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Germany

The crisis of the German government and the EU: an explosive farce

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The day after the “agreement” between the two parties of the CDU-CSU union, the media speculated on the question: “Who has won?” Of course, the answer was given according to the preferences of the media but the general tenor was: neither of them. An opinion poll of the Forsa institute claimed: “29 per cent of the interviewees think that Merkel’s concept has prevailed; 25 per cent think that Seehofer has succeeded; 40 per cent cannot say who is victorious.”

"The right to asylum

When we look closely at the compromise that was achieved, it is difficult to discern a victory by Seehofer. A judgment has to be made according to Merkel’s criteria; were they unilateral decisions, approved by key EU partners, made at the expense of third parties.”

The transit centres of the agreement with Seehofer, which were the bridge for him to remain minister of the interior, are but hotspots or ANKER centres [\[1\]](#)...at the German frontier – with the reservation that refugees who have already been registered in other countries and are not taken back by those countries are to be brought to Austria. But it depends on a corresponding agreement with Austria, which is still written in the stars.

In the transit centres, the Dublin regulations prevail, i.e. all the exceptions intended for passed deadlines, pending lawsuits, the case of relatives present in the country or special regulations for pregnant women. This means that the refugees have a minimum of legal rights which still stand in the way of a fast deportation. Thus Seehofer’s wish to make short shrift of the refugees has not been met.

On the other hand, refugees are now not only to be prevented from submitting a request for asylum at airports, but generally in Bavaria (for the moment) since the transit centres are declared as “no man’s land” where refugees who have been rejected in other EU countries will be rejected in Germany as well before they can even ask for asylum.

The compromise with Seehofer has been watered down (in his view) as arranged with the SPD, the third partner in the government coalition: the transit centres are not to be named as such; they are not intended to be special installations but to be put under the authority of the federal police; refugees’ stay in the transit centres may not exceed 48 hours – but they are also not allowed to leave the centres during this time. In fact, the stay can exceed 48 hours since a refugee has the right to make a legal appeal against the rejection of their request for asylum – and this needs time.

In the centres of the federal police “airport proceedings” take place which means that according to the law “asylum proceedings have to take place before the decision on entry”. A claim for regular asylum proceeding results only from a stay in a country. Thus the airport proceedings make it possible to accelerate decisions and rejections. The transit centres are simply declared as extraterritorial territory through a bureaucratic act.

Further agreements with the Social Democrats have taken the edge off Seehofer’s intention to deprive refugees of their rights in order to be able to deport them out of hand. There will be no hotspots on the German border. Nevertheless, through this whole summer fuzz, a red line has been crossed: for the first time a German federal

minister has been demanding an open break with European law following in the footsteps of the countries led by extreme right-wing governments. And it is not a personal trait of Seehofer's.

On 14 June, the Bavarian Prime Minister Markus Söder put forward the idea of ending “well-ordered multilateralism” in the EU in favour of independent national initiatives. This is a political break, in the same vein as Alexander Dobrindt's (CSU minister in the federal government) enunciations À la AfD (Dobrindt for instance declared, there be “an end to asylum tourism”). Now this rift has been opened up and it will not be closed by the achievement of this pragmatic agreement. Part of the CSU has begun to adopt an anti-EU course – not in order to fight for more social rights and equality, but in order to dismantle existing rights and to convert the EU into a “security community”.

So the crisis of the government continues. Seehofer has already declared his intention to unilaterally carry out deportations if bilateral agreements do not work – regardless of the law. That his crusade against refugees has nothing to do with the supposed burdens provoked by their run to the Bavarian-Austrian border (the only border in question) is shown by the fact that most asylum seekers picked up by the federal police in 2017 had not entered across that border but across the Swiss-German border (into Baden-Württemberg) and via airports. And only 15,414 asylum seekers altogether were picked up through controls of cross-border traffic whereas 198,317 applications for asylum were lodged at the Federal Office for Migration and Refugees (BAMF). The plain truth is that the vast majority of refugees are not picked up on the border – despite the so-called *Schleierfahndung* (special random checks and investigations).

Seehofer's crusade does not contribute at all to controlling refugee outflows, demonstrating that his motives are entirely different. Even if his proposal had gained complete acceptance, the measures would have had only a symbolic effect, though a devastating one. But he brought the country to the brink of a governmental crisis. That this has been made possible in Germany – a country eager to preserve its political stability – is a cause of great concern.

The left should not be happy about this way a bourgeois government is disintegrating. It has always been a part of a right-wing strategy to create chaos and to destabilize in order to be able to strike even harder. A part of this strategy of the right is to throw its own administration into chaos and to render it incapable of rebuilding orderly circumstances. They are the creators of the chaos they claim to end.

