



Nordic Summer University



European Humanities
University

Proposal for a New Study Circle: International Relations and Human Rights. A Joint Venture Between NSU and EHU.

This homage which every state renders – in words at least – to the idea of right proves that, although it may be slumbering, there is notwithstanding, to be found in man a still higher natural moral capacity by the aid of which he will in time gain the mastery over the evil principle in his nature, the existence of which he is unable to deny.

1. Kant "Perpetual Peace"

Overall Topic

Immanuel Kant observes that even though relations between states are unrestrained and depraved, nobody has yet been so bold as to deny that there is some moral norm to govern these relations, and they have felt the need to justify their conduct. To this purpose, they have used Grotius, Pufendorf, Vattel and others, though the rules expounded by these authors, according to Kant, can have no legal force. However, the fact that states feel this need to justify themselves is a sign for Kant that there is a greater moral disposition in man. We will not take a stand on this last point, but we do feel that this need for justification requires some further explanation, and this will be our object in what follows.

Since Kant's time the situation has evolved and several huge shifts has taken place in international relations: 1) from the ethical dimension of the international relations to the legal dimension; 2) from the national to the international status of human rights; 3) the development of a International Relations theory finding its the normative basis in the anarchic, chaotic and mythological character of international relations. We will have to take these shifts into account, but the need for justification or vulnerability towards critiques is is still there today and this is particularly noticeable in how states relate to human rights. One example of special interest to our circle is Eastern Europe and Latin America during the 1980-s and 1990-s, where the growing importance of civil society was seen as an anti-statist position against repressive state-socialist regimes. The Helsinki Accords gave leverage for such a critique and these regimes manifested great susceptibility to any such critique. The dissidents' aim was to oppose the socialist state apparatuses and to create alternative practices to what was dictated by the single party in power. Thus, the moral choice of the dissidents to live in constant exposure to the risk of repression was made in the name of human rights and civil liberties. It was considered as a stance

emphasizing human dignity and attracted attention and respect among like-minded people, both home and abroad. Positive comments on the dissidents' legacy in global political activism were, however, set against the negative analysis of their failure to contribute to the post-socialist development of a civil society. (Ivancheva) During the last 20 years human rights remained in the main part of domestic policy in the Eastern European states, and was the basis for the development of citizenship, a permanent topic in their foreign policy. The harmonization of the person-state relation has domestic as well as international dimensions and this opens a new field about how the state in Eastern Europe evolves within international relations explaining connections between human beings and states in a new light on the basis of International Law.

Another interesting example is China. During the 1990-s China fought fiercely to avoid critique of its human rights record in the UN Human Rights Commission and they have used economical and other leverages to dissuade other nations from sponsoring such critiques. (Wan, 2001: 111 ff.) This has been costly in diplomatic terms, since it had to make concessions to rally allies and dissuade critics. (Wan 2001: 125-126.) China has also used resources on the intellectual level to defend the Chinese position and attack the critics on their own ground. After the Tiananmen Square protests of 1989 the Chinese government organized extensive studies in human rights with the purpose of providing the authorities with arguments and elaborating an alternative position. (Wei, 1995: 87.) This would signal that the Chinese government took China's reputations in the human rights area very serious.

Finally we can cite another example showing how anxious certain governments are to silences criticism. In November 2012 the new Human Rights Council was elected. A majority of unfree or partially free countries according to Freedom House rankings was elected to the Council. The members of each geographic group has to be elected by a majority of the General assembly, but in all other groups apart from the Western European group only the number of countries to be elected is proposed for election, so that the group decides for itself who is to be elected. This allows certain groups to elect notorious human rights violators to the Council. In this way they can take control of the Council in order to silence criticism and direct attention elsewhere. Also according to Jacob Mchangama and Aaron Rhodes dictatorships have virtually taken control of the committee, which awards consultative status to nongovernmental organizations in order to keep critical organizations out. (http://www.huffingtonpost.com/aaron-rhodes/human-rights-council-elec_b_2129467.html) This necessitates efforts to get elected using economical and political leverage within the group. Important resources are spent on this question, but why is it so important for countries to avoid criticism of its human rights record? If a given country was dissatisfied with this critique it could just ignore it. If international relations are all about power and power relations such a critique could have no real impact. Foreign office officials don't seem to think like this.

Session Themes

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 it 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?

Bibliography

- Donnelly, Jack (1985). *The Concept of Human Rights*. Beckenham, Kent: Croom Helm Ltd.
- European Council on Foreign Affairs (2008). *A Global force for Human Rights?* URL: http://ecfr.3cdn.net/3a4f39da1b34463d16_tom6b928f.pdf
- Hertel, S., Scruggs, L. & Heidkamp C. P. (2009). "Human Rights and Public Opinion: From Attitudes to Action", *Political Science Quarterly*, Vol. 124 No.: 443-459. URL: <http://sp.uconn.edu/~scruggs/psq09.pdf>
- Kant, Immanuel (2010). *Perpetual Peace: A Philosophical Essay*. New York: Cosimo Inc.
- Pritchard, Kathleen (1991). "Human Rights: A Decent Respect for Public Opinion?" *Human Rights Quarterly* 13 (May 1991): 123–142.
- Zhou, Wei, "Human Rights in the Peoples Republic of China", in Tang, James T.H. (1995). *Human Rights and International Relations in the Asia Pacific*, London & New York: Pinter.
- Wan, Ming (2001). *Human Rights in Chinese Foreign Relations*. Philadelphia: University of Pennsylvania Press.

Coordinators

Oleg Bresky
Mogens Chrom Jacobsen

Supporters

Linde Lindkvist	linde.lindkvist@mrs.lu.se
Peter Johansson	peter.johansson@globalstudies.gu.se
Helen Lindberg	helen.lindberg@lnu.se
Mikkel Thorup	ident@hum.au.dk
Rebecka Lettevall	rebecka.lettevall@sh.se
Ib Martin Jarvad	jarvad@ruc.dk
Olivia Pontoppidan	olivia.pontoppidan@gmail.com
Klaus Laursen	klausbrond@hotmail.com
Alexander Vashkevich	alexander.vashkevich@ehu.lt
Asger Sørensen	ASO@dpu.dk
Dzmitry Markusheuski	markusheuski@gmail.com
Lars Erslev Andersen	lea@diis.dk
Liudmila Ulyashyna	liudmila.ulyashyna@humanrightshouse.org
Max Timofeyev	timofeyev.max@gmail.com
Mogens Chrom Jacobsen	chrom@cegetel.net
Natalia Vasilevich	boorbalka@gmail.com
Oleg Bresky	oleg.bresky@gmail.com
Olga Breskaya	olga.breskaya@ehu.lt
Tonny Brems Knudsen	TBREMS@ps.au.dk
Karina Barantseva	barantseva@i.ua
Erik André Andersen	caa@humanrights.dk



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).

