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**A Refugee Paradox? Processes of Inclusion and Exclusion of Bosnian Refugees  
in Germany and Sweden**

A Capstone Project Submitted in Partial Fulfillment of the Requirements of the Renée  
Crown University Honors Program at Syracuse University

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And Renée Crown University Honors  
May 2015

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## **Abstract**

The aim of this project is to explain what factors account for the differentials in treatment of Bosnian refugees in Sweden and Germany. Although both of these states are signatories of the same international conventions that govern states' humanitarian obligations toward refugees, the resources available to the refugees varied greatly between both countries, which in turn influenced the lived experiences of the Bosnian refugees. This paper examines these discrepancies within the contexts of ideas about national citizenship, the existence of governmental institutions designed to foster refugee integration, and external, non-state factors such as the media and other charitable organizations that were capable of impacting refugee experiences. My research was primarily conducted through an examination of academic sources, including books, journal articles, and scholarly studies. I also relied heavily upon individual interviews conducted by academic researchers as well as primary source documents from both the Swedish and German governments. My research revealed in full form the true complexity of the reasons for the discrepancies and discontinuities in the treatment of Bosnian refugees. The distinctive political and social histories of Sweden and Germany provided yet another rich and complicated dimension to my project. Although my capstone is centered on two specific case studies, the lessons learned from them are invaluable when discussing the wider implications of incorporating humanitarian standards in international laws and agreements.

## **Executive Summary**

The breakup of Yugoslavia in 1991 plunged the Balkan Peninsula into a bloody and genocidal war for much of the last decade of the 20<sup>th</sup> century. Some of the worst atrocities of the war were perpetrated in Bosnia and Herzegovina, a multiethnic area of the former Yugoslavia inhabited by Bosnian Serbs (31.2% of population), Bosnian Croats (17.4%), and Muslim Bosniaks (43.5%), as well as multiple other groups. Throughout this tumultuous period, self-interested political figures such as the Serbian nationalist leader Slobodan Milosevic were able to manipulate issues surrounding ethnicity for their own political gains, which resulted in a years-long war marked by horrors such as “ethnic cleansing” and mass rape. The brutality of the war, especially in Bosnian-Herzegovina, prompted millions of Bosnians to flee their homeland in search of refuge in central, northern, and western European countries. Germany and Sweden, respectively took in the largest number of refugees throughout the war years.

In the wake of the disastrous World Wars of the 20<sup>th</sup> century, many countries, including Germany and Sweden, signed on to international agreements pertaining to the treatment of refugees in the hopes of preventing large-scale humanitarian catastrophes from occurring in the future. These agreements included the 1951 Convention on the Status of Refugees, the Geneva Convention, and the 1967 Protocol. In addition to bringing the plight of refugees to the forefront of the international conscience, these agreements helped to establish universally observed

standards in order to ensure that all refugees were entitled to the same basic rights, including the right to seek asylum when faced with persecution in their homelands.

Theoretically, these international agreements should have established overarching guidelines around which governments could have crafted their own nation's policies regarding the treatment of refugees. However, it is clear that this is not the case amongst the signatory countries, most notably in Sweden and Germany during the height of the Bosnian War. This difference thus prompts a tension, even a paradox, which is the main subject of this study: If all countries who are party to the aforementioned agreements are obligated to follow the same standards of refugee treatment, then what accounts for the vastly different refugee experiences with regards to integration and inclusivism in Sweden and Germany?

My research has revealed that there are many complex reasons as to why refugees had different experiences in Sweden and Germany. In addition to differences in codified citizenship laws, the ability/willingness of government institutions to provide resources for refugees, and the influence of non-state organizations such as the media and charitable groups, the differentials in treatment of refugees can also be explained by the unique political and social histories of Germany and Sweden as well as by specific national goals and priorities. To add another dimension of complexity, my research also suggests that the lived experiences of Bosnian refugees were not necessarily contingent upon institutionalized and governmental support systems. Rather, refugees who reported feeling satisfied with their new lives cited the support they received from their local communities and the public at large as a key part of their integrative experience.

Although my capstone is centered on two specific case studies, the lessons learned from them are invaluable when discussing the wider implications of incorporating humanitarian standards in international laws and agreements.

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## Introduction

The breakup of Yugoslavia in 1991 plunged the Balkan Peninsula into a bloody and genocidal war for much of the last decade of the 20<sup>th</sup> century. Some of the worst atrocities of the war were perpetrated in Bosnia and Herzegovina, a multiethnic area of the former Yugoslavia inhabited by Bosnian Serbs (31.2% of population), Bosnian Croats (17.4%), and Muslim Bosniaks (43.5%), as well as multiple other groups. After the Muslim and Croat majority population held a referendum in 1992 declaring its independence, the Bosnian Serb population, supported by Serbian dictator Slobodan Milosevic, mobilized its troops inside Bosnian territory in order to secure Serbian territorial strongholds. War soon spread throughout the entire country, and was marked by horrors such as ethnic cleansing and the systematic rape of tens of thousands of mostly Bosniak women. It is currently estimated that up to 100,000 people were killed in the Bosnian War, and up to 2.2 million were displaced.<sup>1</sup> Such levels of devastation had not been seen on the European continent since World War II.

Although the fighting was largely confined to the Balkan Peninsula, the intensity of the war caused hundreds of thousands of Bosnian refugees to pour into central and northern Europe to escape persecution. While virtually every European country opened their borders to these refugees, this paper will focus specifically on Bosnian refugees in Germany and Sweden, which received the greatest numbers of

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<sup>1</sup> William S Walker, *German and Bosnian Voices in Times of Crisis*, (Indianapolis: Dog Ear Publishing, 2010), 2.

displaced people, respectively. As of June of 1996, the year after the Bosnian War officially concluded, there were 345,000 displaced Bosnians living in Germany. Today, fewer than 10,000 of these refugees remain in Germany. Between 1991 and 1996, Sweden welcomed nearly 80,000 Bosnians into the country; over 56,000 remain there.

Many European states, including Germany and Sweden, shape the framework for their national refugee policies based on the tenets of various international agreements, such as the UN Charter, the Geneva Conventions, the 1967 Convention Relating to the Status of Refugees, and the UNCHR 1992 mandate. Theoretically, such a similar basis for constructing national refugee policy should yield similar results as to how individual UN member states receive and treat their refugee populations. This does not hold true when examining the policies of Germany and Sweden during the Bosnian War, since these two countries approached and handled the “Bosnian refugee crisis” very differently. If all UN member states follow and accept the same international laws and conventions regarding refugees, then what accounts for the differentials in how the Swedish and German governments treated displaced Bosnians? In this paper I examine possible historically and legally informed differences between Sweden and Germany that could account for these discrepancies. I ask the following questions: What are the national attitudes regarding citizenship and who should possess it? What kinds of national institutions, or lack thereof, are there to help facilitate refugee social incorporation? How did media representations of Bosnian refugees influence their experiences in these countries?

While there are almost certainly myriad factors that contributed to national refugee policy making and refugee experiences, this paper will focus on examining the proposed discrepancy within the boundaries of these questions. These three domains – citizenship, national institutions, and media – serve as clear points of comparison for Germany and Sweden, as nation’s citizenship policies, the expansiveness of institutions that foster integration, and media construction of social reality and public sentiment are often reflective of specific national histories and state attitudes toward issues surrounding immigration and inclusivism. I will now turn to these complicated and converging historical, legal and media forces, practices, and processes.

## Chapter 1: Background and the Bosnian War

Perhaps the most popular stance on the cause of the war in the Balkans was that it was a war fueled by ethnic tensions. When the map of Europe was redrawn following the post World War I breakup of the Austro-Hungarian Empire, it was decided to make a state specifically for the Southern Slavs – hence the name ‘Yugoslavia.’ Convention holds that the root of the most recent conflict in the 1990s was due in large part to Serbian aggression and to the inability of the Yugoslavian government to control tensions between ethnic Serbians, Croats, and Bosnian Muslims (Bosniaks) – that it was only a matter of time before ethnic tensions boiled over and culminated in a brutal war.<sup>2</sup>

While ethnic hatred certainly played a role in the Bosnian War, there are other theories that maintain that the causes of the war were much more complex. Susan Woodward asserts in her book Balkan Tragedy that the war in Bosnia was anything but inevitable. Prior to Yugoslavia’s “rapid disintegration,” the “relative prosperity, freedom to travel and work abroad, and landscape of multicultural pluralism that Yugoslavs enjoyed were the envy of eastern Europeans.”<sup>3</sup> Despite this optimism for the future and positive outlook toward multiculturalism, Yugoslavia completely unraveled and was plunged into conflict within three years of the fall of the Berlin Wall. Instead of ascribing to the conventional school of thought that the war was caused solely due to ethnic tensions, Woodward discusses the crisis in the Balkans in the context of the larger international political framework by placing it as

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<sup>2</sup> Susan Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War*, (Washington D.C.: The Brookings Institution, 1995), 3.

<sup>3</sup> *Ibid*, 1.

just one piece of “a more widespread phenomenon of political disintegration” in the immediate post-Cold War order.<sup>4</sup> In addition, Woodward also places some responsibility for the conflict at the feet of big powers, including the United States and many of the nations of Western and Central Europe. She claims that these nations had a fundamental misunderstanding of the nature of the conflict in Bosnia, and were thus ill equipped and ill prepared to address it accordingly.<sup>5</sup> One camp (composed of the U.S. and Germany) held that the war was mainly a product of Milosevic-led Serbian aggression, while the other (composed of Western and Northern European countries) believed it was “a civil war based on the revival of ethnic tensions after the fall of communism” with responsibility belonging to both Croats and Serbs.<sup>6</sup> Different views on the origins of the war ultimately led to disagreements on how to address it, thus prolonging the development of an effective plan of action. The United States and its supporters were mainly concerned with preserving the international order and stability; they opposed the breakup of Yugoslavia and recognizing the new territorial partitions.<sup>7</sup> However, countries such as Britain and France were more worried about what the implications of the Bosnian War were in more concrete terms: refugee flows.<sup>8</sup>

Woodward also suggests that nationalist leaders, such as Serbia’s Slobodan Milosevic and Croatia’s Franjo Tudjman were responsible for artificially creating an environment that allowed for ethnic tensions to take the political center stage. By

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<sup>4</sup> Ibid, 3.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, 7.

<sup>7</sup> Ibid, 8.

<sup>8</sup> Ibid, 9.

doing so, these leaders were able to manipulate feelings of nationalism and ethnic pride in order to achieve their own political goals. This deliberate change in policy was evident before the war in Bosnia even began. In April 1987, the “Serbian part shifted tactics by adopting the increasingly nationalist language of critical intellectuals and issues of popular protest within the republic.”<sup>9</sup> Milosevic was able to effectively mobilize feelings of Serbian nationalism and superiority by “playing directly and personally to the crowd.”<sup>10</sup> V.P. Gagnon’s book The Myth of Ethnic War supports this theory. Gagnon claims that elites like Milosevic instituted this strategy with the goal of “silencing, marginalizing, and demobilizing” those who challenged their political power.<sup>11</sup> Thus, Gagnon asserts, “the wars and violence seen in the 1990s were thus not the expression of grassroots sentiments in the sites of conflict. Rather, violence was imposed on plural communities from outside those communities...as a part of a broader strategy of demobilization.”<sup>12</sup>

The results of this policy were most clearly seen in the region of Bosnia-Herzegovina. Bosnia has been a “multi-ethnic crossroads” of the Serb and Croat identities for centuries, as well as a political and religious battleground.<sup>13</sup> By the middle of the sixteenth century, nearly half of Bosnians had converted to Islam, due to the influence of the occupying Ottoman Empire.<sup>14</sup> Because of Bosnia’s history as a religious and ethnic crossroads, leaders like Milosevic were able to exacerbate

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<sup>9</sup> Ibid, 90.

<sup>10</sup> Ibid, 91.

<sup>11</sup>V.P. Gagnon, Jr. *The Myth of Ethnic War: Serbia and Croatia in the 1990s*, (Ithaca: Cornell University Press, 2004), xv.

<sup>12</sup> Ibid.

<sup>13</sup> Ed Vulliamy, *Seasons in Hell*, (New York: St. Martin's Press, 1994), 29.

<sup>14</sup> Ibid, 32.

tensions in this region when Yugoslavia was in the process of breaking up in 1990-91. Many Muslims and Croats in Bosnia, as well as Croats living in the country now known as Croatia, interpreted Milosevic's attitude regarding Serbian expansion as quite dangerous; many began to fear for their survival as ethnic groups and for the survival of the state. Tensions came to a head in Bosnia because Bosnian Muslims and Bosnian Croats did not want to live in a Milosevic-led, Serb dominated Yugoslavian state. Concurrently, Bosnian Serbs did not want to become part of what they perceived would become "Muslim Bosnia" and lose ties with Milosevic's pro-Serbia government.<sup>15</sup>

When the Bosniaks and Bosnian Croats, who composed forty-four and seventeen percent of Bosnia's population respectively, voted in favor of an independence referendum in February 1992 the Bosnian Serbs in Parliament refused to accept this outcome.<sup>16</sup> Despite this internal refusal of recognition and promises of boycott from Bosnian Serbs, independence was officially declared on March 3, 1992. International recognition of independence came in early April of the same year; the Republic of Bosnia and Herzegovina officially joined the United Nations as its own entity in May 1992.<sup>17</sup> Keeping with their promises, the Serbian breakaway group of the Bosnian Parliament, known as the "Assembly of the Serb People of Bosnia and Herzegovina," adopted a declaration in January 1992, which proclaimed the existence of the Serbian Republic of Bosnia and Herzegovina.<sup>18</sup> This

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<sup>15</sup> Ibid, 40.

<sup>16</sup> Ibid.

<sup>17</sup> United Nations, "United Nations Member States."  
<http://www.un.org/en/members/>.

<sup>18</sup> Ed Vulliamy, *Seasons in Hell*, (New York: St. Martin's Press, 1994), 61.

Assembly proceeded to endorse the idea of creating a separate Serbian state in areas with Serbian ethnic majorities within the state of Bosnia. It was written into the Constitution of the new Serbian Republic of Bosnia and Herzegovina that its borders would include “the territories of the Serbian Autonomous Regions and Districts and of other Serbian ethnic entities in Bosnia and Herzegovina, including the regions in which the Serbian people remained in the minority due to the genocide conducted against it in World War II.”<sup>19</sup> The Serbian Republic then changed its name to the Republika Srpska. In response to these threatening shows of Serbnationalism, the Bosnian Croat community, with the support of the ruling party led by President Tudjman in Croatia, came together to form the Croatian Community of Herzeg-Bosnia.<sup>20</sup> By the middle of 1992, it was clear that Bosnia would serve as the platform on which these politically manipulated ethnic tensions would play out. The proverbial lines in the sand had been drawn between Serbian and Croatian nationalist leaders. However, the group who arguably had the most to lose was Bosnia’s Muslim (Bosniak) majority population who had gotten firmly stuck in the middle.

