PERPETUAL
PEACE
PROJECT

SOVEREIGNTY, DEMOCRACY, HUMAN RIGHTS: DIALOGUES ON PERPETUAL PEACE

A WORKSHOP CO-ORGANIZED BY THE

EUROPEAN UNION NATIONAL INSTITUTES OF CULTURE,

INTERNATIONAL PEACE INSTITUTE (IPI),

SLOUGHT FOUNDATION,

SYRACUSE UNIVERSITY HUMANITIES CENTER,

AND UNITED NATIONS UNIVERSITY

International Peace Institute's

Trygve Lie Center

777 UN Plaza, 12th Floor

(corner of 44th Street & 1st Avenue)

New York

16 November 2010

DRAFT AGENDA

The **Perpetual Peace Project** is a partnership among the European Union National Institutes of Culture (EUNIC), the International Peace Institute (IPI), the United Nations University, Slought Foundation, and Syracuse University Humanities Center. It joins theorists and practitioners in revisiting 21st century prospects for international peace. The project finds its public form in symposia, exhibitions, lectures, as well as a feature film organized around Immanuel Kant's foundational essay "Perpetual Peace: A Philosophical Sketch" (1795), which itself takes the form of an international treaty exploring the possibility of permanent peace. Positing peace as an unnatural state that must be enforced by international laws and governing bodies, Kant effectively anticipates multilateral institutions like the United Nations and the European Union. Though the essay's ironic tone suggests the impossibility of this vision, one of its ultimate goals is to nevertheless challenge the politicians who mock the concept as "a childish and pedantic idea," and to create in their place a newly discursive space for discussing peace and international law.

This project aspires, as Kant himself proposed, to facilitate a conversation with those philosophers who engage with the idea of peace, with those practitioners who participate directly in the world of international relations, and with those governing bodies who have the power to truly make peace a sustainable reality.

The workshop is the capstone event of the Perpetual Peace Project. It hopes to build on the active participation of all attendees and will be organized as roundtable discussion among all participants around three key elements of Kant's essay:

1) collective security and the implications for sovereignty;

2) democracy, governance, and rule of law; and

3) human rights and cosmopolitan citizenship.

What the workshop aspires to do is to stimulate a conversation on current obstacles to international peace and security, ways to overcome them, and the implications for sovereign states. This conversation will include practitioners who work directly on the prevention and solution of violent conflicts, diplomats who have the power to truly make peace a sustainable reality, and scholars who engage with the idea of peace. The workshop will also present an original film, featuring conversations with renowned philosophers and practitioners reflecting on Perpetual Peace with reference to current international priorities and conflicts.

8:30-9:00	*Breakfast*

9:00-9:20 **Welcome and Introduction**
Warren Hoge, *Vice President for External Relations, International Peace Institute*
Aaron Levy, *Slought Foundation*

Horia-Roman Patapievici, *President of the EU Institutes for Culture Global Network (EUNIC) and President of Romanian Cultural Institute Network*

9:20-9:30 **Keynote Remarks**
Norbert Darabos, *Minister of Defence and Sports, Government of Austria*

9:30-9:45 **Brief Comments on Immanuel Kant's "Perpetual Peace: A Philosophical Sketch"**
Michael Doyle, *Harold Brown Professor of U.S. Foreign and Security Policy, Columbia University*

9:45-11:15 **Session 1: Sovereignty and Collective Security**
At the heart of Kant's essay lies the idea that the natural state between nations is war, not peace. Peace, therefore, must be established by securing the right of all nations through the foundation of a federation of free states. "This league does not seek any power of the sort possessed by nations, but only the maintenance and security of each nation's own freedom." This session will focus on the key challenges of collective security and the implications for sovereignty. What is the current condition and future potential of global collective security? What reasonable constraints on sovereignty must states accept to exit their natural state of conflict in favor of establishing a global legal order with the goal of preventing war forever? Non-state actors also have a growing influence on global collective security. How should sovereign states engage with them?

Opening Comments: Robert Jervis, *Adlai E. Stevenson Professor of International Affairs, Columbia University*
Thomas Mayr-Harting, *Permanent Representative of Austria to the United Nations*

Roundtable Discussion
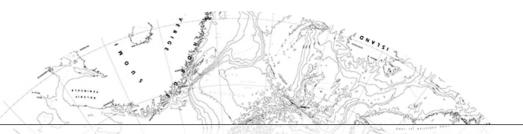**Moderator:** Warren Hoge, *Vice President for External Relations, International Peace Institute*

11:15-11:30	*Coffee Break*

11:30-1:00 **Session 2: Democracy, Governance, and the Rule of Law**
The first Definitive Article of Kant's Perpetual Peace states that every nation must have a republican constitution, which for Kant meant that it must have a government characterized by the rule of law and a separation of powers rather than "despotism." This session will focus on the relationship between international security and domestic governance. To what extent is collective security dependent upon the spread of democracy and the rule of law? What is the proper role of the international community in promoting good governance and the rule of law or in strengthening weak and fragile states? How should "illiberal" regimes be addressed by the international community? Are they necessarily an impediment to the establishment of lasting peace and security?

Opening Comments: Pablo de Greiff, *Director, Research Unit, International Center for Transitional Justice*
Christian Wenaweser, *Permanent Representative of the Principality of Liechtenstein to the United Nations (TBC)*

**Roundtable Discussion
Moderator:** William C. Banks, *Board of Advisors Distinguished Professor, Syracuse University*

1:00-2:00 **Lunch**
Screening of a documentary film, featuring conversations with renowned philosophers and practitioners reflecting on Immanuel Kant's essay Perpetual Peace with reference to their own fields of practice.

2:00-3:30 **Session 3: Human Rights and Cosmopolitan Citizenship**
The Third Definitive Article of Kant's Perpetual Peace relates to the establishment of a "cosmopolitan right" to hospitality based upon a sense of common ownership over the earth's surface. In simple terms, this relates to the right to travel to a foreign country and not be treated like a spy or enemy. But, significantly, this also relates to the legal establishment of individual rights that transcend any single nation-state. This session will focus on the complex relation between individual rights and state-based international law. In a time of heightened population movements, what obligations does a right to hospitality create for the care and protection of refugees and immigrants? Who must satisfy these obligations? Currently, to what extent do human rights and international humanitarian law establish a layer of cosmopolitan or global citizenship above and beyond—or in complement to—national citizenship?

Opening Comments: Elazar Barkan, *Professor of International and Public Affairs, Director of the Institute for the Study of Human Rights, Columbia University*
Iain Levine, *Deputy Executive Director, Human Rights Watch*

**Roundtable Discussion
Moderator:** Gudrun Harrer, *Senior Editor, Der Standard, and lecturer at Vienna University and at the Diplomatic Academy Vienna*

3:30-4:00 **Wrap Up Session**

Moderator: Andreas Stadler, *Director, Austrian Cultural Forum, New York*

International Peace Institute

Trygve Lie Center, 777 UN Plaza, New York

November 16, 2010

Sovereignty, Democracy, Human Rights: Dialogues on *Perpetual Peace*
(Transcription draft)

This workshop at the International Peace Institute (IPI), the capstone event of the *Perpetual Peace Project*. builds upon the active participation of all attendees. It was structured as roundtable discussion around three key elements of Kant's essay:

- collective security and the implications for sovereignty;
- Democracy, governance, and Rule of Law; and
- Human rights and cosmopolitan citizenship.

With this workshop the *Perpetual Peace Project* aspires to stimulate a conversation on current obstacles to international peace and security, ways to overcome them, and the implications for sovereign states. This conversation included practitioners who work directly on the prevention and solution of violent conflicts, diplomats who have the power to truly make peace a sustainable reality, and scholars who engage with the idea of peace. The workshop also featured selections from the *Perpetual Peace Project* film initiative, which features conversations with renowned philosophers and practitioners reflecting on Perpetual Peace with reference to current international priorities and conflicts.

Participants:

Saiful Azam Abdullah
Permanent Mission of Malaysia to the United Nations

Robert Afriyie
Security Council Report

William C. Banks
Institute for National Security and Counterterrorism (INSCT), Syracuse University

Elazar Barkan
Columbia School of International and Public Affairs

Meiko Boynton
International Peace Institute

Rosi Braidotti
University of Utrecht

Norbert Darabos
Government of Austria

Pablo De Greiff
International Center for Transitional Justice

Ine A. Declerck
Permanent Mission of Belgium to the United Nations

Michael Doyle
Columbia University

Catherine Fieschi
British Council

Shepard Forman
Center on International Cooperation

Eugenio Vargas Garcia
Permanent Mission of Brazil to the United Nations

Marijan Gubic
Consulate General of the Republic of Croatia in New York

David Harland

United Nations Peacebuilding Support Office

Gudrun Harrer
Der Standard, Vienna University and the Diplomatic Academy, Vienna

Warren Hoge
International Peace Institute

Robert Jervis
Columbia University

Diane Nya Kadji
Office of the Permanent Observer of the African Union to the United Nations

Emilia Katosang
Permanent Mission of the Republic of Palau to the United Nations

Gregg Lambert
Syracuse University Humanities Center

Sebastien Lapierre
United Nations Department of Political Affairs

Iain Levine
Human Rights Watch

Aaron Levy
Slought Foundation and the University of Pennsylvania

Edward C. Luck
International Peace Institute

Adam Lupel
International Peace Institute

Samer Mahmassani
Office of the Permanent Observer for the Organization of the Islamic Conference to the United Nations

Francesco Mancini
International Peace Institute

Christopher Matthews
Delegation of the European Union to the United Nations

Joanne Myers

Carnegie Council

John Palmesino
Jan van Eyck Academie

Horia-Roman Patapievici
EUNIC and the Romanian Cultural Institute Network

Milica Pejovic
Permanent Mission of Montenegro to the United Nations

Martin Rauchbauer
Austrian Cultural Forum

Ana Cristina Rodriguez-Pineda
Permanent Mission of Guatemala to the United Nations

Ann-Sofi Ršnnskog
Jan van Eyck Academie

H.E. Gert Rosenthal
Permanent Mission of Guatemala to the United Nations

Richard Sennett
London School of Economics

H.E. Pedro Serrano
Delegation of the European Union to the United Nations

Jerobeam Shaanika
Permanent Mission of the Republic of Namibia to the United Nations

Andreas Stadler
Austrian Cultural Forum NY

Hansjoerg Strohmeyer
United Nations Office for the Coordination of Humanitarian Affairs

Nikolas Sturchler
Permanent Mission of Switzerland to the United Nations

Corina Suteu
Romanian Cultural Institute in New York

Alfredo Fernando Toro-Carnevali
Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations

Claudia Maria Valenzuela Diaz
Permanent Mission of El Salvador to the United Nations

H.E. Christian Wenaweser
Permanent Mission of the Principality of Liechtenstein to the United Nations

Constance Wilhelm
Center on International Cooperation

H.E. Jean-Francis Regis Zinsou
Permanent Mission of the Republic of Benin to the United Nations

Corri Zoli
Institute for National Security and Counterterrorism

Introduction and Keynote Remarks

Opening remarks by Warren Hoge (IPI), Aaron Levy (Slought Foundation), and Horia-Roman Patapievici (European Union National Institutes of Culture)
Keynote address by Norbert Darabos, Minister of Defence and Sports, Government of Austria, with concluding remarks by Michael Doyle (Columbia University)

Warren Hoge (International Peace Institute):

Good morning. I'm Warren Hoge, the International Peace Institutes's Vice President from External Relations, and I'm very happy to be host and co-sponsor with so many distinguished organizations of this meeting on *Sovereignty Democracy and Human Rights, Dialogues on Perpetual Peace*. This is a very unusual undertaking for us, we are holding an event based on an essay written more than two hundred years ago at a moment when a number of us here at IPI have just returned from our inaugural forum in Abu Dhabi, a joint effort from IPI and the United Arab Emirates. That produced over a three day retreat some very stark and vivid statements and views from foreign ministers and international experts on intensely current tensions in the Middle East. A quick run down on our schedule, our meetings and policy forum, and roundtables shows that the normal subjects here are things like conflict in the Middle East, prospects for trouble in the coming referendum in Sudan, refugees, internally displaced persons, counter-terrorism, weapons of mass destruction, the Responsibility to Protect, conflict prevention, sexual violence in the Congo, you get the picture. So it always provided a relaxing moment for me in recent months, as I ran down the list of upcoming events and my eye would fall on today's theme, dialogues in perpetual peace. And that is my opening message to you. We hope that you will relax, and take advantage of IPI's reputation as being a place where you can speak informally, freely, and frankly.

This is on the record, there are photographers here, and we're recording it, so we can put a transcript on our website. But we're doing this mostly for internal reasons, and so that we can have a record on today's exchanges, a record for scholarly purposes, if you will, and also a record for those of you who care to revisit today's conversations in the future.

We hope that you will all participate. The format is a series of expert presentations. But this is in no way meant to be an auditorium style event where the

speakers are on stage making prepared statements while the audience sits quietly around the table. The presentations are merely there to start the conversation going and we want to blur the lines between speaker and participant. Now to go back to my opening comments on the contrast between this event and our normal line up, of course part of our purpose today is to explore how the insights in Kant's essay might shed light on contemporary issues of international law, and to start this conversation off, and to find out how this information, this text, became a project in the first place. Let me turn this over to Aaron Levy, the Executive Director and Chief Curator of the Slought Foundation and a member of the faculty at University of Pennsylvania.

Aaron Levy (Slought Foundation):

Thank you, it's a pleasure and a particular honor to be with all of you today. This project began around a small table over a year ago. We were reading Immanuel Kant's text on perpetual peace. What one finds in that text is a secret article, and in the secret article there is proposed a conversation across the disciplines, a conversation between the statesmen and the philosopher. So, we've constructed a series of projects around that secret clause of which today's discussion is the capstone. Each project tries to propose again the ideas around a conversation about peace, at a moment when the idea of peace is perceived with particular suspicion in the academic and the cultural communities in which I am situated and based. As I said, today's event is the capstone but it is not the only initiative that is part of the *Perpetual Peace Project*. I want to share with you some of the other activities that we've organized over the last few months.

I've just returned from Lahore Pakistan, where we've been working with students throughout Lahore, throughout the universities there, encouraging them to define peace in a variety of ways. We'll be conducting these workshops in Beijing, in Hong Kong, and elsewhere in Asia and Africa in the coming months. A feature film has been undertaken, featuring a variety of statesmen and philosophers in conversations, many of them are here today. An exhibition is currently on display at the New Museum downtown and we encourage you to visit it, as it will be on view through early January. There are a variety of events that will be staged there each week featuring statesmen and philosophers in conversation much like Friday's event. There are a variety of other initiatives that you can

learn more about on the project's website.

My final remark will be a brief one. This event is also unusual in that it's a rather extraordinary collaboration across diverse institutes. It is particularly unusual for a cultural organization, such as mine - the Slought Foundation, to engage; and it couldn't have happened without every partner at the table. They are all listed in the material we've provided. The European Union National Institutes of Culture (EUNIC) has been a key partner from its very inception, The International Peace Institute of Course, the Syracuse University Humanities Center, and the United Nations University. So, I want to recognize the collaborative spirit that made today's event possible. I'm now going to turn it over to Horia-Roman Patapievici, President of the EU Institutes for a Cultural Global Network and President of the Romanian Institute Cultural Network.

Horia-Roman Patapievici (EUNIC and the Romanian Cultural Institute Network):

Thank you. I'm very happy to be here, and to represent an unusual partner for you theorists, which is the European Union National Institutes of Culture, a global network of national institutes that belongs to the EU structure and acting in the EU and outside Europe, actually all over the world. EUNIC comprises a gathering of national institutes for cultures very different in shape, tradition, and history. For instance, the Romanian Cultural Institute that I represent is a recent institute, and we action together with institutes that have great traditions, such as the British Council, the Goethe Institut, and the Insitut de Francais. We form a team around the common good, which is to promote not only national cultures, but also a spirit that is now emanating up and emanating out of our ideas of common good. The fact that you philosophers and political theorists are organizing with us at the European Union National Institutes of Culture, such a distinguished workshop, is for us a great opportunity to engage in something which we often forget. This is to reflect on the fundamentals. We are very focused on the present or the contemporary and we tend to forget that the fundamentals of our present moment, and the institutions we work with towards the common good have deep roots, and one of these deep roots is the thinking of Immanuel Kant. Kant is saying that it is not desirable if kings become philosophers and philosophers become kings, but what is of the highest

desirability is that kings hear what philosophers are saying. Therefore, I think it's very important for European Union National Institutes of Culture to hear what Kant is saying about the fundamentals of being and of our way of devising common good.

Warren Hoge:

It's now my pleasure to introduce our Keynote speaker, Nobert Darabos, the Minister of National Defence in the Government of Austria.

IPI is 40 years old this year. From our beginnings in 1970, we've always had a special relationship with Austria. Each of our 40 years we have held a seminar in Vienna called the Vienna Seminar, and we have recently opened an office in Austria placed in Vienna. Mr. Darabos, you are very welcome here, you should feel at home at IPI.

Norbert Darabos (Government of Austria):

Ladies and Gentlemen, it's an honor for me to be here in New York, and an honor that it is possible for me to say some words as keynote speaker to you. I would like to thank the organizers of the event for giving me the opportunity to discuss topics that are well suited to combine theoretical principles with current political questions and challenges. As Minister of Defence of a country that has been committed to UN peacekeeping missions for over 50 years and has sent 80,000 personnel abroad, I will focus on political questions and on the future challenges of requirements for international security policy.

Politics must always be focused on values, and values are closely related to philosophy, so let me start by talking about the fundamentals of peace. What is security? Security succeeds if there are either no threats or if there are sufficient capacities to defend against any threat. It can be achieved either by increasing capacities or reducing threats. Hence, traditional Cold War concepts of security emphasized lowering the probability of defeat by increasing military power. Today, threat reduction rather than capacity enhancement meets the requirements of the post Cold War security environment. Since deterrents are no longer the way to create security, one has to form comprehensive concepts of security that range from military to humanitarian actions.

Today dealing with current threats and challenges to security more frequently

means dealing with the security of people and less with the security of states. The philosophical discourse features two opposing ideas. In the world of Hobbes, states are enemies. The world is anarchic without any superior regulating authoritarian capacities. Security means waging wars or if at all successful, creating a balance of power. In the world of Kant, states are partners. Rather than building up military capacities, states prevent threats through crisis management.

The foundation of <u>Perpetual Peace</u> is not a basis of power that generates stability, but a federation of states within a multilateral international order. In the 21st century, the real danger is no longer the anarchy of the world, of hopes and threats emerging from strong states. On the contrary, the danger is predominantly the weak states, failing states, and the lack of legitimate government in such states that constitutes a threat.

Security policy in our times is about building functioning sovereign states. Today's threats are no longer primarily military in nature, or caused by strong states with large and strong armed forces. Today's threats are international crime, terrorism, and cyber-security, the risk of sabotage of infrastructure, illegal immigration, and environment damages, as well as shortcomings in terms of democracy, human rights, and the Rule of Law. The European Security Strategy assesses the need and the role for the European Union in global security. The document defines proliferation of combatants of mass-destruction, terrorism, and uncontrolled immigration, environmental change, and first and foremost failed states as the new challenges. To meet these challenges, the European Security Strategy calls for combined civil and military actions. Regarding the military aspect, the security strategy calls for member nations to share military resources. It would take another conference to talk about the shortfalls resulting from 27 military systems and structures in the European Union.

Austria, my home country, supports a more active international role for the European Union. Together with our European partners, we stand for effective multilateralism, the Rule of Law, and human rights. In this context the further deepening of the European Union and UN relations is very important. Based on the lessons that Austria and other European countries learned in the recent chart operation we also support closer cooperation with regards to doctrine developments.

Let me come back to Kant. The idea of Kant is based on democratic peace with a

stable sovereign state at its heart. Stable sovereign states require as a minimum the creation of a stable society with good governments and a working administration. As Max Weber has pointed out, the goal should be a functioning state within the Rule of Law, working administration, democracy, and the legitimate monopoly of the use of force. In the process of peace building and according to our fellow human beings, human security and human rights play a crucial role today.

In the 1990s it became evident that traditional peacekeeping within the context of the parties to the conflict is not enough. We can therefore observe a serious discussion on the future of within the United Nations. Austria will be committed to and involved in the further development of peacekeeping. I'm completely convinced that modern peacekeeping operations require both military and civilian means. There is an urgent need for the combined use of these two means, which were traditionally strictly separated. The security general report of peace building in the immediate aftermath of conflicts rightly points out this important progress made by the UN and its partners. Efforts to enhance effective leadership at UN headquarters and in the field involved approved planning and coordination development. Enhanced coordination must also take place outside the UN system in order to avoid complication and offense to peace building efforts. We expect efforts to intensify cooperation with regional and sub-regional institutions such as the European Union and the African Union as well as with international financial institutions.

It is essential to make maximum use of partners with an advantage on the ground. Austria has stressed the importance of national ownership in peace building. In order to promote national leadership, all peace-building efforts need to draw from existing national capacities to the greatest extent possible. We therefore welcome recent efforts to assess existing capacities as the basis for the development of international expertise. The ongoing review of civility will contribute to ensuring that civilian expertise for peace building is employed in a timely manner and that specialized skills to address women's and children's needs in conflict situations are included.

This is a point that the Security Council has addressed in the past years. Restoring human law and respect for human rights, providing for affective disarmament, demobilization, reintegration of former combatants and reintegration of refugees and

IDPs must be key practice in the immediate aftermath of a conflict. In my view, peacekeeping operations can be described as human security operations. In human security operations the job of the military is to protect and preserve human beings rather than to fight an enemy. Within this context, Security Council Resolution 1894 concerning the protection of civilians is a cornerstone in the development of modern peacekeeping. I would like to add that this resolution was passed when Austria was in the presidency.

Closely related to the concept of human security and the concept of The Responsibility to Protect, states have to protect citizens against massive human rights violations and, in the long run, from the consequences of climate change. The primary responsibility lies within the state itself. If the state is unwilling or unable to deal with these issues, the responsibility lies with the international community and international organizations. It regards peacekeeping not as post-conflict battlefield policy, but as an endeavor to create peace by protecting people.

In talking about the future of peacekeeping we should keep in mind that new challenges raise new questions with regard to states already. Beginning with the Kosovo conflict in 1999, the humanitarian intervention that ended the conflict represents a paradigm shift in international public law. It is impossible to predict how large the consequence of this development will be, only it would have been impossible without Kant's concept of perpetual peace. The basis of this development was already late to arrive at the beginning of the 20th century by the Austrian's goal of international law and mainly by Hans Kelsen, who was the architect of the Austrian constitution. This development contradicts the German pull around Karl Schmidt, which on principle denied any right of interference in international or national affairs.

