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Human Rights and Refugees

Hans-Peter Zenner and Alenka Šelih (Eds.)



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The Human Rights Committee of the Leopoldina

The Human Rights Committee (HRC) of the German National Academy of Sciences Leopoldina was established in 2001 and consists of members of the academy from Germany, Austria and Switzerland. In 2003, it was admitted to the International Human Rights Network of Academies and Scholarly Societies. As a member of this network, the HRC assists scientists and their lawyers around the world who are subjected to repression, mainly by writing letters to high-ranking government officials. In addition, the HRC organizes the symposium “Human Rights and Science” on a regular basis to discuss worldwide cases of scientists and scholars, who are victims of human rights violations. The symposium also provides a platform to debate human rights aspects and bioethical questions in science.

Members of the Human Rights Committee of the Leopoldina:

- Prof. Dr. Horst ASPÖCK, Vienna (Austria)
- Prof. Dr. Rudolf COHEN, Constance
- Prof. Dr. Bruno GOTTSTEIN, Bern (Switzerland)
- Prof. Dr. Ursula KLEIN, Berlin
- Prof. Dr. Brigitte TAG, Zurich (Switzerland)
- Prof. Dr. Gereon WOLTERS, Constance
- Prof. Dr. Hans-Peter ZENNER, Tübingen, Chairman

Preface

Hans-Peter ZENNER ML and Alenka ŠELIH SASA

In past years, numerous people have migrated from the Middle East, Africa and other parts of the world to Europe. Among them have been many scientists who seek shelter from terrorism, armed conflicts, oppression or critical social and economic shortages. At the same time, European countries such as Slovenia and Germany have been strongly affected by these refugee flows in their role as host or transit countries. They have to cope with enormous challenges in migration and border management, asylum seeking procedures and integration.

The Human Rights Committee (HRC) of the German National Academy of Sciences Leopoldina, the Slovenian Academy of Sciences and Arts (SASA) and the Slovenian Migration Institute at the Research Centre of the SASA jointly organized the symposium “Human Rights and Science” with the current focus on “Human Rights and Refugees” from 29–30 September 2016 in Ljubljana (Slovenia). The discussion was centred on the human rights dimension in the study of the latest refugee crisis in Europe, the handling of migration flows as well as the integration of refugees. In addition, the meeting debated efforts of science and research organizations in providing support for oppressed and asylum seeking scientists in Europe. The present conference proceeding contains articles and presentations of various speakers of the symposium.

The HRC organizes the symposium “Human Rights and Science” on a regular basis. The symposium in Slovenia was the 6th event in the framework of this series. The aim of these meetings is to discuss cases of scientists suffering from discrimination and repression as well as external strategies to support them. Moreover, the symposia provide a platform to debate human rights aspects and bioethical questions in science with members of the European scientific community.

The HRC and its partnering institutions in Slovenia would like to thank the scientific organizers of the symposium in 2016, Professor Dr Sabine HESS, University of Göttingen, and Professor Dr Marina Lukšič HACIN, Slovenian Migration Institute at the Research Centre of the SASA, as well as all speakers participating in this event for their efforts and their valuable contributions to the promotion of human rights.

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**Scientific Perspectives on
Human Rights and Refugees**

Migrant Movements and a Hybrid Locus of Enunciation – Response of the States to the Refugee Crisis

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Abstract

The essay describes the state reactions to the temporal suspension of the borders in Europe. It discusses migration processes as social movements and analyses the attempts of the states to control them. The migration regime with concomitant forms of categorization and classification is in the focus of interest.

Zusammenfassung

Der Essay beschreibt die Reaktionen des Staates auf die zeitweilige Auflösung der Grenzen in Europa. Er diskutiert Migrationsprozesse als Sozialbewegungen und analysiert die Versuche der Staaten, diese zu kontrollieren. Das Migrationssystem mit seinen Begleitformen von Kategorisierung und Klassifizierung steht im Zentrum des Interesses.

1. Introduction

For some time now, scholarship on migration has been challenged and intrigued by what could be called a subjective approach to migration, known as autonomy of migration. One of the distinctive traits of this approach is that certain ethics should be applied in research on migration. Ethics in the sense that dignity should be given to the “object” of research, in other words that migrants should be recognized as having a voice and subjectivity. The other claim of this theory is that migration is a perspective rather than an object of study. Seeing migration in this way points toward the ontological and epistemological dilemma involved and suggests alternative approaches, and herein lies the real political difference. When we study the stance and practices of state institutions facing the so-called refugee crisis, we are thus actually dealing with the intersection of two different ontologies or epistemologies: the one of the state and the one of migration. It might be also said that we are dealing with the intersection between the state and its reason and migration as a social movement. What is at stake in the clash between self-generating migration movements and the attempts of the state to control them is the very prospect of thinking differently, of conceptualizing the practice of conceptualization differently, of decolonizing thought. For this reason, it is no surprise that the state – not only in terms of its institutions but the state as a micro-politically disseminated practice of an etatistic way of thinking and conceptualizing – reacted so furiously to the temporal suspension of the border and migration regime with concomitant forms of categorization and classification.

In order to further clarify the opposition between state and non-state thinking I will refer to the argument of DE CASTRO. In his work *Cannibal Metaphysics* (DE CASTRO 2014), he

highlights ways in which anthropology became infected by the practices of thought of those it studied. In doing so he draws a distinction between two modes of comparison: the objectifying triangulation which is the imposition of the terms of comparison by the third party that assumes a neutral, exogenous position, and comparison as translation and treason that leads to contagion with the practices of thinking of those who are being compared. When it comes to the latter, to know is not about grasping a thing in itself by stripping it of any subjective alloy, it is about experiencing the world as affective multiplicity and comparing perspectives that lead to mutual transformation. If we apply such characterization of state and non-state knowledge to the topic of the relation between states and migration, we could claim that migration as an embodied point of view, as an “ensemble of ways or modes of being that constitutes a habitus, ethos, or ethogram [...] body qua bundle of affects and capacities [...]”¹ always exceeds the attempts of the state to produce individualities and particularities that would be the site of mediation of the universal. We could read the whole episode of the so-called refugee crisis focusing on instances of migration as relational modes of being and the state’s attempts to categorize, segregate, stratify, and hierarchize with the aim of maintaining control.

Since the very beginning of the opening of the so-called Balkan Route, the states were obsessed with either closing it or turning it into a detention route, applying political technologies in order to bring about a kind of U-turn. It seems that there was really no significant difference between governments of different nation states concerning the route or EU institutions when it came to this goal. The difference was only in the preferred ways of how to do it (either close the border between Greece and Macedonia or delegate the role of the buffer zone to Turkey). The political technologies applied to achieve this goal had a distinctive rationale: to transform an irreducible multiplicity into distinctive categories with different degrees of legitimacy and entitlement. One just has to recall the decision that from now on only citizens of Syria, Iraq and Afghanistan would be allowed to cross. Or the insistent division into refugees and economic migrants, with the latter having no legitimate right to cross the borders. The Slovenian Minister of the Interior once expressed this division by saying that the problem was that the Slovenian border was being reached by a non-refined flow. The transformation of an irreducible multiplicity into distinctive categories that could be managed and ruled also took place through policing solidarity and excluding all forms of *ad hoc* self-organized solidarity. The Balkan Route could be closed only once solidarity had been instrumentalized for the purposes of control and to achieve this, sections of the Balkan Route had to be completely militarized. The story of self-organized solidarity along the Balkan Route is indeed extraordinary and reveals the emergence of a hybrid locus of enunciation, of instances of intercultural dialogue and translation as mutual transformation. It signalled the emergence of the agency of the future, the only agency that can effectively challenge the violence of the migration regime and democratize borders.

2. Crisis of Global Governance and the Populist Reaction

The opening of the so-called humanitarian corridor named the Balkan Route, which was closed off in March 2016 with the EU-Turkey deal, was an exceptional event. Standing by the border, for example between Croatia and Hungary, and observing the coordinated efforts of Croatian

¹ DE CASTRO 2014, pp. 72–73.

and Hungarian police to direct the entire train of refugees to the hole in the razor-wire fence meant witnessing all the ambiguity of the situation. One could say that in front of the very eyes of the observer, the state of exception materialized in all its ambiguity. As depicted in theoretical descriptions of the state of exception, it functions either as the foundation of dictatorial power or as the very basis of revolutionary power. In the case of the humanitarian corridor, the power of migration as a social movement temporarily suspended the border regime based on the Schengen Agreement and the Dublin Regulation. However, the answer of the state to this suspension of the migration and border regime was a progressive readiness to neglect human rights and even suspend the rule of law. This double significance and ambiguity of the state of exception could help us understand the way the governance of migration functions.

In political sciences the term “governance” tends to substitute the term “government” when it comes to establishing the social and political order. While the term “government” points to clear divisions and hierarchies of instances – the legislative body as the expression of people’s sovereignty that defines the law that is then put into practice by the executive power – and to the unification of the will of many as the very foundation of sovereignty, “governance” points to the situation in which sovereign power articulates itself in *ad hoc* arrangements in dealing with crisis, catastrophe and extraordinary events. Such power does not rely on a hypostasis of unified will but is the expression of the clash between instances of ordering and events that exceed them. The term “governance” is used to depict and grasp ways in which order in a global context articulates and disseminates itself with the existence of forces that constantly transgress the borders of nation states that are the framework of government based on people’s sovereignty. The term “governance” on the one hand points toward the ways power articulates locally and regionally in *ad hoc* arrangements that nonetheless follow the global rationality of power. But, on the other hand, it also points toward relationships, struggles, encounters and clashes, rather than toward a kind of essentialist basic norm.

It seems that the conservative reaction to the existence of the humanitarian corridor with its claims for an essentialist identity and basic norm was profoundly dictated by the refusal to accept the open-ended character of governance. And one could claim that such a conservative reaction (for example ORBAN’s idea of a European counter-revolution) is part of a wider conservative reaction to globalization and an expression of the crisis of new modes of governing and ordering in the era of globalization. The opening of the humanitarian corridor for refugees and the subsequent backlash express the very contradictions in the attempts to rule and govern in times of globalization. Even more, the identitarian and nationalist “counter-revolution” could be understood as a reaction to the fact that the state of exception can sometimes turn into a victory of the oppressed. And I would claim that the opening of the humanitarian corridor was such a victory.

The nationalist and identitarian reaction to the opening of the Balkan Route surely testifies to the fact that the ideological underpinnings of the concept of a nation are of homogeneity. But as MIGNOLO would say, showing the ideological underpinnings of the homogeneity claimed and proclaimed in the official discourse of nation building by recognizing that the world is hybrid changes the content of the conversation, not its terms: “In order to change the terms of the conversation it is necessary to move toward a border epistemology”.² It is necessary to introduce hybridity into the locus of enunciation, not to have it only as the object of study. When it comes to analyzing how governments responded to the so-called refugee

2 MIGNOLO 2012, p. 4180.

crisis, three types of agencies have to be taken into account: post-national governance, national government and autonomy of migration. The analysis should proceed by assessing the ways that governance was articulated upon the state of exception, the role of the identitarian reaction, and how the construction of the locus of enunciation contributed to reinforcing the control and reestablishment of order or how the introduction of hybridity into the locus of enunciation contributed to the expression of the liberatory side of the state of exception.

3. Continuities and Discontinuities in the Migration and Border Regime

The functioning of the migration and border regime in the EU and its tendencies could be understood in the context of migrant struggles and solidarity struggles with migrants. In the last decades these have ranged from struggles against deportation to struggles of migrant workers for equality and against disfranchisement. There has been a shift in focus from the topic of asylum to the topic of migration and the labour market. Persistent attacks on asylum and asylum rights, and rights to family reunification could be understood as a shrinking of all the other legal channels of migration and of directing migration into channels of legal labour migration while criminalizing non-documented economic migration. Such channelling was performed through: the building of detention facilities, attempts to externalize the migration regime to neighbouring countries, and deportation quotas and quotas for migrant labourers. It could be claimed that the rationale of state policies when it comes to migration was to prevent a self-generation of migration and to re-establish state control over the flow of people (the attempts in this direction went as far as to criminalize solidarity with migrants).

The EU migration and border regime is also closely related to inequalities between individual Member States and between Member States and so-called third countries. The Dublin Regulation established an unequal “burden” for peripheral and central Member States. Things became worse with the financial crisis, which had the most devastating effects in peripheral EU countries. The Schengen Agreement enabled freedom of movement for EU and some other single-market Member-State citizens to the detriment of the freedom of movement of citizens from third countries, many of whom have historical ties with EU Member States. Consequently, internal freedom of movement was accompanied with restrictions on mobility for members of transnational communities established due to colonial past or the existence of federal socialist states (such as Yugoslavia).

It is also important to take into consideration the global context in which the EU border and migration regime was established and challenged during the events of 2015. It was both made and challenged in a very volatile geopolitical situation. The financial crisis and war on terror together with the global *coup d'état* performed by the BUSH administration has led to the end of global rule based on human rights. What emerged in this situation of volatility was a multi-polar world with new centres of capitalist power that challenge the existing status quo also by appropriating mechanisms of the state of exception that were formerly reserved for one global superpower. When we assess the attempts to establish the European migration and border regime, we could claim that what is at stake is the very architecture of the global order. If the EU establishes it to the detriment of human rights it will lose its currency in global affairs and at the same time will contribute to the global political context in which force is taking precedence over international law and rights. The EU–Turkey deal is a grim sign of such a shift from rights to force.

4. Inequalities in the EU and Different Responses to the So-Called Refugee Crisis

It has become somewhat of a cliché to say that the refugee crisis has led to deep divisions in Europe. Of course, deep divisions already existed before, and the refugee crisis only provided the catalyst for a political articulation of pre-existing divisions. There is certainly growing opposition in Europe between the liberal and authoritarian political projects. And the latter is articulated by forces that consider themselves deprived by the liberal political form of capitalism today. Nationalist populism is therefore being reinforced by the prospect that the weakening of the liberal form provides an opportunity to reshuffle relations of power and hierarchies. How else could we understand the way authoritarian leaders in Eastern Europe seized the opportunity provided by the refugee crisis to challenge the liberal centres of Europe and launch what seems to be the political project of power rearrangement in Europe? For this reason, the refugee crisis is not to be understood as the reason for divisions in the EU but as convenient material on which to base the populist project, a project that aims to obtain a better position for some sections of the elite in the overall concert of European elites.

This is obviously not the only explanation of the fact that Eastern European countries and Slovenia among them took an anti-refugee stance, although the attitude of the Slovenian government for example was different from that of the so-called Višegrad group of states. Lately, however, the attitude of the Slovenian government toward a refugee quota has changed and is coming closer to that of the Višegrad group. The Slovenian role in the closing down of the Balkan Route could also be understood as the expression of hierarchies and inequalities in EU integration (or political architecture) and the attempt by the Slovenian political leadership to maintain the country's position among the most – as they would put it – advanced nations in the EU. The decision by the Slovenian government to construct a razor-wire fence on the border with Croatia was made immediately after a speech by the President of the Republic of Slovenia, Borut PAHOR, in the Slovenian Parliament, in which he openly stated that Slovenia should do whatever necessary and regardless of the price to secure the Schengen Border at the country's southern border, that is to stay in the Schengen Area. The fear of exclusion from Schengen was probably the overriding factor in the Slovenian attitude to the refugee crisis and was decisive for the subsequent role of Slovenia in the closure of the Balkan Route.

To sum up, one of the reasons for Eastern European countries to take a repressive position on refugees and migrants is the attempt to secure their place in the European Union, and thus their position on refugees reflects their structural position in the EU, which is hierarchical and driven by the logic of hierarchical inclusion. This leads to an essentially contradictory situation: in order to secure their position in the EU (especially when it comes to the freedom of movement for its citizens), peripheral new Member States push for controversial policies regarding human rights that ultimately strengthen forms of nationalist populism and exacerbate disintegrative tendencies in the EU that could lead to a shrinking of the EU to a free market without freedom of movement for people. This would clearly only benefit richer states and transnational capital. The post-Brexit racist attacks on Eastern Europeans in England are a grim reminder of such a contradiction.

For repressive policies to be applied to refugees, racist public opinion had to be mobilized. And observing the attitude of the Slovenian authorities to refugees, it can easily be claimed that anti-immigrant sentiment has been generated from above. The Slovenian government has systematically portrayed refugees crossing Slovenian territory in the humanitarian corridor as a threat to security and even a sanitary threat, by taking measures ranging from a rapid

amendment of defence legislation, deployment of the army and authorizing it to exercise policing powers, to obscure public warnings issued by the state agency for food safety.

