



Faculty of Law

Maastricht Research Based Learning (MaRBLe)

2017-2018

Semester 2



Maastricht Research Based Learning

The MaRBLe programme offers selected students the possibility to participate in research-based learning. The aim is to have you learn about conducting research and acquire new substantive knowledge by actually doing research. In other words, MaRBLe projects have a hands-on approach: while participating in a MaRBLe project, you will learn about the research process, research methodology and the dissemination of results, as well as obtain in-depth substantive knowledge in a (new) field of law. MaRBLe is offered in the form of projects that focus on a theme or method that is not generally addressed in the regular curriculum, that is current and topical and/or multidisciplinary. By participating in a MaRBLe project, you are involved in a core task of the university: research.

In each project attention is given to research methodology as well as the specific theme under investigation. In general, the project would start with group meetings in which you explore the subject-matter and/or methodology under the guidance of the supervisor and/or guest speakers. As the project progresses, the focus turns more towards your own research as you develop the contours of your own research project. Throughout, you will be given the opportunity to share your experiences with the other students, to discuss the progress of your research and the challenges you encounter, as well as to provide and receive feedback on proposals, drafts and presentations. The project culminates in a final paper. Where the project supervisor regards the quality of the papers of sufficiently high quality it may be possible to publish the papers in a special issue in the Marble e-journal. The outcome of the MaRBLe project will also be presented in public, for instance in a workshop for the project.

The projects are supervised by researchers in the faculty who will guide and support you while you explore the substantive topic and develop your own research project. The project groups usually have 5 -12 participants.

Who can participate?

Participation in MaRBLe is open for students in the third year of their bachelor studies who meet one of the following criteria:

- I) participate in the Maastricht University Law College (UMLC);
- II) belong to the top 25% of their cohort (in general, this means they must have a GPA of approximately 7,5); or
- III) who demonstrate exceptional drive and commitment to participate in research based learning .

To be admitted to the MaRBLe programme, you need to submit an application in accordance with the instructions below.

You can apply to the MaRBLe programme by sending an email to honours@maastrichtuniversity.nl. The application should include a short statement of one page explaining why you would like to participate in the MaRBLe programme in general and which MaRBLe project you are applying for. You should also include an overview of your grades from the Student Portal and a C.V. You should state which project is your first, and which project is your second choice. The projects might be over- or under registered. For some projects, you may be invited for an interview before a decision is taken on your application.

The deadline for submitting an application to participate in a semester 2 project is **Monday 13 November 2018**.

When do the Marble projects run?

From the academic year 2017-2018, the MaRBLe programme at the Faculty of Law will offer projects in both semester 1 and 2. The projects cover a period of four months. In the first two months, the study load will be roughly one day a week, in the last two months you are supposed to work full-time for the project. [This may differ slightly from project to project.]

Projects in semester 2 will start on Monday, 5 February 2018.

The deadlines for submission of the MaRBLe paper is the same as the submission deadline for the bachelor essay. For semester 2 projects, the deadline is 15 July 2018. In exceptional circumstances, you may apply to the MaRBLe coordinator for an extension of the deadline in accordance with the Examination regulations. You must provide sufficient reasons for such an extension, and your application must be supported by the project supervisor.

What is the study load and how many credits can be earned?

The study load for participation in a MaRBLe project is 18 ECTS (486 hours) spread over one semester. Upon successful completion, you can earn 18 ECTS. Of these 18 ECTS, a maximum of 12 credits will be awarded within your regular bachelor programme, and six credits are awarded as extra-curricular credits, reflecting the excellence character of the MaRBLe programme.

From 2017-2018, we offer you greater flexibility in developing your curriculum. The 12 credits within your bachelor programme may replace your bachelor essay or two electives. For UMLC students, the six extra-curricular credits will count towards your UMLC programme credits.

You may therefore choose to have your participation in MaRBLe replace your bachelor essay, or you may choose to write a separate bachelor essay and have your participation in MaRBLe replace two electives. To replace the bachelor essay, the research conducted in the context of the Marble project must meet the requirements for a Bachelor essay in accordance with the Examination Regulations. If you choose to participate in MaRBLe and write a separate bachelor essay, your MaRBLe participation will replace two electives in your bachelor programme. Note: a MaRBLe project can only replace elective courses; mandatory courses must still be followed in order to graduate.

