



Nordic Summer University



European Humanities  
University

Study Circle 5:  
International Relations and Human Rights.  
A Joint Venture Between NSU and EHU.

### **CALL FOR PAPERS WINTER SESSION 2016**

#### **HUMAN RIGHTS AND MIGRATION**

The winter session will be hosted by the **School of Governance, Law and Society at Tallinn University**, Estonia, from the 11th of March to the 13th of March 2016

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**The deadline to submit proposals is November 15 2015. Please send title and abstract to both coordinators**

Preliminary program announced: December 15, 2015 on [www.nordic.university](http://www.nordic.university) where you can also find more information about NSU. (See <http://www.nordic.university>)

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**For the winter session 2016 we would propose a special opening focus on:**

**HUMAN RIGHTS AND MIGRATION**

## HUMAN RIGHTS AND MIGRATION

An opening focus will only head the program of the winter session sincerely inviting papers on other subjects related to our six themes in the program to follow.

At the time of writing, media are speaking about the refugee crisis. At the moment hundred thousands of people are coming in from war torn or poverty stricken areas to the Middle East and North Africa and some goes on to Western Europe. This is an enormous challenge to human rights. The sheer amount of misery and despair calls for actions. Do human rights have anything to say?

The Universal Declaration of Human Rights states that everyone has the rights to leave any country, including his own, and that everyone has a right to seek and to enjoy in other countries asylum from persecution. (§ 13 & 14). This formula does not imply that any particular country has a duty to grant asylum to anybody, and this was not the intention. The question was much discussed during the drafting process, and it was clear that few states would bind themselves in this way. Both UDHR and the Refugee Convention speak about people being persecuted and the Convention adds “persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (§ 1)

Few migrants are refugees in this sense. Most of them flee from mortal civil wars, despairing refugee camps or life situations with few prospects for a decent life. How do human rights apply here? Does the right to food, health, personal security apply? How? What are the duties of the states? According to some sources 25 % of the population of Lebanon is refugees. Do they have a right to say stop? Do other countries have a duty to relieve them?

How will this vast movement of people impact regional and global relations between states and the societies internally? To take the example of Lebanon again; how will a country already composed of different ethnic, religious and social groups in a delicate balance cope with a new population of this size? European populations seem divided on the prospect of sustained immigration. How will this impact European societies and their cooperation? Can human rights provide any answers or guidelines? Even if people smugglers have a hand in this migration wave there must be a large spontaneous element. Some migrants and refugees use the language of rights. What role does human rights has in this phenomenon? Has human rights discourse been an enabling or triggering element?

Will Europe just absorb these newcomers and grow stronger? Will a new, highly motivated segment of the population boost European economy? Leaving neighbouring countries even weaker with a less resourceful population? Are we risking even more failed states and pervasive instability in the European neighbourhood? What will this mean for the right to development?

Could Europe use its own experience concerning migration and refugees faced with this new wave of migration? How do issues of citizenship cross with the migration problem? How do legal practices and social policy towards immigrants and refugees develop in Europe today?

Hannah Arendt and Giorgio Agamben has discussed these questions from a philosophical point of view. The question is also discussed within analytical philosophy (see summery here <http://plato.stanford.edu/entries/immigration/> ). One should also mention Seyla Benhabib, Dignity in Adversity. Human Rights in troubled Times, 2012, and Yves Charles Zarka (ed.), Pour un monde habitable, 2014. An interesting analysis of new models of migration is provided by Ayten Gundogdu in the book “Rightlessness in an Age of Rights. Hannah Arendt and the Contemporary Struggles of Migrants”. Oxford University Press, 2015.

## KEYNOTE SPEAKER

We are very honoured to announce that Professor Yves Charles Zarka has accepted our invitation to speak at the seminar. The precise title of his contribution will be announced later.



Yves Charles Zarka, born the 14<sup>th</sup> of March 1950 in Tunis (Tunisia), is a philosopher and professor at the Sorbonne, Paris-Descartes University, holding the chair in political philosophy.

