Summer School on Migration, Human Rights and Democracy

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Favignana, Trapani – Italy

The sea has always been attractive and fascinating for me, thus attending a Summer School on an island, in the South of Italy was an idea that I was very excited about. However, recently the sea has been the carrier of other meanings and other burdens, people forced to flee their homes by means of unsafe boats, aiming to reach Italian shores and to find protection or a better life in Europe.

I was looking forward to learning more about ways to respond to the current migration challenges, about how to perceive these challenges as a social scientist and about what policy recommendations would be envisaged by people who work, study or teach in this field.

The 9th edition of the International Summer School on Migration, Human Rights and Democracy, organised by the University of Palermo, focused the issues of "separated children" and migrant children. The event was coordinated by Professor Elisabetta di Giovanni and Director Aurelio Angelini.

There were 45 participants and 26 presenters from European and non-European countries, the language of the presentations being English and Italian. The topics of discussion and the areas covered varied from the issues of migrant children and the case of Mafia Capitale in Sicily, to Egyptian unaccompanied minors living in Italy, the experiences of (un)welcoming refugees in Hungary, labour migrants of Kyrgyzstan and children left behind, measures to combat Illegal migration in the Russian Federation, Programs and European policies for unaccompanied children protection, Global diaspora problematics and European identity.

Unfortunately, two of the participants could not reach the destination as they did not receive a Visa for Italy, thus the topics: *Using Religion as*

Justification for the Abuse of the Nigerian Child and *How Afghan Children Immigrants Turn into the Phenomenon Called Children on Street in Iran* could not be presented.

One of the most interesting presentations for me was the one by Elena Mignosi from the University of Palermo. She conducted a workshop, focusing on the psychological perception of perspectives about "alterity" and the role of the caregiver in the inclusion processes of migrant children. The workshop was an experience of exploring the self, the limits of the self and the interaction with other beings, within the perceived limits of the self. The tool used for this activity was a virtual balloon, the boundaries of which were represented by the length of opened hands. The purpose of the activities for each of the participants was to try and empathize with a separated, unaccompanied minor and to connect to him/her in a manner that renders communication and relationships effective.

On Wednesday and Thursday mornings, Professor Liza Ceroni Long from Eastern Michigan University gave a charming speech entitled Culture, Migration and Conflict; and also about the importance of acknowledging the imprint of culture in our thinking, actions and reactions. Even the way a person introduces himself/herself and their presentation to the audience is revealing their culture. For instance, typically a French person would introduce the presentation by thanking the organisers for their generosity, while an Italian person would start by complaining and an American would start with a joke. As an Italian born, American citizen, who spent more than 10 years in Japan, her teaching was relevant for the broader topic related to how different cultures of migrant groups interact and raised important questions about who we are, depending on where we were born and on which culture contributed to shaping our beings.

Professor Anamaria Mitrano captured the attention of the audience and my admiration by her bright speech on Exodus, Human Rights and Coexistence. A Cultural Anthropologist from the University of Palermo, with significant experience in the field, she emphasized the shift in the nature of contemporary democracy and politics towards a capitalist driven society, a

place where the economy dictates the rules of living and especially the treatment of fellow human beings. Migration is not a new feature in human society; it's been there since the very beginning of human race, which started migrating from Africa. Moreover, European societies are facing demographic problems due to population aging and they also need labour force. Then why does the current political regime at European level try so hard to build walls, to control migration and to shape it according to its will? It was argued that democracy as a political system should come under scrutiny and new ways of being political should be put forward.

Another interesting aspect of her lecture was her underlining the coexistence of migrant communities within the Italian society and the factors that contribute to it. This peaceful relationship is facilitated by cultural affinities, religious similarities and also by a certain action/reaction type of behavior. This behavior referred to, on the one hand Italians welcoming the migrant (Romanian, Albanian, Tunisian, Bangladeshi, African) who provides labour force in the fields where Italians are happy not to work, and on the other hand migrant communities integrate (to a certain degree) quite smoothly, by learning the language and co-existing in a society that seems and feels welcoming enough.