The war in Bosnia was partially driven due to the ideas Serb and Croat nationalist leaders held about territory possession. Convention held that wherever there was a Serb, then that land was a part of Serbia; wherever there was a Croat, that land was a part of Croatia.<sup>21</sup> Muslims did not fit into this equation. Given that both Serbs and Croats (and Muslims) lived in Bosnia, given these conflicting ideas

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<sup>19</sup> "Constitution of Republika Srpska."

<http://www.vijecenarodars.net/materijali/constitution.pdf>.

<sup>20</sup> Ed Vulliamy, *Seasons in Hell*, (New York: St. Martin's Press, 1994), 62.

<sup>21</sup> *Ibid*, 45.



and claims about nations and “their” territory, it became a fairly obvious place for a conflict to break out.<sup>22</sup> Serbia framed their war against Croatia using language that harkened back to World War II; Milosevic sought to portray Croatia as the aggressor, and that Serbia was fighting against “Greater Germany pile driving its way to the Adriatic with the help of wartime allies.”<sup>23</sup> Although Serbia viewed itself as on the defensive against an aggressor, Bosnian Muslims who were on the reciprocal end of wartime atrocities viewed Serbia’s “psychodramatic revenge as not being wreaked upon stronger Croatian opponents, but on the one people Serbs knew they could cut through like a knife in butter – unarmed Muslims.”<sup>24</sup> Of the 407 camps in Bosnia-Herzegovina investigated by the UN Commission of Experts in the later years of the war, nearly two-thirds of them were run by Serbs.<sup>25</sup> The committee found that “while no wrong doing could be identified in the detention camps operated by Croats or Bosnian Muslims, the Serbian camps were instruments of state policy of ‘ethnic purification’ through terror and genocide.”<sup>26</sup> According to Cohen, the Serbian camps were reminiscent of the Nazi camps of a half-century earlier, in that the war crimes perpetrated in them were “systemically and centrally orchestrated.”<sup>27</sup>

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<sup>22</sup> Ibid, 42.

<sup>23</sup> Ibid, 43.

<sup>24</sup> Ibid.

<sup>25</sup> Philip J. Cohen, “The Complicity of Serbian Intellectuals in the Genocide in the 1990s,” in *This Time We Knew: Western Responses to Genocide in Bosnia*, ed. Thomas Cushman and Stjepan G. Mestrovic (New York: New York University Press, 1996), 52.

<sup>26</sup> Cohen, “Complicity of Serbian Intellectuals,” 53.

<sup>27</sup> Ibid, 53.

Despite the fact that this war was driven by the political machinations of a few elites, the leaders were successfully able to cause language of ethnic hatred to permeate the population. For example, a large portion of Serbian vitriol was directed toward Muslim Bosniaks. While the “Croats drove a mixture of fear, hatred, and respect into the Serbs,” Muslims were another matter entirely.<sup>28</sup> Researcher and journalist Ed Vulliamy, who conducted fieldwork and interviews behind the frontlines of the Serbian army, reported that Serb soldiers regularly referred to Muslims as “gypsies, filth, and animals.”<sup>29</sup> To further dehumanize Muslim Bosniaks, the Republika Srpska greatly exaggerated the threat of an Islamic jihad in southeastern Europe. What is particularly ironic about this claim is that before the war, Bosnian Muslims were not particularly observant. Prior to 1992, and due to the combined effects of socialist ideologies and local traditional practices, mosque attendance in Bosnia was at approximately three percent.<sup>30</sup> In response to wartime religious persecution, however, pockets of more radical and rigorous Islam popped up throughout Bosnia. The war even attracted Arab fighters from the Middle East, which in turn sped up the radicalization process of some young Bosnian fighters.<sup>31</sup> Radicalized youths and Arab fighters joined together to form the Muslim Armed Forces. However, this group was widely loathed by the majority of Bosnians

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<sup>28</sup> Vulliamy, *Seasons in Hell*, 46.

<sup>29</sup> Ibid.

<sup>30</sup> Tone Bringa, *Being Muslim the Bosnian Way*, (Princeton: Princeton University Press, 1995), 205.

<sup>31</sup> Woodward, *Balkan Tragedy*, 356-357.

and the mainstream Bosniak army, as it tried to force ideas of Islamic fundamentalism on what was a largely secular population.<sup>32</sup>

Prior to the war, many Bosniaks had not framed their identities around being a Muslim; rather, many youths considered themselves to be products of Yugoslav and western European culture. According to Vulliamy's research, youths were all but forced to adopt a new perspective, if only for the sake of survival. One young man relayed to Vulliamy that he "never thought of himself as a [religious] Muslim. He didn't know how to pray, and he never went to mosque." Despite this, the war and persecution had caused him to view himself in a new, unwanted light. He had been all but forced to think of himself as a part of the Muslim people, because he "had to understand what it was about him and his people that they wished to obliterate."<sup>33</sup> The community in which hundreds of thousands of Bosniaks had lived for centuries had suddenly become extremely hostile toward them.

"Ethnic cleansing" was the next step in the hostilities directed against Bosnian Muslims following the carving up of territory by the Republika Srpska. In 1992, Serbian General Mladic led his army across eastern Bosnia like "a grim combine harvester," displacing and sometimes killing nearly 104,000 Muslims.<sup>34</sup> During this early stage of the war, Muslims tried to join forces informally to defend their towns from the Serbian army. They were chased away by a band Bosnian-Serb civilians bent on carrying out the army's mission; they fittingly called themselves the "Serbian Volunteer Army." In order to aid the Republika Srpska Army with the

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<sup>32</sup> Bringa, *Being Muslim*, 232.

<sup>33</sup> Vulliamy, *Seasons in Hell*, 42.

<sup>34</sup> *Ibid*, 88.

“cleansing” process, the group would first march into a Muslim town to “wreak the first rounds of horror” by setting fires and throwing grenades. The army would follow to remove and transport remaining civilians to transit camps; the death squads came in the last wave to ‘mop up’ those who had resisted.<sup>35</sup>

In the early stages of the war, the most ferocious ethnic cleansing occurred in the towns that the Republika Srpska had declared to be under the jurisdiction of the autonomous ‘Serbian Republic of Bosnia and Herzegovina.’ Between 150 and 200 homes, mosques, and Muslim businesses were being burned per day, creating a steady flow of refugees to Croatia. The UNCHR called this “the most serious refugee crisis since the Second World War.”<sup>36</sup> At this point, the true extent of the ethnic cleansing program and Serbia’s plan to exterminate Bosnia’s Muslim population was not well known to the rest of the world. Stories of the horrific, genocidal treatment of Muslims were beginning to trickle out of Bosnia with the refugees who had fled to Croatia.<sup>37</sup> Unbeknownst to the United States and the nations of western and northern Europe, the worst was yet to come.

The stories that have emerged from the concentration camps in western Bosnia can be thought of as modern iterations of those that have been passed down as part of the horrific legacy of World War II. Unlike World War II, however, the existence of these camps was known to the west. The Serbian Army preferred to call these camps, like Omarska and Trnopolje, ‘investigation centers.’<sup>38</sup> Although Serbian

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<sup>35</sup> Ibid.

<sup>36</sup> Jeanne Haskin, *Bosnia and Beyond: The "Quiet" Revolution That Wouldn't Go Quietly*, (New York: Algora Publishing, 2006), 74.

<sup>37</sup> Haskin, *Bosnia and Beyond*, 76.

<sup>38</sup> Ibid, 103.

officials widely proclaimed to journalists that the camps served as holding and investigation centers for men accused of being members of the Government Army, the accounts of the prisoners reveal a much more grim and inhumane reality. Although Serbian army officers and government officials attempted to maintain a semblance of transparency by allowing western journalists, like Ed Vulliamy, into the camps, they were only able to view select areas. For instance, Vulliamy and his colleagues were not permitted to see buildings where civilian prisoners were reportedly being held. It is now known that Omarska and other camps were places of “savage killing, torture, humiliation, and barbarous cruelty.”<sup>39</sup> The Muslims and Croats in the camps were often deprived of food and water for days on end, were randomly selected for beatings and executions, and were subsequently forced to clean up the blood of their fellow prisoners following nights of mass murder.<sup>40</sup>

Although the west was able to forge an agreement with Serbia to close some of the camps, some, such as Trnopolje, remained open for months after the mutually agreed international deadline mainly due to two factors. First, other European countries refused or were unable to take in a sufficient number of Muslim and Croat refugees. There was essentially no where for the prisoners to go; not all of the hundreds of thousands who had been encamped were able to start their lives anew in Western Europe. Returning home was out of the question for most. The conditions in eastern Bosnian communities in the Podrinje region were still incredibly hostile to former Muslim residents. Those who did attempt to return once the camps were ‘opened’ and prisoners were ‘free to go’ were often murdered on

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<sup>39</sup> Vulliamy, *Seasons in Hell*, 110.

<sup>40</sup> *Ibid*, 110.

the spot by Serbs who had taken over the town. Others found that all their belongings had been looted, or that their homes had been destroyed or were being occupied by Bosnian Serb civilians.<sup>41</sup> The Muslims and Croats who had not been rounded up for the camps were also desperate to leave Bosnia and the murderous Serbian regime. Organizations such as the Red Cross were simply not equipped to find places abroad for all prisoners and refugees during the early years of the war. By the end of 1992, a United States Senate investigative report concluded that Muslims had been 'cleansed' from nearly seventy percent of Bosnia.<sup>42</sup>

By the summer of 1992, 1.8 million Bosnians had been "driven from their homes, killed or gone missing; those alive were on the move...the biggest forced movement of people in Europe since the Reich."<sup>43</sup> More than half of these displaced persons remained in Bosnia; nearly 350,000 others had been taken in as refugees by Croatia.<sup>44</sup> The Croatian government claimed that it was at its breaking point, and could not logistically accept any more refugees. It appealed to other, wealthier European nations to help take some of the burden. While Croatia would continue to offer transit visas to help Bosnian refugees get to their final destination, it was no longer able to offer refugees places to stay.<sup>45</sup> As a result of this, a handful of European countries hesitantly opened their doors to refugees.

By mid-August of 1992, Germany reported legally receiving 135,000 refugees, and admitted that another 65,000 were in the country illegally. Hungary

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<sup>41</sup> Ibid, 114.

<sup>42</sup> Bringa, *Being Muslim*, 225.

<sup>43</sup> Vulliamy, *Seasons in Hell*, 125.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

accepted 54,000, but then announced that its borders were closed. Austria took 50,000, and Sweden took 44,000. Other Western Europeans managed to take in a few thousand refugees each, while Turkey only managed to accept 7,000 of their “desperate co-religionists.”<sup>46</sup> The discovery of the horrors taking place in the ‘reception’ and ‘investigative centers’ further complicated the issue, as Serbia offered to free their prisoners if international agencies would take on the responsibility of finding them somewhere to go. This forced the UNCHR to either “condemn the inmates to further detention” in horribly inhumane conditions or to “facilitate the Serbian goal of ethnic cleansing” by removing the prisoners from Serbian territory.<sup>47</sup>

After three years of ethnic cleansing, concentration camps, mass rape, and over 100,000 deaths, the war in Bosnia concluded in December 1995 with the signing of the Dayton Peace Accords. Not only did these atrocities permanently alter the geopolitical landscape of Bosnia, but they were also the root causes of the largest European refugee crisis in the second half of the twentieth century. Hundreds of thousands of asylum seeking refugees streamed out of the Balkan Peninsula, and into Central, Northern, and Western Europe. As of June 1996, Germany and Sweden respectively had the largest populations of Bosnian refugees. Germany’s number had increased from 135,000 in 1992 to 345,000; Sweden’s had increased from 44,000 to 122,000.<sup>48</sup> Although the war had officially ended, Bosnia was still a

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<sup>46</sup> Ibid, 157.

<sup>47</sup> Ibid, 158.

<sup>48</sup> Simon Bagshaw, "Benchmarks or Deutschmarks? Determining the Criteria for the Repatriation of Refugees to Bosnia and Herzegovina," *International Journal of Refugees*, 9, no. 4 (1997): 566.

volatile place that was not safe for all of the refugees to return. This left Germany and Sweden with a critical question – what was the best way to address the refugee crisis, both in the short and long term?



## Chapter 2: International Refugee Law

The Bosnian War created a security and refugee crisis on a scale unseen in Europe since World War II. Not only did this war forever alter the population landscape of the former Yugoslavia, but it also placed pressures on many of the surrounding countries to help ease the burden of refugee flows, including Germany and Sweden. International refugee law and especially who can legally qualify as a refugee has been a relatively fluid subject of debate since the early twentieth century and the interwar period. In addition to this, many countries have an ongoing internal debate regarding what status and rights refugees should have once they have been resettled. Theoretically, these states have similar frameworks for accepting refugees, which are based on adopted international laws such as the 1951 Convention on the Status of Refugees, the 1967 Convention (the New York Protocol), and the UNHR 1992 Mandate.<sup>49</sup> Before examining what accounts for the differences in Germany and Sweden's refugee policies, it is first necessary to explore the similarities and foundational backbones of the conventions that have driven policy adoption.

At the conclusion of World War II, Europe was faced with the problem of how to organize the return of the millions of people that had been displaced or deported from their native countries due to wartime atrocities. While the Allies had set up temporary organizations such as the United Nations Relief and Rehabilitation

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<sup>49</sup> While the status quo of international refugee law has been shaped by many different organizations over numerous decades and is the result of countless international agreements, this chapter will be focusing on the three agreements that are the most relevant in terms of German and Swedish policies toward Bosnian refugees.

Administration, marginal efforts were unable in either scale or jurisdiction to sufficiently address the scope of the refugee issue. It was clear that the international community was in need of a more permanent and collaborative organization to lead the way in assisting current and future refugee populations.<sup>50</sup> The International Refugee Organization was born in 1947, “as a specialized agency of the United Nations to deal with the residual problem of refugees.”<sup>51</sup> Its main objective was the resettlement of refugee populations, and it was the first organization to comprehensively address “every aspect of refugee problems: registration, determination of status, repatriation, resettlement, and legal and political protection.”<sup>52</sup> However, the IRO’s activities were short-lived; its operations ceased in 1951 due to lack of support from some states in the UN community. The organization came under fire by states that did not support resettlement as a strategy for dealing with refugees. The IRO was also severely underfunded due to this lack of unanimous support, as it was funded by only eighteen of the fifty-four member states.<sup>53</sup>

Thus far, international organizations had been unsuccessful in establishing permanent protocols and organizations designed to help refugees. The Cold War political divisions that descended across the globe made coming to an international agreement all the more difficult. However, it was also realized that international action and cooperation were needed to successfully address the issues that current

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<sup>50</sup> Karen Musalo , Jennifer Moore, and Richard Boswell, *Refugee Law and Policy: A Comparative and International Approach* , (Durham: Carolina Academic Press, 2002), 22.

