

Call for Papers – JuWissDay 2017

40 Years after the “German Autumn”: New Reflections on Security and Law

On Saturday, October 21, 2017 the registered association “Junge Wissenschaft im Öffentlichen Recht” will host its third annual JuWissDay under the title “40 Years after the ‘German Autumn’: New Reflections on Security and Law” in the premises of the Fritz Thyssen Foundation in Cologne.

The different incidents motivated by extremism that hit several Member States of the European Union over the course of the past year have led to a new and intense discussion about the functional capability of the European and German security architecture and the balancing the traditional tension between guaranteeing security and individual freedom in Germany and on the level of the European Union. Not far from crucial sites of the “German Autumn” we would like to dedicate this year’s conference to the current issues of European and German security legislation and jurisprudence and their interdisciplinary foundation in order to identify the legal framework under altered conditions and thereby contribute to ongoing and futures debates. In this context, we consider the central and overarching problems of international and national human rights and the (supra-)national division of competences law as well as questions of the law of risk prevention, intelligence services, migration, data protection and collective peacekeeping of particular importance.

With this call for papers we kindly ask young researchers from all fields of public law and other concerned disciplines to submit proposals for speeches that critically analyze the problems of the relevant topics. Hereafter, we have provided you with our initial thoughts that may serve as a stimulus for your own considerations – however, the call is naturally open for submissions on issues that have not been explicitly considered therein.

- **European and German security architecture in focus:** As a reaction to the attacks on the Christmas market at the Breitscheidplatz in Berlin on December 19, 2016 the German Minister of the Interior *Thomas de Mazière* called for a restructuring of the security architecture in Germany and the European Union as a whole in order to stabilize it in times of crisis. The calls for a “strong state” are ever more audible. Discussions about the future of the Common Security

and Defence Policy of the European Union are equally in full progress. But who will actually serve as a strong guarantor for individual security in these difficult times? Which competences and powers of intervention do these institutions have? How much centralization is reasonable as well as politically and legally feasible? How can the institutions involved harmonically function in terms of communication and cooperation? These questions are not only relevant for the federal state of Germany, but also in a European area of freedom, security and justice that is still driven by the universal wish for free movement while its members are simultaneously fighting to strike the right balance of sovereignty and solidarity.

- **Intelligence services: Guardians of or threats to security?:** The work of intelligence services necessarily takes place in arcane spheres of the law. It is therefore all the more important to carefully determine the legal framework of their activities: Which competences and powers can and should they be provided with? Which tools and approaches should they employ in the course of their work? How should they be organized and networked? How should they be controlled? Which legal remedies must the individual be provided with against their activities? In face of international risk scenarios, questions of a cross-border institutionalization and cooperation – perhaps even in a European intelligence structure – and their legal limitation are all the more pressing.
- **Security rethought digitally – from cyber-attacks to data protection:** Security is no longer a question of the analog world. Security may be threatened in or even through the internet, while it might equally be protected through the tools of the digital environment. The international community is facing the crucial questions, how to cope with cyber-attacks with varying degrees of intensity – from state attempts to interfere with national democratic processes to attacks on the critical infrastructure of a state – and what measures it is willing to take. Germany for instance commissioned the new Command Cyber and Information Space (CIR) of the Federal Armed Forces as part of a national cyber security strategy in the beginning of April. But where does one draw the line between internal and external security? Are warnings of a “digital arms race” justified? Which effects will such engagement have on the digital space as a whole? States are determined as well as (legally)

bound to safeguard the particular freedoms provided by the internet as an information and communication medium for the benefit of the users and to comply with their wish for individual security as regards personality rights, data protection and system integrity. But what if digital freedom provides a safe space for illegal conduct in the “dark web”? What if end-to-end encryption of private companies equally protects perpetrators? Hence, the idea of balancing collective and individual security and personal freedom in the online world is not radically new; the interesting question however will be what it will take to implement it in detail in order to satisfy these different objectives in the future.

- **State reactions to migration in the face of terror:** The attacks of Würzburg, Ansbach and Berlin have turned suspicion into certainty: Sympathizers of the so called “Islamic State” have entered Europa disguised as persons in desperate need of protection within the past years – others became radicalized in situ. In times of increasing “forced migration”, how can and may the European Union and its Member States react to this widely abstract situation of danger? Which organizational modalities would an exchange of information between the EU Member States need to comply with? Are last year’s proposals for a reform of the Common European Asylum System living up to the current challenges? How does the abstract risk affect asylum procedures and decisions in the Member States? And what options remain with the officials when a suspected risk is confirmed while an expulsion is equally raising grave legal concerns?
- **Perspectives of collective peacekeeping in the fight against terrorism:** The international community’s reaction to the attacks of 9/11 has shown that the “fight against terrorism” is no longer a purely national task. In fact, today collective security systems increasingly commit themselves to the challenges of internationally operating and interconnected forms of terrorism. Hence the NATO prepares for a progressive participation in counterterrorism operations; concurrently – not least because of the change in the US presidency – we are facing questions about the future order and orientation of the alliance. What does the future hold for collective peacekeeping in the age of international terrorism? Are the present norms of international law, that were initially created to avoid and rule “classic” forms of armed conflicts between states suf-

ficient for the granting of mandates to comprehensively fight terrorism? What are the integral elements of a holistic strategy of collective peacekeeping? And where does the fight against international terrorism reach its (national) limits?

JuWissDay 2017 in a nutshell:

The conference will be held on Saturday, October 21, 2017 in the premises of the Fritz Thyssen Foundation (Apostelnkloster 13-15, 50672 Köln) in Cologne. It will be organized by the registered associations “Junge Wissenschaft im Öffentlichen Recht” and “Arbeitskreis Europäische Integration”.

For more information please visit www.juwiss.de/juwissday-2017-en.

We kindly ask for the submission of proposals (with no more than 5.000 characters) for speeches (with duration of approximately 20 minutes) until July 27, 2017 via e-mail (tagung@juwiss.de).

In the run-up to and in the course of the conference we cordially invite you to blog and discuss at juwiss.de.

We will invite experts from science and practice to critically comment on all speeches; at the end of the conference there will be a panel discussion.

Following the event, the speeches are expected to be published in a compilation of the conference material.



**JUNGE WISSENSCHAFT
IM ÖFFENTLICHEN RECHT**