In case you are following a MaRBLe project at another faculty, you are responsible for ensuring that the composition of electives meets any requirements for awarding the bachelor degree; e.g. rules concerning 'civil effect' and the maximum number of non-law courses that can be taken in the bachelor programme (18 ECTS). Please note that to graduate, you need to complete a bachelor essay which should have sufficient legal components to meet the requirements of your bachelor programme.

Please note a successful application for MaRBLe will not lead to the automatic deregistration from elective courses or the bachelor essay. Where applicable, you will need to deregister from any courses and/or the bachelor essay.

Successful participation in the Marble project will be mentioned in a special certificate you will receive



with your diploma.

Who coordinates MaRBLLe?

The MaRBLLe programme is coordinated by Dr Nicole Kornet. You can direct any general questions about the MaRBLLe programme to her. She can be contacted via email: n.kornet@maastrichtuniversity.nl.

The individual projects are supervised by the project supervisor(s). Questions concerning the particular project should be directed to the project supervisor(s).

Important

The information provided in this information brochure is subject to the Examination Regulations and in particular the provisions relating to the MaRBLLe programme.

PROJECT 1: EU SOFT LAW IN THE PROCESS OF EUROPEAN INTEGRATION

Boosted by the 2001 Commission White Paper on Governance and the 2010 Lisbon Strategy, 'soft law' is present in nearly every EU policy. The term captures a multitude of instruments such as recommendations, guidelines, notices or communications that are not legally binding, but produce important legal and practical effects. While it is generally acknowledged that soft law is an essential tool of EU policy-making, difficult questions concern its nature and scope of effects. Furthermore, the procedures through which soft law instruments are issued allegedly lack legitimacy safeguards. With most of the research focusing on these challenges at the EU level, there is little analysis of the way in which EU soft law is received in Member States.

This lack of attention is problematic for many reasons. First, the uncertainty surrounding EU soft law in national settings can endanger the principles of legal certainty, transparency and legality. Second, ambiguity may negatively affect the effective and uniform implementation and enforcement of EU law, if national administrations and judges, who are key actors interpreting soft law instruments nationally, are unsure if and how to apply soft law documents. Third, soft law may also have positive effects, but its potential to contribute to legitimate European governance remains unexplored and underexploited.

In this Marble project, law and political science students will be able to conduct their own independent research of a soft law topic chosen by each individual student in agreement with the supervisor. Students can focus on one specific legal system, or policy area, and investigate, through case law analysis and/or empirical research, several research questions connected to the use of soft law by national administrations and courts. Research questions may concern the justiciability of soft law, the legal status and recognised effects of soft law, the relation between soft law and general principles of law, the legitimacy and democracy concerns surrounding soft law etc.

This project is supervised by Dr. Mariolina Eliantonio (m.eliantonio@maastrichtuniversity.nl)

This project is open to students from FASOS, SBE, UCM and LAW.

PROJECT 2: LAW, SCIENCE AND UNCERTAIN RISKS

Public authorities are confronted on a daily basis with the question how to regulate the various risks that threaten the health, safety and well-being of their citizens and/or the environment. Hereby they are often faced with complex political and societal issues that are characterised by risks that are highly uncertain. At the EU level, EU institutions have adopted a large number of regulatory provisions intended to protect health, safety and the environment. Faced with a number of crises, such as the mad cow (BSE) crisis in the 1990s, EU institutions have developed an impressive body of legislation in various policy areas.

In situations of uncertainty, the EU institutions need to consider whether to adopt legislative or non-legislative acts, what the content will be and on which kind of (scientific) expertise the regulatory act will be based. Today the question whether new technologies, such as shale gas extraction, nanotechnology and agrobiotechnology, pose or can pose risks to human health and the environment is still contested. But also the question whether a herbicide like glyphosate causes a risk to human health and/or the environment is today highly controversial. Unsurprisingly, the role of science underpinning the regulation action is in such cases critical. Law and science therefore interact; not only in relation to regulatory decision-making but also, for example, in relation to the use of scientific expertise in court cases.

This MaRBLe course will deal with current cases that involve this intricate relationship between law, science and uncertain risks. It is an integral part of the University's interfaculty research on European risk governance. The course fully embraces the University's vision on research and education: its *CORE (Collaborative Open Research Education)* approach. Professors van Asselt (FASoS) and Prévost and Vos (Law) have collaborated since many years and actively bridge the gap between legal scholars and societal scientists. By studying actual problems in society and carrying out empirical research, students will experience how to do theoretically informed empirical research and how to engage in empirically informed theory development.

