



EuroMed Justice Programme

TOPIC 4: INITIATION TO AND TRAINING IN COOPERATION AND INTERNATIONAL JUDICIAL MUTUAL ASSISTANCE IN CIVIL MATTERS

Seminar 2: Implications of dual nationality

PROGRAMME

Valletta, 13-16 November 2006



**MEDA Programme of the European Commission
(EC) – EuropeAid Co-operation Office**

Programme Management Unit:



**Institut Européen
d'Administration Publique – Centre Européen des Régions (IEAP-CER)**

**European Institute
of Public Administration – European Centre for the Regions (EIPA-ECR)**

INTRODUCTION and GENERAL INFORMATION

Presentation of the Programme

This Regional Cooperation Programme in the field of Justice and Home Affairs (EuroMed Justice Programme) for the Mediterranean Partners falls under Chapter 1 of the Barcelona Declaration of November 1995. This programme represents among others a significant step towards creating an area of peace and stability in the Euro-Mediterranean region. The EuroMed Justice Programme has an overall objective of creating an inter-professional community of magistrates, lawyers and court registrars in the framework of an open and modern justice service, strengthening the rule of law and the effective pursuit of Human Rights.

The programme's main objectives are to encourage an exchange of experience, knowledge and good practices and to set up a Euro-Mediterranean network in the field of judicial cooperation.

Seminar

The current seminar on “**Implications of dual nationality**” is the second of four seminars falling under the fourth topic of the Euro-Med Justice Programme on “Initiation to and training in cooperation and international judicial mutual assistance in civil matters”. During this seminar, participants will work on International and European conventions as well as national law, they will discuss in open debates and working groups the ways to improve judicial mutual assistance in this field.

This seminar is hosted by Malta and will benefit from the support of the Maltese Ministry of Justice.

Participants

The participants should be judges, magistrates, court registrars, lawyers, training officers and any other practitioner of the legal professions of the 10 Mediterranean Partners and of the EU Member States.

Working methods

The seminar will combine plenary sessions and parallel working group sessions.

Considering the high profile of the participants, Mediterranean Partners are invited to play an active role in the development of the seminar and will, among others, present the situation in their respective countries as well as the new developments in this field. We would welcome that, after attending the seminar, participants disseminate the outputs of the seminar through their professional network in order to increase the impact of the seminar.

The seminar will also include case studies, where officials from the EU Member States and Mediterranean Partners will share and discuss their experiences in the areas covered by the seminar. Each sub-group will appoint a chair who will lead the debate and a “rapporteur” in charge of presenting the conclusions of the group during the plenary session on the last day of the seminar. The purpose of the working groups is to give rise to a debate among participants in order to find possible solutions. Participants will exchange information and viewpoints on their respective legal systems and will try to find possible points of synergy.

The chairperson in every session will introduce the speaker and conduct the debate.

During the last day, participants will make an evaluation of the seminar. Moreover, a final declaration will be read and approved at the end of the seminar.

Basic Documentation provided to participants

The following documents will be distributed to participants on a CD-ROM at the beginning of the seminar:

- Final Declaration of the Opening Regional Conference of the EuroMed Justice Programme from the 20th of December 2004 in Brussels and Minutes of the Conference (EN-FR);
- Relevant United Nations' Conventions on the topic (EN-FR);
- Relevant Hague Conventions and other instruments (EN-FR);
- Council of Europe relevant conventions (EN-FR);
- Relevant documentation produced by the European Union: regulations, decisions, Green papers, etc. (EN-FR)
- Euro-Med Association Agreements;
- Relevant web pages, etc.

Working Languages

The seminar will be held in English, French and Arabic, with simultaneous interpretation during the working sessions.

Venue and Accommodation of the seminar:

Le Meridien Phoenicia
The Mall
Floriana VLT16
(MALTA)
Tel: + 35 621 225 241
Fax: + 35 621 235 254

Programme organisation:

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PROGRAMME

Monday 13 November 2006

09.00 Opening session and welcome speech

Joanna DRAKE, Head of the Delegation of the European Commission in Malta (MT)

09.15 Presentation of the EuroMed Justice Programme

Eduardo SÁNCHEZ MONJO, Director of the EuroMed Justice Programme and of the European Institute of Public Administration-European Centre for the Regions, Barcelona (ES)

10.00 Presentation of the seminar about “*Implications of dual nationality*”.

Alejandra MARTINEZ BOLUDA, Acting coordinator, EuroMed Justice Programme, European Institute of Public Administration-European Centre for the Regions, Barcelona (ES)

Hugo NOVALES, Spanish Magistrate, collaborator of the EuroMed Justice Programme, European Institute of Public Administration-European Centre for the Regions, Barcelona (ES)

10.15 Self-Presentation of participants and presentation of the situation in the MEDA Partners.

Each delegation will have **no more than 10 minutes** to present itself and to present a report giving a general current overview about the topic of the seminar under discussion in its own country. This report should be written in **English or French** and presented to the Programme Management Unit during the seminar.