Claiming that a wave of racism and xenophobia swept over the public after the opening of the Balkan Route leading through Slovenia is not to deny the existence of endogenous sources of racism and xenophobia. Since 2002, Slovenia has been experiencing racist and xenophobic attacks against its so-called “erased” residents. The subjective racism of the right-wing political spectrum was just an expression of structural and systemic racism on the part of the state against more than 1 % of Slovenian residents who were simply removed from the register of permanent residence in 1992. This kind of structural and systemic racism was also perpetrated under liberal and left-wing governments in the late 1990s. Even when the movement of the “erased” achieved a measure of recognition that erasure was unconstitutional and illegal by a fraction of the political establishment, around 10 % of Slovenia’s labour force comprised of citizens of so-called third countries suffered disproportionately under the financial and economic crisis due to discriminatory legislation that strips third-country nationals of the set of rights that are granted to Slovenian citizens and those of other EU Member States. The supremacy of the majority ethnic group is practically unquestioned, and the presumed cultural homogeneity of Slovenian society lurks at the core of diverse social institutions. No doubt, the endogenous racism and xenophobia that is the product of nationalism from the days of nation-building and breaking away from former Yugoslavia made the efforts of the Slovenia political establishment to repress the Balkan Route easier. However, freshly fuelled racism and xenophobia will make any change in policy extremely difficult.

5. Conclusions

There is a profoundly positive aspect to the refugee crisis, despite the menacing rise of nationalist populism and racism and destabilizing divisions within the EU. The refugees have brought the violent contradiction that previously existed on the EU’s external borders into the very heart of Europe. They have forced the masks of democracy to fall and have confronted Europe with an epochal task: either it democratizes its borders and its migration regime, or it succumbs to nationalist and racist populisms that will eventually destroy the EU. The path to this democratization does not lead through concessions to populist, racist and nationalist political forces, but through the proliferation of new agencies of a hybrid locus of enunciation – the one seen in the flow that terrified the forces of order in 2015.

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The Role(s) of Borders in EU “Migration Management”

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Abstract

Borders are central to the channelling, limiting and categorizing of human mobility but can be also understood as dangerous places. They not only create the so-called “illegal immigrant” but also present her/him as a danger to the inside. The refugee crisis in 2015/2016 exposed the weaknesses of the EU migration governance. The migrants who came to the EU during this period suggested a new kind of border regime, which was later “normalized” and returned to the already known course by securitization of the “humanitarian corridor” on the Balkan Route and the externalization of EU borders.

Zusammenfassung

Grenzen sind zentral für die Kanalisierung, Begrenzung und Kategorisierung menschlicher Mobilität, sie können aber auch als gefährliche Orte verstanden werden. Sie bringen nicht nur den sogenannten „illegalen Immigranten“ hervor, sondern präsentieren ihn/sie auch als Gefährdung des Inlandes. Die Flüchtlingskrise 2015/2016 offenbarte die Schwächen der EU-Migrationssteuerung. Die Migranten, die in dieser Zeit in die EU kamen, legten eine neue Art von Grenzordnung nahe, die später „normalisiert“ und dann auf den schon bekannten Kurs durch Sicherung des „humanen Korridors“ der Balkan-Route und der EU-Außengrenzen zurückgeführt wurde.

1. Introduction

Borders are constituted by the regulation of mobility. They are central to the channelling, limiting and categorizing of human mobility. They are not simple physical lines, separating one territory from the other but rather temporal sites of negotiation, which constantly change and are shaped by history, politics and power as well as by cultural and social issues. Borders are not natural but social constructs with a spatial dimension. “Someone creates them and, once created, manages them in such a way as to serve the interests of those same power elites.”¹

By using natural barriers, such as deserts, rivers or mountains, borders are naturalized and presented as “primordial and timeless”, part of nature.² If the state and its borders are seen as something natural, being a non-citizen is consequently unnatural and regarded as a threat to the construction of the nation state, its order and above all, its sovereignty. Crossing the border without the state’s permission means to compromise the sovereignty of the state (TICTIN 2005).

Borders can also be understood as a dangerous place, “where the safe, stable inside meets the dangerous mobile outside”.³ People who navigate these zones can be depicted as danger-

1 NEWMAN 2011, p. 35.

2 KHOSRAVI 2010, p. 1.

3 HADDAD 2007, p. 119.

ous. So the border not only creates the so-called “illegal immigrant” but also present her/him as a danger to the inside.

If the border is constructed as a dangerous place, the increasing securitization and militarization of the European external border during the last decade and especially from 2015 on does not come as a surprise. A specific border regime is evolving as the border constitutes a site of constant encounter, tension, conflict and negotiation. “It is the excess of these forces and movements of migration that challenge, cross and reshape borders and it is this excess that is subsequently stabilized, controlled and managed by various state agencies and policy schemes as they seek to invoke the border as a stable, controllable and manageable tool of selective or differential inclusion.”⁴

Actors in this kind of regime are many, their encounters, tensions, conflicts and negotiations constant and on unequal terms.⁵ On the Slovenian/Croatian/Austrian borders in the so-called “humanitarian corridor” (LUNAČEK BRUMEN and MEH 2016) during 2015/16, migrants met with the Slovenian and also Hungarian, Estonian, Czech ... police, customs officers, the army, civil protection, national NGOs, such as Slovenian Red Cross, Slovenian Philantropy, Adventist Development and Relief Agency (ADRA), Up⁶, Caritas, Hungarian and Slovakian health workers, international organizations, such as United Nations High Commissioner for Refugees (UNCHR), United Nations Children’s Fund (UNICEF), WAHA⁷, national volunteers, priests and nuns, private donors from various EU and non EU states, activists from “No Borders” and other solidarity movements, doctors, bus drivers, railway workers, people employed for this occasion through the system of public works, firemen, janitors, electricians, plumbers, waste and sanitation management personnel, Slovenian human rights monitoring groups, reporters, politicians and many others, who all contributed to the discourse and helped to build a very specific border regime with a strong securitarian character.

At the beginning of the establishment of the Balkan Route, the migrants developed a very strong position in the negotiations. Through their determination and sheer numbers they were able create tensions at the borders and pass them on their chosen trajectories towards their destinations in Europe. They had support from solidarity networks, humanitarian workers and also parts of the general public. They pushed aside the Schengen, Dublin and other agreements which until then were the main symbols of the EU’s “debordering and rebordering” (GUIRAUDON and LAHAR 2001) border regime. With the establishment of the so-called “humanitarian corridor” through the Balkans this power was eventually taken away from them as they became less and less independent and lost their options to negotiate and create tensions for the states on their borders. They were channelled into and propelled through the corridor without the “right to have rights”⁸ as a long line of silent bodies (PETROVIČ 2016) and had no or very few possibilities to further influence border regime negotiations. As the “humanitarian corridor” finally became fully functional, the encounters, tensions, and conflicts that they created could all be solved by loud shouting, faked hostility by the police and the army and sometimes some pepper spray.

They also lost support as first the activists, then reporters, and later on all the other “troublemakers” were pushed out of the corridor. The solidarity and later on also humanitarian

4 KASPAREK et al. 2014, p. 15.

5 This paper is a result of my research on the Slovenian/Croatian border during the so-called “refugee crisis” between October and December 2015.

6 Up – Jesenice Slovenia NGO involved in translation in the corridor and other humanitarian actions.

7 WAHA – Women and Health Alliance.

8 ARENDT 1958, p. 299.

aspects were sacrificed in the name of security. One of the main symbols of this development was the razor-wire fence that was built on the Slovenian/Croatian border and the media and political discourse that naturalized this type of border regime.

2. Border Spectacle

One of the important aspects of the role of the border is what Nicolas DE GENOVA calls the border spectacle: "A representation of illegality is imprinted on selected migration streams and bodies, while other streams and bodies are marked as legal, professional, student, allowable. In the process, migration is made governable."⁹ Dramatic footage of long rows of migrants walking across the fields, of overcrowded trains, buses and reception centres, deployment of special police and the army to the border regions, the razor wire and the recourse to military imagery and language all serve to "enact the spectacle of the border and deepen the architecture and practices of the border regime".¹⁰

Migrants on the so-called "Balkan Route" were imprinted with the label of illegality almost immediately after they had left Turkey for the Greek islands. All the techniques described above (and of course some new ones) were implemented to present a specific border spectacle. It was presented to the public in the EU as a surprise, a crisis, something abnormal, dangerous, desperate, a social, health, economic, humanitarian and security threat, ready to destabilize whole societies, states and the EU itself. Razor-wire fences were built, armies presented their weapons at the borders, and "camps" governed by the police and humanitarian organizations were established along the corridor. The consequence of this spectacle for the EU public was mainly fear and a call for security. But the "spectacle" that was not seen by the majority was the one experienced by the migrants themselves. It was a spectacle mostly composed of violence, hostility, inhumanity, power, and indifference displayed by the authorities in the "corridor". For the migrants it meant a deeply disturbing and dehumanizing experience as they were stripped of their rights and reduced to "bare life" (AGAMBEN 2004) without any option of influencing their journey to safety. Once in the corridor they were propelled through, often hungry, tired, sick, frightened, cold, without information, and most of them experiencing some kind of hostility from the police, soldiers, humanitarian workers and local populations. Constructed by the border spectacle as an "illegal", dangerous, temporary phenomenon, they could be stripped of their rights in the name of security.

3. But what about Humanitarianism? The "Humanitarian Border" Perspective

The "humanitarian border", a term coined by William WALTERS, focuses on a perspective on migrants as victims that have to be rescued and cared for, and emphasizes violence, suffering and death at the border. "This particular spectacle gives rise to power, exercised by NGOs and individuals with an explicit reference to supra-state norms such as human rights or international law."¹¹ "The effectiveness of the humanitarian border and its form of spectaculari-

9 DE GENOVA 2014, p. 13.

10 DE GENOVA, 2013, p. 1181.

11 WALTERS 2011, p. 152.

zation in gaining the consent of the public contrast with the tensions surrounding the state's management and securitization apparatuses and the two forms have increasingly been linked together in recent years with military practices of humanitarian aid and humanitarian agency engagements with securitization logic and practices."¹²

In the Dobova reception centre at the Slovenian/Croatian border as in most of the other reception centres along the corridor, this entanglement between security and humanitarianism was clearly visible as the police was in charge of the operation and only state-certified humanitarian organizations such as the Slovenian Red Cross, Slovenian Philanthropy, Caritas and Adra were allowed to provide assistance and volunteers. Solidarity movements such as "No Borders", "Refugees Welcome" and others were the first who had to leave the border regime negotiations and were thrown out of the spectacle picture. Next, foreign volunteers were thoroughly checked and some of them removed from the corridor. Volunteers who were suspected of activism were denied access. Once the opposition was removed the remaining crews mostly worked hand in hand with the security forces providing a humanitarian face to the securitarian operation. In those circumstances many remained present and quiet in order to help the migrants and not the border regime but as a result experienced so-called humanitarian fatigue (FASSIN 2012), frustration and guilt (JEŽ FURLAN 2015).

4. The (Only Possible) Solution? Externalization

Since European border policy has direct consequences for the movement of the people from the Middle East and Africa, it is also important to understand the role of the border in the globalized world and the power it has over people on the move, stopping or slowing them down and marginalizing their movement.

Practices of delocalizing borders and externalizing border control are taking place. The "locus of control" is here moved "from the borders of the state to create new social frontiers both inside and outside of the territory".¹³ The strategy of placing the borders in a geographically extreme hostile environment can be summed up under the phrase "geography would do the rest".¹⁴

Border externalization refers to the process of a territorial and administrative expansion of a given state's migration and border policy to third countries. The process is based on the direct involvement of the externalizing state's border authorities in other countries sovereign territory and the out-sourcing of border control responsibilities to another country's national surveillance forces (CASAS-CORTES et al. 2015). In this way the definition of the border increasingly refers not to the territorial limit of the state but to the management practices directed at "where the migrant is".

A specific industry can be developed here. The "illegality industry" is what Ruben ANDERSSON calls this reproduction of the machinery keeping "border guards paid, the smuggler provided with a flow of new and old clients, the aid worker employed, the defence and surveillance industry funded, the European public occupied, the journalist happy with breaking news, and the researcher excited about new emerging topics".¹⁵

12 WALTERS 2011, p. 154.

13 BIGO and GUILD 2005, p. 1.

14 CORNELIUS 2005, p. 779.

15 ANDERSSON 2014, p. 14.

This policy was used in Morocco in the case of Ceuta and Melilla, Libya in the case of Lampedusa, Sudan in the case of the Sahara desert and finally Turkey in the case of the Balkan "humanitarian corridor". This policy seemed to provide a solid and possibly long-term solution but turned out to be highly problematic. Creating illegality and giving opportunities to human traffickers and other shadowy organizations it can also lead to migrants becoming trapped in "the camp" in a protracted refugee situation.

5. The Camp

Borders do not simply stop the migrants, they regulate and shape flows and create zones of disconnection, marginality and social exclusion, such as camps, detention centres and asylum homes ...

The camp is the space that is opened when the state of exception begins to become a rule. Whoever entered the camp "moved in a zone of indistinction between outside and inside, exception and rule, licit and illicit in which the very concepts of subjective right and juridical protection no longer made any sense".¹⁶ Refugee camps seem to be in a vacuum – between the inside and the outside, between states and between nations. Such places are "destructive spaces, associated with vulnerability and suffering – physical, psychological and social – as the occupants become nameless, spacio-temporarily dislocated and socially unstructured".¹⁷

6. Conclusions

The migrant situation in 2015/16 exposed the weaknesses of the EU migration governance. It exposed a long line of issues in the field of migration and border studies that had already been presented to the public by researchers and activists in recent years but had not, or only partially, been addressed by the decision-makers since the border regime imposed by the EU seemed to work "properly". Through their negotiations and the pressures and tensions they created, the migrants who came to the EU during 2015/2016 suggested a new kind of regime, which was later "normalized" and returned to the already known course by securitization of the "humanitarian corridor" on the Balkan Route and the externalization of EU borders. Frontex is again in charge and the Schengen and Dublin Agreements are gaining in importance once again. However, serious questions remain open, which are important for the future of the EU and will have to be addressed. Long-term issues can rarely be solved through constant "states of exception".

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¹⁶ AGAMBEN 2004, p. 168.

¹⁷ THOMASSEN 2006, p. 322.

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The Meaning of Integration under the Conditions of Complex and Dynamic Societies

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Abstract

Within political discourses and the mass media the concept of integration is often used in a vague way and connected to ideas about the alleged necessity of migrants to adapt to the given societal order. This contribution discusses the meaning of integration from a well-grounded social sciences perspective and shows that the distinction between societies and communities is of central importance for an adequate understanding of integration.

Zusammenfassung

Die politische und mediale Verwendung des Begriffs Integration ist durch unklare Vorstellungen über gesellschaftliche Erfordernisse im Umgang mit Migranten gekennzeichnet. Diese Erfordernisse unterstellen Notwendigkeiten der Anpassung an die gegebene gesellschaftliche Ordnung, um den gesellschaftlichen Zusammenhalt aufrechterhalten zu können. Demgegenüber werden im vorliegenden Beitrag Überlegungen zu einem sozialwissenschaftlich fundierten Verständnis von Integration entwickelt. Argumentiert wird, dass hierfür die Unterscheidung von Gesellschaften und Gemeinschaften eine zwingende Voraussetzung ist.