He was research director at CNRS for many years, where he headed the Center for the History of Modern Philosophy and the Thomas Hobbes Center. He is founder and director of the magazine *Cités*. He currently heads the center PHILÉPOL (philosophy, epistemology and politics) at the University Paris-Descartes (component of the EA 4569 Ethics, Politics and Health) where the research efforts are organized around the concept of "the emerging world". His research focuses on democracy, the new environmental challenges, the new configuration of global power, cosmopolitanism, tolerance, etc. (From [https://fr.wikipedia.org/wiki/Yves\\_Charles\\_Zarka](https://fr.wikipedia.org/wiki/Yves_Charles_Zarka) )

Yves Charles Zarka is both a philosopher and an historian of political thought. His focus is mainly on the establishment of the fundamental concepts of modern legal and political thought. His method combines philosophy and history questioning the texts of the past philosophically. The result is a philosophical historiography that belongs to another register than what is commonly known as the history of political ideas. He does not rest with the archeology of sedimented political ideas in the successive phases of modernity, but endeavors more fundamentally to highlight speculative positions that govern policy concepts, which, ultimately, allow one to understand and evaluate the scope of these concepts.

Lately, Yves Charles Zarka has moved more and more into another area: namely changes in politics and contemporary society: power structures and forms of government, law and history, politics and justifications, new forms of war and terrorism. The magazine *Cités* should specifically think through these issues by combining the return to the real city with openness towards a possible future city. Since political philosophy has no meaning apart from the experience of this contemporary crisis, Yves Charles Zarka also endeavors to produce historical-political analyses of the fractures in the contemporary world. (from <http://edph.univ-paris1.fr/zarka.html> )

Other themes are:

**A)**

The UDHR and the core UN human rights instruments: Philosophical foundations of the regime. The question has come to forefront by Johannes Morsink's book: *Inherent Human Rights, Philosophical Roots of the Universal Declaration* (2009). It seems important to identify the philosophical import of the international human rights regime, if this is possible, and investigate its relation to legal reasons and foundations. Does philosophical and legal conceptions of human rights cohere? Do they need each other? This leads to another question concerning the understanding of this regime by the actor's of international relations: How important is ideology, religion, philosophy and the moral judgment of history for foreign policy when it comes to human rights? Does different outlooks shape foreign policies? Is this influence marginal or negligible? How does human rights enter international relations theory: Realism would not accommodate these matters in the same way as internationalism, critical theory or the Copenhagen school.

**B)**

The role of public opinion. According to Kathleen Pritchard there has been little research into the role of public opinion for human rights (Pritchard, 1991), and this still seems to be the case (Hertel et al., 2009: 443444). These questions have, however, some urgency. To what extent does public opinion shape foreign policy? How strong is public opinion in different countries and does it take any interest in human rights at all? Is there a world public opinion? The role of media and NGO's? Does anyone listen to the UN? How does public opinion makes an impact? Consumer boycotts? Why is a good reputation important for certain countries? What is the role of social movements in relation to human rights and more specifically in Eastern Europe? Does social movements make a difference? The notion of public opinion seems related to the concept of civil society. To what extent does public opinion depend on civil society and what does this means for human rights? What is the role of citizenship and labour rights? How does social groups use human rights globally and more particularly in the Nordic countries and Eastern Europe. Does these groups impact international relations and how (for example through EU, OSCE or other entities)?

**C)**

Two dimensions of Human rights: In the last centuries there has been an increasing tendency to give policy matters a legal form. This leave us with two contradictory approaches: 1) A normative approach considering law like a list of rules and a 2) procedural approach taking law as a system conciliating human claims (needs). The choice of model will have important consequences. In this context we can ask how we should understand human rights: Do they constitute a (legal or a moral) code with universal and more or less general rules, or should we rather as Jack Donnelly consider human rights as a system devoted to the most complete possible realization of the human potential 'creating' the envisioned person by their protection and implementation? (Donnelly, 1985: 31-32) Are we confusing politics with law or is this the only realistic way to approach the matter? What impact does this disagreement have on international relations and especially on the regional dimension in the Nordic Countries and Eastern Europe? How should human rights accordingly relate to the welfare state, labour issues, citizenship, participation etc.? Another interesting topic is the development of supranational Justice, for example, the ECHR. Judgements of this court influence the states, their domestic and international policy, but the main importance of the Court is to make the individual person a subject of international relations. What would then be the status of a person in international relations and international law? What could we say about "international citizenship"? How are Human Rights implemented through the national citizenship? How will the 'policy of belonging' provided by the National State connect with Human Rights? How does "migrants" and human rights work together? Speaking about the ECHR, we should also consider the role of the Council of Europe. During the Cold War it was rather slumbering, but afterwards it has had a more active role as protector of HR in national legislations.

