

New World  
Academy

New World  
Summit

—Reader #2

with We Are Here

Collective Struggle of Refugees.

# Lost. In Between. Together.

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## Colophon

New World Academy Reader #2:  
Collective Struggle of Refugees.  
Lost. In Between. Together

Editor:  
Jonas Staal  
in dialogue with We Are Here

Associate Editor:  
Şeyma Bayram

Coordinator & Proof Reader:  
Gwen Parry

Design:  
Remco van Bladel, Amsterdam  
with Andrea Spikker

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Published by:  
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Postbus 19288  
NL-3501 DG Utrecht  
T +31 (0)30 2316125  
info@bak-utrecht.nl  
www.bak-utrecht.nl

in collaboration with  
New World Summit  
contact@newworldsummit.eu  
www.newworldsummit.eu

New World Academy  
Research, Development,  
and Realization Team:  
Şeyma Bayram (BAK), Younes  
Bouadi (NWS), Jan de Bruin  
(NWS), Vincent W.J. van Gerven  
Oei (NWS), Maria Hlavajova  
(BAK), Robert Kluijver (NWS),  
Paul Kuipers (NWS), Renée In der  
Maur (NWS), Arjan van Meeuw-  
en (BAK), Kasper Oostergetel  
(NWS), Sjoerd Oudman (NWS),  
Gwen Parry (BAK), Merel Som-  
horst (BAK), Jonas Staal (NWS),  
and Ivo Verburg (BAK)

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# Collective Struggle of Refugees. Lost. In Between. Together.

New World Academy Reader #2

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# Foreword



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**Maria Hlavajova**

*New World Academy (NWA)*, established by artist Jonas Staal in collaboration with BAK, basis voor actuele kunst, brings together political organizations invested in the progressive project of politics with artists and art students in order to deliberate about the possibility of art to constructively contribute to political struggle. Gathered around concrete examples of art and cultural activism at the forefront of their respective cases, the first three sessions of this inaugural iteration of *NWA* are organized together with the cultural workers of the National Democratic Movement of the Philippines, the refugee collective We Are Here, and the open-source advocates of Pirate Parties International. Each session is followed by collective public presentations, performances, campaigns, and exhibitions.

This informal publication, *New World Academy Reader #2: Collective Struggle of Refugees: Lost. In Between. Together.*, is issued as a collection of texts to accompany the second in the series of these intensive workshops. It gathers knowledge from within the concrete reality of We Are Here—a group of refugees in Amsterdam who find themselves imprisoned by the interstices of the legal framework regulating immigration in the contemporary global world. Challenging this very framework, the group insists that their presence has to be dealt with publicly and openly, choosing the strategy of creating visibility of a problem that society otherwise prefers to ignore. Having created alliances with artists and appealed to the remnants of freedom customarily associated with what we call the “art world,” We Are Here has a number of practical propositions to reflect on the well-known political adage of “What is to be done?” It is this propositional ethos we would like to embrace in order to prompt what has always been the key ingredient art has had on offer for society: imagination. Imagination, however, not just for its own sake, but also for thinking through the world otherwise than how we got to know it.

I would like to take this opportunity to thank We Are Here, all contributing artists and authors, my colleagues at BAK, the partner institutions that have made this project possible, and of course the artist Jonas Staal. I hope this publication can contribute to the cause of We Are Here, even if—faced with the major challenges that have to do not only with human dignity but with the basics of survival—a book can do only so much, humbly and modestly.

**Maria Hlavajova is artistic director of BAK, basis voor actuele kunst.**



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# Introduction



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**Jonas Staal**

The political group We Are Here [Wij Zijn Hier] is the first large-scale organization of refugees in the Netherlands to protest the structural denial of its members' rights to citizenship. The organization's members come from a variety of different countries, though most hail from Africa and live in a juridical and political limbo, as their countries of origin either refuse to allow them to return, or international law and other reasons prohibit the Netherlands from sending them back to their homelands.

The group started with support of the diaconate in Amsterdam, the overarching structure of Protestant churches, which in September 2012 allowed a small group of seven refugees to build a temporary camp in its garden. What began as a marginal encampment soon evolved into a continuously expanding collective, aided by the support of citizens who provided donations in the forms of food and clothing. Through collective organization and solidarity between the group and civil society, the refugees began to move out of obscurity and gain visibility.

Soon after their initial gathering, the group's rapid growth led them to search for a new space, and they moved to an abandoned piece of land located on the Notweg, a street in the Osdorp neighborhood of Amsterdam. At Notweg, the group continued to grow until authorities evicted it in November of the same year. As a result of a collaborative effort between Christian activists and the squatter community, a temporary solution was found by taking over an abandoned church, which immediately became referred to as the *Vluchtkerk* [Church of Refuge].

By the time they were moving into the *Vluchtkerk*, the group had grown to approximately 120 members, and thus it became clear that We Are Here was more than just a loose collection of individuals, but rather a political organization. Its collective demand is to arrive at a permanent residential solution for the whole group, not to break

up at any cost, and to bring to public attention the plight of the many more invisible refugees living in the Netherlands. In the spirit of the famous slogan, "I Am A Man," with which the African-American community took to the streets of Memphis in 1968, the We Are Here protests are based on the most existential and political claim: they demand that their existence be acknowledged by civil society and governments.

The Vluchtkerk quickly gained national attention and received enormous public support from members of the local neighborhood and countless volunteers who travelled to Amsterdam from all over the country, as well as from various politicians, journalists, writers, and artists in the media. We Are Here organized protests and gatherings, and developed a precise internal political structure that represented its members based on their respective national backgrounds. During the period of the Vluchtkerk, the foundation and action group We Are Here to Support was also created to oversee the large volunteer network.

In March 2013, the group moved once more, this time to an empty office building that quickly became referred to as the *Vluchtfat* [Flat of Refuge]. This allowed for a brief moment of rest and relative privacy, in contrast with the large shared space of the church, while the group prepared for another move in October 2013. During this time, the group spent its evenings at different cultural institutions in Amsterdam, in order to bring its issues to the attention of the public and the municipality once more, before finding residence in another empty office building, the *Vluchtkantoor* [Office of Refugees] that same month, where it currently lives, having now grown to over 200 members.

We Are Here has been active now for more than a year and has developed not only its own unique political structure, but also made visible the vast network of civil society that opposes current immigration laws in the Netherlands.

Together with the Dutch artistic community they explore new models of political representation, for whereas the undocumented members of We Are Here are prohibited from performing labor, they are not banned from engaging with forms of creative expression. This strange inconsistency in the Dutch legislative system has allowed the group to develop new forms and techniques of political visibility and protests, as well as new forms of social mobilization. Art has played, and continues to play, a significant role in all of the organization's activities.

The "art of protest" forms one of the main tools that continues to expand the movement, gain support in society at large, and pressure local and national politicians to come to structural solutions. We Are Here strives not only to secure rights for its members, but also, in the spirit of internationalist solidarity, to secure them for all paperless people whose existence is structurally denied and unacknowledged in today's world.

This second reader of New World Academy (NWA) explores the development of this new political organization and the role of similar initiatives worldwide, all of which attempt to build alliances between refugees and civil society. We Are Here opens with its collective manifesto, which sets out its main demands and goals, followed by *We Are a Political Organization*, an interview with We Are Here spokesperson Yoonis Osman Nuur, in which he describes in detail the formation of the movement as well as his own experiences as an asylum seeker. *We Exist*, a speech delivered by Nuur on the occasion of the one-year anniversary of the organization, lays out the group's various successes and challenges for the future, and Savannah Koolen and Elke Uitentuis's collaborative narrative, *We Are Here to Support*, provides an insight into the formation and role of the volunteer network of the same name. Campaigner and spokesperson Thomas explains the common urgen-

cies of his fellow members in *Why We Are Here* and lead singer of the We Are Here Band Kouenou Cyriaque's *Tout est un* [Everything Is One] offers a lyrical interpretation of the organization's aspirations for a united humanity. The manifesto of Immigration Movement International, founded by artist Tania Bruguera, demonstrates support of international solidarity between immigrant communities and artist Ahmet Ögüt lays out the framework of his project, *The Silent University*, which gives refugees, asylum seekers, and migrants the the opportunity to teach their skills and providing professional training to a wider audience. Lastly, Audrey Chan's interview, *Artists at Work: Patrick Bernier and Olive Martin*, describes Bernier and Martin's long-term research into the possibilities of expanding immigration laws through specific artistic projects and interventions.

On behalf of NWA, I want to thank the generosity of the contributors to this reader. It is an honor for NWA to host We Are Here and its political and cultural representatives, all of whom I believe will be able to engage participants to expand their knowledge of not only one of the most terrible political dramas of our time—the structural, administrative, and existential denial of a people's existence—but also of the potential of artistic and cultural practices to imagine new horizons and create visibility and agency where it is truly needed.

Last but certainly not least, I would like to take this opportunity to thank Maria Hlavajova and her team at BAK, Arjan van Meeuwen, Gwen Parry, Merel Somhorst, and Ivo Verburg, for their incredible commitment in co-establishing NWA. Further, my special gratitude goes out to BAK's editor, Şeyma Bayram, for her tireless and precise work. At the onset of this project, the question "What if democracy was not a show?" was posed by BAK. I believe that the organizations we have brought together through this project have begun to answer this question by demonstrating new

critical alliances between progressive politics and the field of art. It is only through these types of coalitions that we might not only imagine another world, but also act on this world and reclaim it as *our common world*.

