



International Colloquium on European Convention on Human Rights – Lessons from Experiences



March 1 – 3, 2010

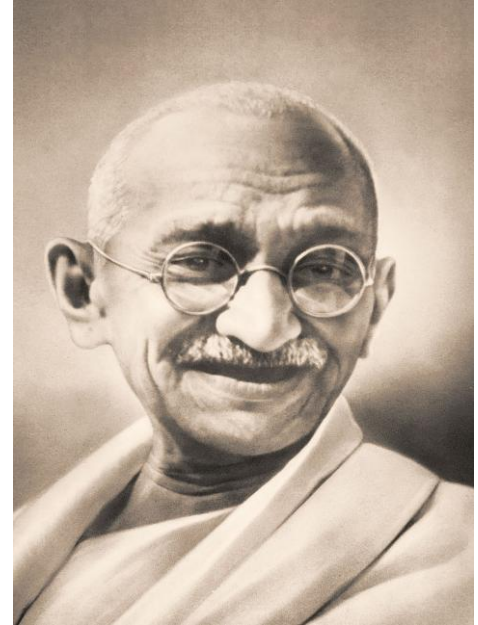
Jointly organised by

Department of Politics and International Studies,
Pondicherry University
Puducherry,
India.

&

Faculty of Law, Political and Social Sciences,
University of Paris 13
France.

Venue:
**Convention cum Cultural Complex,
Pondicherry University**



Mahatma Gandhi

Gandhiji developed the concept of Satyagraha, which involved a search for *satya* (truth), *ahimsa* (Non-violence) and self-suffering. With his Satyagraha, Gandhiji not only challenged the conventional notion of power, but showed that the weaker section of society was as powerful in crucial respects as the strong.

“... fair means alone can produce fair results, and that, at least in the majority of cases, if not indeed in all, the force of love and pity is infinitely greater than the force of arms”.

- **Gandhiji**

“... one had to go beyond the nation and the conception of national interest as an end in itself”.

- **Jean Monnet**



“Monnet is the rare example, I should say the unique example, of a politician who could realize his objectives without this essential element of politics that is power.”

- **Helmut Schmidt**

“You are transforming Europe by the power of a constructive idea”.

- **John F. Kennedy to Monnet**

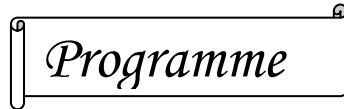
Gandhi and Jean Monnet proved the power of the ‘idea’ over other kinds of powers – military and economic.

John F. Kennedy and Jean Monnet

March 1, 2010:

Inaugural Function (9.30 – 11.00 A.M.)

Invocation



- Welcome Address : Prof. **Mohanan B Pillai**
Head, Department of Politics & International Studies
Pondicherry University
- Scope of the Seminar : Dr. **B. Krishnamurthy**
Associate Professor & Colloquium Coordinator
Pondicherry University
- Keynote Address : Shri **Satyabrata Pal** I.F.S. (Retd.)
Member, National Human Rights Commission,
New Delhi
- Special Address : Prof. **Pierre-Yves MONJAL**
Faculty of Law, Political and Social Sciences
University of Paris 13
- Felicitations Address : Prof. **D. Sambandhan**
Dean, School of Social Sciences and International Studies
Pondicherry University
- Presidential Address : Prof. **J.A.K. Tareen**,
Vice-Chancellor,
Pondicherry University
- Vote of Thanks : **Dr. Geetha Ganapathy-Doré**
Associate Professor & Colloquium Coordinator
University of Paris 13.

Tea Break (11-30 to 11-45 A.M.)

Academic Session - I (11-15 A.M. to 1.00 P.M.)

Pierre-Yves MONJAL
University of Paris 13

- Can European Fundamental Rights be Contested?
Some Provocative Remarks on the Alleged
Incontestability of Fundamental Rights

Charles REIPLINGER
University of Paris 13

- Towards a European Law of Representative
Democracy

Lunch Break – 1.00 – 2.00 P.M.

