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TO ORDEAL:
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AND BOSNIANS IN
BERLIN

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From Protection to Ordeal: *Duldung* status and Bosnians in Berlin¹

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Abstract

This paper examines a fundamental paradox underlying humanitarianism in Germany (and Berlin in particular) towards Bosnian refugees who arrived in the country after the Yugoslav wars in the early 1990s. The generous welcome which extended to more than 300,000 people was coupled with the constant reminder that displaced people were not being given refugee status under the terms of the 1951 Geneva Convention but rather a so-called “tolerated” *Duldung* status of temporary protection. This paper focuses on a central contradiction of the *Duldung* status for refugees, which, on the one hand afforded important humanitarian relief, but on the other generated tremendous uncertainties as to whether or how protection would come to an end – especially as substantial numbers of refugees found themselves subject to deportation. The experience of *Duldung* status as an ordeal rather than as protection has generated traumas related to constant fear of detention or deportation, which have often proved to be as powerful as those flowing from the earlier horrors of war. These new traumas have blended in people’s lived experience, confounding conventional medical definitions of trauma, healing, mental health and post-traumatic stress disorder (PTSD).

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Introduction

The Yugoslav wars of the 1990s generated more victims and greater transfers of population than any others seen in Europe after World War II. Approximately 250,000 people lost their lives and more than 2,000,000 fled their homes, either to locations within the borders of Yugoslavia or to foreign countries. The flood of refugees found European countries unprepared and unable to handle the crisis. On the one hand, members of the European Union (EU) recognised the immediate dangers people faced from the war raging in Bosnia and Herzegovina and the urgency of their flight. On the other hand, EU governments wanted to protect themselves from undesired and unintended consequences of the unprecedented refugee crisis and drafted relief programs accordingly.

The most striking humanitarian gesture was offered by Germany. The German government sheltered more than 320,000 refugees in collective reception centres from 1992 onwards. This generous accommodation was nonetheless coupled to the constant reminder that displaced people were not being given refugee status under the terms of the 1951 Geneva Convention³ but rather a so-called “tolerated” *Duldung* status of temporary protection. This paper focuses on a central contradiction of the *Duldung* status for refugees. On the one hand, it afforded important humanitarian relief. On the other hand, it generated tremendous uncertainties as to whether or how protection would come to an end – especially as substantial numbers of refugees found themselves subject to deportation.

The Yugoslav wars marked an important shift in the European treatment of migrants and refugees. The decision to allocate temporary protection status emerged from the 1991 meeting of the EU interior ministers at Maastricht, anticipating the impending flood of those fleeing former Yugoslavia. Although *Duldung* status had existed in Germany before 1990, it had been applied primarily to immigrants from African countries and never before on the massive scale of those fleeing the Yugoslav wars to Germany and other EU countries.

This analysis does not suggest that it was primarily Germany that endorsed an exceptionally cruel treatment of Bosnian refugees. The decision to introduce a tolerated status and treat the refugees who fled Yugoslavia not as convention refugees but as “tolerated” persons without long-term state commitments was made on an EU level. The justification for such a decision lay in the fact that the 1951 Geneva Convention did not consider such a large influx of refugees and was not appropriate for the impending flood of displaced people fleeing former Yugoslavia.

This broader European treatment of refugees from former Yugoslavia therefore reveals a crucial shift in the field of international humanitarianism. The determination of the EU countries not to apply international law in humanitarian crisis and to interpret, enact and modify the Geneva Convention on refugees individually, introduces a new dimension in the domain of humanitarianism, which questions the efficacy and the power of international law. And yet, while the refusal to treat the Bosnian refugees as convention refugees was an approach adopted by the EU countries, I argue that the case of Germany is exceptionally interesting because of two aspects:

- The unparalleled large numbers of people accepted;⁴
- The unprecedented length of the uncertainty regarding their residence permits.⁵

³ According to the 1951 Geneva Convention, refugee status entails a number of long-term responsibilities by the receiving state provided as social benefits.