**Jonas Staal (born 1981) is a Rotterdam-based artist whose works include interventions in public space, exhibitions, lectures, and publications that interrogate the relationship between art, democracy, ideology, politics, and propaganda.**

# We Are Here Manifesto

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*A problem that is denied does not thereby stop existing. A human being who is not seen does not stop existing.*

We are “We Are Here”—a collective of refugees whose asylum requests in the Netherlands have been rejected, but cannot return to our countries of origin.

We enhance our visibility through unification, protests, a media campaign, lobbying, and other means. Our aim is to place the injustices with which we have been confronted on the forefront of the political agenda. We want politicians and administrators to revise their migration policies, so that we and all people who find themselves in a similar situation will be granted full access to Dutch society and civil liberties.

We are a group of 200 refugees who have had to leave our homes—often to flee from war, repression, or famine—and who have been seeking protection ever since. We have been through the Dutch asylum procedures, and it has resulted in our being required to leave the Netherlands. The Dutch government has tried to deport us, but they were not able to do so. Either our countries of origin simply will not accept us, or returning to our countries could potentially result in our torture or deaths.

Here in the Netherlands, our existence is structurally denied. But this does not mean that we do not exist. *We are here.* We are living on the streets or in temporary shelters. We are living in a political and legal vacuum—a vacuum that can only be filled by the recognition of our situation and our needs.

All we want is a safe and normal life. Our lives have been put on hold because we don’t have papers.

One year ago, we came out of hiding and united under the name We Are Here. We have united as a group in order to call public attention to our situation. We refuse to have our existence denied any longer. We refuse to remain invisible. We refuse to remain victims.

We demand a structural solution for anyone who is in our situation and for all others who might find themselves trapped in the same political and legal vacuum in the future.

We demand recognition of our existence.

We demand that our existence be acknowledged in official policies and laws.

We are here and we will remain here. Be with us.





# We Are a Political Group

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Yoonis Osman Nuur Interviewed  
by Jonas Staal

Jonas Staal: Could you maybe say something about your background, where you came from, how and when you arrived in the Netherlands?

**Yoonis Osman Nuur: I came from South Somalia, a small region near the Indian Ocean. I was an only child and grew up with my father, mother, and grandmother. We were part of a minority clan. Because of this, my parents were killed in the civil war when I was seven years old.<sup>1</sup> After my parents' death, my grandmother took me in and raised me.**

In the following years, the clan that controlled the whole country attempted to recruit young people to work for them. Many joined, but as a young teenager I already knew what they stood for and said that I would not work with them. A group of fifteen boys refused just like I had. As a result, we were imprisoned underground. It was rough. In prison, I became good friends with one of the other boys who had his way with the guards. The guards often had parties, and my friend was able to gain their trust. One night, he heard they would have one of their parties again, as the guards were talking of getting women and drinks. Upon hearing of their plans, my friend recognized that this was probably our best opportunity to escape. He was a big guy, and his plan was to call one of the drunk guards underground late at night and then to take him by surprise. With much luck, we managed to overtake him and capture his AK-47.

We all parted our different ways upon escaping from prison. I moved through different parts of the country,

1. The Somali Civil War is an ongoing civil war taking place in Somalia. It began in 1991, when a coalition of clan-based

armed opposition groups ousted the nation's long-standing military government.

and by some miraculous chance I was found by an old friend of my father's. He smuggled me to Kenya and from there to Nairobi, before boarding an airplane to Istanbul and then a boat to Greece. From Greece I traveled to Amsterdam. It was 2004 when I arrived in Amsterdam, but there was nothing for me there besides centers for asylum seekers. I'd heard that the policies towards refugees were better in Sweden, and so just two years later—in 2006—I left the Netherlands.

I lived in Sweden from 2006 to 2008 and my time there was good. I liked Sweden very much and I easily integrated into society. I was granted a house with Swedish neighbors instead of being forced to stay in a camp as I had in the Netherlands. I even went to school and got a job.

During my time in Sweden, the Dublin Regulation<sup>2</sup> was amassing a large-scale fingerprint database, and when my fingerprints were registered in 2008, I had to return to the Netherlands on the grounds that it was the first country where I had sought asylum. I liked Sweden very much and I did not want to leave. But when the Swedish authorities registered my fingerprints under the auspices of the Dublin Regulation, my troubles began. Because I'd first sought asylum in the Netherlands, I was forced to leave Sweden and return there.

Sweden spoke to the Dutch authorities on my behalf, who after two to three weeks responded stating that I

had to apply for a Dutch permit and that I would obtain a residence and a car if I returned to the Netherlands. I answered that I would never have come to Sweden had this been the case. But Swedish authorities said that they could not do anything about the matter, and put me on a plane. They took my life, my dignity—and immediately upon arriving in the Netherlands I was brought to the asylum seekers center in Ter Apel. There they asked me: "What are you doing back here?," to which I responded, "I'm here to seek my car, my house and my passport, which you claimed you would give me." They all laughed and said that this is was just their way of getting people back in the Netherlands. In short, it was all a lie. There was nothing waiting for me but the same asylum seeking centers I had encountered during my first stay in the Netherlands. And eventually they even kicked me out of Ter Apel, as the civil war prevented the Dutch officials from sending me back to Somalia. It was then, in 2012, that I found out about a protest led by refugees at Notweg, which I joined.

JS: How did this protest come about?

YON: It started in September 2012 at the office of the diaconate in Amsterdam<sup>3</sup>, which allowed the first group of refugees to camp in their garden. When the group started growing, it moved to an abandoned piece of land near a neighborhood on the Notweg, and from there it grew into a large-scale tent camp.

JS: How big was the protest when it started?

2. The Dublin Regulation, formerly known as the Dublin Convention, is a European Union law that determines the EU Member State responsible for examining applications of asylum seekers. It has established a Europe-wide fingerprinting database for unauthorized entrants to the EU. The

Dublin Regulation aims to rapidly determine the Member State responsible for an asylum claim and provides for the transfer of an asylum seeker to that Member State. In almost all cases, the responsible Member State is the state through which the asylum seeker first entered the EU.

3. An overarching structure of Protestant churches, the diaconia is an establishment near a church building that was originally meant to provide care for, and distribution of charity among, the poor.

**YON:** It started with seven people.

JS: And by the end of the protest?

**YON:** 120, all in a period of less than 3 months.

JS: How did daily life organize itself at this growing tent camp?

**YON:** Refugees from all over came to join and started putting up more and more tents. We had two toilets that the local municipality had donated. Food and clothing were no problem, as members of the neighborhood came every day to donate these items to us—new clothes, even. They made sure that we had coffee and tea, blankets and warm clothing, as the weather was very harsh. In a single day, in less than 24 hours—and every day thereafter—we were brought different kinds of food and clothes. And all of this because people—good citizens—felt that our situation was unacceptable.

JS: What were the origins of most of the protestors?

**YON:** They all came from different countries in Africa.

JS: So all of these people began to live together, day-by-day: how did this impact daily life for all those involved?

**YON:** It was very interesting. People came from different countries in Africa, but we all shared a common problem. We all understood each other. Individually we had nothing; this group was now our only family, the only thing we would have. Naturally, we began to take care of each other. We referred to one another as brothers and sisters.

This was the most important thing about the experience—it's something that I will always keep with me for the rest of my life.

JS: Were you able to find a common language to communicate with?

**YON:** Communication was very practical. But in every group of people from a particular country there was always someone who spoke English or another international language. Everyone helped each other to communicate.

JS: And daily life—it was cooking, talking, planning?

**YON:** Daily life consisted of waking up, thinking of how we could make the protest camp better withstand the bad weather and how we could push the government to quickly arrive at solutions for our group—that is what motivated us. The great thing was that we never had to think of food and clothing because of all the donations. So we focused on the infrastructure of the camp, to make it a place where we could live, and from where we could organize ourselves to pressure the government.

JS: You were building a society, 120 people—that is basically a small village. How visible were your efforts to the public at large during this time?

**YON:** The place itself was visible; it was an open space near a school and near a main road. Everyone could pass by and see us. Visibility was not a problem. But we needed larger demonstrations in more central locations, such as the Dam square in Amsterdam. It was success-

ful and we were supported by the Christian and squatter communities, who became more and more involved in helping us to mobilize people for our cause.

JS: After three months, the camp on the Notweg was forcibly put to an end by the authorities. That was on 29 November 2012, at the start of winter.

**YON:** Yes, our camp was considered illegal, but we had no other place to go. People came to protest our eviction, but the police were able to arrest us and they brought our whole group to one of the large police stations in the city. They held us there for about five hours and then placed us back on the street. No one of us knew where we would go next. We remained at a bus station near the police station, until activists came and brought us to the Vondelpark—the largest public park in Amsterdam—where we stayed the night. The only thing we knew at that time was that we did not want to be divided, that we would remain together until we arrived at a collective solution.

JS: This awareness that you were not just a group of individuals, but a collective—this became clear during the period at Notweg.

