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## **JEAN MONNET MODULE EUinCEE**

Report of the international conference

### **THE RULE OF LAW IN POST-SOCIALIST COUNTRIES AND THE FUTURE OF THE EUROPEAN INTEGRATION**

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On October 28, 2022, the international conference “The Rule of Law in post-socialist countries and the future of European integration” / “Lo Stato di Diritto nei Paesi post-socialisti e il futuro dell’integrazione europea” was held at the University of Trieste within the initiatives of the Jean Monnet Module “The Rule of Law in the new EU Member States” (EUinCEE). The conference was organized by Professor Serena Baldin (University of Trieste), EUinCEE Academic Coordinator.

The event was carried out under the patronage of the Department of Political and Social Sciences of the University of Trieste, and with the support of the Erasmus+ Programme of the European Union, the Central European Initiative (CEI), the Association of Journalists of Region Friuli Venezia Giulia, the Italian Association of European Union Law Scholars (AISDUE), the Association of Comparative and European Public Law (DPCE).

The conference was attended by over 140 people, including 10 journalists, and was divided into two sessions and a final round table.

The conference began with the welcome addresses. Professor Georg Meyr, Director of the Department of Political and Social Sciences, highlighted the importance of this event to understand the political processes that are taking shape in the European Union.



The morning session was chaired by Professor Angela Di Gregorio of the University of Milan (Italy). The first speaker was Professor Martin Belov (University of Sofia “St. Kliment Ohridski”, Bulgaria) who talked on “Rule of Law, Democracy and Transitory Constitutionalism in Bulgaria”. His speech focused on several key concepts considered fundamental for the understanding of the constitutional transitions in general and also for the cases of Bulgaria and other post-communist countries. Professor Belov started his speech by giving the audience a proper definition of the various types of constitutionalism, describing their pros and cons case by case. In the second part of his speech, the Professor focused on the case of Bulgaria, addressing what reforms the country should achieve and pursue to follow the democratic perspective - with the independence of judicial courts from political parties above all. In the end, Professor Belov listed some problems that Bulgaria and other countries in the Balkan area are facing, especially after the COVID-19 pandemic, that are the main causes of the process called “backsliding democracy”.

The second speaker was Professor Samir Forić (University of Sarajevo, Bosnia and Herzegovina) who talked about the path that Bosnia and Herzegovina is following to get closer to obtain the EU member candidate status. He described how the country desires to enter the European Union to stabilize and to reinforce its political, social and economic situation but still has to face many internal problems on these topics. Bosnia and Herzegovina is characterized by a strong political turmoil, especially between the representatives of the Republika Srpska

and the representatives of the other regions, and the main discrepancies concern the nature of the State, the nature of political representation and the position towards the Ukrainian-Russian conflict. These internal conflicts are the reason why several indexes are indicating Bosnia and Herzegovina as the worst country in the Western Balkans in terms of Governance Effectiveness. Professor Forić underlined the efforts of the country to stimulate new judicial reforms - which effectively became reality between 2002 and 2004 with the reformation of the judicial office system and the creation of new State-level units such as the Court of Bosnia and Herzegovina and the High Judicial and Prosecutorial Council - and described the EU's Open Balkan Initiative that includes Serbia, Albania, North Macedonia, Montenegro and Kosovo.



Then, Dr. Chiara Pizi (phd candidate at the University of Campania “Luigi Vanvitelli”, Caserta, Italy) presented her research about the challenges of the rule of law against disinformation and hate speech in Serbia and Montenegro, which are the two most advanced countries among the EU member candidates in terms of EU *acquis*. After giving a brief definition of what hate speech is, the speaker described how the EU is trying to eliminate this kind of discriminatory acts and how the media might have a big influence on the spreading of disinformation in these two countries. According to some study cases and reports that were brought, the phenomena of hate speech and disinformation have increased with the global pandemic in 2020 especially in Montenegro, where - unlike in Serbia - there isn't any explicit declaration inside the Journalists Code that states a proper position of the media against the issues of hate speech and discriminatory propaganda. In conclusion, dr. Pizi tried to make some suggestions to resolve some of the problems previously analyzed.

The last speaker of the morning session was Professor Bojan Bugarič of the University of Sheffield (UK), with a speech entitled “The Rule of Law Derailed: Lessons from the Post-Communist World”. Professor Bugarič analyzed a new type of populism that spread into Eastern and Central Europe, especially in two post-communist countries that are already members of the EU: Poland and Hungary. He explained how this new variant of populism differs from the normal populism and how it’s influenced by other phenomena, such as authoritarianism and ethno-nationalism. Later on he described how in recent years the respective political leaders systematically violated the rule of law and the overall EU’s law system, causing the spreading of discrimination and racial incidents. Given these examples, Professor Bugarič concluded his speech by stating how this new type of populism might be extremely dangerous for democratic politics in Europe.

The afternoon session was chaired by Professor Roberto Louvin of the University of Trieste (Italy). The first speaker, professor Serena Baldin (University of Trieste), introduced the issue of the rule of law crisis, marked by the erosion of fundamental rights and principles including the rule of law. As she explained, there is no exhaustive definition of the rule of law but, strictly speaking, it contains the principle of separation of powers and the principle of independence of the judiciary, two principles that fall within the core of contemporary democracies. In a wider dimension, it also includes the guarantee of pluralism and freedom of the mass media, and the rules on anti-corruption. She then explained how the rule of law, one of the founding values of the European Union enshrined in Art. 2 TEU, is being undermined in Poland and Hungary because of their democratic backsliding. Her speech concluded on the measures that the European Union has taken to try to enforce the rule of law: infringement procedures, activation of art. 7 TEU, structured dialogue on the rule of law, and financial conditionality.



The second speaker, professor Davide Strazzari (University of Trento, Italy), talked about a very important subject, namely security and justice. This aspect were included in the Maastricht Treaty and it is closely related to the key issues of state sovereignty: cooperation and migration. He defined it as the favored technique in this area for its regulation, mutual recognition and judgments or judicial acts that can affect personal freedoms much more strongly.

Then, Professor Mattia Zuniello (University of Trieste) focused on the concept of populism, referring to it as a particular ideology from the subtle core that divides the world into what is wrong and what is right. Populism is a chameleon-like phenomenon, it has a moral element able to interact with other ideological thoughts and to adapt to them. According to the speaker, there are four main types of populism: agrarian populism, left populism, right populism (centered on activism) and valence populism.

The fourth speaker, Professor Giuseppe Ieraci (University of Trieste) spoke about the future of European integration. At present, the European Union is facing two problems: the external pressure and the internal pressure. Finally, Professor Ieraci concluded by saying that to date the European Union is very fragile, especially after the Brexit, and many are beginning to wonder if we are approaching the end of this organization.



The final round table on the future of EU integration was chaired Professor Sara Tonolo of the University of Trieste. Dr. Roberto Antonione (Secretary General of the Central European Initiative), Dr. Giulio Tarlao (representative of the Office of International Relations and EU Programming Service, Friuli-Venezia Giulia Region), and Professor Stefano Amadeo, Professor Fabio Spitaleri and Professor Giuseppe Pascale of the University of Trieste discussed the prospects of European integration.