⁴ Berlin alone took up 30,000 refugees, a number as high as Italy, France and Great Britain together.

The experience of *Duldung* status as an ordeal rather than as protection deserves an in-depth analysis as it reveals a fundamental paradox underlying the *modus operandi* of humanitarianism in Germany. The *de facto* but not *de jure* refugee treatment of those from former Yugoslavia have suffered grave consequences: traumas related to constant fear of detention or deportation. These new ordeals often proved as powerful as those flowing from the earlier horrors of war, with which they began to blend in people's lived experience, confounding conventional medical definitions of trauma, healing, mental health and post-traumatic stress disorder (PTSD).

Moreover, as trauma has emerged as an effective legal basis for refugee advocates to contest deportation threats, the *Duldung* trauma has become a symptom of the legal and medical deadlock of the German political system: the process of the legalisation of trauma resolves the legal status of the displaced person on humanitarian grounds. We have at hand two complementary processes – of medicalisation of law, and of legalisation of medical discourse – the articulation of which has added an important dimension on the contemporary political landscape of Germany's treatment of immigrants, refugees and other newcomers.

Duldung status has also opened up a space for challenging state regulations by different forces in the German civil society sector. United in their struggle to assist *Duldung* refugees, a number of non-governmental organisations in Germany have served as forerunners in helping the refugees, and thus have crafted a valuable form of resistance against state regulations.

This paper is based on eight months field research that I conducted primarily among Bosnians who fled during the war in Bosnia and Herzegovina (1992-1995) and settled in Berlin. I consider my analysis to be an archaeology of past and present traumas: an excavation of different experiences of suffering that have either entered the people's personal narratives, sometimes in a coherent form, sometimes in competing, obstructing forces of further traumatising. Most of the following discussion is based on intensive meetings with survivors from Srebrenica, who in 2005, during preparations for the commemoration of the 10th anniversary of the Srebrenica massacre of 1995, shared their stories from Srebrenica, but also revelations of the intense contradictions that *Duldung* status has posed for them.

Bosnians in Germany: structural predicaments⁶

In 1990, 662,700 persons from former Yugoslavia were living in Germany. They were primarily labour migrants. The wars at the beginning of the 1990s increased this number dramatically: in 1992 alone, 341,000 refugees entered Germany. While many of them resettled to other countries in the late 1990s, the number remained high throughout the 1990s. At the end of 1995 for instance, 342,500 refugees from former Yugoslavia, primarily from Bosnia, remained in Germany, which stayed at the top of the list of EU countries hosting the most refugees. Berlin was a forerunner in this generosity: along with Baden-Württemberg, Bavaria and Hesse, Berlin admitted the largest number of refugees with a peak in December 1995 when it hosted 29,294. Since 1995 the number began to decline: in January 1998 it was 22,221; in December 1999 it was 13,940; in April 2000 it

⁵ Most of the other EU countries who assigned temporary tolerated status to the refugees from former Yugoslavia in the initial resettlement phase, resolved their status within two or three years after their arrival. Many of the refugees who arrived in Austria, the Netherlands, France, Sweden, Denmark or Switzerland and who were allowed to remain in the country by now have passports and are citizens of these EU countries.

⁶ Most of the data in this section derives from a report written on the Bosnian *de facto* refugees in Berlin by the Europäisches Migrationszentrum in 2002, hereinafter designated as EMZ 2002 report (http://www.emz-berlin.de/projekte_e/pj2/pj2_1.htm).

was 9,713. Today (2006) formally there are 3,000 displaced persons from former Yugoslavia who seek regularisation of their residence status on the basis of severe traumatisation for which they have been receiving treatment. (This is an unofficial number provided to me by the employees at the Südost Europa Kultur e.V., a centre assisting people from South-eastern Europe.)