**YON:** Yes, that is where we became the political group **We Are Here**.

JS: The first temporal solution after the tent camp on the Notweg was the *Vluchtkerk*, the so-called “Church of Refuge.”

**YON:** Yes, from the beginning of December 2012 onward we began to move together to an abandoned church in the Bos and Lommer neighborhood of Amsterdam. It was the

squatters who made the first move, and we were lucky because the owner of the building was willing to tolerate our presence for a few months. The neighborhood was much more central and thus allowed for a greater visibility, and so our support base grew and the media began to lend more attention to our cause.

JS: In the *Vluchtkerk* there was also a division of space, in which each living quarter was occupied by residents from a certain country.

**YON:** It was a decision that was made in order to more easily communicate with one another. Apart from designating the main space in the church a communal living space, we built 15 rooms, each of which housed 7 to 15 people. Many people spoke only their mother tongue and the design of the living quarters accommodated this fact. This way, life became easier: people could tell each other stories in their native language and give each other hope.

JS: So, in the *Vluchtkerk*, **We Are Here** developed into an even more detailed political structure based on internal representation, wherein each country is represented by its own spokesman.

**YON:** Yes, the group leaders met two to three times a week, each of whom represented their respective countries of origin. After every proposal, the group leaders would consult their fellow countrymen to discuss and gain support on various issues, and through this back-and-forth approach, we were able to arrive at an overall consensus-based decision-making. This approach also enabled us to regularly communicate with, and motivate, the many volunteers that thought of joining **We Are Here**.

JS: You gave the volunteers direction. Many organizations of volunteers were involved, but was We Are Here always in charge?

**YON:** Yes, it is always us who are making the decisions. It is our demonstration and it is our rights for which we are fighting.

JS: The Vluchtkerk remained active from the beginning of December 2012 to March 2013, at which point you had to move once more because the owner was no longer willing to keep the space open for We Are Here. The new space that you arranged was the *Vluchtflat* [Flat of Refuge], an empty office building near the church.

**YON:** Some other members of the group and I had been planning for some time to move to this new location, as we knew that we could not stay in the church forever. We had already been in contact with the owners of the office building, who were willing to support us for a couple of months. Our luck was that the day on which we had to move from the Vluchtkerk was also the day that the Amsterdam City Council convened, and so I had the chance to speak in front of the council myself. At the time, the municipality—on behalf of Mayor Van der Laan—had offered EUR 250 to each of the members of We Are Here as a “solution,” demanding that if we were to accept the money, each of us would have to move out and live with friends. This was a strange offer for a variety of reasons, not least of which the fact that it would have been illegal for us to accept it.

So I said to the council that this so-called solution was impossible—that it was not a real solution at all. In fact,

many of the parties in the council were shocked to hear about the proposal. Not only did GroenLinks [the Green Party] and the Socialist Party oppose the plan, but even the Christian Democratic Party—which normally never spoke in favor of our cause—was against it. They even went as far as saying that even if the national government would oppose a more structural solution for the whole group, their local faction would support the municipality. At this moment the mayor shifted sides and asked us to draft our own proposal. But we had already prepared our proposal, as the owner of the office building—a kind woman—had indirectly agreed to support us. That is, no charges would be pressed against us if we squatted the building.

The plan succeeded, and we brought the owner of our new building flowers on behalf of the group. She was very moved and said that she did not care about politics, that she was not a politician. On the contrary, what she cared for was what she stood for. The owner of a private housing company, she could not accept the fact that there were guests in her country who slept under bridges when she had empty, available space to offer.

It was a long struggle, but now we have a place that is large enough for our entire group, where people have private space which they share with only two or three other people. It is a place of rest.

JS: This is a moment to prepare for what is ahead.

**YON:** We do not have much time left. In October of this year we have to leave this building yet again, so we need to think of how to move forward. I’m suspicious of the current role of VluchtelingenWerk Nederland [the Dutch

Council for Refugees], which aims to separate our group. Another cause for concern is that the municipality is pressured by the national parliament. The VVD-driven<sup>4</sup> regime does not want us to continue our collective protests. My gut feeling is that the only solution that will be proposed to us is one that will inevitably separate our group. I believe that the only answer and way to counter this ongoing pressure is by sticking together as an organization, so that we can continue to struggle for what we want.

JS: We Are Here has now existed for one year and I cannot recall a previous time in Dutch history during which there has been such widespread civil support for a group of refugees.

**YON: Never.**

JS: So what do you think makes We Are Here so incredibly powerful?

**YON: Visibility. Visibility in the sense that we stick together as a group. We are in a strategic place in the world today. We live in the capital of this country—even tourists from all over the world visit us. We Are Here is becoming a worldwide recognized organization. I believe in my heart that if we remain together and carry on with what we believe in, we will find a solution.**

JS: Do you believe this group will ever come apart, even if there were acknowledgment of your citizenship in an ideal future?

**YON: No, I don't think so. We have all become such good friends. Even if we were to live apart, we would always have something that unites us: the power of brotherhood and sisterhood. That is the best thing about these most difficult circumstances. There is too much love.**

Yoonis Osman Nuur (born 1982) is based in Amsterdam and is spokesperson and campaigner for the political movement We Are Here. This is an edited transcript of the interview that took place on 20 August 2013 in the village of Warns, the Netherlands. In October 2013, We Are Here was forced to move yet again, this time to another empty office building. Their new location is referred to as *Vluchtkantoor* [Office of Refuge].

4. The VVD, or Volkspartij voor Vrijheid en Democratie [The People's Party for Freedom and Democracy], is a conserva-

tive-liberal political party that, at the time of this interview, holds a majority in the Dutch government.

# We Exist



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Yoonis Osman Nuur

Today, exactly one year ago, we started. Today, we are here to present our movement, to show that we still exist.

As Thomas Jefferson states in the Declaration of Independence, "We hold the truths to be self-evident, that all men are created equal, that they are endowed by their creature with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

We started our protest one year ago. We were tired of the fact that our existence is structurally denied. We didn't want to be invisible any longer. We wanted the world to know that we are here and that we are lost in between. And because this is unacceptable, we came together.

This year has brought us a lot. Because we protested, many brothers and sisters have been released from detention. Because we protested, many people started to learn about our existence. Because we protested, our stories have been taken seriously for the first time. Because we protested, people have started to question migration policies.

This year we were also confronted with hardship. We lost one of our brothers, Jean-Paul. May he rest in peace.

But the policies have not yet changed to our benefit.

No one said that this would be easy. It takes strong men, brave women, and great supporters to keep pushing our cause forward. Together we can change the world.

The protest teaches us that everything is possible and that changes can indeed be made, that we are the masters of our own fate. It also teaches us that if we want to make it happen, we need to work together. The spirit is

there, and we are all determined to make real structural changes.

Brothers and sisters, we should never turn against each other, but instead we should proceed hand in hand, because only then will we find that we no longer walk alone. And that's where our courage comes from. We need this courage to fight for our rights: for our right to be a part of this society, our right to work, to go to school, to have health care, to move around and build up a future perspective.

We are here. I know it is a long way, but we will get there. Our struggle continues, but we will create a future for ourselves. That's the strength of a movement. We are here together.

You all know this beautiful lady who does our laundry—she's protesting with us. And this old man who comes every now and then to bring bread—he's protesting with us. The mother who comes over to chat and asks us how we are doing—she's also protesting with us.

We have encountered so many people who are protesting with us. I want to take this opportunity, in the name of We are Here, to thank them. We thank all of you who have been with us throughout this past year. May God give you all a beautiful and happy life. We hope that we will continue to be in touch and that you will continue to protest with us.

And so as we mark today our anniversary, we must remind ourselves that our progress cannot be measured only by the number of people that will get their papers. We cannot rest until the government admits how inhumanely it treats its guests and changes its actions and policies accordingly!

One day they will have to. The changes we are fighting for will not start in The Hague. The changes will come about through the people who are protesting with us. We have to bond with them because we need the support of Dutch citizens.

We promise that we will continue to fight for our rights. We will keep on improving our organization, our lobby, and our campaign. There is no way to keep on denying our existence. We are here and we will stay. The past year has taught us many lessons and has created an important lesson for tomorrow.

This is an edited version of the speech that was delivered on the occasion of the one-year anniversary of We Are Here on 9 March 2013 in Amsterdam.



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# We Are Here to Support

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Elke Uitentuis and Savannah Koolen

Savannah Koolen

*30 November 2012.* The day before, the police evicted a tent camp on the Notweg, where refugees had been protesting for three full months. I'd been there a couple of times and talked with some of the refugees, but at the time I didn't know how to help.

After the eviction, all of the refugees were locked up in detention. Most of them were released after a few hours and reconvened at a bus stop. It was cold and rainy. The bus stop was too small to provide shelter for a group of about one hundred people. I received a message that the group could spend the night at the Vondelbunker. Without hesitation, I got on my bike. I took with me two sleeping bags and some food.