1. Introduction

From its very beginnings, sociology has studied internal conflicts within societies and the question of what holds societies together (BAECKER 2011, BAUMANN 2008, SCHERR 2009, 2013). This question refers to two aspects: systemic integration, i.e., the relationships between the different subsystems of society, such as the economy, politics, families, the legal system and the education system; and social integration, i.e., the relationships between social structures and individuals (LOCKWOOD 1964). As we can see from the development of a wide range of theories on the subject, the question of integration leads to complications. After all, societies are complex and dynamic entities, which means that neither systemic nor social integration can be understood using mechanistic models. Rather, the topic of integration has to look at the context of a society that undergoes continuous change and has to be understood as a heterogeneous structure. A theoretical approach is thus required that deals with the specific characteristics of complex and dynamic social systems.¹

If we look back at the relevant discussions on this subject in sociological theories, we can draw the conclusion that modern societies can rely on their ability to deal with a lot of changes as much as on the ability of individuals to adapt to different living conditions and

¹ The most sophisticated theoretical concept for this purpose is represented by Niklas LUHMANN's theory of society (LUHMANN 2012; cf. SCHERR 1994, SCHERR 2015, MOELLER 2012).

new developments. A fundamental sociological message about the fears and aggressions that occur in times of social change and that are often directed against minorities and migrants might thus be to keep a cool head. From a sociological perspective it is important to keep a distance from the kind of moral panics that arise in political debates and the media.²

This can be considered as a recommendation for contemporary public debates on the necessities and possibilities of integration, too. These debates are closely related to controversies on migration and the political regulation of migration and tend to develop all the features of moral panics.³ Three conflicting aspects characterize these debates:

- *Firstly*, interest-based considerations regarding the benefits and needs of immigration, especially in relation to population structure and the labour market.
- *Secondly* – and this is increasingly becoming the dominant perspective on flight and forced migration –, migration is discussed as a threat to host societies, as a threat to their political culture, their cultural identity and to social cohesion. Furthermore, framing migration as a threat implies assumptions on migration as a root of terrorism.
- *Thirdly*, a human rights perspective emphasizes the necessity to offer refugees admission and protection even if their numbers and their social set-up means enormous challenges for host societies. Here it is argued that national economic and political interests must not lead to a restriction of the rights of refugees.

In these controversies, the topic of integration plays a central role. It stands for far-reaching and often rather vague ideas of migration as a burden to the host society, of migrants as a far-reaching threat as well as for vague concepts about what is needed in order to deal with the perceived challenges. When talking about integration, questions about the identity of societies are evoked, especially with regard to the assimilation of migrants to the dominant social values, norms, practices and customs. In this context, doubts about the capability of societies to integrate migrants as well as the migrants' willingness to integrate are central to attitudes of rejection as formulated in influential nationalistic and racist discourses.

Unclear ideas that are linked to the use of concepts such as integration, social identity and social community in political and media discourse show that clarification is required on the part of the social sciences. I will therefore examine the following questions: *First*, what traps are involved in the concept of integration? *Second*, what does integration mean in the social sciences? And *third*, what are the conditions for successful integration?

2. Integration into Communities and Societies

For the purpose of such a clarification, it is necessary to address first the basic distinction between “Gemeinschaft” – groups and communities – on the one hand and “Gesellschaft” –

2 The concept of moral panics was developed by Stanley COHEN; see COHEN 2002. It's basic idea is the observation of dynamics of public attention: “Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or (more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible.” (COHEN 2002, p. 1.)

3 For an instructive analysis see BAUMAN 2016.

societies – on the other.⁴ This distinction points to a central characteristic of modern society, namely that societies can no longer be understood as communities.

Communities are social units that are based on communality, familiarity and far-reaching agreements on norms, values and habits, as is the case with families, friends, peer-groups or religious communities. People come together in communities because they share similarities regarding language, habits, practices, norms, values and interests. This is why communities offer a feeling of belonging; but the flipside of this is that they are intolerant. They exclude those who are not similar enough to their members and are thus regarded as strangers, threatening consensus and conformity. Integrating into a community thus means assimilation to its members and acceptance of its rules, norms and habits, preferably without any reservations.

Modern *societies* on the other hand entail a living together of individuals and social groups that differ in many aspects and who may remain alien to each other. Societies are based on mostly abstract, formal rules of living together. The rules of law do not lead to detailed regulations like cultural norms do, they establish nothing more than a relatively small set of restrictions. As a result, modern society does and can tolerate manifold differences including a plurality of beliefs and culturally different ways of life. Positive and negative freedom of religion, for example, is a fundamental principle of modernity; as much as is everyone's right to self-determination of their personal life. Modern society is structurally tolerant. It can allow and tolerate the co-existence of different communities and does not depend on the enforcement of similarity. Therefore modern society – as a topos of classical sociology holds – enables the co-living of strangers.⁵ Due to the large number of a society's members and the heterogeneity of their living conditions, lifestyles and experiences, this is without a reasonable alternative. If such heterogeneity is not accepted politically, the only option is repression and indoctrination. Accordingly, one function of human rights can be found in the establishment of norms that positively evaluate and ensure the liberties of individuals that are fundamental to modern societies and their structural tolerance.

This structural characteristic of modern society, however, also has a problematic side-effect: Modern society is not able to offer its members feelings of accordance, belonging and familiarity as communities do, or at least promise. In addition, as modern societies are not stable but in constant state of transformation, they evoke feelings of insecurity. As a result, the living together of people who differ in manifold aspects and who may stay alien to each other can lead to feelings of anonymity and isolation.

In reaction to this set of problems, countermovements against modernity have formed again and again, which strive to shape society as a community. From a historical perspective, two forms of such countermovements have been influential: *First*, the programme of a socialism that counters not only social injustice, but also the individualism of civil society. It was not the Marxist formula of socialism as a “free association of free individuals” that was the leading vision here, but the idea of a state-managed community in a classless society of equals. *Second*, the idea of a society as a national community in a nation state that is as ethnically and culturally homogenous as possible was influential and continues to be powerful today. Different varieties of nationalism aim to impose an extensive homogeneity on hetero-

4 This distinction, which was developed by Ferdinand TÖNNIES in 1897 is a fundamental starting point of sociology as a science.

5 As a classical reference for this see the chapter “Excursus on the Stranger” in George SIMMEL's *Sociology*, first published in 1908.

geneous societies, as historical and sociological research has shown. The central instruments for this purpose are a form of public education in schools that is directed towards imposing a national identity and loyalty; political propaganda that appeals to the identity of the nation and its differences to other nations; and not least also the suppression, eviction and extinction of minorities who do not wish or are regarded as unable to immerse themselves in the “imagined community” of a nation.

History thus teaches us that every attempt to transform a modern society with the heterogeneity of its groups, social classes, religions and worldviews, with its diverse regional traditions and languages, etc. into a homogeneous community automatically leads to repression. Nationalist movements, and also other political and religious ideologies, are directed against the abstraction and heterogeneity of co-living in modern society. They advocate the integrative power of homogenous communities and therefore also reject the universalistic idea of human rights. In fact, the concept of human rights is, in a way, radically individualistic: The basic idea of human rights is to respect the dignity of each individual and the ideal of human rights is one of a co-existence of equal and free individuals that is ultimately independent of their belonging to any community.

3. Integration and Differentiation

The considerations outlined so far impact on the question of how the concept of integration can be defined under the conditions of modern society. Integration into society cannot be understood as assimilation, as adaptation to a homogeneous group or culture. Integration into society rather stands for the acceptance of the basic rules of the legal order and the political order; it stands as well for equal participation in all subsystems of society.

To clarify this further, I would like to introduce another central concept of sociology – the concept of differentiation. This addresses a further substantial distinction between communities and societies. According to the concept of differentiation, societies are not one single entity, but are divided into manifold subsystems such as the economy, law, politics, the sciences, education, the arts, religion, mass media, and the families. Each of these subsystems is specialized for specific tasks, follows its own rules and is characterized by its own regulation of social inclusion and exclusion. These subsystems are not subject to an overarching regulation of integration and participation. For example, in order to participate in the economy as a consumer, individuals need nothing more than money. To go shopping, it is not necessary to be a citizen of the nation state, and even if someone has no legal residential status they are not excluded from participating in consumption as their status is not checked. The job market, on the other hand, presents a different situation. Access to paid labour is usually bound to legal residential status. At the same time, however, there are segments of the job market that defy such controls and in which illegal labour is common and more or less accepted. The political system is a different story: In order to take part in elections, not only are legal residence permits required, but citizenship is generally obligatory. In Germany, for example, this leads to the situation that people with a permanent residence title live there and have regular work, yet as non-citizens, they are not entitled to vote.

The process of integration into society, thus, is not identical to integration into a community, for example to becoming a member of a family by marriage. Being accepted as a member of society is not a singular act of integration; it has to be understood as a combination of

plural processes of inclusion into the heterogeneous subsystems, into organizations, and into small social communities. Thinking it through consequently, this also means that the concept of integration into a society is a problematic and only partially helpful metaphor in analytical terms. For society is not a compact unit with clear borders into which one could integrate or from which one can be excluded. Rather, society is a complex and differentiated construction with manifold forms of inclusion and exclusion.

In light of this, asking what the beneficial and what the obstructive conditions for integration are, we find the following: The question of how to measure the success or failure to integrate cannot be answered only by empirical research. This is because concepts of integration and criteria for successful integration are also an expression of normative ideas regarding the characteristics of a good and desirable society. Concepts of integration can therefore be read as answers to the question “In what kind of society do we want to live?”, in other words, as socio-political schemes. Controversies, in this regard, are entangled in the question of how we define a good society: as the coexistence of different but equal social groups, as the enablement of maximum liberties for individuals and their ways of life based on human rights, or as a homogenous community with regard to ancestry, values, norms, customs and habits?

4. Conditions for Successful Integration

Regarding beneficial and obstructive conditions for the integration of migrants into a society that understands itself as being committed to upholding the basic principles of human rights and democracy and which understands equality and liberty as fundamental guidelines, the following can be said:

- *Firstly*, the decisive foundation is what social theory calls *structural integration*. That is, inclusion in the functional subsystems of the society, especially in the labour market, the educational system and the political system. In other words, equal participation under conditions of social justice and equal opportunities in opposition to the experience of social exclusion and discrimination are the conditions that facilitate integration.
- *Secondly*, another important foundation is to enable *social integration*, meaning contacts and communication between long-term residents and immigrants, based on mutual recognition and respect. Social integration is, but should not be hindered by forms of socio-spatial segregation and xenophobia.
- *Thirdly*, the dimension of *symbolic integration* is significant for integration: It is meaningful here, whether migrants – independent of their origin, skin colour, ethnicity or religion – are regarded as full, regular and equal members of the society, or whether their membership to society is contested and regarded as doubtful and detectable at any time. An understanding of integration that links acknowledgement of membership to assimilation and the maximum surrender of everything that migrants connect to their specific biographical experiences and collective history is counterproductive. This is self-evident, because generally no one is willing to give up everything that represents their individual and collective identity in order to become an accepted member of society. And where migrants and minorities are consistently reminded by the majority that they are different than those who see themselves as normal members of society, it is

hardly surprising if migrants or minorities react by emphasizing their differences or by isolating themselves from the majority. Exclusion, discrimination, and defining membership by ancestry and traditions provoke a reactive self-definition according to group categories, for example ethnic or religious identities.

In this regard, I would like to briefly mention a further aspect, namely that the relation between individual and collective identities is complex. The personal identities of individuals can be understood as a result of their experiences in different social contexts and of their identification with different social groups. They are not simply the result of belonging to just one social group or community. Political concepts, however, that aim to firmly assign migrants and minorities to a single group identity, deny the reality of the complex processes that lead to the self-definition of one's identity as an individual. This is the central set of problems of the narratives of political and educational multiculturalism. Zygmunt BAUMAN (1997), in contrast, argues that the right to choose one's own identity, to decide on membership and belonging, is a fundamental human right.

Finally, let me summarize my arguments: Integration into modern societies requires the recognition of difference, because homogeneity cannot be established by means of human rights and democracy. The specific challenge of a modern immigrant society, therefore, lies in the consistent recognition of basic principles of human rights and the democratic order. Racist and nationalist schemes of society are thus hostile to integration. In order to convince people – immigrants as much as locals – of the meaning of democratic and human rights principles, of the idea of the equality and liberty of all human beings, they must be allowed to make the experience of being recognized as equals. It is not enough to declare it only symbolically. In order to enable integration, politics has to facilitate equal participation on the job market and in the educational and the political system, and must recognize migrants as normal members of society.

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Refugee Flows and the Complexity of Social Relations: The Case of Slovenia

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Abstract

The essay reflects on the life and fate of people defined by the phrase “migration waves” in the context of the complex social and political relationships in Slovenia and the EU. It analyses the concepts “exclusivist society”, “host society” and “recipient society” and gives a survey of the topic through the ideal-type models for managing diversity in relation to the structural characteristics of the sociopolitical system in Slovenia.

Zusammenfassung

Der Essay reflektiert, im Kontext der komplexen sozialen und politischen Beziehungen in Slowenien und der EU das Leben und das Schicksal der Menschen, die unter dem Terminus „Flüchtlingswelle“ erfasst werden. Der Text analysiert die Konzepte einer „exklusiven Gesellschaft“, einer „Gastgesellschaft“ und einer „Aufnahmegesellschaft“. Darüber hinaus gibt er einen Überblick über Idealtyp-Modelle für das Management von Diversität. Dabei stellt er Verbindungen mit den strukturellen Gegebenheiten des soziopolitischen Systems in Slowenien her.

1. Introduction

Reflecting on the life and fate of people defined by the phrase “migration waves”, in the context of the complex social and political relationships in Slovenia and the EU at large and under the title “What Does Integration Mean: Host or Recipient Society?”, requires us to expand the original question. For our analysis to truly capture all the realities into which refugees are forced today, we need to shift our perspective. From the point of view of a synchronic and diachronic analysis of how to think and manage diversity we have to add the concept of an “exclusivist society” to the concepts “host society” and “recipient society”. Insight into the history of humanity at three analytical levels – practice, policy and theory – gives us an endless variety of alternatives as to how we can think about and manage sociopolitical relationships when faced with diversity. The purpose of this essay is to look at the topic through the ideal-type models for managing diversity in relation to the structural characteristics of the sociopolitical system in Slovenia.

2. Definition of Diversity

Before we focus on the range of practices, policies and theories of diversity and its management, we should define diversity. Diversity is not an exceptional state, something that is rare in human communities. The truly exceptional, unusual state is one of non-diversity, or

so-called homogeneity. People have always differed from one another, yet are similar to each other – we are all similar in that we are all human beings. As individuals, we congregate in more or less inclusive/exclusive groups and communities, convinced that we are similar to each other (ANDERSON 1998).

These similarities/homogeneities exist – or start existing because and when we believe that they exist – alongside numerous forgotten differences among the “homogenous people”. Sociopolitical discourses forget the simultaneity of differentiating between these same people in the name of homogeneity. An absolutely exclusive (self-)perception and (self-)belonging of groups is constructed along the axis of *US* versus *THEM*. At the same time, when the homogeneity of *us* is emphasized, a discourse of absolute difference is established in relation to *them* and it allows for no similarity with *us*. Sociopolitical discourses about diversity are thus most often defined by a binary logic between absolute similarity and absolute difference. The absolute binary is a product of hegemonic relationships (GRAMSCI 1971, ALTHUSSER 1980), which through this scheme create the *us:them* division in reality while at the same time creating the lenses we use to understand these same relationships.

3. Approaches and Models

I have already mentioned that through synchronic and diachronic analysis, various sociopolitical systems provide us with different approaches to how to think about and manage diversity, and on at least three levels: practice, policy and theory. We could talk about four different approaches (GORDON 1964): exclusivism, conformity, melting pot and cultural pluralism/multiculturalism/interculturalism:

- (1) The exclusivist model is characterized by its complete rejection and exclusion of “the others” on the basis of their underdevelopment, as the culture/society is understood through the hierarchical concept of culture (MORGAN 1981). Even the possibility that they could be assimilated is denied (the Ku Klux Klan, apartheid, ghettoization) and they are declared inherently non-assimilable.
- (2) The conformity model is characterized by the aspiration to the total, forced assimilation of “the others” into the dominant culture/society, which is declared the most developed (MORGAN 1981).
- (3) In the melting pot model, diversity is accepted as a positive quality, while differences between cultures and societies are understood through a differential concept of culture (BENEDICT 1952). However, the heavy emphasis on the melting pot makes the model susceptible to the inherent danger of silent assimilation.
- (4) In the cultural pluralism/multiculturalism/interculturalism model, where culture and society are understood through a differential concept of culture (BENEDICT 1952), the emphasis is on the right to dignity, respect, recognition and the need to retain diversity. But the proponents of this model often forget that its essential assumption is the universal similarity between people. This may cause them to slip into understanding difference and diversity as absolute, and thus let the first model of exclusivism and concealed segregation slip in through the back door.