This course enables students to participate in pioneering interdisciplinary research investigating the complex relationships between science, society, politics and law. It offers talented and ambitious students a chance to make a positive contribution to this field of research. A critical objective for students is to build competences in these fields, as well as to develop specific interdisciplinary skills. Through participation in this MaRBLe course, the students will be able to better evaluate the prospects and the challenges of interdisciplinary research and they will have a better understanding of the critical issues pertaining to the interaction between law and science.

Students will work in groups, so as to promote interaction, interdisciplinarity as well as feedback from peers. In this way, this course aims to train students in doing research in an interdisciplinary academic community and achieve a high level of academic understanding and writing skills. Students will write a group paper, in principle, on a topic chosen in close collaboration with the supervisors. However, law students and CW-AC students will be allowed to write an individual paper that is equivalent to the BA thesis. Law students who decide to join the group papers may also bring in the group paper as their BA thesis, provided that their individual input can be identified. In all cases, students will work in close collaboration with each other and the supervisors, so as to promote a high level of academic understanding and to develop interdisciplinary research competences and team-work skills.

This MaRBLe project is open to a total of 12 students from the Faculty of Law and FASoS (ES as well as CW/AC).

The project is coordinated by Dr. Denise Prévost (Law) (denise.prevast@maastrichtuniversity.nl) and taught together with Prof. M.B.A. van Asselt, Prof. E. Vos and L Dohmen.

PROJECT 3: DISCOVERING CASE LAW NETWORKS: THE BIG DATA WAY

Legal practitioners (e.g. lawyers, judges), legal academics, and law students generally search for cases in case law databases such as EUR-LEX, Hudoc, LegalIntelligence or KluwerNavigator. While finding 'hits' is generally not difficult, selecting relevant cases is, particularly when the initial search yields a large number of hits.

You could rely for your selection on what the search database indicates to be the most relevant decision, or you could look in your textbooks. But, there are other, newer, perhaps better methods.

In this project, we will engineer a solution that visualizes the legal information you need and enables you to draw conclusions at one glance. Network analysis is a novel way of analyzing case law that has proven to be a promising technique to easily identify relevant cases in a group of cases. The interpretation of the results is relatively straightforward. What network analysis basically does, is visualize how court decisions relate, which clusters (discussions) exist within certain topics, and which court decisions within those clusters are the most central (relevant) (see figure).



In this project, you will discover the emerging field of legal analytics and learn how to use network analysis and apply it to a topic of your interest. The provisional list of topics includes:

1. Consumer Sales
2. Consumer Protection
3. Effective Remedy (Article 13 ECHR)
4. Internal Taxation (Article 110 TFEU)
5. European Value Added Tax

It is also possible to suggest any other topic, provided (1) it uses European decisions (not domestic law) and (2) there is a sufficient number of court decisions on the subject matter ($n \geq 50$).

The project will give you new insights on the methods of investigating the law. You will not only gain new knowledge on a topic of your choice, but you will also learn valuable legal information engineering skills to analyze case law.

This project is coordinated by Prof. Gijs van Dijck and Dr. Marcel Schaper. This Project is aimed at Law students.

Please email Gijs van Dijck (gijs.vandijck@maastrichtuniversity.nl) or Marcel Schaper (mgh.schaper@maastrichtuniversity.nl) if you have further questions about the research project.

PROJECT 4: ART AND LAW: THE LEGAL STATUS OF CULTURAL PROPERTY – AN INTERNATIONAL, EUROPEAN AND COMPARATIVE PERSPECTIVE

The aim of this project is to involve students actively in the activities of the inter-faculty centre MACCH (Maastricht Centre for Art and Culture, Conservation and Heritage as well of the research taking place at the Faculty of Law concerning Art and Cultural Heritage Law

The MaRBLe project organized by the Faculty of Law gives students from different faculties (including also UCM students and ERASMUS students) an insight in the various aspects of cultural property and art law, developments concerning the art market, heritage protection, culture and museum policies. This MaRBLe project will be specifically linked to one course, namely the course: Art and Law: Free Movement of Cultural Property Law, offered in the second course period.