Elke Uitentuis

***30 November 2012.* I was in Warsaw and had been watching the eviction of the protest camp on the Notweg on AT5.<sup>1</sup> The reporter mentioned that the refugees had been brought to detention and it worried me. A few hours later, I got a message from a friend that most of the refugees had been released and that they would spend the night in the Vondelbunker.**

The rest of the weekend I stayed with the group. I was sitting around the table with people I'd never met before, working together to arrive at a solution. We needed to find shelter for 100 people, and we needed to find it immediately. On Sunday, a group of squatters occupied St. Joseph's Church. When I guided the group of refugees toward the buses, I

1. AT5 (Amstel Television 5) is an Amsterdam-based local TV station.

had tears in my eyes. We'd done it! The *Vluchtkerk* [Church of Refuge] was a fact!

**After a night in the Vondelbunker, the group of refugees spent the night in OT301.<sup>2</sup> I was receiving cryptic messages from friends who were involved in helping the group. I didn't know what was going to happen, but it was clear that they were going to make a move. After they squatted the church successfully, I received the news. I was really happy that the refugees could stay together and that the continuation of their protest would be guaranteed.**

It took us four weeks to transform the church into a livable space. During the first weeks, many people came to help: carpenters, electricians, and a whole medical team. Additional people came over to bring food, blankets, mattresses, carpets, toilets, showers, fire alarms, etc. The *Vluchtkerk* support group came to life and coordinated the whole operation. Some of the supporters had previous experience working with refugees, but most of them had none. Like me, they'd just seen the news or heard stories from friends and relatives and wanted to help.

**I was far away and yet I wanted to do something. Lists of things that were needed by the group were circulating on the Internet. I called my parents to ask them if they could collect some things from my house to bring to the *Vluchtkerk*. Eventually they left Sneek<sup>3</sup> with a car**

**full of items and drove to Amsterdam. The long distance of their journey left an impression and they were mentioned in a news article in *Het Parool*.<sup>4</sup>**

I was the coordinator of events and daily activities at the church. We were aware that the *Vluchtkerk* was not only going to provide shelter and other basic needs for the survival of the group, but that it would also become a place where they would meet with journalists and politicians, and where they would organize events and mobilize protests.

**When I came back from Warsaw, I started to do voluntary work at the *Vluchtkerk*. As I was already six months pregnant, I chose to be a doorwoman because it would allow me sit most of the time. It was a lazy job, but it nonetheless allowed me to contribute in some capacity.**

The group of refugees united in order to make visible the fact that our migration policies had failed them. Their asylum requests were rejected, yet they were undeportable, and so they were lost somewhere in between. In the Netherlands there are approximately 10,000 people who endure this kind of situation. Usually they lead invisible lives, but this group chose to come together under the banner and name "We Are Here."

The *Vluchtkerk* offered We Are Here the opportunity to continue their protest and it offered Dutch citizens the opportunity to protest in solidarity with them.

**I was not aware that there were that many refugees in this situation until We Are Here started their protest. I learned so much more about Dutch immigration policies and its**

2. OT301 stands for Overtoom 301, the site of a former squat in Amsterdam. The building originally housed a film academy before it was first squatted by artists in 1999. It currently functions as an arts and cultural center.

3. Sneek is a city in the north of the Netherlands, located in the province of Friesland.  
4. *Het Parool* [The Password/Motto] is a daily newspaper based out of Amsterdam. It began as a resistance newspaper and published its first issue on 11 August 1941.

leak holes. **We Are Here** made visible what had previously always been invisible.

The stories of the members of **We Are Here** and of us—the volunteers who assisted them in making their protest possible—suddenly filled the newspapers and magazines. Together we took on the responsibility for a job that our government failed to carry out. We wanted to tell everyone: “This is happening in our streets, in our country, and we can’t tolerate it!”

**The Vluchtkerk was very mediagenic. It was like a revival of our Christian roots, but now—at last—serving a more leftist, progressive agenda. I loved the idea, but I must admit that the church was a horrible place to live: it was cold, humid, and noisy and the refugees had no privacy at all. It was too chaotic a place to foster a focus.**

I was aware that **We Are Here** needed to professionalize their protest in order to sustain the media’s attention, but the uncertain living conditions would never provide a suitable working space. That is why I came up with the idea of creating an action center, where we could start a legal body (a foundation) that would allow us to apply for funding and receive donations, in order to rent an office space and create a dynamic and surprising campaign. This basis would guarantee the continuity of the protest regardless of living conditions.

**I had the idea of creating a **We Are Here** cultural program. I invited artists and curators to think about what their contribution could be to the **We Are Here** protest. Savannah attended the meeting and we decided to bring both**

**of our ideas together. We have just set up the foundation **Here to Support**. The foundation focuses on campaigning strategies to support the politics of **We Are Here**.**

*Here to Support will accommodate the following programs this year: (1) A series of trainings to improve the political and legal preparedness of the group, (2) the creation of a nationwide campaign, and (3) a cultural program created by **We Are Here** in collaboration with artists and curators.*

*Our aim is to create visibility—to think of solutions and to influence politicians and policymakers. **We Are Here** exists and we will make sure that nobody forgets!*

Elke Uitentuis (born 1977) is an Amsterdam-based visual artist, participant at the Jan van Eyck Academy, Maastricht, and spokesperson and webmaster of **We Are Here**. Savannah Koolen (born 1985) is a student of cultural studies based in Amsterdam, head of board of the **Here to Support** Foundation, and campaigner for **We Are Here**. This is an edited version of their collective statement of involvement with the **We Are Here** organization and appears here with the permission of the authors.



# Why We Are Here

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Thomas

I am a member of We Are Here.

We Are Here is a group of refugees. We have all applied for asylum in the Netherlands but our requests were rejected. At the same time, we also cannot return to our countries of origin, and so we are stuck in between.

For example, I cannot go back to my country because I am no longer recognized as a citizen of Sudan since my country split in two.<sup>1</sup> Some of us simply cannot go back because we fear for our lives. We all have our unique stories, but we are tied together by a common struggle.

We united and began our protest a little over a year ago. By calling attention to the fact that we are living on the streets and in temporary shelters, we made visible the problems that we are confronted with on a daily basis.

We have no choice but to live on the streets or in temporary shelters. And yet we are treated like criminals and often taken into custody by authorities and imprisoned in one of the huge detention centers. In short, we are living in a political and juridical vacuum. This vacuum will only cease to exist when the Dutch government starts to recognize our existence and takes appropriate action. We started our protest precisely for this reason.

Here in the Netherlands, access to basic needs like food, healthcare, clothes, and shelter are tied to citizenship. As we do not hold Dutch residency permits, we have no status and therefore no access to the basic needs required to live a life of dignity and health. This does not only apply to me. I'm quite a strong young man, but there are also many women and children among us.

A 2013 complaint drafted by the the Conference of European Churches summarily describes our condition:

1. After decades of civil war and violence, Southern Sudan seceded from the Republic of Sudan. The Republic of South Sudan, whose population is largely Christian, was officially declared an independent country on 9 July 2011.

The situation of those living undocumented in the Netherlands, some years in, some years out, can only be described as frightful. To survive on the streets, deprived of food, clothing and shelter, forsaken, is terrifying. Denial of shelter means sleep deprivation, as we are reliably informed, a real killer. A relentless deterioration of health and premature death ensues, inevitably.<sup>2</sup>

Although we have been protesting for over one year, the government has made clear that it will not offer shelter to undocumented migrants without the demand that they prepare themselves for a forced return to their countries of origin.

Where does this leave us?

As I have already made clear, we cannot go back.

Our problems and existence are still structurally denied and therefore we will continue our protest until the government arrives at a structural and humane solution, not only for us, but for all others who find themselves in this situation.

Until that time comes, we will stay together and keep on fighting our cause.

Thomas (born 1975) is spokesperson and campaigner for the political movement We Are Here.



2. Council of European Churches, Collective Complaint issued to the Council of Europe, 17 January 2013, full text online at: <http://csc.ceceurope.org/fileadmin/filer/>

[csc/Social\\_Economic\\_Issues/Collective\\_complaint/CEC\\_Complaint\\_Social\\_Charter\\_January\\_2013.pdf](http://csc/Social_Economic_Issues/Collective_complaint/CEC_Complaint_Social_Charter_January_2013.pdf).



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# Tout est un, Everything Is One

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Cyriaque Kouenou

Tout commence par un et tout fini par un,  
c'est un qui est devenu tout et c'est tout qui deviendra un  
Tout commence par un et tout fini par un sans se multiplie  
dans tous les sens et se divise aussi dans tous les sens,  
dans toutes les couleurs, dans toutes les races

C'est quoi ça? Ne me prejugez pas sans avoir vu, sans m'avoir  
entendu car l'huile ne peut se melanger dans l'eau.  
Regardez de l'est à l'ouest du nord au sud,  
De l'est à l'ouest du nord au sud toujours c'est pareil.

Pourquoi toutes ces discriminations raciales, ethniques,  
tribalismes et religieuses, Pourquoi?  
Moi je suis fâché, personne est different de l'autre car  
c'est la couleur qui fait la difference sinon nous avons  
le sang rouge dans nos veines.  
Tout commence par un et tout fini par un.

It all begins with one and ends with one,  
It is one that has become all and all have become one.  
It all begins with one and ends with one,  
One in all directions and in all senses,  
In all colours, in all races.