Academic Session II (2.00 to 3.30 P.M.)

Screening Documentaries on Human Rights

Tea Break (3.30 to 3.45 P.M.)

Academic Session III (3.45 to 5.15 P.M.)

Dominique HIEBEL
University of Paris 13

- Security and Anti-Terrorism Laws: What future for
individual rights and liberties in the European Union?

G.V. Vijay Prakasam
IDSA
New Delhi

- Humanitarian intervention: Asia and Africa
showed the way Counter Terrorism Laws &
Responses in Europe Post 9/11: Impact on Human
Rights

March 2, 2010:

Academic Session IV (10 - 11.30 AM)

S.Krishnan
Research Scholar,
Dept. of Politics & Int. Studies,
Pondicherry University

- Environmental Challenges and the European
Union

Saurabh Kumar
Jawaharlal Nehru University,
New Delhi

- Environmental Security and the European Union

Academic Session V (11.45 AM – 1.15 PM)

S. Jeeva
Research Scholar
Dept. of Politics & Int. Studies,
Pondicherry University

- Human Rights perspective of European
Development Cooperation Policy

Dr.B.Krishnamurthy
Associate Professor
Dept. of Politics & Int. Studies
Pondicherry University

- Human Rights Dimensions of European Common
Foreign and Security Policy: A Case Study of
India – EU Relations

Lunch Break – 1.15 – 2.00 P.M

Academic Session VI (2 – 3.30 PM)

Chunnu Prasad
Doctoral Fellow
Centre for Political Studies,
Jawaharlal Nehru University
New Delhi

- Problem of Refugees and Human Rights in India
(Socio-Economic and Political Dimensions
of the Excluded Chakmas of Arunachal Pradesh)

Sukrit Kapoor,
GNLU

- EU Immigration Policy and Humanitarian Aspects:
Protection of Refugees

Academic Session: VII (3.45 – 5.15 PM)

Prof. Venakata Raghotam
Dept. of History, PU.

- Topic to be announced

L. Premashekhara,
Assistant Professor,
Dept. of Politics & Int. Studies,
Pondicherry University

- Rights of Multiculturalism, Muslims and Europe

S. Mohammed Azaad,
II Year B.L.,
Dr.Ambedkar Govt. Law College,
Chennai

- Sovereignty vs. Humanitarian Intervention

Parallel and Practical Session open for all (3.45-5.15PM)

Claudine Moutardier

- Introduction to documentary search on ECHR and generally EU.

March 3, 2010:

Academic Session VIII (10 – 11.45 AM)

Dr.S.A.M.Pasha,
Dept. of Political Science,
Jamia Millia Islamia,
New Delhi.

- Rights of Multiculturalism, Muslims and Europe

T.K Jabir
Research Scholar,
Jamia Millia Islamia,
New Delhi.

- Poland and Turkey: The case of Success and
Failure in the Entry into EU

Academic Session IX (11.45 – 1.15 PM)

Dr. N. Sethuraman,
Assistant Professor,
Department of History,
Periyar Arts College,
Cuddalore – 607 001

- The European Court of Human Rights: Monitoring
the Respect of Human Rights

Geetha GANAPATHY-DORE
University of Paris 13

- The Notion of Forced Marriage and Human Rights
in the European Court of Human Rights

Lunch Break – 1.15 – 2.00 P.M

Academic Session X

Dr. Pawan Kumar,
Assistant Professor-in-charge,
Centre for Juridical Studies,
Faculty of Law,
B.P.S. Women University,
Khanpur Kalan,
Sonapat.

- European Convention for the Protection of Human
Rights and Fundamental Freedoms Vis-à-Vis
Fundamental Rights under Indian Constitutional
Law

Dr. Suresh Kumar
Reader,
Post Graduate & Research,
Dept. of Political Science,
Sree Narayana College,
Kollam, Kerala 691001.

