

On the border, the war is relatively close

Eva Kocher

2024-05-10T20:55:11

Last year, the Center for Interdisciplinary Labour Law Studies moved from the main building of the European University Viadrina Frankfurt (Oder) 300 metres further down the “Große Scharrnstraße”. Several workstations are now housed in what resembles a coworking space with a sofa and a small library, near to a kitchen and a rooftop terrace. The space is only 500 metres away from a bridge crossing the Oder. On the other side is Poland, rendering the war in Ukraine much closer to home in a very literal sense, different than in Berlin or elsewhere.

The war’s implications for personal and professional relationships are also noticeable. Last year, [Ivan Yatskevych](#) from the Kiyv-Mohyla Academy visited. Since the move, our work set up has changed such that as soon as one comes to work, we actually meet – in the team, but also with guest researchers. As a result, Ivan and I have often had the opportunity to exchange ideas, leading to me now working on a proposal for a joint project in which we will think and write about Ukrainian labour law.

The situation feels absurd. How do you plan for the next two years in Ukraine? Are we planning a workshop in Kiyv next year – or a final conference in Lviv in 2026? With catering and accommodation? We calculate the costs to travel from Kiyv to Frankfurt (Oder) – perhaps first from Kiyv to Budapest or Bucharest? I get a hint of what it must mean to live and work in Ukraine now, a country where everything depends on the development of the Russian war, and personal planning is close to impossible. Many Ukrainians now study or work in Frankfurt and at the Viadrina. Business administration student Olha Krahel from the National University Kyiv Mohyla Academy, for example, is here on an exchange programme; her exhibition “[Unissued Diplomas](#)“, which is currently displayed at the Viadrina, portrays 40 young people who died as a result of the Russian attack on Ukraine before they were able to complete their studies.

At first it took me a while to understand why Ivan always talks about the “full-scale” Russian attack when he refers to the invasion two years ago. After all, [hell already broke loose in 2014](#) when the Russian attack began. Here at least, some people have begun to realize this early on, due to our location on the border. After February 24, 2022, civil society on both sides of the Oder was trying to help, spending weeks at the train station to support Ukrainian refugees. Even more surreal was the situation one Monday last year. As we welcomed Ivan, his wife and daughter to the university, we watched the weekly continuation of the ‘*Querdenker*’ demonstration pass by – with loads of Russian flags.

+++++++Advertisement+++++++



Die **Berliner Landestierschutzbeauftragte** bei der Senatsverwaltung für Justiz und Verbraucherschutz sucht ab sofort

eine/n jur. Referent/in (m/w/d) als Regierungsrätin /-rat bzw. Tarifbeschäftigte/r.

Die Aufgaben umfassen u.a. die Erarbeitung juristischer Stellungnahmen und Gutachten zu Gesetzesvorhaben und konkreten Sachverhalten mit Bezug zum Tierschutz und angrenzenden Gebieten, Aufklärungsarbeit gegenüber der Öffentlichkeit und die Mitarbeit an Veranstaltungen und Fortbildungen. Die Landestierschutzbeauftragte ist beim Leitungsstab der Senatsverwaltung angesiedelt und berät das Land Berlin zu tierschutzrelevanten Fragen auf Landes-, Bundes- und EU-Ebene.

Bewerbungsfrist: 28. Mai 2024

[Vollständige Ausschreibung hier](#)

Weitere Informationen [hier](#)

+++++

Viadrina has long had meaningful contacts and exchange with numerous Ukrainian universities. This likely has something to do with the fact that due to the close cooperation with Polish partners, the Polish (realistic-critical) view of Russia is present. This view is exemplary for the discourse on Russia in many Central and Eastern European countries. At the border, this quickly concretizes into both personal and institutional realities. On the other side of the Oder is the Collegium Polonicum which houses, among other things, the European New School of Digital Studies, a joint institution of Viadrina and Adam Mickiewicz University in Pozna#.

Even those who know little about the German-Polish history will realize how unusual such an institutional cooperation remains, especially one that has existed for more than 30 years now. The cooperation began shortly after the Viadrina was founded, long before Poland joined the EU, and from the outset it was seen as more than just a contractual alliance: from its very inception, it has been operated and developed as a joint academic institution with joint management and joint degree programmes.