Moving forward, we must link these four approaches on how to think about diversity to at least three models of society – and we may be talking about society, but when it comes to mi-

gration, the state comes first and society second:¹ the host society/state, the recipient society/state or the exclusivist society/state (CASTLES and MILLER 1993):

- (1) The exclusivist society/state model does not allow for people to enter it – entry may be blocked to all newcomers or to certain groups. An example of the latter is the quota system in the US at the beginning of the 20th century, which was recognized as racist in the 1960s and discontinued. Today the arguments supporting this system are once again being reproduced in Europe; the racist principles have been diversified, and we can now conditionally speak of its different facets: racial racism, ethnic racism, cultural racism, and social racism.
- (2) In the host society/state model, the newcomer is a guest. They will remain for a limited period of time and then leave. We include them where necessary, or help them. When we no longer need the guest or when they no longer require shelter, they will leave. This was the concept behind, for example, the *Gastarbeiter* (guest worker) system in Germany and the policy towards people who sought refuge in Slovenia during the most recent war in Yugoslavia. Here we can find a concealed exclusivism with a kind face. It does not actually deal with the question of a permanent inclusion of migrants in the host state/society. Migration is only ever discussed as a temporary situation, and the ultimate goal is the migrant's departure.
- (3) The starting points of the recipient society/state model are notably different. The migrant is accepted and will stay. This model does not focus on the question of whether they will leave. It is interested in their living conditions for the time they are here. Later in the essay, several variants of policies of reception and managing the attitude towards migrants are discussed: the principle of conformity with anticipated total assimilation; the melting-pot principle with concealed, silent assimilation, and the principle of interculturalism (previously referred to as cultural pluralism and later multiculturalism).

When we talk about interculturalism/cultural pluralism/multiculturalism, we have to be aware that the issues are not unambiguous. Social relationships are not rhetorical forms, and it is not enough to simply transfer the model and be done. In terms of sociopolitical relationships, it is essential for the society/state as a whole to be organized in a way that enables interculturalism to happen in the first place. In his analysis of the American situation, GORDON (1964) noted that in circumstances with strong social cultural or ethnic stratification, cultural pluralism (multiculturalism) can be counterproductive and even deepen the existing segregation and alienation between the members of different minority-majority groups and communities, all in the name of fairness. It can even lead to strong ghettoization, which is then presented, using multicultural principles, as just and respectful of diversity. Within all this, diversity is often understood as a natural category with the absolute binary of a homogenous *us:them* without allowing the possibility of any sort of similarity. Multiculturalism thus becomes a vehicle for justifying and solidifying exclusivism, when “others” are systematically – through systemic, structural racism – pushed into ghettoized parallel spaces of (un)poverty, all in the name of humaneness and respect for diversity.

1 At times there is a great discrepancy between state and society or its sub-societies when it comes to diversity.

4. Analysis of the “Refugee Crisis” through the Perspective of the Described Models and Current European (Slovenian) Discourses about Refugees

The analysis of the “refugee crisis” has to start with some questions: Who are refugees? Are refugees migrants? Is the division between the categories of refugees and labour migrants necessary, and if so, why? Analysis of the dynamics of the discourses constructed during the last mass arrival of people in the EU member states from a crisis area, whether they arrived because of an immediate threat of war or because of the collapse of their home economies, shows that the public (European) discourses began to use the hypernym “migrant”, which includes different forms of migration (forced, labour, ecological, daily, seasonal, temporary, permanent etc.), as a synonym for labour migrations. This created a basis for a story about the existence of two absolutely separate populations of people who were arriving in Europe: refugees and migrants. Discursive foundations were thus created so that in various situations one or the other group could be demonized at will. At the beginning of the mass arrival of people from countries in the Middle East through the territory of (former) Yugoslavia into other EU member states (along the so-called “Balkan Route”), “refugees” were demonized. The stigmatization started in the very naming of the route by which they came as the “Balkan Route”, as the Balkans have been understood for years in the mainstream European discourse (including academic discourse) through the lenses of Orientalism (SAID 1995) or Balkanism (TODOROVA 2009) as an extremely dangerous, undeveloped, and barbaric place. But the main stigma for people seeking safe refuge was linked to the Orientalism of the European territory in relation to Islam, which, through HUNTINGTON’s “West and the Rest” (1996), is understood as a dangerous, homogenous formation without inner diversification, with a solid link to terrorism and an absence of civilization, i.e. barbarism. This unconscious stigma, internalized in the concepts of Balkan and Islam, further helped to demonize the arriving people and was used as an excuse for inhumane treatment, violence, disrespect, human rights violations and finally as an excuse for the securitization and later militarization of treatment and attitudes towards newcomers.

Towards the end of 2015 and at the beginning of 2016 there was a shift from a demonization of refugees to a demonization of migrants. Here, the hypernym migrant was applied to the population of labour migrants, and it created an understanding that refugees and migrants have nothing in common, that migrants are manipulative and dangerous people who come to Europe because of their personal greed. Their greed drives them to abuse the distress of refugees for their own individual benefit. They mix with the poor refugees and take advantage of the benevolence of European countries for their own personal gain. This was followed in the third phase by a linking of refugees and migrants to terrorism, which even today remains the main argument for militarization, not only of the migration policies in the EU member states, but also for the anti-democratic dealings and militarization of sociopolitical relations in the European societies/states themselves.

When the Balkan Route was closed down the people stopped coming, but the discourse of hatred towards people persisted – not only hatred towards refugees and (labour) migrants, but, for example in Slovenia, also towards other social minorities. The main argument for the changes is safety and protection from terrorism. The responsibility for nurturing and strengthening the hostile discourse was taken over by political parties – unfortunately not only the conservative (right-wing) parties; the parties of the so-called left have also not publicly, plainly and effectively revolted against the new overt or covert racism that in recent months has

been spreading its wings across the entire EU, including Slovenia. The dilemma of “host or recipient society?” in relation to the population of people currently classified as refugees is a false dilemma both in Slovenia and in the EU. In most EU member states, exclusivism has been the overwhelming attitude and efforts were made to prohibit the arrival of refugees – in Poland, the Czech Republic, Slovakia, Hungary, and more recently in Austria and Slovenia. Racism is growing, and there are no conditions for even thinking about a host society, let alone a recipient society. All the debates about the dilemma of host society/state versus recipient society/state are merely a rhetorical disguise, a mimicry of the covert racist exclusivism that has been awakened and strengthened in Slovenia as well as in other EU member states, and that is still growing.

In Slovenia the situation is even more worrying, as the described covert racist exclusivism is interspersed with an increasingly prevalent anti-intellectualism, where intellectualism is understood in the sense defined by CHOMSKY (1997). Anti-intellectualism is growing when it comes to public opinion, but its power when it comes to public administrators, experts and politicians is an even greater cause for concern. Even at the Ministry of Education, Science and Sport, and the Slovenian Research Agency (ARRS), which are in charge of science, education, and the knowledge-based society, one can encounter an intense anti-intellectualism and the degradation of the social importance of academic research and education. Such work is declared unnecessary, as a parallel reality without practical value. The social position of the creators of political strategies, including migration strategy and within it, refugee strategy, is occupied by powerful public officials and individual politicians who in their anti-intellectual stance do not even check their programmes, strategies, and reorganizations with others. They stand convinced that they alone have the undisputable “know-how” and that everything outside of this is “an inconvenience” that wastes their precious time. The so-called processes of “public dialogue” are merely an act they are forced to perform to satisfy the normative aspect, but this “dialogue” has no influence on the final result. Public dialogue serves as the mimicry of the in-group’s own points of view, while the arguments for these acts are imbued with anti-intellectualism, where science, non-political experts and the nongovernmental sector are banned from the mandate to know. Only the deciders know! And their approaches are additionally filled with militant activity. It is precisely when it comes to the attitude towards people who we consider refugees that two sociopolitical realities are established in Slovenia:

- (1) On one side there is a civil society with the nongovernmental sector that actually lives with the handful of refugees who have decided to stay here despite everything.
- (2) On the other are the state administration and politicians who are locked in an ivory tower.

In the nongovernmental sector, which is fuelled by humanitarian activities or potentially receives minimal financing from European project funding, the prevailing attitude towards people who have sought refuge here is the one honouring the principles of inclusion and the recipient society. How long they will stay is not important. What is important is that for the time they are with us we offer them the possibility of a dignified life. On the other hand, in the parallel reality of the state that governs political discourse and decision-making, even the principles of a host society are not to be found, let alone those of a recipient or inclusive society. When the latter concepts are used, they serve as pure rhetorical formulations to conceal *de facto* exclusivism, discriminatory behaviour and racism. Lately, the decision-makers have stopped even trying to hide them and now use overt exclusivism in the name of security. Here are a few specific cases that prove the above:

- (1) The story of a Syrian family that is listed for deportation from Slovenia – their last hope is the recent presentation of their case to the Constitutional Court.
- (2) The establishment of the Government Office for Refugees, which is supposed to be independent, but the regulations stipulate that it must be headed by an employee of the Ministry of the Interior.
- (3) The planned amendment of the Aliens Act: despite the fact that the existing act is already very restrictive, further restrictions are planned in such a way that nobody will be able to enter Slovenia.

The notion of “national homogeneity” is a gaining momentum in Slovenia. Homogeneity is understood as a nature-given fact, a hereditary and absolute category. Who *WE* are is uncontested, and we are utterly the same. There, on the other side, are *THEY*, who are completely different from *US* and share no similarities with us whatsoever. The attitude towards *THEM* is sometimes wrapped in terms of apparent care for them, through intoning the words *multi-cultural* and *intercultural*, but these are nothing but rhetorical formulations. We are good and we will make sure that *THEY* will forever remain different. It is not only that they *can* remain so, but they *must* remain so – in other words, we are dealing with either direct or overt politics of exclusivism or with politics dressed up as charity and pretending to fight for the *multicultural* or more recently *intercultural* society. When we do think about inclusion in Slovenia, it is most often done in the sense of covert or silent assimilation, Sloveno-conformism or a melting pot.

In the years of the independent Republic of Slovenia, the governing attitude in the discourse on all migrant populations has been exclusive. We would prefer not to have any migrants at all, but if they do come (because we need labour migrants, for example), they should leave the moment we do not need them anymore. This holds true for:

- (1) People who came to Slovenia in the times of the Socialist Federal Republic of Yugoslavia as a much-needed labour force, and who gave impetus to Slovenian industrial development, and their descendants, born in Slovenia. A number of them were “erased” from the register of permanent residence in 1992.
- (2) People who were running for their lives and came to Slovenia during the war in Yugoslavia and were later returned to their homelands.
- (3) People who came to Slovenia as a necessary labour force in the last twenty years and were the most exploited population of workers, with many of them being negatively targeted, which indirectly contributed to their return to their places of origin.
- (4) People who carry out heavy labour in European countries as posted workers from Slovenian companies without legal protection and in conditions of brutal exploitation.
- (5) People who were fleeing the danger of war or economic distress and walked from the Middle East to Slovenia.

The normative attitude towards all of the above is exclusivist in Slovenia. The only anomaly in this mainstream sociopolitical and also academic discourse about migration is the discourse about (Slovenian) emigration. The population of Slovenian emigrants is officially labelled as “Slovenians abroad”, and we expect that other environments will be favourable towards Slovenes, inclusive, respectful, intercultural, and integrative (through a two-way process of respect). The biggest gap in the field of migration discourse is thus shown on the level of the attitude of “us elsewhere” versus “others here” where we expect everything for *us*, but are

not ready to provide anything for *others*. This gap reveals an inherent structural racism in Slovenia, as “us elsewhere (emigrants)” are the domain of the Office for Slovenians Abroad with its own minister, while “others here (immigrants)” are subject to the jurisdiction of the Ministry of the Interior.

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The EU “Refugee Crisis”: Have We Lost Our Compass?

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Abstract

This contribution divides EU refugee and asylum policy into three concentric circles: cooperation with countries of origin and transit, control of transit routes and of the EU’s external borders, as well as the distribution of refugees among the Member States and the granting of refugee rights within the Member States as laid down in the Common European Asylum System (CEAS). The author uses examples to show that the refugee rights as established in international and European law are the normative compass for judging these policies. Thus she reaches the conclusion that current refugee policy shows a series of protection gaps that derive from the failure of Member States to meet their financial pledges to the first countries of entry, the lack of safe and legal pathways to Europe and finally a flagrant lack of solidarity among the EU Member States.

Zusammenfassung

Dieser Beitrag unterteilt die EU-Flüchtlings- und Asylpolitik in drei konzentrische Kreise: die Kooperation mit Herkunfts- und Transitstaaten, die Kontrolle der Transitrouten und Sicherung der Außengrenzen sowie die Verteilung von Flüchtlingen und die Gewährung von Flüchtlingsrechten im Inneren der Mitgliedstaaten durch das Gemeinsame Europäische Asylsystem. Den normativen Kompass zur Beurteilung dieser anhand von Beispielen illustrierten Politiken stellen die im Völkerrecht und im europäischen Recht fixierten Flüchtlingsrechte dar. Die Autorin kommt zu dem Schluss, dass die aktuelle Flüchtlingspolitik eine Reihe von Schutzlücken aufweist, die mit der schlechten Zahlungsmoral der Mitgliedstaaten gegenüber den Erstaufnahmestaaten zusammenhängen, mit fehlenden legalen und sicheren Zugangswegen und schließlich mit einem eklatanten Mangel an innereuropäischer Solidarität.

1. Introduction

Refugee numbers in Europe have increased significantly, which presents the EU and its Member States with a huge challenge, if not a litmus test for measuring the EU’s capacity to develop a common answer.

The EU has responded to the challenge with a series of legislative and operational initiatives. In order to assess these instruments, we need to provide clear benchmarks. The compass that might show us the way should be the values and norms that the EU and its Member States have explicitly committed to in the Treaties. These are: human dignity, human rights, and the principles of solidarity and shared responsibility among the Member States. Upholding these values also means respecting the Geneva Convention on Refugees, the European Convention on Human Rights, the European Treaties and the Common European Asylum System (CEAS),² which is currently again being reformed by the institutions.

¹ The author would like to thank Christine SCHARF for her revision of the English text.

² Cf. BENDEL 2016.

The EU's policies with regard to the refugee crisis may be divided into three "concentric circles" from the outside inwards that can be summarized as follows:

- the outer circle: cooperation with the countries of origin and transit (Chapter 2),
- the middle circle: the transit routes and the fight against irregular migration and trafficking (border management systems etc.) (Chapter 3), and
- the inner circle: the much debated distribution of refugees across Member States, the Dublin System and all the rights refugees and asylum seekers have once they arrive in a member state (Chapter 4).

Following this structure, in this article I will give examples for the actions underway and ask how they match our aforementioned standards. On this basis, I will draw three main conclusions and recommend some actions for the future (Chapter 5).

2. Cooperation with Transit States

Leaving out the important but complex issue of tackling the root causes for migration, I will begin with the EU's cooperation with transit states. UNHCR High Commissioner Filippo GRANDI stated that "(w)hile the influx to Europe has finally focused the attention of the world on the Syrian crisis and the epic levels of human suffering it produces, the biggest burden by far is shouldered by communities and governments in the region. Therefore, it is of utmost importance to support host communities" (*UNHCR Greece* 2016).

To give an example, the Hashemite Kingdom of Jordan is currently hosting 650,000 refugees from Syria, and more than 1.15 million Syrian refugees presently live in Lebanon. In addition to these figures, several hundreds of thousands refugees have not been registered at all, several thousands of people from Iraq are looking for shelter, and half a million people from Palestine are lodging in various camps that have been overcrowded for years. Lebanon's indigenous population amounts to 4 million people. This means that Jordan share of refugees is equivalent to more than 30% of its population. Projecting this ratio onto Germany would mean 24 million refugees arriving within a period of 4 years. In fact, at present only 2.5% of Germany's total population are refugees (BÖHM 2015). Indeed, most of the world's refugees do not live in Europe as media reports sometimes suggest, but in Turkey, Pakistan, Lebanon, Iraq and Ethiopia. According to a *UNHCR* (2015) study entitled *Living in the Shadows*, only 30% of the Syrian refugees in Jordan, for example, live in camps. Two thirds of the households live below the poverty line, with one in six living in absolute poverty, meaning that people have to live on less than 39.56 US dollars per person per month or less. It is this lack of protection and also of food security, shelter, healthcare, basic needs and education that constitutes the main push factor for secondary migration.

In response to the Syrian crisis and the urgent need for cooperation with third countries, the international community has set up the Regional Refugee and Resilience Plan, or 3RP, to address the protection and assistance needs of refugees in camps and also the resilience and stabilization needs of impacted communities, focusing on Turkey, Lebanon, Jordan, Iraq and Egypt.

The EU is a leading donor to the international response to the Syrian crisis, with over €5 billion from the EU and Member States collectively allocated to humanitarian and development assistance from the start of the conflict until this year. At the conference "Supporting

Syria and the Region” that took place in London on 4 February 2016,³ the EU and its Member States pledged over €3 billion for the year 2016. Germany is the biggest donor here. However, most donors have been very dilatory in providing funds.