Even while the Bosnian war was in its early stage, the German government was decisive in “protecting” the country from the unintended consequences of a large influx of refugees. The government made it clear that the refugees were in Germany on a temporary basis *only*. Most of the EU countries shared those German qualms. As indicated earlier, the EU interior ministers met in Maastricht in 1991 where they introduced a new ‘temporary’ category for the impending flood of refugees from former Yugoslavia. According to this Maastricht regulation, Bosnians were never considered as Geneva Convention refugees because, according to the ministers, the Geneva Convention did not consider mass influxes of refugees. Nor were the Bosnians (in Germany) considered to have suffered individual political persecution, which would have qualified them as refugees under Article 16a of the German Constitution.

Assigning the Bosnian refugees temporary (*Duldung*)⁷ status paved the way for drafting an immediate repatriation plan, which Germany developed on December 16, 1995, only one day after the signing of the Dayton Agreement. Germany openly proclaimed its extreme generosity in its acceptance of refugees. Moreover, the Berlin Senator of the Interior Jörg Schönbohm (in a radio interview for Voice of America) stated that Berliners were accepting a heavy humanitarian burden on behalf of Bosnians because Berliners “knew what it meant to be a refugee” (EMZ 2002 report).

Yet, Bosnians’ legal status was without a federal regulation: they were not considered eligible for asylum status given that the alternative of inland flight within the territory of the Yugoslav Federation had been open to them. Out of 42,863 refugees not a single person was granted asylum in Berlin although there were many applications. Most of the Bosnians in Berlin (83.3%) were granted “tolerated residence” or *Duldung*, with their passports and identification cards taken away from them. Admitted neither as part of a program, nor on the basis of formal obligation, Bosnians’ status of “tolerated residence” was in effect not a legal residence status. *Duldung* only means that the state chooses not to implement deportation, although this option remains open. Under paragraph 54 of the Aliens Act, deportation of a “tolerated” refugee may be postponed for up to six months. On a national level in 1996, Berlin had the highest percentage (83%) of tolerated refugees from former Yugoslavia; Munich had the lowest at 37.6% (EMZ 2002 report).

The determination of the German government to proceed with repatriation initiated reaction from several human rights organisations such as Amnesty International, which in 1997 addressed the German government warning that 60 percent of the houses in Bosnia had been destroyed and that there was not enough accommodation available for a large scale return. Unlike the repatriation plans of the other EU countries, Germany did not follow the United Nations High Commissioner for Refugees (UNHCR) recommendations to take into account the special situation of Bosnian refugees but forcefully proceeded with its repatriation plan.

⁷ The literal translation of *Duldung* is toleration. The legal meaning of *Duldung* means that the person who remains in Germany under this status is “tolerated” for a certain period of time.

Veiled Trauma: behind the Srebrenica anguish

The execution of 8000 Muslim men and boys in Srebrenica in July 1995 by the Serbian army is considered to be the worst case of ethnic cleansing in European history after World War II. This massacre became a symbol of the horrors committed during the war in Bosnia and Herzegovina. Most of the Muslim population, primarily women and children, were forced to flee Srebrenica and to resettle elsewhere in Bosnia or to a third country.

Berlin accepted a large number of people from Srebrenica. The EMZ reports of six hundred Srebrenica residents living in Berlin in 2000 (EMZ 2002 report). While doing research at the Südost Europa Kultur e.V. I learned that, as with the rest of the refugees, the Srebrenica survivors were placed in various collective reception centres upon their arrival in Germany. The German authorities however recognised the particular situation of these refugees and had therefore provided them with extensive medical attention consisting of mental counselling available as individual and group sessions. Run by 45 Berlin-area based psychotherapists, who were working on a voluntary basis, these sessions were supposed to assist the refugees in dealing with their losses, the experienced violence and their new life in Germany.⁸

Most of the Srebrenica survivors that I interviewed received psychological counselling at the centre. Since 1992, the Berlin Senate Commissioner for Foreigners has provided financial support for the centre, which has been most closely involved with providing psycho-social counselling for many of the refugees. Several self-help groups also operate as a part of the centre. I regularly attended a group therapy session on Fridays chaired by three psychologists and partially funded from an EU grant.