<sup>51</sup> Ibid, 20.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

and future refugee flows would bring. From 1947-1949, heated debates took place in the UN between member states who favored a refugee organization that possessed “broad responsibility” and those who favored “an agency with limited competence.”<sup>54</sup> Ultimately, it was decided that the new organization’s primary obligation would be the protection of refugees, as opposed to the repatriation or resettlement of refugees, which were more politically charged concepts. In December 1949, the UN General Assembly voted to establish the UNHCR for a trial period of three years. The organization was to act as a “subsidiary organ” of the General Assembly with an elected High Commissioner. As the organization proved to be successful, its temporal and subject jurisdictions were expanded by later General Assembly resolutions.<sup>55</sup> The precedent of international cooperation that was set within the UN by the establishment of the UNCHR paved the way for future collaborative efforts in crafting the 1951 Convention two years later.

Prior to the 1951 Convention, discussion about how to categorize refugees centered around three different theories and outlooks: juridical, social, and the individual.<sup>56</sup> In the interwar years, refugees were defined by their personal status in relationship to a larger group’s status; that is, people were considered refugees only when they belonged to a specific group who was being denied de jure protection by its government.<sup>57</sup> In the four years immediately preceding World War II, the juridical perspective on defining refugees gave way to the social perspective, in which refugees were defined as “helpless casualties of broadly based social or

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<sup>54</sup> Ibid, 23.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid, 24.

<sup>57</sup> Ibid.

political occurrences which separate them from their home society.”<sup>58</sup> This approach was adopted in an effort to include those who had lost the de facto protection of their home state, as opposed to just the legal protection. The third phase of development for defining international refugees evolved in the post-World War II arena, and is the one reflected in the 1951 Convention. Known as the individualist perspective, this outlook was revolutionary in its “rejection of group determination of refugee status.”<sup>59</sup> By this standard, a refugee is a person “in search of an escape from perceived injustice or fundamental incompatibility with his/her home state.”<sup>60</sup> No longer was a person’s refugee status contingent upon his/her membership in relation to a marginalized group; rather, the new goal was for individuals’ cases to be evaluated independently of specific social and political situations.

The 1951 Convention’s definition of who qualifies as a refugee is as follows:

“Any person who, as a result of events occurring before January 1, 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, or political opinion, is outside the country of his nationality and is unable, or owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of protection of that country; or, who, not having a nationality and being

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<sup>58</sup> Ibid, 25.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it.”<sup>61</sup>

According to international refugee law expert James Hathaway, the primary standard of refugee status that is still used today is derived from the definition given in the 1951 Convention. As stated by the UNHCR website, the Convention is both “ a status and rights-based instrument and is under-pinned by a number of fundamental principles, most notably non-discrimination, non-penalization, and non-refoulement.”<sup>62</sup> The Convention calls for provisions for refugees to be distributed equally, without discrimination “as to race, religion, or country of origin.”<sup>63</sup> Perhaps the most relevant of the three aforementioned criteria for the purposes of this paper is the principle of non-refoulement. UNHCR considers this stipulation to be “so fundamental that no reservations or derogations may be made to it.”<sup>64</sup> It states that “no one shall expel or return a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom.”<sup>65</sup> In addition, the 1951 Convention maps out minimum standards that states hosting refugees must meet, including access to courts, primary education, work, and the provision for documentation.<sup>66</sup>

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<sup>61</sup> Ibid, 32.

<sup>62</sup> Office of the United Nations High Commissioner for Refugees, "Text of the 1951 Convention Relating to the Status of Refugees."

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

However, it is worth noting that although states who are party to the 1951 Convention must commit to the principle of non-refoulement, determining the timeframe in which danger still exists for refugees in their home countries is very much left to the discretion of the host states. According to international refugee law expert Guy Goodwin-Gill, even though party states are required to abide by non-refoulement through time, “that time is not and cannot be determined by any principle of international law.”<sup>67</sup> It is also left to the discretion of host states to find “durable solutions” regarding the future of its refugees, whether it be voluntary repatriation, local integration, or resettlement in another country.<sup>68</sup> Insofar as a state is required to protect its refugees, protection against “the immediate eventuality is the responsibility of the country of first refuge.”<sup>69</sup> This window for discretion is critical in examining the differences between German and Swedish policies toward Bosnian refugees; it may be able to explain how the two nations were able to enact drastically different policies while still remaining within the legal confines of the 1951 Convention.

The 1967 Protocol expanded upon the 1951 Convention by eliminating the temporal and geographical limitations, as the Convention had been drafted to originally be applicable only to World War II crimes that had been perpetrated in Europe.<sup>70</sup> According to the United Nations High Commission on Refugees, as of April 2011, 144 states are party to the 1951 Convention, and 145 are party to the 1967 Protocol. Among these countries that have ratified both agreements are Germany

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<sup>67</sup> Musalo et al., *Refugee Law and Policy*, 41.

<sup>68</sup> Ibid, 42.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid, 35.

and Sweden.<sup>71</sup> Additionally, this protocol helped to highlight the importance of the “humane and compassionate dimensions” of international refugee law.<sup>72</sup> By eliminating the original restrictions on jurisdictions that had been present in the 1951 Convention, the international community took a huge step in expanding the number of refugees the UNHCR would be able to aid.

In 1992, the United Nations General Assembly passed additional resolutions pertaining to Bosnian refugees due to the “grave situation” on the ground in the Bosnia-Herzegovina.<sup>73</sup> Because the UN has decided in the lead-up to the passage of the 1951 Convention that its primary obligation to refugees was to protect them via humanitarian efforts, the General Assembly directed its 1992 concerns toward this principle. Resolution 46/242 from the 91<sup>st</sup> plenary meeting on August 25, 1992 noted “widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centres and deliberate attacks on non-combatants...”<sup>74</sup> The UN also strongly condemned the “ethnic cleansing” that was taking place.<sup>75</sup> In provisions ten and eleven of this resolution, the General

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<sup>71</sup> UNHCR, "States Parties to the 1951 Convention and the 1967 Protocol." Last modified April 11, 2011.

<sup>72</sup> Musalo et al., *Refugee Law and Policy*, 52.

<sup>73</sup> United Nations General Assembly, "Resolution 46/242." Last modified August 25, 1992.

<sup>74</sup> *Ibid.*

<sup>75</sup> “Ethnic cleansing” is defined as the expulsion of persons from a territory according to ethnic background, so that ethnic homogeneity may be achieved within a certain domain. “Ethnic cleansing” programs were part of the larger political aims of Serbian leaders like Slobodan Milosevic, and were mostly directed toward the Bosniaks – Muslims who had lived in Bosnia for hundreds of years. “Ethnic

Assembly demanded that all Bosnian refugees, deportees, and displaced persons be “repatriated” to their homes in Bosnia and Herzegovina with the help of the UN and other “international relief agencies”. These organizations were also called upon to provide “rehabilitation” for the repatriated Bosnians.<sup>76</sup>

After a period of non-compliance with the August resolution’s tenets, the General Assembly issued an additional resolution, 47/121 on December 18, 1992, which reaffirmed the “rights of all Bosnian refugees to return to their homes in conditions of safety and honor.”<sup>77</sup> The Assembly also used stronger language to condemn the actions of Serbia and Montenegro, and urged the establishment of an international war crimes tribunal to prosecute those responsible for the atrocities that had been committed against the Bosnian people.<sup>78</sup> While the 1951 Convention and the 1967 Protocol established the framework of nations’ responsibilities toward refugees, the 1992 UN mandates outlined the gravity of the refugee situation that has resulted from horrors in the Bosnian War. It is within this context that the actions of Sweden and Germany with respect to Bosnian refugees will be examined in the coming chapters.

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cleansing” involved fundamental violations of human rights, including rape and imprisonment in concentration camps. However, the origin of ethnic cleansing policies largely have nothing to do with ethnicity, “but rather with security national rights to land” (Woodward, *Balkan Tragedy*, 236-237).

<sup>76</sup> Ibid.

<sup>77</sup> United Nations General Assembly, “Resolution 47/121.” Last modified December 18, 1992.

<sup>78</sup> Ibid.



### **Chapter 3: Bosnian Refugees in Sweden**

Despite being signees of the same international treaties that contain guidelines for refugee treatment and assimilation, the lived experiences of refugees in Sweden and Germany were markedly different from each other. This chapter and the following one will explore possible reasons for this differentiation. While there are likely infinite explanations for the paradox including respective national histories and legal loopholes, here I focus on three areas of explanation in particular: institutionalized ideas about citizenship, the influence of existing national institutions designed to facilitate refugee incorporation, and media portrayals of the refugees and circumstances of the Bosnian War. These three areas serve as clear points of comparison for Germany and Sweden, as nation's citizenship policies and the expansiveness of institutions that foster integration are often reflective of specific national histories and state attitudes toward issues surrounding immigration and inclusivism. In conjunction with this, media often plays a large role in both shaping public opinion and in transmitting general public sentiments. Media can therefore be indicative of yet another dimension of the lived experiences of Bosnian refugees in both Sweden and Germany. This chapter will address how these three topics were manifested in Sweden, and the following chapter will address these three areas as they apply to Germany.

Despite being a relatively homogenous society when compared with other countries in Europe, Sweden has enjoyed a positive reputation over a period of

years regarding its immigrant inclusivism.<sup>79</sup> As of 1990, only a couple of years before the start of the Bosnian War, Sweden's foreign born population, as a percent of the whole population, stood at 9.2%. Between 1970 and 1990, this number increased by only about two percentage points. As of 2000, following the conclusion of the turmoil in the Balkans, the number was 11.3%. In 2012, foreign born as a percent of the total population approached nearly 15%.<sup>80</sup> Given that the foreign born population percentage was rather stagnant for the two decades between 1970 and 1990, the increase of nearly four percentage points over the course of just twelve years (2000-2012) is indicative of the Swedish government's outlook regarding its responsibilities to humanitarian refugees and those seeking asylum. Because of its expansive welfare state, Sweden has often been the recipient of international praise for its willingness to accept immigrants and asylum seekers; the welfare state, accompanied with attitudes of inclusivism, "provide a potential vehicle for promoting social cohesion among various population groups."<sup>81</sup>

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<sup>79</sup> With a foreign born population of 9.2% in 1990, Sweden was significantly more homogenous than other northern and western European countries. Today, the portion of its population that is foreign born is more on par with many other European nations, as Sweden has taken in large numbers of humanitarian refugees from places like Iraq and Syria in recent years (<http://www.migrationpolicy.org/article/assessing-immigrant-integration-sweden-after-may-2013-riots>).

<sup>80</sup> Sofie Fredlund-Blomst, Migration Policy Institute, "Assessing Immigrant Integration in Sweden after the May 2013 Riots." January 16, 2014. <http://www.migrationpolicy.org/article/assessing-immigrant-integration-sweden-after-may-2013-riots>.

<sup>81</sup> Ibid.

## *National Citizenship Laws and Integration*

Since 2001, the criteria for an individual to be eligible for Swedish citizenship have been enshrined in the Act on Swedish Citizenship. While this document went into effect in the years once the Bosnian refugee flow tapered off, many tenets of this act were crafted as a direct response to the Balkan security crisis of the 1990's, and the challenges it posed for Sweden – for example, figuring out how to balance its humanitarian responsibilities and ideas of inclusivism all within the framework of a difficult economic environment. Before analyzing the contents of the document, it is worthwhile to consider what one of the physical properties of the document implies – its length. While this government policy is inclusive of essentially every circumstance under which an individual is eligible (or ineligible) for citizenship, the document itself totals only six pages. While this characteristic doesn't necessarily have any significant meaning when looked at independently, when compared with the German Nationality Act, which totals twenty-five pages, one is immediately in the position to hypothesize that overall there are less criteria that an individual needs to meet before he or she can be eligible for citizenship.

The 2001 Act on Swedish Citizenship was the culmination of a national conversation about immigration, refugees, and inclusion that had taken place throughout the mid 1990's at the height of the Bosnian War.<sup>82</sup> Prior to its 21<sup>st</sup> century makeover, the Act on Swedish Citizenship had not been updated or revitalized since 1950. Because the large influx of refugees from Bosnia brought the

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<sup>82</sup> Scott McIver, "Conceptualisations of citizenship in Sweden and the United Kingdom" (Phd diss., University of Edinburgh, 2009), 88

problems that refugees face with regards to assimilation to the surface, the national conversation about citizenship changed from one on how to “manage” the transition from immigrant to citizen to a discussion that emphasized the importance of diversity and social integration.<sup>83</sup> In 1996, the Swedish Parliamentary Committee for Immigrant Policy came to the conclusion that “the key objective for immigration policy [should be] a society where all have the same opportunities, rights, and duties.”<sup>84</sup> While Sweden was willing and prepared to make reforms to their social integration policies (i.e. housing, education, labor), it was first necessary to enshrine these beliefs in a much more fundamental sense – by adapting citizenship criteria to more closely mirror inclusive attitudes.

According to a statement made by Gunnar Hermansson, Director of Sweden’s Division for Immigrant Integration and Diversity (a subdivision of the Ministry for Integration and Gender Equality), the idea of “making it easier to gain Swedish citizenship” and promoting legislation that was as “open and generous in permitting citizenship as possible” received political support from major Swedish parties throughout the late 1990’s, including the Moderate Party and the Social Democrats.<sup>85</sup> One manifestation of this policy in the 2001 Act on Swedish Citizenship is Section 8. It reads:

“An alien who has reached the age of eighteen but who is not yet twenty acquires Swedish citizenship on notification if he or she:

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<sup>83</sup> Ibid, 89.

<sup>84</sup> Ibid, 91.

<sup>85</sup> Ibid, 95.

1. holds a permanent Swedish residence permit, and
2. has been domiciled in Sweden since reaching the age of thirteen or, if the child is stateless, fifteen.”<sup>86</sup>

This change in policy was supremely important for deciding the futures of the thousands of children who had arrived in Sweden alongside their parents after fleeing the atrocities of the Bosnian War. In this situation, a child’s citizenship status – and thus a child’s options about legally living and remaining in quite possibly the only stable state they had ever known – was not contingent upon his or her place of birth or the citizenship status of his or her parents. The citizenship status of children born abroad is addressed again in Section 11 of the same document. It reads:

“An alien can apply for and be granted Swedish citizenship (be naturalized) if he or she:

1. has provided proof of his or her identity,
2. has reached the age of eighteen,
3. holds a permanent Swedish residence permit,
4. has been domiciled in Sweden
  - a. for the previous two years in the case of Danish, Finnish, Icelandic, or Norwegian citizens,

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<sup>86</sup> Ministry of Integration and Gender Equality, "The 2001 Swedish Citizenship Act." Last modified May 22, 2008. <http://www.government.se/sb/d/3926/a/29191>.