Since the Oder has stopped functioning as an external EU border, paths to cooperate and work together have become even shorter. Poland's accession to the EU – now almost exactly twenty years ago – or, to be more precise, the full freedom of movement that followed was a decisive step forward. Regrettably, the latter was only introduced in 2011 because Germany preferred keeping the Poles out for another seven years to introducing a minimum wage law. Today, the close cooperation between Frankfurt and Śubice, the Polish town on the other side of the Oder, which until 1945 was called “Frankfurt Dammvorstadt”, is more than an art project, more than the imaginary [Śubfurt](#), the artistic construction of reality initiated by Michael Kurzwelly, with its own constitution, local elections, and so on. By now, the two cities work together closely in reality, as a [German-Polish twin city](#). So close, in fact, that they even jointly organize their energy supply through a common district heating pipeline and a [cross-border bus service](#). Legal experts can probably guess what bureaucratic and legal obstacles must be overcome again and again, not to mention the historical and political ones. It was, notably, the students who pushed for a joint bus route, which was financed by the AStA until it became integrated into the network.

However, sometimes the border does feel like an external border again. Since last year, the Federal Border Guard, which did not dismantle its huge installations on the border bridge until 2013 anyway, has been regularly checking the border again. It is all the more fitting that an installation by [Joanna Rajkowska](#) last year brought the death and misery at the EU's external borders directly to the border bridge. On the promenade stood a three metres high concrete wall studded with glass (on which people passing by wrote their thoughts with Post-Its). If you looked down from the bridge at a distance, you could see that it was forming a simple and succinct SORRY. It was an invitation to think differently about the border and to improve understanding of flight – not an easy topic, especially in the German-Polish dialogue (when it is not about the flight of Ukrainians after the full-scale invasion). But Polish discourse could have helped us at least grasp the significance of the Russian attack on Crimea back in 2014, if only we had listened more closely.

++++++*Advertisement*++++++



*In einer **Kooperationsveranstaltung mit der GEW Thüringen** gehen wir Szenarien und Strategien für den autoritär-populistischen Ernstfall in Schulen auf den Grund. In dem Workshop werden die Ergebnisse der Recherche des Thüringen-Projekts präsentiert und gemeinsam mit der Seminargruppe Möglichkeiten erarbeitet, Schulen und Lehrkräfte für politische Vereinnahmungsstrategien zu sensibilisieren und Resilienz aufzubauen. [Hier geht es zur Anmeldung für die Termine im Juni 2024.](#)*

+++++

The Week on Verfassungsblog

Universities in the US have become focal points of political conflict. Nationwide, **students are demonstrating** against the war in Gaza and calling for a halt to U.S. arms deliveries to Israel. [ROBIN CELIKATES](#) shows that these protests also concern fundamental questions of democratic coexistence, the handling of political conflicts, and the necessity of independent educational institutions and critical scholarship.

With the adoption of the deeply controversial **Safety of Rwanda Act**, the UK might be having its *Marbury v. Madison* moment, with there being [speculation that the courts might refuse to apply some of the Act's provisions](#). [KACPER MAJEWSKI](#) with a proposal on how the courts may be able to recognize the Act's unconstitutionality while upholding its legal validity.

In response to Russia's **facilitation of migrants** to Finland's eastern border, the government has now closed the border indefinitely and is proposing a draft bill that openly admits being in violation of its own Constitution, human rights obligation and EU law. [MILKA SORMUNEN](#) on why the proposed measures are not just unprecedented but also unlikely to provide an effective response to Russia's conduct.

As evidenced by three recent posts on the Verfassungsblog by Joseph H.H. Weiler, Merijn Chamon, and Lorin-Johannes Wagner, the **sale of national and European Union citizenship** understandably remains highly controversial. It seems arbitrary, perhaps even abject, to grant nationality in exchange for a monetary investment, when most people must wait years and overcome considerable hurdles before they

can naturalize. [MARTIJN VAN DEN BRINK](#) joins the discussion and presents 3½ myths about EU law on citizenship for sale.