Speaking of the welcoming and generosity of the native inhabitants, my time spent in Sicily was marked by a surprisingly pleasant experience one evening, when I was trying to find a shop that would be open after 10 p.m. and buy a bottle of water. Water was a critical part of the daily life in a place where temperature was 35°C+ and water was never for free, it usually cost 1 or 2 EUR per bottle. After walking a long distance without finding any shop, I tried to buy water from a couple of restaurants, an attempt that proved to be unsuccessful until the last moment. Finally, I entered a small, local restaurant where Italians were enjoying their dinner and drinks in a cheering atmosphere and I asked for a bottle of water. The waiter asked me if I also wanted to order food and I replied no. After a few moments he came back with a 1-liter bottle of water and gave it to me. I asked how much it was (in Italian) and he replied *it costs nothing*, I insisted that I wanted to pay, but he steadily refused to take any money from me. I was happy to have found

water and I was astonished that the water was for free, offered with a smile.

In a nutshell, the conference was a valuable learning and sharing experience, with the papers to be published in an edited volume by Aracne publisher, Rome and in the Migration Studies journal.

The Scottish referendum: a reflection of an imperfect British model

The last is yet to be heard about the resultants of the Scottish Referendum on the question of independence from the United Kingdom. Whilst the United Kingdom survived the scare of a looming threat of an independent Scotland by a vote of 55% to 45%, the ripples generated by the simple act of balloting will continue to reverberate the island of Britain and indeed the wider World in years to come.

"If not us – then who?

If not now — then when?

Friends — we are Scotland's independence generation.

And our time is now"…. Alexander Salmond

For the first time since 1st July 1997 when the Union Jack was lowered at its Far Eastern outpost in Hong Kong, which was the United Kingdom's last colonial outpost, the waning power and influence of the once global affluent 'Great Britain' was brought to bear as a 'coup de grace' was about to be dealt to homeland Britain.

What started as a union of Anglo-Saxons and Normans in what is now called England, ended up enveloping the Welsh in the 13th Century, and, in series of wars and finally in political agreements, the Gaels, Picts and Celts which make up what is now called Scotland were brought into the 'Union' first by the Union of Crowns in 1603 when King James VI of Scotland became King

James I of England following the death of heirless Queen Elizabeth I of England. Thus, the seat of the Scottish Monarchy moved from Holyrood in Edinburgh to Buckingham Palace in London and finally in 1707 after a crippling bankrupting feat Scotland attained in trying to colonize the Isthmus of Panama in the Americas, the Scots looked South of their border to the English for economic salvation; and as such, after series of parliamentary debates, the 'ACT OF UNION' was born 1st May 1707 when England and Scotland came under one political government—effectively uniting the entire Island of Britain under one political and Monarchical Government

ACT OF UNION, 1707

I. That the two Kingdoms of England and Scotland shall upon the First day of May which will be in the year One thousand seven hundred and seven, and forever after, be united into one Kingdom by the name of Great Britain; and that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint, and the Crosses of St. George and St. Andrew be conjoined in such manner as her Majesty shall think fit, and used in all Flags, Banners, Standards and Ensigns both at Sea and Land.

III. 'That the United Kingdom of Great Britain be represented by One and the same Parliament, to be stiled, the Parliament of Great Britain.'

With such 'Unity' the United Kingdom of Great Britain wittingly sought to build an Empire thus colonizing about 1/4th of the Earth's population. At the Zenith of this attainment, the British Empire was in the words of George Macartney referred as "this vast empire on which the sun never sets, and whose bounds nature has not yet ascertained."

Over three quarters of North America in what is now known as Canada and the United States of America to patches of land in South America, the West Indies (Caribbean Islands), the Indian subcontinent (India, Pakistan, Bangladesh, Myanmar, Sri Lanka and Singapore), Australia and patches of Chinese territory; the 'British were famed as Colonial Masters and Master of the Seas! And not even Africa was left out of the British Colonial zest, for they effectively subjugated the choicest of territorial lands and largest number of peoples under their control in territories now known as Nigeria, South Africa, Egypt, Kenya (All economic and regional powerhouses) not to talk of the Sudans (North and South), Uganda, Ghana, Tanzania, Gambia, Zimbabwe and Zambia.