This centre has been dedicated to helping refugees redress the injustices and difficulties that the German system and its bureaucratic procedures have posed for the displaced people. The main goal of the centre was imprinted in the decorations of its quarters with arts and crafts created by refugees. A daily luncheon was prepared at the centre and served to employees and their guests (for a small fee). I was impressed by the energy of the legal team that counselled refugees, guiding them to needed institutions, helped them fill out their forms, assisted them in drafting appeals and recruited representatives to undertake legal proceedings on their behalf. To help refugees master the German language, the centre offers daily German classes for a seven Euro monthly fee taught by dedicated language teachers. The centre's bustling activities reflect civil society energetically engaged in assisting the Bosnian people in dealing with their ordeals.

In the context of preparations for the commemoration of the 10th anniversary of the Srebrenica massacre, I joined a group at the centre consisting of survivors from Srebrenica. During May and June 2005, the Srebrenica survivors met every Friday to collect narratives on the events of the Srebrenica massacre for the 10th commemoration at the centre planned for July 8-9, 2005. The group was open to anyone who survived the siege and fall of Srebrenica. Although different people would visit the group in the course of the three months, the most regular attendees were seven women. Others present included one or two of the Südost Europa Kultur e.V. workers and myself. We agreed that the best way to collect the stories was through casual remembrance: not by asking the survivors to write up their stories but rather by encouraging them to meet regularly and talk to

⁸ A large number of public and private agencies have assisted the Bosnians in the past thirteen years since the arrival of the first displaced persons. These include the Arbeiterwohlfahrt (a workers welfare organisation), Caritas, The German Red Cross, the Treatment Centre for Victims of Torture, and the Südost Europa Kultur e.V., which was founded in 1991 as an association for the promotion of cultural relations between Germany and South-Eastern Europe.

each other. Most had known one another for a long time – as neighbours from Srebrenica, Potočari or Gradačac. My task was to record their stories and transcribe them in an appropriate format to be read during the commemoration weekend.

The attention of the world was turning towards Srebrenica in the weeks preceding the actual commemoration date. The main ceremony was scheduled to take place in Srebrenica on July 11 and 12, 2005, hence many people travelled to Bosnia to prepare for the mass burial of the excavated bodies from the Srebrenica massacre. The commemoration at the centre therefore relied on the presence of those survivors from Srebrenica who for different reasons could not or did not want to travel to Bosnia. During regular meetings over the two month period preceding the 10th anniversary of the Srebrenica massacre, I observed that the members of the group wanted to share their stories of suffering and survival with the German public and officials invited to attend the commemoration ceremony at the centre in Berlin.

Soon after the first few meetings in April 2005, I witnessed that the group became a forum comprised of several women who shared a mutual understanding of each other's experiences during the war. I could not help but to notice that their stories and memories were presented with our presence in mind, with an awareness of the audience during the ceremony, and the rolling voice recorder placed on the table in front of us. But the fact that most of the women in the group knew each other well in Srebrenica and continued to socialise in Berlin revealed several different dimensions present at the meetings: the official remembrance of the events and then the unofficial mingling of the women after the end of the meeting when they shared problems from their everyday lives.

All the participants in the group shared their pride in Srebrenica and its glorious past. The abundance of natural resources such as minerals and silver gave Srebrenica significant prestige and power from ancient times onwards. The silver mines gave the town its past and present name: first it was named *Argentia* and then Srebrenica (*srebro* in Serbo/Croatian/Bosnian means silver). The town flourished during socialism with a well developed industry. With virtually no unemployment, where everyone earned well and the town was full of young people, Srebrenica was a desirable place to be in Bosnia and Herzegovina. The surrounding villages were well connected to Srebrenica with wide roads and electricity. Nowadays nothing works. Everything was destroyed during the war. In the space between Potočari and Vojdan there were 62,000 people fleeing.