Say what? Don't judge me without having seen me,  
Without understanding me. Oil and water do not mix.  
From the East to the West, from the North to the South  
From the East to the West, from the North to the South,  
It is always the same.

Ethnic, racial, tribal, religious discrimination. Why?  
Me, I am angry, nobody is really different.  
If it is the color that makes the difference,  
Well, we all have red blood in our veins.  
It all begins with one and it ends with one.



# The Paradox of Visible Illegality: A Brief History of Dutch Migration Control

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Martijn Stronks

On 30 November 2012, the Mayor of Amsterdam, Eberhard Van der Laan, gave an order to clear a camp of undocumented asylum seekers on the Notweg in Amsterdam-Osdorp. The reason provided was concerns over health. Following the camp's evacuation, the majority of the immigrants were sent back onto the streets, after which they found shelter in a squatted church. They spent the entire winter in this church in Amsterdam-West. In the spring, however, the mayor once again forced the group to evacuate the building, and they were sent back onto the streets. And yet again they squatted a building in which they stayed for almost half a year. This history keeps repeating itself, as the group was recently evicted one more time. The only consistency in the story seems to be the presence of illegally<sup>1</sup> residing migrants—the government just fails to resolve this problem. How is this possible?

To begin at the beginning, when things were still clear: the law exists only by virtue of there being a distinction between what is legal and what is illegal. This seems self-evident. One cannot grant residency rights to those who are explicitly and already denied those types of rights. At best, an illegal immigrant can try to gain residency through the existing legal framework, but, perhaps paradoxically, his or her very presence as an illegal renders this process especially problematic. The very distinction between legal and illegal is intended precisely to determine access to the admission process of Dutch immigration law: those who are “legal” are juridically present, while those who the law determines fall outside the scope of law are declared legally absent.

1. The author alternates the terms “illegal migrants” and “illegals” in this article with “undocumented migrants,” since the

former terms better emphasize the central tension between *legality* and *illegality* in his article. Eds.

However, reality is often more unruly than the desires of the juridical system. Undocumented immigrants may be lawfully absent, but they are certainly present in reality. Nearing the moment of an impending deportation, some immigrants flee into anonymity. They have, however, not disappeared. Others simply cannot be deported, either because they refuse to cooperate or because their countries of origin do not recognize them as their citizens. Sometimes the country of origin is simply too unsafe or unstable for people to be returned, but this is not a sufficient justification for granting them a residence status in the Netherlands. And according to international human rights treaties, undocumented migrants have rights as well—basic rights, such as the right of access to essential medical assistance, but rights nevertheless.

Illegal immigrants are a thorn in the flesh of a residence admission system. This has, however, not always been the case. Not that long ago, we somehow accepted the fact of the law's inability to fully accommodate social reality. Undocumented migrants were not yet seen as the problematic category par excellence, but rather as a kind of residue formed of the flaws inherent to an admission policy. In previous years, registering oneself as a resident and acquiring a social security number required no permanent or temporary residency permit. Undocumented immigrants were able to work, rent a house, and in some cases even apply for social services, provided they had paid their taxes. Thus, for a long period of time, there was in fact a space left to the illegal immigrant to maneuver within the framework of Dutch law.

During the nineties this changed. In December 1993, Minister of Justice Ernst Hirsch Ballin passed the Law on Identification, which requires everyone in the Netherlands to carry an identification document. Furthermore, in April 1998, succeeding Minister of Justice Winnie Sorgdrager

made sure the *Koppelingswet* [Benefit Entitlement (Residence Status) Act]<sup>2</sup>, which ties access to social security to residency status, came into effect. These laws put things in order. From this moment onwards, illegal immigrants became legally absent, excepting some occasional applicable international human rights. When they did not leave the country, undocumented immigrants disappeared into the margins of society. Finding a job became harder, as did renting a house and participating in sports and recreational activities. Increasingly, one had to submit to identity checks. Illegal immigrants not only became legally absent; they were also made less visible.

Yet they did not leave. Estimates reveal that the number of undocumented immigrants in the Netherlands has not significantly declined since the nineties. Although it is difficult to give exact numbers, because illegality is by its very nature hard to measure, conservative estimates have for years estimated the number of undocumented immigrants in the Netherlands to be between 45,000 and 120,000. Figures on the Dutch return policy likewise reveal that, in practice, only a small minority of illegal immigrants are actually deported, either by being placed on a plane or train to their homeland, or under the assumption and trust that they will leave on their own accord.

Only when a person is forcibly placed on a train or airplane and deported can one state with certainty that this person has in fact left the Netherlands. The vast majority of undocumented immigrants, however, is simply thrown out onto the streets with a notification that they must leave the Netherlands within 48 hours. The Dutch police dub this approach *klinkeren*, which derives from the Dutch word *klinker* [cobblestone] and roughly translates

2. The 1998 *Koppelingswet* [Benefit Entitlement (Residence Status) Act], which literally translates to "Linking Act," prevents

access to health insurance for undocumented immigrants by "linking" the right to healthcare to residency status.

to “cobbling,”—i.e., throwing someone back onto a cobblestone street. In other cases, immigration services can no longer find undocumented immigrants at their home addresses—an “administrative departure” in bureaucratic jargon. Some leave on their own accord, while others opt for the uncertainty of illegality. Thus, even at the beginning of a new millennium, the law still struggles to implement the stark differentiation between absence and presence, despite the measures taken in the nineties.

This inability is nowhere more apparent than in the 1998 introduction of the notion of “individual responsibility,” meaning that the immigrant is personally responsible for his departure. With the implementation of the coalition agreement, State Secretary of Justice Job Cohen decided that the “primary responsibility” for return of the immigrant lays with the immigrant himself. With the introduction of this principle, the law could finally conceal its own failures: when deportation did not in fact succeed in deporting the illegal immigrant, it became his own responsibility. A comparison with criminal law reveals the peculiarity of such a notion of “individual responsibility”: from the perspective of criminal law, it seems to suggest that it is the suspect’s responsibility to act as a collaborator in his own punishment.

This shift in responsibility heralded a new approach. The political desire to actively fight undocumented immigrants and illegality has significantly increased in the Netherlands during the past decade. A new technique has thus been introduced to bring illegal immigrants under closer control of the law: in the wake of enhanced surveillance and widespread identity checks, the state has severely increased the detention of undocumented immigrants. While in 1980 only 45 prison cells were available for the detention of immigrants, by 2006 this number had swelled to 3,945 cells to contain total of 12,480 people. Moreover, the conditions of detention were made extra “austere”; detained immi-

grants spend the majority of their days in barren, dark multiperson cells. Possibilities for recreation are limited to an absolute minimum and unless one is placed in solitary confinement, there is virtually no privacy. In the Netherlands one is worse off in a detention facility for undocumented immigrants than in a criminal detention center. And despite the fact that the measure of detention is legally applicable only so as to enable the deportation of an immigrant, immigrants often end up facing detention for a period of 6 months, and sometimes, even a full 18 months.

Numbers from 2008 reveal that only 20 percent of immigrants who were detained for over 3 months were actually deported by the end of their sentence. After six months of detention, this percentage had dropped to virtually zero. When detention is lifted, migrants are *klinkered*—thrown out onto the streets—with the notification that it is their own responsibility to leave the Netherlands within 48 hours. Former Dutch Minister for Integration and Immigration Rita Verdonk continued to stress this individual responsibility on part of the immigrant, maintaining that “those who are willing to return are able to and should do so.” The blame for illegal residency in the Netherlands is thus exclusively placed on the immigrant—and with each successive encounter with the law, he is once again brought back to detention.

As stated, only in a very small number of cases does detention actually lead to deportation. Although deportation is of course one solution to the problem, the measure of austere detention brings with it another solution: with a knife to his throat, the undocumented immigrant keeps quiet. He complies with the law, avoiding at all costs even the slightest offense—never cycling without the headlights on, always stopping for red traffic lights—in order to stay off the government’s radar. The Law on Identification and the Benefit Entitlement (Residence Status) Act had already

resulted in the juridical absence and social marginalization of immigrants. The widespread use of detention now pushes the undocumented immigrant into complete invisibility, under the threat of his constant precarity. In this fashion, the illegal immigrant is implicitly and continuously brought back under the power of the law. Visibility connotes arrest and detention, and so the illegal immigrant stays invisible, off the radar, for fear of detention or deportation. Thus, immigrants both visible and invisible are subject to the disciplinary power of the law. The law has restored order, or so it seems.

Where, then, does this ongoing desire to criminalize undocumented immigration come from? The two subsequent coalitions of Dutch Prime Minister Mark Rutte (2010–present) have both expressed the wish to bring undocumented immigration and residency under the scope of criminal law, even though this is in fact, through a detour, already a daily practice. By the end of 2012, it seemed as if European Union Law would prevent the criminalization of immigration. Italy was reprimanded by the European Court of Justice for a similar law, which delayed the enforcement of the same law in the Netherlands. However, through a loophole undocumented immigrants in the Netherlands face the same measures. When asylum seekers are currently told to leave the country, they are handed an entry ban, which forbids them from entering Dutch territory for a certain period of time. The trespassing of this ban was criminalized on 31 December 2011, and thus already implicates undocumented immigrants within the scope of criminal law. In light of this one might ask: Why the desire to explicitly and fully criminalize undocumented immigrants even further?