- EU and Human Rights Foreign Policy: Lessons for
SAARC

Valedictory Session (3.30 to 5.00 P.M.)

Paris 13 University was founded in 1970. It is an exceptional centre for education and scientific research in the north of Paris. The University itself and its teaching hospital cover practically all the major disciplines and draw on a network of thirty three laboratories, all of which are recognized by the major scientific institutions (CNRS, INSERM, etc.). It is part of the ‘*Campus Condorcet*’, a new plan to establish a European hub for teaching and research in Human and Social Sciences and ‘*PRES Paris Cité*’, a recently founded confederation of Universities for co-operation in education and research. Besides, Paris 13 has committed to a large number of reliable partnerships as part of European and international exchange programmes. It plays an active role in cooperation with emerging countries. A University turned towards the future, University of Paris 13 pursues and promotes high level interdisciplinary research. Its current President is Professor Jean-Loup SALZMANN.

Paris 13 - in figures

20,237 students in 4 campuses (Villetaneuse, Bobigny, Saint-Denis and La Plaine Saint-Denis)

9 teaching establishments (UFR - *unite de formation et de recherche* - and Institutes)

13 DUTs (two-year University technology diploma)

18 three-year Vocational Degrees,

27 Masters (83 specialties),

28 doctorates, 6 HDRs (Director of Research Accreditations),

1 engineering diploma in 5 specialties,

5 medical qualifications,

1 Doctor of Medicine degree 56 university diplomas,

29 research laboratories

1,181 lecturers, graduate students and staff in the teaching hospital

700 administrative staff



The Faculty of Law, Political and Social Sciences of the University of Paris 13 hosts around four thousand students in the disciplines of Law, Economic and Social Administration, and Political Science, three research centres, more than hundred and fifty teachers and twenty-five members of administrative staff. It delivers fully accredited four different Bachelor's Degrees, four Master's First Year Degree with eight types of itineraries, three Master's Second Year degrees (research oriented, with six specializations) and three other Master's Second Year degrees (vocational, with eight specializations). It has set up a large number of international exchange programmes all over the world. It is currently headed by Dr. Robert ETIEN.



Puducherry is situated on the Coramandal coast, and is 160 kms. south of Chennai. It is now a growing city and the capital of the Union Territory bearing the same name.

Puducherry, which attracted the French to settle here two centuries ago, still carries several marks of French culture and heritage. It is also the place where the national poet Shri Subramania Bharathiar wrote several of his masterpieces that fanned the flames of freedom and also enriched modern Tamil literature. Bharathidasan, a staunch disciple of Subramania Bharathiar, whose poems stressed social revolution and emancipation of women, was also an eminent son of Puducherry.

The intellectual activities are fostered in many of its institutions such as Sri Aurobindo Ashram and the French Institute which caters to research needs in Science, Indology and Culture. The Romain Rolland Library which is more than 150 years old and preserves a rich collection of several rare French and Tamil manuscripts is a veritable repository of treasures.

The Puducherry museum houses rare kinds of pottery from the Arikamedu site which was a bustling port city in the first century A.D. where Roman ships called in for trade and friendship.

Some of the other places worth seeing are Auroville, Beaches, Backwaters, Lake and Garden, Temples, Churches and Mosques, Heritage Buildings and Monuments. Puducherry Tourism provides more detailed information in this regard.

Pondicherry University is a Central University established by an Act of Parliament in October 1985. It is an affiliating University with a jurisdiction spread over the Union Territories of Puducherry, Lakshwadeep and Andaman and Nicobar Islands.

The University's objectives are to disseminate and advance knowledge by offering teaching and research facilities, to make provisions for studies in French and integrated courses in Humanities and the Sciences, and to promote inter-disciplinary studies and research.

The University's motto is '*Vers la lumière*', meaning 'towards the light'.

The main campus is located in Kalapet, 10 kms from the town of Puducherry in a serene and beautiful campus of 800 acres adjoining the scenic Bay of Bengal.