As part of the activities in the context of the MaRBLe project, an international conference will be organized directly after the TEFAF in Maastricht (March 2018). The conference will take place on 18/19 March 2018. Furthermore, a book will be published concerning international developments in the emerging field of cultural property and art law. Although increasing studies on cultural property and art law are published, a volume including various legal systems that looks not only into the different cultural heritage legislation but also into the case law from a comparative perspective is still missing. This cases and material book will provide these new elements, building upon other research projects carried out by and under the supervision of the lecturers involved in this project.

MaRBLe students are involved in these activities a unique way: they will participate in the preparation of the conference, the research necessary for the writing of the case book and prepare their own contribution. Furthermore, students will be involved in the setting-up and further development of a specific website concerning art law and cultural property.

In the course Art and Law: Free Movement of Cultural Property Law, students receive an introduction into the historical perspective of cultural property regulation, from ancient times to modern developments, followed by the relevant international and European framework. After this introduction, students will have to familiarize with various legal national systems. In the MaRBLe project, students can build on the knowledge they acquired through further research. This research comprises a literature study and case analysis. Students report back in the group and write papers with feedback from the lecturer and fellow-students. The lecturer will discuss the students' draft papers as well as chapters of the book with the students. An intranet will be set up to facilitate the group process. In addition, next to the group sessions, each student will receive individual feedback.

It is preferred that students participating in this MaRBLe project have taken the course Art and Law in period 2, and places in this MaRBLe project will be allocated with preference to those students.

This project is coordinated by Prof. Dr. Hildegard Schneider and Vanessa Tünsmeier

This project is open to students from UCM, FASOS and LAW.

PROJECT 5: LAW IN HISTORICAL FICTION

Law is a social science and is a fundamental component of society. Law is, however, also an important component in the creation of fictional scenarios. It many times serves as an anchor to a reality that is familiar to the readers of a fictional elaboration; and may serve as a link, as a tool for authors to bridge fiction and reality.

Sir Walter Scott, Honoré de Balzac, and Leo Tolstoy, to name a few authors, introduce readers to past events. They skilfully transport readers to foreign lands or distant time periods, depicting a certain society at a certain time. They also tend to depict legal aspects that are many times essential for their writings. These authors enrich the genre of historical fiction (eg, epics, novels), a genre that existed already in Ancient Greece.

This module enrolls in the law and literature movement that is gaining momentum in academia. The module also invites for a legal historical exercise. Participants will be invited to explore how law is present in historical fiction. For example, participants will analyse the legal aspects depicted in the governorship by Sancho Panza of his insula in *Don Quixote* (1605) by Miguel de Cervantes. They will understand how law was depicted in that fictional time and space and will compare it—whenever possible—with the law that applied in “reality.” Participants will therefore unveil the legal components in seminal novels, and assess the role of those components in the construction of fictional scenarios. Participants will likewise conduct independent legal historical research that should assist in explaining the “real” law that is depicted in a certain fictional scenario. Contrasting reality and fiction—at a certain time and space—helps better assess the role of law in historical fiction, and ultimately assists to better identify the place that law occupies in society and in popular culture.

Participants will conduct independent research into a topic related to the theme of the module. Participants will be also required to present parts of their research throughout the module as well as provide feedback on the work of their colleagues. Participants will organize a workshop at which they will present the results of their research.

This project is coordinated by Dr. Agustin Parise (agustin.parise@maastrichtuniversity.nl) and is open to students from FASOS, UCM, and LAW.

PROJECT 6: EMPIRISCH ONDERZOEK RECHTSPRAKTIJK

In het project Empirisch onderzoek rechtspraak wordt onderzoek gedaan naar de werking in de praktijk van procesrechtelijke en gedragsrechtelijke regels door vanuit een in het kader van het project geformuleerde probleemstelling of onderzoekshypothese zelfstandig gegevens te verzamelen in de rechtspraak (rechtspraak, advocatuur, notariaat e.d.). Deze gegevens dienen vervolgens te worden geanalyseerd in het licht van de onderzoekshypothese, welke analyse de kern vormt van het op te stellen onderzoeksrapport.