11.30 Break

12.00 Sub-topic 1: Solving family disputes through mediation: the EU experience.

Speaker: *Valeria GHERARDINI*, Family Mediator, University of Padua (IT)

- 12.45** **Open debate**
- 13.15** **Lunch**
- 14.45** **Sub-topic 2: Implications and definition of dual nationality: the vision from an EU Member State and a MEDA Partner**
- Chair: *Salah BOURGOU*, Advocate General, Ministry of Justice and Human Rights, Tunis (TN)
- 2 Speakers: *Dick VAN DEN BOSCH*, Senior Legal Advisor, Legislation Department, Ministry of Justice, The Hague (NL)
Omar NATOUR, Magistrate and Director General of the Ministry of Justice in Lebanon, Beirut (LB)
- 16.15** **Open debate**
- 16.45** **End of the day**
- 19.00** **Dinner offered by the Maltese Ministry of Justice at the Méridien Phoenicia Hotel**

Tuesday 14 November 2006

- 09.30** **Sub-topic 3: Effects arising from dual nationality: Personal status and real status**
- Chair: *Ayache ZAITER*, Magistrate, President of the Court of Constantine (DZ)
- Speaker: *Abdelatif TIJANI*, Head of the Civil Affairs Division, Directorate General of Civil Affairs, Ministry of Justice, Rabat (MA)
- 10.15** **Open debate**
- 10.45** **Break**
- 11.15** **Sub-topic 4: Dual nationality: the specific status of refugees and measures preventing situations of statelessness in case of dual nationality**
- Chair: *Benjamin RUBIN*, Senior Attorney, Legal Counsel and Legislation Division, Ministry of Justice, Jerusalem (IL)
- Speaker: *Philippe LECLERC* (FR), Senior Legal Advisor, Head of Unit of Statelessness, International Protection Division, United Nations High Commissioner for Refugees, Geneva (CH)

- 12.00** **Open Debate**
- 12.30** **Lunch**
- 14.00** **Working Group: 2 practical cases of the Court of Justice of the European Communities on acquisition of nationality.**
- This working group will be split into 4 groups. Each working group will designate a chair to moderate the works and a “*rapporteur*” that will present the conclusions at the plenary session on the last day of the seminar.
- Two practical cases will be distributed to each group for possible solutions and provoke legal discussions among the participants.
- The report should be written in English or French and presented to the Programme Management Unit before the plenary session.
- 17.00** **End of the day**

Wednesday 15 November 2006

- 09.15** **Sub-topic 5: The European Convention on Nationality.**
- Chair: *Valérie DEPRez*, Legal expert attached to the Nationality Law Department, Federal Public Service Justice (BE)
- Speaker: *Martins PRIEDITIS*, Administrator, Public and Private Law Department, Directorate General of Legal Affairs, Council of Europe, Strasbourg (FR)
- 10.00** **Open debate**
- 10.30** **Sub-topic 6: Dual nationality and legal migrations.**
- Chair: *Canan KAYA*, Judge, General Directorate for EU Affairs, Ministry of Justice, Ankara (TR)
- Speaker: *Carol PERALTA* (MT), Chief International Judge of the United Nations Mission in Kosovo (UNMIK), Department of Peacekeeping Operations, Pristina – Kosovo (FYR)
- 11.15** **Open debate**
- 11.45** **Break**

- 12.15 Sub-topic 7: Nationality and cross border child protection**
- Chair: *Elaine BURMINGHAM*, Lawyer, Legal advisor, Department for Social Welfare Standards, Valletta (MT)
- Speaker: *Frederike E.M STIKKELBROECK*, Executive Assistant to the Secretary General, The Hague Conference on Private International Law, The Hague (NL)
- 13.00 Open debate**
- 13.30 Lunch**
- 14.30 Study visit to the Law Courts of Malta and cultural visit to the main Co-cathedral of St John and to the Upper Barrakka Gardens**
- 17.00 End of the day**

Thursday 16 November 2006

- 09.00 Sub-topic 8: Case law of the ECJ on dual nationality and free movement of persons**
- Chair: *Osama AL RABADI*, Judge, Department of Execution, Amman (JO)
- Speaker: *José CASTILLO GARCÍA*, Lecturer, European Centre for Judges and Lawyers, European Institute of Public Administration – Antenna Luxembourg (LU)
- 09.45 Open debate**
- 10.15 Break**
- 10.45 Plenary session - Presentation of the working groups' conclusions.**
- Each “*rapporteur*” of each working group should present in no more than 5 minutes all the conclusions reached in the groups, followed by a general discussion if necessary.
- 11.15 Presentation of new developments in each country**
- Each delegation will have **no more than 10 minutes** to present – through a written report - a general Action Plan about the future activities related to the topic of this seminar that will be implemented in its country. This report should be written in **English or French** and presented to the Programme Management Unit during the seminar.

12.15 Final Declaration

Eduardo SÁNCHEZ MONJO

12.30 Closing of the Seminar

Carmelo MIFSUD BONNICI, Parliamentary Secretary for Justice and Home Affairs (MT)

Eduardo SÁNCHEZ MONJO

13.00 Lunch

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