The University has also PG Centres at Karaikal and Port Blair. Karaikal Centre currently offers three PG programmes. Port Blair Centre offers two PG programmes and two Ph.D. programmes.

The university has entered into MoUs with a good number of reputed international institutions in India and abroad for collaboration and faculty development like University of Paris – 13.

Department of Politics and International Studies

The School of International Studies which was established in 1988 has been re-designated as Department of Politics and International Studies since 2004-05. In its new incarnation the department comes under the broader umbrella of School of Social Sciences and International Studies. With globalization becoming the fact of modern world economy wherein international politics and economics play a pivotal role, the department has assumed tremendous significance in disseminating and distilling the essence of emerging complex issues in the contemporary world.

Thrust Areas

- Foreign Policy of India and other major powers
- European Studies
- Human Rights
- Development Studies
- Issues related to International Finance, Economic Reforms and Globalization
- Indian Political System
- Gandhian Studies

European Studies Programme:

Teaching

Mainly two courses on the European Studies are being offered in our department. One is **Modern Diplomatic History (4 Credits course with teaching of 4 hours/week)** dealing with the diplomatic history of Europe from 1789 to the present day in a comprehensive way.

In the other course titled **European Integration – Policies, Programmes and Institutions (3 Credits course with 3 hours/week of teaching)**, the political, economic, and socio-cultural developments of the post-world war Western Europe with special emphasis on the genesis and growth of European Integration movement is being taught.

The course on **Foreign Policy of Major Powers (4 Credits course with teaching of 4 hours/week)** foreign policies of the Core member states of the European Union like France, Germany and the U.K. are dealt with.

Moreover, in courses like International Law, International Economics and International Finance and Globalised World offered in the department, various aspects of European monetary, financial and legal aspects are dealt with elaborately.

Research

European Studies being one of the thrust areas of research, faculty as well as students of the department, concentrate on the different aspects of European Studies for their research. The University Grants Commission has awarded a Major Research Project amounting to Rs.4.96 lakhs to one of our faculty members to work on European Common Foreign and Security Policy – Implications for India. He is guiding 4 scholars leading to their Ph.D. degree at present; 6 scholars have already completed their projects leading to their M.Phil. Degree; 16 for M.A. dissertation; and 3 for P.G. Diploma in Human Rights and Duties Project Work. The concerned faculty member has presented 10 research papers in seminars/conferences on different aspects of European Studies and has also published 15 research papers in noted journals and edited volumes by other scholars.

Publications

1. *Indo-French Relations: Prospects and Perspectives*, Shipra Publications, New Delhi, 2005.
2. *India and France – Past, Present and Future*, Centre for Nehru Studies, Pondicherry University, Pondicherry, 2006.
3. *Changing World Order: India, EU and US – A Triologue*, Shipra Publications, New Delhi, 2009.

Workshops/ Seminars organized:

Three-day National Seminar on **India and France – Past, Present and Future**, to commemorate the Golden Jubilee Year of the *de facto* transfer of the French Indian Settlements to the Indian Union on October 26-28, 2004.

Three-day International Colloquium on **India, EU and the US – A Triologue**, in collaboration with the Faculty of Law, Political and Social Sciences of Paris 13 University, on March 2-4, 2008.



The success and sustainability of the European Studies Programme has earned for the department the recognition from the India-EU Study Centres Programme, sponsored by the European Commission, as an existing European Study Centre and also 'Technical Assistance' under this Programme. Through this assistance the department is going to be benefited by the availability of eleven European experts for our academic activities like seminars/workshops/Guest Lecture Series for twenty eight man-days during 2010-11.

As a sequel to the international colloquium organized in March 2008, our department is

organizing one more international colloquium on “**European Convention on Human Rights–Lessons from Experiences**” on **March 1-3, 2010**, to commemorate the sixtieth anniversary of the signing of the Convention.