De doelstellingen van het project zijn:

1. de student leren juridische analyse te combineren met empirisch onderzoek;
2. de student kennis bijbrengen van en vertrouwd maken met methoden en technieken die bij dergelijk onderzoek moeten worden ingezet;
3. onderzoeksresultaten verkrijgen die nieuwe inzichten opleveren in de werking van aan de rechtspraak (rechtspraak, advocatuur, notariaat e.d.) gelieerde wet- en regelgeving;
4. de onderzoeksresultaten presenteren op het jaarlijkse seminar Public and Private Justice, Dubrovnik (Kroatië);
5. deze onderzoeksresultaten publiceren in daarvoor geëigende media.

In het studiejaar 2009-2010 werd onderzoek gedaan naar de consistentie van politierechterbeslissingen. Gemeten werd onder andere of de politierechter zich laat beïnvloeden door externe factoren als de persoon van de verdachte, de duur en het tijdstip van de zitting of de aanwezigheid van een advocaat. Hiervoor werden meetinstrumenten ontwikkeld waarmee deze onderzoeksdoelstelling geoperationaliseerd kon worden. Het onderzoek leidde tot een degelijk rapport, een presentatie op een seminar in Dubrovnik (Kroatië) en publicaties in het Advocatenblad en Trema. Het onderzoek werd uitgevoerd door vier bachelorstudenten.

In het studiejaar 2010-2011 concentreerde het project zich op de traagheid waarmee civiele vonnissen tot stand komen. Er werd gewerkt aan een nieuwe werkwijze binnen de bestaande wettelijke kaders, die de periode tussen het afsluiten van het debat tussen partijen en het afgeven van het executeerbare vonnis moest terugbrengen van vele maanden naar enkele minuten. Een perfect uitgevoerde simulatie liet zien dat dit inderdaad mogelijk is, zonder extra kosten te maken. Het onderzoek werd gepresenteerd op het jaarlijkse internationale seminar in Dubrovnik en werd daar al met veel enthousiasme onthaald. Inmiddels is erover gepubliceerd in het Tijdschrift voor de Procespraktijk en wordt de methode toegepast in het kantongerecht Heerlen. Er namen zes studenten deel aan het project.

In het studiejaar 2011-2012 werd het nut van de appelrechtspraak in civiele zaken op de korrel genomen. Appelrechtspraak is mooi, maar vanuit een rechtseconomisch perspectief kan de vraag worden gesteld welke verschuivingen die rechtspraak in de allocatie van welvaart teweegbrengt. Daarvoor moest een ingenieus model worden ontwikkeld aan de hand waarvan die vermogensverschuivingen konden worden bepaald. Daarna werden duizenden uitspraken uit de databank van de Raad voor de Rechtspraak tegen het licht gehouden. De uitkomst was ontluisterend: appelrechtspraak blijkt meer te kosten dan er daadwerkelijk door verandert. Met andere woorden: wanneer de kosten van de hoven gewoon aan partijen worden uitgedeeld, is de samenleving

goedkoper uit. Als "bijvangst" kwam nog aan het licht dat met name het Hof 's-Gravenhage zo afwijkend besliste, dat dit statistisch gezien niet kan worden toegeschreven aan en ander zakenaanbod.

In het studiejaar 2012-2013 werd de praktijk van de getuigenverhoren in civiele zaken onderzocht. Met name kwam aan de orde of het Nederlandse trechtermodel, waarbij getuigenverhoor eerst aan bod komt na een beslissing van de rechter, wel functioneert. Daarbij werd tevens nagegaan hoe de tijd die aan het horen van getuigen wordt besteed, wordt benut. Het onderzoek leverde op dat het trechtermodel niet tot inhoudelijke problemen leidt tijdens de verhoren. Het onderzoek is gepubliceerd in een bundel die najaar 2015 verschijnt bij Intersentia.

In het studiejaar 2013-2014 ging de aandacht uit naar de onvertegenwoordigde procespartijen bij de kantonrechter. Door de verhoging van de competentiegrens kunnen procespartijen zelf hun belangen behartigen in procedures over belangen tot € 25.000. Het gebrek aan juridische kennis zou er dus toe kunnen leiden dat aanzienlijke bedragen onterecht verloren gaan. De onderzoeksvraag was of de rechter, nu de wetgever geen voorziening heeft getroffen, zelf in het gat is gesprongen. Dat blijkt niet het geval te zijn. De publicatie is in voorbereiding.