Although the current reading of EU Law seems to leave room for the possibility for such a measure, various objections can be made. Similar to the detention of undocumented immigrants, the monetary costs of criminal

detention are high, with a successful deportation costing around EUR 35,000—a valid argument in a time of economic crisis. Furthermore, every possible connection to deportation—the traditional reaction to the problem of the illegal immigrant—has been lost. Criminal detention does not serve the goal of deportation; rather, it is a means of punishment. Criminalization of the illegal immigrant has a bizarre consequence in that the system, unable to expel him or her, firmly keeps the migrant close to its heart. Paradoxically, the illegal immigrant is detained within the Netherlands precisely because he is not allowed to be in the Netherlands.

All things considered, criminalization adds only one element to the existing regime of detention: a deep stigmatization of the undocumented immigrant. Criminal law functions as the formalized morality of a society: that which is punished is wrong and evil. This goes so far that we already mistrust those who are suspected of a crime, because they are often already publicly condemned before a court has even ruled. Regardless of whether a suspect of a crime has been declared innocent, it is hard to shed the aura of guilt. Criminalization, thus, only serves to deepen the distinction made between the legal and the illegal. The legal citizen is visible and good, and the illegal immigrant is absent, invisible, and evil.

But reality continues to escape the ordering power of the system. Instead of reports about the decline of the “illegal population,” one hears messages from the undocumented immigrants themselves. In Ter Apel, The Hague, and Amsterdam, undocumented immigrants and asylum seekers united in makeshift camps. By escaping the realm of invisibility, they have made themselves publicly heard. Caught in the midst of a legal limbo, with neither access nor exclusion by deportation, they demand a solution for their situation. In one move, they did away with the care-

fully maintained differentiation between visibility and invisibility. With slogans like “No man, no woman, no human being is illegal,” they explicitly agitated against the stigma surrounding undocumented immigrants.

Indeed, visibility is in itself nothing new. From time to time, undocumented immigrants have entered into the limelight and captured the public’s attention. We have witnessed this in past years, for example during the campaign for a “general pardon” in the wake of the tragic fire that occurred in the detention center of Schiphol Airport, in which 11 undocumented immigrants lost their lives.<sup>3</sup> What is new, however, is the fact that the immigrants living in these camps have defied the power of the Dutch government in a markedly public and united fashion. They have explicitly shown that they are not afraid of the government or detention. They know that they cannot be deported, and moreover, one is tempted to think that it is perhaps better to be in a cell than on the cold streets during a harsh Dutch winter.

The responses of the government to the refugee activists are indicative of a derailed system. Secretary of State for Security and Justice Fred Teeven had offered the members of the group one month of shelter on the condition that they would cooperate with their deportation; an offer that he in fact extended to all undocumented immigrants, not just the members of the groups that united in their resistance. Amsterdam Mayor Van der Laan furthermore stated that he’d found 10 municipalities in the Netherlands that are willing to make the same offer. Still, the notion prevails that the immigrant is personally and individually to blame for the impossibility of departure. Mayor Van der Laan proceeded to evacuate the camp due to alleged health and

safety concerns. During the evacuation 108 people were arrested, and 96 of them were immediately released and thrown onto the streets. A few others were released in the following days. Thus, every effort was made to reestablish the distinction between legality and illegality. Following the eviction, the support group of the *Vluchtkerk* [Church of Refuge] stepped in to assist the immigrants, who had been scattered across the city. After members of the squatter movement opened up a church in Amsterdam-West, a group of 130 people eventually found shelter.

A crucial element in this situation is again the notion of “personal responsibility.” Effectively deporting the immigrants escapes the power of the law, yet granting the immigrants legal residency status is stubbornly refused—despite there being in fact juridical ground to grant such status. Dutch law has at hand various means to deal with unexpected and ungraspable situations. The Minister of Integration and Immigration, for example, is granted “discretionary power” which enables the minister to use his own discretion in decisions pertaining to individual cases. The law does not hermetically cover everything; in some cases, a degree of freedom of decision and policy is provided for. One could call this the “refresh function of the law.” Similar to the function of a refresh button on a webpage, law and reality are sometimes in need of realignment. This freedom of discretionary power is, however, never used in cases in which the immigrant does not cooperate with—or to put it more firmly, *frustrates*—his own departure. The notion of personal responsibility thus serves to cover up the reality that the law is unable to deport the immigrant and equally incapable of delineating the existing lawful possibilities for solving this situation.

Here we discover the paradoxical and poignant position of the illegal immigrant. The law itself began problematizing the illegal immigrant in the nineties. It tried to dispose,

3. On the night of 26 October 2005, a fire broke out in the immigration detention center in the east wing of Schiphol Airport in Amsterdam. The fire killed 11 people

and injured 15 others. Many of the surviving detainees stated to the media that the detention guards were slow in responding to their cries for help.

discipline, and stigmatize him. Absence became invisibility, and invisibility became evil. Yet all this time the immigrant stayed; he adapted to the situation, became invisible and evil. It is like squeezing an old balloon—you can squeeze with all your might but the balloon will pop up somewhere else between your fingers. And now, after years of increasingly bold attempts to push the air out of the balloon, the opposite is occurring. Instead of disappearing, the air shoots noisily through the firmly pressing hands of power, leaving the old balloon in an odd shape. The illegals unite, become visible, brave the system, and no longer allow for their exclusion. In response to the camps, municipalities have raised their voices against the symbolic politics of criminalizing illegal immigration and residency. Is it not about time that the system recognizes that reality will always escape its grip? Somebody, please hit the refresh button!

Martijn Stronks (born 1983) studied law and philosophy at the VU University, Amsterdam and University of Cape Town, South Africa and is currently based in Amsterdam, where he is working on a legal and philosophical dissertation on the notion of time in migration law. This is a slightly revised and edited translation of his article which first appeared as “De paradox van de zichtbare illegal: Een kleine geschiedenis van de illegaliteitsbestrijding” in *De Groene Amsterdammer* on 6 December 2012. The text has been translated from Dutch by Renée In der Maur.





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# Immigrant Movement International Manifesto

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We have been called many names.

Illegals. Aliens. Guest workers. Border crossers. Undesirables. Exiles. Criminals. Non-citizens. Terrorists. Thieves. Foreigners. Invaders. Undocumented.

Our voices converge on these principles:

1. We know that international connectivity is the reality that migrants have helped to create; it is the place where we all reside. We understand that the quality of life of a person in a country is contingent on migrants' work. We identify as part of the engine of change.
2. We are all tied to more than one country. The multilaterally-shaped phenomenon of migration cannot be solved unilaterally, or else it generates a vulnerable reality for migrants. Implementing universal rights is essential. The right to be included belongs to everyone.
3. We have the right to move and the right not to be forced to move. We demand the same privileges as corporations and the international elite, as they have the freedom to travel and to establish themselves wherever they choose. We are all worthy of opportunity and the chance to progress. We all have the right to a better life.
4. We believe that the only law deserving of our respect is an unprejudiced law—one that protects everyone, everywhere. No exclusions. No exceptions. We condemn the criminalization of migrant lives.
5. We affirm that being a migrant does not mean belonging to a specific social class, nor carrying a particular legal status. To be a migrant means to be an explorer; it means movement, this is our shared condition. Solidarity is our wealth.
6. We acknowledge that individual people with inalienable rights are the true barometer of civilization. We

identify with the victories of the abolition of slavery, the civil rights movement, the advancement of women's rights, and the rising achievements of the LGBTQ community. It is our urgent responsibility and our historical duty to make the rights of migrants the next triumph in the quest for human dignity. It is inevitable that the poor treatment of migrants today will be our dishonor tomorrow.

7. We assert the value of the human experience and the intellectual capacity that migrants bring with them as greatly as any labor they provide. We call for the respect of the cultural, social, technical, and political knowledge that migrants command.
8. We are convinced that the functionality of international borders should be re-imagined in the service of humanity.
9. We understand the need to revive the concept of the commons, of the earth as a space that everyone has the right to access and enjoy.
10. We witness how fear creates boundaries, how boundaries create hate, and how hate only serves the oppressors. We understand that migrants and non-migrants are interconnected. When the rights of migrants are denied the rights of citizens are at risk.

Dignity has no nationality.

Tania Bruguera (born 1968) is a New York-based performance and installation artist who is interested in the ways in which art applies to everyday political life by transforming social affect into political effectiveness and currently working on the political representation of migrants through her project *Immigrant Movement International*. This is a lightly edited version of the manifesto that was created by Tania Bruguera, in collaboration with immigration academics, activists, politicians, and community members at a meeting of the Immigration Movement International, which took place at the IMI's headquarters in Corona, Queens on 4-5 November 2011. The document is reprinted here with the permission of the artist.

# The Silent University

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Ahmet Ögüt



“It is not the case that a man who is silent says nothing.”<sup>1</sup>

In 1873, the writer and educator Anna Eliot Ticknor founded the Society to Encourage Studies at Home. This was a Boston-based network of women teaching other women by mail that the literary scholar Harriet F. Bergmann recently dubbed “The Silent University.” Almost 140 years after the inauguration of Ticknor’s society, the urgency for an organization of this kind has shifted from women in need of a liberal education to marginalized groups such as refugees and asylum seekers, in particular those whose professional lives have been interrupted by displacement.