- b. for the previous four years in the case if a stateless person or a person who is considered to be a refugee under Chapter 4, Section 1 of the Aliens Act,
  - c. for the previous five years for other aliens, and
5. has led and can be expected to lead a respectable life.”<sup>87</sup>

Although this Act stipulates a shorter domiciliary period for citizens of other Scandinavian nations than for other aliens, a waiting period of only four years was instituted specifically for those who held refugee status (who could provide proof of identity. Those refugees who could not provide proof of identity had a domiciliary period of eight years before they could be naturalized.)<sup>88</sup> This relatively brief required domiciliary period is demonstrative of Sweden’s commitment to providing an attainable path to citizenship for both underage and adult refugees. By making the citizenship application process straightforward and easy to understand, Sweden was able to open the door to more effective and efficient integration programs.

Sweden’s lenient attitudes toward the notion of citizenship can also be seen in the debate over whether or not to permit dual citizenship. Professor Scott McIver, who translated numerous Swedish government pamphlets and other sources into English, goes into great detail as to how this national conversation surrounding dual citizenship unfolded. Because Sweden’s population was becoming increasingly heterogeneous, government officials felt that it was more necessary to re-evaluate the provision of the 1950 Act on Swedish Citizenship that prohibited the possession

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid, Section 12.

of dual citizenship (that is, holding Swedish citizenship in conjunction with another country's citizenship).<sup>89</sup> "Attachment to one's original citizenship as part of one's identity was seen to be arguably the most important factor in all the interplaying elements that arise with the change of citizenship."<sup>90</sup> Due to the changing nature of Sweden's population, many began to feel that essentially forcing immigrants to choose between loyalty to their homeland and loyalty to their new country of residence was not a good way of fostering feelings of integration and belonging in immigrant communities. The Swedish Parliamentary Committee appointed to research the relationship between dual citizenship possession and political involvement in Sweden's national elections found that allowing dual citizenship was beneficial in terms of increasing suffrage. In their report (translated by Scott McIver), the Committee argued, "for the individual, such participation can foster integration through an enhanced feeling of belonging in Swedish society and through greater possibilities for actively participating in political life."<sup>91</sup>

Because the Swedish government was able to recognize that individuals' identity (and how they are able to subsequently express that identity) lay at the core of citizenship and civic integration, they were able to address it in literature distributed to new immigrants. In a 2002 pamphlet titled "Swedes from the whole world – Choosing citizenship in the age of globalisation," the government made a push to emphasize that citizenship did more than secure certain legal privileges. The pamphlet acknowledged that citizenship also had an emotional component. It

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<sup>89</sup> McIver, "Conceptualisations of Citizenship", 100.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid, 100.

depicted Swedes that had already been naturalized asking questions that all recent immigrants would have been able to relate to, such as “where do I belong?” and “where do I have my roots?”<sup>92</sup> The focus on weaving the concept of citizenship with the concept of integration by permitting dual citizenship was the most fundamental policy of Swedish legislation in this area throughout the late 1990’s and early 2000’s.

Prior to this push for dual citizenship, the Swedish government held very different ideas as to the best methods to foster integration. While the old school of thought in this field – which was dominant in the years before the Bosnian War – still wanted to preserve Sweden’s multicultural landscape, there were concerns what dual citizenship would mean for state security, which dated back to findings of a 1985 Parliamentary Committee. This committee was concerned that dual citizenship would cause problems with double voting, diplomatic support, military service duties, and national loyalty. In other words, would an individual’s being a citizen of another nation somehow undermine their commitment to the Swedish state and Swedish values?<sup>93</sup> By changing its policy to permit individuals to retain citizenship of their home countries, Sweden became more inclusive by expanding ideas about what it meant to be Swedish. This new outlook embraced cultural pluralism in the name of diversifying Swedish society, thus making it a more hospitable and friendly place for newly naturalized citizens to live.

Once the criteria for determining citizenship had been expanded, it naturally followed that Sweden needed to examine the effectiveness of their integration

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<sup>92</sup> Ibid, 101.

<sup>93</sup> Ibid, 99.



policies. As part of their expansive welfare state, Sweden established government ministries and institutions specifically designed to ensure that the needs of some of the most vulnerable members of society were met, especially those of persons who had been traumatically displaced from their home countries, like Bosnian refugees. The very existence of these ministries, including (but not limited to) the Ministry of Integration and Gender Equality and the Ministry of Culture and Democracy, is evidence of the Swedish government's commitment to easing the transition of immigrants into greater society.<sup>94</sup>

In 2009, the Ministry of Integration and Gender Equality issued a fact sheet explaining the goals of Swedish integration policy, and in what areas such policies needed improvement. As stated in the fact sheet, the overarching goal of integration policy "is equal rights, obligations, and opportunities for all, regardless of ethnic or cultural background."<sup>95</sup> While many different government ministries are responsible for overseeing specific issues for the entire Swedish population, regardless of nationality or race (e.g. the Ministry of Employment oversees the incorporation of all Swedes into the labor market; the Swedish Public Employment Service supports unemployed Swedes of all background), the Ministry of Integration and Gender Equality coordinates all integration work, and regularly cooperates with other government institutions to ensure that integration is able to occur on various levels.<sup>96</sup> In addition to overseeing other government ministries, the Ministry of

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<sup>94</sup> Ibid.

<sup>95</sup> Ministry of Integration and Gender Equality, "Integration Policy Fact Sheet." Last modified December 2009.

<http://www.government.se/content/1/c6/13/77/34/5b7683a6.pdf>.

<sup>96</sup> Ibid.

Integration and Gender Equality has responsibilities of its own, including “the introduction of new arrivals into Sweden, helping new arrivals procure Swedish citizenship, combating discrimination and racism, the promotion of democracy and human rights, the development of urban districts with extensive social exclusion, and follow-ups and evaluation in the area of integration.”<sup>97</sup>

It is clear that the Swedish government is committed to easing the process of integration for refugees based on its initiatives to expand citizenship, establish government ministries to oversee integration, and its tendency to use rhetoric of equality and inclusion. Of course, such government initiatives do not occur in a vacuum, and are vulnerable to being thwarted and watered down once they are introduced into reality. The following subsection will provide the background of the economic and political context in which integration policies were implemented, as this truly shows the complexities of policymaking.

### *It's Complicated – The Relationship Between Policy and Reality*

In the 1990's, when the bulk of Bosnian refugees were arriving on Swedish soil, Sweden was in the midst of an economic downturn, and the government was in the process of undertaking a series of tough economic reforms in order to reduce the deficit.<sup>98</sup> Although the Swedish welfare state was still one of the most extensive in the world, according to Abiri, the benefit cuts Sweden had to make were

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<sup>97</sup> Ibid.

<sup>98</sup> Elizabeth Abiri, “The Changing Praxis of ‘Generosity’: Swedish Refugee Policy during the 1990s,” *Journal of Refugee Studies* 13 (2000): 12.

“troubling” to many Swedes, as they marked the reversal of a trend of ever-expanding welfare benefits.<sup>99</sup> Unemployment levels also soared during this period to rise to levels “previously unheard of in a country aiming at ‘full employment.’”<sup>100</sup> These social afflictions were occurring in conjunction with the start of the war in the Balkans; from 1991 to 1992, Sweden saw its number of applications for asylum increase from 27,000 to 84,000 (about 40,000 of these asylum seekers were actually from Bosnia – tens of thousands of others were from other places in the former Yugoslavia, like Kosovo).<sup>101</sup> Thus, tens of thousands of displaced and desperate refugees were flooding into Sweden at the same time the Swedish economy was experiencing a recession. The pressure that this situation placed on entities like businesses and housing developments created an environment in which true inclusion and integration were difficult to achieve.

One of the most crucial aspects to fostering integration among immigrants is access to employment. Possessing a job provides immigrants the opportunities to build relationships and networks with native citizens in the workplace; it gives them the financial freedom to participate in various social activities, receive a better education, and live in better neighborhoods. A study conducted by ethnologist Maja Povrzanović Frykman in 2009 examined the attitudes of thirty-five Bosnian refugees toward their employment prospects and paths. Although most of her evidence is anecdotal, it is supplemented by government data, and her sample pulls interviewees from a variety of communities (mostly urban). First and foremost,

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid, 19.

Frykman noted that the younger and higher educated a refugee was, the more likely that refugee was employed.<sup>102</sup> Employment figures also support the statement that immigrants had a higher probability of employment if they were trained in a vocation as opposed to having only a general education.<sup>103</sup> Another important factor in examining Bosnian refugee employment was location, as suggested by Jan Ekberg and Mikal Ohlson in their 1997 study that focused on the employment status of Bosnian refugees who had come to Sweden between 1993 and 1994 (translated by Frykman). Ekberg and Ohlson found that in some municipalities, nearly 80% of registered Bosnian refugees were employed, while in others only 10% were employed.<sup>104</sup> Employment rates were higher in regions where “the economic sector was characterized by small private enterprises.”<sup>105</sup>

Once Bosnian refugees were settled in their new homes, their integration was transferred into the hands of the local authorities who ran refugee introduction programs. To prepare them for opportunities in the labor market, refugees were entitled to a year’s worth of free Swedish language and “practice employment” courses.<sup>106</sup> Despite these benefits, many refugees in Frykman’s study reported feeling extremely disoriented throughout their initial orientation period, which

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<sup>102</sup> Maja Povrzanović Frykman, “The Struggle for Recognition: Bosnian Refugees’ Employment Experiences in Sweden,” *Refugee Quarterly Survey* 31, (54)

<sup>103</sup> Frykman, “Struggle for Recognition,” 55.

<sup>104</sup> J. Ekberg & M. Ohlson, “Flyktingars arbetsmarknad är inte alltid nattsvart”, *Ekonomisk Debatt*, 28(5), 2000, 431–439.

<sup>105</sup> Frykman, “The Struggle for Recognition,” 56.

<sup>106</sup> M. Appelqvist, “Party Politics and the Bosnian Question: The Swedish Decision to Grant Permanent Residence”, *Journal of Ethnic and Racial Studies*, 26(1), 2000, 101–102.

translated to feelings of hopelessness and incompetence.<sup>107</sup> Refugees were further frustrated by the fact that many of their degrees from universities in Bosnia were non-transferrable to Swedish employers. Frykman quotes a Bosnian refugee who had been a building engineer prior to his relocation to Sweden. When the man reflected on the 11-year period of his taking jobs for which he was vastly overqualified, he stated he had “lost any illusion. [He had] weakened [his] criteria. [He] was never asked for an interview. [He] knew people who drove taxies in Malmö that were also building engineers.”<sup>108</sup>

At the conclusion of the Swedish language and project-employment classes, many refugees still felt they were not sufficiently prepared to find work. Refugees’ criticism was largely directed at the Swedish Public Employment service, as many Bosnians felt the agency was not doing enough to provide them with leads and contacts in the labor market.<sup>109</sup> Of course, this negative experience with employment was not something that applied to every Bosnian refugee. Others in Frykman’s study spoke highly of the Public Employment Service and its employees (who were almost always native Swedes). Some refugees credited the Public Employment Service with opening doors to opportunities for them, which allowed them to live “far better in Sweden than they would have in Yugoslavia.”<sup>110</sup> However, when studying the attitudes of Bosnian refugees toward their employment prospects, it is important to keep in mind the economic context of the period.

Because Sweden was undergoing a recession and unemployment numbers were

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<sup>107</sup> Frykman, “The Struggle for Recognition,” 57.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*, 58.

<sup>110</sup> *Ibid.*

high across the board, it is possible that many Bosnians could not find jobs as a direct result of this situation; assuming that factors like agency incompetence, lack of willingness to assist among the Public Employment Service employees, and discrimination were solely responsible for these difficulties would be too big of a leap.

There are numerous other issues that have caused it be difficult for Bosnians to find jobs. As stated in Frykman's interviews, many refugees were quite surprised at the necessity of having connections and networks throughout the labor market, whether it was to a Swede or to another refugee who was able to secure a good job. In Bosnia, these types of connections were often closely affiliated with "customary nepotism" that tended to occur along political lines; in turn, many Bosnians believed that networks and connections had no place in a "law-abiding country like Sweden."<sup>111</sup> It was also difficult for refugees to start their own businesses when they could not find work in Swedish companies. Many Bosnians reported that they did not feel like they knew enough about business building, as the dream of owning one's own business was not a big part of the employment culture in Bosnia. In addition to lack of confidence in their business skills, many refugees felt they were not capable of starting a business that used Swedish as its primary language.<sup>112</sup> Even when refugees were able to find decent jobs that matched their skillsets, many of them attributed it to being lucky by being "at the right place at the right time" in the labor market rather than to their qualifications.<sup>113</sup>

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<sup>111</sup> Ibid.

<sup>112</sup> Ibid, 59.

<sup>113</sup> Ibid, 63.

Despite the challenges and downward mobility that many Bosnian refugees confronted in the labor market, on the whole, most of Frykman's interviewees considered themselves to be happy and well adjusted to their new lives in Sweden. Many of them "expressed pride at their work achievements."<sup>114</sup> Even though these achievements did not necessarily result in the same high social status the refugees had enjoyed in Bosnia, they were proud of their ability to support themselves and their families after starting over in a foreign country with little more than the clothes on their backs. Refugees also reported finding hope in the bright futures of their children, many of whom received Swedish educations from young ages.<sup>115</sup> Moreover, the refugees were thankful to be able to reside in a country where so many of their friends and family members lived nearby, without the fear of being repatriated or resettled.<sup>116</sup>

### *The Impact of Housing on Inclusion*

The impact of Swedish housing policies on Bosnian refugees is an additional dimension of integration policy where reality did not meet intent. As Sweden's rates of immigration began to increase slowly beginning in the 1970s, so has the percentage of the population that lives in what can be called segregated areas. As of 2008, 20% of Sweden's foreign born population lived in an area where more than 40% of the rest of the population was foreign born. In contrast, "60 percent of native

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<sup>114</sup> Ibid, 79.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

Swedes lived in areas where the majority of the population was also Swedish, and 20 percent lived in areas that were virtually 100 percent Swedish.”<sup>117</sup> It is easy to see how this type of segregation between native and foreign-born communities would inhibit integration. In addition to limiting opportunities for immigrants to form relationships and connections with native Swedes, segregated housing inhibited networks from being established with respect to the labor market. Thus, the lack of integration with respect to housing had a direct and negative influence on labor market integration.