The debate on sovereignty and its boundaries is not as new as it may appear. If force is used, or has to be used, the first and foremost question is who decides on the use of force. The legal authority to decide this question cannot be a single state or a regional association. In the framework of a global collective security system, first and foremost the Security Council of the United Nations will have to be the authoritative agent and the mandate of the general assembly or the OSCE may only be sufficient if there are cases of genocide. In the case of genocide, massive human rights violations, international norms, and collective security, should have precedence over state sovereignty.

Ladies and gentlemen, what consequences for the armed forces can be drawn from the current discussion for the future of peacekeeping? Less and less do military operations mean more fighting; more often military operations are aimed at organization building and training aimed at lawful power, at keeping the peace, and at assisting in the reconstruction of societies after war and violent conflicts. Today, military operations mean humanitarian support and disaster relief.

The primary task of the armed forces is no longer to defeat an enemy, but to protect people. The military should give up its unwillingness to contribute troops for peacekeeping and nation-hosted building. For post-conflict reconstruction peacekeeping, state building, and law intensive capabilities, special equipped and trained armed police forces are necessary. Traditional peacekeeping has to face these new challenges and new developments. We have to integrate these considerations into the training of our civilian and military personnel when we prepare them for new operations.

Therefore, Austria will support every initiative to enhance military pre-deployment training with regard to the United Security Council Resolution 1325 on gender issues and 1894 on the protection of civilians. The Austrian Armed Forces are ready to participate fully in this discussion and development since we can look back on 50 years of peacekeeping where we have always had to find answers to changing circumstances and challenges.

These new conditions and challenges mean that an entirely new concept of security has emerged. There is no longer a world in which the destruction of enemies is the primary goal, as in previous centuries, and in the concept of hopes where states always have to be prepared to defeat their enemies. Today it is more about the protection of people and saving lives. It is about human security, about putting the civilian at the center of security and safety. It is also about building societies and not destroying them. This concept comes much closer to Kant and Perpetual Peace, or at least to a temporary sustainable peace.

Warren Hoge:

Thank you. Next, I introduce to you Michael Doyle. He is now the Harold Brown Professor of International Affairs, Law, and Political Science at Columbia University.

Michael Doyle is on our Board of Directors. He was Vice President and Senior Fellow of this organization when it was known as the International Peace Academy, and when it's business was training peacekeepers. He is also a star of a movie we made this year about the 40 year history of IPI, as told by IPI's leaders, past and present. So, if you don't get enough of Michael Doyle today, he is alive and talking at the IPI website.

Michael Doyle:

Thank you very much Warren. It's a source of comfort to me to know that I live on in video at IPI, because this has been an institution buried deep in my heart. I want to join you in welcoming everyone here, speaking as a member of the board. I very much appreciated the remarks of Minister Darabos on Kant as the father of security. I think that this is one of the things that is most important to his philosophy. What I would like to do in the few minutes that I have is to go back to the 1790s and talk a little bit about the context in which Kant was writing, and the problems he thought he was saving, though I would like to do so very briefly.

The French Revolution, the early French Revolution, inspired Kant. The constitution of 1791 in France, the one that the early reformers put together, was to him an ideal document—it's worth reading today as it is a magnificent document. He thought that the French Revolution that inspired him would also inspire others to join together in a league for peace. Now the ironies of that don't need to be underlined, after a short period the Jacobins had taken over and these hopes were reduced to terror. Europe was at war, and it would be one of it's bloodiest, lasting for another twenty years. So, Kant died a pessimist. He stopped teaching months after he published this document and he went into retirement, he still wrote a few other things, but he was clearly deeply pessimistic and his last writings reflect that.

But let's go back to the 1790s, that period of high optimism and to this high period of optimism that we can see in Kant's document. I want to address two of problems he addressed and briefly describe what you have in the document in front of you, Perpetual Peace, which is his solution to these two problems: the problem of war and the problem of democracy.

What is the problem of war? Well, he's an 18th century figure, so for the first half

of this century there is the War of the Spanish Secession, the War of the Austrian Secession, a whole series of violent conflicts, there's the Seven Years War beginning in 1756 that is really the first world war or the first war that was fought on multiple continents. It was a very bloody century that Kant faced. Then in the second half of the century fewer big international wars, other than the internationalization of the unilateral secession of the United States from the British Empire, which was costly. There is an extensive state of war or a condition of insecurity and arms races: a naval arms race between the UK and France, and a military land based arms race between Austria, Prussia, Russia, and France. So, both war and the state of war that is the arms races and tension, for Kant were huge problems that needed to be addressed. They were painful in his time with the great consequence that he talks about in Perpetual Peace.

The second context that he was facing was the problem of democracy, that is, the classical heritage was that democracy was dangerous. From Thucydides we learned that democracies are faction prone. They are prone to log rolling, adventurous policies such as the logrolling that produced the decision of the Athenian Assembly to invade Sicily that then destroyed Athenian democracy. Democracies are deeply dangerous, and there are two classical solutions to this. The first solution is to keep the democracy small, isolated, poor so they remain simple, and deliberation can help to introduce a degree of rational decision-making. Alternatively, a mixed state can be created. By mixing a monarchy, an aristocracy, and some democracy, these will tend to balance each other and create a more stable and larger state. Those were the two classical solutions.

In the 18th century, an overwhelming set of documents, a set of writings by Rousseau, totally destroyed the legitimacy of aristocratic and monarchic governing for the liberals and democrats who believed in common human equality. The Social Contract overwhelmed Kant when he first read it, as did Émile. It completely revolutionized his thinking on social and political questions. He was persuaded that human dignity required civic equality, not monarchical rule, and not aristocratic rule, and it utterly discredited the mixed state. So, Rousseau, in The Social Contract, turns to the problem of how his social contract democracy can be safe. He says, and I quote, *"'If it's very small will it not be subjugated?"* So, we're back into these classical problems. In the later parts of the work, Rousseau acknowledges the security advantages of the Monarch, because it can be large,

and the problems that only a democratic republic, could be just. In a footnote in The Social Contract, Rousseau writes that he will come back to this subject in Part Two of The Social Contract, where he says he will talk about confederations, that is, how democracies can be joined together and come together in a dangerous world.

Well, as we know, Rousseau never wrote Part Two. Kant read The Social Contract, and what I think Kant was trying to do is come up with a solution to war and a solution to democracy that can nonetheless reflect civic equality. That is, he needs to solve both those problems: democracies are dangerous, but on the other hand war is horrible. Yet, only a government of civic equality is just in corresponding with human dignity and the respect that we owe to all human beings as ends. So that is Kant's problem.

Kant, by the way, wasn't aware of Madison's solution to this problem, Federalist No. 10 that is, diversity through faction. Kant wasn't aware of what Rousseau himself said about this problem. Rousseau gave up on the idea of a confederation, he thought it was just not possible and retreated into isolationism. According to his *ethica corsica*, in which a government must be completely isolated from the world in order to have a chance of survival. Rousseau left the world as a pessimist.

What did Kant try to solve? He begins with an acknowledgement that Hobbes is right. International politics is a state of nature that is a state of war. Then I quote, "states are like lawless savages in a condition devoid of right, this condition is one of war." It's absolutely clear that Kant is simply tracking Hobbes. International law is no guarantee of justice in these circumstances. In this world, there is a right to make war when you're injured and legal proceedings don't satisfy your claim, when you experience a threat to your national security, when another state makes preparations for war, or if another state making no threat whatsoever undertakes a large increase in its power that is inherently threatening given that there is no international order. This is what we political scientists call the security dilemma. These are all the rightful sources of war. Of course there are plenty of wrongful sources too. Kant knows that many states are very aggressive, imperialist, exploitative, etc. and that other states, including the right-oriented states, have to live in that world. It's a pretty grim situation. So the ideal solution to all this is to create a world state. But, that's impossible too. In Kant's view, it would be tyrannical. The world

is much too diverse to sustain one world state.

So, what does a well-meaning 18th century philosopher do? First of all, if one is going to operate as a full and ethical human being, one realizes responsibilities to all human beings across the world, and beginning with this ethical commitment, understands that all human beings have to be treated as ends, that they have rights and interests that must be respected. If our own autonomy is going to have a real meaning, then we must recognize this in all human beings. Therefore, to start, one must have a conception of moral duties. This is where Kant departs from Hobbes, as he thinks this operates across borders. What Kant says is that we need to start to create a situation of more trust. That is what those preliminary articles are about in the first part of the document, this hypothetical treaty that he suggests we should sign. Ethical states should make sure they sign genuine peace treaties that are transparent, they should never conquer states or inherit them, and they should establish the norm of territorial integrity in addition to open covenants norm. In ethical states, standing armies should be gradually abolished, no national debt should be incurred for the purpose of going to war, intervention should not be engaged in and the political independence of other states should be respected, and war crimes should not be committed.

What is happening here is Kant is beginning to introduce some of the modern norms of sovereign equality, that is the norms of political independence, territorial integrity, and international humanitarian law. From the standpoint of political scientists, Kant is beginning to establish the beginning of rational political action. That is, Kant encourages enhancing information to discourage secret treaties, and internalized costs rather than externalized costs so present generations will pay for wars rather than future generations and wars are therefore less likely.

Second of all, the sunk cost of militaries should be reduced so that the temptation to use them is reduced. For all of these reasons, Kant hopes to have a more rational arrangement. This is an ethical argument he's making, and it is designed to create a basis for a more stable order, but it does not produce a reliable peace. Peace has to be constitutionalized. In this world, even in the world of the preliminary articles, wars are perfectly rational and perfectly justified if you have a reasonable basis to feel threatened. We're still in a state of war.

How do we get out of a state of war? That is where the definitive articles that you have in front of you come in. Those three hypothetical definitive articles are, in Kant's view, what takes us out of the state of war and into a reliable peace. So, states have to sign all three of them: Republicanism, the *foedus specificum*, and the cosmopolitan recognition of the opportunity to engage in commerce and contact. The first of them is very important; it is Kant's solution to the democracy problem. Direct democracies are tyrannical and faction ridden, imprudent and dangerous, and therefore one must have a separation of powers so there are checks, balances, and deliberation. In addition, there should be no direct democracy, but only democracy through representation, that is delegates are sent to an assembly and those delegates are capable of deliberation in contrast to the Athenian Assembly where the thousands shouted at each other. This is the world of deliberative, constitutional Rule of Law republics very different from what was thought of as democracy in the 18th century.

So, there is deliberation to produce rational decision-making, and at the same time there are internal incentives to reform peace. One of these incentives is that citizens have a natural hesitation in going to war, they have to fund the cost of war, they are the cannon fodder etc. But, this hesitation is not a result of pacifism. This is important because monarchs are prone to making war as if it were a festival or game because they do not bear the costs, so the hesitation of citizens to make war presents a natural restriction.

In Kant's view, a representative republic is needed. Later in his writings, Kant qualifies this, he knows that not every single representative government is a republic, and he does a real number on Britain. Kant is kicking Montesquieu in the shins by the way, since Montesquieu is an Anglophile. Kant writes that the British system is totally corrupt under George III and not a real republic. On the other hand, you can imagine so pure a probationary monarch that this monarch is so virtuous that he or she exactly tracks the understanding of what a republic can do. So you don't want to absolutely exclude monarchs, but they have to be perfect, and they have to be ruling a republic. Condition number two, the monarch must publicly agree to support other republics, that is, not to suppress, but to support others. Then, the hope is, France will provide the first republic and others will join in to form a league that is not a government, but a league to preserve peace with no other functions.

The third element is cosmopolitan law, not free trade or the guarantee of free trade, but a guarantee that strangers showing up on the shores of a given territory will not be treated with hostility. Cosmopolitan law opens up the possibility of engaging in commerce. There is not a right to engage in commerce, invest, or settle, but there is a right to show up and try to persuade local inhabitants that exchange is valuable. Kant feels that people, being rational, will allow these things and there will be commerce. The virtue of this is that in addition to recognizing these basic rights, which we imbedded in the 1951 Convention on Refugees, it provides the framework for a transnational society that will let governments and peoples learn more about each other and enhance their respect and understanding of one another.

That is Kant's argument. It is a league among republics, because you can't have a league among the monarchs that he describes, war-prone monarchs. Kant describes a league among republics that separate themselves from what is otherwise a quasi-Hobbesian state of war. These republics should follow the preliminary articles, but Kant understands that in the real world these republics do not, and that these republics should be condemned when they do not. Amongst themselves, these republics should establish the *foedus specificum*.

I think that is what Kant was trying to do. That is his solution to democracy and the republican solution to the problem of peace. Kant provides a framework for the league of peace. It is not without it's problems, but its virtue is that it helps us understand the human security agenda, as the minister mentioned, it also helps us to understand some of the foundations of the European Union, North American peace, the alliance with New Zealand and Australia, and the alliance with Japan. Kant provides some philosophical foundations though they are far from perfect. I think this document does a good job of motivating internal collective security and explaining why republics don't go to war with each other. It doesn't quite motivate external collective security, why they won't come to each other's rescue. I don't see that argument as strongly there, though I may be missing it.

How many people here have a full source of income as from land, from interest on capital, or from a self-owned business? None. Well, known of us in this room could be full citizens. We would be passive citizens. We don't qualify to the proper degree,

because we are salary workers of dependence. So, Kant, as desirable, profound, and modern as he is in his condemnation of slavery and his condemnation of oppression, well, he is not modern in our full sense, not with regard to what *we* mean by democracy. He is writing about a different world, but nevertheless a world we can learn a great deal from. I am very pleased that IPI has sponsored this dialogue today. Thank you.

Session 1: Sovereignty and collective security

At the heart of Immanuel Kant's essay lies the idea that the natural state between nations is war, not peace. Peace, therefore, must be established by securing the right of all nations through the foundation of a federation of free states. 'This league does not seek any power of the sort possessed by nations, but only the maintenance and security of each nation's own freedom.' This session will focus on the key challenges of collective security and the implications for sovereignty. What is the current condition and future potential of global collective security? What reasonable constraints on sovereignty must states accept to exit their natural state of conflict in favor of establishing a global legal order with the goal of preventing war forever? Non-state actors also have a growing influence on global collective security. How should sovereign states engage with them?

Moderated by Edward C. Luck (IPI), with opening remarks by Robert Jervis (Columbia University) and Pedro Serrano (European Union)

Edward C. Luck (International Peace Institute):

I'm Edward C. Luck from the International Peace Institute. I recognize a certain conspiracy of Columbia people around the table in terms of speakers, a mere coincidence I'm sure. We're not starting with Kant today, we're starting with sovereignty and collective security, which seems to be a much more logical place to start for the UN community. We'll get to the other topics as the day unfolds, though we do plan to cover all three areas. With our commentators for each session, we've tried to combine a leading academic with a leading practitioner. However, with this panel, as you'll find with others, I think its sometimes hard to tell who's the practitioner and who's the academic. This is something that IPI can be used for, a meeting place for theory and practice.

With sovereignty and collective security, there are a lot of really big questions. Some of them are laid out in your program. We have two terrific speakers to head off and I've asked them both to talk for ten, fifteen minutes maximum, so there will be plenty of time for discussion. We'll begin with my long time colleague from Columbia, Bob Jervis who is a very distinguished theoretician and political scientist but also someone who is very well grounded in the world of practice. He is someone who is very pragmatic and very sensible. His recent book Why Intelligence Fails: Lessons from the Iranian Revolution and the Iraq War, I think, will give you some sense of this. He is a past President of the American Political Science Association. We're just delighted to have him with us. I'm sure if Bob shares his wisdom with us for the next ten minutes, it will be provocative and get the conversation going.

Robert Jervis (Columbia University):

Thank you, I'm glad to be here. Ed and some of my former students are responsible for bringing me here. I think I will be provocative because I'm skeptical of at least some of the arguments of Kant, and skeptical of some arguments that I'm certainly not going to talk about with this audience. I am going to give some brief introductory remarks and then talk about collective security, which I don't think is the era we're in. Also, I plan to talk briefly in praise of sovereignty because I think it's too easy and too quick to dismiss sovereignty as the force for peace. Then we'll talk about what I think is a modern miracle, and partly fits with Kant but with a partly different root, what political

scientists call the establishment of a security community. If I have more time I have a couple of other topics.

First, I agree with the Minister that among the most oppressive problems are the ones we think of immediately, human security, state security, problems from weak states rather than strong states, and indeed problems from forces of nature that we have partly created. For example, as we sit here in this building we would be high enough to survive a fifteen-foot rise in sea level, but I think we would have trouble leaving the building.

There is a limitation that we all face as both scholars and decision makers, that is our inability to see the future. In that I turn to another famous philosopher, Yogi Berra, who said that prediction is difficult, especially prediction about the future. That was also a problem faced by Kant, who both published and perished, as he had a vision for the future that in the short run was totally untrue.

We do our best to foresee the future and often our predictions actually affect the way we behave, sometimes for better and sometimes for worse. If someone were holding a Kant in 1800 the future would look incredibly bleak. If one held a Kant text after the very bloody Napoleonic Wars in the 18th century, which were good years for the Europeans, then things may not look as bleak. If we were to hold this conference in 1900 things would look very good, we don't have to finish that story. So, in some ways, I see a great deal of optimism. What we need to realize is that we've been fooled by both the technical and political forces in human nature, forces in ideas, and forces that we probably can't foresee and will probably have great trouble understanding.

I agree with the dangers listed by the Minister as some of the most oppressive problems, but I would like to make two qualifying marks. My first remark is that there are threats to security in the traditional sense. The American government argues that there are real threats to government security, not only from states that harbor terrorists but also from states that are not necessarily failed states. Afghanistan, for example, before the U.S. failed, was a stable state. That the real threats to the U.S. come from Iran and Syria as well as other states, which I won't mention, is debatable, but not crazy. However, we see threats from the U.S. to their security, this is a point I'm quite happy to make. There *are* really very large threats, traditional threats, threats that will endanger many more lives. Large-scale wars are still very possible, there could be large-scale destruction even

without nuclear weapons. Furthermore, we are now focused on the sorts of threats that the Minister listed because traditional threats are receding and that's what I want to talk about.

Second, collective security might not be something that we're going to see for a long time. Collective politics, at least in the international politics literature and in the international law literature means the commitment to come to the aid of those who were attacked irrespective of any other calculation of interest. I don't think we've ever seen collective security. I don't think the youngest person in this room, certainly not me, will ever live to see collective security. I think this degree of admonition is beyond reach and states are simply not going to do this. They calculate their interests, but they don't necessarily calculate it in a narrow short runway. The idea that states will always band together to prevent violations of human rights or aggression irrespective of how they think the behavior will effect them in the immediate term is not going to happen, and we should not think that this will happen.

Technically, NATO is a collective security agreement, but it never really represented collective security. The British soldier-diplomat had a rightful purpose. NATO was supposed to keep the Russians out, the Germans down, and the Americans in, and this is still the main purpose of NATO. But now, a main purpose is to keep the Americans down, a goal, by the way, that I applaud. Even NATO is not a collective security agreement. Indeed, I'm not sure you'd want a collective security agreement if you had one. Known as the moral hazard, states can cause trouble in ways short of war and they can be provocative if they're protected. There are arguments, which are quite legitimate, that security guarantee against Russia might cause the Baltic Republics in NATO to be inappropriately prejudiced against their Russian minorities. This is a reasonable argument.

Okay, so we don't have collective security and we're not going to, but this doesn't mean that we don't have peace. I want to make two points here, first, I will talk a little on sovereignty and peace and then I will talk a little on the security community. I know many of my former students in the NGO world as well as my liberal friends both domestic and foreign think we, as ministers, agree that sovereignty is by and large the enemy of peace. They think at some point sovereignty and human rights will come into

contradiction and conflict with one another and they think we will have a more peaceful and better world as we continue to diminish the power of states and increase the power of various transnational forces. I think at the bottom of this there is a very great view of human rights organization, but I'm skeptical partly for reasons that Kant also realized. When I think about war and peace, I think about cost and benefits.

In the security community, I think states are usually and acutely sensitive to costs and benefits, as we know, states sometime assume wrong. The Athenian Assembly and the Sicilian Expedition is an obvious example, as Michael Doyle mentioned, because they did not have the form of responsibility that sovereignty first means you cannot have failed states and that it's only states rather than transnational groups that can form the kind of pacts that Kant talks about. I'll talk about implicit acts in a minute. I'm not sure the world will continue to see continuing erosions of sovereignty, and I'm not at all sure that a reduced sovereignty would make a better world.

I know it sounds like a false exaggeration, but I think the existence of the security community is the miracle of the late 20th and early 21st century and something we all take for granted. Although, the people around this table might take the security community a little less for granted than my students do. A set of states, largely those we call the leading states, the developed states, the states of North America, Australia and New Zealand, Japan, and Europe as far as the border of Russia and no further, form a core in North America and in the European Union but one that extends more broadly because these countries form a security community. This is not a legal concept, this is a concept developed by Karl Deutsch who decided alongside a set of academics and practitioners 50 years ago that a security community would be a set of countries, although not amalgamated and without forming any unit are not fighting each other and have taken themselves out of a state of war, which, in the sense of Kant and Hobbes, is literally unthinkable. When I say this, I mean, if we were to break into the safes of all the defense ministries of these countries, or more likely now just hacked into their secret websites, we would not find war plans for war among them. Any of you who know a lot about history and defense establishments know that this is a really strong statement. What most defense establishments do when they are not fighting a war and they have to do something is write war plans, war plans for the wildest things, this is in part because you can't be sure

about the future and writing war plans is how you keep your game up. So, to say there are no war plans for these countries is really a very, very strong statement, indeed.

I think it's not an exaggeration to say that the driver of international politics throughout history has been war, and thinking about war among the most powerful states in the world, but we are now in a situation where this is no longer the case, and this is nothing short of a miracle, the lives saved. Look at European history, Michael mentioned briefly that the wars of the 18th century, even the wars throughout the 19th century, were pretty peaceful, but once the Napoleonic wars were over it's not completely peaceful. If we are in a world where the leading powers don't even think about fighting each other, than this is an incredible change. It seems to me that this is partly related to factors that Kant was concerned with, though not completely, what I mean is Kant mentioned how the security community can last and how it can be expanded.

There are arguments about why the security community has come about— certainly history is important, the experience of World War II, and the experience of a perceived common enemy in the Soviet Union. Europe, I think, might not have united without both of these and the American security guarantees and the American pressure on Europe to unite. It is very much historically determined. It is a partly bitter experience with how costly war is. I think Kant is right, this is in part a development of cosmopolitan values, of shared values. These states in the security community are very different, they differ on a number of different dimensions, and they differ on importance in values. Though they share more in common than they have in the past, sharing isn't enough. The Europeans of the 17th, 18th, and 19th century shared tremendous values, one of these being that war is good and states should aggrandize themselves in pursuits of honor and glory as an essential part of the human endeavor. So, you can have shared values in a bellicose world. War is now seen as a last resort. It's honorable that we honor the profession of the soldier, but war itself is not honorable, war is something that one is forced to do. The value of discrediting war is something that's crucial.