During her remembrance of Srebrenica's past, Remzada's⁹ eyes were glowing. While she was describing her flight and the living situation in the town during the war, her voice was steady and firm, faithfully conveying the chain of events. After four years of suffering and struggle with hunger and death in Potočari, she managed to escape, and arrived in Berlin in 1995 to stay with her son who had fled Bosnia in 1992. This was the official end of the story that the centre needed for the commemoration. In unofficial conversation that I had with her after the meeting, Remzada explained that after she joined her son, she was with him only for one year. In mid-1996, the German government began intensive efforts to force the return to Bosnia of all those who did not qualify to remain in Germany on the basis of severe traumatising. As a result, Remzada's son was sent back to Bosnia. Remzada vividly described the shock of two armed police officers knocking on their door to detain and deport her son. As she was telling this part of the story, her hands started to shiver, her voice changed and she burst into tears. The conversation was interrupted by her need to take a pill and calm herself down. She revealed that her son had been sent back to Bosnia and

⁹ All names are pseudonyms.

her life after his departure could only be described as *preživljanje* – “mere survival.” Her grandchildren had been at the centre of Remzada’s life, and she felt as if she had lost her ground again with their departure. The option to return to Bosnia was not feasible for Remzada because her house had been burned down, all of her neighbours in Srebrenica have either died or left the country, and her daughter-in-law had made it clear that she could not count on any support from them because they barely survive themselves in Sarajevo. Thus Remzada’s life in Berlin today is centred around the few friends and social activities at the centre where she goes regularly, not only for her psychological counselling but also to prepare food on numerous occasions: for frequent book promotions, photo or art exhibitions, meetings of the donors and the Srebrenica commemoration, when she organised several other women and cooked delicious food for more than 50 people. She has also been cooking and cleaning for a German family. These have been her main social activities since her son left Germany.

Adela, for instance, who lost two sons and her husband in Srebrenica, qualified to remain in Germany on the basis of severe trauma. Adela has been keeping a journal, meticulously recording the events and her feelings ever since she fled Srebrenica. She told me that her writing and the regular prayers to Allah were the primary reasons that kept her sane and alive. During her visit to Srebrenica in 2000, the first visit after she had arrived in Germany, Adela went to her house, which was destroyed during the war. She took a shovel to clean up the dirt in the yard, and there, buried in the ground, she found the favourite sport jersey of her oldest son. We were all deeply touched by her strength as she was describing this, the photographs of her son wearing the jersey before the war when he was studying electrical engineering in Sarajevo. After the meetings, Adela told me that she managed to come to grips with the loss of her sons and husband with Allah’s help. But the thought of losing her only surviving daughter and her two grandchildren would be the end of her. As in Remzada’s case, Adela broke down in tears as she was her only surviving daughter and was deemed not to qualify for refugee status and had to appeal in court. The case has not yet been resolved and Adela shared with me that this experience of her daughter’s uncertain status in Germany has become unbearably painful and is the main source of her nightmares.

Indira, another regular member of this group, is an example of a Srebrenica survivor whose conscious trauma of *Duldung* status only became expressible in the context of these meetings. Indira attended almost every meeting – although she hardly ever spoke a word. I had difficulty in determining her age: maybe early 50s or early 60s; maybe even much younger. I recognised her face prior to joining the Srebrenica group: she was also a member of another therapy group that I was allowed to visit a few times. I was drawn to Indira’s friendly looking face: red cheeks, round chin and sad, absent-minded eyes. Her slender body stood in sharp contrast to her swollen feet – as I suspected, she once mentioned that she had had problems with high blood pressure and water retention and had been on hypertension medication for years.

While the other members of the Srebrenica group prolifically recalled many stories from Srebrenica from the period between 1992 and 1995, Indira listened with an absent-minded expression. From time to time she would repeat the last lines of what the others would say, jerking her body left and right and swinging her head while her eyes stared at an undetermined point. I heard from other people that she had lost several close family members although she, herself, had never talked about it. But in June, 2005, after the footage of the execution of six young Bosnian men had been shown on Serbian TV, she agitatedly revealed that one of the executed boys was the son of her husband’s relative. Only then did she speak out vocally, asking us loudly whether it

would not have been better to have died in Srebrenica rather than having to undergo the ordeals of living on afterwards.