The EU has also set up its own trust funds, such as the EU Emergency Fund for Africa and the EU Regional Trust Fund in Response to the Syrian Crisis.⁴ It is not part of the migration or refugee policy agenda, but an add-on to the EU’s external action instruments. The idea is to create flexible and swift support for countries of origin, in the hope of improving the situation for refugees and prospective migrants, to stabilize the overstretched host countries and to reduce possible push-factors and root causes of secondary migration. Here, too, the shortfall is notorious with only 17 out of (still) 28 Member States having paid their contributions and met their pledges. According to my last update (20 May 2016), the contributions of Croatia, Cyprus, Greece, Ireland, Luxembourg, Slovenia and Spain are still outstanding, and Bulgaria, Latvia, Lithuania, Malta, Portugal and Romania have paid much less than they pledged⁵ into the Syrian Madad Fund.

It is this shortfall that exacerbates the lack of services such as shelter, food, water, health-care and education, placing the hosting communities under an even more severe strain and causing considerable difficulties for their social cohesion. According to the *UNHCR* (2016), this is the most important trigger for the large-scale movement of refugees further afield towards Europe. The number of Syrians arriving in Europe seeking international protection therefore continues to increase. In response to this, the German Federal Ministry for Economic Cooperation and Development announced last week that it would create 50,000 jobs in the countries around Syria until December 2016.⁶ This “Cash for Work” programme is intended to give Syrians at least a minimum income.⁷

My interim conclusions on the outer concentric circle, therefore, read as follows: The “refugee crisis” is a crisis of solidarity with Syria as a country of origin and its neighbouring states. If these states are not given large-scale support, the influx to Europe will not slow down significantly. At the same time, human rights standards and refugee rights, as laid down in international and EU treaties, must be monitored much more closely in partnerships with transit countries, and this will be of particular importance, too, when it comes to evaluating the EU-Turkey Statement, which may be used as a blueprint for future agreements with African states.

3. Transit Routes

With regard to the middle circle, the transit routes, one of the priorities of current EU policy is the fight against trafficking. For the first time, the EU has launched a military operation in the Mediterranean Sea in order to destroy the smugglers’ business model, which serves as an outstanding example of activities in this circle.

In a first phase, from May to October 2015, naval patrols, satellites and drones were employed to observe and assess smuggling and trafficking networks. In the second phase, in place since the beginning of October 2015, smugglers’ vessels can be boarded, searched and

3 <https://www.supportingsyria2016.com>.

4 http://ec.europa.eu/enlargement/neighbourhood/countries/syria/madad/index_en.htm.

5 <http://ec.europa.eu/enlargement/neighbourhood/countries/syria/madad/20160526-madad-fund-info-note.pdf>.

6 <http://www.spiegel.de/politik/ausland/syrien-bundesregierung-schafft-arbeitsplaetze-a-1114846.html>.

7 <https://www.bmz.de/webapps/flucht/index.html#/de>.

seized outside Libyan territory, smugglers may be detained and their boats destroyed. In the third phase, the vessels and other infrastructure of smugglers and traffickers may be destroyed even on Libyan territory.

The High Representative of the Union for Foreign Affairs and Security Policy, Federica MOGHERINI, asked the UN Security Council for a mandate on the basis of Chapter VII of the UN Charter, Article 39, because, according to her interpretation, the situation was not only a humanitarian crisis, but also a security crisis, even constituting a threat to international peace and security. With the mandate of the Security Council, which was conferred by Resolution 2240 (2015) on 9 October 2015 (*United Nations Security Council* 2015), the EU was entitled to encroach upon Libya's sovereignty. According to this mandate, "Operation Sophia", named after a baby born to a Somali woman on the German frigate *Schleswig Holstein*, is allowed to inspect vessels on the high seas, stop them, and, if necessary, redirect them. This operation will be in place until 31 October 2016. Apart from the UK, the participant countries are Germany, France, Italy, Spain and Slovenia (Political and Security Committee Decision [CFSP] 2016/1637).

Of course, this operation raises serious questions regarding international law (e.g.: Do refugees pose a threat to international peace and security?), as well as questions about the safety of the refugees (How can they be effectively protected? What happens when they are being disembarked in another country? What does that mean for their right to non-refoulement?). It also raises serious questions with regard to the control of new actors involved in these operations and their power structures: Who controls defence actors and how? What role will agencies such as FRONTEX play in the near future? What does that mean for the transparency and accountability of political action in the EU?

Finally, it raises questions about efficiency: It has become clear that the former Western African route, shut down by FRONTEX and followed by a whole new route from Libya via the Central Mediterranean route, has been replaced by the Eastern Mediterranean route via the Aegean Sea, followed by the Balkan route. Routes have been changed, and smugglers have reacted very quickly to changing circumstances. Solely fighting against the activities of smugglers and traffickers will accordingly not be effective. As long as refugees do not find any legal and safe routes to use, they will continue to depend on smugglers, and they will go on taking dangerous and costly routes.

My interim conclusions on this second concentric circle are thus: The "refugee crisis" is also a crisis of solidarity with the refugees themselves. As long as they do not find legal and safe options for international protection, they will depend on illegal routes. Smugglers' activities cannot be fought against by military means alone. Refugees' safety and their rights, particularly their right to non-refoulement, must be guaranteed and closely monitored.

4. The EU from Within: Distribution and the Common European Asylum System

Coming to the third, innermost circle, the EU from within, the main topic currently on the agenda is the distribution of refugees among the Member States. As we all know, distribution among the Member States differs greatly, with Germany at the top of the list of receiving countries at present.

The latest proposal of the European Commission was to distribute refugees according to a fixed key which takes into account:

- (1) population size (40 %),
- (2) gross domestic product (GDP, 40 %),
- (3) the average number of spontaneous asylum claims and resettled refugees in the last four years (10 %), as well as
- (4) the unemployment rate.

According to this distribution key, Germany would be the country accepting the most refugees (21 %) – which corresponds to the situation we have right now – followed by France (17 %) and Spain (11 %). So far, this distribution key is not yet being used to distribute all refugees, but only 160,000 who have arrived in Italy and Greece, from where they should be re-distributed or re-located through the hotspots. The Commission also proposed using the key to resettle refugees from camps like the Zaatari camp in Jordan, where the UNHCR plans to spot the most vulnerable persons and resettle 22,000 of them to European countries over two years. This is a kind of salami-slice strategy often used by the Commission to introduce a new instrument.

As we all know, this key has not worked as expected so far, as the extremely tiny, even ridiculous numbers suggested for relocation and resettlement last year met with bitter resistance from Eastern European countries, particularly the Višegrad group countries, namely Hungary, the Czech Republic, Slovakia and Poland.

A “coalition of the willing” seems to be the best enforceable proposal for the moment: Not only does it avoid putting too much pressure on countries not willing to join right now, but, if it created sufficiently strong financial incentives, more and more Member States would gradually join in. The so-called “refugee crisis”, then, is a crisis of solidarity among the EU Member States. With a failed Dublin System, we urgently need a fair distribution key, but if that does not work with all Member States, the recently suggested “flexible solidarity” might hold a chance of finding a diplomatic solution to the deadlocked negotiations and find a flexible solution to the relocation and distribution of refugees.

Nevertheless, as long as refugees encounter highly differing reception, acceptance and integration conditions on their arrival, they will not be willing to stay in countries with very low standards. Therefore, close monitoring of the standards laid down in the Common European Asylum System needs to be fostered. The Commission has initiated 40 infringement procedures, but even before they could be followed, in a very speedy decision-making process, a new and broad reform of the complete CEAS has been launched, and it is to be feared that in the current, re-nationalized situation this reform may lack fresh ideas in favour of the refugees.

My interim conclusions, therefore, read as follows: The current “refugee” crisis is a crisis of solidarity between the EU Member States that has to be fixed either by a distribution system with more flexible mechanisms or by a “two-speed” Europe that begins with only some countries and then creates incentives for others to follow. In the current reform, it must not lose sight of refugee rights in a perceived “emergency situation”, which entails a risk of even lowering existing standards.

5. Conclusions

Even in a cursory overview like the one presented in this article, our benchmarks “human rights and refugee rights” and the question of coherence among policies show that current refugee policies represent a range of protection gaps and problems. The majority of the instru-

ments proposed by the Commission, the European Council and the Justice and Home Affairs Council follow a security-related, even military logic. The recent entanglement of Justice and Home Affairs logic with defence logic implies serious consequences even for the distribution of power, and for the transparency, accountability and control of political decisions and operations. A systematic coupling of refugee issues with developmental problems instead is still lacking. This is also true for a real European answer to supporting countries of origin and their neighbours, where refugees are faced with protracted refugee situations, often without any integration perspectives and with continually worsening living conditions.

Cooperation with transit states, however, must never lose sight of human rights guarantees. Our current system suffers from the cardinal error of blocking legal and secure access to Europe for those in need of international protection, and instead forces refugees to place their lives in the hands of smugglers and even traffickers and to choose dangerous routes. The current European answers do not provide any real alternative. The current reform may be missing opportunities. It does not seem to be inspired by fresh ideas for a fairer distribution of refugees nor for better standards and guarantees with regard to reception and asylum procedures. This, however, would be the key to holding on to the primary principle of guaranteeing refugee rights.

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Individual Perspectives

Perspective of a Refugee

Hajrija SIJERČIĆ-ČOLIĆ (Sarajevo, Bosnia and Herzegovina)

Abstract

I chose this particular topic on the basis of my personal experience of being a refugee. My sons aged seven and five and I were among the tens of thousands of Bosnians who sought refuge in Slovenia after the war broke out in Bosnia and Herzegovina in spring 1992. I saw this text as a good opportunity to speak about the issue of being a refugee. My decision was further encouraged by the experiences I gained during my four-year stay in Slovenia, which still live inside me. By describing my experience of refugee life, I would like to illustrate the complexity of refugee life and the importance of integrating refugees into the new environment.

The article not only presents various excerpts from my refugee life in Slovenia, but also from my current life in Bosnia and Herzegovina, which is intertwined with firm, continuous and intense ties with Ljubljana and Slovenia. In this sense, the text points out some of the many ways in which my family and I integrated into Slovenian society in the period from 1992 to 1996 and the positive effects of this integration in the years that followed after our return to Bosnia and Herzegovina. Our integration was stratified and included integration into social life, the university community and the school system. This stratified integration shaped us as individuals, directed my future professional work and enabled my professional progress. In short, it changed our lives.

Zusammenfassung

Ich habe mich aufgrund meiner eigenen Erfahrung als Flüchtling für das Thema dieses Artikels entschieden. Meine Söhne, damals sieben und fünf Jahre alt, und ich gehörten zu den Zehntausenden Menschen aus Bosnien und Herzegovina, die im Frühjahr 1992 nach dem Kriegsausbruch Zuflucht in Slowenien suchten. Der Beitrag bietet eine gute Gelegenheit, um über die Flüchtlingsproblematik zu schreiben. Meine Entscheidung wurde außerdem durch die Erfahrungen motiviert, die ich in meiner vierjährigen Flüchtlingszeit in Slowenien sammelte und die noch heute in mir präsent sind. Die Beschreibung meiner Erfahrung als Flüchtling soll die Komplexität des Flüchtlingslebens aufzeigen und die Bedeutsamkeit der Integration der Flüchtlinge in die neue Umwelt hervorheben.

Der Beitrag zeigt nicht nur verschiedene Ausschnitte aus meinem Flüchtlingsleben in Slowenien, sondern auch Episoden aus meinem heutigen Leben in Bosnien und Herzegovina, das durch starke, kontinuierliche und intensive Bindungen mit Slowenien und Ljubljana verflochten ist. In diesem Sinne verweist der Text auf viele Aspekte sowohl der Integration von mir und meiner Familie in die slowenische Gesellschaft im Zeitraum von 1992 bis 1996 als auch auf die positiven Effekte der Integration in den Jahren nach unserer Rückkehr nach Bosnien und Herzegovina. Dieser Prozess war vielschichtig und umfasste die Integration in das Gesellschaftsleben, die Universitätsgemeinschaft, und das Schulsystem. Die Integration formte uns als Persönlichkeiten und stellte die Weichen für meine spätere berufliche Arbeit, sie ermöglichte meinen beruflichen Aufstieg. Kurz gesagt, sie hat unser Leben verändert.

1. Twenty Years Since Our Return

At the time of writing this text, twenty years have passed since my family and I came back from Slovenia to Bosnia and Herzegovina. We came back to Bosnia and Herzegovina and Sarajevo after living in Slovenia, more precisely Ljubljana, from April 1992 to August 1996.

Our return to Sarajevo was not as dramatic as our departure from Sarajevo on 27 April 1992: It was only two hours before the bus was scheduled to leave that I learned that I had to leave Sarajevo together with my children and head for Ljubljana. There was no time to say farewell to the dearest ones, we passed by control checkpoints held by various military formations, and two days after our departure from Sarajevo, all exits from the city were blocked and the street-fighting began. Although our return was planned and prepared, it still did not go without difficulties; it was especially hard for our children to accept, who were 12 and nine years of age by the time, we left Ljubljana in August 1996.

The decision to return to Bosnia and Herzegovina and Sarajevo was made after the situation here started to change (the Dayton Peace Agreement had been signed six months earlier), and following long discussions at the Department of Criminal Law and the Institute of Criminology at the Faculty of Law of the University of Ljubljana about the different living conditions in Bosnia and Herzegovina since the war, our four years of living in Ljubljana, the option of staying in Slovenia, and of going back to Slovenia if the living conditions in Bosnia and Herzegovina turned out to be poor. It was a difficult decision; after it was made, my husband and I began to prepare our children, who had meanwhile become “true Slovenians”, for our return to Bosnia and Herzegovina and Sarajevo.

2. Arrival in Slovenia and Ljubljana and the Beginning of a New Life

2.1 My Colleagues from the Department of Criminal Law and Institute of Criminology Helped me in All Kinds of Ways

The war that started in April 1992 completely changed our life in Sarajevo and Bosnia and Herzegovina. With two children, aged seven and five, I left Sarajevo; my husband initially stayed in Sarajevo. I arrived in Ljubljana by train via Zagreb around 1 May. I was there for the first time although I did already know some of the colleagues from the Department of Criminal Law at the Faculty of Law in Ljubljana from previous joint meetings with the departments of criminal law in former Yugoslavia; in 1988, one of these meetings had been held in Sarajevo.

I telephoned them during the Labour Day holidays and told them that I had left Sarajevo because of the war in Bosnia and Herzegovina and that I was currently in Ljubljana. They immediately asked me to come to the Faculty of Law. It was Tuesday, 5 May, and already at our first meeting they were willing to help my family and me. They very quickly found me an apartment, furniture and other necessities. As the days went by, our needs grew and we needed more and more help. My colleagues helped me to organize life for my children and me, to get used to the new environment and new living conditions, and to cope more easily with the uncertainty of being a refugee. They helped me enrol my children in school. My elder son was enrolled in a school near the apartment where we lived and started second grade in 1992. When my younger son was ready to start school a year later, my colleagues helped me enrol him in the same school. We also received help from the colleagues from the Institute of Criminology. I assisted in the library at the Institute of Criminology and also received financial compensation for the work I did. I had a desk so I could read and write, I had a computer, I studied languages. I knew I was safe, that I could go there every day and that I was welcome.

I was also engaged in voluntary work in Slovenian voluntary organizations that worked with refugees from Bosnia and Herzegovina, taking part in providing psychosocial assistance to those who were living in Slovenia as refugees (usually people in refugee centres), as well as those who were set to leave for other countries around the world.

2.2 My Professional Education and Work

Despite the war in Bosnia and Herzegovina, my colleagues encouraged me to continue with my professional education. Prior to leaving Sarajevo, I had worked at Sarajevo University Faculty of Law as a senior assistant at the Department of Criminal Law. My priority was to continue to work on my doctoral dissertation on the position of witnesses in criminal proceedings. I had started to work on my doctoral dissertation in the late 1980s, and my husband sent me my notes and previously prepared material in late 1993 from Sarajevo (they arrived in Ljubljana by mail, via Switzerland). I had great working conditions at the Institute of Criminology: I had a library full of books and magazines at my disposal, and I could discuss various issues relating to my doctoral dissertation with exceptional professors and younger colleagues. They encouraged me to continue with my work, which was not always easy with the tragic circumstances in Sarajevo and Bosnia and Herzegovina in mind. Thanks to their help and support, I managed to complete my doctoral dissertation before my return to Sarajevo.