The **immunity of public officials from foreign criminal jurisdiction** is a much debated topic. [TAL MIMRAN](#) has attempted to outline a common ground on this issue, focussing on the scope of immunity and its exceptions.

[ALBERTO ALEMANN](#) analyzes the creation of a dedicated **EU Body for Ethical Standards**, which carries the potential to mark a qualitative difference in the development of the EU ethics system as we know it.

The **European Commission** put forward a proposal for the Council to conclude the Association Agreement (AA) between the European Union and Andorra and San Marino. The AA with Andorra and San Marino goes another step further and introduces in an unprecedented manner the supervision and jurisdiction of the European Commission and the Court of Justice (CJEU) in the context of an association agreement. [JARNE DE GEYTER](#) argues that the Union has fully exhausted its association competence when it comes to the depth of integration it may offer third countries.

In April 2024, the European Parliament, along with the Council, approved all three legislative proposals to **reform European economic governance**. These measures strengthen European economic security by protecting the sustainability of the Union's debt. Without going into the legislations' details, [MARCO BEVILACQUA](#) reveals a propensity within EU economic governance towards neo-protectionism of the EU's financial interests.

In a widely acclaimed judgment, **India** recently saw its first climate ruling issued by the Supreme Court. This is a major advancement, according to [ARPITHA KODVIVERI](#). However, genuine climate protection requires a holistic approach that considers the climate crisis alongside other environmental crises.

+++++++Advertisement+++++++

Verfassungsblog

ON MATTERS CONSTITUTIONAL

Unser Team wächst weiter!

Wir besetzen Stellen in den Bereichen:

- [Akquisemanagement – Hochschulkooperationen](#)
- [Teamassistenz – Administration & Organisation](#)

Das klingt interessant? Dann schau [hier](#) auf unserer Website vorbei.

+++++

After lengthy negotiations within the German “traffic light coalition”, the Bundestag passed an **amendment to the Federal Climate Protection Act** on April 26, 2024. The abolition of annual sector-specific targets as a basis for the legal obligation to present immediate action plans has drawn strong criticism from environmental organizations and experts. [CHRISTIAN FLACHSLAND, JACOB EDENHOFER, and CLAUDIA ZWAR](#) evaluate the amendment and explain why a realistic assessment of the possibilities and limits of institutional regulations is needed to implement ambitious climate policies.

The arrest warrant against Jian G., an employee of **AfD top candidate** Maximilian Krahn, has caused a political stir just a few weeks before the European elections. But can Maximilian Krahn also be held criminally liable? [MILAN KUHLI and JULIUS BAYÒN](#) think it is possible.

Everyone is discussing Thuringia – but what about the judiciary’s resilience in **Brandenburg**? As a result of their analysis, [ULRICH KARPENSTEIN and STEPHAN KIRSCHNICK](#) see an urgent need for action in Brandenburg before September’s elections.

Before these elections in September, there are **local elections** in many states in June. In Hildburghausen, Thuringia, the well-known right-wing extremist Tommy Frenck has just been allowed to stand for election as a district administrator. [ALI IGHREIZ and JOSCHKA SELINGER](#) show how voters can challenge such elections – and why this is an act of mobilizing the democratic constitution.

Against the same background, [KLAAS MÜLLER and VIVAN KUBE](#) analyze how civil society can be protected from **authoritarian local politics**. It is crucial that policies of democracy promotion are utilized in their depth and on the basis of the structural decisions of the Basic Law because the battle for sovereignty over the interpretation of democracy has already begun.

Before things continued this week on Monday, [FELIX OLDENBURG and CARLOTTA MUSIOL](#) gave an interim update after the fifth day of the trial to **categorize the AfD** as a suspected party before the OVG Münster. In addition to the statements made by party functionaries and elected representatives, the main topics were the concept of the nation (Volksbegriff) and regulatory discretion.

There is now agreement on better protection for the **Federal Constitutional Court**, but not yet on the details. [JOHANNES FORCK](#) argues for greater involvement of the *Bundesrat* as a minimally invasive and effective solution to minimise the risks of a blocking minority and legal challenges in the courts.

That’s all for this week. Take care and all the best,

the Verfassungsblog Editorial Team

*If you would like to receive the **weekly editorial** as an email, you can subscribe [here](#).*