While Sweden had been experimenting with various state-directed housing policies since the early 1960’s, it had most recently been resurrected in 1985. In order to avoid disproportionately large concentrations of immigrants in the three main metropolitan regions – Stockholm, Göteborg, and Malmö – immigrants and refugees were placed more evenly throughout different municipalities, including in less urban areas.<sup>118</sup> Due to the large influx of refugees during the Bosnian War, housing availability became much more limited, and the dispersal policy had to be abandoned. As a result, immigrants were placed in locations wherever there was sufficient availability; the state of the mid-recession labor markets did not necessarily play a role in determining placement.<sup>119</sup> Although immigrants were free to relocate if they found housing elsewhere, many of them did not have the resources to undertake this; immigrants were also required to participate in an

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<sup>117</sup> <http://www.migrationpolicy.org/article/assessing-immigrant-integration-sweden-after-may-2013-riots>

<sup>118</sup> Georges Lemaitre, "The Integration of Immigrants into the Labor Market: The Case of Sweden," *Organization for Economic Cooperation and Development* (2007): 14.

<sup>119</sup> Lemaitre, "Integration of Immigrants," 15.



eighteen month long introduction and orientation (which included aforementioned classes in Swedish and employment practice) in the municipality in which they had originally been placed.<sup>120</sup> Thus, it was all but obligatory that immigrants remained in community in which they had been placed for eighteen months. Although the refugees received social assistance throughout this time period, many felt the frustrations of trying to find employment in order to secure their future.

It is worth noting that dispersion policies were slightly different for those who entered Sweden as asylum seekers, as was the case with many Bosnian refugees. Asylum seekers were permitted to settle in any municipality they wished, and many chose to live where they already had friends or family who had arrived in previous years as economic migrants, or another type of immigrant.<sup>121</sup> However, because the recession was in full swing during the Bosnian War, many asylum seekers were settling in areas where employment was already in short supply; this compounded integration and employment difficulties. Another effect of refugees being able to self-select their settlement location was that because their decision was often based on the location of friends and family of the same ethnic background, refugees were unknowingly segregating themselves from native communities and from the job opportunities that came with having connections with native Swedes.

Despite efforts to try to disperse immigrants and refugees, ultimately many were compelled to live in areas where there was the most availability. Due to the Miljonprogram (Millions Program) that was started by the Social Democratic Party in 1964, most of the availability was in the three main metropolitan centers – the

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<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

same three cities that the government initially did not want to overload with refugee populations. The Miljonprogram was “an ambitious public housing program...whose objective was to meet the growing demand for housing in urban areas, where 85% of Sweden’s population lives.”<sup>122</sup> Between 1964 and 1974, over a million new homes were constructed. Although these neighborhoods were originally home to working class Swedes, they are now mainly occupied by “high concentrations of immigrant origin populations.”<sup>123</sup> Located in the suburbs of Stockholm, Göteborg, and Malmö, these neighborhoods have come to be known as betongförorter, which roughly translates as “concrete jungle” and “immigrant ghetto.”<sup>124</sup> Although the existence of segregated communities is not inherently problematic, such communities provide huge obstacles to processes of social integration and inclusion.

### *The Media – The Good, the Bad, and the Ugly*

In addition to examining how citizenship legislation and government policies can impact Bosnian refugee integration, it may also be useful to briefly examine how refugees were portrayed in the media. This can provide insight into how the Swedish population reacted to the refugee influx, what the people thought their nation’s responsibility toward the refugees should be, and how receptive they were in general to the Bosnian refugees. In 1990 – prior to the Bosnian War, but amidst the collapse of the Soviet Union – the Swedish media delivered dire reports of the

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<sup>122</sup> Fredlund-Blomst, "Assessing Immigrant Integration in Sweden after the May 2013 Riots." January 16, 2014.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

mass migrant flows that were anticipated in the wake of the fall of the eastern bloc.<sup>125</sup> Newspapers reiterated reports from “experts” who claimed that migrants could number between 20 and 50 million; they reported on the emergency meetings that government ministries were holding to prepare for a mass immigration of Russians.<sup>126</sup> Although the storm drummed up by the media about expectations of mass emigration from Russia never came to fruition, Sweden was faced with another large-scale refugee crisis two years later.

The large increase in asylum seekers in the early days of the Bosnian War caused mixed reactions throughout Sweden, as asylum applications rose from 27,000 in 1991 to 84,000 in 1992. From the beginning of the conflict, the disintegration of Yugoslavia and the ensuing war made headline news throughout the nation. Although much attention was paid to the political implications of the collapse, news media provided ample coverage of the humanitarian horrors that were occurring in Bosnia as a result of “ethnic cleansing” policies.<sup>127</sup> Due to the coverage of the brutalities being committed specifically in Bosnia, on the whole, the Swedish people were very empathetic toward Bosnians. However, when it became public knowledge that the majority of Yugoslavian asylum seekers were coming from Kosovo, and not Bosnia, “this fueled a national debate on the ‘genuineness’ of

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<sup>125</sup> Abiri, “Changing Praxis of Generosity,” 16

<sup>126</sup> *Ibid.*

<sup>127</sup> “Ethnic cleansing” programs were part of the larger political aims of Serbian leaders like Slobodan Milosevic, and were mostly directed toward the Bosniaks – Muslims who had lived in Bosnia for hundreds of years. “Ethnic cleansing” involved fundamental violations of human rights, including rape and imprisonment in concentration camps.

asylum applicants.”<sup>128</sup> As a result, asylum seekers from Kosovo were “treated with suspicion,” and the majority of them were ultimately denied asylum.<sup>129</sup> This provides evidence to support the idea that the media played a large role in shaping public perception of Yugoslav refugees. Because most of the coverage focused on atrocities in Bosnia at the expense of what was occurring in other parts of Yugoslavia, Sweden became more inclined to want to aid Bosnian refugees. It would seem that sparse media coverage of events occurring in places such as Montenegro and Kosovo was one of the many factors that worked against asylum applicants from these locations.

Although the Swedish government and general population alike recognized the need to assist displaced Bosnians, the media played host to a debate as to what the best methods of assistance were. Some argued that the act of granting asylum to Bosnian refugees could “indirectly assist the persecutors, for whom the creation of refugees was an end in itself, and part of the strategy of ethnic cleansing.”<sup>130</sup> Ultimately, it was decided to grant permanent residency status to the 40,000 Bosnians who were awaiting asylum decisions, while people from other areas of Yugoslavia were granted temporary protection that lasted six months, or were not granted protection at all. This strategy is representative of Sweden’s concern for those who were being actively persecuted, and how they wished to honor their humanitarian responsibilities while still maintaining a relatively strict quota for other refugee and immigrant populations.

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<sup>128</sup> Abiri, “Changing Praxis of Generosity,” 19.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid, 20.

## *Conclusion*

For decades, Sweden has enjoyed a reputation throughout the world for having a generous and inclusive refugee policy. This policy is reflected in numerous ways, including in citizenship legislation and government social policies. With a goal of making it more attainable for refugees to receive citizenship, the 2001 Act on Swedish Citizenship was reformed. Some reforms included making it easier for children of refugees to obtain citizenship, requiring a shorter waiting period for adult refugees, and the allowance for people to hold dual citizenship. Sweden's policies to provide Bosnian refugees with opportunities to begin their lives over again are also representative of the government's desire to foster inclusivism and integration. In addition to providing guidance in the labor and housing markets, the government also provided refugees with classes in the Swedish language and employment practice.

Despite these good intentions, these policies were not as successful once they were implemented. Because of other factors like an economic recession and pre-existing housing segregation, Bosnian refugees were not presented with as many opportunities to integrate as government officials had once hoped. Although coverage in the media helped to bring attention and sympathy to the plight of the refugees, many government policies ultimately fell short. Regardless of the limitations that reality presented to integration policies, many refugees reported feeling satisfied with their new lives in Sweden. Although policies were not as effective as initially planned, the stability that living in Sweden with legal residency

status provided coupled with the good intent behind the policies helped to make many refugees feel relatively welcome and comfortable.

## **Chapter 4: Bosnian Refugees in Germany**

Just as Sweden has historically enjoyed a positive, global reputation regarding its immigrant and refugee policies, Germany serves as Sweden's foil. From the beginning of the Bosnian War in 1992, approximately 345,000 Bosnian refugees poured into Germany to seek asylum. Although Germany and Sweden respectively received the largest number of Bosnian refugees out of all the European Union member states, Germany's 345,000 more than quadrupled Sweden's 80,000. It is easy to imagine how such a staggering figure could place existing German institutions and infrastructure under significant pressure. Although this chapter will examine inclusion processes primarily through the three lenses of conceptualizations of citizenship, institutions that foster integration, and media representations, it is worth acknowledging that Germany's history has had a significant impact on the evolution of its immigration and refugee policies. Because the implications of German history vis-à-vis the history of immigrant incorporation is a critical piece of the puzzle, this chapter will place an emphasis on this topic by tracing the development of the concept of German citizenship.

### *Politics and History of German Citizenship*

Since its very inception as a nation in the mid-19<sup>th</sup> century, being "German" has had a very specific meaning that, for most of its existence, has centered on ideas such as nationalism and unification. Up until the 1990's, even the opportunity to become German was limited to those who had been born to parents who possessed

German citizenship and were of German ancestry. This policy, known as *Abstammungsprinzip*, helped to make Germany's citizenship and naturalization policies the most restrictive and exclusionary in Western Europe.<sup>131</sup> Throughout Western Europe, it has long been the common practice to grant citizenship to individuals born within state territory, independent of ancestral origins.<sup>132</sup>

Eli Nathans, an expert on the evolution of German nationality and citizenship, hypothesizes in his book "The Politics of Citizenship in Germany" that restrictive exclusionary citizenship policies date back to the days of the German Confederation, prior to the unification of the German nation. Nathans claims it is these policies that still comprise the foundations of German citizenship as we know it today. Rogers Brubaker, another scholar who has done extensive work on the politics of German citizenship, points to these individual state policies as evidence that the idea of a German nation emerged long before the idea of a single German state, whereas in other western European nations, ideas of nationhood formed long after the state had been politically unified.<sup>133</sup>

In the 1830's, each of the thirty-eight sovereign states and four free cities within the German Confederation was responsible for crafting its own citizenship and nationalization policies.<sup>134</sup> Due to the economic competition between the states, many found it fitting and necessary to restrict granting citizenship to "desirable

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<sup>131</sup> Eli Nathans, *The Politics of Citizenship in Germany: Ethnicity, Utility, and Nationalism*, (Oxford: Berg Publishers, 2004), 1.

<sup>132</sup> Nathans, *Politics of Citizenship*, 2.

<sup>133</sup> Rogers Brubaker, *Citizenship and Nationhood in France and Germany*, (Cambridge: Harvard University Press, 1998), 6.

<sup>134</sup> Nathans, *Politics of Citizenship*, 26.



immigrants,” or those immigrants whom governments felt would ultimately contribute to the economic well being of state. Often, immigrants who could not prove that they had “sufficient resources” to support themselves or practiced a trade from which the state could benefit were denied citizenship on the grounds that they may one day be in need of poor relief.<sup>135</sup> In addition to restricting citizenship on an economic basis, many German states historically excluded certain national and ethnic groups, specifically Poles and Jews.

In order to develop concrete examples of these exclusionary policies, Nathans focuses on Prussian naturalization and citizenship laws, as Otto von Bismarck unified Germany under Prussian leadership and legal codes in 1871. He points to the 1842 Prussian law known as the *Untertanengesetz*, which highlighted descent from a Prussian father as the basis for “transmission of Prussian citizenship.”<sup>136</sup> This law also required that members of the nobility pledge their allegiance to the Prussian state, and forsake nationalist ties with any other German state (it is easy to see how this parallels contemporary debates over permitting dual citizenship). Although there were some failed, localized movements that cropped up during the revolutions of 1848 that attempted to liberalize citizenship laws, these ideas largely petered out along with the movements themselves.<sup>137</sup>

Following unification in 1871, Otto von Bismarck expanded the foundations of Prussia’s citizenship policies to the rest of the states in what was now known as Germany; he proceeded to institute even more “explicitly ethnically exclusionary

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<sup>135</sup> Ibid, 32.

<sup>136</sup> Ibid, 55.

<sup>137</sup> Ibid, 59.

policies,” which Nathans attributes to a combination of factors related to Bismarck’s personal political beliefs, including his “calculations about national interest, his defense of authoritarian political institutions, and his combative personality.”<sup>138</sup> As a result, he put into effect increasingly discriminatory policies against Jews, Poles, Czechs, Danes, and even native-born German women. Such narrow ideas of what it meant to be a German citizen were at the core of the 1913 Nationality Act, and reigned supreme throughout the World War I and imperialistic era. Following a defeat in World War I and a transition from an imperial government to a republic, German citizenship policy proved to be reactionary, and became even more xenophobic. For example, Prussia imposed a ten-year residency requirement for citizenship in 1920, only to increase it to a fifteen-year period in 1921.<sup>139</sup>

While ethnicity and race had always been integral, determining factors for obtaining German citizenship, the Nazi regime that came to power in the 1930’s made those features the sole foundation of citizenship criteria. Because the Nazis’ mission of creating a “superior Aryan race” depended on the government’s ability to control what people were considered Germans, citizenship and naturalization laws became one of the central focuses of the regime. Rather than continue the policies of decades past that focused on both ancestral origin and economic potential as citizenship criteria, the Nazis created rigid racial hierarchies. These hierarchies became “the guiding markers of citizenship and naturalization because they determined who would be accepted, who would be tolerated, and who needed to be

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<sup>138</sup> Ibid, 114.

<sup>139</sup> Brubaker, *Citizenship and Nationhood*, 87.

eliminated from the German nation.”<sup>140</sup> These fabricated hierarchies were very much the product of 19<sup>th</sup> century racial theories born out of “scientific racism.” However, they were the guiding principles in determining citizenship status. Those with “full German blood” were deemed Reichsbürger and therefore had more political rights, while those classified as Staatsangehörige had second-class status.<sup>141</sup> The Nazis also used their new hierarchies to justify revoking citizenship on a scale never before seen.

Although both the governmental and social frameworks of post-war Germany have been reflective of the atrocities perpetuated throughout World War II (as well as deep-seated hatred of Nazi policies), many of the policies regarding citizenship remained unchanged for decades. Although German citizenship was restored to those who had been cruelly stripped of it, naturalization policies remained centered on having Germanic ancestry. It was not until the late 1990’s, in the wake of the Bosnian refugee crisis and increased movement between the European nations in general, that these policies were finally liberalized.

While this type of exclusivism in terms of citizen in-groups and out-groups was at its height under the Third Reich, much of the body of the German Nationality Act that remains in force today has its origins dating back to 1913. In fact, the physical Act remained largely unchanged until it was amended in 2000, which loosened the criteria by which an individual could obtain German citizenship for the first time in seventy-seven years. The act underwent subsequent amendments in

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<sup>140</sup> Nathans, *Politics of Citizenship*, 157.

<sup>141</sup> Diemut Majer, *“Non-Germans” under the Third Reich*, (Baltimore: Johns Hopkins University Press, 2003), 112.