My professional development was not limited to writing my doctoral dissertation. I was enabled to attend professional and scientific conferences in Slovenia and beyond of its borders (Poland, England) during my time as a refugee and thus advance my professional education. I was also able to continuously monitor developments in the field of criminal law, as well as debates on matters of criminal law and criminology that were being intensively discussed in the last decade of the past century in the European states, the US and Canada, and of which I learned at unforgettable daily meetings at the Institute of Criminology. Finally, I was publishing articles on current topics from the field of criminal law in the *Journal of Criminal Investigation and Criminology*.

3. The Gravity of Refugee Uncertainty and the Perspective of Solidarity

Refugee life involves trauma, loss of home, loss of family, or separation from family, loss of job, loss of education options, and loss of many opportunities for normal development and progress. Refugee life requires resolving complex cultural, linguistic, social and other issues, including issues of national affiliation and identity. It was noted a long time ago that two processes in particular occupy the thoughts of refugees – on the one hand there is the process of getting used to the new environment, and on the other are the thoughts of returning home. And there is also the feeling that once you lose your home because of war, it is difficult to build a new one somewhere else. The truth is that being a refugee changes your life overnight.

My period of being a refugee because of the war in Bosnia and Herzegovina lasted for four years. When I came to Ljubljana, I thought I was going to stay there for no more than 15 days. In fact, four years went by. In June 1994 my husband joined us in Ljubljana.

Like our fellow citizens from Bosnia and Herzegovina, we signed up with the Red Cross and received the status of temporary refugees immediately upon our arrival in Ljubljana. This

status gave us the right to healthcare, free public transportation in the city, assistance with buying food, and we also received the necessary information.

4. Integration into a New Community and Looking Back on it Today

4.1 Integration into a New Community

I have already described various excerpts from my refugee life in Slovenia and tried to point out numerous aspects of the integration of myself and my family into Slovenian society in the period from 1992 to 1996, I would still like to emphasise some of the facts from that period that had a major impact on our life back then.

Although we were still living in the former common state of Yugoslavia, Slovenia was after all a new environment to us for many reasons, including different social and economic developments, different customs and culture, and the language is different as well.

Regardless of the differences, I did not experience Slovenian society as closed, especially not in relation to other cultures and customs; on the contrary, I experienced a cultural pluralism. In Slovenia I encountered an attitude of respect towards me, my personality, culture, habits and native language. I was offered social equality, and I felt the need and desire to adapt to the new environment, its culture and customs, as well as to learn the Slovenian language as far as possible.

My children had a normal childhood, they went to school, made friends with a number of their peers (with whom they are still in touch today), learned the Slovenian language, learned about a different culture and different customs, and learned that “no one who is a refugee can survive without the help of the environment in which they are in.” They did not come home from school with a sense of lesser value or discrimination, on the contrary, their teachers, schoolmates and their parents asked them about their father who was still in Sarajevo, they asked them about Sarajevo and what it was like there because of the war.

Thanks to such favourable living conditions, I managed to preserve the memory of my previous life, smells from my homeland and precious memories; I managed to keep my children’s memories of our life in Bosnia and Herzegovina alive and to teach them that good things that happened before the war there were not unknown to others, including Slovenians (for example, the Winter Olympic Games that took place in Sarajevo in 1984 and in which Slovenian athletes participated as well, with some even winning medals for the former common state).

4.2 Integration and Reflections on it Today

The perspectives of someone who is a refugee should not be discussed only in relation to the period of refugee life. Their later perspectives, once the situation leading to their flight has ended, should also be discussed, and whether they decide to stay in the country that offered them shelter as a refugee, whether they go somewhere else, or whether they return to their native country from which they fled.

As I wrote before, my colleagues from the Department of Criminal Law and Institute of Criminology helped me in every possible way. They helped me every day during the four years we spent in Ljubljana, and they even helped me when we left Ljubljana and Slovenia in the sum-

mer of 1996 and returned to Bosnia and Herzegovina and Sarajevo. That is why, more than 20 years later, I can never forget how my family and I were accepted in Slovenia: with open arms and open hearts, especially at the Department of Criminal Law and the Institute of Criminology, which became my new home during those four years. The foundations of our new life were built on the help that was at the same time material, moral and humane. This is why Ljubljana and Slovenia are still present in our home in Sarajevo and in our everyday lives.

Even though 20 years have now passed since our return, our ties with Ljubljana and Slovenia have remained firm, continuous and intensive, both on the professional and the private level. Today I work as a full professor at the Faculty of Law of the University of Sarajevo, the same faculty where I worked as a senior assistant prior to moving to Ljubljana, and to which I came back in spring 1996. Many aspects of my professional work today have grown out of my experiences and the connections I made while living, studying and working in Ljubljana from 1992 to 1996, or are based on my firm ties with Slovenia that have lasted until today. Last, but not the least, we monitor current developments in criminological and criminal matters and carry out comparative analyses of the judicial systems both on the national and international level through many joint activities, including, for example, the following: joint projects, at the level of Bosnia and Herzegovina and Slovenia, or at the level of the Institute of Criminology at the Faculty of Law in Ljubljana and the Faculty of Law in Sarajevo; participation in conferences, for example, the experiences of our Slovenian colleagues concerning the application of EU regulations are very important to us in Bosnia and Herzegovina; editing of professional journals, for example, I am a member of the editorial board of the *Journal of Criminal Investigation and Criminology*; reviewing of books that are published in Bosnia and Herzegovina or Slovenia. I would also like to mention our cooperation in preparing reports for elections in the teachers' profession at the Faculty of Law in Ljubljana and the Faculty of Law in Sarajevo and exchanges by professors and students.

Considering the fact that my development was strongly influenced by integrative and other processes that I went through as a refugee, I would like to particularly note the following: my life experience in the past 20 years confirms that the statement that "no one who is a refugee can survive without the help of the environment in which they are in" is not only humane but also true; my life story during my four-year stay in Slovenia and Ljubljana confirms that every period is equally important in a person's development, regardless of the situation in which you are in; last, but not the least, a person is shaped by experiences, especially the ones that are positive, and that is why these experiences should be conveyed to others by reconnecting with our thoughts from our past and current life, and in turn giving back or giving forward what others gave us in the past. After all, that is how we can nurture humane relations in the future between one person and another!

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**Efforts of Science Organizations to
Support Oppressed Scientists and
Those Seeking Asylum in Europe**

The International Human Rights Network of Academies and Scholarly Societies: Developments and Transitions

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Abstract

The paper discusses activities of the International Human Rights Network of Academies and Scholarly Societies (Network). The Network is made up of academies and scholarly societies throughout the world and advocates for scientists, medical professionals, engineers, and scholars subjected to severe repression in violation of international human rights norms. The Network also wants to raise awareness on science and human rights matters and promotes global scientific cooperation. It is an influential international voice on issues involving the intersection between science and human rights.

Zusammenfassung

Der Beitrag diskutiert die Aktivitäten des *International Human Rights Network of Academies and Scholarly Societies (Network)*. Das Netzwerk wird von Akademien und Gelehrten Gesellschaften aus aller Welt gebildet und setzt sich für Wissenschaftler, Mediziner, Ingenieure und Gelehrte ein, die schweren Repressionen unter Verletzung internationaler Menschenrechtsnormen ausgesetzt sind. Das Netzwerk fördert außerdem das Bewusstsein für Wissenschaft und Menschenrechtsangelegenheiten sowie die globale wissenschaftliche Zusammenarbeit. Es ist eine einflussreiche internationale Stimme in Kernfragen, die den Grenzbereich von Wissenschaft und Menschenrechten betreffen.

1. Introduction

It is a pleasure to be here today and to speak with you about the activities of the International Human Rights Network of Academies and Scholarly Societies (Network). I would like to thank the Slovenian Academy of Sciences and Arts and the Human Rights Committee of the German National Academy of Sciences Leopoldina for inviting me to participate in this year's programme. My comments are made on behalf of the Network's Executive Director, Carol CORILLON, who is in the midst of preparing for the 12th biennial meeting of the Network, which will be held next week in Panama City, Panama.

As many of you will know, the Network owes its existence to three Nobel laureates, François JACOB (France), Max PERUTZ (UK), and Torsten WIESEL (Sweden/USA), as well as Pieter VAN DIJK of the Netherlands Council of State, who had the idea of bringing national academies together in order to assist scientific colleagues suffering human rights abuses. Founded in 1993, the Network is made up of academies and scholarly societies throughout the world that work to address serious issues of mutual concern involving human rights and science. The Network draws upon the influence and stature of participating academies

to advocate for professional colleagues – scientists, medical professionals, engineers, and scholars – subjected to severe repression in violation of international human rights norms. The esteem, in which Network academies and their members are held, along with their global reputation for objectivity and independence, ensures that the Network has a unique and often highly influential voice when supporting colleagues under threat.

Along with its advocacy in individual cases, the Network seeks to raise awareness on pressing issues involving science and human rights, and to promote the free exchange of ideas between and among members of the global scientific community. Currently, science academies and scholarly societies in approximately 80 countries participate in the Network; each is represented by an internationally prominent member who is also a human rights advocate. Some of these members are here today, and I hope they will share with you their own experience with the Network. The Committee on Human Rights of the US National Academies of Sciences, Engineering, and Medicine (CHR), of which I am the Director, serves as the Network's Secretariat.

The human rights activities of the Network fall largely within three areas. *First*, academies and their members conduct human rights advocacy in individual cases, including in response to Network Alerts and through case submissions to a confidential UNESCO human rights complaint mechanism. *Second*, the Executive Committee of the Network periodically issues public statements, for the most part on broader issues of science-related human rights concern. Participating academies frequently take action in response to these statements. *Finally*, representatives of academies affiliated with the Network meet every two years to discuss matters involving the intersection between science and human rights and to develop strategic responses to rights abuses involving colleagues worldwide. Occasionally, Network-affiliated academies have also mounted joint missions to countries in which colleagues are imprisoned. I will discuss each of these activities briefly. It should be noted that several academies within the Network, including some academies represented at this symposium, are engaged in other human rights activities as well. As an example, the CHR, with the active support of many of the US National Academies' members and officers, holds private meetings with US and other relevant officials, prepares appeals and petitions, makes country visits, submits human rights case submissions to a range of UN mechanisms, and occasionally makes statements to the media regarding cases of concern.

2. Case-Based Advocacy: Network Alerts and UNESCO Submissions

About a dozen times a year, the Network Secretariat sends alerts to participating academies with information about colleagues subjected to serious rights violations. These alerts include sample appeals to relevant government officials, ambassadors, and others. The rights violations involved vary, and include arbitrary detention, withdrawal of citizenship, and torture. The Secretariat learns of these abuses from a variety of sources, including academies in the Network, scientists who have worked closely with the individuals concerned, and other science and human rights organizations. Each case is carefully researched through outreach to a range of individuals and organizations with knowledge of the situation. The Secretariat is also in frequent contact with the families of colleagues under threat and their lawyers. Its alerts are sent to academies affiliated with the Network, and each generates several dozen appeals from those academies and their members.

Assessing impact in the context of human rights advocacy is complicated, partly given the difficulty in determining the motivation for governmental decisions to remedy situations of human rights abuse. At the same time, we regularly see positive changes in such situations following sustained pressure. The case of Omid KOKABEE is an example. Omid is an Iranian physicist (formerly a Ph.D. student at the University of Texas) who was arrested in Iran in February 2011, while visiting his family during the university's winter break. In 2012, he was convicted on charges related to contact with a hostile government and sentenced to 10 years in prison. In a letter smuggled out of prison Omid said that he was targeted because he refused to work on security and military nuclear energy-related projects. In prison, Omid's health seriously deteriorated. He developed kidney cancer that had reached a very advanced stage before it was detected. Following intense international pressure, including appeals by academies within the Network, Omid was given needed medical care and recently granted freedom on parole after more than five years in state custody.

Stories like Omid's demonstrate the importance of institutions like the Network that stand in solidarity with individuals subjected to unjust treatment. Unfortunately, the Network has no shortage of cases involving colleagues suffering serious human rights abuses. The Secretariat will continue to send regular case alerts to affiliated academies and make recommendations for responsive action. Some academies develop their own advocacy strategies for these cases, including direct requests for assistance from officials in their countries/regions. Many academies are also involved in human rights research and advocacy on cases other than those highlighted in Network alerts.

Finally, as part of its advocacy in individual cases, the Secretariat submits briefs based on international human rights law to a confidential UNESCO human rights complaint mechanism. These submissions are co-signed by the Secretariat and academies participating in the Network. The goal of the UNESCO process is to find humanitarian solutions in the case examined, and it allows for a continuing, indirect, dialogue between the Network and high-level officials of the governments concerned. In 61 of the 75 cases submitted by the Network and declared admissible by UNESCO, individuals have seen improvements in their situations including early release, during the period of UNESCO review.

3. Executive Committee Statements

The second main activity of the Network is its Executive Committee's public statements on serious human rights issues. These statements are sometimes endorsed by Nobel laureates and other prominent scientists and scholars and are frequently cited by global media outlets. Currently, the Executive Committee is composed of the following 12 individuals drawn from participating academies: Arjuna ALUWIHARE (Sri Lanka), Dorairajan BALASUBRAMANIAN (India), Henrietta Mensa BONSU (Ghana), Edouard BREZIN (France), Martin CHALFIE (USA), Abdallah S. DAAR (Canada/Oman), Belita KOILLER (Brazil), Pedro León AZOFEIFA (Costa Rica), Dong-Pil MIN (Republic of Korea), Ida NICOLAISEN (Denmark), John POLANYI (Canada), and Ovid TZENG (Taiwan).

The Executive Committee's statements, which typically address broad patterns of abuse rather than individual cases, are placed on the Network's website and shared with affiliated academies, with a request that academies take responsive action. Though academies are not

obliged to do so, a great many respond by disseminating the statements widely and using them as a basis for discussions with government officials.

During the past year, the Executive Committee has issued three statements of concern about large-scale repression against academics in Turkey that undermines fundamental principles of academic freedom and human rights. Beginning last January, hundreds of academics were harassed and intimidated after signing a petition that criticized the military campaign in southeastern Turkey. The petition called for an end to the surging violence in the majority Kurdish region, efforts to negotiate peace, respect for international law, and punishment of those responsible for rights violations. Some of the scholars concerned are now facing serious criminal charges. Many have been dismissed from their positions and subjected to investigations. Following the July 15 attempted coup in Turkey, the pressure on academics and others has intensified, and includes travel restrictions, suspensions, dismissals, and arrests. These actions have taken place against the backdrop of a wider societal crackdown.

The Network's Executive Committee, in its statements on Turkey, has acknowledged that the protection of national security is a legitimate objective, but stressed that it should not be achieved at the expense of fundamental human rights or through sweeping attacks on the principle of academic freedom. In this connection, the Executive Committee has urged the Turkish government to ensure that all scholars who have been removed from their positions solely as a result of having peacefully exercised internationally protected rights are reinstated without delay and that no punitive measures are taken against them without procedural protections. One global consequence of the situation in Turkey is that many scholars have left the country and are urgently seeking positions elsewhere, with the assistance of organizations such as Scholars at Risk, the Council for At-Risk Academics, and the Institute of International Education's Scholar Rescue Fund. This is an issue of serious concern for the global academic community. How academics can help meet the needs of Turkish colleagues is high on the agenda of next week's biennial meeting of the Network.

In 2016, apart from its statements about Turkey, the Executive Committee issued a public statement about Iranian engineer and physicist Narges MOHAMMADI, who is serving a six-year sentence in Evin Prison for her human rights advocacy work. Recently, a Revolutionary Court in Tehran gave Ms. MOHAMMADI prison sentences of 10 years, 5 years, and 1 year, to be served concurrently. After being denied permission to speak to her young twins by phone, she began a hunger strike. The Executive Committee's statement in Ms. MOHAMMADI's case is a departure from its more typical focus on broad human rights issues, and was issued on the basis of information that urgent international pressure might be helpful. The Executive Committee called for Ms. MOHAMMADI's release and asked that, in the meantime, she is permitted to speak with her children. Its action was part of a larger wave of public pressure following the announcement of Ms. MOHAMMADI's hunger strike. Ms. MOHAMMADI's remains in prison, though she has been permitted to speak with her children.