Acquaintances told me that the event in Germany that had made Indira so fearful took place four years ago. After having been in Berlin for almost seven years, Indira received an *Abschiebung* (expulsion) order – a court order to leave Germany. In the period following the court order and while preparing to file an appeal, Indira was arrested and jailed for two weeks in a Berlin prison. The detention severely taxed her physical and mental well-being. Indira could not explain the experience of the arrest with her past or with her current life. Even during regular individual therapy sessions (as one of the therapists at the centre told me), Indira was silent and unable to integrate her experiences from Srebrenica and Germany into a coherent personal history. The psychologists to whom I spoke at the centre pointed out that Indira was a text-book example re-traumatisation. After release from prison, her case was given over to an attorney who managed to obtain an *Aufenthaltserlaubnis* (residence permit) for two years on her behalf on humanitarian grounds stemming from the additional trauma Indira experienced from the imprisonment.

In the course of the meetings for the Srebrenica commemoration, I was surprised to observe that most of the Srebrenica survivors in the group identified the uncertainties of their residence status or of their family members as most traumatic and the main reasons for the continuation of their psychological problems.

From those who are repatriated to Bosnia, refugees in Berlin learn of the dilemmas of return. Jasna, a Croat lady who voluntarily returned to Bosnia in 1999 because she feared a forced *Abschiebung* later returned to Berlin to visit her son for two months after he managed to enrol at the Free University thanks to sponsorship provided by German friends. Jasna revealed that she returned to the same town where she had lived prior to her flight from Bosnia only to find that those in power were not interested in reintegrating the returnees, professionally or otherwise. On the contrary, they viewed those who left Bosnia as traitors. After 27 years of experience as a psychologist and social worker, Jasna was unemployed for six years, living of miserable social support of about 80 Euros per month. She described her situation to me as hopeless: the people who were in power now were not interested in anything that she had to offer to society. Her despair regarding the situation in Bosnia was shared by a large number of people repatriated to Bosnia who later returned to Berlin to visit friends and relatives.

My research in Berlin calls attention to multiple layers of traumas in the lives of the Bosnians who fled the war as reflected in the testimonies prepared for the Srebrenica commemoration. First, there was the massacre itself. The testimonies survivors were urged to prepare for the commemoration of the Srebrenica massacre carried the message to Germans that Srebrenica was no longer a place for survivors to go back to. Yet the evocation of the suffering during Srebrenica, albeit genuine, purposefully targeted the need to persuade the authorities that remaining in Germany as the only option. Women's testimonies were often silent about their equally fraught experiences of "tolerated" *Duldung* status, even though these experiences had real and more immediate impact on their contemporary lives. Finally, many of those testifying found it burdensome and humiliating to have to justify their on-going presence in Germany by emphasising the endured trauma. Adela conveyed such fury as she despaired that losing two sons and a husband was apparently not a good enough reason to want to escape the place where it had happened.

The Srebrenica commemoration took place on July 9, 2005 in front of officially invited guests in the Südost Europa Kultur e.V. The stories selected for presentation were read in Bosnian but were

also translated into German as most of the audience were actually Germans. Among those present were several important political figures who have been long-standing friends of the centre. There were donors, along with the medical team of therapists, psychologists and doctors. The audience reacted to the stories with evident emotion: tears, respect for the survivors and anger at the United Nations Protection Force (UNPROFOR) and the international community for their complicity in the survivors' situation. Yet the *Duldung* stories remained untold during the ceremony. I felt that they were nonetheless the subtext of the ceremony in its effort to persuade the German audience – politicians and government officials, primarily – that returning is not an option.

Adela managed through her stories to communicate the pain of her experience in Srebrenica and the loss of her two sons. I noticed that most of the Germans lifted their eyes, captured by Adela's facial expressions, body gestures and primarily, her immensely powerful voice, shattering with emotions. She was one of the few who managed to express her pain by writing up her stories and memories. A gifted writer and a deeply religious person, Adela managed to combine her love for Allah and the written word in a narrative form that has helped her to survive and accept the dimension of death. Adela fearlessly gazed at the audience, reciting her text with expressive body gestures.