The second pillar supporting the formation of the security community relates to Kant and also relates, broadly, to the liberal theory of peace as a benefit of trade and investment. For example, you can look at U.S.-China relations because China is not in the security community. A war with China is certainly not unthinkable, I don't think this will

happen but there is a significant chance that it might happen in the next fifty years. However, one pacifying factor is economic interdependence. Our pens, for example, are made in China and we can't get along without them.

The third factor, is the unusual cost of war, and I think we were slow in the community to see this. The bloody nature of WWI was important, but didn't do the trick, the bloody nature of WWII helped, and nuclear weapons helped enormously to help our community realize the costs of war. Everyone knows that if there is a war among leading countries, then there is a very great chance that nuclear weapons will be used and that the result will be incredible destruction. It is the very costs of war, that helps keep the peace.

One of the prospects of expanding the security community—well, I'm glad I'm out of time because I'm really not sure from my standpoint which is looking less at civil strife and human rights violations, and more at the big ticket items. I'm really not sure what my standpoint on prospects of expanding the security community is. Given the possibility of war involving Russia and China, the most important question is: Can Russia and China be brought into the security community? This partly depends on economic relations, partly on values, values that I think, at this level, are shared, and it also depends on good old standard diplomacy, solving a pattern of diplomatic relations that have become standard and will not go away.

Just to close, I think, at minimum, the existence of the security community is very important. See, we take the security community for granted. I teach the introductory undergraduate course and I ask my students how many of them think there might be a war between Germany and France, or do they think the U.S. might get involved in a war between any of these countries, and they look at me as though I'm crazy. The point is, that thought has literally never crossed their minds. I assume, for you people, it has crossed your minds. I think that the security community in Europe is worth thinking about more, not only because it is something to treasure but also because it maybe does not maintain itself. Maybe, if we take the security community for granted we could lose it, and there may be lessons in there on how the security community can be expanded.

Edward C. Luck:

Thanks very much Bob. Thank you for fulfilling my prediction, that it would be

hard to tell the academics from the practitioners. So I guess we've just heard from the wholly minded theorist, and now we'll go on to the hardheaded practitioner.

One thing that I think might be part of the consideration at one point: if China and Russia are not part of the security community, they're 2 of the 4 co-conveners at the San Francisco founding conference and 2 of the 5 permanent members of the security council, so the security community and the security council are not congruent, which I think is a very interesting, concept for all of us who work around the security council and around the UN. So thank you for a very stimulating beginning—now we'll continue that tradition with very stimulating conversation I'm sure.

Pedro Serrano is the acting head of the EU delegation here in NY he is a long career as a Spanish diplomat among other things among the representatives at the UN at an earlier point, and to the EU he's a very articulate commentator and always has interesting things to say (I don't know if he has an academic hat, but I'm sure by the end of his presentation, we should give him one.) Terrific to have Pedro here and we look forward to his comments.

H.E. Pedro Serrano (Delegation of the European Union to the United States):
Thank you very much everyone, it's a pleasure to be here, and actually to run away from the most immediate concerns, that we're all suffering in the buildings on the other side of the street, and have the ability to go into a more elevated position and discussion. Since I am a practitioner, I think I have to say, that whatever I say cannot be held against my organization, against the European Union, whatever I say its my own personal responsibility and I hope it won't impact negatively on any image you may have of the EU.

I'm very interested by this subject that you brought forward. I thought, yes, this is Kant and this was the 18th century. Of course, Kant was wonderful, and he had a vision that carried over centuries. We're still building on what he said and thought, but certainly when we look at security today and when we talk about collective security, it's from a different perspective. The question posed by Professor Jervis was: "Do we have any collective security systems worthy of the name? And has collective security worked in the past?"

Of course our approach in the EU is that security is certainly not a military issue. It is no longer about orders, but security has become a very complex concept. I imagine that this is what the Minister said earlier and I'm sorry that I couldn't be here to listen to him and I'm sorry if I repeat things, but certainly conflict is an element in security, but so is development, so is climate change, and the stress it can bruise on resources—on movements of populations, certainly, weapons of mass destruction, organized crime, terrorism, the impact of fragile states—we're developing or we have developed, I think, a more complex concept of security. When you take all those elements into account you realize that even if you're sitting comfortably in Munich or somewhere else something that happens in any other part of the world will have an impact at some point. If we do not deal with climate change it will have an impact on you, sitting, watching TV in Munich, Paris, or elsewhere.

This leads us to another way of dealing with security, because we have built interdependence in the international sphere and countries cannot just ignore something that's happening very far away. Therefore security changes cannot be towards room-based security, which doesn't work, nor toward threat-based security, which doesn't work either and has actually led to and sparked wars. It leads to a concept of security based on the identification of common interests. This is the story of Europe as well; I think we've had one of the most warring histories and we have put this to an end by identifying common interest and not through collective security mechanisms. Of course, NATO has played an important role—but certainly working together and finding that we have much more interest in working together than fighting each other has also played a role. Afterwards this has to be translated into legal obligations and it has a moral background. This change is essentially about an identification of these common interests. The world of today, the globalized world shows that interdependence means that we all have common interest. All of the 192 countries that sit across the row have common interest.

We are moving toward this development of a world where we have to work in solidarity. Obviously, this has an impact on our sovereignty, and the absolute sovereignty of states, which is very well defended next door, very often is in conflict with this idea of finding these common interests and working to create a world that is built around solidarity. We're building common interests daily through an operation of issues. These

operations of issues can range from development programs to crisis management issues; whether this country should be examined or not–all these kinds of arguments, there we see sovereignty at stake.

It fits into the more philosophical nature of our discussions next door because it is true that based on the nature of these operations, we are working to build common values based on the identification of common interest. I think it would be very difficult to identify those common values if we didn't have those common interests. Despite what our laws might say, I don't think we are essentially moral animals, we are moved, unfortunately, more by our interests than by our moral value. The EU is, I think we can call it this now, a very big collective, universal security system, but not in the traditional sense of the word, in a much larger sense with a larger sense of the word security.

Can the UN achieve something similar on its own? I think, certainly not. Even looking in a narrow sense at what security is. We look at Chapter 8, for example, in the charter, which has always been very interesting to me. Chapter 8 is about regional arrangements and how we're going to implement. I don't really know if a lot of people really identified with Chapter 8 and certainly the European Union does not, though we operate with Chapter 8. Does this mean, in any case, that this is an acknowledgment, that if we want to solve problems, it's fine to try to solve them on a global scale, when we can often solve them at a regional level? Now these problems can be solved through collective security instruments and it can certainly be done through the development of links: trade links and cultural links among states. We're seeing this development throughout the second half of the 20th century and into the 21st century.

Out of curiosity and with the little time I have, I'll try to see what kind of collective security instruments we have in different regions. And actually what I have to say is that nothing extremely well has developed. Certainly, you have to look at places that have made progress to develop collective security, as in Europe. We can talk about NATO we can talk about the USE, I don't know if I would put the council of Europe in that category, but I would include the EU, and we can talk about this at a later stage. Actually, I would include Africa. Africa has a good record on what it's trying to do, with a big effort in developing the African Union. Also, Africa has very powerful sub-regional organizations, such as USAID Africa, the East African Community, and EGAD is active,

so there are many different efforts in Africa.

I see that I have distinguished colleagues here from Latin America who may want to acknowledge how this issue is addressed in Latin America. I know that there are important integration efforts, CARICOM is a very developed effort, and there are others as well. Efforts within that Latin American continent continue to bring interests together, and of course we have the issue now of the new Latin American organization. There are elements of security in many of those projects. In the OES charter, for example- when I read it, and I read it quickly, it seemed like it was an extension of the Monroe charter, *"We will fight against those who attack us."* I don't think anyone is thinking about attacking the Latin American countries or the American continents.

Then we move to Asia, and again I am very ignorant, and I'd be more than happy to hear more about this, but my feeling is that there are less developed structures in terms of security. Yes, we have new ones that are being developed in the wake of the USSR's disappearance, and you have the CIS and the Shanghai agreement, we also have ASEAN, which is an important effort within Asia, but how well articulated is it? I have some questions.

So clearly there is an interest in looking at what we can do regionally and an interest in what we can do regionally to satisfy the concerns for security, but even more, there is an interest in how we can develop regional security processes. This is what, if I may make some publicity for my own masters, this is what the EU is about and this is the success of the EU. We are not talking about the political dimension, we're certainly not talking about the security dimension, we are talking about a common market, we're talking about the movements of people, capital, and goods - on this we've managed to get past horrible centuries of war. If we look at how Europe is evolving now, the EU is without any collective security *stricto censo*. Although, we do have a clause in our treaties that requires collective defense, but that's not the key issue.

It is a pole of security in Europe. If we are moving towards stabilization in the Balkans it is because there's a perspective of European integration that applies to other parts of the European continent as well. So, the creation and development of common interests is a powerful motor towards collective security. The EU tries to encourage this in its partnership with other regions and tries to encourage a development of common

markets through its economic agreements fostered worldwide.

Sovereignty and Europe: The EU is one of the organizations where more supranational powers have been granted to the organization itself, referring to the latest movement in the Lisbon treaty. Building on these common interests, we are building a political unit that has a security dimension, strangely enough, not for security inside the union, but for stabilizing, state building, and peace building abroad.

Just one more thing, the role of non-state actors, I think we're all looking at state actors because we're familiar with what they are and we think we know what they are. I'm not sure we know what they are, but we think we do. I very often have the feeling that I live in a very superficial epidermic world; a world of policy, where we handle all sorts of issues, but we remain at the surface. What are the real forces that are moving our society? These forces, as we all know, move beyond borders and beyond states. Look, for example, at the money BP spent in repairing the damages of the spill in the Gulf of Mexico—billions and billions of dollars. How much of that can we mobilize in terms of AAV for example? Not very much I'm afraid.

There are very important actors out there that are not under state control which have their own dynamics and yes, those work in frameworks that collaborate in states, and those collaborative states work among themselves. Very often, I have the feeling that we're only scratching the surface, working at an epidermic level, and there are realities underground, but for whatever reason we do not analyze these realities sufficiently when dealing with international conflicts and issues.

When I started thinking about non-state actors, I thought about guerillas and groups of that kind, I think when we look at non-state actors we have to have a much broader sense of what we're doing within the business community, the financial sectors, and within religious groups of different kinds. How does the state deal with this? I think in the 18th century, we had a more patrimonial sense of the state if I can still call it so, we developed more of a national concept which is more dangerous, more ambiguous, in the nineteenth century. Where are we now? Where are our states, and what is the sovereignty? What does the sovereignty control and what does it apply to? I am just expressing my perplexity and hoping to hear from you. Once again, thank you. I'm very glad to have been invited to say a few words.

Edward C. Luck:

Thank you Pedro, that was really excellent. Thank you for bringing in the regional piece, which we sort of thought you might, and for bringing in the part about the non-state actors, which I think is a very important part of the puzzle.

We have about 45 minutes for conversation; we have a lot of talent around the table from different walks of life. If I may, I would like to make one or two very quick comments, because they are very hard to resist and I think they will help to open the discussion. Particularly with the Minister's remarks, human security vs. state security has come up a couple different times here. To me, it seems hard to have human security without state security. I think a lot of the kinds of threats that Pedro was talking about present themselves when you don't have state security, and there are other non-state actors, acting in unhelpful ways. You can have state security and repression. These are not antithetical concepts, they tend to go together: state security and human security.

Second, I wasn't going to say anything about the Responsibility to Protect, which is what I do for the Secretary of the General, but several people have raised it, so I feel a slight obligation to make a couple of comments about it. I don't think the Responsibility to Protect is at all antithetical with the idea of sovereignty. I think sovereignty, properly understood, is very important for the deliverance of these kinds of responsibilities, and also protection and prevention of these kinds of crimes.

The minister did say, and I do need to respond to this because it is also in Obama's United States National Security Strategy, which is somehow, 'when the state fails to offer protection, it then cedes these responsibilities to the international community.' That is certainly not the view of the Secretary-General. The Secretary-General's view is that states maintain the responsibility to offer protection, though they may not exercise it properly they maintain that responsibility for states on their territory. The international community may help, the international community may intervene, but the state doesn't simply give up that responsibility, that responsibility is retained. I think it's very important to recognize that.

I'm also very glad, Pedro, that you raised the issue of non-state actors, because of the kinds and lists of crimes that the minister was talking about. Clearly armed groups

have to have responsibilities for protections of populations as well. Whether it is the LLA or the URF, there is lots of history unfortunately of those kinds of armed groups committing those kinds of crimes.

There's some emphasis in Kant of the like-minded coming together to form these kinds of leagues. It seems to me that one of the values of the UN in these times, hasn't just been the like minded coming together. In fact, this continuing discourse with countries with quite different security interests and perceptions is one of the great values of the organization. We often lament when we can't get agreement, we'd like to see consensus in everything, but I think that overtime historically the value has often been to bring in for conversation, countries that have very different kinds of views.

In that regard the assumption that somehow democratic states or republic states are going to have similar interests, doesn't hold historically, even in very recent history. The assumption is, that if a state is relatively democratic, if it's relatively representative, it will be looking to the interests, sometimes to the narrower interests of it's people, but it might not be identifying with the broader international interests of the time. I think that's one of the reasons we can think of as to why often some of the larger highly democratic states are also highly problematic in dealing with a consensus bases institution like the UN.

So those who talked about values as being key, it seems to me, really get to the point. Having transnational values that are internalized domestically and then shape the way countries think about their values rather than denying the validity of those interests—those were just a couple of comments that I couldn't resist.

Francesco Mancini (International Peace Institute):
I think this is the talent of the shy, but I will start. I just want to say something about the EU experience. What I think is the most interesting question on the topic of collective systems in general, is how much of the European experience can be translated to other continents in other parts of the world. It's extraordinary what's happened in the last seventy years in Europe. Are there some elements that tell us that the EU experience can be translated to Africa, for example? Africa has been mentioned as developing quite extraordinarily for normative institutional developments in the recent years. At the same

time, conflict is still very alive. In 2009, 1 out of 3 conflicts were still in Africa. On the other hand in the Middle East, where interstate cooperation is not that strong, we've also seen conflict quite active, at some point in history almost 25% of conflict in the world was in the Middle East—on the other hand, on average roughly 14-15% occurs in Asia. I am not a particular expert on that particular part of the world, but it seems to me that collective security institutions are rather weak in Asia. At the same time the region has been, relatively speaking, quite peaceful. So I don't see a strong correlation, in some parts of the world, between a development of collective security institutions and normative development of peace, at least regionally. But, there is some sort of correlation in Europe and to me it seems interesting to understand what kinds of elements in the European history experience can be translated to these other countries. We talked about values, we talked about democracy, and how systems and domestic systems have strong roles.

It seems very hard to me to develop one robust and persevering theory of peace throughout the world. It seems that every continent, at least every region of the world, has a different approach and standing. It remains if we can see Africa, or at least Asia, to be more prone to peace due to a development of institutional norms, as Europe has.

Edward C. Luck:

Thank you. Let me introduce our representative of Brazil, Eugene Vargas Garcia, here.

Eugenio Vargas Garcia (Permanent Mission of Brazil to the United States):

There's been some ambiguity in relation to three very closely interrelated concepts and I'd like to see them explored more fully in the discussion. These are the relationship between sovereignty and the notion of state responsibility and how that is acquired and exercised and the role of state actors and non-state actors in relation to international social movements in promoting, and to some extent, ensuring that responsibility and the degree to which those are viewed as interdependent as opposed to antithetical- that is social movements eroding state sovereignty, as Professor Jervis suggested, I think this needs further explanation and deepening in the discussion.

There's one other question I'd like to put on the table—this notion that democracy assures peace. When we look at the history, including the recent history of warfare in Europe, which is hardly over as I think you were suggesting, it seems to me that there has been a case made, one that Kennedy also made—that a certain degree of authoritarian rule might be a better guarantee of peace than democracy itself.

Sebastian Lapierre (United Nations Department of Political Affairs):

I thank you very much, Minister, for giving me the floor. Much has been said here about collective security. I think that we should stress the importance of principles. Because the world community has been able to elaborate a principle of common recognition, it can think of collective security through the adherence to those principles and I think that the principle of collective security is one under construction. collective security has been shaped in the shadow and is not a finished work, but something that must be lived and worked towards. That's why I think global principles are the backbone of collective security.

I won't comment on the global vs. regional argument. I believe that global is complementary of regional. We have to be able to change the doctrine of security when the process of regional construction is going forward. I think there is some backlog in the UN security system in that sense. We have to reorganize the core potential of regional organizations and use them as a search. Africa has been working very thoroughly in this field.

In fact this regional construction will affect the legal body of the UN, as such we have developed new methods for accessing West Africa, that are, so to speak, quietly infiltrating the UN system. The concept of Responsibility to Protect was developed in the 1780s by the West African integration process where we agreed that a situation in one country which could affect situations in other countries and trigger dangerous action, we vowed the consent of the government of each country. I am very ready to push the concept of Responsibility to Protect here in the UN on that basis. That's something I would like to add to our discussion.

Edward C. Luck:

Thank you very much. That brings to mind the idea of 'necessity as the mother of invention.' It raises a question about the history of conflict in Asia—there would be more invention in terms of international organization and they found a different path of going about it.

H.E. Pedro Serrano (Delegation of the European Union to the United Nations):

Thank you very much Mr. Chairman. I want to begin by quoting Professors Byers and Chesterman, who have said that the violation of human rights constitutes a great topic of concern but the solution can not be to dismantle the international legal system as we know it today. Now sovereignty is being attacked in a different way; we have intervention of Kosovo, for example, we have secession of Kosovo being approved by the International Court of Justice, and we have a new definition of sovereignty arising all over the place, we have the Responsibility to Protect, we have human security, and we have the concept of weak states. Now if a state is unable to protect a child from being abused, if a state is unable to protect drug trafficking from happening, if a state is unable to protect a woman from being abused, if it's unable to protect the environment, then it's susceptible to being intervened by other countries.

A paper by the current NGO endowment stated that every low-income country is susceptible to early intervention, and even middle-income countries are under risk of suffering earlier intervention if any situation becomes dangerous.

I want to end with this question, if a weak state under those conditions is susceptible to being intervened because it poses a threat to other countries, could it from the perspective of Bangladesh or maybe Malawi, whose citizens are suffering from pollution caused in industrialized countries, does Bangladesh have the right to intervene an industrialized country to stop pollution that is causing climate change in Bangladesh? So is it just weak states or could it be strong states that are also at risk of being intervened if their actions are causing damaging effects in a different country.

Richard Sennett (London School of Economics):

It's a very frightening prospect, that we might be invaded by Canada to get us to stop polluting. I just want to make a couple of comments about Kant, although I don't think it will be of much help to you, Mr. Serrano, in thinking about NGO's.

I think Kant is quite useful in thinking about practical problems today. The reason I don't think it will be of much use to you is that Kant had a very weak notion of civil society, something very much of his mind. What we think about as intermediate institutions seem to him almost irrelevant to a dialogue primarily between the individual and the sovereign—that's a blindness in Kant, he was blind to culture in the anthropological sense. That is something I think you're trying to bring in, in a culture of intermediation.

On the positive side about Kant, I think you could understand that this isn't just a philosopher's fantasy if you reverse the order of our meeting today, because for Kant, the idea of a rights bearing subject, who is the notion of cosmopolitanism is about, someone who carries rights within him or herself wherever they are born. This is a fundamental issue that he's dealing with, and he's opened up a door to something he doesn't quite understand. As Michael Doyle was saying, he was inspired by the French revolution, but he doesn't quite know what it means to possess human rights wherever you are. The only kind of sovereign that is likely to recognize rights bearing subjects is a republic, not a democracy, but a republic. If there are republics that recognize the rights of individuals then the possibility of those republics acting peacefully with one another is great. The proposition is that you have rights as an individual. If you live in a sovereign that doesn't recognize those rights and nothing follows, then that's the end of the story. So we've either got things reversed here or we're digging down into what is the Kantian logic.

Can I just say something about the word that's translated into English as *hospitality*. This has a much larger implication in Kant's writing, it isn't just being nice to foreigners—if you are a rights bearing individual, as a migrant or a political refugee, then you have claims on other people, not just claims on their sympathy, but when you arrive in another state you have claims on that state.

I think that if Kant had lived longer and worked this issue of hospitality out he would have arrived at something like economic rights of citizenship. In my view where this was headed is to understand, not only that people have a right to be welcomed if

they're in need, but that those rights are really the rights of self-preservation prosperity and so on and that would be the economic rights, really the foundation of international peace, that's how I'd spin out that theory. If you don't have economic rights then nothing else is going to follow.

Richard Sennett:

Early Kant is very different from middle Kant, and late Kant is a deep, deep pessimist, that we almost wouldn't recognize from <u>Perpetual Peace.</u> So he's continuously learning, and the idea that he wouldn't change his ideas over time is perfectly well refuted from his actual history of change, which is so impressive. I also think that it's impressive that he's been inspiring to generations of philosophers not only at the technical and the metaphysical level, but also at the political level. There are a group of philosophers today, whom we call strong cosmopolitans, and I think that my friends like David Luban and Henry Shue and others, have extended Kantian ideas in the sense that they believe that we have basic rights, and just like we have a right not to be tortured, we also have the right not to be starved and that brings us back to what Pedro said earlier about the kinds of rights Bangladeshis have in a world where the international community is inflicting indirect harms on them. I think Bob mentioned the 15 or 30 feet that the oceans might rise, that is a catastrophe of let's call it 'nuclear' proportions for Bangladesh. So that raises the most fundamental rights of the Bangladeshi citizens to the survival of them as individuals and the survival of their political community. So it does raise real questions about security, sovereign equality, political independence, territorial integrity, and a new meaning to that. Our colleagues like David Luban and Henry Shue have argued that if someone is starving in Haiti, and their is no other resource within Haiti to prevent that starvation, the United States has no right to stop them landing on the shores of Florida. So it just brings up another point, that Kantian foundation of looking at human respect in the deepest sense of that word, and human fulfillment has the ability to evolve over time in ways that are quite radical.

At the same time there's a very strong conservative element in it. Kant is as strong of a defender of sovereignty as Hobbes was and he is right with Hobbes on the importance of the state, including the right and the duty of the state to punish in order to

maintain the Rule of Law. So Kant is not a soft minded liberal, he's a pretty hard thinking 'right' Rule of Law theorist and he thinks that his idea of perpetual peace among these self-governing sovereign republics is realizable by intelligent devils, by which he means rational interest political scientists. You can think of material explanations that will take you very, very far to reaching a logical foundation of this understanding of peace. Even though he thinks that's not what human beings are about, he thinks of it as a matter of rights: they have to be rights bearing and rights respecting individuals. But the material interest of commerce and avoiding war and the educational factor of wars, the point that Bob raised, educates people on the importance of peace; as the cost of wars goes up the likelihood of peace goes up. So, he's a very complicated and fascinating philosopher who is exactly capable of the kind of philosophic evolution that you're describing.