2005, 2007, and 2014.<sup>142</sup> Although the channels through which a foreigner may acquire German citizenship have undergone an opening within the last decade and a half, Bosnian refugees arrived on German soil at a time in which foreigners, asylum seekers included, had little recourse to find a way to remain in Germany on a permanent basis.

According to Germany's Federal Foreign Office and to the German Nationality Act, since 2000, children born in Germany to non-German parents "automatically acquire German citizenship if one parent has been legally resident in Germany for at least eight years and has a permanent right of residence."<sup>143</sup> This is found in Section 4(3) of the German Nationality Act:

3) A child of foreign parents shall acquire German citizenship by birth in Germany if one parent

1. has been legally ordinarily resident in Germany for eight years and
2. has been granted a permanent right of residence or as a national of Switzerland or as a family member of a national of Switzerland possesses a residence permit on the basis of the Agreement of 21 June 1999 between the European Community and its Member States on the one hand and the Swiss

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<sup>142</sup> German Federal Foreign Office, "Law on Nationality." Last modified December 20, 2013. Accessed [http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/Staatsangehoerigkeitsrecht\\_node.html](http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/Staatsangehoerigkeitsrecht_node.html).

<sup>143</sup> Ibid.

Confederation on the other hand on the free movement of persons (Federal Law Gazette 2001 II p. 810).<sup>144</sup>

Despite the advances this law made, it is worth noting that many children born to foreign parents under such circumstances also acquired the citizenship of their parents. Once that child reached twenty-three years of age, the newly established “option model” (Optionspflicht) became applicable. As detailed in a booklet circulated prior to when the amended Nationality Act went into effect, the “option model” is described as follows:

“Persons who become Germans by right of birth and who at the same time acquire the nationality of their parents, must after attaining the age of majority and at the latest by their 23<sup>rd</sup> birthday opt for one nationality:

- Where they make a declaration to the effect that they wish to retain foreign citizenship, they will lose German citizenship. The same will apply where they have not made any declaration by their 23<sup>rd</sup> birthday.
- Where they decide in favour of German citizenship, they will need as a matter of principle to furnish evidence by their 23<sup>rd</sup> birthday that they have lost the other citizenship.
- Where giving up the other citizenship is not possible or cannot reasonably be expected, multiple nationality can be accepted. In this case, an application for retention of the other nationality must be made by the 21<sup>st</sup> birthday, even if

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<sup>144</sup>German Federal Ministry of the Interior, "Nationality Act of 22 July 1913." Last modified November 13, 2014.  
[http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitsgesetz\\_englisch.pdf?\\_\\_blob=publicationFile](http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitsgesetz_englisch.pdf?__blob=publicationFile).

at that point in time it is still not clear whether proceedings for release from that nationality might not after all be successful.

The young persons in question will be informed about the option model by the authorities on attainment of the age of majority.”<sup>145</sup>

In other words, children born to foreign parents in Germany were not permitted to hold dual citizenship after the age of twenty-three. If a child wished to retain the privileges of German citizenship, then he or she was compelled to relinquish the citizenship of their parents’ homeland, and vice versa. Dual citizenship remained a legal impossibility in Germany until the Second Act Amending the Nationality Act went into force on December 20, 2014.<sup>146</sup> Otto Schily, Federal Minister of the Interior, encapsulated the monumental nature of this amendment with respect to feeling of integration and belonging in his foreword to the booklet containing the new "Staatsangehörigkeitsrecht," or nationality law. Published in August 1999, Schily wrote:

“At the heart of the reform is the supplementing of the traditional principle of descent (*jus sanguinis*) by the acquisition of nationality by birth. For children born in Germany of foreign parents, this makes it easier for them to identify with their home country of Germany. They are given the chance to grow up as Germans among Germans.”

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<sup>145</sup> "Staatsangehörigkeitsrecht", booklet published by the Official Federal Government Representative for Matters relating to Foreigners, Federal Ministry of the Interior, Press and Information Office of the Federal Government, (August 1999).

<sup>146</sup> German Federal Foreign Office, "Law on Nationality." Last modified December 20, 2013. Accessed <http://www.auswaertiges->

“Enshrined in the new Act is a further important opportunity for integration: the shortening of the naturalisation period for foreigners who have lived in Germany for a long time. Since integration is not a one-way street, this opportunity entails certain minimum requirements. Anyone wishing to live permanently in Germany must respect our constitution and our legal system. It also goes without saying that he or she will have to learn German. Integration can only succeed where there is a will on both sides – among Germans and among the foreigners living in Germany. Admittedly, the new framing of German nationality law cannot bring about integration "by order". What it does do, however, is give those fellow citizens from abroad who live here permanently a clear sign of our care and concern and of our resolve to foster the peaceful co-existence of all men and women, irrespective of their cultural origin.”<sup>147</sup>

Although this amendment did not totally eliminate the ancestry component from citizenship requirements, the 2000 law provided an alternative means to acquiring citizenship for those who were not born to native German parents. However, the possibility of acquiring citizenship through birthright is still listed as the primary means of becoming German in Section 4(1) of the Nationality Act:

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<sup>147</sup> Staatsangehörigkeitsrecht", booklet published by the Official Federal Government Representative for Matters relating to Foreigners, Federal Ministry of the Interior, Press and Information Office of the Federal Government, (August 1999).

“(1) A child shall acquire German citizenship by birth if one parent possesses German citizenship. Where at the time of the birth only the father is a German national, and where for proof of descent under German law recognition or determination of paternity is necessary, acquisition shall be dependent on recognition or determination of paternity with legal effect under German law; the declaration of recognition must be submitted or the procedure for determination must have commenced before the child reaches the age of 23.”<sup>148</sup>

### *“Safe Third State” Law – Impact and Justification*

Although recent amendments to the Nationality Act demonstrate that German nationality and naturalization laws are starting to fall into step with their liberal Western European counterparts, none of these reforms were extant at the time of the Bosnian refugee influx. Because Bosnian asylum seekers had essentially no existing path to citizenship in Germany, they had no certain legal future in the country. In addition to being confronted with legal difficulties due to restrictive citizenship laws, the German state’s asylum laws presented yet another obstacle to a secure future.

Prior to 1993, Article 16a(1) of the Basic Law made it so that Germany had one of the most generous asylum policies in Europe. It stated that, “Anybody

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<sup>148</sup> German Federal Ministry of the Interior, "Nationality Act of 22 July 1913." Last modified November 13, 2014. [http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitsgesetz\\_englisch.pdf?\\_\\_blob=publicationFile](http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitsgesetz_englisch.pdf?__blob=publicationFile).



prosecuted on political grounds shall enjoy the right of asylum.”<sup>149</sup> Hundreds of thousands of Bosnians took advantage of this generous policy and poured into Germany, where many already had friends and family living in the country as guest workers.<sup>150</sup> Once displaced Bosnians were in the country, they were permitted to file applications for asylum. Even if asylum was not immediately granted following the initial filing of the application with the Federal Office for Migration and Refugees (known in German by the acronym BAMF), the appeal process was lengthy, and applicants were permitted to remain in Germany for the months or years it took for their case to be re-examined.<sup>151</sup> This option ceased to exist for Bosnian refugees on July 1, 1993, when Section 16a(2) of the Basic Law – known as the Safe Third State principle – went into effect. This amendment represented “a fundamental shift away from the unqualified right to seek asylum in Germany.”<sup>152</sup> Section 16a(2) greatly limited the applicability of Section 16a(1) by restricting asylum applications from those who entered Germany by way of a “safe third state.” The Amendment defines “safe third state” as “members of the European Community, the Council of Europe, and countries guaranteeing the application of the 1950 European Convention on Refugees and the 1951 UN Convention on Refugees.”<sup>153</sup> The Bundestag even went so far as to explicitly provide a list of countries that were classified as “safe third

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<sup>149</sup> Ibid.

<sup>150</sup> William S Walker, *German and Bosnian Voices in Times of Crisis*, (Indianapolis: Dog Ear Publishing, 2010), 4.

<sup>151</sup> Walker, *German and Bosnian Voices*, 5.

<sup>152</sup> Kay Hailbronner, "Asylum Law Reform in the German Constitution," *American University International Law Review*, 9, no. 4 (1994): 161.

<sup>153</sup> Hailbronner, "Asylum Law Reform," 161.

states”, which included Austria, the Czech Republic, Finland, Norway, Sweden, Poland, and Switzerland.<sup>154</sup>

Due to Amendment 16a(2), the only refugees who were permitted to apply for German asylum were those who had not reached Germany by way of the aforementioned countries. Because Austria, the Czech Republic, Poland, and Switzerland all border Germany on the southern and eastern sides, these countries effectively served as a ring of buffer states between Germany and the war-torn Balkans. Unless a Bosnian refugee had been able to reach Germany via an airplane that had no layovers in any “safe third state,” he or she would not have been eligible for asylum. Because Bosnia’s largest airport, Sarajevo International Airport, was put under the control of Yugoslav Federal Army (JNA) at the start of the war, nearly all regularly scheduled flights were interrupted. Although, the airport was later turned over to the UN to serve as a humanitarian base, it would have been exceedingly difficult for fleeing Bosnians to book themselves on a direct flight to Germany, as the airport was used for military and humanitarian purposes only.<sup>155</sup> As a result, many refugees left Bosnia via rail or bus, and – due to the geographical circumstances – had to drive through “safe third states” in order to reach Germany.

Perhaps the most ironic aspect of Germany’s amendment to restrict asylum applications is that the government used various international refugee laws, including the 1951 UN Convention on Refugees, in order to justify doing so. Because nearly half of the 700,000 Bosnians who had fled their homeland for the safety of

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<sup>154</sup> Ibid, 162.

<sup>155</sup> Sarajevo International Airport, "Short Historical Overview."  
<http://www.sarajevo-airport.ba/tekst.php?lang=eng&id=6&kat=2>.

other European countries attempted to seek asylum in Germany, the German government cited the provision of the 1951 Convention that called for refugees to be distributed equally amongst regional signatories. Additionally, by claiming that Germany was not actually the “country of first refuge” for most, if not all, Bosnian refugees (since most passed through a “safe third state” en route to Germany), the government was able to avoid violating the non-refoulement clause of the 1951 Convention. Although this Amendment caused a steep drop in asylum applications in Germany, many of the countries bordering Germany, including those that had been categorized as “safe third states,” saw a sharp increase in asylum applications.<sup>156</sup> However, it worth noting that in practice, the ramifications of Amendment 16a(2) were as severe as the rhetoric would suggest. In a considerable number of instances, Germany was not able to enforce the “safe third state” clause because many of those countries refused to readmit asylum seekers, “either due to a lack of proof that the applicant had entered German territory from that safe country or because the applicant could not meet formal requirements, such as time limits for filing a readmission request.”<sup>157</sup> In such cases when the third state refused admission to refugees, Germany granted them entry in order to prevent refugees from becoming stateless.<sup>158</sup>

The content and implications Amendment 16a(2) were hotly debated both in the governmental, public, and private spheres. It was not until May 15, 1996 – nearly three years after the Amendment was approved by the Bundestag and

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<sup>156</sup> Hailbronner, “Asylum Law Reform,” 167.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*

Bundesrat – that Germany’s highest Constitutional Court issued a ruling that upheld the new asylum law and regulations.<sup>159</sup> The Court suggested that the new law “created a basis for European countries to try to spread the refugee burden.”<sup>160</sup> Despite the fact that the government was making it increasingly difficult for Bosnian refugees to be granted asylum on a large scale, refugees whose applications had already been accepted received a variety of benefits in keeping with the stipulations of the 1951 Convention. These included “a temporary residence permit, the same status as Germans within the social insurance system, social welfare, child benefits, child-raising benefits, integration allowances and language courses as well as other forms of integration assistance.”<sup>161</sup>

It must also be said that while increased restrictions on asylum applications prohibited many Bosnian refugees from settling in Germany, there were other methods for refugees to legally gain access to the country. This alternative came in the form of possessing an entry visa, which Bosnians could obtain by having a German individual or organization sponsor them. As the fighting in Bosnia intensified in the spring of 1992, millions of Germans became aware of and sensitive to the horrors that many refugees were facing in their home country. As a result, relatives, charitable organizations, friends of refugees, and church organizations made efforts to vouch financial responsibility for various refugees who wanted to

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<sup>159</sup> Walker, *German and Bosnian Voices*, 4.

<sup>160</sup> Ibid.

<sup>161</sup> German Federal Ministry of the Interior, "Asylum and Refugee Policy in Germany." [http://www.bmi.bund.de/EN/Topics/Migration-Integration/Asylum-Refugee-Protection/Asylum-Refugee-Protection\\_Germany/asylum-refugee-policy-germany\\_node.html](http://www.bmi.bund.de/EN/Topics/Migration-Integration/Asylum-Refugee-Protection/Asylum-Refugee-Protection_Germany/asylum-refugee-policy-germany_node.html).

come to Germany so that they would be granted the necessary entry visa.<sup>162</sup> This shows that although the German government was greatly restricting the channels through which refugees could claim asylum, this did not necessarily translate to a complete closing of Germany's border to refugees. Such a reality is demonstrative of the fact that very rarely is legislation the only factor in determining how reality plays out. Although the law may seem quite black and white when analyzed how it appears on paper, this analysis does not take into account all that can occur outside the small sphere of policy making and how those occurrences will influence written policy and law.

#### *The Gray Area – Policy and Citizens in Action*

Thus, the narrative of restrictive asylum policies is not always indicative of the lived realities of Bosnian refugees or their experiences with integration. From 1992-1995, millions of ordinary German citizens mobilized to come to the aid of refugees, and helped to ease their transition into German society outside of efforts originating with the government. William Walker provides many personal stories that corroborate this point in his book "German and Bosnian Voices in a Time of Crisis." In one of these anecdotes, Walker tells of a German housewife named Maria Hurich, who was doing volunteer work with Caritas – a humanitarian aid and charity organization of the Catholic Church – in her hometown of Steinenberg in the south German state of Baden-Wurttemberg. When Frau Hurich was assigned to

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<sup>162</sup> Walker, *German and Bosnian Voices*, 5.

deliver goods to the Bosnian Croat Cakaric family, she felt a connection to them, and sympathetic to their plight. The family had fled their home in Bosnia in 1992, and was living in a one room flat with five family members – a father, a mother, and their three children. Frau Hurich “decided to adopt the refugee family,” and assisted them with registering with the local authorities to ensure the young family received the government benefits to which they were entitled.<sup>163</sup> Because no one in the family spoke any German so shortly after arriving in the country, Frau Hurich escorted the family wherever they needed to go. She saw to it that the children were enrolled in the neighborhood school, helped the father find a job, and provided support for the mother on a daily basis. Frau Hurich devotion to the Cakaric family caused Mr. Cakaric to proclaim, “In our house first comes God, then comes Frau Hurich.”<sup>164</sup>

Although there are dozens (if not hundreds or thousands) of stories like this one that attest to positive experiences of Bosnian refugees in Germany, they are unfortunately not reflective of the experience of the majority. In fact, it can be argued that no attempts were made to integrate Bosnian refugees into German society at all, since supporting refugees on a long-term basis and providing them with the resources to permanently establish new lives were never the goals of the German government. Dr. Hans-Peter Friedrich, member of the German Bundestag and Federal Minister of the Interior, stated in a report that the purpose of admitting over 345,000 Bosnian refugees was to grant them *temporary* protection, “which

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<sup>163</sup> Ibid, 31.