4. Biennial Meetings

To date, academics affiliated with the Network have hosted 11 meetings; the most recent of these was hosted by the Leopoldina in 2014. The Network's biennial meetings provide an opportunity for discussion of pressing issues involving science and human rights in the context of a semi-public symposium, followed by a multi-day workshop during which academics dis-

cuss human rights cases and issues in more detail, including in the context of regional breakout sessions. Some biennial meetings have included special sessions on science and human rights for students. Often, the Executive Committee issues press statements at the conclusion of Network meetings concerning topical human rights issues, such as the targeting of medical personnel in zones of conflict.

The upcoming meeting in Panama will include in-depth discussion of science and human rights in Latin America, as well as issues of global concern. During the workshop portion of the meeting, attendees will discuss the future of the Network and develop specific strategies for addressing human rights cases and issues, including in the regional breakout sessions. Special sessions are also planned on how the scientific community can help to address the challenges facing refugees, human rights concerns related to the Zika virus, and global attacks on academic freedom. The workshop will include a half-day session on science and human rights for students.

5. Missions

Representatives of academies within the Network have also occasionally undertaken joint missions to countries in which colleagues are suffering human rights abuses. These missions have provided invaluable opportunities for human rights fact-finding, direct advocacy with government officials, and, in many cases, visits to imprisoned colleagues and their families.

The last such mission took place in February 2013, when CHR and the Human Rights Committee of the Leopoldina jointly undertook a mission to Turkey, with the involvement of Network Executive Director Carol CORILLON; Dr Hans-Peter ZENNER, as Chair of the Leopoldina's Human Rights Committee; and Nobel Laureate Dr Peter DIAMOND, a member of the US National Academy of Sciences. The mission was scheduled in response to unjust criminal charges brought against several Turkish scientific colleagues in connection with four mass trials. While in Turkey, the mission delegates visited four of the accused in high security prisons in Ankara and Istanbul, as well as colleagues' families. They also gathered information concerning these colleagues' cases and appealed directly to government officials on their behalf. A report on the mission's findings, which was issued to the Network, provided details on the individual's unjust treatment. Today, all of the academics described in the report are free though, as discussed, the overall rights situation facing academics in Turkey remains worrying. In general, country visits provide the Network with a unique and effective opportunity for human rights advocacy, and we continue to explore possible candidates for such visits.

6. Next Steps

On the main issues for discussion at next week's Network meeting in Panama is how the Network can become even more active and effective. A related question is how individual academies can themselves become more involved in human rights matters between Network meetings, beyond writing letters of appeal and circulating statements of the Network's Executive Committee. There are challenges associated with seeking to increase the human rights activism of academies. Notably, academies' resources vary, and all are not in a position to maintain a dedicated human rights committee. However, there are many ways of advocating

for human rights, and much can be done behind the scenes and at little or no expense, with a small time commitment from academy members. Academies wishing to engage more in this area, might, for instance, raise the awareness of their members, governments, and the general public about specific human rights cases; make embassy visits; prepare and disseminate petitions; coordinate with universities that maintain satellite campuses in countries where colleagues are suffering serious human rights abuses; and hold events like this symposium. One particular issue that academies might consider is how they can best help colleagues who have had to flee their countries, many of whom are in desperate need of academic homes and other forms of assistance.

Academies participating in the Network can also strengthen the Network as a whole by making the Secretariat aware of important human rights concerns, and by providing assistance, as needed, to the Secretariat's research team (e.g., by sharing relevant country background information and contacts). In this connection, it would be useful if all academies participating in the Network were to identify a contact point for communication with the Secretariat's staff. During the Panama meeting, we also plan to explore possibilities for improving coordination between and among academies, including at the regional level.

The Network has evolved, since its creation in 1993, into an important global forum for information-sharing on science and human rights-related matters and for strategizing on ways to address such matters. Its existence is a testament to the fact that commitment to human rights transcends national boundaries and is not limited to human rights professionals. Going forward, we need to continue to think creatively about ways of strengthening this forum as a force for positive change, at the country level, regionally, and within this forum as a whole. While academies making up the Network are different in many respects, the Network's strength lies partly in that diversity, as tackling human rights problems often requires a range of approaches from concerned individuals and organizations. I look forward to discussing these issues with you in the years to come.

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If Not Us Then Who? The Refugee Crisis and the Work of Scholars at Risk

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Abstract

The appalling treatment of refugees in the current crisis contravenes the basic values of the European Union and the articles of the Refugee Convention (1951). Both must be upheld even as fundamental changes must be implemented. This epic crisis requires greater commitment from both governmental and civil society sectors. Scholars at Risk (SAR), a network of 428 higher education institutions in 40 countries, is dedicated to protecting threatened scholars and promoting academic freedom. The paper analyses the work of SAR and appeals to academics to work for the freedoms and rights of refugees.

Zusammenfassung

Die unzulängliche Behandlung von Flüchtlingen in der aktuellen Krise verstößt gegen die Grundwerte der Europäischen Union und gegen die Artikel der Flüchtlingskonvention von 1951, die bewahrt werden müssen, auch wenn grundlegende Veränderungen eingebracht werden sollten. Diese umfassende Krise erfordert größeren Einsatz auf Regierungsebene und in der Zivilgesellschaft. *Scholars at Risk* (SAR), ein Netzwerk von 428 Hochschuleinrichtungen in 40 Ländern, engagiert sich für den Schutz bedrohter Wissenschaftler und die Förderung von Wissenschaftsfreiheit. Dieser Beitrag untersucht die Arbeit von SAR und appelliert an die Wissenschaftler, für Freiheit und Menschenrechte von Flüchtlingen einzutreten.

1. Introduction

“If not us then who?” – the question, asked by the American civil rights leader John LEWIS, underlines the urgency of our task as academics to be witnesses to the epic humanitarian crisis of our times and agents in its amelioration (BAUSUM 2006). The phrase also implicitly evokes the failure by “us” – arguably of the international order of the late 20th and 21st centuries – to take responsibility to overcome a catastrophe that is of our making, by omission and commission. I say this as a citizen of Greece, but especially of the USA, which has been derelict in its responsibility both to resettle refugees, despite its standing as a signatory of the 1951 *Refugee Convention* (*Refugee Convention* 2001), and to combat the rise of a right-wing, nationalist, proto-fascist party that inflames xenophobia and demonizes the other, notably Muslims and Mexicans.

2. The Refugee Crisis

As a European, I am appalled that the millions fleeing war and repression in Syria, Iraq, Afghanistan and Eritrea, who have poured into Turkey and Lebanon, Jordan, Libya and Egypt,

and then risked their lives at sea – the Mediterranean and the Red Sea have become “graveyards”¹ – have been forced to march through Europe from one rejecting state to another. Although the EU could have devised a corridor – even a latter day Marshall Plan – men and women, unaccompanied children and the disabled have faced razor-sharp barbed wire and guards with weapons; at best, they have been housed in sites that recall the concentration camps of the 1940s. It is, then, appalling to see the EU make a deal worth billions with authoritarian Turkey to curtail the flow of the displaced; in return, Turks are to be granted visa-free travel within the EU.

In this context, branding refugees as asylum shoppers is nothing short of obscene. Rather than being processed into databases at the country of first entry, according to EU conventions and human rights laws, and classified as refugees and resettled – the rate of resettlement is a tragically risible 1% – the displaced have languished in detention, in denial of their right to appeal – nationals who have become virtually stateless and rightless, as ARENDT (1968) should remind us. Among EU countries, there is a stunning unwillingness to abide by the 1951 Refugee Convention, its 1967 Protocol and the various forms of Schengen and Dublin Agreements.

Europe is witnessing a new border imperialism in a union that aspired to be open and borderless, and a continent that prided its commitment to human rights. Muslims are becoming the pariah of the new world order, the spectrally inhuman, what BUTLER (1993) calls the abject. Their religion and swarthy colour have catalyzed the hysterical fears that terrorists are embedded among the millions of refugees, – and this has legitimated increased state surveillance and violations of privacy, which FOUCAULT called “securitization,”² and justified the abandoning of European asylum laws, thus abetting ISIL’s³ ideology on the clash of civilizations.

The changes that could ameliorate the crisis are countless. Those states that violate the EU’s 1951 and 1967 conventions, which most of its members have signed, including the principle of non-refoulement, should be prosecuted at the European Court of Justice or the International Criminal Court. The EU should create a common asylum court, since the Refugee Convention does not propound the notion of asylum, other than giving it a single mention in its Preamble. The Convention’s principal concern is state-sponsored “persecution,” arising out of the Holocaust, and does not mention non-state actors (e.g. ISIL). A revised convention should also enact laws for refugees from environmental catastrophes that lead to famines and dislocations. It must integrate existing alternatives such as subsidiary protection, internal protection, and short term visas for humanitarian crises. Pope FRANCIS has condemned the lack of *caritas* in this crisis,⁴ but why does not he lead the way by sponsoring sanctuary cities?⁵

The refugee crisis has highlighted the necessity of coordinating national policies on entry and resettlement; the present inconsistencies and contradictions exponentially compound the problems of those fleeing chaos in their own nation. The EU’s 28 Member States must share the burden more equitably, and not leave it to Greece and Italy with their limited resources to cope with the massive daily influx of refugees. It is ironic that after imposing

1 JUSS 2015, p. 72. Italy should be commended for its heroic efforts to rescue the drowning.

2 FOUCAULT 2007.

3 Also known as ISIS or Daesh.

4 Cf. CABALLERO 2016.

5 This idea was proposed by DERRIDA 1997.

excessive, self-defeating austerity, the EU now expects Greece to manage the reception of millions arriving half-dead on its shores. Finally, a pervasive effort is required to change national narratives about asylum seekers (including so-called “economic migrants”) – and to recast them as a productive, highly-educated labour force that could rejuvenate Europe’s ageing worker sector.

The need for change is boundless, but that does not mean that each of us cannot contribute to ameliorating the dimensions of the refugee crisis. FOUCAULT (1977) speaks of the concrete intellectual who deploys the tools of his profession to resist modestly but effectively. That is, modestly, what Scholars at Risk (SAR) works to do.

3. The Work of Scholars at Risk (SAR)

Established in 2000, SAR has built a network of 428 higher education institutions and individuals in 40 countries, dedicated to protecting threatened scholars and promoting academic freedom. Among its three primary areas of activity – advocacy, learning and protection – I want to highlight our protection work with professors, researchers, doctoral students, and institutional leaders under attack for the content of their work, their status as academics, or the peaceful exercise of their freedom of expression and association. Threats include harassment, surveillance, denial of permission, confiscation of notes and computer files, professional or personal defamation, discrimination, physical or sexual intimidation, arbitrary dismissal, displacement, internal or external exile, arrest on false charges, detention without trial, and imprisonment, torture, disappearance, and extra-judicial killing. SAR also works with university communities facing ideological pressure and censorship, imposition of a national ideology, book burning, closure of schools or universities, suppression of strikes or protests, restrictions on travel and on the exchange of information, and discriminatory limitations on academic resources.

SAR’s network arranges temporary research and teaching positions for threatened scholars. In the application process, candidates are asked to outline the risks they face, notably “qualifying threats” that involve the infringement or violation of a recognized human right. We strive to verify these statements from primary and secondary sources, including knowledge of the climate in the scholar’s home country, and reports by independent third parties, including media outlets, NGOs and expert opinions.

Scholars contact SAR directly or they are nominated by other academics, academic associations, human rights groups or refugee agencies. In processing applications for candidates’ level of risk and scholarship, we create an anonymous profile that is circulated to institutions in our network, who then contact us about particular candidates. Whenever possible, SAR arranges interviews between host institutions and scholars of interest, with the institution always retaining final say over which scholar to invite. SAR assists in formulating terms for the position, including academic responsibilities and benefits. Once the terms are finalized, the host institution issues an official letter that also provides the persons to contact for information on immigration, travel and housing. With the offer letter, the scholar applies for a visa (e.g. hosting agreement visa, visiting professor visa, study visa, etc.) and SAR works with both the scholar and the institution to make arrangements for the scholar’s (and his/her family’s) arrival.

The positions we help scholars find generally range from three months to two years, the average being one academic year, where scholars may teach, research or study, depending on the institution's needs and the scholar's interests. These positions help scholars build their network, continue publishing and apply for a follow-up position. Although there are no guarantees, most scholars have found job opportunities either by extending the first visit or, with our support, gaining a suitable new position. Both the host and SAR provide letters of reference for scholars, resumé assistance, and advice on immigration matters. Thus, SAR assists scholars well beyond the first placement, typically for three to six years, in reaching a more stable, long-term path.

SAR has received over 2,600 requests for assistance from nearly 130 countries over the past 16 years, and has helped 750 scholars with temporary positions, 25 % of whom are refugees. The largest percentage of our scholars comes from the Middle East and North Africa, followed by Sub-Saharan Africa and South Asia. Over the past four years, especially over the past 12 months, requests have multiplied dramatically from Syria and Turkey.

SAR's work would not be possible without the generous support of foundations, member institutions, individuals, and the direct support of our host campus, New York University. I especially want to recognize the Humboldt Foundation, and the Philipp Schwartz Initiative in particular, which in partnership with the Federal Foreign Office has committed to supporting 20 two-year fellowships for threatened foreign researchers every year until 2019 at 20 German universities and research institutions. Thanks to Barbara SHELDON's tireless efforts, the Humboldt Foundation will also act as SAR's secretariat in Germany.

Notwithstanding this significant commitment, SAR needs support in several areas, and above all, more resources to do more placements of refugees, speed up vetting, find willing institutions to partner with us faster, and to expand our network of contributing institutions. In order to make placements successful, we must do more to help scholars adjust and integrate into their new teaching, academic and cultural environments. We also need to help scholars develop new skills, such as working with the media, publishers and journals. And although we have data for tracking scholars during and after they leave their positions, we require greater resources for deeper long-term outcome studies.

4. The Struggle for Freedom and Rights

So please join our (net)work, and let us demonstrate that we can do much more and do much better to ameliorate this epic crisis. "If not us, then who?" asked LEWIS, and he continued: "If not now, then when?" That was indeed my question when I streamed the UN Summit on Refugees⁶ in September 2016. Admittedly, it is unprecedented for the General Assembly to sponsor a summit of heads of states and governments on refugees, migrants and displaced persons, and then to produce the New York Declaration⁷ for Refugees and Migrants signed by 148 states. Yet, the Declaration is neither binding nor operational; it is abstractly and broadly aspirational, insisting "that our obligations under international

6 Summit for Refugees and Migrants on 19 September 2016 at the United Nations in New York. <https://refugeesmigrants.un.org/summit>, <http://webtv.un.org/>. (Accessed 19 September 2016.)

7 New York Declaration for Refugees and Migrants adopted on September 19, 2016 at the UN Summit for Refugees and Migrants in New York. <https://refugeesmigrants.un.org/declaration>. (Accessed 20 September 2016.)

law prohibit discrimination of any kind” (Art I:13), and reaffirming that “in line with the principle of non-refoulement, individuals must not be returned at borders” (Art II:3), when they are in fact being returned and turned away, every day. Predictably, the Declaration displaces “effective acts” into the indefinite future: “we will ensure [...] protection for all who need it” (Art IV:3); “we will work to address the root causes of such crisis situations” (Art IV:1), but “we” are not doing that, not today nor tomorrow. When? Under the heading of “Commitments,” I read that “we will take steps towards” the achievement of a global compact on refugees in 2018 (Art II) – steps then put off until the Sustainable Development Conference of 2030. As the BBC reported,⁸ governments insisted on watering down language and keeping it abstract, and the proposed 10 % rate of annual resettlements was scrapped, while speakers intoned over and over again on 19 September that “the highest priority is operational work, implementation and action” – hollow words to make officials sound good back home, not to effect change.

President OBAMA’s Leaders’ Summit on 20 September⁹ produced pledges from the US of one billion dollars and another 4.5 billion from the 50 participating nations. Granted, OBAMA committed the US to admitting 110,000 refugees in 2017, but judging by recent history (and now the US presidential election), neither monetary pledges nor commitments to people will be honoured. And yet, OBAMA’s words resonated. The refugee crisis, he said, is a stain on our collective conscience that history will judge harshly. To slam the door on others, out of suspicion and fear, betrays the deepest values at the heart of so many faiths: “Do unto others [...]” He urged us to overcome our fearful inability to see ourselves in another and welcome the stranger in our midst. Ultimately, in this crisis, everyone needs to do more, the President concluded, and that includes nations, businesses, faith groups, young people – and I would add academics and intellectuals. Ours must be a practice wrought in the crucible of concrete academic work, counter-acts of resistance that reach out to those engaged in a struggle for their freedom and human rights in Europe and beyond. “Change does not roll in on the wheels of inevitability, but comes through continuous struggle,” said Martin Luther KING. “And so we must straighten our backs and work for our freedom.”¹⁰ The freedom of refugees is also our freedom, their rights are our rights. “If not us, then who? If not now, then when?”