[Audience member]:

I'll just add to that: I think that what this book is about, in my view, is removing the domain of thinking about justice and human rights from charity. That is, this is not the domain of something that is moral good will and that's an enormous break—to think that rights are rights and rights are not gifts.

Edward C. Luck:

Thank you, this exchange has had the desired effect as a lot of hands have gone up. The less time you have the more people want to speak.

Pablo De Greiff (International Center for Transitional Justice):

One comment about the usefulness of Kant and whether there is a blindness to him as far as civil society: it seems to me that this is a bit harsh because blindness is often compared to foolishness. There is one great source of possibilities within Kant's work for civil society that continues to play an importance to the public nature of reason not just the formalist understanding of the Rule of Law, but also the importance of public accessibility to reason. This is a source of importance for civil society, though it has multiple ambiguities that were mentioned also especially considering the issue of economic rights. In other words, I am much more confident in the usefulness of Kant as a

source of support for civil society and as a source of strong arguments in the short run for economic social and cultural rights even at the national level of patronage.

Edward C. Luck:

That sounded a little bit like the beginning of humanitarian refugee law here in the discussion.

Participant (To be identified):

I am thankful for the comment that you made on charity and human aid effect. A few months ago there was an article in one of the major German newspapers, exactly about that point. There was a big debate in Germany because the German public was doing a lot to contribute to the Pakistani floods, but aid was not coming, there was an argument that the individual responsive behavior was necessary, but that alone will not carry what is necessary, in a global sense, to react to and respond sufficiently and adequately to issues of climate change and natural disasters and all the like we have seen. I was very grateful for that article because I do think that if you look at the mere volume that we've been talking about in peace keeping, the humanitarian multilateral system has been flying a little bit below the radar screen, but in fact it's one of the major success stories in a multilateral sense over the last ten years.

Multilateral assistance through consolidated humanitarian appeals has grown from 2.7 billion dollars in 2003 to over 10 billion dollars in 2009 (quadrupled). The projection is an increase over the next 7-10 years, despite reluctance, to grow to close to 20 billion dollars, just because that's the world we live in. That brings me to the point that I was going to make: the opportunity of long hindsight; it's nice to see that we've made a lot of progress in a lot of the things that Kant has asked for, but we also have a completely different environment, an environment that is probably more transnational than Kant might have ever imagined.

That brings me to the drivers of that responsibility—is it just rights conscious citizens or is it even more rights conscious states? I would actually argue that we're in the middle of that debate right now. Some argue that human rights conscious and states ready to fight for human rights, or alliances of states are actually holding down human rights

for values such as trade and the absence of war, which is not the same as the achievement of peace, economic interests and so on, and this may come to haunt us over the next 30-50 years in terms of humanitarian rights and objectives. So it seems to me that the drivers of these responses have effectively not been responsible states although they have reacted to the impotence set by the media. For example, a 24 hour news cycle in our world, the humanitarian world that I just described as this multilateral 10 billion strong industry, is one of the major drivers that we can not afford. We know, or I know that there is a mobile, where, within 8 seconds, if there is an earthquake or disaster, the news comes electronically. We need to react to very different disasters today than we would have had to react to even five years ago.

To one of your ambassadorial colleagues the other day who said, *"We need a paradigm shift,"* I said, *"I think we're in the middle of a paradigm shift."* Five years ago in New York you would not have had three ambassadors host a round table or luncheon over improving response capacity to natural disasters. Now natural disasters are as big, if not bigger in all its dimensions than security, at least as big in the human aspect of it than some of our peace and security discussions we're having about war and conflict.

We need to realize that the drivers for this have not only been responsible for moral responsible states and human rights conscious, humanitarian conscious states and also regional organizations, but it is because our world overall has changed with a new *siecle*. I think transnational movements and their impact on parliaments, public opinion, and public perceptions, which we haven't really explored yet, have an important impact on the sovereignty notion as well as the state responsibility notion.

I just want to take one minute to suggest that we need to explore that further in order to understand the drivers of good and also the dangerous drivers of those kinds of interventions. Thank you.

Edward C. Luck:

Thank you very much, that was very well put. I think you put the question of values and interests and their relationship very nicely.

Adam Lupel (International Peace Institute):

If I could take a moment and bring it back to distinctions made by the speakers - I'm trying to make a very brief comment. This is the distinction between collective securities defined as a willingness to intervene for your friends regardless of self-interest vs. common security based on common interest and the difference between the league of like-minded states—what you see in Kant, and what we have in the UN—a universal institution of sovereign states with sometimes competing interests. I've been convinced by Professor Jervis that what we have is not something like collective security as it's been defined in its pure sense, but especially in the European Union what we do have is the sense of common security based on the development of common interests. The UN has the last point which is the universal institution of sovereign states. This type of system contains different types of demands than one sees in Kant. I would state those as very simply the need to develop common interests. I think that in a time of economic globalization the economics becomes very important, and I think that's where the EU, as was stated, is the example *par excellence*. Then there is also the need to develop universal norms that remain compatible with the principle of the sovereign equality of states, and I think we'll get talking a little bit more about this in the afternoon, but I would say that in support of my colleague and boss, the 'Responsibility to Protect' really satisfies that condition.

Gudrun Harrer
(Der Standard, Vienna University and the Diplomatic Academy, Vienna):
I have a short question, it's a historical question to Mr. Doyle: Isn't it the case that Kant wrote this piece after the conclusion of the Franco-Prussian separate peace? Kant also liked the French Revolution as it was in the first moments, but doesn't this mean also that Perpetual Peace was a document which supported the idea of non-interference and it was a little bit directed against the Austrian interests? So how do we conclude from that? Non-interference with responsibility, where does that lead us? Does he change his mind? I really don't know.

Elazar Barkan (Columbia School of International and Public Affairs):
I would like to say a word on Latin America. First, while we do have some kind

of peace now, I think it's not because we have an integration process, but rather it's because we have republics, or what one can call democracy. The first question is in what sense does Kant have a word for public? In what sense is democracy different today? Does he mean liberal democracy, is that the meaning?

Normally we would start thinking that he was using the word republics for democracies and this is what we have, but I have a feeling that liberal democracies can also be a sort of a problem, very ideological and can cause problems in other countries, and I think that in our region we can see that, and see that if you can provide for your territory to do things in another territory, then there could be problems. So that is the question, and I feel that what 'republics' means in Kant is 'liberal democracies.'

The second thing is that peace is also related, or rather, leaves the question of Security Communities. I think Security Communities are very important. I will kindly mention now a word about relations between Brazil and Argentina, or rather between Chile and Argentina because in the last thirty years it has been different. We saw this with relation to the Non-Proliferation of Nuclear Weapons Treaty (NPT). When we started with the NPT, we didn't go to Argentina or Brazil—when we started doing that everyone felt that it was kind of ridiculous to think in nuclear arms—for one, they didn't have resources or nuclear power. On the question of integration, over the years, I will say that having a diplomatic charter is a very good idea, even if it's not working perfectly and even if you have it as a goal. Sometimes people will support each other in terms of democracy, but it is a risky thing. It is the small countries that are always being intervened, which is wrong. It is clear to me that you would never intervene a big country.

The third comment is a question, I have asked: what is the meaning of collective security? It's not clear to me why NATO can be labeled as a collective security institution. For me it's different, maybe you can have the word collective security, but in reality you have to defend each other—you can't have a threat to your peace. The only collective security I can imagine right now is in the UN. In a more political way I suppose, if you have collective security everyone will be in defense of those who are invaded or who suffer aggregation. It's very confusing when you start to mix up names and organizations that are not collective security.

Edward C. Luck:

Thank you very much. Maybe those of you who are responding to the idea of collective security can think about this: can you have collective security in a pure sense if the body that makes the decision has to vote on whether to respond or not?

There is a Security Council whether it's NATO or another organization. I will just say that in comments about sovereignty and small states it's worth remembering that John Bolton was very negative about the Responsibility to Protect, and he remains negative about many other things, because he thinks it proposes an obligation to respond and therefore compromises the decision making of a large state. So that large states become compromised in a small way in terms of sovereignty, very small states are compromised in a more direct way.

Elazar Barkan:

I would like to make a couple of comments about the conversations and some of the issues concerning the relationship of theory to practice. One of the issues raised that we've talked about is the historical interest in Kant that informs interest on an abstract level but with a concrete interest. There's a dissonance between what we just mentioned and the distinction between the right, possibility, and obligation—clearly there's nothing in the text that actually talks to us about obligation and the reciprocity of having a right or a group as having a right and the obligation of someone else rather than others in the world to respond to it. The other thing that perhaps we should pay more attention to today when we read Kant either from a historical or a more contemporary perspective, is the question of plurality and the notion that in an ideal world we will all reach similar conclusions—this seems theoretically themed, not just practically impossible. We must include this in the consideration because the idea that we will all agree on an analysis of a situation in a similar way is so inconceivable to us that it's not just that we imagine it doesn't happen, but it's not something that we can imagine. I think this is critical to the analysis of the indications of those aspiring to render discussion.

Edward C. Luck:

Very good, it raises the question of whether or not it's more difficult to get a consensus in a faculty committee or in the Security Council—I think the faculty committee is the ultimate.

H.E. Jean-Francis Regis Zinsou
(Permanent Mission to the Republic of Benin to the United Nations):
I would like to come back on the issue of intervention on small states. It's all about the capacity to alter a precise moment and usually what fails in the small states is the capacity to alter—that's why the issue is addressed in terms of acting and action from the international community. We have to strengthen the capacity of the system to make the disregard of the universal law expensive for powerful states.

Michael Doyle (Columbia University):
Indeed Kant was writing in the context of the quasi Prussian-French agreement at the time. I don't think that this has anything to do with this theory. I think that the balance of power and politics was attempting to reduce the influence of power in Austria and regarded this agreement as a good opportunity to do so. Though it was part of the context, that previously Kant had been protected by Frederick the Great, so he had some affiliation with the government. But at the time he was writing Perpetual Peace, he had been abandoned—Friedrich Wilhelm, for example, had condemned him along with the minister of education. This is very sad for academics, you can have a very successful career and then at the very end...all of the young people are becoming nationalists and the state turns against you, well that's really very tough. So, he ended on a grim note and I think that's a great point.

On liberal democracies—there's a rights notion that's embedded within the concept of his republic. He's very strongly committed to the idea that the Rule of Law is a constraint on a democratic majority tyranny; to checks and balances, to all of the constraints on democratic factualism, emotionalism, all of the constraints that he found through history. He was hoping to find constitutional ways to deal with these, but he acknowledged repeatedly that it's not often going to work, and he condemned states that he saw as quasi-republican engaging in great harms including imperialism. Kant had a

very strong criticism of commercially based imperialism in the document.

H.E. Pedro Serrano:

Thank you very much, this is certainly a very interesting exchange. I do believe that sovereignty requires, as Kant analyzed it, the power of word. Different states have a different concept of what their sovereignty is. I have also been listening to the discussion, thinking: do we have an equivalent for sovereignty at a macro level? We talk about macro-governments that are not very powerful. How will all of these change? Sovereignty has changed from Kant's time to ours and certainly within our time there have been different concepts of sovereignty. As we've been seeing, other actors within society that have an important responsibility in a transnational way to how the world evolves, and we don't have a method for handling all these actors—or maybe we do and maybe as a practitioner, I'm just not aware. You're attacking it from the point of view of protecting the defenseless, as we discussed it the protection of the civilian; we talk about human security. In a way, is this to protect those that don't have a voice? How can we, as sovereign nations be ready to sacrifice these powers? These answers will vary. Then in talking about Kant, our discussion becomes involved with an idealist controversy about moral values and their translation into norms. I also want to link this to reality. Values are important as are norms, but we will not get to values and then to norms if we don't have common interests. I think that's very much what we do across the road at the EU, we try to find common interests and to move from there to values and then into norms.

Robert Jervis:

Well I'm conscious that I am the one standing before the coffee break, so I will be very brief. I think one point that's come out, or rather, question is: are there necessary preconditions for achieving peace, not necessarily in the world, but between two countries and a region? My sense is that there may be, but there is no golden rule. That is, there can be many paths for finding a common desire. The Minister made a very good point that there are security communities in South America now, that is a radical change from even 20 - 25 years ago. The path that South America followed has some overlap with the European path, with the path that the U.S. and other countries sought, but it's not

identical. I think that is a very hopeful sign. It means that in order to establish peace between other countries and other regions there may be ways to reach peace, even if these countries don't meet the preconditions that Kant would have expected or some of our social science theories today would lead us to expect, but we can get to peace anyway. This is extremely interesting. There is a tremendous variety in the world, sometimes that comes to surprise us in unpleasant ways, but that can mean that there are also many ways to desire peace.

We've talked a little bit about common values and moral sense. I just want to comment, though many of you know this, that at least in the academic world, for a long time after World War II, the consideration of human nature sort of dropped out and when it was there, there was a consideration of evil as well. However, in the last 20 years of biology and neuroscience there has been much more of an interest in inborn moral sense. That research indicates strongly, not that people will automatically do good, but actually through developments of our brain and maybe through the processes of evolution, there is more bias towards goodness than we thought. This of course does not mean that people always do good, as we've seen our recent current history. But, when you think of grounds for possibilities, it really is striking how our brains are hardwired for some forms of hospitality, both narrow and broad.

Edward C. Luck:

What a very good way to end, it was a really rich discussion.

Session 2: Democracy, Governance, and the Rule of Law

The first Definitive Article of Kant's *Perpetual Peace* states that every nation must have a republican constitution, which for Kant meant that it must have a government characterized by the Rule of Law and a separation of powers rather than "despotism." This session will focus on the relationship between international security and domestic governance. To what extent is collective security dependent upon the spread of democracy and the Rule of Law? What is the proper role of the international community in promoting good governance and the Rule of Law or in strengthening weak and fragile states? How should the international community address non-liberal regimes? Are they necessarily an impediment to the establishment of lasting peace and security?

Moderated by William C. Banks (Syracuse University), with opening remarks by Pablo de Greiff (International Center for Transitional Justice) and Christian Wenaweser (Liechtenstein)

William C. Banks

(Institute for National Security and Counterterrorism (INSCT), Syracuse University):

Welcome back to the discussion. My name is Bill Banks, and I'm a professor and the director of the Institute for National Security and Counterterrorism at Syracuse University. It's a pleasure to be here and I thank the International Peace Institute, Slought Foundation, and other supporters of this project for including me.

I must say that a year ago when I was asked about Perpetual Peace and Immanuel Kant, I shuddered, briefly. I went down to the cellar in my house, and found the copy of Kant, covered with an inch of dust, that hadn't been read since my days in the university. It was like discovering a good old friend, more approachable in my ripe old age than he was at 18. This panel discussion is focusing on the Rule of Law part. I guess you would say, 'Democracy, Governance, and the Rule of Law.' I'll pick up on the paraphrase that professor Doyle offered a few minutes before the break about laws of constraint on democratic tendencies, what that meant to Kant, and what it means today, which can mean very different things. As was the case in the first discussion, we have two speakers to launch the discussion for ten minutes or so, then we will open the floor and I'll try to recognize speakers along the way.

Our first speaker is Pablo DeGreiff, who is the Director of Research at the International Center for Transitional Justice (ICTJ) here in New York. You see his biography in the speaker biographies, he holds degrees from Yale and Northwestern. Before joining the ICTJ, he was a professor in the Philosophy Department at the State University of New York in Buffalo. He has published widely on a range of fields including transitions to democracy, democratic theory, and the relationship between morality, politics, and law. He has edited ten books, titles there, including the most recent one, Disarming the Past: transitional justice and ex-combatants. He is the recipient of several fellowships and awards including one from the National Endowment for the Humanities. He was the Rockefeller Faculty Fellow at the Center for Human Values at Princeton. While at the ICTJ he has provided technical advice to the UN, the ICC, and to truth commissions and other bodies in Colombia, Guatemala, Morocco, and other countries. He is now working on a World Bank project concerning the 2011 World

Development Report.

Following Pablo DeGreiff we will listen to Christian Wenaweser who has served as the permanent representative of Liechtenstein to the United Nations since 2002. He's also the President of the Assembly of State's Parties to the Rome Statute. Between 2004 and 2009 he served as chair to the special working group on the crime of aggression. He served as Vice President of the 61ˢᵗ session of the General Assembly. He is the Vice Chair of an open ended working group on Security Council reform. He is the Chair of an ad-hoc committee on the scope of legal protection after the 1994 Convention on Safety of the United Nations and Associated Personnel. Mr. Wenaweser worked as Counselor and Representative, Permanent Deputy of Liechtenstein to the UN and works in the office of foreign affairs there. He studied literature, languages, history, and philosophy in Zurich and international affairs in Geneva.

Pablo, would you take the floor please?

Pablo DeGreiff:

I want to thank everyone for the invitation and also thank all of you for coming. I would like to make a preliminary comment about the location of this text which I find incredibly rich, funny, frustrating, challenging, and sometimes boring. I don't think it hangs together very well, it is a small universe in thirty pages. I would like to locate this text within the broader Kantian project, which really tries to answer three fundamental questions. So, the whole critical project was supposed to help us answer: what can we know? What ought we to do? What may we hope for? And you can see strands of these three questions throughout this short text.

I think it's wonderful; I think it's funny—the comment about camels being the boats of the desert, for example, is funny. The secret article calling rulers to pay attention to philosophers, I find particularly appealing, even though I am a philosopher myself. It's also incredibly, incredibly serious in its efforts to address the three questions I mentioned before. Perpetual Peace also presents a very serious discussion, and a very complicated one, which I do not think we have been able to present in a better way since. Kant addresses the relationship between personal individual incentives and historical factors and historical movers and presents a way to understand the plays of individual decision

making, which we think is free decision making on the one hand and on the other causally determined forces, under which I think he correctly assumed we always operated. All of these issues are addressed in the space of about thirty pages while Kant also deals with an incredibly complicated problem about the relationship between state formations, state structures, and international security. So, it is again a contradictory text in the sense that it expresses highly ambitious universalistic aspirations and at the same time it embodies some of the prejudices of the age.

I was very puzzled by the invitation to participate in this project, not the least because I am always worried that for short discussions about historically important texts, the text will come under criticism for failing to provide a formulaic solution for some of the problems that we face today. There is some temptation to do this, so what we can say is that this is a text that doesn't provide any formula for solutions to the problems that we are dealing with. Not in the least, because it was written without any deep understanding of forces that became subsequently very significant, such as nationalism, unconventional warfare, state fragility, and problems that concern us a great deal but were not necessarily the subject of concern for Kant.

Nevertheless, despite those limitations, I would like to address some contributions that the text can make to sum up our present discussion. The first is a rich understanding of peace, that goes beyond the supported mere cessation of hostilities. I think this is something that subsequent developments have shown to be a very important direction shifter in debates on these issues. I will not have time to develop any of these, but I would like to point them out as contributions. The second of course, is at the center of our debates on international security and questions about domestic legitimacy. This was of course a novelty at the time Kant wrote <u>Perpetual Peace</u> and is still something that we grapple with.

The third is something that may, in the text itself sound quaint, but again it seems we have not been able to do a better job describing this. There is an incredible trust in the law to mediate relationships, not just between cities and the state, but also between states. The whole project that is taken pretty seriously by Kant is a project that has to go through the steps of taking law seriously. The fourth point is, and I hope you see this as a related point, the text makes a huge contribution in taking the importance of trust building

measures and the very useful role that law can play seriously, especially in the establishment of expectations both within nation states and outside.

I see all these points as axes that radiate from the crucial contribution the text has made. Obviously not just this particular text, but the contribution that the Kantian project in general has made in putting the notion of a robust regime of right as a critical construct around which to organize one's thinking about politics both at the domestic and the international level. I think these are contributions that have proven in subsequent years to have completely shifted the way that we debate about this.

I will close with a brief commentary about the very nice introduction that Bill gave me mentioning a surprising context in which I see some of the consequences of the Kantian project, of all places, at the World Bank. Some of you might know, the current WDR Report is on conflict and security development, and a fundamental part of the discussion in the report has been A) about the significance of legitimacy in discussions about violence conflict and development, internal legitimacy, B) about the importance of rights, both as a catalyst in cycles of violence that danger both internal and external security, and in the third place C) about the relevance of international norms; regulating conflictive tendencies that now, of course, seem to be both of national and international significance. So, if even in the work of the Bank, we see echoes, of a project, that has started us thinking about the significance of norms, the significance of confidence, the contribution that law can make in stabilizing expectations, and the significance of robust right regimes, despite all of it's shortcomings and frustrations that <u>Perpetual Peace</u> generates, it must have gotten something right.

H.E. Christian Wenaweser
(Permanent Mission of the Principality of Liechtenstein to the United Nations):
Thank you. Bill mentioned that I studied philosophy. Kant was one of the most unpopular philosophers at the University, he's part of that tradition of German philosophy that is almost incomprehensible. Kant is a philosopher that is very difficult to read, as

pretty much everyone in his generation was, until Schopenhauer and Nietzsche and all of these other great writers came about. Perpetual Peace is a bit different. This text was a more popular read among students because it is not as difficult to understand and it is short.

It was a very nice experience to go back to Perpetual Peace. I think my experience was very similar to yours, Pablo, because I had not read it in a very, very long time, and when I did read it, I was not dreaming to be an ambassador at the UN next time I looked at it, so it has been a really great opportunity. It is a puzzling text, in a way, because on the one hand it is visionary, it is a very radical text. On the other hand, I think from our perspective today, it is a bit incoherent, and it is lacking things that we would naturally expect. I think it is visionary in that it shadows some of the cornerstones of the UN charter. There is a nucleus of self-determination, and you have Article 27 of the charter in it. On the other hand, it is not a text that provides for conflict resolution as far as I can see. It seems to be premised on the understanding that if everyone has the right system of government, then it will lead to perpetual peace. It does not deal with what we call today, international humanitarian law, which is a reflection of different natures of warfare at the time of writing today. It does not deal with the illegality of war, it just says what a government should not do when carrying out an armed conflict. In that sense, I think it seems very incomplete from our perspective today. The other aspects for me anyway, in re-reading, the visionary and the radical aspects, prevail and are more important. Now I'll try to address the questions that you have posted in your outline.

The importance of democracy and the importance of the Rule of Law is an essential question that is posed and waiting for discussion. I separate, mentally, democracy and the Rule of Law, but I think I'm speaking from my role as a UN ambassador. I think it is extremely important to say that the Rule of Law is at the heart of a collective security system, this is what the UN is based on, and this is what the strength of the UN is. In the area of peace and security the strength of the UN is to say: 'this use of force is legal' or 'this use of forces is illegal,' and to take collective measures against it. So at the heart of this system of collective security is the law and this is why the Rule of Law is essential.