Many people in the United Kingdom today are unable to practice their previous professions or use their qualifications, for reasons that range from insecure immigration statuses to English not being their first language. This situation led to the foundation of The Silent University, a collaboration between myself, Tate’s adult programmes curator Nora Razian, and community curator Synthia Griffin, with the support of the Delfina Foundation. This project is a self-institutionalized, autonomous knowledge platform that aims to challenge the idea of silence as a passive state; instead, we hope to explore its powerful potential through performance, writing, and reflection. The Silent University aims to address and reactivate the knowledge of its participants, inventing alternative currencies in place of money or free voluntary service. These explorations attempt to make audible the systemic failure and the loss of skills and knowledge suffered through the process of silencing people seeking asylum.

As Mladen Dolar argues very beautifully in his 2006 book *A Voice and Nothing More*: “We must not interrupt the

1. Anonymous, quoted in Keith H. Basso, *Anthropology*, vol. 26, no. 3 (autumn 1970), p. 213.  
“To Give Up on Words: Silence in Western Apache Culture,” *Southwestern Journal of*

silence unless we have something to say which is better than silence.”<sup>2</sup> Working with partners such as Southwark Refugee Communities Forum (SRCF), Migrants Resource Centre (MRC), and United Migrant Workers Education Project (UMWEP), we have developed a program that includes lecturers, consultants, and research fellows. There are currently about 30 participants at *The Silent University*. Our lecturers include a pharmacist from Syria, an accountant from the Congo, a marketing manager from Zimbabwe, and a calligrapher from Iraq. Our academic consultants include an astrophysicist from Iran, a union-learning organizer from Colombia, and a journalist from Sri Lanka. Course topics will be connected to participants’ specific qualifications and presented in their native languages. The first of these will take place at Tate Modern in November 2013, along with a one-day symposium that gathers individuals and organizations engaged in alternative education, specifically those initiated by institutions, artists or artist groups, and autonomous collectives.<sup>3</sup>

Tate will host *The Silent University* until the end of the year, but—ideally—the participants will eventually take *The Silent University* over as their own institution. It will survive as a “University in Time”<sup>4</sup> and will mostly be accessible online, appearing temporarily where hosted by collaborating institutions. We will hopefully manage to have a

permanent course under the umbrella of larger universities, which can provide some sort of curriculum or qualifications in the future.

In 1976, the British artist Stephen Willats published his seminal *Art and Social Function*, which includes analyses of The West London Social Resource Project that took place in 1972. As Willats explains, their fundamental concern was the relationship between coding structures and patterns of behavior. Willats argues that the ways people code themselves (how they dress, how they speak) reflect their desired or actual position within a community—he calls these “life codes”. Whatever the barriers are, *The Silent University*’s main aspiration is for all the participants to stop waiting in limbo, and to take the initiative right now by using their imagination to collectively construct their own reality and life codes. To paraphrase Susan Sontag in her 1967 essay “The Aesthetics of Silence,” we must acknowledge a surrounding environment of sound or language in order to recognize silence.

Ahmet Ögüt (born 1981) is an Amsterdam/Istanbul/London-based sociocultural initiator, mediator, artist, negotiator, and lecturer with an ongoing interest in urban interventions and institutional critique. This is an edited version of his text which originally appeared as part of Sam Thorne’s survey of alternative art academies founded by artists, titled “New Schools,” in *Frieze Magazine*, issue 149 (September 2012). Reprinted here with the permission of the author.

2. Abbé Dinouart quoted in Mladen Dolar, *A Voice and Nothing More* (Cambridge: MIT Press, 2006), p. 154.
3. To name some of the exemplary practices and projects in alternative education: Bank of Ideas—The School of Ideas; Tent City University at Occupy London; Free University, Berlin; The Public School, Los Angeles; Centre for Possible Studies, London; Özgür Üniversite, Ankara; Radical Education Collective, Ljubljana; The Autonomy Project Summer School, Eindhoven; *Wide Open School*, Hayward

- Gallery, London; Really Free School, London; United Migrant Workers Education Project, London; School of Missing Studies, Amsterdam; The Faculty of Invisibility, Amsterdam; Freie Hochschule Stuttgart; the School of Global Art.
4. In 1992, the Slovenian artists collective Neue Slowenische Kunst (NSK) initiated the ongoing project *State in Time*, the “first global state of the universe,” which currently has some 14,000 participating citizens around the world.



# Artists at Work: Patrick Bernier and Olive Martin

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Audrey Chan

Artists Patrick Bernier and Olive Martin's ongoing performance project, *X. c/ Préfet de... Plaidoirie pour une jurisprudence (X and Y v. France: The Case for a Legal Precedent, 2007–present)*, juxtaposes the legal status of an author versus that of an undocumented immigrant (sans-papiers) facing deportation in France. As artists concerned with issues of migration, they recognized an irony in the rapid expansion of copyright and intellectual property laws in the digital era, on the one hand, and the diminishing rights of immigrants and freedom of movement under French and European Union law, on the other. "X" is a character invented by the artists, a stand-in for individuals facing deportation orders in French and European courts. In the performance staged by Bernier and Martin, he or she is not only an illegal immigrant but also the author of a site-specific immaterial work—a shift in status that would accord X different rights and possibly allow him or her to stay in the country. The legal plea to allow X to stay in France is argued by practicing lawyers (Sylvia Preuss-Laussinotte and Sébastien Canevet) to an imaginary judge, in whose place the audience sits. This transposition implicates the audience in the routine process of entry and expulsion that takes place everyday at the borders of today's increasingly migrant societies. The project was originally developed under the title *Projet pour une jurisprudence* during the artists' residence at Les Laboratoires d'Aubervilliers in 2007. Since that time, iterations of the project have been presented in different art venues in France, Belgium, and Austria.

Bernier and Martin have worked collaboratively for over a decade, but their separate projects also develop the themes explored in *X. c/Préfet de... : Bernier's work deals with issues of hospitality and hosting, both virtual and real, and his projects have taken the forms of chat rooms, collaborations with storytellers, curatorial interventions, and writing. Martin's projects in photography, film, and*

installation have dealt with the porosity of identity in the context of Giorgio Agamben's notion of "whatever singularity."<sup>1</sup> In July 2009, writer Audrey Chan interviewed Bernier and Martin about their practice at their home in Nantes.

**Audrey Chan: What takes place in a performance of *Plaidoirie pour une jurisprudence*?**

Olive Martin: It's very simple: two lawyers appear before an audience on a bare stage. As people take their seats, the lawyers put on their black robes. They are in the administrative court responsible for cases involving foreigners and deportation. Sylvia Preuss-Laussinotte, a lawyer defending immigrants' rights, begins her plea on behalf of her client, X, addressing the audience as she would a judge in a tribunal. After presenting her case, she introduces Sébastien Canvet, a specialist in authors' rights, and explains to the judge that they consider their client not as a foreigner, but as an author. Sébastien and Sylvia proceed to give legal arguments to the audience as to why their client should be allowed to stay in France. So the client X is a model, and in fact, X could be anyone.

**AC: When you say a person is an author, the implication is that they have produced a work. So when the lawyers defend the immigrant as an author, does the question arise, "What is X an author of?"**

**OM:** We made a case where X is the author of an immaterial, site-specific work that cannot exist if this person is sent back to his or her country. We are also making the argument that authors' rights should protect the author and not just the work. So the two lawyers, Sylvia and Sébastien, bring in cases where immaterial works were protected and discussed. They invite the judge—the audience—to make a new legal precedent.

Patrick Bernier: When we present the performance outside of France, we address the plea to an imaginary judge of the European court, rather than the French court. So the title of the performance is no longer *X v. the Préfet*, but *X and Y—two co-authors—v. France*.<sup>2</sup> And the arguments are based on the 10th article in the European Convention on Human Rights (1950) on the freedom of expression and artistic liberty.

**AC: Do the lawyers present their arguments spontaneously or from a script?**

**OM:** Sylvia usually writes her plea, but adapts it to new political situations as they arise. Sébastien never prepares a written text, only the structure of his argument and some notes. Before the performance, we distribute to each audience member a 30-page document containing all of the documents a lawyer typically gives to a judge to follow the case he is defending. You can follow along during the performance as the lawyers will say, "On page 1..."

**PB:** We give the plea and the sources of the plea to the audience. It's connected to open-source theory.

1. In *The Coming Community*, Giorgio Agamben defines "whatever singularity" as that which has an "inessential commonality, a solidarity that in no way concerns an essence." His notion of "whatever" is based upon the original Latin definition of "being such that it always matters." See Giorgio

Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 2003).

2. For more information about the project, please visit the website: <http://www.plaidoiriepourunejurisprudence.net/spip.php?article12>.

**AC:** How did you come to collaborate with Sylvia and Sébastien?

**OM:** We wanted to work with two specialists to give a professional legal base to our work. In fact, they were both already activists within their own field. But we didn't know they would be as involved as they finally were, as performers. In our first discussion, Sylvia told us that the judge should be a creator. Lawyers bring in the tools for the judge to be creative.