The Organization of Europe

One cannot argue that these transit centres contradict the agreements the EU governments achieved in June. These explicitly stipulate the installation of hotspots in various EU countries in order to “relieve” the previous main destination countries. That such a course could prevail as the “European” line shows merely how successful the extreme right has become in participating in governments of EU member states or influencing such governments. But no state really wants to have such centres, for as long as the regulations for repatriation are not effective, i.e. as long as they have a purely voluntary nature, they threaten to become mass detention centres as is already the case in Greece. But the nearer these centres come to the centre of Europe, the more unbearable they will become and the more unacceptable to public opinion.

The success of repatriations depends on the approval of the states concerned. If this condition is not fulfilled, the construction of a “European solution” will collapse like a house of cards and the pressure will increase further to take unilateral measures, i.e. to construct walls again between EU countries. The results of the EU summit do not end this danger, quite the contrary.

The logic of “We first!” was dominant at the June summit, only scantily covered up by declarations of intent on

bilateral agreements. This logic could possibly lead to the annulment of the Schengen agreement, which regulates the visa-free access within the EU, with incalculable results on freedom of movement in Europe. In the end, the question will be raised whether cooperation is still a hoped-for goal or whether it will be replaced with a full-scale return of national particularism. This would be a gigantic step backwards with significantly negative results on democratic (and social) rights.

There are other developments contrary to a disintegration of the EU – e.g. the pressure to install a real military union or to continue to play a role in international commerce and finance. But these are not projects that go hand in hand with the preservation of democratic and social rights. Either way, these rights are acutely at risk.

The “4 freedoms” guaranteed in the EU treaties, especially the freedom of movement, are endangered, whereas the governments agree to build the fortress Europe by all available means, including military ones. Criminal regimes like the one in Libya or semi-dictatorships like Turkey are supported by billions of Euros to do the dirty work for the EU. But NGOs organizing sea rescue operations are criminalized and threatened with heavy fines or prison sentences. The union of values the German chancellor is supposed to fight for is nothing but a chimera.

The crisis of the nation-state ...

This is not only a crisis of the EU, it is a crisis of the nation-state as well. The EU eventually came into being because of the very necessity to overcome the restrictions of the nation-state, but this took place in a way that did not overcome the nation-state. For the conservative concept of the state, the nation-state remains central and is still – despite all forms of integration in various sections and contrary to claims of many among the left – the basic principle of the construction of the EU. This principle leads to European integration where the interests of big capital and the big countries are met (commercial policy; the harmonization of industrial standards; financial policy) and where the repressive functions of the states, both internally and externally, are concerned.

But everything that concerns social regulations remains excluded, since it is to be exposed to unrestrained competition. It is obvious that thereby the inequality within the EU – and thus its potential for crisis – can only increase. But today there are many other problems that can no longer be overcome by the nation-state, like migration, like environment policy, management of resources, financial disorder, trade agreements and so on.

In the right-wing and conservative camp, the responsibility of member states for the misery of the EU is covered up by giving out the slogan: “We do not share! We keep our wealth for ourselves.” For this reason there is no mutual bailout and no common refugee policy, and there are no common social standards. But this is suicidal. It not only endangers the gains of the workers movement but sometimes even capitalist interests. For this reason not only the left is disintegrating in these matters but also the right. On the other hand, Merkel and Seehofer have a lot of common positions in this matter....

And the helplessness of the left.

People rightly rebel against being more and more unprotected from capitalist rule and against the fact that political decision centres are transferred more and to a supranational level. But it is wrong to rebel against the necessity of a European union (and an international understanding beyond that) and not against the necessity to break the dictatorship of capital in order to place such a union upon a foundation of solidarity. Many left people do not make this difference because they do not start from an international class standpoint but from a national one. Therefore

they treat the EU as if it were a colonial power though in fact it is only an appendix of the existing nation-states.

We do not defend the institutions of the EU, but neither do we defend the nation-states for they are both parts of the bourgeois state apparatus. We defend democratic and social rights – that is something different. There remains an enormous task to find a third model. The model we have is the Commune. It is today more actual than ever before, and it would be positive to reflect more intensely on how to realize such a model on a European level and beyond.

Union of CDU and CSU – or separated paths?

Immediately after the German federal election, we had a debate in our ranks with some arguing that Germany has entered into a phase of political instability – like other European countries – and that this instability above all can be traced back to a destabilization of the parties of the CDU-CSU union. Eventually, the government crisis came faster than expected.