We have, you may know, a delegation together with the delegation of Mexico, a

long-standing initiative in the Channel Assembly on the promotion of the Rule of Law at the national and the international level. We think it's extremely important to look at those two things in conjunction. Rule of Law, in governance, is something that we are talking about on a daily basis, the UN is very active on this, and I think the UN has done very successful work with very different agents that are involved from UNDP, to the Office of the High Commissioner, to the Bank, all kinds of actors. It's extremely important that we look at the international dimension, the Rule of Law at an international level. This is a question that I think requires more discussion because some people believe what the Security Council decides is the law, other people think that what the Security Council decides has to be within the law, but that is not the same thing, and that is not to say that they're mutually exclusive at all. I think it can and should be reconciled, but we have seen instances in the past where there has been a conflict between the two. I think we need to look at this very carefully, of course the Security Council has a special responsibility itself in this effect, but it really falls on us, because they UN is acting on behalf of all of us as the Charter of the United Nations says.

Now the motion of democracy, I think, is certainly extremely important, and the way I understand it, Kant emphasizes the importance of representative government in his statement. He actually makes a point of saying government, as he promotes it, is not a democracy. But I think his notion of republican constitution government is pretty close to our notion of democracy, and democracy had a much less negative tone at the time he wrote Perpetual Peace. Again, I think that much of what the UN is doing in this respect is not very well known. I think the UN's part in activities related to emphasizing the importance of representative government do not get the lime light and the public attention. I think that work is extremely important, but I think it's also important that we do not impose any particular, or any unique system of democracy. As many others, I think that I have always been very skeptical of notions of communities of democracies. I think that the UN is exactly the place where you have to be able to deal with those that do not have the same political system as you and that is the only way of really ensuring a collective security system.

Finally, perhaps, and unsurprisingly, given the work that I'm doing here, I would like to say a word about that particular aspect of the Rule of Law, that simply defies

against impunity for what are the most serious crimes under international law. Under the Rome Statute the most serious crimes are genocide, crimes against humanity, war crimes, and the crime of aggression. You probably know, that we have, this summer, at the Kampala Conference, found a definition for the crime of aggression. No earlier than 2017, the ICC will have the possibility to exercise jurisdiction over that crime. That is something that we all have to digest and process, and we have seven years to do that, I think it marks a quantum leap in our system of international institutions. The illegality of the use of force other than in extremely narrowly defined circumstances is of course at the core of the United Nations. That is the whole idea of the UN charter. When we have the legal texts then we will have to activate those legal texts. It is the first time in history that we will have the possibility of penalizing and punishing the perpetrators, meaning people who have committed the crime of aggression, as part of an act of aggression, meaning an annihilation of the UN charter.

William C. Banks:

Thank you, I can't resist the temptation before we open up the discussion more generally, to pursue the ICC case for a moment. What would Kant say about the ICC and in what respect does it embody the principles in this first article in Perpetual Peace?

Pablo DeGrieff:

As is well known, Kant had a very, very strong view on the obligations to punish. Obviously, he is well known for thinking that this is an obligation that stands even in imperiled states. It's more an obligation that can be justified aside from any positive consequences. Of course, not being naive, he demonstrates in Perpetual Peace that if you could show that there is an institution that diminishes the cost of punishing international crimes, one that strengthens the Rule of Law, not in the least by making sure that the force of the relevant international norms are so viewed for all to see, and in doing so also diminishes the risk of enforcement, in particular nation states. I don't think that there is any doubt he would see this as a valuable project to pursue.

H.C. Christian Wenaweser:

I think it's a bit difficult to say on the basis of this text, because I think there are elements of this institution that are not addressed at all. But I think, based on his general approach and his general philosophy that he would look at an institution like the ICC in a very favorable light, while perhaps he would have slightly different views on the scope effect or the scope of jurisdiction given to the court.

William C. Banks:

Let's open up for discussion. Mr. Samer Mahmassani.

Samer Mahmassani (Office of the Permanent Observer for the Organization of the Islamic Conference to the United Nations):

Thank you very much. I wanted to stress one more point that was raised in the previous session that is also relevant to this session as well: what is the role in the international community in promoting good governance, Rule of Law, and strengthening weak and fragile states, and how should the international community address liberal regimes?

There was a reference both in the presentation by the representative from the European Union and the intervention by Ambassador Vargas as to the organization of American states at more of the regional level that may equip and legitimate international action in the case of a non-democratic unconstitutional rupture of the Democratic Quarter as it is named in the International Charter of Democracy. Perhaps it is worth noting that the charter was approved on September 11, 2001, so there was a really strong pressure in adopting such a charter in the wake of what happened here and in Washington. There is again, perhaps, an undertext linking democracy, protection of democracy, and the security agenda. Of course, nobody would have been able to foresee that on that day those two events would take place at the same time.

Let's look at how that instrument has been used—in that case we saw unconstitutional ruptures and I think there is a problem defining what this rupture is. Secondly, there is a problem of effectiveness in the mechanism to activate the charter. Thirdly, there is also an issue of who can call intervention in the case of an unconstitutional rupture. Should it be the government, another entity, parliament, or

another non-state actor? We do have a charter for the African Union, but it has not been ratified by a significant number of states. It is more advanced on paper. Even in the case of an instrument, where you do have a norm, and a mechanism already established, there is a difficulty in activating it. I think that this is the first challenge. I think that Mancini made a reference to the effectiveness or relationship between normative frameworks on one hand and practice on the other. I think that we should look at that linkage with a lot of attention. What does it pluck when we do have a normal framework and still it can be regarded, as Ambassador Vargas said, as a very important goal. How can it be turned into something practically more effective.

I also have a second comment, which is more about the reality of a Security Council. The Security Council as it is now makes other mentions of the complexities of collective security and all the other dimensions of security that were not at the core of the establishment of the Security Council are now prominent. I was very struck, for example, last year, the debate on drug trafficking as a threat to security in the Security Council. That was quite an innovation. In my perspective it is also related to the issue of democracy, because drug trafficking or, more broadly speaking, the use of illicit funding,can actually capture political processes including political parties or state institutions that are a threat to democracy, and at the same time, are a threat to security. We have to take the interests of the Security Council on this issue at face value. I will pose this question, are there issues that are in the Security Council agenda that are already addressing elements that are not framed in the conventional security discourse?

William C. Banks:

Thank you. Those were two very rich comments. The first—I think you're linkage metaphor between the normative and practical lies within the relationship between international and domestic measures to bring these principles into reality. On your second point—the lessons from the examples that you cite are rich.

Let me ask Mr. Lambert to speak, and then Mr. Carnavelli.

Gregg Lambert (Syracuse University Humanities Center):

Thank you Bill. My name is Gregg Lambert, I'm the Director of the Humanities

Center at Syracuse University. Along with Aaron Levy at Slought Foundation and Martin Rauschberrow at the Austrian culture forum, we conceived of the idea or concept of the *Perpetual Peace Project*, which was the instigator of this forum today. I want to remind us all of some of the structure, the architectural structures, of Kant's text. Kant's text is not to be understood as a master text in any way, but as a historical document that demonstrates vividly and dramatically some of the historical gaps we face today.

I would like to point out that, in a few places, we really saw the structure of the secret article itself as very crafty and ironic. I think we can spend a lot of time discussing how we are enacting that secret article. The structure of the secret article is the structure of the possibility of the separation of public and private sphere. Here, the idea of peace is only able to exist or continue to exist in what Kant would define as a private sphere; a sphere occupied by the philosopher, separated from the public realm, and separated from the legal realm of governments.

I think that what I've heard today and one of the historical things we might consider, is the convergence or the tendency to collapse the notion of peace and security. I think what this text, Kant's document, enacts, is really the moment of separation between these two concepts; a concept of peace that is assigned to philosophy and sometimes called idealistic, otherworldly, and without a practical place in the realm of law and security, and the second concept of peace, one that can be practically realized within legal framework and instruments of law.

The other historical consideration I want to raise is the very notion of the forecasting of what the United Nations is, as fulfilling the notion of what Kant called *foedus specificum*. This *foedus specificum* is the league of peace. In this sense, Kant foretold that everything he is talking about constitutes an impossibility to realize under the current framework of international laws. Under the current frameworks at that time, and I think even today, all nations would have to secede the right to sovereignty, in order to participate, in what he called, the universal concept of cosmopolitanism. He talks about the current compromise formation of the league of nations that could spread out all over the world and eventually include every nation, and yet would still not constitute the positive conditions of perpetual peace, or cosmopolitanism in society. I think one of the things that I've heard that I think is really interesting to talk about is, I think, Kant's text

builds pessimism in the realistic conditions of his present moment.

The last thing I will say will concern the context of Perpetual Peace. If we think about this text written by a philosopher as taking the form of a peace treaty, then of course, he would know that no one would take it seriously. It's the most vivid dramatic element of separation of the role of the 'so called' philosopher at that time and the statesmen that he is enacting and reminding.

The other thing is, he writes the text in response to a very specific historical context, the Treaty of Basel, which was the first constitution. That treaty contained a secret clause, that preserved the condition for future war, a conspiracy for Austria to set up a puppet government in Brussels, and for the English to use piracy as a means for pursuing their war to bankrupt Napoleon. I think that the very function of the secret clause and the pressure of the appeal that Kant makes, that the philosopher would have a public place, to speak about a type of peace that could never be entertained politically, is a very powerful gesture.

Thank you for the opportunity for this kind of discussion to take place.

William C. Banks:

Those are great comments. Let me ask a question following up the distinction that you think Kant made between peace and security. I agree that this is a very useful innovation, but is it fair to say that security is simply the absence of war?

Gregg Lambert:

I think to answer this would take a very long time and require a very close reading. But, I think he begins to suggest that the prohibitive instruments of law and coercive instruments of law can create conditions of security, but they must not be confused with the positive definition of what peace is. In other words, it's the separation of the legal and necessary legal concept of peace that is historical and no longer exists within the religious framework of eternal peace. I think this has to do with the separation of the church and state at the time; the separation of the two powers. I think at the same time, the fact that the legal powers, or legal frameworks would be at the center of the

modern state. He also saw the conflict of the faculties; the state needs, and the state trains, lawyers, in order to operate, so that the law becomes the central part of state power. The fact that philosophy has reserved a place for an antiquated, archaic, and somewhat idealist and quasi-religious idea of peace, is to reserve in the future the idea that there can be a preservation of a peace that can be lasting and will not be reduced by war or security.

William C. Banks:

There should be some cards going up now. Mr. Toro-Carnevali...

Alfredo Fernando Toro-Carnevali
(Permanent Mission of the Bolivarian Republic of Venezuela to the United Nations):

Thank you. Thank you for the presentation, it has been very interesting. I just wanted to make a point, and I hope this is the right moment to do it. It has to do with the concept of liberalism. I've always spoke about the separation of powers, and spoken of pluralism as one of the main features of liberalism. I think we have left behind one of the fundamental ideas of the concept of liberalism, which is that the individual within a liberal society must be a passionate and must be a-cultural and a-social. It must not have primordial ties or things that keep him or her from being completely open to different views. In a sense, from a liberal point of view, this is a person that has evolved into these superior spheres, where cultural or social ties have been left behind. Of course this is the concept that has been developed by Kant's heir, John Rawls, around the idea of ignorance. If we take this to be the ideal liberal being, than we also have to take into account, if we want to create a liberal cosmopolitan community, that any unit that pertains to that liberal cosmopolitan community must also leave behind it's cultural ties, it's search or continued fight for equality, and leave behind it's history. I find that the possibility of that cosmopolitan community very difficult to establish. I want to put that on the table, and I want to see what the speakers have to say about that.

Pablo DeGreiff:

Obviously, it would be more interesting to have the discussion on liberal possibilities and the institution rather than texts. For the sake of discussion, and without an alternative interpretation of the text, let me just consider the notion that the liberal product was never to be understood from a Kantian and Rawlsian perspective, it was never intended to be a full theory of the good and to describe how human beings ought to live in order to maximize their potential, it was a much less ambitious theory connected with feasible government structures that would allow individuals to make those sorts of decisions on their own.

The later interpretation that Rawls himself gave to his theories as being a political or metaphysical thinker, is shorthand for the understanding that his was never meant to describe a conception of the good life, but rather some important institutional constraints that would need to be supplemented by both formal and non-formal institutions on both the individual and the cultural level. This was not a full theory, but just a small part, and this enables the possibility of a search for a type of cosmopolitanism that doesn't have the perverse requirements that I think he mentioned. If the quest for cosmopolitanism is not watched it will result in the total abandonment of both individual and group affiliations. I would agree with you that this would be a very high price to pay and as a matter of fact most people would not only not be willing. but they would not know how to go about paying that price. There is an alternative to cosmopolitanism not understood as a supra-theory or a meta-theory of the good life in a global society, but rather a minimalist project that would allow for the creation of institutions that in turn would enable products of a more local and national level to proceed, not just unhindered, but actually aided, by a more inviting international context.

I think that this is not mere speculation, that the catalytic affect of supra-national institutions have had as a matter of fact on nationalist's local attachments. For example, within the European Union, things serve as an example that this sort of phenomenon can take place. I am not nearly as pessimistic as you seem to be about the prospects of liberalism understood modestly, and cosmopolitanism, again understood with some sort of modesty.

Michael W. Doyle:

I'm currently the Chairman of the UN Democracy Fund, but that's not really a hat that I'm wearing right now, I'm currently in a professor's hat. My comment is that, Christian, I think you're exactly right. There is a tension built into the UN system. The criteria of membership, so to speak, is the Kantian one of 'peace loving,' rather than that of republics or any conservative term for the establishment of the scheme of the Rule of Law at the international level. That was a very conscious decision, made in San Francisco. When we think of who the states were that created the UN, we understand perfectly well what would be the relevant criterion. But, at the same time, the international community is instantiating democracy as part of the panoply of human rights, seen not as actual rights, that are enforceable, demandable, or perfect, but seen as aspirations, and democracy was one of those aspirations.

I think it's interesting to look at how the UN tries to deal with that tension. On the one hand we see in peace keeping what we almost never see in position of democracy by the UN on a conflict-ridden society. Nonetheless, many peacekeeping operations have, part in parcel in them, democratization. That largely comes through the negotiation process. Imagine factions that have been shooting at each other, killing each other, and can't come to an agreement on their own. When they call in the UN, under those circumstances, the question is: 'how will they live together if they can't arrive at peace?' The answer is neither one of them can dominate. The international community isn't going to rule them other than for a short period. In some way you have to open up the space for legitimate contestation, which is the local operational notion of quasi-democratization, which is of course, if you get it it's the best you get in these operations. So a lot of times you see elections as part of peace keeping. Not that democracy is the only form of government, that's not the presumption, but that is the technical solution to the problem of getting into factions that will not cooperate and will not agree on common ends of how power will be shared.

The second part that reflects that tension looking at our democratization activities in either the electoral division or in UNDP, they all take place with the consent and full approval of the government. The government says, 'Electoral division, come in and give us some capacity assistance,' or 'UNDP, provide us with some advice and training for our legislatures or our officials, because that's what we want.' At the UN Democracy Fund,

we fund democratic social movements but only on their request, that is, these requests come from the field. We fund them around the world, so some are established democracies that need to be deepened, others are in countries that are not at all democratic, but they are willing to tolerate some elements of their civil society engaging in either small or big deed democracy; big deed being electioneering, small deed being accountability at the local level. The UNDF financed three projects in China with full support and understanding of the government in China. The key there, again, is that the request comes from them and is not imposed by the United Nations. If a member state doesn't really like it, I mean one of their NGOs goes to apply for funds for voter education and the government doesn't like it, we don't go to the government to ask, 'do you approve this or not?' *exante*, but *expost,* and we've found that governments repeatedly arrest the NGO and says we can't provide the funding. So there is a governmental response to UN democracy funding, which means that it is totally locally derived.

I think those are ways that the UN system is incorporating this tension. It is an organization of peace loving states and therefore open to any state that claims that status. At the same time, the international community and the universal declaration end in the legal instrument sense as instantiated democracy and in the broad non-restrictive sense of that term in a valuable goal to pursue.

William C. Banks:
Those were very valuable comments.

Eugenio Vargas Garcia (Permanent Mission of Brazil to the United Nations):
Thanks so much. Well, I think I can simply say, I fully agree with what he has said. I think the activities of the UN in those areas are among the most successful. I think it that is very clear that the UN has tremendous success in electoral processes. I would never question that at all. I was actually not talking about democracy, I was talking about notions of communities of democracies. I was thinking, 'should we not be talking to these people because they don't have a political system that we approve of?' I think that is not how I understand the UN, I don't believe that is the function of this institution, and I believe that we will always have a credibility problem with these things, because we will

always have, in a way, a very selective policy. We will always be saying, 'you are not a global citizen and you are perhaps not what we need at the table.'

Pablo DeGreiff:

Let me make two observations. I would like to have a debate about something that is puzzling not with respect to the UN but in respect to the international community. One of the questions we received was about how the international community should deal with weak and non-democratic states. This is part of the debate, and I understand the limitations that the UN has on this, but also the very positive contribution of having the UN as the community of peace-loving states that Professor Doyle just mentioned, and not to exclude anyone on that account, but at the same time, I wonder if the international community should not be doing more to overcome some of the Cold War related trauma about the relation between human rights and democracy, and about the connections between the Rule of Law and democracy. This is precisely the discussion I would invite.

Here I would release my Kantian-Habermasian inclinations. From my standpoint a defendable understanding of the Rule of Law is very closely connected with the sick and much more than purely procedural understanding of the Rule of Law. In other words, there is a very deep connection between effective protections of basic rights and the possibility of protecting a political participation. How democracy is shaped, of course, is a question that needs many answers, but there is a robust connection from participatory rights on the one hand and the traditional civil and political rights that are usually understood to be a formal understanding of the Rule of Law, I have no doubt. It seems to me that at the international level, that this is part of the next arena of discussion. Perhaps democracy itself has become too much of a load to determine. Perhaps we should revise what is behind some of that trauma.

The discussion is about the Rule of Law because that is a subject of consensus, which I saw, for example, both from the Chinese, the European Union, and the United States, during discussions of the World Bank. So everyone agrees that the Rule of Law is a good thing, but what they mean by the Rule of Law of course differs tremendously and this might be a good opportunity at the international level to analyze what it means at the

standpoint of institutions like the ICC. For instance, part of the work that I do in transitional justice suggests again and again that countries that commit themselves to a purely formalist understanding of the Rule of Law are precisely countries that subsequently in truth commission reports in criminal trials, in retrospective examination of instances of systemic violence that they have undergone, they admit that a purely formal understanding of the Rule of Law was insufficient to spend some of those abuses. It is not that this is an isolated example: Chile, Argentina, South Africa, you can multiply the examples, not to even speak about the very deep discussions in Germany about post-war sufficiency or insufficiency understanding of the Rule of Law, that is part of the debate.

William C. Banks:

So, let me ask you to make your argument more concrete, by making an example of how you would apply the Rule of Law to weak states now.

Pablo DeGreiff:

Obviously, I wish that I had a clean, crisp solution. That's one of the things, the messiness, of Kant's text, that I like. For someone who is so well known for being a non-consequentialist and presenting one side of a philosophical debate of what should be the proper relationship between principles and their recalcitrant realities. You never abandon principle, you try to get reality to conform to it- Kant is a very good example of this, but he does it in a non-naive sort of way by his willingness to admit a very gradual progression in the direction of a more normative and acceptable social and political reality. I think that a concession will have to be made with respect to a robust understanding of the Rule of Law in weak states.

It would be easy, for people like me, at an NGO in New York City, to come to this conference and say, 'Okay, here's the full catalog of human rights, including democratic rights. Now, apply them.' That is completely naive, right? I think one of the interesting aspects of the empirical that was done for the WDR is the measurement of the time it takes for even willing reformers to engage in aggressive institutional reform, how long it takes them to go one step out of the banks of fragility - it takes between 25 and 30

years for highly compliant, comparatively willing societies, so ignoring how difficult it is, to do effective institutional reform, would be a huge mistake. Some of the problems that Kant deals with in this text, he's not calling for the abolition of standing armies, he's not for declaring war illegal the day after this essay was published, but he is calling for people not to abandon principle and to try to come up with sensible gradual implementations of the norms fully cognizant of the social and human mutations. So, he's not talking about how republics fail, he's explicitly talking about structures to mediate politics.

This is something that we're going to have to face much more seriously in weak states. Given what we know about the difficulties of institutional transformation, where are we going to put our energies? What choices and what sequencing choices, are we going to force upon countries? Hopefully, we will abandon something that we learned doesn't work in the past, the traditional sequence where we enforce development and provide security in the immediate post-conflict context, then encourage development, and then encourage democracy and human rights. There is a realization that we have difficulties sequencing. The lesson that very simple separations of development, security, and rights is one that has tended not to work in the past for reasons that in a large extent are very well explained by Kant.

So, I'm sorry, I wish I had a short response.

William C. Banks

That was a very powerful and deep explanation, however, I can't imagine that everyone around this table accepts the prescription that Professor DeGreiff has offered.

Robert Afriyie (Security Council Report):

Professor DeGreiff just got me thinking in a practical direction now. It's so nice when we speak within a practical context about what Kant is talking about, when we're talking about projected views and concepts. The reality as I see it is that the international community remains to be fully defined. Sometimes interests converge as one voice, but usually there are various blocks of interests that work on issues. Taken from this point, you begin to realize that the international community can be very indulgent in what it

approves and very indignant of what it disapproves, which makes it problematic to talk about a gradualist approach. In certain cases, there is a very abrasive tone when moving into block politics and here is sense of immediacy when speaking about what needs to be achieved, but I'm talking about a realistic view of what needs to happen. Sometimes there is a quiet relapse about what has indulged that does not escape everyone. I thought I should just flag that because it's not something we can overlook.

William C. Banks

Could I ask you, Mr. Afriyie, to offer more concrete example where defining the international community could have left out an important constituency.

Robert Afriyie:

Sometimes you have to be provocative, but the line between provocative and offensive must be sustained. I am speaking on the idea of the victim mindset when talking about the ICC and the evolution of events. I like the idea that Kant would have been supportive of the ICC being separate, but the jurisdiction might have raised questions with Kant. You see the case where the African block came out of a position where the possible train of the head of state, yet within the membership of the ICC there was a division. The western block wanted revision, but the African block said 'no.' The ICC, which builds jurisdiction, feels slighted when its ideas are overlooked, because it is also part of the African Union. I would have preferred that a gradualist approach be used in this case.

[unknown panelist]:

What do you mean by a gradualist approach?

Robert Afriyie:

I mean a decision had been taken and the African Union head of states wanted to have their own approach towards resolving the issue regarding the President of Sudan. There was an issue about the prosecutor of the ICC taking action without approval from the head of states. The positions of individual countries would have originally supported

the ICC and taken action but would have preferred that the ideas of the AU were taken into consideration first.