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Slovenian Science Organizations and Their Support for Oppressed Scientists

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Abstract

The contribution analyses the organization of a Slovenian Commission of Human Rights for scientists and scholars in connection with the Slovenian Academy of Sciences and Arts (SASA) and the International Human Rights Network (IHRN).

Zusammenfassung

Der Beitrag analysiert die Organisation einer Slowenischen Kommission für Menschenrechte für Wissenschaftler und Gelehrte in Verbindung mit der Slowenischen Akademie der Wissenschaften und Künste (*Slovenian Academy of Sciences and Arts, SASA*) und dem Internationalen Menschenrechtsnetzwerk (*International Human Rights Network, IHRN*).

1.

In Slovenia, a small country that had just changed its political system from an autocratic one-party system to a pluralistic democratic one, human rights issues played an important role in the 1980s and 1990s, when these fundamental social and political transformations took place. These issues were at the core of the changes demanded by different social groups and were first articulated through the activities of different social movements such as groups of ecologists (the so-called ‘greens’), punk adherents and others advocating for gay and lesbian rights. Political groupings that later developed into new political parties joined these movements and later formed the main groups that brought about political change.

2.

Slovenian scientists – this term includes researchers from the natural sciences as well as those from the social sciences and humanities – have never been organized into any particular organization. A loose coordination of research institutes existed that served predominantly as a forum for discussing research policies and to unite the position of these institutions in their relationship with the government bodies. Therefore, one could not expect this grouping to become a mouthpiece for voicing support for domestic or foreign scientists in difficulties with the state authorities because of their political views.

3.

One of the institutions that were deemed suitable for taking on such a role was the Slovenian Academy of Sciences and Arts (SASA). In view of the general atmosphere in the late 1980s with regard to human rights, it is not surprising that the first wave of information about the International Human Rights Network (IHRN) and its activities resonated greatly with the Slovenian Academy of Sciences and Arts. I had just taken part in the international conference of the International League of Humanists – an NGO set up in former Yugoslavia and led by the well-known philosopher Ivan SUPEK – in Sarajevo in 1998. During the conference, the director of this network, Carol CORILLON, presented information about it, and in the conversation I had with her afterwards, the work and achievements of the network impressed me as being an excellent example of activities through which an academy could prove itself as a positive and human rights-oriented institution.

4.

As a result of the information I had gathered during this conference and after it, I submitted a proposal to the governing bodies of the Slovenian Academy of Sciences and Arts (SASA) that suggested engaging in the activities of the IHRN and becoming its member.

This cooperation came to be organized in such a way that one SASA member (Alenka ŠELIH) was responsible for direct contacts with IHRN as well as for studying individual cases presented to SASA by the IHRN. The individual cases that were deemed suitable for presentation to the executive committee were selected and presented to the department of international affairs, which presented them to the committee. This committee, which is charged with the day-to-day operations of the academy and comprises the president, two vice-presidents, the general secretary and executive director of SASA, then decided which of the proposed cases would be supported.

5.

SASA has been cooperating in this way with IHRN since 2003. The cooperation was made simpler and more efficient between 2005 and 2008 when the contact person, Alenka ŠELIH, was elected one of the vice-presidents of SASA.

In January 2009, the then president of SASA, Prof. Jože TRONTELJ, established a Commission for Human Rights composed of five personal members of SASA, with the primary task of preparing a statement on the 1945 post-war killings that had taken place in Slovenia.

6.

As a result of this procedure, the Commission for Human Rights was set up on a permanent basis with the previous contact person of IHRN as its chairperson. Cooperation with IHRN was then conducted in such a way that the commission chairperson prepared the individual cases to be submitted for support, informed the commission members about them and

afterwards used the same procedure as before to submit these proposals to the executive committee.

In 2015, the presidency of SASA nominated new members of the commission for human rights for a new term. At present, the commission meets regularly to discuss the broader issues related to human rights problems. This include general issues related to scientists who are in conflict with state authorities in various countries because of asserting their human rights, especially the right to freedom of speech, as well as individual cases of such scientists that are presented to SASA by IHRN. The commission chooses individual cases to support and presents them to the executive committee of SASA via its international department. The letters of support are signed by the SASA president.

7.

SASA supports approximately 5 to 6 cases each year and in doing so, it follows the procedure proposed by IHRN. These cases are mostly chosen by the chairperson, decided upon by the commission for human rights and then presented to the executive committee. After its decision, the letters are signed by the president of SASA.

8.

Cooperation with IHRN is the only way in which SASA carries out support for scientists on an international basis. As for the domestic situation, we are not confronted with such extreme cases of violations of human rights in the sphere of research. However, SASA has been active in presenting problems close to human rights infringements in cases of minority groups in the (academic) research arena, for example, female researchers. In 2014 and 2015, SASA was one of the organizers of two symposia on problems encountered by women in research where forms of discrimination were presented and proposals on how to solve them were made.

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The Philipp Schwartz Initiative: A Funding Programme for Persecuted Researchers

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Abstract

The Alexander von Humboldt Foundation is an organization with more than 60 years' experience in sponsoring internationally mobile scientists and scholars. The contribution introduces a new programme: the Philipp Schwartz Initiative, launched by the Alexander von Humboldt Foundation, together with the German Federal Foreign Office, in December 2015. The Philipp Schwartz Initiative is designed to enable German universities and research institutions to host foreign researchers at risk for a period of up to two years.

Zusammenfassung

Die Alexander von Humboldt-Stiftung ist eine Organisation mit mehr als 60-jähriger Erfahrung in der Förderung international mobiler Wissenschaftler und Gelehrter. Der Beitrag stellt ein neues Programm vor: die Philipp-Schwartz-Initiative, die von der Alexander von Humboldt-Stiftung, zusammen mit dem Bundesaußenministerium, im Dezember 2015 gestartet wurde. Die Philipp-Schwartz-Initiative ist so strukturiert, dass sie den deutschen Universitäten und Forschungseinrichtungen die Aufnahme gefährdeter ausländischer Forscher für einen Zeitraum von bis zu zwei Jahren ermöglicht.

1. The Role of Scholars in Times of Crisis

As critical thinkers, researchers often play a special role in crisis management. However, they can put themselves at great risk when they freely express their opinions. The international community has long been aware of how important it is to provide backing for threatened researchers by sending visible signals. Structures like the Scholars at Risk Network offer support worldwide for universities wanting to get involved. Germany as a location for research is presently not as involved in this issue or the Scholars at Risk Network as its potential would allow. At the same time, the Alexander von Humboldt Foundation is an organization with more than 60 years' experience in sponsoring internationally mobile scientists and scholars – some of whom come from countries with totalitarian regimes. During this time, the Foundation has helped establish understanding between blocs, convey authentic images of a free society and build relations with countries with whom diplomatic ties were strained or even interrupted. These relations have proved particularly useful, for example, when reforms finally came about in totalitarian systems. Cultural relations and education policy can thus make an important contribution to the management of international crises, and particularly to stabilization and post-conflict rehabilitation.

2. A New Initiative Made Possible by the Support of Many

In December 2015, the Alexander von Humboldt Foundation, together with the German Federal Foreign Office, launched the Philipp Schwartz Initiative. The initiative is supported financially by the Federal Foreign Office, the Alfried Krupp von Bohlen und Halbach Stiftung, the Fritz Thyssen Foundation, the Gerda Henkel Foundation, the Klaus Tschira Stiftung, the Robert Bosch Stiftung and Stiftung Mercator. The programme supports scientists and scholars who seek safe haven from war and persecution in their own countries and wish to pursue professional opportunities in Germany. Announcing the programme, Federal Foreign Minister Frank-Walter STEINMEIER remarked, “We are committed to offering a perspective to people in need. In a small way, we also want to repay other countries for what they did for German researchers in exile many decades ago. In conflict zones like Syria, for example, it is important to save the valuable knowledge of researchers in order to ensure the success of rebuilding when the conflict comes to an end. The Philipp Schwartz Initiative is thus an investment in the future of these countries as well.” Helmut SCHWARZ, President of the Alexander von Humboldt Foundation said: “We want to send a signal about the openness of German science. We intend to help people who can benefit our science system but who will be desperately needed in their own countries when it comes to rebuilding them in the hopefully not too distant future.”

3. Funding for Threatened Scholars

The Philipp Schwartz Initiative is designed to enable German universities and research institutions to host foreign researchers at risk for a period of up to two years. Since summer 2016, a first cohort of 23 such researchers has been pursuing research on such fellowships, allowing them to continue their work at universities and research institutions in Germany. A second cohort of up to 24 researchers will commence their research stays early in 2017.

4. Building Structures at Higher Education Institutions

The applicant in the Philipp Schwartz Initiative is the host institution in Germany, which has to make a strong case for a specific scholar. The host institution is required to develop a concept demonstrating how they will accommodate the scholar and support him or her in their further career development. A strong commitment by the host institution guarantees that all efforts will be made to turn the research stay into a success. It is crucial to have a good “fit” between the scholar and the institute where he or she will be placed, so that integration can succeed both academically and socially, turning the research stay into a win-win-situation for both sides.

5. Sharing Information and Learning from Each Other

In the course of the programme, a platform for information sharing amongst universities and research institutions on the specific situation and needs of researchers at risk has been developed. Information events, conferences and advisory services – partly in collaboration with experienced international partner organizations like the Scholars at Risk Network, the

Scholar Rescue Fund of the Institute of International Education and the Council for At-Risk Academics – help raise awareness. On 20 September 2016, a German section of the Scholars at Risk Network was formed, further facilitating an exchange on best practice.

6. Structures for Supporting Threatened Researchers within the Applicant Institution

Wherever available, applicant universities tend to use the existing structures of the “Welcome Centre for internationally mobile researchers” as a basis for the concept that is required for the application. Welcome Centres were introduced by the Alexander von Humboldt Foundation in a similarly agenda-setting programme more than a decade ago. At the time, the first 20 Welcome Centres were financed by the Humboldt Foundation as pilots, after which the incentive became strong for others to follow suit with their own funding. Today, Welcome Centres are a standard structure at every major university in Germany. They cater to the needs of internationally mobile scientists and scholars, ensuring that all their administrative and personal needs are met in planning, starting and executing a research stay in Germany. The goal is to create a situation in which the researchers can focus on their research as soon as possible.

7. First Experiences

The level of commitment at the host institutions of the Philipp Schwartz fellows is very high. At the same time, many challenges have to be met: An institution first of all needs to make a decision about whom to host as a threatened scholar. This calls for intense and sometimes controversial discussion within the institution. Acquiring the appropriate visa for threatened scholars and their families can pose difficulties; dealing with the traumatization suffered by some of the scholars can become an issue; as well as paving the way for a next career step after funding through the Philipp Schwartz Initiative ends. Expectations need to be managed on all sides.

8. Context

The majority of refugees coming into Germany within the last one or two years is under 30 years of age. It is clear that the challenge of integrating them is to a large extent a challenge for the education system. At the end of 2015, a €100 million programme was launched by the Federal Ministry of Education and Research to support universities hosting refugee students. While the group of researchers is naturally much smaller in numbers, accommodating them is just as important. Many of the major research (funding) organizations in Germany have opened their programmes accordingly. So far, the Philipp Schwartz Initiative is the only programme in Germany that was developed specifically for threatened researchers.

9. Media Interest

The Philipp Schwartz Initiative was met with much interest from the media, which have reported very positively.

10. Who was Philipp Schwartz?

The following text is quoted from a press release issued by the University of Frankfurt on 24 February 2014: “He was long forgotten: Philipp SCHWARTZ, who saved many scientists who had lost their positions during the National Socialism era. Persecuted himself, he narrowly escaped arrest on 23 March 1933 and immediately fled to Zurich. Here the Frankfurt pathology professor founded the ‘Notgemeinschaft Deutscher Wissenschaftler im Ausland’.”

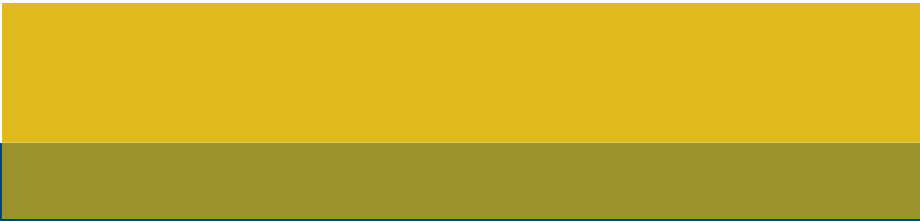
The University of Frankfurt has now placed a column in front of the main university hospital building in memory of the valiant efforts of the displaced neuropathologist. During the opening of the dedication ceremonies, the Dean of the Faculty of Human Medicine, Prof. PFEILSCHIFTER, called Philipp SCHWARTZ a “shining light in the darkest epoch of German history”. Two contemporary witnesses also took part in the dedication ceremonies: Philipp SCHWARTZ’s daughter Dr Susan FERENZ-SCHWARTZ and Kurt HEILBRONN. Dr FERENZ-SCHWARTZ was moved that “my father received his place at the university and in the history of Frankfurt University after so many years, after almost two generations.” Kurt HEILBRONN in turn is the son of Prof. Alfred HEILBRONN, whom the “Notgemeinschaft” sent to the University of Istanbul in 1935, where he established the Institute of Pharmacobotanics. As the consul general of the Republic of Turkey, Ufuk EKICI, emphasized in his welcoming speech, it is a little known fact that between 1933 and 1945 Turkey offered a safe haven to about 300 dismissed German scientists, artists, architects and politicians who worked here for brief or longer periods. The consul general thanked them for their important contributions to shaping modern Turkey.

It was Philipp SCHWARTZ who made it all happen. In the summer of 1933, he travelled to Istanbul. In initial negotiations with Turkish government representatives, he already attained the hiring of 30 professors at the University of Istanbul, which had just opened in 1933; a full seven of them from Frankfurt am Main – a one-of-a-kind group placement of émigré scientists during the Nazi period. A card file was established in Zurich under SCHWARTZ’s direction. This was the basis for the list with names and information on 1,794 dismissed scientists who were registered with the “Notgemeinschaft” in 1937. A bound copy had been standing on a shelf at the Frankfurt Institute for Neuroscience since the 1980s – until the sociologist and medical historian Dr Gerald KREFT of the Edinger Institute at the University of Frankfurt started investigating. All of this was completely unknown in Zurich, where SCHWARTZ had founded the “Notgemeinschaft” in the city mansion of his father-in-law, Professor Sinai TSCHULOK. Thus the results of KREFT’s research were met with open ears there. In April 2014, the city dedicated a grave of honour to Philipp SCHWARTZ. The “Notgemeinschaft” was the first contact point for dismissed German professors looking for work abroad. “Its unique knowledge base made it the information centre for all corresponding international aid organizations,” said Gerald KREFT.

In the late summer of 1933, SCHWARTZ handed management of the “Notgemeinschaft” to privy council Dr Fritz DEMUTH, the persecuted curator of the Berlin School of Commerce. He moved the head office to London at the end of 1935. In 1936 the “Notgemeinschaft” published the “List of Displaced German Scholars”, financed by the Rockefeller Foundation, in order to find new employment opportunities abroad for the 1,794 scientists. Until 1945 the “Notgemeinschaft” was involved as an intermediary for over 2,600 dismissed persons from Germany, Austria and Bohemia.

In his welcome speech, the director of the Frankfurt Institute of Pathology, Prof. Martin-Leo HANSMANN, gave a reminder of the ground-breaking studies on the topic of cerebral birth trauma which SCHWARTZ performed here in the 1920s. After leading the Institute of Pathology in Istanbul for twenty years, in the 1950s SCHWARTZ attempted to return to his former domain in Frankfurt am Main. While he was formally reinstated as professor at the University of Frankfurt in 1957 in the course of the Federal Republic's "Wiedergutmachung", or compensation efforts, the Faculty of Medicine denied his return as professor "for age reasons alone". SCHWARTZ moved to the USA, where he headed a research institute at the Warren State Hospital in Pennsylvania until 1976 as an internationally renowned neuropathologist. Philipp SCHWARTZ died in 1977. During the dedication ceremony for the SCHWARTZ column, Professor SCHUBERT-ZSILAVECZ in the position of Vice President of the Goethe University Frankfurt apologized to SCHWARTZ for its behaviour during and after the National Socialism period.

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