties during the Amsterdam revision - was designed to prevent violations of these common values. Activated against two member states, it proved insufficient, essentially for political reasons. New instruments have been introduced, both hard and soft to ensure compliance with the rule of law

in particular. Our course examines these instruments such as the European Semester, the Rule of Law Framework, the Rule of law dialogue, the use of infringements, the Rule of law Annual Report and the rule of law conditionality in the Next Generation EU and the Recovery and Resilience Facility. It also explores how to safeguard the rule of law in an enlarged EU.

[Q4.] What are you more interested in – trust (or distrust) directed at persons, such as EU officials, or trust in institutions and procedures?

Anne Weyembergh: There are indeed various understandings of mutual trust depending on the relations examined. Most of the time it relates to interstate cooperation (relations between EU Member States and between their national competent authorities). It thus refers in a way to some sort of “horizontal trust”. But mutual trust can also be “vertical”, namely between the Member States and the EU, between the MSs and the EU agencies and bodies. But also between the citizens and the EU... All of these relations are extremely interesting to examine and they do have links with each other. For instance, interpersonal trust between national competent judicial authorities can have an important impact on interinstitutional trust.

[Q5.] Can mutual trust within transnational governance be fostered by design, or is it rather a resource that grows unintendedly under favorable conditions?

Anne Weyembergh: Taking the EU example, mutual trust has received a growing importance and attention over the years, with the development and strengthening of the cooperation in the field of Justice and Home Affairs and the establishment of an Area of Freedom, security and Justice. The Schengen cooperation, the common asylum policy (especially the Dublin mechanism) and the development of the mutual recognition principle in criminal matters need a high level of mutual trust between the EU Member States to function. This has led the CJEU to give mutual trust the status of a “principle of fundamental importance”. Initially, the tendency within the EU was to declare the need for mutual trust. It was simply declared, but it soon became clear that this was not enough, and that the necessary conditions for this trust to develop had to be created and supported by a series of measures.

[Q6.] Why has the Court of Justice of the EU given mutual trust and the rule of law increased importance in its jurisprudence since 2011?

Anne Weyembergh: The more integrated and ambitious cooperation becomes, the greater the need for mutual trust. It was against this backdrop that the CJEU began to invoke mutual trust in its rulings, to the point of giving it the status of a principle of fundamental importance in its opinion 2/13 of 8 December 2014 (opinion about the compatibility with the Treaties of the draft agreement organizing the accession of the European Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms).

Ramona Coman: As far as the rule of law is concerned, the Court of Justice of the EU became an active player in response to cases brought by the Member States or to preliminary ruling proceedings addressed by judges and professional associations to confirm the validity of domestic decisions or interpret EU law. “Brick by brick”, to quote Mandujano Manriquez and Pavone (2024), the Court imposed novel obligations on EU member states to safeguard the rule of law while expanding the legal basis for the EU to sanction governments beaching the Union’s fundamental values. What I also discuss with my students in class is also how the Court has contributed to give meaning to this value – the rule of law, underlying its core principles.

[Q7.] How do you explain or understand the term “polycrisis” in the context of your course? Are there any similar or related terms (complexity, fragility, etc)?

Anne Weyembergh: Until 2020, when I taught the course with my colleague Ramona Coman, I never explicitly used the term “polycrisis”. But if tomorrow I had to give the course again (which will be the case when I’m no longer vice-rector), I would/will use it. Indeed, prevention and management of crises are an integral part of the course. And by crises, I mean especially rule of law crisis, financial crisis, internal security crisis (terrorist threat and organized crime threat), migration crises etc.

Complexity and fragility are indeed central to the course as well. Complexity especially because of the many and fundamental challenges the EU is faced with but also because of the need to establish bridges and ensure the needed interactions and coordination between the various relevant legal orders (national, regional and international). Fragility because the absence of such

interactions and coordination or of cooperation leaves the States extremely fragile in front of the current (transnational) challenges and crises.