Christian Wenaweser:

As you know, I think the Security Council created jurisdiction of the ICC in Sudan, so Sudan is not a party. So without the action of the Security Council there would not be jurisdiction. I have talked to many people about this particular file and nobody has ever said to me, 'I do not believe that very many serious crimes were committed in Darfur.' Of course, you cannot ask a court to take into account the views of a political organization because then it's not an independent court. The African Community is actually numerically the most significant part of the ICC family, there are 31 states in Africa that are members of the ICC. What the African Union has asked, is suspension of the indictment against President Bashir for 12 months. That is an action that will be taken or not taken, but a decision that will be made by the Security Council and not by the ICC. The ICC is simply an independent court, it did its investigation, and came to the conclusion that there is significant evidence to this indictment of President Bashir. I know how difficult this is politically.

Robert Afriyie

Some people believe what the counsel decides is law, others believe that what the counsel decides should be within the law. We are not mutually exclusive, but sometimes we can butt heads. What is permissible but also illegal? This is one of the things I wanted to mention. Kant's view seems to make relevant, irrelevant types of view that move us to a different point. In terms of the evolution of global values, it is interesting to look at a continent like Africa where 20 years ago you could not talk about interventionist state issues, but now there is a legal framework and we have the African Union.

Elazar Barkan (Columbia School of International and Public Affairs):

It seems that the conversation is discussing motivations and limitations of the Rule of Law and other knowns being discussed. Whenever dissonance is there, we mention a growing future proximity. I was wondering if the panel was willing to consider

the downside of the existence of aspirations that are not fulfilled and the rise of cynicism and skepticism. There have been several examples throughout the conversation, where the norms apply to some sections of the globe and not to others. Many of the conversations from the first section are very pertinent, specifically those comments on the security community, and especially the notion that Europe and America are cohesive but on the other hand, perhaps that illustrates diminishing power better than the increasing centrality of the security community. Perhaps we can speculate a bit about this existing discrepancy.

[unknown panelist]
Are we as relevant as Kant would have us?

Pablo DeGreiff:
In answer, I will unleash my Kantian tendencies, and I hope I will be respectful and not sociologically naive. Of course, denying the difficulties that are associated with implementation, which I take, is the core of your reminder. The inconsistencies that have accompanied us so far are the limitations and standards of international law. It would be absurd to deny that. If it is true that you have a spectrum of positions with respect to how to resolve the question of the relation between norms and reality, and one of them is to relax the standards in the case of recalcitrant reality and the other is to abide by the standards and try to think about what are the most effective ways to consistently apply them even if it is a project that you never fully satisfied. I have no doubt about where I stand. The problem about possible sicknesses that comes from inconsistencies that I do not want to deny is a problem that would have to be confronted both through the unceasing calls for norms on the part of those who can afford to exempt themselves from the norms. Also through an accurate accounting of the possibilities that these mechanisms always offer.

From my perspective, in a modern, nationalized, cosmopolitan society there is no alternative to taking very seriously formal legal procedures as basic mechanisms for conflict resolution both at the local and the international level. At the same time, both of us know, that formal legal mechanisms are blunt instruments. Their effectiveness relies

on the effectiveness of parallel systems of value transformation, socialization, and cultural change. For example, to rely on the ICC as a stand alone institution and make it solely responsible for the internationalization and internalization of international criminal justice and normative standards is to place expectations on an isolated institution that no matter how well it works, it cannot possibly bear on its own.

There are so many things for us to understand about how these systems work together on a domestic level that it's easy for us to forget that we need to also work at the international level. No one thinks that at domestic jurisdiction you can eliminate problems like racism and prejudice through the application of criminal justice measures alone, this is a generations long project that requires not just criminal responses, this is not just an argument against the criminalization of hate related crimes, but it's an argument about the limitations of the legal instrument for the resolution of problems at that magnitude. Similarly at the international level, we have to understand that the even weaker, more disconnected, more fragmented institutions that we have are going to be insufficient in solving some of the problems that we expect them to resolve without the active and very aggressive participation of different mechanisms and instances.

Eugenio Vargas Garcia:

I'll give a very short answer. I believe there is a risk because of the very large gap between the standards and the application of the standards. I think this can lead to disenchantment and to cynicism and that is challenging. It's very tempting for us to continue engaging in standard setting exercises because these are difficult exercises. If we cannot get better at applying what we say to what we can do, then I think it will be a very serious problem and I think it will be a credibility problem for the UN in particular.

William C. Banks

Mr. Palmesino I think you get the last comment before we wrap up.

John Palmesino (Jan van Eyck Academie):

I just wanted to ask the speakers about a comment that pertains the second secret clause of Kant's philosophical sketch. It is quite bizarre that a philosophical sketch like

Perpetual Peace would publish an idea that you have to pursue secrecy in order to achieve public agreement. Would you consider for instance that this text is in large part polemical text that tries to undo and reorganize the monopoly on Rule of Law that is held by the jurists and reintroduce through the secret clause the possibility of having a second voice, that of the philosopher. A corollary to this point is the fact that what Kant calls, the republic and cosmopolitanism and we tend to see juridical discourse from the perspective of being a public and a cosmopolitan citizen. What is missing completely from the public and the republic, is the rest of the things, immaterial and physical elements, that are to be governed, and in the cosmopolitan there is a clash of who is entitled to a different view on the possibilities of agreeing. Probably Perpetual Peace shows us that by limiting ourselves to discussing notions of peace, only through possibilities of agreeing or sharing values or sharing interests rather than incorporating the polemics, the disagreement and the strong misunderstandings that lie at the basis of our cohabitation, we are probably missing out on a large part of this text. I would also like to ask the panel whether they could articulate a position where non-human rights are operative. That is, rights that don't mainly pertain to human beings, but also to non-human beings. What would the right of the River Indus be? What is the right of the Arctic? How do we interpret rights without a habitation? For instance the map that underlies our program today shows us a view of the Arctic, an area that is highly inhabited by only technical means. Are we going to implement our own rules, our own government systems, or how are we interpreting the materiality of that space?

Christian Wenaweser:

The rights I know are human rights. I think this really speaks to my point on the implementation and formation of standards. We had the Universal Declaration of Human Rights in 1948, it's considered customary international law today. After that treaty - treaty by treaty by treaty, we have created new rights, specific rights, and rights for specific groups of individuals, and they are all really good. But, we really have to find a way to implement what we have.

Pablo DeGreiff:

I agree with this completely. Most of the work that I do has to do with the systemic and massive human rights abuses, the record of implementation even with respect to those is quite cruel. The mechanisms that we have are weak and the commitment to implement them is even weaker, so before we broaden the agenda of rights very ambitiously, I would like to see a better record of implementation. Although I think in the bigger scheme of things, I am delighted that there are people that remind us of the point that any given selection of a list of rights bearers will be shown to be insufficient as time goes by. For the time being, I think that we have a lifetime worth of work to do to better implement an agenda that is not very ambitious but is nevertheless a significant agenda we have set for ourselves.

Session 3: Human Rights and Cosmopolitan Citizenship

The Third Definitive Article of Kant's *Perpetual Peace* relates to the establishment of a "cosmopolitan right" to hospitality based upon a sense of common ownership over the earth's surface. In simple terms, this relates to the right to travel to a foreign country and not be treated like a spy or enemy. But, significantly, this also relates to the legal establishment of individual rights that transcend any single nation-state. This session will focus on the complex relation between individual rights and state-based international law. In a time of heightened population movements, what obligations does a right to hospitality create for the care and protection of refugees and immigrants? Who must satisfy these obligations? Currently, to what extent do human rights and international humanitarian law establish a layer of cosmopolitan or global citizenship above and beyond--or in complement to--national citizenship?

Moderated by Gudrun Harrer (Diplomatic Academy Vienna), with opening remarks by Elazar Barkan (Columbia University) and Iain Levine (Human Rights Watch)

Gudrun Harrer:

Good afternoon ladies and gentlemen, I am very honored to be here to share this third session. Professor Banks said that the thought session is the one before lunch, but I think the tougher session is the session after lunch. I mean, this is clear, I am really at a disadvantage. I am the only person here of all speakers and moderators included, who is not an expert in peace issues and security issues. Security, yes, my working field is the Middle East and I think this is the classical area of the absence of security for the good guys and also for the bad guys and you see what's happening when security is absent. I also have to do something that I hate to do here, which is to scold the organizers that I am the only woman speaker. I hope that I am not the quota woman. It is a little bit strange to talk about peace and security when half of humanity is absent. However, we are used to that and in the film we saw women are able to talk about Kant too. I used to say, even in the Vienna Philharmonic Orchestra they succeeded in including women, so don't be the last organization to exclude women. I am joking of course. I am really happy to be here and have two distinguished speakers. Of course, we stated the issue we are talking about, human rights and cosmopolitan rights have been touched on before, they have been touched on in the films. However, not everyone was here earlier, so we can start at zero without being boring.

Let me introduce my speaker. Elazar Barkan is a Professor of Public and International Affairs and Director of the Human Rights Concentration of Columbia School of International and Public Affairs. I find it extremely interesting and important that he does not only study conflict resolution but he also tries reconciliation with actors from both sides and stresses something that is very important in my own working field. For example, the Middle East conflict includes different narratives of conflicts and stories especially in the Israeli and Palestinian conflict. Meaning, there is a clash of narratives every single day, even now with the development of peace talks and so on.

My second speaker is Iain Levine he is the Program Director at Human Rights Watch where he is responsible for research and reporting work. Mr. Levine has been working in Sudan and also Mozambique. Also we should mention that Mr. Levine has been the representative for Amnesty International to the UN and UNICEF. So I just ask you for your presentations please.

Elazar Barkan:

Thank you very much. Thank you for inviting me. When I was thinking about what I was going to say, given that it is the third session about a text on which a lot has already been said, I thought, instead of beginning with the text, let me begin with a context.

In the late 1970s, 350,000 Vietnamese and Laotian refugees were scattered in camps from Thailand to Hong Kong. Another half a million Cambodians were stranded on the Thai border. Beginning in 1978, Malaysia started to push the boat people back to sea. It marked a new effort by countries in the region to deny entry and pirates exploited and plundered the refugees. The number who perished in the flight remains unknown, but people speak of about 100,000 or more. Contrary to many other crises, this one stimulated an enormously positive response from the west.

In a session that took place in Geneva in 1979, 65 governments met and decided and pledged to resettle a quarter of a million refugees. As part of that agreement, Vietnam promised to try and halt illegal departures and initiate an orderly departure program. So regional reprocessing centers were established and countries of first asylum were willing to accept refugees with the expressed promise that they would not be left with the refugees. The shores remained open in return for an open door to the west.

In the following two years, half a million Indo-Chinese refugees were resettled and over the next 5 years, departures gradually failed to trickle—this was a crisis that was resolved with international collaboration, hospitality showed its nice face. However a new upsurge of Vietnamese departures began in 1987 and surged dramatically in 1988, so the open door policy was now seen as a magnet for attracting others to flee while humanitarian fatigue set in.

The response was another international conference in Geneva, this time in 1989. The outflow of refugees was not dubbed as illegal migration, so they were no longer refugees. The assembled parties adopted a comprehensive plan of action, the CPA allowed resettlement for only the few eligible under a very narrow legal definition of convention refugees. Only those who could prove that they had a well-founded fear of persecution would qualify and those rejected would be repatriated. The convention, the

refugee convention, became the rationale for abuse of the displaced. So the UNHCI initiated a mass information campaign to deter refugees. During this campaign, organized smugglers were pursued, and governments that were pushing boats back to sea reclassified those who fled as illegal immigrants and those found not to be convention refugees were returned to their home countries.

At the end of the Cold War, the comprehensive plan of action was part of a general strategy to deter asylum seekers and define most as illegal immigrants. The organized repatriation of unwanted refugees, now defined as illegal migrants, became an integral part of the UNHCI mandate. This end of asylum in South-East Asia in 1989 has remained largely the global policy ever since and in the past two decades the restriction of refuge has only been intensified. Although millions of refugees and would-be refugees are denied asylum or hospitality, millions have or are enjoying it, so the question is: How do we look at it?

My claim is that the question of refuge or hospitality is a question of right or policy and has to be seen as a political issue. While it is often discussed as questions of individual rights, it is also one of the foremost questions of policies concerning groups. The vast majority of refugee migrants, who have been displaced for any number of reasons from political violence to natural disasters, are uprooted because the group suffers the disaster. Most people are uprooted for reasons that have little to do with them personally. Addressing the need for protection and asylum as individual need shifts attention away from the social and political causes for the displacement.

For Kant, asylum and hospitality focus primarily on individuals and it is the individuals who are the subjects of moral and legal rights and not groups, yet it is critical to recognize, I think, that the real challenge is of displaced populations. To make my point clear, let me make a plug for a forthcoming book that I wrote which is called No Return, No Refuge: rites and rights in minority repatriation, and state simply, the book argues that the displaced minorities have never been able to be repatriated based on the claims of rights, if return is impossible, then the question of hospitality becomes that much more critical. The question for hospitality, I think, is that it necessitates political backing. The growing restrictions on migration and the policing of displacement takes place in the world where the demand for refuge and hospitality outstrips the available

space, precisely the predicament described by Kant that demanded hospitality in the first place. But this is not a new situation, indeed the international conference in Evian in 1938 that aimed at finding refuge for Jewish refugees escaping Nazi Germany, was the low point of international solidarity before World War II, but this was the low point, not the beginning. The International regime of regulating the flow of refugees began at the end of Word War I and is associated obviously with the work of Nansen and the Nansen Passport and ever since it's largely been a frustrated story of demand outstripping opportunities. So how does Kant's view on hospitality relate to the status on migration and refugees? What can we take from it today? I am not going to go through the three definitive articles that we have talked about, but what I want to emphasize is that this is a comprehensive system that he talks about and really the peace and the security are the precondition for the availability or the ability of hospitality. Rather than talk about this is an idealist way, and talk about hospitality separately, independent of world order, as a friendly gesture I would like to join in on what Pablo said earlier about the question of security, and argue that correct sequencing might actually be necessary, because, at least in Kant's perspective, without security as a precondition, there can not be hospitality.

Now let me say a couple of words about the anomaly of hospitality as a right: the right of asylum is asserted by non-citizens against the government with which the asylum seeker is hoping to establish a relationship. This is obviously contradictory to most of the rights we've talked about. The rights of individuals are entertained *vis-à-vis* their own government, not *vis-à-vis* a different government. And it goes to the heart of the disjuncture between civil and human rights. It employs the legal language of rights, but it belongs in the liminal space between politics and ethics. The aspiration is to regulate entry for outsiders based on the notions of fellow human feeling, but this aspiration is abstract without explicating any principles according to which the regulations will be implemented. The aspirations convey desire for social justice, ethics, and universal fellow feeling, but leave politics unaddressed. Kant envisions the international system as based on collaboration between democracies, as we have mentioned several times. Hospitality therefore is seen as part of a system of free democracies where physical and economic security is well established and where there are no fundamental disequilibria. The question is, to quote Obama, "what do we do when we have to face the real world?"

The form of orderly democratic governments around the world is fundamental to the existence of the norm of hospitality. I don't see Kant as naîve, and in this regard I think we need to emphasize that the dilemma that Kant faces is the dilemma that we face and that is the dilemma of democracy and the rejection of hospitality because not every country is, obviously, the object of migration. The countries that are most desired, the desired destination are democracies, it is not the failed states that are the desired destinations, and yet it is those democracies that increasingly reject asylum seekers.

Kant presents a rational view of the world that he claims will win because it is human nature. We spoke of this before and I mentioned it earlier, the notion of plurality—it is really unimaginable now for us to think that we will just agree on everything. Perhaps the most appropriate context for the anomaly of hospitality as a right is the often-quoted statement by Arendt warning that, "naked humanity is no protection at all." Being human without civil rights and without national rights is no protection at all, but just human rights on their own, in some ways this became the standard.

Despite the enhanced mechanism to assist the displaced, the number of unprotected displaced, who face neither refuge nor any help, is increasing, and hospitality is further from the reach of ever-increasing numbers. The dilemma that the right for refugees to seek asylum is not guaranteed by any qualitative duty of states to grant asylum, certainly not as a result of the 1951 convention or later, is at the heart of the problem of speaking about it as a right. The international practice of states has been to consistently to erect higher legal and physical barriers in order to deny the undesirables from being able to seek asylum. There are many examples, but perhaps I should just remind us the example of the US and the Haitian boat people in Guantanamo and of the incarnation of the incarceration outpost there. The advocacy world for refugees often focuses on individual cases of oppression, but not on the structural imbalance, perhaps this lack of focus is because restructuring is an impossible, not manageable solution.

So, we go back to the text of Kant. Kant refers to the founders of international law as miserable comforters; he says in the text that we all read when he talks about Grotius and others. The risk is that the ruptures between the aspirations of the international system whether through convention or other mechanisms and the scarcity of political solutions for the displaced and the deprived is that hospitality will grow ever further

away. Kant does not refer to institutional structure, and in this the derision of the international lawyers who have no impact is left hanging and I am afraid that Kant is becoming associated with the same miserable comforters that he is so critical of.

Let me conclude by saying that hospitality is presented as an aspiration for a right based on needs, the existence of a skeletal framework and declaration that is often ignored and circumvented by robust political systems amount to the denial of migration and asylums. Rights without political backing underscore the nature of its miserable comfort. A liberal desire for hospitality that is overwhelmed by inequality and the lack of commitment to implement moral aspirations does not bode well. The dilemma is what I asked before and I will just end with a similar question for all of us and for the conversation: "Is it hypocrisy, pragmatism or resignation to accept the notion that a rhetorical right and a claim exists when it does not? Is the global society better for having an aspiration and does the aspiration matter to the hundreds of millions who are denied the right that supposedly exists? Do the individual successful cases of implementing asylum ameliorate or aggravate the situation for the rest who are denied it?

Thank you.

Gudrun Harrer:

Thank you very much. Of course, there was a richness of different issues that you brought up. If I understand you right, Elazar. you share the opinion of one of the speakers in the film that Kant is debased, but for different reasons?

Elazar Barkan:

I wouldn't say that has changed. The question is: why do we go back to a text that is 200 years old? The judgment is not about Kant, but the content that he has developed that can actually enrich our conversation. So the point is to take from it without reverence what we can benefit from.

Gudrun Harrer:

And many other things you said: you mentioned the nations of refugees and asylum seekers, but so many of them also end up in countries that they didn't want to go

to. We don't even speak about those. A student of mine just wrote a thesis on Somalia refugees in Yemen—this is incredible, because this is one step more. So please, I am asking Iain for his presentation.

Iain Levine:

The question you posed at the end that is central to the work of human rights activism: "Does aspiration matter? How does one deal with aspirations that are so far from reality? To what extent does the existence of that aspiration cover up the fact that governments and others are failing to meet their obligations to the rights of individuals?" One of the countries I was looking at in preparation for this session was Greece, on which I will talk in a couple of minutes. It has the most appalling records today globally on the treatment of migrants, asylum seekers, and potential refugees. They have an appallingly bad asylum claims mechanism that rejects 99.95% of its applicants, in recent times thirty thousand people have applied for asylum in Greece and only 11 have been granted that asylum. This has very important implications not just for Greece and how we perceive Greece but for the entire European Union. This whole process is tied up with Dublin too, this process created by the European Union to effectively prevent migrants and asylum seekers from making way to Europe.

As activists we are constantly asking ourselves, 'do we see such ineffective systems, or do we see governments which ratify international conventions with no interest at all in respecting them as covering up and creating a façade that allows people to believe that progress can be made and do we call their bluff on that or do we seek to take advantage of the existence of commitments and mechanisms to push for them to work?' I have always argued, as a human rights activist, that we need to, for example, push governments to ratify human rights treaties, even if we don't expect them to fulfill them because once a government has made that commitment at least it gives us a different kind of conversation with the governments, because then you can say, 'you've ratified this damn thing, now you have to live up to it.' whereas a total failure to ratify a treaty or to create a mechanism makes it much harder to push for activism, but we'll come back more to that.

Thank you for inviting me, thank you for allowing me to be here. I am neither a

lawyer nor a philosopher and I feel something of a fraud, but I was very happy to have an opportunity to re-read Kant, which is something I haven't done for probably thirty years, and realize how much he was a human rights activist, not just a human rights philosopher or a thinker in human rights, but really an activist. As Kwame Anthony, who was in the film, said in the introduction to his wonderful new book on moral campaigns, Kant argued that morality is ultimately practical and that it matters morally what we think and feel. At its heart morality is what we do and how we act and as someone who works for a human rights advocacy organization that was inspiring.

Let me say a word on the scale of the program. Elazar has spoken very well and better than I would have on many of the issues, but maybe just a word on what Kant would find if he were to look at the scale of foreigners today. There are almost forty-five million forcibly displaced people in the world today, of whom about twenty-seven million remain within the borders of their country and over fifteen million are refugees in the sense that they have crossed an international border. In 2009 there were nearly one million individual asylum claims and according to the UN there are over two hundred million migrant workers globally. So, if Kant were to come back today, I think, the scale of the issue would astound him, because it is something that would have been unimaginable in his own day. And yet, despite the interconnectedness of the globe today through foreign travel, a globalized economy, a technology that allows us to see into other countries and other cultures and to connect with others, I think it would shock Kant profoundly the fact that the development of international standards and institutions, and the increased knowledge and awareness of other countries and other locations and the globality of international media and international discourse has not moved us forward in a way that he would have expected it to.

Both the laws we have internationally and nationally remain extremely weak. Although the universal declaration of human rights creates a right so seek asylum and the 1951 refugee convention stresses that one cannot be returned to a place of persecution there is still no binding obligation on governments to offer asylum. That creates an extraordinarily difficult situation for many of those who are seeking asylum. In addition, and as Elazar pointed out so well, whereas the 1951 refugee convention was created to address issues of individual persecution on the basis of political beliefs, or race, or

religion and so on, the refugee enforced displacement that we see today is much more focused around membership of a group and the international standards are weak in handling them.

Kant, if he were here today, would be not only disappointed in the weakness of our laws and the weakness of our laws to offer the kinds of protection that his ideal would expect, but he would also be deeply disappointed to see that so many foreigners including migrant workers, asylum seekers or refugees have to throw themselves at the national level to the mercy of inadequate laws, poor protection, very little policing, and frequently no accountability whatsoever. In addition I think he would be horrified as everyone around this table is that the consent of the other, the dangerous stranger, remains so strong. I will try to give a few examples in a moment from Human Rights Watch's own work.

There was a piece in the Guardian about how many far-right parties are exploiting the fear of the other and pushing extreme anti-immigrant measures. I know there are many people here from Europe, so many of you may have already seen this and I hope that you are as shocked as I am—not shocked in the sense of surprised, but shocked in the sense of horrified. What's frightening is not that it is the far right doing this, I think that is no surprise to any of us in this room, but the extent to which mainstream parties in several European countries including Denmark, the Netherlands, and Italy have made coalitions and alliances with these far right parties such that they are sitting in governments which are centrist and central-leftist parties. Confronting this extremist movement is obviously deeply frightening and no doubt would be deeply shocking to Kant.