In het studiejaar 2014-2015 werd uitgebreid rechtsvergelijkend onderzoek gedaan naar de introductie van digitale technologie in het civiele proces. De stand van zaken in een groot aantal landen in de Europese Unie werd geanalyseerd en vergeleken. Digitaal procederen lijkt vooralsnog in de kinderschoenen te staan. Videoconferencing is alleen inzetbaar wanneer er een één-op-één-communicatie plaatsvindt, maar loopt tegen zijn grenzen op wanneer rechters en procespartijen gelijktijdig willen communiceren. De publicatie is in voorbereiding.

Het project wordt geleid door Fokke Fernhout, universitair hoofddocent bij de capaciteitsgroep Grondslagen en Methoden van het Recht. Participatie is open voor maximaal 4 studenten. Selectie zal eventueel plaatsvinden middels een motivatiebrief en een selectiegesprek.

The Faculty of Arts and Social Sciences also offers a number of MaRBLe projects in which Law students may participate

PROJECT 7: TRANSPARENCY IN PERSPECTIVE

Less than ten years ago ‘transparency’ seemed to be the ultimate buzz word in politics and government. One of the first acts of former US president Barack Obama in 2009 was to issue a memo on transparency and open government: “My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government”. Along similar lines, the European Commission has stated “that high standards of transparency are part of the legitimacy of any modern administration”, because “the European Public is entitled to expect efficient, accountable and service-minded public institution” (Green Paper European Transparency Initiative).

Not only the American president and the European Commission but many national governments and other administrative bodies have been actively seeking to promote openness as the key to better governance. And if they have not done so willingly, WikiLeaks and other whistleblowers have forced them to act. With the financial crisis, transparency has become an important issue in the reform of the financial sector.

Talking about transparency, however, also means addressing the issue of privacy and surveillance. The discovery of the NSA checking phone and e-mail records has brought to light that quite often surveillance and openness go hand in hand. Current debates about privacy and data protection on social media have underlined this paradox. Transparency, in other words, has become a double-edged sword. Or to put it differently, transparency and surveillance are now often considered to be two sides of the same coin.

The project aims at analyzing government transparency, surveillance and data protection in a historical, political, and possibly juridical and economic perspective. Its deliverables may vary from historical studies to policy analyses and advices, websites and PR campaigns. The participants of previous years have produced multidisciplinary volumes, published by Maastricht University, which will serve as springboard for the new cohort.

Coordinator:

Dr. Nico Randeraad (n.randeraad@maastrichtuniversity.nl)

PROJECT 8: THE EUROPEAN UNION AND DEMOCRACY PROMOTION

Democracy support has progressively acquired a central place in the EU's external relations. Countries from various geographical regions – Eastern Europe, the Balkans, the Mediterranean, Africa, Latin America, and Asia - have been subject, although to varying degrees, to the EU's policy of democratic conditionality. The question that has sparked the interest of both academics and practitioners is how effective the EU has been in advancing democracy across different regions with undemocratic regimes.

This MARBLE project will examine the conditions under which the EU can have impact on democratization trends in Europe, Africa, Latin America and Asia. It will first explore the theoretical debates about democratic transition and consolidation emphasizing the domestic factors conducive to democratization. It will then analyze the EU's policies and mechanisms of promoting political change beyond its borders. It will finally examine case studies from different continents to gain an understanding of the democratization trends, the domestic obstacles to democratic change and the EU's role in influencing democratic governance in different domestic settings. At the end of the project, students will have a good knowledge about a policy area central to the EU's external identity.

Research on the EU's democracy promotion policies have acquired a central place in the field of European studies following the EU's successful steering of the transitions to democracy and democracy consolidation in Central and Eastern Europe in the 1990s. The most recent research in the area examines the EU's impact on democratic governance in countries further away from the EU through policy frameworks such as the Stabilization and Association Process for the Western Balkans, the European Neighborhood Policy for Eastern Europe and the Mediterranean, the Central Asia Strategy, the EU's development policy for the African and Caribbean countries and countries from Latin America. The proposed project will acquaint students with this most recent literature building on the seminal works in democratization studies and offering a comparison of the EU's varied impact on democracy developments across the globe.

An integral part of the project is a skills training on research design and methodology. Students will be guided to develop an original research paper about the EU's impact on democratization based on sound methodology and anchored in the conceptual debates examined during the project.

The project is aimed at BA students from the Faculties of Arts and Social Sciences, Law and the UCM. It is required that students have a good knowledge of European institutions and policies and an interest in the international role of the EU.