I frequently heard open acknowledgments and examples of how many individuals, organisations or churches in Germany have been genuinely involved in helping the Bosnians to fight and remain in Germany. The Methodist church in Kreuzberg, for example, sheltered an elderly Bosnian couple in their 70s on church premises after they received an *Abschiebung* order. The couple occupied quarters fixed up in the basement as an apartment for many months while the church undertook exceptional efforts to protect them. Church members provided their daily food. Concerned that the authorities would arrest the couple and deport them, the priest even went to Bosnia to look for a decent nursing home where they might be placed.

High ranking officials objected too: Hans Koschnick (former EU administrator for Mostar and later Federal Commissioner for Bosnian Refugees) criticised the two group deportations of 74 refugees from Berlin in July 1998 as grossly inhumane (EMZ 2002 report). The groups were deported in the middle of the night although they were awaiting status determinations for a third country resettlement.

Another way Germans helped refugees was by generously sponsoring their children for university study. Many of refugee children who did not have the right to attend a university due to the *Duldung* status managed to matriculate thanks to such sponsorship (such sponsorship is needed for all foreign students who do not have financial resources). To do so, they would return to Bosnia voluntarily, receive formal sponsorship from a German person to enter college, and come back to Germany to join their parents while studying. The son of a Bosnian family who did precisely this is now in his final year at the Technical University in Berlin. Because he has been such an outstanding student, he received a job offer from a large electronic company and will move to Stuttgart in a few months when his studies are completed to begin his new job. His parents speak of him with pride and with gratitude for the German family that agreed to sponsor his university study.

The well-intentioned German civil society assistance to refugees was not without its problems. The experiences of the refugees differ vastly along class, gender, ethnic and age lines.¹⁰

¹⁰ Elsewhere I discuss the situation of the cosmopolitan class of younger people, mainly artists and young professionals, who managed to establish personal bonds with Germans and marry them formally for obtaining resident permits or for real affection (Dimova 2006).

Nonetheless, the *Duldung* trauma added a performative dimension to the previous suffering, in that civil society could turn it into a commodity to be objectified so that it could be used to redress the residence problems.¹¹ Such a commodification of trauma has inevitably led to different forms of competition among the refugees: mutual accusations on the “amounts of suffering” endured during the war; pointing fingers at each other that they did not actually suffer, were not raped, were not imprisoned, etc.

What remains clear however is that the German system as well as European asylum policy have become a major source of traumatising for people who have already been subjected to war distress. Those who left Germany, who went to the United States for instance, have also struggled with their displacement into a new environment different from the one either in Bosnia or Berlin. But arrival in the U.S. dispelled fears surrounding their legal residence – the U.S. government immediately issued them green cards and residence permits granting them rights on a par with other citizens. Those who have stayed in Germany however have been subjected to constant renewed fear of *Abschiebung*. Even after obtaining a *befristete Aufenthaltserlaubnis* (temporary permit to stay, which may be granted for different time-periods, from six months up to three years), uncertainties remain.

The new Hartz IV law introduced at the beginning of 2005 could be viewed as a step forward: it abolishes the *Duldung* status and places refugees on an equal footing with German citizens with respect to unemployment benefits. Yet renewal of the *Aufenthaltserlaubnis* on the basis of the Hartz IV law depends on securing a job, which in turn requires mastery of the German language, previous work experience and being competitive in the labour market. Upon their arrival in Germany, however, refugees were not allowed to obtain work permits or to get a better education. Work permits were issued only if no German or EU citizen was able to do the advertised job. Berlin had especially restrictive work permit policy when compared to other cities and *Länder* (German federal states) (EMZ report 2002). After spending many years out of the job market, Bosnians I talked to acknowledged that they were not at all competitive in the German labour market and that it was virtually impossible for them to find work other than construction for men or cleaning for women.