I am not going to bore you with a lot of Human Rights Watch research. So what I thought I would do is a dozen titles of recent work we have done around refugees, asylum seekers and migrants and turn to a couple of points from that.

> Without protection, how the Lebanese justice system fails migrant domestic workers
> Hellish work, exploitation of migrant tobacco workers in Kazakhstan
> Saudi Arabia, stop the execution of the migrant and domestic worker
> Kuwait, for abused domestic workers, nowhere to turn
> France, reject anti-Roma bill

Greece, asylum delays unacceptable

Libya, end life fire against suspected boat migrants

Australia, end of suspension of asylum claims

The Netherlands, do not deport Somalis

Spain, migrant children at risk

Kenya, police abuse Somali refugees

Just a snapshot picked randomly of work done in just the last year of around refugee and migrant worker protection.

There are a couple of things that I think are very striking. One is that governments which are themselves rights respecting, are themselves democracies, have a rule of law, independent judiciaries, a free press, and all the other pillars that we regard as essential for the respects of and guarantees of human rights, are engaging in awful, appalling practices including the deportation of refugees back to extremely dangerous places, such as Somalia, and extraordinary discrimination. One might not be surprised that Saudi Arabia plans to execute a migrant worker who was alleged to have committed a murder at the age of 17, an age at which international law does not allow executions. So many of the countries featured here are rights respecting countries in general terms, for their own populations, but clearly not for foreigners.

Elazar made this point in his presentation, that we shouldn't be surprised by this in the sense that, clearly, those who are fleeing situations of war, persecution, and nations of extraordinary poverty are going to seek countries with better prospects and with better economies so they are not going to flee towards Somalia, they are going to flee towards more developed countries that would offer them more possibilities and which would presumably help them to find better rights protection. There are exceptions to this in the sense that many neighboring countries also face problems.

I really want to make this point that rights respecting countries are so implicated in the rights when it comes to cosmopolitan rights—let me just talk about some of the complexities of this. I want to talk about burden sharing, a phrase that is often used in refugee circles. As for recognition that certain countries bear the burden of refugee flows and there are perhaps two examples. Let's talk about Kenya, which borders Somalia and is close to other states in conflict in that region. The Dadaab refugee camp up by the

Somalian border has something like three hundred and fifty thousand refugees and it is the largest refugee camp in the world. There are many, many abuses of Somali refugees that we have documented both on the border, as they cross the border, between the border, and in the refugee camp itself and there are something like forty kilometers as far as I can recall where *en route* to the camp refugees are beaten, abused, sexually abused, robbed, of by the authorities themselves, by Kenyan police. Once refugees reach the camps, lack of protection within the camps often means abuse and sexual abuse is rife and rampant. It is very easy to criticize the Kenyan government and I can say that because we have, we at Human Rights Watch have criticized the Kenyan government repeatedly and very strongly as we do. At the same time, we have to acknowledge and recognize the failure of the international community to support the burden that Kenya faces on the border of a failed state, as you all know, Somalia, has been a failed state since 1991 and shows little prospect of un-failing, if such a word exists. So, the question of burden sharing is absolutely critical particularly for states that are themselves already prone.

Greece, as we have discussed before, we have very publicly criticized Greece ourselves for the failure of its asylum policies, for its appalling ill treatment of those migrants and asylum seekers who are detained in conditions that my colleagues have visited and found inhuman and inhumane and for the secret expulsion of migrants and asylum seekers frequently without having had recourse to any kind of process including putting asylum seekers into little dinghies on boats in the middle of the night pushing them out into the river—it sounds like a scene out of a thriller, but it is not, it is what happens almost every night in Greece. Again we see the abject failure of the European Union to share the burden of flows of migrants and asylum seekers towards Europe.

The last points I want to talk about are unholy alliances in dealing with migrants and asylum seekers and the one I particularly want to focus on is Italy and Libya. Although again there is collision of the European Union, effectively what has happened between Italy and Libya is that there is a political agreement between the two countries to work together in order to prevent those who are moving from Libya to Italy in search of asylum and in search of economic possibilities. There are many migrants, refugees and asylum seekers from sub-Saharan Africa who end up in Libya, because Libya is one of

the closest places geographically to Italy and they try to leave Libya to find some kind of refuge in Italy. Now Libya is not a party to the UN refugee convention, it has no asylum system and it has extremely little respect for human rights. What we see is a joint patrol system between Libya and Italy that arrests people at the sea and takes them back to Libya even though Libya has no facilities for refugee protection or asylum protection and processing without any effort to see whether or not those who are on the boats seeking to go to Italy have the possibility of a genuine asylum claim. And that is, of course, one way in which the European Union keeps its processing offshore, prevents people from even setting foot in Europe and seeks to wash its hands of the problem.

Next month we will put out a report on the Ukraine, and similarly show ways in which the European Union is seeking to do off-shore processing in a country that has very little respect for the rights of asylum seekers, migrants and refugees. And so let me conclude there. The continents that gave birth to Kant and as you talked in the film very eloquently: Europe seeing itself as the place where history was born and where civilization was born, is, in fact, in many ways one of the worst examples of the failure to meet the cosmopolitan ideal. Thank you.

Gudrun Harrer:

Thank you very much for your impressive presentation. Thank you for reminding us of what the European Union is, because it is sometimes hailed as an example of collective security. It is much worse, not only that the far right is anti-migrant, but also that mainstream politics is using the fear of citizens on the far right to impose a very closed policy, and that the EU is becoming a fortress and on the shores and behind the walls of this fortress thousands of people are dying. Yet, it is even worse than that.

You mentioned Greece, and I don't know if you said this, but European countries up until a very short time ago also brought their asylum seekers back to Greece when they had entered through Greece to the European Union. They have stopped this now, yes? I think so. Because the conditions are so appalling that we cannot bring people back there.

You brought up the question of aspiration and you are pro-commitment so you are also pro-aspiration, of course. What you did not explain is why you hailed Kant as a

human rights activist. How do you cope with his restrictions? I mean we could say that he speaks about rights, but he says that rights are not for all people, it is not philanthropy, it is rights, and that this is a good thing, but this is a very restricted view of rights. So how do you go along with this?

Iain Levine:

Nearly twenty years ago, I was working in South Sudan in the rebel-controlled areas trying to promote human rights and humanitarian law in areas controlled by the Sudan People's Liberation Army and you talked about, this morning, some of the complexities of promoting rights, promoting rights where there is no government and promoting rights when the ruling bodies are guerilla forces is even more complicated as you can imagine. In Sudan, we struggled to find ways to talk about the Geneva Convention and national humanitarian law with an army which was 95% illiterate and which had never heard of Geneva, let alone the Geneva Convention. We developed an approach rooted in traditional values and we began the conversation by talking about certain traditional values including the values that guided conflict because there had been conflict in Sudan for thousands of years before the civil war at the time. Conflict usually lied around land and cattle. It was like this, there was a round table around which we would have a conversation with religious leaders, members of the guerilla army, community leaders, and others and we would talk about what traditional values that underpin conflict are, what you are allowed to do, and what you are not allowed to do. Then we would talk about how those values had changed, why those values had changed, and what could be done about it. The values varied from location to location because the ethinicity of the group varied, but by and large, the majority of the principles underpinning conflict and the traditional approaches to conflict were compatible with the international humanitarian law—you weren't allowed to kill women, you weren't allowed to kill children, you weren't allowed to kill elderly people, priests, the only legitimate target was the warrior on the other side and he was a young man and then he had to be armed, you couldn't steal food, and you couldn't burn down houses. Now, there were things that you were allowed to do, particularly between ethnic groups in south Sudan, you were allowed to kidnap, to abduct their daughters and not harm them, but take

them back to your home and bring them up as your own daughter because when they reached marital age you would get dowry for them because in south Sudan the husband's family pays the wife's family, so daughters were an economic resource.

In these sessions we would go through this whole process and at certain point I would say, 'you know, we have a problem here because for the most part your values are totally compatible with the Geneva Convention, so in a sense don't worry for a moment about the Geneva Convention, think about why you have left behind your own values because most of them are very good.' Of course I always pointed out that you couldn't kidnap girls, it is not allowed—sorry, you can't do it. I remember one person standing up and saying to me, very angry, that, you know, "Mr. Levine, our traditional values, this is not a self-service cafeteria, you cannot help yourself to what you like." And the fact is you can, and you do, and I would do the same thing to Kant, I help myself to what I like and to what I don't like. He's dead, so he's not going to answer me back.

Gudrun Harrer:

Thank you. Perfect answer.

[Unknown panelist]:

Just a bit about the sequencing idea, which I think is a running thread in the conversation. I think barring the sensation of conflict, one mediates the sensation of conflict the history of very clearly isolated policies, some policies that have to do exclusively with security, some policies that have to do exclusively with development, and some policies that have to do exclusively with justice and rights—it is not a brilliant history. Again, the sensation of conflict is unimportant and there are certain security related measures that tend to be taken before others. Outside that immediate margin, we are rethinking whether that sort of complete separation is sustainable or not. My general impression is that it is not. For example, even in terms of the effectiveness of security forces it is very difficult to obtain security forces when former perpetrators populate those, and when those people whom are supposed to be served by the very same security forces do not trust, at all. Therefore, it is not a mystery that reporting rates in countries that have unreconstructed security forces are as low as they are. That is just an

illustration. But I had a question about the unholy alliance that you were talking about.

My general impression is that the alliance between mainstream parties and far right parties compels the mainstream parties to accept policies on immigration and refugees, which we would find objectionable, and it goes much farther than that. In other words, the speed of the effects of the alliances is precisely the way in which the bases of extreme parties start to influence their larger coalition partners on a range of issues that have absolutely nothing to do with refugees and displacement. So the consequences of unholy alliances go far beyond the immediate issue of the single-issue extreme right wing party. This is a question of empirical fact and I wonder if anyone knows of studies that have been done on the impact of coalitions of this sort, on issues that go beyond refugees.

Gudrun Harrer:

Would you like to answer Iain? I think we have time still if you want to react immediately to an answer.

Iain Levine:

I don't know of any such research, but is an interesting thought and it has led me to think of something that I might come back to in a second, it is a good question. I was actually thinking about the news from this morning, a republican leader had baked down on an issue of earmark on spending bills based on pressure from the Tea Party. Nothing to do with refugees of course, but just as you were saying how a force on the right is really pushing on the main stream conservative thinking in this country and also on the political level. It is a good and pertinent question, but I do not know the answer.

Pablo DeGreiff:

A couple of points, the first of which is about sequencing. I don't think that security development or justice is a place, you don't *get there*, it is a process. Obviously, I agree with everything you said. I don't recognize the minimum in the abstract, but presumably in a context I will. You need to have a certain level of security to begin development and in order to have justice. Obviously, if there is no justice, there is no security in the long run. I think I was trying to imagine Kant's perspective and what Kant

would have thought about all this. When we talk about the three definitive articles, the three of them actually go together. The key is that a democracy or a republic is a precondition. This unholy alliance is perhaps a different unholy alliance, but I thought you also referred to an alliance that is not so much within the right, but one that is within the domestic, internal unholy alliances, meaning the unholy alliances between democracies and dictatorships, such as the alliance between Italy-Libya, the alliance between the US or the West with Vietnam in the '70s and the US with Cambodia. The same kind of world that allows alliances between democracies and dictators prohibits illegal migration and holds prohibition on the right to exit, so to speak. This is the most dramatic unholy alliance. While holding the refugee convention to the letter, the substance of the thirty-seven million people that are displaced and the tens of millions that are not displaced who are repressed, I think, is really at the heart of the problem that we are dealing with and the problem of unholy alliances.

Francesco Mancini:

I just came back from a trip to The Emirates where only fifteen percent of the population is local and there is a large resistance there to grant citizenship rights to anybody who is not local. Granting citizenship rights to the non-local population would completely transform the society of that place. What I am trying to say is this: I wonder if what is happening in The Emirates and the dimension of what is happening to refugees in other cross-border movements have a magnitude that our society is not really able to cope with—our society is not able to adapt at the same speed, and these trends are happening in a way that Kant could not have even predicted.

Don't read this as a justification for asylum rejection, but I am trying to understand what pressures cross-border movements have on societies at large and independently, whether you are right or left on the political spectrum. I wonder if you have any reflection on this.

Gudrun Harrer:

As long as it is possible, I want to keep this discussion as a conversation. At the end we have to perhaps recollect. Ok please, do you want to respond?

Elazar Barkan:

I think that we have a dilemma with human rights when we think of it as singular, but the plurality of rights and the incoherence of rights is often not the subject of either philosophical or empirical formulation. What you are describing is the tension between the idea of human rights as singular and the idea of human rights as plural. We always privilege individual rights over group rights and it is an exception when we privilege group rights over individual rights. By this I mean, self-determination is recognized as a primary right, but when it comes into conflict with individual rights we tend to privilege the individual rights over self-determination. We are really not conducting a discourse or public conversation that actually addresses the question of conflict between rights. We hope that individual rights and group rights will give to each other. Much of what I alluded to when I made the comment about democracies being both the object of desire and the source of abuse is that we can't take the people out of the democracies. We have to deal with the democracies. Just because we say some groups are right winged parties and they are evil and therefore it is distortion of democracy does not mean we can take those parties out of the democracy.

I am not sure that I have a solution. We need to get a response that does not just dismiss this as a distortion. I'm not proposing a solution, I am just highlighting the tension between tribes and mechanisms that we have and how we might deal with those.

Iain Levine:

I don't have a solution, but I have another dimension to the problem. You pointed out The Emirates, and you said that fifteen percent of the population has citizenship. We've done work on migrant workers, particularly construction workers. I think we found something like ninety percent of the construction workers are migrant. You know better, obviously, because you've just been to The Emirates. The percentage of construction workers that are migrants creates an extraordinary challenge from a rights perspective, particularly when there are so many problems with the system. At the moment of recruiting construction workers, the payoffs they have to make, the lack of protection, issues of working hours and no rights to collectively bargain, no rights to

strike. Our efforts are very much focused on how to insure basic rights for these migrant workers, rather than the question you posed about the broader societal relationship. In that sense I think we are much more pragmatic in accepting the current system, but also trying to ensure that rights are protected within it.

In terms of an unholy alliance, our work with the United Arab Emirates and the protection of migrant workers addresses some of the buildings that are currently under construction in the United Arab Emirates include buildings commissioned by New York University, the Louvre, and the Guggenheim. Some of our advocacy workers have tried to focus on getting those institutions to recognize that workers are constructing buildings in their name, and obviously in many cases constructing extremely prestigious projects in their name, with standards that would not be acceptable in their home countries. The goal of our advocacy work is to try and point out this hypocrisy. I have to say that we struggled, it has not been an easy ride even with an institution like NYU, that one would assume, has a certain commitment to some basic values that would play out globally and not just in New York City itself.

[unknown panelist]:

Very quickly, I would like to say, that this privilege of individual rights triggered in me this idea that at least in Europe individual responsibilities can very quickly become a collective responsibility. I am saying that an Italian Roma who rapes someone in the city immediately becomes a responsibility of the collective Roma community in Rome. There is no capability to understand that individual responsibility can never be extended to the community. If there is one individual criminal, okay, fair enough, something can be done about it. This extension of individual responsibility to the whole community is a problem. A lot of parties and groups exploit this link. The individual responsibility becomes the collective responsibility of the full group; I think that it is a big problem.

Gudrun Harrer:

I would say, to transfer the qualities of an individual to a group, a group that is to be erased, or a religion—that is something we see all the time. Mr. Toro is not here so the next one on my list is Mr. Lupel.

Adam Lupel:

A slightly different angle, but the question is on this issue of the individual and the group and it is really a question for Professor Barkan. I am interested in the idea of the politics of hospitality that you mentioned in your talk, and this is an idea that we often speak of, hospitality as a matter of individual rights when it is actually groups that are displaced. A notion of rights without some sort of political backing is indeed a miserable comfort as you say, but I am not quite sure I understand where you want to take it then. Is it a suggestion that an asylum law should be more based upon groups as opposed to individuals, or that there is something missing there? What would a global system based upon a notion of group rights look like? Is there then a definitional problem? Who is in the group and who is not in the group? Who is actually worthy of being protected under the system and who is not? One virtue of defining rights as individual rights is that everybody is included.

Elazar Barkan:

The four methods of the UNHCI are repatriation, resettlement, asylum, and transfer to a third country. I think if I have specific recommendations those would be to put the displaced persons at the center of discussion rather than placing the other stakeholders at the center, that is the situation at the moment. For instance, the question of the right of return is very much validated, but never implemented in minorities. It is kept as a right because it is very much tied to the questions of self-determination. The question of the national movement is very much part of the definition of where the right of return has to be. I can elaborate, but I don't want to take too long to do so. I would instead like to think about the nation as the group, the refugees as group, the displaced as a group, and the rehabilitations in focus and we will go back to what Iain was saying about burden sharing and where the resources would be for burden sharing. This is not my responsibility, the Haitian refugees didn't come to my border and I didn't intercept their boats and put them in Guantanamo. Therefore, under international law I am free. It's the question of addressing the crisis in its total globality that has to become part of the international responsibility. The UNHCR does not have to focus on the legal

responsibility at the moment. As I mentioned before, the UNHCR has to focus on actually inhibiting the solutions. Obviously there has to be a greater emphasis on resolving the causes for displacement, rehabilitation, and greater support whether it is through humanitarian or not through humanitarian development aid to the countries of refuge.

In Southeast Asia, in the 1970s, what succeeded was that frontier countries were not left with a problem of displaced refugees because most of these refugees were repatriated, most of the refugees were taken as asylum to a third country. At the moment, the focus on this situation is very small. Iain mentioned about five percent; 1 million out of the forty-five million people displaced are asylum seekers. According to the international system only five percent of the displaced persons are even candidates for the solution of repatriation. Without even considering the possibility of the situation being resolved by repatriation, I think the challenge is to see it more comprehensibly. That does not mean that it is manageable tomorrow. The idea is not to focus it through the narrow prism of the refugee convention and the legal system because that does not address the vast majority of the displaced, and certainly does not address those who are aspiring to move.

Gudrun Harrer:

I would like to ask Professor Braidotti to speak and then I think we should start to collect the questions.

Rossi Braidotti:

I am afraid that I am a bit out of sequence, in response to Professor DeGreiff's point, when he asked to what extent there is an unholy alliance between the center and the far right that has already affected change in policies. One area where this is felt really distinctly is women's and gay rights, a core issue in the EU, and an example of another clash of civilization that is completely perverse. There is an idea that our women in our gaze are already emancipated, they are free and really successful. But women and gays in countries such as Iran are oppressed, because they never had rights. There is an idea that they are not familiar with Immanuel Kant writing Perpetual Peace and they don't know

what is going on. This is a very specific European refrain, which is almost a commentary on the legacy or the enlightenment. I believe it works very differently in the UK and the USA, I hope it works differently for you. This clash of civilizations is doubly perverse because it not only completely defies the non-western women's movements and the non-western gay rights movements, but it completely deletes them. It also falsifies the situation of women and gays in Europe and creates an over optimistic picture of what the situation is really like.

A country like the Netherlands that certainly has sexual freedom at the heart of our culture is actually a model of liberation that I call emancipation without power. There are zero women in a position of decision-making in the labor market, in politics, and in the corporate world. Less than 8% of professors are women in the Netherlands and I think Austria is doing relatively worse so it depends on what you are looking at as the indicators of the state of women and gays. We are working on a different paradigm. Instead of taking sexual liberation as the term by which we would index the emancipation of women and gays, we need to take other indicators into consideration. I think that alone is a blow in the face of the enlightenment legacy and Kantian legacy where by it would be individual autonomy including sexual autonomy that would actually index the degree of freedom of individuals. We need to revise this discussion, and actually stay off the topic of sexual rights because they are contaminated by this perverse clash of cultures and these questions of civilization.

Gudrun Harrer:

Yes we will stick by that because I already have made several contributions to the topic of sexual rights. I don't know if I am pronouncing your name right in the Italian way, but Fieschi right? You wanted to say something?

Catherine Fieschi:

Yes it is directly related to unholy alliances and it also addresses your question. I would say that we do know of a very similar phenomenon even in the UK, where the far right hasn't been as notoriously successful as elsewhere. There is a new group called the English Defense League that essentially positioned itself as defender of the

enlightenment, we want to protect gay rights and we want to protect women's rights. Admittedly, once you see these rights, given their latex militia look, you don't exactly take the claim at face value. The fact is that it is a very similar discourse that has moved away from standard racism and shifted really to attach at the cultural level. I just wanted to make another quick remark.

When we talk about the alliances between the center and the far right, I think that there is no need for such alliances. If we look at France in the 1990s, the changes in the citizenship law, the changes in the rights of asylum seekers and refugees one can easily assess that that was an impact of the FN on the French political scene. There was no actual alliance. The FN was only very ephemerally represented in the French National Assembly for a couple of years, but actually there was a massive impact on the French political landscape and on the French policy landscape when it came to immigration and asylum.

If one were to read about the Roma crisis in France, of course this is a result of Sarkozy's populism. Really it is a reaction to the FN that is gathering steam on the right of Sarkozy that is about to elect a new leader, and that is given about 18 percent of voting intentions; 18 percent, thought it is 2 years from the French presidential election, is a very high number.

I want to conclude on this. I would say that one of the things we need to keep in mind is that there is no necessity for an alliance, given that the simple presence of these far right parties, particularly in political systems have shared different characteristics. I think it is very important that we note that the enemy of cosmopolitanism is actually not the far right; the enemy of cosmopolitanism is populism, that is, the populism of the center, whether it is center-left or center-right. I know that the challenge comes from the far right, but the fact is that the people for whom cosmopolitanism is a dirty word and for whom cosmopolitanism is an elitist conspiracy are populists on both on the left and the right. I think it is important that we keep this in mind if we want to fight populism effectively.

Gudrun Harrer:

Thank you very much. Professor Braidotti addressed Pablo; do you want to ask

something, Iain?

Iain Levin:

I would like to ask a question to Professor Braidotti. In the context of what you were just saying, which I think is very interesting, I would like to hear your thoughts on the burka bans that have been pushed in France and Belgium, and have been considered in other countries, because it is an issue that we have also struggled with. When I say 'struggled,' I mean it is clear to us that it is a human rights issue and we have been fascinated when we speak out on the burka bans as infringements on freedom of expression and religion we have been criticized very strongly by those who are very close allies in virtually every other issue. Here we are clearly out of step. I am interested in hearing your thought about the dynamic or the place of Muslim women in Europe, particularly in those countries that have supported burka bans.

Rossi Braidotti:

It is a huge question. There is a conference at the end of January in Amsterdam that we are calling Sexual Nationalism; it is about the nationalization of the sexual rights that will do justice to the complexity of your question. The ban of the burka is specifically a French problem that has to do with the French take on the legacy of their enlightenment, which is a very interesting for one, considering that they are not Kantian by any long shot but they have their own *esprit républicain* to come to terms with. We all know that there are three hundred and twenty-seven women that wear the burka in France and Sarkozy made a law especially to gather populist consent; I think the populism is absolutely central here. The Netherlands and the entire Northern European social-democratic block would not pass such laws, it is unimaginable.