<sup>164</sup> Ibid, 33.

serves primarily to handle a situation of mass flight or major influx of refugees from war or civil war.”<sup>165</sup>

Understanding this goal helps to put into context Germany’s decision to repatriate hundreds of thousands of Bosnians following the signing of the Dayton Accords in 1995, which effectively ended the fighting in Bosnia. Rather than determine refugee status solely in accordance with the criteria laid out in the 1951 Convention, Germany elected to institute the “safe third state” policy to help offset some of the obligations it would otherwise have had to follow, e.g. officially granting asylum versus having the option of granting temporary protection status. Most importantly, temporary protection status legally permitted Germany to undertake a program of repatriation without violating non-refoulement principles once the immediate danger of persecution had passed in Bosnia.<sup>166</sup>

This specific course of action allowed Germany to operate within the framework of the international refugee agreements to which it was (and still is) a signatory while still accommodating contemporary domestic political interest. Simon Bagshaw, a senior policy advisor at the United Nations Office for the Coordination of Humanitarian Affairs, suggests in his article “Benchmarks or Deutschmarks?” that granting the Bosnian refugees temporary protection to bypass normal asylum procedures, which were often perceived as measures that “over-

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<sup>165</sup>German Federal Ministry of the Interior, "Migration and Integration: Residence law and policy on migration and integration in Germany." Last modified October 2011.

[http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download\\_zu\\_bmi\\_broschre.pdf](http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download_zu_bmi_broschre.pdf).

<sup>166</sup> Simon Bagshaw, "Benchmarks or Deutschmarks? Determining the Criteria for the Repatriation of Refugees in Bosnia and Herzegovina," *International Journal of Refugee Law*, 9, no. 4 (1997): 568.

burdened” the welfare system. In a period of “economic uncertainty and political sensitivity,” the German interior ministers were reluctant to create the image that Germany was being “overwhelmed” by refugees.<sup>167</sup> From 1992 to 1997, the German government spent an estimated \$3 billion annually in services for Bosnian refugees.<sup>168</sup> At a time in which Germany’s reunification was still only a few years in the past, the interior ministers of the German states had major concerns about the security problems that an influx of refugees and asylum seekers posed.

The Interior Minister of North Rhine – Westphalia from 1987-2003, Wolfgang Riotte, recalled the pressures that the ministers were under when confronted with the refugee populations that were amassing near German borders. He reported that, “in 1989-1990 (after the collapse of the Iron Curtain), nearly a million people came to West Germany, then the *Bundesrepublik*.”<sup>169</sup> Riotte says, “These were people who came from East Germany and ethnic Germans who came from the Soviet Union.”<sup>170</sup> A communiqué from the office of the Chairman of the Interior Ministers Conference claimed that this sudden influx “nearly exhausted the accommodation and support possibilities of the states and communities [of West Germany].”<sup>171</sup> This is of particular importance because the vast majority of Bosnian refugees elected to settle in locations where they already had friends and family; this tended to be in the southern and western German states (which had been under

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<sup>167</sup> Bagshaw, “Benchmarks or Deutschmarks?”, 569.

<sup>168</sup> University of California Davis, “Migration News: Bosnians, Immigration Policy in Germany.” Last modified May 1997.  
<https://migration.ucdavis.edu/mn/more.php?id=1229>.

<sup>169</sup> Walker, *German and Bosnian Voices*, 48.

<sup>170</sup> *Ibid*.

<sup>171</sup> Friedel Lapple, “Politik des Augenmasses gefordert,” *Standige Konferenz Innenminister und senatoren der Lander Pressemitteilung*, May 3, 1991.



West German control throughout the Cold War) and in West Berlin due to the extremely restrictive immigration policies of East Germany (coupled with the fact that economic opportunities in this part of the Soviet bloc were far less than those that existed for workers in West Germany).<sup>172</sup> As a result of this decades long settlement trend, Bosnian refugees poured into areas of Germany where welfare and asylum services were already being maxed out.<sup>173</sup> This further limited opportunities for integration into larger German society, and is yet another point of explanation as to why Bosnian refugees in Germany had such different experiences from their fellow displaced countrymen who had sought refuge in Sweden.

As previously discussed, the interior ministers' long-term plan (more accurately, the plan championed by the interior ministers from the southern, conservative states who had taken in the largest amount of refugees) for Bosnian refugees had always been an eventual return to Bosnia. This plan was clearly outlined in an IMK communiqué, which read, "The Interior Ministers expect that the German government will take timely measures to provide for the return of the refugees at the conclusion of the peace talks."<sup>174</sup> However, because various international laws including the 1951 Convention on the Status of Refugees and the Geneva Conventions had clear-cut stipulations regarding non-refoulement, Germany was required to provide refugees with temporary protection until the conclusion of the war, and – according to the 1951 Convention – until the point when "the

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<sup>172</sup> Walker, *German and Bosnian Voices*, 50.

<sup>173</sup> *Ibid*, 51.

<sup>174</sup> *Ibid*, 48.

circumstances in connection with which he has been recognized as a refugee have ceased to exist.”<sup>175</sup>

*Refugee Return: A Nation and a State Divided*

The inherent problem with this stipulation is that it has been purposefully rendered vague, as the determination of the specifics – such as the when, the where, and the why – of possible repatriation is left to the discretion of the host state. In other words, assessing whether or not it was ‘safe’ for Bosnian refugees to return to their homeland was left in the hands of the German interior ministers. The day after peace accords were signed in December 1995, an IMK conference was convened. It was decided that because the war in Bosnia was officially over, refugees’ temporary protection status had expired, and that it was permissible for repatriation efforts to begin.<sup>176</sup> As the first European state to announce the end of temporary protection status for refugees, Germany came under fire from the UNCHR and those who believed that the return of refugees should be a coordinated effort amongst all states that had served as temporary hosts.<sup>177</sup>

In keeping with the hypothesis that the unique circumstances of German history have heavily influenced the state’s outlook on refugee inclusivism and integration, the condition of Berlin following the conclusion of World War II likely played a pivotal role in Germany’s decision to repatriate Bosnian refugees as soon as

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<sup>175</sup> Office of the United Nations High Commissioner for Refugees, "Text of the 1951 Convention Relating to the Status of Refugees."

<sup>176</sup> Walker, *German and Bosnian Voices*, 56.

<sup>177</sup> *Ibid.*

it was a possibility. By 1945, Berlin had been reduced to a bombed-out shell of its former self; industrial and residential areas alike had been repeated targets of Allied airstrikes. Although this was a dark period in history for many Germans, residents of Berlin prided themselves on the fact that many had remained in the city throughout the war, and played a major part in rebuilding it from the ground-up. Many interior ministers and other government officials who took a hardline stance on the immediate return of refugees had the experience of living in post-war Berlin, and explicitly cited this as a reason for their stance on refugee return – both compulsory and voluntary.<sup>178</sup>

William Walker, in his book “German and Bosnian Voices in Time of Crisis,” recounts verbatim an interview he conducted with Jorg Schonbohm, an interior senator in Berlin who was known for his hardline stance on refugee return. Schonbohm is a retired German Army general and former deputy minister of defense who entered politics after a thirty-five year career in uniform. After witnessing the resilience of Berliners as a young boy in the wake of the decimation caused by the war, Schonbohm’s opinion on citizens’ post-war time obligations had been solidified. He stated in his interview, “If the Bosnian War is terminated and there are no hostilities anymore, why can’t the refugees go home and rebuild their own country and redo the infrastructure and go on living there?”<sup>179</sup>

Another dimension of the debate on refugee return was based along political lines, with the CDU (the right of center Christian Democratic Party) favoring more immediate return of Bosnian refugees and the SPD (left of center Social Democratic

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<sup>178</sup> Ibid, 83.

<sup>179</sup> Ibid, 84.

Party) favoring more prolonged action. The divide was also prominent along geographical lines, with some of the more northern German states, like Schleswig-Holstein (who received fewer Bosnian refugees) advocating for a more cautionary approach and the more southern states, like Bavaria (who received the most Bosnian refugees) advocating for immediate action. Although the federal government had officially declared Bosnia a “safe” place to expedite the return of refugees, some of the more liberal state interior ministers protested that this claim was misguided, and maintained that, “the land was destroyed, and armed war criminals were still running around freely.”<sup>180</sup> In a direct response to interior senator Schonbohm’s opinion, it was plainly asserted that the situation in Bosnia “was not like in Germany at the end of the Second World War.”<sup>181</sup>

The nature of the refugee returns was also hotly debated in the government and public spheres. While the BAMF currently claims that “the great majority of Bosnian refugees has since left Germany, most of them voluntarily and with help from the relevant repatriation programmes” and that “persons who had suffered severe trauma” had been granted special exceptions to remain in Germany permanently, the accounts of many Bosnians do not reflect this.<sup>182</sup> At the beginning of the repatriation program in 1996, the German government first tried to incentivize return to Bosnia for specific groups of refugees, while granting

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<sup>180</sup> Ibid, 80.

<sup>181</sup> Ibid.

<sup>182</sup> German Federal Ministry of the Interior, "Migration and Integration: Residence law and policy on migration and integration in Germany." Last modified October 2011.

[http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download\\_zu\\_bmi\\_broschre.pdf](http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download_zu_bmi_broschre.pdf).

exceptions for those refugees who were in the midst of receiving medical care, had young children in school, or were Bosnian Muslims from the territory of the Republika Srpska.<sup>183</sup> However, as the repatriation program continued from 1997 until the early 2000's, an increasingly large number of refugees reported being forcibly repatriated despite belonging to the groups who had been granted initial exceptions. This was especially true in the state of Bavaria, where many Bosnians had not taken the government up on its offers of incentives to return to Bosnia. It is worth noting that the German government, when calculating the number of Bosnian refugees who returned to Bosnia "voluntarily", included the refugees who had been compelled to leave Germany after receiving threats of forcible deportation.<sup>184</sup> By 1998, the German government estimated that only 91,000 Bosnian refugees remained in the country out of 345,000.<sup>185</sup> Today, fewer than 10,000 of these refugees remain in Germany, many of them illegally.<sup>186</sup> While a small portion of this group was granted permanent residency, the majority of them were ordered to leave the country.<sup>187</sup>

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<sup>183</sup> Walker, *German and Bosnian Voices*, 62.

<sup>184</sup> *Ibid*, 82.

<sup>185</sup> *Ibid*, 88.

<sup>186</sup> German Federal Ministry of the Interior, "Migration and Integration: Residence law and policy on migration and integration in Germany." Last modified October 2011.

[http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download\\_zu\\_bmi\\_broschre.pdf](http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download_zu_bmi_broschre.pdf).

<sup>187</sup> *Ibid*.

Among those who came to the defense of Bosnian refugees and their plight were the very institutions and individuals responsible for what little integration was able to occur in the refugee population. The decisions of the interior ministers to repatriate hundreds of thousands of Bosnian refugees caused public outrage, which can largely be attributed to the nature of the coverage the German media was providing on the issue. Many members of the German press corps, particularly those who worked in television, were stationed in Bosnia in order to provide firsthand reports on the war. Images of destruction, especially in Sarajevo, were transmitted to millions of German television screens. When presented with a realistic picture of the situation on the ground in Bosnia, the German public was largely appalled at the immediacy of their government's proposed refugee repatriation program. The media was able to keep this issue at the forefront of public consciousness, as the major news stations often interviewed interior ministers and other government officials who held opposing opinions on refugee repatriation. For example, the interior spokesman for the Free Democratic Party regularly made comments criticizing Interior Minister Beckstein of Bavaria for not being sympathetic enough to the plight of the refugees. Mr. Beckstein would then appear on the same news outlets to respond to the comments.<sup>188</sup> The general stance of the media as well as the public was that it would have been inhumane to send refugees back to such a destroyed country. According to William Walker, the sympathy of the German public

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<sup>188</sup> Walker, *German and Bosnian Voices*, 73.

“was easy to understand given its tradition of being a nation friendly to guests because of the memories of National Socialism.”<sup>189</sup>

The media also provided ample coverage of the IMK conferences, and were quick to report on (and criticize) the plans of action that the ministers had reached; when the public learned of the government’s plan, the ministers were heavily criticized amidst an immediate backlash. Germans took to the streets in protest in Berlin and Bavaria after learning of the first coerced deportations, in what came to be known as the Easter Appeal in March 1997.<sup>190</sup> The protestors maintained that the government had crossed a line “set by postwar Germany in its obligation to human rights”, and demanded that the return process occur more gradually.<sup>191</sup> Many Germans who openly criticized government plans were people who knew Bosnian refugee families personally and had provided them with the support and resources that the government had not. This included individuals with experiences like Frau Hurich (who appeared personally in front of the courts in order to prevent the deportation of the Cakaric family) and religious organizations, which had often coordinated donation efforts for refugees, as well as provided them with a community of support.

When the forced repatriation program began in Bavaria, Protestant Bishop Hermann von Loewenich announced that church communities in the state would be taking in refugees who had been seeking asylum in Germany. Bishop von Loewenich stated in the English-language German news media outlet, Spiegel that his church

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<sup>189</sup> Ibid, 61.

<sup>190</sup> Ibid, 81.

<sup>191</sup> Ibid.

“would be standing by refugees who by injustice did not receive asylum and because of that have been placed in danger.”<sup>192</sup> Because the Bishop acknowledged that churches couldn’t possibly provide the same infrastructure for refugees that the state could, its scope would have to be quite limited. Von Loewenich wanted to focus on “the most difficult cases,” which included refugees who had been traumatized and families that had young children in the school system. In the latter case, the Bishop stated that young refugee children had been integrated into the German school system, and remembered little, if anything about their country of origin.<sup>193</sup>

Particularly in Bavaria, there was “a long list of Bosnian families for which the church has cared for, given a place to live, had given the children clothes, and found the parents work.”<sup>194</sup> In short, the Protestant Church had been responsible for helping thousands of refugees integrate into German society and giving them the assistance they needed to rebuild their lives. Because of this, church leaders had large amounts of empathy for the struggles the refugees had experienced, and were not willing to allow poorly devised government policy nullify their humanitarian efforts.