Conclusion

This study, which is still a work in progress, is both a critique of and a contribution to the vast interdisciplinary body of literature on refugees. My ethnographic intervention highlights the discrepancy between the static representation of the refugee, which the media represents spectacularly in the moment of suffering, and the disappearance of the refugee from popular and political view as soon as the receiving nation-states face up to the problem of integration and support. This larger project on Bosnian refugees in Berlin aims to reveal how refugees are caught between such poles of representation that shape their own experience of refugee status, both past and future. And I have suggested that we must understand representations and refugee experiences in historical and political contexts.

¹¹ There have been a number of cases of children being imprisoned along with their parents or by themselves while waiting for their *Abschiebung*. The most noteworthy example was the case of eleven year old Tatjana, whose story was turned into a theater play entitled *Hier Geblieben* and performed by Grips Theater in Berlin.

Unquestionably, there are multiple and conflicting political and legal discourses in Germany, a number of which struggle to develop a politically correct attitude towards refugees and asylum-seekers. My research in Berlin support Peck's argument that even though Germany's liberal asylum policy was based on the inequities and horrors of its past, it has been unable to cope with the influx of refugees. Moreover, the German state has dealt inadequately with the need to develop laws that would accommodate the complex reality of contemporary Germany by recognising the different experiences of being a foreigner, refugee, asylum seeker, guest worker or immigrant (Peck 1995: 105).

In this sense I have tried to go beyond one facet of the literature on refugees and introduce the emotional, less formalised aspect of the refugee experiences (Daniel and Knudsen 1995; Malkki 1995). In analysing the perception of refugees, categories such as trust and fear should be central since "the refugee mistrusts and is mistrusted" (Daniel and Knudsen 1995: 1).

The literature that has analysed the Yugoslav wars as a symptom of the post-cold war period, inextricably linked to the changing conditions of global capitalism, emphasises the political importance and the power shift caused with the regime change in Eastern Europe and the new meanings attached to being a Muslim (Goldsworthy 1998; Hayden 2000; Žižek 2002). Indeed, as the Bosnians in Berlin struggle to adapt to their new status of refugee, they must also redefine the meaning of their ethnic identity as Muslims, which after the Bosnian war, has obtained a stronger religious significance.

The emotional narratives of the Bosnians in Berlin surrounding the commemoration of the 10th anniversary of the Srebrenica massacre reveal a striking tension – between the genuine pain stemming from the siege and fall of Srebrenica and the equally traumatic experience of refugee's uncertain residence status in Germany. I have attempted to underline the complex situation of these people created by the German legal system and the civil society sector. I identified an unprecedented paradox: despite the generous welcome during the war in Bosnia Herzegovina (1992-1995) when Germany accepted approximately 320,000 people (more than any other Western country), the German government has never granted these people refugee status. It only offered temporary protection and *Duldung*, which required an unconditional departure from Germany when the war in Bosnia ended. The *Duldung* ordeal has become a major source of refugee trauma over the past thirteen years, both adding to pre-existing war traumas and reconfiguring their perception. The safest way of obtaining a residence permit in Germany proved to be by demonstrating severe traumatisation. Hence, these people have been torn between required (and often exaggerated) remembering of their past war experiences, and the contemporary, real, but unrecognised trauma of feared detainment and deportation. This more contemporary trauma has become a dominant structuring force of their current lives.

Vocal critics of the German system could well argue that while Germany admitted the largest total numbers of refugees, the proportion relative to population was small. Germany accepted only 4 refugees per 1000 inhabitants, as compared to Denmark (5 per 1000), Austria (10 per 1000) or Sweden (14 per 1000). Only in Germany were Bosnians not granted permanent residence, a situation that has continued for thirteen years (EMZ 2002 report). Moreover, in Germany, refugees in general – and Bosnians in particular – have confronted the complex situation in which Germans and the German government try to come to grips with racism, xenophobia and the question of their own identity (Peck 1995: 105).

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