This is a typical and a populist perversion of a human rights cause and a feminist cause. There is a construction of the Muslim woman as the symbol of oppression and the manipulation of that construction for the sake of humiliating Muslim countries and continuing the clash of civilizations. On the one hand, there is a self-congratulatory construction of how very free and emancipated western women are. I think that this is really a European perversion and it is a complicated one across the board at the moment.

I think it has everything to do with the legacy of the enlightenment.

Some people know Pim Fortuyn as the great martyr who was assassinated, but it is not talked enough about. Pim was a very "out gay" who was totally flamboyant and offensive, I am speaking to you as a gay person and a supporter of gay rights. *We* are not allowed to talk about Pim. He converted entire segments of our population, people that never had a single bone in their system, the working class of Rotterdam for Christ's sake, homophobic and anti-feminists for generations overnight were reborn as enlightenment champions because of their love for Pim.

Episodes like this have not been studied sufficiently. These issues are complicated because there are whole generations, the Simon De Beauvoir kids and the women and men who are in the emancipation commission set on the side of the European Union are completely on the side of Sarcozy, finding his enlightenment and defending secularism because only with secularism and enlightenment will we have emancipation and gay and women's rights. This is a nightmare.

I remember meeting Simone De Beauvoir as a graduate student in the 1980s, and deciding then that she was a woman of a different generation, but now she's from a different planet. It is really a perversion of an entire history of thought, an entire political legacy that I think needs to be studied as a virus that takes different forms in different countries. Italy, for example has no real claim to anything, is very basically a populist country, but it is my country so I can rubbish it. Very basically Berlusconi says 'it is better to be a womanizer and a Viagra inflicted pedophile than to be gay!' Good, old, healthy, wholesome homophobia! In the present context, it is almost a welcomed relief, considering the perversion of the others and the fascists who become advocates for their rights. I think it is a perversity and it needs to be studied as a perversity. I believe that liberal systems like the US and the UK experience it differently if at all. Although you are suggesting that the UK may be going in the same direction as France. I think Immanuel Kant would have a fit if he saw any of this. But come to Amsterdam at the end of January, John Carter is coming from Princeton to speak about the politics of the veil addressing specifically the French issue of the burka bans.

Gudrun Harrer:

Thank you very much. Unfortunately, I think that you are not right in saying that it is a French problem. I wrote a commentary on this issues some time ago saying that I am more afraid of bans. You cannot imagine what happened, they almost killed me, but criticism was mostly from the left. It was very interesting. Thank you also for mentioning the name Kant, because we are, of course, far away from Kant, but it is perfect.

I am afraid that we have to collect the contributions. I would ask you to start Mr. Frier and then Mr.Toro, Mr. Rafler and then Mr. Stadler.

Mr. Frier:

Ok so very quickly, for the sake of brevity. I notice that my plank is a lot to the right, but we are not right winged. I completed my PhD in peace studies and conflict management with a focus on psychoanalysis of issues and all that is taken from the West and Europe. I want to make a point about the situation of refugees looking at countries that may not be designated candidates - the conversation seems to be focused on fortress Europe and people trying to move in. But there are countries such as Nigeria and Ghana, and four countries in West Africa that I've been to in the past two weeks where there are refugees from Sierra Leone, Liberia, and in countries like Senegal there are refugees from Cote d'Ivoire, this is due to the language links of French and English in these countries.

I would like to pick up on something in this regard on what was said about populism as the enemy of cosmopolitanism. I think, what fuels the populism could be the context of socio-economics. Societies become averse to hosting others when they feel they don't have the capacity to host themselves. The right wing feeds on this, so we have a global slump, what do you expect? As we discuss Kant, we should also look at the context with which we are dealing. I have seen societies in West Africa who are normally very welcoming, which think they cannot host refugees who want to come during these hard times. If you have sections of society that seek to exploit the socio-economic context then it is an angle that should be looked at.

Gudrun Harrer:

Thank you very much. Next is Mr. Toro.

Alfredo Fernando Toro-Carnevali:

Thank you. I just wanted to talk about a point that was brought up by Professor Barkan and also Professor Levine, the issue of securitization of migration. I believe that the first Security Council resolution to speak about migration as a threat to international peace and security was the resolution in Haiti around 1992 and it characterized the potential massive migration of Haitians to neighboring countries as a threat to peace and international security. Since then, several Security Council resolutions on Bosnia, Somalia and other countries as well, have categorized migration as a threat to international security and they have invoked Chapter 7 to deal with these situations. They have turned migration from a political issue into a security issue. This is just a theoretical proposal, but the Copenhagen school of thought says that once an issue becomes a security issue, it is taken off the political agenda and it is dealt with as an emergency situation where the Rule of Law is no longer what guides people's interactions.

The migration issues ceases to be a political issue and is termed as a security issue, but also, through speeches and official statements the term "irregular migration" becomes "illegal migration." Through words migration is turned into something that is illegal, something that is beyond the law and therefore something that should be tackled with measures that are also beyond international humanitarian law.

I would also like to bring to the table, something on which is not very commonly reflected, that is the free movement of goods and people. We have system that promotes free trade all around the world, so we promote the free movement of goods, but we severely restrict the free movement of human beings. There is some sort of contradiction here. I don't want to say a hypocrisy, but something not true to liberal speech. I also want to put out a question, put out a statement that is taken from the Beligan philosopher Chantal Mouffe, this is very hard to swallow especially for human rights activisits, but could we have an international system of law based on the idea of regional polls and identities federated among themselves with full autonomy instead of having a cosmopolitan democracy, or a cosmopolitan entity? then would we have a federated regional and cultural body where every region's autonomy would be respected?

I want to end with that. Thank you.

Gudrun Harrer:

I am sure we will hear something about that. Please, Mr. Rafler:

Mr. Rafler:

I would like to return to the text of Kant for a short while and go to this point that we've been talking about, cosmopolitan citizenship and its centrality for Kant's theory of peace, which strikes me because I think on the one hand Kant's use is a very restrictive use of the right to cosmopolitan citizenship, because he restricts this right to visit and not to stay in other countries. The centrality of this point is a necessary condition, one of the three necessary conditions of peace, the third definite article, and I wonder why this is so central for Kant. Kant makes this point that originally every human being had the right to be in any other place on the globe. In a sense for him this right to global citizenship undermines borders or points to the artificiality of the borders themselves. I also think that he is restrictive because he points to contemporary experiences of abuses of the right to visit, he points out the whole colonial experience in Japan and China, how the European colonial powers abused their right to visit. I think Kant warns danger in a world where there is a restriction of the exchange of people, restriction of travel, restriction of the right to visit. The odd thing is that Kant never traveled in his life, he stayed in his home town Koningsberg, but he argues in this text, not only that people should travel and visit other countries, but that this is a necessary condition for peace. I think this is a very interesting point in some programs such as the Erasmus program of the European Union. Many people in my generation have tried to really encourage people to spend some time in a different country. Thank you.

Gudrun Harrer:

You remind me a little bit of the modern Islamic theologians who propose to eat the Koran, in a historical context, and then to see what to include in the view of possible development. So Mr. Stadler:

Andreas Stadler:

Well let me follow up. I think the core issue of reading Kant today is the

hospitality issue. I think that the two presentations we heard were extremely inspiring and informative because the central discussion in my view is about the issue of human rights which is, and should be, non negotiable, everywhere in the world, there is no autonomy from human rights as such, as opposed to the issue of citizen rights. And we agree, we are talking about millions of people who should have human rights, even if they are refugees, even is they are displaced people, but this is the minimum standard that we should aspire to achieve. On the other hand, there is a reluctance to grant to such refugees citizen rights, again we are talking about millions of refugees.

One thing I remember from the Yugoslav tragedy, in particular from the Bosnian war in 1992 when hundreds of thousands of Bosnians actually left Yugoslavia and many of them went through Austria, was that Austria invented a so-called *de facto* refugee status, meaning that the government did not give them full protection under the UNHCR refugee status, but the refugees had legal residence status and they were also allowed to work, which is, I think, the most important thing. This worked for a few years but it was later abolished because of xenophobic attitudes. I think it was a very workable solution and I would be really interested to hear from you whether there are other examples of such a nature.

Let me make another observation, about rising xenophobia, and the rise of Islam-ophobia. This is a trend that we face everywhere, not only in Europe by also in the United States. As appalling as it is I can still see this trend as a process, because of the *de facto* policy just mentioned. An idea in Germany, for example, about the chancellor of Leitkultur, just shows that there is a process of cultural change in Europe where France, Italy, Germany, Austria, you name the country, all grapple with and have had huge trouble in understanding that at least forty percent of Europeans are not ethnically clean anymore. Whether Italian or French, the *status quo* already have a migration background, but this reality has not trickled down to the public consciousness. As appalling as it is in Europe, I have an understanding for this political process. In Arizona, there is also a law about personal identification that is racist.

So, we actually see a global fight over the issue of human rights versus citizen rights. I would be really curious to learn more from you about that. Thank you.

Gudrun Harrer:

So you have to answer a lot of questions and give the final statement for this conference, and we are coming to the end of our time. Who wants to start? It is up to you. We can also throw a coin.

Elazar Barkan:

We'll settle. First of all, let me start with the particular and then I will try to make a general statement, sort of a general observation, not a statement. There is a theme that runs through the questions and the discussion about which of the particular cultures and political manifestations conflict with some general cosmopolitan norms that we would like to uphold. This is a tension that I tried to comment on earlier, the tension between a democracy as a source of sovereignty and a democracy that produces results we don't like. This is something that is obviously very difficult. I don't have a very good solution for it, it has not been explored enough. The ways in which we respond to this by reducing it to populist or right winged, to categories that we like to dismiss as opposed to categories that we like to uphold, this is part of the rhetoric of naming things which needs to be addressed. The example that you gave from Bosnia, again is the issue of naming.

Germany was the largest recipient, the largest haven for refugees from Bosnia at the time. When the war ended there was a notion of not returning these refugees to places where they would be at risk, so a lot of these refugees came under the category of internally displaced persons and they were not returned to their place of origin. I think we are talking about two hundred to three hundred thousand people that were returned, strictly speaking, because the legal definition was different, it was legal in practice to move them or repatriate them from refugee status to internally displaced person status.

I think this is the tension that we have and I think this is very much what we are facing in all of our conversations, the relationship between a hospitality that is cosmopolitan and the locus of hospitality which is regional, local, or specific to a culture in a world that changes very rapidly and is not ready. I also think we don't have good theoretical responses, we have rhetorical assertion but there is still a tension. There is a tension between full citizens and citizens who receive full human rights, and a notion that there are some humans outside the system. Those differences have not been bridged.

Iain Levine:

Thank you. I feel that I have taken more form our conversation than I have given. It has been a really thought provoking discussion and I have enjoyed the conversation. For some reason during our conversation I remembered from way back when, from reading the Bible that Abraham said that he had four doors to his tent so that however it was pitched and from wherever the stranger came the stranger could walk through a door into his tent, such was his notion of hospitality. This made me realize how far we have moved from Abraham's days, that we may have progressed in some ways, but not in our views on hospitality. So just a few thoughts in response to some of the very interesting comments. The impact of the global economic slump was very well taken, you are absolutely right. I didn't say it as well as I should have, but that is why I wanted to emphasize the point about burden sharing because there are general demands created by flows of refugees, not only what we talked about in terms of discrimination, but also in an area that we really did not talk about such as economic and social rights, the education of refugee and migrant children, and the provision of health care.

For example, we've done quite a lot of work in South Africa where you have one million five hundred thousand Zimbabweans who have fled from the oppression and brutality of Robert Mugabe's government and also those who have fled the collapse of the social and economic infrastructure in search of work, health care, and education for their kids. Something like thirty-three to thirty-five thousand of these refugees aged between fifteen and forty-five years old are HIV positive, which creates a whole other layer of pressure.

One is aware of the burdens that these flows create. Although in context, to answer to your question, Professor Stadler, when you asked about regimes created for temporary protection of the former refugee status: In South Africa, I think they call this a temporary protection status for Zimbabweans, who weren't given full refugee status and they certainly were not given citizenship rights, there was no recognition of their presence, there was no recognition of their rights to basic economic services or their rights not to be sent back to Zimbabwe under the circumstances. This is an extraordinary gesture when one thinks of it. We are being critical of many government, but one has to

do this in order to get them to recognize the rights of more than one and a half million.

I want to finish with a comment on the securitization of discourse in the comment of Professor Toro, because it is interesting what you said about the concerns that refugees are seen as threats to security and the worry that they would be approached in a very securitized way and in a way that was oblivious to their rights. Very often when we are pushing our concerns about a about a particularly oppressive country, take Zimbabwe or Burma for example, while we've done much work in both countries for several years, we struggled to undertake a debate on these countries about the need for change and the political pressure of regimes to the most important political body globally, the most influential political body being the Security Council. The problem with trying to take a country like Zimbabwe or Burma to the Security Council, is that the Security Council won't get involved for the reason that they are not prepared and they hide it by saying that the Security Council exists to deal with security and unless you can demonstrate that Zimbabwe and Burma are threats to international security, we won't touch them. So, we find ourselves trying to work out whether or not the flows of refugees from those countries justify us being able to insist that the Security Council should deal with this. We are very conscious that we have to be careful because on the one hand we have to use those refugee flows to convince the Security Council that this issue cannot be shied away from and that action must be taken. Clearly we do not want to create a political climate in which they are seen as a threat and their rights are marginalized as a result. There is a balance in the real world of political advocacy between attempts to address both issues. I think Professor Stadler's point was very important because in the broader migration discourse it is all about control, and in that discourse it is noticeable that human rights activists are rarely invited.

It is an issue for economists an issue for those with security concerns, particularly since 9/11. One of the great achievements of the human rights movement in the past twenty-five years is that we have gone away from being outside the door or at the end of the table, to being people with a right to sit at the table whether the discussion is on governance, peace and security, monetary concerns, or non-corruption, and on these broader issues of refugees and migrants flows we are moving closer to the table but human rights activists need to be more central to the discourse if we are to have the

impact that we need and protect the Kantian ideal. Thank you.

Gudrun Harrer:

Well thank you very much for this great session. I apologize to my speakers that I made you really work by responding to so many questions directly, but I think it was a benefit, so thank you very much. It was very interesting and I learned a lot. So, I will pass the chair to Mr. Stadler who will do a wrap-up for us and our discussion.

Andreas Stadler:

Well if there is any bad panel, well I am sure the first one is the last one, and I will definitely not do a wrap up, but I will ask you to help to identify some issues that we have raised today, maybe for the first time, and issues that we have learned from in the discussion.

Having engaged in the enterprise of a free reading of Perpetual Peace, we have definitely had a lot of fun and gained a lot of insight. I think it is important to read the text at an age where we are executives and not students because it demonstrates the responsibility for us to act as individuals and to make a change in the everyday decision, however small it might be, rather than being a student on the bench reading the text theoretically. When I re-read the text, I basically thought that this is kind of the "Ten Commandments" of the enlightenment program that Kant very courageously conceived in 1795. I am not going to enumerate the "Ten Commandment" that I think one can distill from this text, half of which have not yet been achieved at all.

The thing in the discussion that struck me was actually more the things that we did not talk about rather than the things we did talk about. For example, one of the striking elements in the first debate that we had this morning during the panel on collective security and sovereignty, was that the Prime Minister of Austria did not even mention the word 'sovereignty,' but he defined it in a very practical term and only in the second intervention did we hear a realist approach to sovereignty, one that was still an approach to international relations. I also found this interesting in itself.

We haven't at any stage talked about the economical foundations of the world

system. There are still unchallenged powers of international corporations who can actually buy states and decisions. We haven't talked about Article 3 in respect to military industrial complexes which are still important all over the world, as well as in this country, we have not talked about national debts and so on, or international policy prescriptions, neo-liberalism and the international economic policy regime, in particular we haven't talked about the International Monetary Fund that really interferes with the sovereignty of nations with the very recent example of Greece and Ireland.

Having said this I think it is important to rethink one of my favorite quotations of Kant, which Aaron Levy has beautifully displayed at the New Museum, and I think you also talked about it this morning, it runs: *"The social relations between various peoples of the world, have now advanced everywhere so far that the violation of rights in one place of the earth is felt all over it."* Now I think that when we talk about the forty-five thousand refugees that live in Greece, that don't really live in Greece because they vegetate there, we can see that Kant's program in terms of the global community of awareness has not actually been realized yet.

This is the reason we are here and the reason why we are having a discussion among one another, this is in a way both a sober and an encouraging point of view, because we understand that through this program a lot of progress has been made. This will be my very tentative and also erratic closing. The second panel about the definition of peace as opposed to the definition of collective security was very interesting and you all witnessed the highly inspiring last panel, which I don't even dare to summarize here. I invite you just to tell us what has struck you, what has outraged you, and what it is that you think should be on the agenda for future discussion. That is the main question that we might engage in, in the next fifteen minutes. Thank you so much.

Francesco Mancini:

Just one fault, and this is actually something I grapple with everyday in my own work, I think that if there is a common trend among all three sessions, it is the incredible inadequacy of our institutions to deal with the issues addressed. In the last two hundred years it is amazing what has happened in the world, especially after the Second World War. Internal institutional development at a global level, I don't have the number right

now, but the multiplication of international institutions in the last forty-five to fifty years is absolutely astonishing. At the same time, I think our conversation here is pointing at incredible institutional gaps. I am not talking about normative gaps, but institutional gaps in being able to address security issues, Rule of Law, building capacity, and the level of decision-making, whether or not the Security Council can make a decision for the Rule of Law, and in the last session the issue of human rights and asylum, so on and so forth.

It remains a big question because it seems that we don't really like the institutions that are out there. I think we have all the tools but the way we use these tools is inadequate. Maybe it is about the present World Bank call to create a Facebook of global institutions, where institutions can network with each other and are actually connected with on another, and can communicate with each other, rather than stock piling every issue. I don't really have an answer, but I find interest in the fact that we still think we lack the international capacity at all levels: at regional levels, at national levels, and at global levels, to be able to respond to these kinds of challenges and for progress to be made. So I don't want to sound too negative in the end, because I think progress has been made in a tremendous way, but still, I think more work needs to be done.

Participant (To be identified):

To follow up on that, I think it is appropriate for a wrap-up session to ask 'what next?' We talked quite a bit about the aspiration to the ideals of Perpetual Peace and the shortcomings of implementations. A couple different people today mentioned, the surprising sense of humor in Kant and the text, which actually begins with a joke with a reference to the Dutch innkeeper's sign that reads 'To perpetual Peace' and it has a picture of a graveyard. This image suggests that you will have perpetual peace only when you are dead. Death is perpetual peace, right? If you keep reading the text, the answer for Kant is in the progress of perpetual peace, how you can see it and envision it will effect the result of providence. His whole philosophy on history leads to this. I don't think we can rely on providence. Frankly, I think what remains for us today in terms or perpetual peace or collective security, or whatever you would like to call it, all depends on politics. This is not an answer, but I think this is where we are.

Iain Levine:

I want to take your quote and just change it slightly. You talked about how Kant's idea, that rights violation in one place on earth is felt all over. What we see is a failure to respond to a violation of rights in one place of the world that is felt all over the world. Every year we honor human rights activists from around the world who have displayed tremendous courage. We honored a young Egyptian human rights activist, in his speech he said, *"You may be asking yourselves what you can do to protect human rights in Egypt. I will tell you, deal with the human rights problems in your own countries first because as long as there are unchecked human rights violations committed by the U.S., people like me in Egypt, and in other countries struggle because when we go to the government they say: 'They get away with that in America so why should we worry about it?'"*

I think that Kant was wise, but I think it is accountability that is the most important thing because when there is a lack of accountability particularly in more developed and more powerful countries it sets an incredibly negative and pernicious trend. Just last week, the admission by president Bush, in the release of his memoir, that he personally authorized torture and the utter and complete failure of authorities here to follow up on his obligation under the Convention Against Torture to hold him accountable for that admission clearly sets us back when dealing with torture in seventy-five countries around the world.

Martin Rauchbauer:

I would like to pick up the question of 'where next?' and you said we shouldn't leave it to providence, but we should turn to politics. I think Kant also suggested we should turn to public discourse. Politics alone is not enough for Kant and I think that is a big challenge today if we just think of the role that foreign policy plays in our public discourse. Even in Europe, how much or how little the European Union is debated in each individual country and the relatively small role foreign policy has played in the last congressional election here in the United States, I think is a very important point, in regard to Kant. It is part of his idea of republicanism and his idea to connect the citizens with what is happening in the world that remains a challenge. I think our project here to

connect theoreticians with practitioners is one step in this direction, but of course, the real challenge is how to connect the citizens with the international world.

Robert Afriyie (to be confirmed):

If you look at the proliferation of international institutions and what they seek to do, I think we have come a long way. I see myself as one who is much more aware of what is happening in the African continent. What Kant had to say has a lot of relevance to what is happening now. In 2001, I talked about the evolution of positions in the Organization of African Unity, which will not interfere with issues within sovereign states to the adoption of the constitutive African Union. This now makes it possible for the continent to act as a group and interfere with issues within the states, human rights related etc. which was unheard of 20 years ago.

I want to look at it this way, when it comes to the evolution of norms, values, etc. when we talk about Kant and what he had projected, we should also be looking at what positive trends are coming up and what can be done to support those. This is where the plug-in from the original levels, sub-original levels, into international values are beginning to converge and should be well maintained. It comes both ways, like someone else mentioned, responsibility from the micro-level and responsibility from the macro-level as a global community to support such efforts.

Andreas Stadler:

Any more thoughts? I am surprised that my statement that Kant's <u>Perpetual Peace</u> as enlightenment that has not yet been fulfilled is unchallenged here, particularly by the philosophers, because I think it is a very Euro-centrist vision. I think we can strip Kant from his Euro-centrist historical conditions and distill the basic universal, in particular the legal prescriptions that we find in this book of commandments on international relations and make it our agenda both as research in universities and in the various diplomacies that we represent. We, as in the Austrian Cultural Forum, are very active in the group of European cultural institutes here in New York, as some of you have heard in the morning, are a world-wide grouping.

For those of us who have participated in this conference today but also for the

manifold preparations and the discussions that we had with Francesco, with Adam and with Aaron and with many other people involved including the productions of the film, the discussions we had at the New Museum show that I recommend to all of you, and last, but not least a project that we have done at the Austrian Cultural Forum, an exhibition reflecting the Yugoslav drama which I invite you all to see. I think all of this together has been a very nice cafeteria as Mr. Levine has said, at some stages we have been able to pick what we wanted and we will continue to do so. I thank you very much for your contribution and for the active discussion.