



Public Lecture Series Spring 2017 Crossing Borders – and Then?

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**Thursday, 23 February 2017
Migration, Borders, and the Territoriality of EU Law
Prof. Jürgen Bast
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**Discussants: Dr. Benedikt Pirker and Dr. Margarite Zoeteweij,
Institute for European Law, University of Fribourg**

18:15 – 19:45 h, University of Fribourg, Avenue de l'Europe 20, Main Building, MIS 4112 (Saal Jäggi)

Abstract

In the last two decades, the EU has evolved into a territorial entity. It shapes and governs a bounded legal and political space with defined territorial borders. Quite unique among organizations based on international treaties, it has acquired state-like features: it exercises independent public authority, created a Union citizenship and, eventually, developed the notion of a Union territory. The rise of supranational territoriality in many respects resembles the process of territorialization of the early modern State. Today, the EU's supranational territoriality complements and transforms the territoriality of its component States.

The lecture will use the concept of supranational territoriality to better understand crucial aspects of EU policies on migration and border control. In particular, it will analyze the legal regime that governs the cross-border mobility of persons, both at the internal and external borders of the EU. The Schengen Borders Code Regulation is the central piece of legislation of this regime. With the adoption of the Schengen Borders Code, the EU has established an exhaustive legal framework that permits EU Member States – and Schengen associates, such as Switzerland – to undertake action for the purpose of controlling their national borders only where the Borders Code authorizes such action. For the EU, establishing a comprehensive border regime has meant a surge in territorialization, above all by symbolically drawing a porous but clearly identifiable line that marks its territory. The lecture also highlights recent developments, such as the formation of a European Border and Coast Guard and the expanded tasks of the European Agency known as Frontex, and addresses legal and political challenges to the EU's borders regime, in light of the EU's human rights obligations towards migrants.

Curriculum Vitae

Jürgen Bast is Professor of Public Law and European Law at Justus Liebig University Giessen, Germany. He is Academic Director of the Refugee Law Clinic and convener of the Research Group Migration and Human Rights at the University of Giessen. Earlier, he was a Full Professor of International and European Law at Radboud University Nijmegen, The Netherlands, and a Senior Research Fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany. Jürgen Bast holds a PhD in law and degrees at master level in law and sociology. His main research interests are European and international migration law, including refugee and citizenship studies, and European constitutional law, in particular the institutional law of the EU. His current research focus is on developing the public law of globalization, in particular studies of the exercise of international public authority, and theories of human rights, territory, and supranationalism.

Selected Publications

- “Völker- und unionsrechtliche Anstöße zur Entterritorialisierung des Rechts” [International and EU Law Impetuses for the De-territorialization of the Law]. *VVDStRL* 76 (2017), forthcoming.
- “Deepening Supranational Integration: Interstate Solidarity in EU Migration Law”. *European Public Law* 22 (2016): 289.
- “New Categories of Acts after the Lisbon Reform: Dynamics of Parliamentarization in EU Law”. *Common Market Law Review* (CMLRev.) 49 (2012): 885.
- *Aufenthaltsrecht und Migrationssteuerung* [Immigration Law and Migration Control]. Tübingen: Mohr Siebeck, 2011.
- *Principles of European Constitutional Law*. Oxford und München: Hart Publishing & Verlag C.H. Beck, 2nd revised edition, 2010. (edited together with Armin von Bogdandy)