Coordinator:

Dr. Gergana Noutcheva (FAsoS) (g.noutcheva@maastrichtuniversity.nl)

PROJECT 9: OPENING THE CLOSED DOORS OF DIPLOMACY? PARLIAMENTARY INVOLVEMENT IN EU EXTERNAL RELATIONS

To what extent should parliaments be involved in foreign policy decisions such as international agreements, military intervention, the use of drones or the imposition of sanctions? The answer to this question is far from straightforward. Compared to domestic policies, foreign policy is very often subjected to much lower levels of parliamentary scrutiny. This is related to the long-established tradition of considering foreign policy matters as being too sensitive and too urgent to be exposed to the openness of parliamentary debates and the uncertainties of party politics. However, the increasingly blurred distinction between internal and external affairs, especially in Europe, as well as the difficult ethical dilemmas that foreign policy choices frequently entail have made this state of affairs ever more questionable.

This MARBLE project aims to bring students closer to the current societal and academic debates about the *legitimacy and democratic quality of foreign policy*, and in particular, the *role of parliaments* in scrutinizing and shaping this policy domain. The course focuses on the EU, where the demands of democratic control of foreign policy are becoming increasingly difficult to ignore. The expansion of areas where the EU has acquired an external role (e.g. trade, climate change, energy security, crisis management or counter-terrorism) and the blurred distribution of competences in these domains is making the task of oversight of both national parliaments and the European Parliament ever more complex. A full diagnosis of the extent to which there might be a ‘democratic deficit’ in European external relations and the examination of possible ways to remedy it are therefore questions of particular academic interest and policy relevance.

The course had its origins in the collaborative Jean-Monnet project *Interparliamentary Cooperation in EU External Action - Parliamentary Scrutiny and Diplomacy in the EU and Beyond* (PACO) in which the course coordinators worked together with partners at universities in Belgium, the UK, Germany, Norway and Turkey. Students will have the chance to contribute materials to the *Virtual Inter-parliamentary Cooperation Map in external action* (VIPCO), a platform providing an overview of the structure and practice of inter-parliamentary cooperation and diplomacy that was developed in the context of the PACO project. Finally, excellent student papers will be considered for publication in the CERiM Online Paper series.

Coordination:

Prof. Thomas Christiansen (t.christiansen@maastrichtuniversity.nl)

Dr. Anna Herranz-Surrallés (anna.herranz@maastrichtuniversity.nl)

PROJECT 10. CREATING INSTITUTIONS IN THE EU. PROBLEMS, IDEAS, PEOPLE

EU policymaking is, among other things, characterized by a wide variety of institutions. This has to do with the fact that one of the most typical responses to a policy problem in today's Europe is to create a special organization that will address it and identify policy solutions.

In the early years of integration, the increased perception of fraud in Community spending, at a time when the European Parliament was about to become responsible for an independent European budget, led to the creation of a new independent European Court of Auditors (ECA). This body has performed an external control function over the last 40 years. During this time institutional crisis in the European Commission led to the creation of an independent anti-fraud office (OLAF), while most recently we see continued pressure for the creation of a European Public Prosecutor's Office (EPPO).

More recently, and in terms of external relations, the perceived weakness and lack of coherence in foreign policy led to the creation of the EU's diplomatic service, the European External Action Service (EEAS). Most recently, the refugee crisis has given new momentum to the proposal to create a European border and coast guard agency. But what determines the nature, shape and power of these new creations? Is it the inherent policy problem, or a crisis situation acting as a trigger? Is it the vested interests of politicians and how a 'problem' is constructed? Or is it about ideas that circulate in line with trends in institutionalism and public sector practice? These questions around institutional creation and evolution are among those we will be addressing in this project.

Political science, public administration research and organizational studies have studied the phenomena of institutional creation, longevity and change. While different approaches have explained part of these processes, they all encounter problems when faced with evidence from the real world. Distinguishing competing approaches has become increasingly difficult. Moreover, anthropology and political psychology can offer behavioral insights.

This project sets out to discover the drivers that create and change institutions in the EU and the wider Europe, and consider how the motives, interests and processes behind their initial creation affect their longer-term performance. Students will be able to choose one or more institutions they are particularly interested in and research its origins and change over time. They will be encouraged to apply multi-disciplinary conceptual lenses to the study of their institution, in so doing feeding in to a comparative project on institutionalism in contemporary Europe.

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