

## **Model European Parliament / Baltic Sea Region (MEP BSR)**

### **Grußwort zur Eröffnung**

**Bundesverwaltungsgericht Leipzig, 7. November 2012**

Dear Mr. Gustafsson, dear Ms. Goldfuss, dear Ms. Kruschel, dear Mr. Bergler!

Dear Chairpersons of the committees, dear Heads of Delegations, Delegates and Teachers, Ladies and Gentlemen!

It is a great pleasure for me to welcome the Model European Parliament in the most beautiful court building in Germany.

It is quite unusual for me, yet all the more delightful to address young guests from many European countries rather than an assembly of lawyers or judges. Young people who are about to tackle current political issues: I have great respect for your intent to take influence, to be amongst those searching for solutions instead those complaining about problems. Because I am sure that the youth has a lot to contribute, especially when discussing matters without the limits of nationality or political and geographic background.

The historic site this opening ceremony is being held in has been particularly well chosen, for a couple of reasons: When you were approaching this building you might have noticed that on top of the dome there is not to be seen - as one might expect - the goddess of justice but a figurine holding a torch. This might have reminded you of another very famous statue holding a torch, about 6.400 km west of this place: It is Lady Liberty in New York, or, as she is to be called properly: Liberty Enlightening the World. However, there is an important difference between these two ladies: The Lady giving the leitmotiv for this court represents a very basic idea which functions as one of the most important guidelines for our work as judges: The Truth. Surely, those two are sisters, and they are, by the way, of more or less the same age: Lady Liberty is watching over the United States of America since 1886, and our Lady Veritas, the Truth, is guiding the German judiciary since about 1891. As you all know the truth

has been heavily abused in Germany during history - including this court building. But I dare say: Since my court – the Federal Administrative Court – is working in this building all judges are aware of the guidelines of truth and justice.

As members of the Model European Parliament you might think about the relationship between those two sisters: Can there be freedom without truth? On the other hand: Can you find the truth without freedom – the freedom of thought, of speech, of political ideas, religious confession? Maybe this will inspire you during the following days. It inspires us in our daily work as administrative judges.

To choose the Federal Administrative Court of Germany for the opening ceremony of the MEP brings forward another important feature of our work which we might have in common: The knowledge that there can be no convincing solution of any issue whatsoever without participation of and communication between all concerned. One of the most important constitutional guidelines for the judiciary is every person's right to be heard before any court decides on their case. Justice cannot be realised without communication between the court and the parties: The fairness of procedure requires that everybody involved in the judicial search for a just solution be able to express his views and to comment on the position of the opponent and on the ideas the court might pursue. The substantial lawfulness of any conceivable solution cannot be achieved without seriously taking into consideration all opinions and positions of everybody affected by the decision to find. The same is true for the political discussion. Considering problems without prejudice, looking open-mindedly for solutions is one of the distinguishing characteristics of the work within the Model European Parliament. This can - and should - serve as an inspiring example for all those being part of the elected parliaments in the world of political parties and pressure groups.

I'd like to be a little more specific on the issue of communication: Nowadays it is not enough any more to narrow down the discussion of current issues to a single national entity, to a single social or professional group. This goes for political problems as well as for legal matters. The issues you will be focusing on reveal what I mean: International conflicts in the Arab world, youth unemployment in the European Union, the relevance of social media, trafficking in human beings and the role of regional and local authorities on the European level impose border-crossing, transnational questions. The need for internationally discussed and implemented answers is obvious.

The judiciary experiences a similar development: The vast majority of cases we have to judge on in this court cannot be discussed properly without taking into account the European or even global dimension – this is true for cases in refugee law as well as for environmental issues or even questions of discrimination within the German administration. During the last fifty years, German judges had to learn that international and European Union law is part of an ever growing European framework of statutes, principles and procedures we all have in common. Therefore we cannot limit the foundation of our work to mere national ideas any more. By now, even the German constitution has to be completed by European human rights' instruments. The dialogue between German courts and the European Court of Justice or the European Court of Human Rights has become part of our everyday work. This development has proved to be a progress of historical dimension, a benefit on the legal, political, social and moral level.

I do admit that I envy you the days lying ahead of you. As delegates of the MEP you won't have to stick to the surface of problems but you will be able to go far beyond the usual level of discussion. You are not about to casually talk about any of your issues but you will have the chance to dig much deeper. You have looked up background information; you will ex-

press a specific position on specific problems. And this position, you will have to defend while – simultaneously – listen to the other delegates. A position, you might not even share, one that might even be against your personal values. And nonetheless, a position that the country you are representing believes in. That is what fairness basically means – not only to express your position but also to listen to the position presented by the other delegations open-mindedly.

I'd like to end by congratulating you for your choice to do what you will be doing during the next days on a specific European level. This demonstrates that you believe in Europe. And that you believe in the importance of the European Parliament. Its current president, Martin Schulz, has recently expressed his view that the European Parliament is, by far, not enough known, not powerful enough<sup>1</sup>. Yet, it is the democratically legitimated representation of the European population. And it is based on nothing less than a strong belief in democracy. To participate in the Model European Parliament certainly is an excellent way to bring the European idea to life. I wish you a perfect week, ending up with a better understanding of the problems you will discuss while gaining new friends, while experiencing the comforts of European friendship.

Have a good time in Leipzig!

---

1