**AC:** That's interesting because in the United States, the term "activist" is often used to discredit a judge, suggesting that the judge is interpreting the law to serve a personal or political bias. In the process of developing a new legal precedent, a rule or principle is established through a court ruling that can later be applied to subsequent cases with similar facts.<sup>3</sup> In common law systems, such as in the United Kingdom and the US, the law is made by judges and evolves over time on a case-by-case basis through legal precedent. In contrast, France's civil law system is comprised of codes (e.g., code de la propriété intellectuelle) originating in legislation. In both cases, previous court decisions are the building material for a lawyer's argument. In the French context, a judge can decide whether or not the argument is based on a sound interpretation and application of civil code. If not, a judge on a later case can dismiss the previous ruling. You need to refer to the past in order to move forward.

**OM:** It's a passionate and complicated question of interpretation. A case can be interpreted and applied

in many ways, so you have to be clever and thoughtful enough to match one case with another to make the argument that you want. As in art, when you put two things together, they say something different.

**AC:** When the lawyers plea to the audience directly, it calls attention to the theatricality of the courtroom and the fact that lawyers have to perform, like actors. It's a kind of performance of persuasion.

**OM:** We liked the language and the theatricality of the courts, and we knew that this was the form that we wanted to play with. For example, lawyers can speak for their client in the first person—they say, "I did not kill." There's a kind of confusion of identities between the lawyer and his or her client. Sylvia and Sébastien were very surprised when we told them, "Well, we just want you to plea as you do in the court." They responded, "But is this really art?"

**PB:** They wanted something more theatrical....

**OM:** With lighting, with a set, something very organized... whereas we wanted something more documentary and direct.

**AC:** Do you plan to stage the performance in courthouses too?

**OM:** Not in courthouses, not yet at least, or maybe never. Courthouses could be the real site of the work, but that's not our goal. The first goal was to set a legal precedent. While it may not be a realistic goal, we hope that it will happen.

3. The form of "precedent" most applicable to Bernier and Martin's project is the "landmark decision," which establishes an

important legal principle or change in the law on a particular issue (e.g., the rights of illegal immigrants).

**AC:** Perhaps establishing the new precedent isn't the immediate goal, but your work projects towards what currently seems impossible. In that way, you're infecting legality with an artist's perspective.

**OM:** We know that the project can change the way people see laws regarding foreigners, artists, and art, as well as authors' rights. It reminds us that you can, as a civilian, influence the law and speak and act on behalf of foreigners, who are not simply people who crossed the French border just to eat your bread. They are your neighbors and their kids are playing in the street with yours.

**PB:** All court decisions against foreigners are made in the name of the French people. Our wish is that the people will go to their courthouses to see what happens in their name, that they ask questions and say that they don't agree with the decisions being made.

**OM:** In the beginning, we had a more activist position. Now, however, we don't grant efficiency the same importance.

**PB:** Now we know it takes a long time to affect the mentality of a judge. To change this mentality, we have to make ideas circulate. Our project can serve as a template for action.

**AC:** What led you to work on this project?

**PB:** When Olive and I arrived in Nantes in 2001, my work concerned hospitality, freedom of movement, and borders. I began working with a local association

called GASPROM (Groupement Accueil Service Promotion du Travailleur Immigré), that agitate on behalf of immigrants. For about three years, I worked there as a volunteer and activist, sorting mail and writing official letters for immigrants requesting asylum from the French government. The letter writing was my informal training in foreigners' rights. People told me their reasons for having left their countries for France. Little by little, I began to understand how I could combine these two activities—my art practice and my activist practice.

**OM:** GASPROM was set up in the 1960s to help the first wave of migrant workers in France, who did not have many rights and were not protected under the law. The association helped them to find a place to live and gave them access to health care. In the 1970s, during the first economic crisis, France shut its borders and wanted the foreign workers to go back home. But they were already living in France and they wanted their families to join them. Since that time, the face of migration has changed.

**AC:** How did you arrive at a relationship between authorship and migration?

**OM:** Through Patrick's work with GASPROM, we learned that there are more and more laws that regulate displacement, travel, and borders. And as artists, we found that there are also an increasing number of laws that regulate cultural and artistic production.

**AC:** So you're proposing that just as citizenship can be achieved through the legal process, everyone has the potential to be an author protected before the law. Authors'

rights [les droits d'auteur] in French law are typically framed as protecting the creator, but they also limit access to artwork by limiting its redistribution. What application of authors' rights are you referring to within your project?

**PB:** In the *Plaidoirie*. . . we are trying to return to an idea dating from the French Revolution, developed by Abbé Sieyès and Pierre Beaumarchais: that an author's rights are meant to protect the author from a producer—for instance, a theatrical producer or record label. Beaumarchais essentially said, "Well, we need money to live, we need money to make our work. We need you to recognize intellectual ownership." Abbé Sieyès was also concerned with making a work quickly available to the public. He proposed that an artwork should be protected for five years, after which time it would become *domaine public* [public domain]. Currently the length of protection is 70 years after the death of an author.

**OM:** There's a difference between the Anglo-Saxon method of copyright and authors' rights in French law.

**AC:** In contrast to British and American copyright laws, which privileges the publisher or editor of a work, French law recognizes *les droits d'auteur* [rights of the author]. In fact, in France, a work can only be protected if it is an *œuvre de l'esprit* [a work of the mind] that has emanated from an author's intellect.

**PB:** Both the French and Anglo-American systems limit the circulation of artwork, but the current evolution of these rights in the French context increasingly

protects the interests of producers and companies in order to help them make a profit.

**OM:** This year in France, President Sarkozy tried to pass the HADOPI law.<sup>4</sup> Besides protecting profits, there is the basic question of "What is protection, really?" The idea of an artwork is that you share it—it only has an effect if it's heard, seen, and shared. A similar question concerns the French borders. We want to protect, but what exactly are we protecting? At that point, protection just closes you off to other possibilities.

Patrick Bernier (born 1971) and Olive Martin (born 1972) are artists based in Nantes, whose research into how art can be political often leads them into exploratory encounters and collaborations with fields as diverse as law, storytelling, fairy chess, and weaving. Audrey Chan (born 1982) is a Los Angeles-based artist, writer, organizer, and educator who researches feminist art, identity politics, and rhetoric. This text originally appeared as Audrey Chan, "Artists as Work: Patrick Bernier and Olive Martin," *Afterall Online*, 3 November 2009, online at <http://afterall.org/online/bernier-martin.essay>. It is published in this reader, in lightly edited form, with permission of the authors and *Afterall Online*.

4. HADOPI Law or Creation and Internet Law are alternative names for *la loi favorisant la diffusion et la protection de la création sur Internet* [law favoring the diffusion and protection of creation on the Internet]. HADOPI is an acronym for the French government agency, *Haute Autorité pour la Diffusion des Œuvres et la Protection des Droits sur Internet* [High Authority of Diffusion of the Art Works and Protection of the (Copy)Rights on Internet] established by the bill. The agency is vested with police power to punish violations of copyright law by Internet users under

a "three strikes" punitive arrangement. After protracted debate and public protest, the bill was first rejected (9 April 2009) and then accepted (12 May 2009) by the French National Assembly and finally the French Senate (13 May 2009). Most recently, the *Conseil Constitutionnel* [Constitutional Council], France's highest constitutional authority, ruled on 10 June 2009 that the HADOPI law is unconstitutional on the grounds that "the Internet is a component of the freedom of expression and only a judge can impose sanctions under the law."



## Collective Struggle of Refugees. Lost. In Between. Together.

*New World Academy (NWA)* invites progressive political organizations to share with artists and students their views on the role of art and culture in political struggles. Together, they engage in critical thinking through concrete examples of transformative politics and develop collaborative projects that question and challenge the various frameworks of justice and existing models of representation. *NWA* proposes new critical alliances between art and progressive politics, as a way to confront the democratic deficit in our current politics economy, and culture.

We Are Here consists of a group of about 200 refugees who first organized themselves into a political group in 2012. The group is based in Amsterdam and demands citizenship for all of its members, some of whom have resided in the Netherlands without official papers for over 15 years. Their key uniting principle is that the group accepts no individual solutions for its members—only full recognition of the legitimacy of the group and its members as a whole. Because Dutch law forbids refugees from performing labor—with “creative expression” exempt from this official definition of labor—art has played a significant role in shaping and exploring the political demands of the group since its founding.

Texts by: Patrick Bernier and Olive Martin (artists, Nantes), Immigration Movement International

(artist platform, various locations), Savannah Koolen (activist, We Are Here Action Center, Amsterdam) and Elke Uitentuis (artist, We Are Here Action Center, Amsterdam), Cyriaque Kouenou (lead singer, We Are Here Band, Amsterdam), Yoonis Osman Nuur (representative, We Are Here, Amsterdam), Ahmet Ögüt (artist, Istanbul, Amsterdam, and London), Martijn Stronks (theorist, Amsterdam), and Thomas (representative, We Are Here, Amsterdam).

*NWA* is established by artist Jonas Staal in collaboration with BAK, basis voor actuele kunst, and functions as a department of the New World Summit, an artistic and political organization dedicated to developing alternative parliaments for organizations banned from democracy. Future iterations of *NWA* will take place in a variety of political and geographic contexts throughout the world.