Subsequent to and as a well-measured and progressive step of the Universal Declaration of Human Rights of December 10, 1948, the European Convention on Human Rights and Fundamental Freedoms was signed at Rome on November 4, 1950, under the auspices of the Council of Europe, with the objective of protecting, promoting and defending human rights. Proposed colloquium is being organized to commemorate the sixtieth anniversary of the signing of the Convention, with the aim of taking stock of the situation at this significant stage of crossing a milestone. Conduct of this academic exercise has a contextual significance in view of the achievements of the Europeans in the sphere of human rights protection and promotion as well as the challenges they face in this momentous task.

Scope and Areas to be covered:

The European Convention on Human Rights and Fundamental Freedoms is one of the basic legal sources of the Council of Europe’s human rights system. While the UN has failed in creating proper **enforcement mechanism** to protect and promote human rights under the framework of UDHR, the Council of Europe had succeeded in creating such an organizational set up under its auspices. When it became clear that it would take the UN a long time to reach agreements on the instruments designed to transform the universal declaration into binding treaty obligations and to introduce practical instruments of enforcement, the signatories of the European Convention have come forward “to take the first steps for the collective enforcement of certain of the Rights stated in the Universal Declaration” (Preamble). This progressive step was possible, since the governments of European Countries were like-minded and have had a common heritage of political traditions, ideals, freedom and the rule of law.

The relationship between the European Community/Union and the European Convention on Human Rights calls for special comment in the present context. The Treaty of Amsterdam (1997) commits the European Union to ‘respect fundamental rights, as guaranteed by the European Convention’. The Convention has also acquired particular significance because of the extent to which it has been cited in the case law of the European Court of Justice. The latter has also tended to interpret its provisions in line with the approach adopted by the European Court of Human Rights. The result is that the Convention has played a fundamental role not simply in providing a mechanism for protection but also in underscoring the European commitment to human rights and in emphasizing that such commitment, if taken seriously, involves important concessions which States must take to classical notions of national sovereignty. The European Convention system has become more than a legal safety net. It is now become part of cultural self-definition of European Civilization.

I learnt from my illiterate but wise mother that all rights to be deserved and preserved came from duty well done. Thus, the very right to life accrues to us only when we do the duty of citizenship of the world. From this one fundamental statement, perhaps it is easy enough to define the duties of Man and of Woman and correlate every right to some corresponding duty to be first performed.

- Mahatma Gandhi

Against this backdrop, the proposed colloquium attempts to examine the nature and content of the human rights regime that is being established in the European heartland under the auspices of the Council of Europe and the European Union. It will attempt to find answer to the following questions:

- a) What are the achievements of the human rights regime that has come in to existence under the European Convention?
- b) What are the areas and spheres that need to be bolstered to make the system foolproof? and
- c) How far this system with comparative success could be adopted in the South Asian region which lacks even the basic requirement of a human rights convention, while it is known for cases of severe human rights violations?

Major themes/topics to be discussed in the Colloquium:

- Human rights situation of Europe during mid-twentieth century which necessitated/enabled the signing of the Convention – provisions of the Convention and their significance –
- Enforcement Mechanism - European Commission and European Court of Human Rights and their achievements -
- European Community Law – European Court of Justice – impact on human rights promotion -
- Achievements of Europe in the human rights front – Environmental rights -
- Issues challenging European human rights record – counter terrorism –immigration policy – minorities – racism and xenophobia – neo-colonialist tendencies – Sovereignty and Humanitarian intervention -
- European Union and the European Convention – constitutional and institutional issues –
- Human rights dimensions of European Common Foreign and Security Policy - Development Cooperation and Trade Policy -
- Lessons to be learnt by the Europeans to make the system foolproof –
- Lessons to be learnt by the Asians, especially, the South Asian Regional organization –

Europe has succeeded because it recognizes that the rights of individuals are inalienable and universal and it has created institutions to protect those rights. Only Europe can speak with credibility on subject of universal human rights. For the sake of all of us, Europe must continue to speak out – even more forcibly than it has in the past.