'the wind of change is blowing through this continent; and whether we like it or not, this growth of national consciousness is a political fact, we must all accept it as a fact'… Harold Macmillan (British Prime Minister from 1957-1963)

The 20th Century brought a significant 'wind of change' to the British Empire. Actively fighting off two World Wars, the homeland British war economy faced near economic crippling terms and coupled with the signing of 'Atlantic Charter' with the United States which guaranteed the right to self determination of subjugated peoples, the British Empire began to defoliate rapidly for the first time since 1776 when the United States sued for Independence of London.

Starting from the British Isles, the Catholic Irish got Ireland off Westminster's control and then the floodgates of independence opened in

British colonies in Asia and Africa culminating with the return of Hong Kong to China —Britain's last colonial outpost in the Far East in 1997.

Coincidentally, 1997 saw the British Labour Party consolidating power in Westminster and that came with the promise of devolution of powers to the constituent Non-English entities making up the United Kingdom. Ultimately, that set the tone for a series of intrigues that set the stage for this Scottish referendum question;

SHOULD SCOTLAND BECOME AN INDEPENDENT COUNTRY?

Whilst the 'No' votes helped to pass a volte-face to the 'Yes' separatist agitation, that simple act of ballot has posed several teasers for the British and indeed other countries of the free world in the following:

In an era of 'International Unionism' as seen in the formation of strong Continental Organizations such as the EU, NATO, AU etc; where smaller individual countries seemingly do not have a voice; is there really a need for emergence of new Nations who will in turn have to vie to join these continental bodies who advocate loose economic and border controls?

Though England has roughly 85% of the UK population and significantly projects the UK's global influence, Scotland holds a significant portion UK's defence capabilities in military industries and the UK's Nuclear Weapon deterrents. What would have become of the Uk's military capability in the wake of a Scottish independence?

The UK prides itself as a model of Parliamentary democracy and have exported this to several nation including India (the World's largest democracy), Australia amongst others. The Scottish agitation has once again raised the once forgotten 'West Lothian Question'. If Scotland, Northern Ireland and Wales (all making up 15% of the UK population) have separate parliaments and administrations independent of Westminster and yet have representatives there to vote on issues relating to England only, what about having a separate English parliament? Is the prided British governance model in any way effective? Isn't it time for the UK to adopt the USA model of a 'Federal

system of Government'?

With the ease at reaching a decision for the Scottish referendum, what will become of other separatist agitations in Spain (Catalonia), France (Basque, Corsica, Catalonia), Moldova (Transnistria), Turkey (Kurdistan) etc, and even other colonial aggregated Countries in Africa where separatist agitations are rife?

For over 400 years, the British have prided themselves in setting the pace in terms of industrial and political revolution and have given the world their language— English Language. With the latest Scottish referendum and issues bordering on it, the British have once again aroused separatist agitation levels around the world. The British model is not perfect after all. Is it?

The Romanian and German parliamentary electoral system

In a broad sense, we define *Democracy* as the rule of the people. The implementation of this popular sovereignty can be accomplished by varying means. The French philosopher Jean-Jacques Rousseau, for example, perceived democracy as *identity-based* or *participatory*, a system in which the citizens represent themselves and are part of the political legislative process. Another and also the most widespread form of popular sovereignty is the representation of citizens by directly elected representatives. As part of all contemporary democracies, the parliaments embody the most important representative institution. The parliaments of Romania and Germany represent by their structure and composition two characteristic examples of democratically elected institutions. The Romanian Parliament is the political institution first referred to in the Romanian Constitution. It consists of two chambers, the Chamber of Deputies and the Senate. Both chambers are elected in constituencies, by universal, equal, direct, secret and freely expressed suffrage, on the basis of a list system and independent