Commentators pointed out that Seehofer's tricks are not only due to a conflict with Merkel on the question of a European vs. national solution, but also due to obsession with his image compared to that of the chancellor during the Bavarian election campaign – this neurosis as its roots in the power struggle within the CSU. Seehofer's relenting at the last minute is supposed to be due to the fear in Bavaria that in case of a break of the coalition by the CSU the CDU could extend its range to Bavaria – even before the Bavarian elections. Now it is possible that Seehofer will be made responsible for a defeat of the CSU in the Bavarian elections in October 2018 and that he will be ousted as the party's president.

According to an opinion poll held immediately after the agreement between Merkel and Seehofer, 54 per cent of the interviewees would have preferred a separate candidature of CDU and CSU in future elections. But with a breakup of the CDU/CSU alliance, the CSU would lose more than the CDU because it is too much a Bavarian party. What in the eyes of the general public and of the supporters of the CDU/CSU seems to be a conflict between CDU and CSU is in fact a deep split within both parties. Eventually, the Merkel line met with heavy resistance, even in her own party before a European solution seemed to be possible at the EU summit. According to an opinion poll 48 per cent of CSU supporters approved the Seehofer line, 49 per cent Merkel's position. Amongst the general public Merkel has more supporters: like Merkel, 69 per cent of German citizens want a European solution. Only a majority of supporters of the extreme right-wing AfD (88 per cent) favour Seehofer's position.

Presently, a breakthrough of the reactionaries within the CDU can still be blocked by the chancellor (and the party does not want to endanger the chancellorship). But the party leadership in Bavaria is led by a clique of rascals that do not hesitate to use slogans of the extreme right if this promises more power. They represent another type of politician, which up to now we have not been accustomed to in Germany, rather familiar within the Free Democratic Party (FDP), before that liberal party was outflanked by the AfD.

For the chancellor the conflict is not finished. It is more and more obvious that neither the agreement of Brussels nor the one in Berlin are any good. Merkel has given priority to the unity of the CDU-CSU alliance (and the continuation of the present government coalition) as far as to self-denial instead of a political clarification in her own party – but otherwise she would have possibly lost out. Thus her chancellorship will lead to an open – possibly premature – clash within the CDU. The cards will be reshuffled with a view to the next federal elections at the latest, and presently the conservative right wing of the CDU seems to become stronger.

Thus in both parties of the CDU-CSU alliance, policy choices are on the agenda. It is probable that they will not

immediately lead to a break within either of those parties. But they are likely to result in a further loss of supporters. On the margins, new formations could emerge which would be focused on winning support from a narrower sector of the electorate than the existing populist parties.

What the left should do

The SPD, but also the leadership of the parliamentary fraction of the party DIE LINKE, have shown a miserable image. They confined themselves to accusing the government of being incapable of governing! Fortunately the appeal (with a title that misses the mark) "Solidarit t statt Heimat" (Solidarity – not home country), with more than 14000 signatures was a sign that the left is resisting the rightward shift. Despite its wrong title, the appeal deserves a broad support.

But deeds must follow words. What could the deeds look like?

– We must strengthen the culture of welcome.

Each act of solidarity with refugees is an effective act against the rightward shift. Wherever it is possible, forms of civil disobedience should be expressed, and it would be positive to have a network of towns and cities according to the model of the Rebel Cities.

– We need escape assistants again

[2]. The NGOs that are engaged in sea rescue operations are under attack by the authorities and need political and material solidarity. There should be a campaign to support them. Already funds are collected to buy new rescue ships, because so many have been confiscated during the summer. The possible programmatic basis of such a campaign could include such points as: legalization of escape routes; abolition of all centres for the concentration of refugees; decentralized accommodation; real measures for integration (flats, workplaces, education). The requirement of registration could be linked to such integration offers.

– In July there were demonstrations against the government and Seehofer in several major German cities when the boat Lifeline was prevented from entering Italian and Maltese ports and the German government approved this. The captain of the Lifeline is Bavarian and has voted CSU for a long time. The demonstrations were called by an alliance called Seebr cke, this means sea bridge. The impetus of these demonstrations will continue this fall with a federal demonstration named "We'll come united" on September 29 in Berlin.

– Strengthening anti-racist and pro-migrant networks in Europe.

– **Campaigns that reach the plants and factories**– e.g. in the chemical industry against the land grabbing organized by the big corporations in Africa, robbing small farmers of their livelihood; or in the weapons industry for the suspension of arms exports and for arms conversion...

These are some proposals. More would be welcome.

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[1] The name is based on the German words for arrival, decision and repatriation

[2] During the Cold War escape assistants were people who helped citizens of the GDR flee to West Germany. This was illegal, but tolerated by our governments