**D)**

The war on terrorism and human rights. The recent revelations of US surveillance (Prism) and a long row of special legislation make one worry about the fate of human rights. Postal secrecy, one time a sacrosanct right, has no avail in the Internet era. Surveillance of any kind is now part of our daily lives. Will human rights concerns stand against worries about security? The subject has been the object of numerous reports on the part of OAS and the Council of Europe among others. The Security Council has devoted a special

committee to the subject and the Human Rights Council has nominated a special rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Despite these efforts public awareness seems to erode. The fact that nearly one third of the respondents from a well established democratic country believes that torture can be necessary in special cases (Berlingske Tidende – 14/03/2012, Fokus p. 10) is telling. Is the population in well-established democracies slowly getting used to methods that human rights groups are fighting in Belarus and other places?

**E)**

The UN System in the turmoil of international relations: The UN politics of human rights is complicated. What are the strategic goals of the different parties? A historical survey would certainly be illuminating. The Cold War impacted significantly impacted the whole process. The fight against Apartheid and the Palestinian conflict has been important factors. The Human Rights Commission was highly politicised and its successor, the Human Rights Council, suffer from some of the same problems. A Global Force for Human Rights? (2008), a report from The European Council on Foreign Relations, lists some of the problems with promoting human rights through the UN. The expert committees of the Treaty Bodies seem to function better. Is it possible to reform this system? Will the UN System be able to incite the state parties to respect their obligations, or will the system collapse from overload in general indifference? New norms and instruments are added along the way. Will these make the system more opaque and less visible to the public? Rights of development and peace are relatively new rights. Do they serve a real purpose? Will nature, environment and animals be the future subject of treaties?

**F)**

Promotion of human rights. Humanitarian intervention (Responsibility to protect); a new UN policy? Is it legitimate? What is the role of foreign policy? Does human rights promotion by foreign policy work? Education in human rights; where and how? Should the educational system approach this subject more systematically? How to disseminate knowledge of human rights in a population largely uninterested or more focussed on other matters such as unemployment, security or stability? How can social groups and civil society contribute? In which cases can external entities help, and when does they make things worse? How should one counter argument of cultural relativism, which has become a main ideological issue for Russia and other former Soviet countries looking for loopholes allowing them to hide from criticism of their human rights record? Is promotion of human rights about extending the human rights movement to all countries? What is the human rights movement? Has it any unity, vested interests or a political agenda? What are the responsibilities of entrepreneurs and business corporations concerning promotion of human rights? The role of professional groups in key positions such as administrators and lawyers working with human rights. How to promote awareness, knowledge and dedication within these groups?

## Practical Information

Location: Tallinn, Estonia.

Hotel (2 nights at <http://www.seaporthoteltallinn.com/en/>) and dinner Saturday evening is covered by the seminar.

### **Please indicate whether you need a hotel room.**

Fee: 50 €, 375 DKK, 470 SEK, 475 NOK, 7150 ISK (Cover expenses for lunch two times and dinner Friday evening)

The fee should be paid immediately after registration to this bank account (bank fees are at the charge of the participant):

Please notice that fee or other costs will not be reimbursed if the participant cancels.

### Den Danske Bank (Gammel Kongevej Branch)

Seminar - Kontonummer	3106756686
Registreringsnummer:	1551
IBAN kontonummer:	DK6730003106756686
BIC (SWIFT-adresse)	DABADKKK

### **Please indicate your name on the bank transfer to identify payment.**

Travel expenses are reimbursed partly on the basis of an economy ticket. We will try to reimburse all with the same percentage. Please keep your receipts, boarding cards, etc. Please book your tickets in good time in order to keep expenses low.