Ramona Coman: The crisis of the rule of law in the EU is one facet of the concept of polycrisis. Although the concept itself is not explicitly used as such, the EU's response (or lack thereof) to the dismantlement of the rule of law in some of its member states fits into this wider context. When the eurozone crisis erupted, the EU reacted swiftly. However, in the context of the crisis in the rule of law, the EU's response has been slow, despite the autocratisation process at work in some member states. Other crises, such as Russia's war in Ukraine, are testing the EU's ability to respond not only externally but also internally. Some crises are distinct, others are intertwined, feeding into one other. Certain crises are fast-burning, with both their causes and consequences visible and politicized, others are slow-burning, meaning that either the causes or the consequences are latent and receive little attention in the public sphere. These successive crises have not only a significant impact on citizens, but also on the ability of EU actors to build consensus and find compromises on key policy issues.

[Q8.] Does the course draw mainly or exclusively on European examples? Are there (or could there be) non-European ones?

Anne Weyembergh: The EU and Europe (especially the Council of Europe) are at the heart of the course. But the course is not limited to these European regional organizations. Indeed one of the objectives is to have a comparative understanding on how the EU and other international/regional organizations promote these principles (rule of law and mutual trust). As a consequence, the UN and other regional organizations are also examined, such as ASEAN, Mercosur or the African Union.

Ramona Coman: The course was initially designed to discuss the state of the rule of law in other regions of the world with a focus on the role played by regional and international organizations. The role of the Council of Europe and other regional organization is still included in the course. However, in terms of cases discussed, due to the complexity of problems within the EU itself, the focus has shifted to the member states. In future, however, the course is intended to place this debate in a broader perspective.

[Q9.] What kind of joint teaching would you be interested to develop with partner universities within the PolyCIVIS network?

Anne Weyembergh: My field of research focuses on EU criminal law (cooperation in criminal matters between the EU MSs and between the EU/its MSs and third States). I would be interested in teachings in this field comparative regionalism and interregionalism.

Ramona Coman: My current research is focused on the contestation of liberal democracy which is a global phenomenon.

While my research is focused on European actors, I would be interested to explore this phenomenon in other regional contexts. I am interested in the role of judges and their role when rights in general and the rule of law in particular are undermined.



Prof. Anne Weyembergh

**Institute for European Studies, Université Libre de Bruxelles (ULB)
& PolyCIVIS Project Director**

Anne Weyembergh is Full Professor at the Université Libre de Bruxelles (ULB) and its Vice-Rector for External Relations and Cooperation (since 2020). She is the former President of the Institute for European Studies of the ULB (2014 - 2019). Her main field of research concerns EU Criminal Law, i.e. police cooperation and judicial cooperation in criminal matters between the EU Member States as well as between the EU and the rest of the world. She has collaborated narrowly with various EU institutions in the field of EU criminal law.

In particular, she was Special Advisor to Commissioner Didier Reynders (2022-2024); she acted as an academic expert for the European Commission and is the author or co-author of a number of studies for the European Parliament

She founded and co-coordinates the European Criminal Law Academic Network (ECLAN) since 2004. She has coordinated numerous research projects, of which PolyCIVIS is the most recent one.



Prof. Ramona Coman

**Faculty of Philosophy and Social Sciences,
Université Libre de Bruxelles (ULB)**

Ramona Coman is Professor in Political Science at the Université libre de Bruxelles. Before her nomination as Director of the Institute for European Studies (IEE) in 2014, she served as Deputy Director of the Centre d'étude de la vie politique (CEVIPOL). She received her PhD in political science from the ULB and she was post-doctoral fellow at the

University of Bologna in 2008.

Her research interests relate to Europeanization, European integration, and judicial reforms. Her work has been published in peer-reviewed journals including the *Journal of Contemporary European Studies*, the *Journal of European Integration*, *Perspective on European Politics and Societies*, *Revue française de science politique*, and *Politique européenne*.

PolyCIVIS: confronting the polycrisis in Europe and Africa

PolyCIVIS is a Euro - African collaboration that brings to the forefront the global polycrisis, allowing a better understanding of the impacts of several concurrent major societal crises challenging the world in the form of a polycrisis.

In the wake of the global polycrisis, urgent challenges have emerged, prompting PolyCIVIS to take action. Our initiative is dedicated to addressing these pressing global issues and their interconnected consequences.

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