### *Conclusion*

Due to marked differences in areas such as citizenship history and legislation, national histories, and political goals, Bosnian refugees who had fled to

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<sup>192</sup> "Vorbild Kanada." *Spiegel*, February 19, 1996.

<sup>193</sup> *Ibid.*

<sup>194</sup> Walker, *German and Bosnian Voices*, 64.



Germany had fundamentally different experiences than did their compatriots who went to Sweden, despite the fact that the two countries are party to the same international refugee law agreements. Of course, Germany's historical tradition of extremely restrictive citizenship laws and limitations on who is considered German provided a serious roadblock for Bosnian refugees to have a legal future in the country. Although some refugees were granted permanent residence after many years of struggling for recognition in the face of rejected asylum applications, hundreds of thousands of refugees had no choice but to return to Bosnia once repatriation programs began. Although German citizenship laws have undergone a significant liberalization in the last decade and a half, these policies did not go into effect until the refugee crisis had long been over.

Historical context also played a pivotal role in terms of why refugees in Germany did not receive the same support at government institutional levels as the refugees in Sweden. In the wake of the Cold War and collapse of the Berlin Wall, huge amounts of refugees poured into Germany, putting significant stress on the refugee support network. As a result, when the Bosnian War began only two or so years later, many of the government's resources were already tapped out. Although Germany was obligated to meet the bare minimum humanitarian standards set by international agreements like the 1951 Convention on the Status of Refugees, the government was able to circumvent any additional obligations by not officially accepting the refugees' applications for asylum. By instituting the "safe third state" rule, Germany was able to create a legal loophole that permitted the government to

grant Bosnian refugees temporary protection, which left a legitimate legal space to institute repatriation programs at the conclusion of the war.

Despite the fact that Bosnian refugees did not exactly receive a warm welcome from the German government, the public was extremely empathetic toward the plight of the refugees. Many individuals and charitable organizations voluntarily took on the responsibility of trying to integrate refugees as much as possible and provide them with the resources and opportunities that the government would not. Because of this warm reception by the public, many Bosnian refugees recalled their time in Germany fondly, citing the generosity of the people within their respective communities.<sup>195</sup> This dichotomy proves that the efforts a government puts forth to help refugees rebuild are not the only factors to consider when examining the treatment and levels of integration among refugee populations. Although aid from the public cannot be a perfect substitute for government aid, it certainly went a long way in shaping the experiences of Bosnian refugees in Germany.

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<sup>195</sup> Ibid, 110.

## Conclusion

In the wake of the disastrous World Wars of the 20<sup>th</sup> century, many countries, including Germany and Sweden, signed on to international agreements pertaining to the treatment of refugees in the hopes of preventing large-scale humanitarian catastrophes from occurring in future. These agreements included the 1951 Convention on the Status of Refugees, the Geneva Convention, and the 1967 Protocol. In addition to bringing the plight of refugees to the forefront of the international conscience, these agreements helped to establish universally observed standards in order to ensure that all refugees were entitled to the same basic rights, including the right to seek asylum when faced with persecution in their homelands.

Theoretically, these international agreements should have established overarching guidelines around which governments could have crafted their own nation's policies regarding the treatment of refugees. However, it is clear that this is not the case amongst the signatory countries, most notably in Sweden and Germany during the height of the Bosnian War. This difference thus prompts a tension, even a paradox, which is the main subject of this study: If all countries who are party to the aforementioned agreements are obligated to follow the same standards of refugee treatment, then what accounts for the vastly different refugee experiences with regards to integration and inclusivism in Sweden and Germany?

In order to get to the root causes of this paradox, I categorized my research to fit within the framework of these questions: What national attitudes regarding citizenship inclusion and exclusion are codified in legislation? What kinds of

national institutions, or lack thereof, are there to help facilitate refugee social incorporation? How did media representations of Bosnian refugees influence their experiences in these countries? These three areas serve as clear points of comparison for Germany and Sweden, as nation's citizenship policies and the expansiveness of institutions that foster integration are often reflective of specific national histories and state attitudes toward issues surrounding immigration and inclusivism. In conjunction with this, media often plays a large role in both shaping public opinion and in transmitting general public sentiments. Media can therefore be indicative of yet another dimension of the lived experiences of Bosnian refugees in both Sweden and Germany.

When examining these criteria in the context of Bosnian refugees in Sweden, the support that refugees received on the governmental level was very much in keeping with Sweden's reputation of an inclusive, humanitarian-focused welfare state. Despite these good intentions, social integration policies were not as successful once they were implemented. Because of other factors like an economic recession and pre-existing housing segregation, Bosnian refugees were not presented with as many opportunities to integrate as government officials had once hoped. Regardless of the limitations that reality presented to integration policies, many refugees reported feeling satisfied with their new lives in Sweden. Although policies were not as effective as initially planned, the stability that living in Sweden with legal residency status provided coupled with the good intent behind the policies helped to make many refugees feel relatively welcome and comfortable.

Tens of thousands of Bosnian refugees who fled to Sweden at the beginning of the war still remain there today.

In sharp contrast to Sweden's generous government policies toward the refugees, the Bosnians that fled to Germany had markedly different experiences. In the time of the refugee crisis, German citizenship and naturalization laws were still extremely restrictive as a result of policies being carried over from century to century. While Sweden enjoyed an international reputation of being inclusive of people of all races, ethnicities, and backgrounds, Germany was known for tying citizenship to ethnic German ancestry. This alone would have made it extremely difficult of Bosnians to be included in German society in every sense of the word. In addition to restrictive citizenship laws, Germany's ministries that had been designed to provide services to refugees were already inundated in the early 1990's due to the collapse of the Berlin Wall and refugees hailing from the former East Germany and the Soviet Union. This situation combined with a contentious political and economic atmosphere led Germany to deny the applications of asylum seekers (which would have obligated Germany to provide at least the bare minimum of services stipulated in the international agreements) in favor of granting the refugees temporary protection status.

Perhaps the one of the biggest explanations as to why Germany's approach to treating the refugees was fundamentally different from Sweden's was that the long-term goals of each country were disparate on the most basic level. While Sweden's policies were instituted with the purpose of helping refugees permanently integrate into Swedish life, German policies were enacted with the goal of harboring refugees

in the country only until it was deemed safe for them to return to Bosnia. While there are likely an incalculable amount of reasons as to why these goals came about, my research exposed the following disparities: specific national histories in regards to citizenship policies were central in providing the framework for contemporary policies and legislation; the differences in the nature of the institutions that facilitated integration (Sweden's ministries were very centralized at the federal level, while German policies were heavily contingent on local interior ministers, whose experiences with refugees depended upon from which state they hailed), which played a significant part in determining what the role of the government should have been. When examined in these historical and political contexts, different outcomes in Germany and Sweden appear less as a paradox, and more as products of different national histories and political geographies.

The role non-governmental forces played in both countries were essential in influencing lived experiences of Bosnian refugees. Because of the media coverage of the horrors in Bosnia, the Swedish and German publics felt deep empathy for the refugees and their plights, and wanted to help them rebuild their lives. Although the German public did not have significant support from its government, individual citizens and citizen-groups were able to provide some refugees with the resources they needed, which caused many Bosnians to hold favorable opinions of Germany, despite being repatriated and not having the same legal options to remain in the country as did the Bosnian refugees in Sweden. Entities such as churches and the clergy were able to mobilize citizens in Germany to help provide the refugees with much-needed resources. This is yet another interesting point of departure; in

Sweden where governmental institutions were supportive of refugees, there was no need for individual citizens to become activists, whereas in Germany, individual citizens stepped in where the state institutions withdrew.

The cases of Bosnian refugees in Sweden and Germany also reveal this important takeaway with regards to providing an explanation for the “paradox” – although international agreements often provide a general framework for national policies toward refugees, state’s respective histories and their respective goals appear to play a much larger role in shaping the specifics of these national policies than does international law. However, as the world’s legal codes become increasingly connected via a network of multinational and extra-national institutions, states will have to find ways to reconcile their national histories and existing policies with this new international framework.

While international agreements and standards are generally viewed as a positive product of globalization, particularly in the context of universal humanitarianism, implementation of these new standards is often at odds with pre-existing laws and policies. Although cross-national issues require cross-national solutions – particularly in the case of refugee flows – it can be quite difficult for states to adopt international agreements that are capable of addressing the problems that present themselves on the smaller national and regional levels. Of course, this also raises questions about which legal codes should be the basis of state policy (international or national), and to what degree states are legally obligated to change their national laws to reflect newly derived international laws. As we have seen with these case studies on refugee inclusion, the tensions

surrounding these issues are very much in play, and will likely continue to be present in the future when discussing international humanitarian obligations.



## Works Cited

- Abiri, Elizabeth. "The Changing Praxis of Generosity: Swedish Refugee Policy during the 1990s." *Journal of Refugee Studies* . (2000).
- Appelqvist, M. "Party Politics and the Bosnian Question: The Swedish Decision to Grant Permanent Residence." *Journal of Ethnic and Racial Studies*. no. 1 (2000).
- Bagshaw, Simon. "Benchmarks or Deutschmarks? Determining the Criteria for the Repatriation of Refugees to Bosnia and Herzegovina." *International Journal of Refugees*. no. 4 (1997): 566-592.
- Bringa, Tone. *Being Muslim the Bosnian Way*. Princeton: Princeton University Press, 1995.
- Brubaker, Rogers. *Citizenship and Nationhood in France and Germany*. Cambridge: Harvard University Press, 1998.
- Cohen, Philip J. "The Complicity of Serbian Intellectuals in the Genocide in the 1990s," in *This Time We Knew: Western Responses to Genocide in Bosnia*, ed. Thomas Cushman and Stjepan G. Mestrovic, 39-64. New York: New York University Press, 1996.
- "Constitution of Republika Srpska."  
<http://www.vijecenarodars.net/materijali/constitution.pdf>.
- Ekberg, J. & Ohlson, M. "Flyktingars arbetsmarknad är inte alltid nattsvart", *Ekonomisk Debatt*, 28(5), 2000
- Fredlund-Blomst, Sofie. Migration Policy Institute, "Assessing Immigrant Integration in Sweden after the May 2013 Riots." Last modified January 16, 2014.
- German Federal Foreign Office, "Law on Nationality." Last modified December 20, 2013. Accessed [http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/Staatsangehoerigkeitsrecht\\_node.html](http://www.auswaertiges-amt.de/EN/EinreiseUndAufenthalt/Staatsangehoerigkeitsrecht_node.html).
- German Federal Ministry of the Interior, "Asylum and Refugee Policy in Germany." [http://www.bmi.bund.de/EN/Topics/Migration-Integration/Asylum-Refugee-Protection/Asylum-Refugee-Protection\\_Germany/asylum-refugee-policy-germany\\_node.html](http://www.bmi.bund.de/EN/Topics/Migration-Integration/Asylum-Refugee-Protection/Asylum-Refugee-Protection_Germany/asylum-refugee-policy-germany_node.html).
- German Federal Ministry of the Interior, "Migration and Integration: Residence law and policy on migration and integration in Germany." Last modified October 2011.

- [http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download\\_zu\\_bmi\\_broschre.pdf](http://www.australien.diplo.de/contentblob/3377102/Daten/1831328/download_zu_bmi_broschre.pdf).
- German Federal Ministry of the Interior, "Nationality Act of 22 July 1913." Last modified November 13, 2014.  
[http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitgesetz\\_englisch.pdf?\\_blob=publicationFile](http://www.bmi.bund.de/SharedDocs/Gesetzestexte/EN/Staatsangehoerigkeitgesetz_englisch.pdf?_blob=publicationFile).
- Gagnon, Jr., V.P. *The Myth of Ethnic War: Serbia and Croatia in the 1990s*. Ithaca: Cornell University Press, 2004.
- Hailbronner, Kay. "Asylum Law Reform in the German Constitution." *American University International Law Review*. no. 4 (1994).
- Haskin, Jeanne. *Bosnia and Beyond: The "Quiet" Revolution That Wouldn't Go Quietly*. New York: Algora Publishing, 2006.
- Lapple, Friedel. "Politik des Augenmasses gefordert," Standige Konferenz Innenminister und senatoren der Lander Pressemitteilung, May 3, 1991.
- Majer, Diemut. *"Non-Germans" under the Third Reich*. Baltimore: Johns Hopkins University Press, 2003.
- McIver, Scott. *Conceptualisations of citizenship in Sweden and the United Kingdom*. PhD diss., University of Edinburgh, 2009.  
<https://www.era.lib.ed.ac.uk/bitstream/handle/1842/4031/McIver2010.pdf?sequence=1&isAllowed=y>.
- Ministry of Integration and Gender Equality, "The 2001 Swedish Citizenship Act." Last modified May 22, 2008.  
<http://www.government.se/sb/d/3926/a/29191>.
- Ministry of Integration and Gender Equality, "Integration Policy Fact Sheet." Last modified December 2009.  
<http://www.government.se/content/1/c6/13/77/34/5b7683a6.pdf>.
- Musalo, Karen, Jennifer Moore, and Richard Boswell. *Refugee Law and Policy: A Comparative and International Approach*. Durham: Carolina Academic Press, 2002.
- Nathans, Eli. *The Politics of Citizenship in Germany: Ethnicity, Utility, and Nationalism*. Oxford: Berg Publishers, 2004.
- Office of the United Nations High Commissioner for Refugees, "States Parties to the 1951 Convention and the 1967 Protocol." Last modified April 11, 2011.

- Office of the United Nations High Commissioner for Refugees, "Text of the 1951 Convention Relating to the Status of Refugees."
- Povrzanović Frykman, Maja. "The Struggle for Recognition: Bosnian Refugees' Employment Experiences in Sweden." *Refugee Quarterly Survey*. (2012).
- Sarajevo International Airport, "Short Historical Overview." <http://www.sarajevo-airport.ba/tekst.php?lang=eng&id=6&kat=2>.
- Staatsangehörigkeitsrecht", booklet published by the Official Federal Government Representative for Matters relating to Foreigners, Federal Ministry of the Interior, Press and Information Office of the Federal Government, (August 1999).
- United Nations General Assembly, "Resolution 46/242." Last modified August 25, 1992.
- United Nations General Assembly, "Resolution 47/121." Last modified December 18, 1992.
- University of California Davis, "Migration News: Bosnians, Immigration Policy in Germany." Last modified May 1997.  
<https://migration.ucdavis.edu/mn/more.php?id=1229>.
- "Vorbild Kanada." *Spiegel*, February 19, 1996.
- Vulliamy, Ed. *Seasons in Hell*. New York: St. Martin's Press, 1994.
- Walker, William. *German and Bosnian Voices in a Time of Crisis*. Indianapolis: Dog Ear Publishing, 2010.
- Woodward, Susan. *Balkan Tragedy: Chaos and Dissolution After the Cold War*. Washington D.C.: The Brookings Institution, 1995.