### **Please indicate a preliminary paper title and a short abstract.**

Please register to these email addresses: [chrom@cegetel.net](mailto:chrom@cegetel.net), [oleg.bresky@ehu.lt](mailto:oleg.bresky@ehu.lt)

**European Humanities University (<http://www.ehu.lt/en>) is private non-profit liberal arts Lithuanian University with unique origin and history. Founded in 1992, the university has been headquartered in Vilnius, Lithuania since authorities expelled it from Belarus in 2004. EHU is the only Belarusian University that has succeeded in maintaining its independence and commitment to academic freedom. EHU offers both high residence and low residence (distance learning) degree programs in the humanities and social sciences that fully accord with European standards and norms.**

Approximately 1800 students are enrolled in European Humanities University (1/3 high residence students and 2/3 low residence), 249 (99 full-time and 150 part-time) faculty members conduct teaching and research activities in EHU within Historical, Socio-political, Law and Media academic departments and 10 research centers (see: <http://www.ehu.lt/en/research/centers-laboratories-and-institutes>).

The EHU provides students from Belarus and the region with an education in the European liberal arts tradition in a free and democratic environment - an opportunity, unfortunately, not available in Belarus today. At EHU, students can learn media and communications skills in a state-of-the-art [media lab](#), become election observers through a hands on program conducted together with [Belarusian Human Rights House](#) and [Belarus Watch](#) called [Election Observation: Theory and Practice](#) (EOTP), study European politics and policy as part of the political science and European studies program, and many other opportunities. Law students learn about human rights law from Western experts and practice their courtroom skills and meet students from around the world at the Philip C. Jessup International Moot Court Competition. New center for Constitutionalism and Human rights was established in 2012 <http://www.ehu.lt/en/research/research-centers/center-for-constitutionalism-and-human-rights/activities> along with announcement of new academic journal with the same title <http://chr-centre.org/>

These and other opportunities make EHU a unique place for young people from Belarus and the region. The commitment of EHU's faculty, students, staff, and donors is an important signal to Belarusian authorities and society that there is an alternative to state ideological control. For Belarusians who seek the freedom to think creatively and critically—to study, learn, teach, and conduct research without ideological restrictions—EHU provides a home away from home.

**The [Nordic Summer University](#) (NSU) is an independent and open academic institution, which organises seminars crossing academic and national borders. NSU is a democratic institution organized and run by its participants through different study circles.**

Through two yearly seminars the cross-disciplinary study circles fertilise collaboration between academics, build up networks and contribute to create research agendas throughout the Nordic/Baltic countries as well as establishing contacts "abroad". The research in the study circles is documented in publications link: [NSU-Press](#)

The two yearly seminars take place in the Nordic/Baltic countries. In the winter each study circle organize their own seminar; in the summer all circles are brought together for also enhancing further cross-disciplinary collaboration. Furthermore, the summer meeting is also the political organ of NSU inviting all participants to exercise their influence on the activities of NSU.

It is the policy of NSU to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. NSU opposes any policy or practice, which discriminates against any individual or group on grounds of race, gender identity and expression, sexual orientation, class, age, disability, creed, and ethnic/national origins. NSU aims at being an open and inclusive organization.

NSU receives financial support from the [Nordic Council of Ministers](#) and operates in cooperation with [Foreningerne Nordens Forbund](#) (FNF).

Formally registered in 2005, when a number of universities and academic institutes were merged **Tallinn University** is an innovative and academically enriching university located in Tallinn, the capital of Estonia. It currently hosts 9000 students (of which 500 are foreigners) and over 400 researchers (with the highest percentage of foreigners employed: 9.4%). It is composed of six schools and two colleges with main activities in the fields of

- Educational Innovation
- Digital and Media Culture
- Cultural Competencecs
- Healthy and Sustainable Lifestyle
- Society and Open Governance

Tallinn University School of Governance, Law and Society is an academic unit of Tallinn University that conducts studies on the three levels of higher education, continuing education and research, development and creative activities in the following study areas:

- [Politics, Policy and Institutional Design](#)
- [Inclusive Society](#)
- [National and Transnational Law](#)
- [Security and Foresight for Global Connectedness](#)
- [Social Protection and Community Development](#)

Tallinn University was appointed as the Estonian national contact point for communicating with the European Commission with the Government of the Republic in 2015. Office: Estonian **European** Migration Network National **Contact Point**. **Coordinator at Tallinn University: Marion Pajumets**

More information: <http://www.tlu.ee/et/yhiskonnateaduste-instituut/Instituut/Euroopa-Randevorgustiku-Eesti-Kontaktpunkt>