candidatures, according to the principle of proportional representation. The existing option of identical election system of the two chambers of parliament confers them the same legitimacy, as both represent the expression of the will of the same electoral body. The German bicameral system comprises of the German Bundestag and the German Bundesrat. As the only directly elected institution in Germany, the Bundestag represents the most important institution in the consensus-building and decision-making process. Unique in international comparison, the German Bundesrat is just the second chamber in which the interests of the 16 German States (Bundesländer) are represented on a legislative level. (*Beyme, Klaus von* (2010): Das politische System der Bundesrepublik Deutschland. Eine Einführung, 11. vollständig überarbeitete Auflage, Wiesbaden: VS-Verlag.)

Starting from the premise that democracy reflects the rule of the people, and that the parliaments, in this particular article the Romanian and the German parliament, embody the representative institutions by being directly elected, one question still seems to not have been answered: Do the elected representatives symbolize the popular sovereignty?

When analyzing the situation more deeply, one will see that the two chambers of the Romanian Parliament have different numbers of members; the Chamber of Deputies is composed of 332 Deputies and the Senate of 137 Senators. This differentiation is possible because the representation norm differs from one Chamber to the other. So, for the election of the Chamber of Deputies the representation norm is of one Deputy to 70 000 inhabitants, and for the election of the Senate, of one Senator to 160 000 inhabitants.

The number of Deputies and Senators to be elected in each constituency is determined on the basis of the representation norm, by relating the number of inhabitants in each constituency to the representation principle. In a constituency, the number of Deputies can never be less than 4, and that of Senators less than 2. The number of inhabitants that must be taken into account is the number existing on the 1st of July of the previous year, which is published in the Statistical Year-Book of Romania. If, 5 months before the election date, a general census has taken place, the number of inhabitants

which is taken into account is that resulting from the census.

An interesting provision is provided in both the Romanian constitution and the electoral law, which grants special rights to national minorities. Legally constituted organizations that represent national minorities have the right to at least one Deputy (or Senator) mandate, even in the case of insufficient election results.

When this provision is not considered, a minority organization should have at least 5% of the average number of national votes in order to be entitled to a Deputy mandate. (http://www.cdep.ro/pls/dic/site.page?id=108)

With regard to the representation norm, the (Deputy/ Senator) mandates that are assigned to such minority organizations are equal to conventionally elected (Deputy/Senator)
mandates. (http://www.thediplomat.ro/reports_0707_1.php)

The Federal Republic of Germany is, according to the constitution, a democratic and social federal state where the state sovereignty derives from "the People". The political system is organized according to the pattern of parliamentary democracy, whereby the parliament represents the center of political attention. Directly elected by the people, the German parliament is democratically legitimized and responsible. Furthermore, the Bundestag is also responsible for the election and dismissal of the government.

The German Bundestag must consist of at least 598 members who are elected in a general, direct, free, equal and secret vote for a term of four years. By being elected, the deputies receive the mandate to represent the interests of the electorate and thus to realize the form of representative democracy, namely the rule of the people. After the reunification of Germany in 1990, the electoral law was changed. The deputies are elected from the 299 constituencies. The constituencies are approximately the same size, about 240.000 people entitled to vote. Constituencies that differ by more than 25% form the average have to be recut. In this electoral system, every voter has two votes. The first voice is given to the direct candidate of the constituency, resulting in the direct election of the first 299 deputies.

With the second voice, one will vote for the party list. Cumulated with the party lists of all states, these votes will determine the other 299 deputies.

In the German Bundestag, just like in the Romania parliament, the threshold of 5% of the total votes has to be fulfilled, or at least three direct candidates have to be elected, in order for the party to be represented at the Bundestag. (*Linn, Susanne/Sobolewski, Frank* (2012): So arbeitet der Deutsche Bundestag. Organisation und Arbeitsweise. Die Gesetzgebung des Bundes, 25. Auflage, Rheinbreitbach: NDV-Verlag.)

Once we have established the general framework for the Romanian and the German parliaments, we can start to analyze the actual election process. The Romanian electoral system is a version of a mixed electoral system, which combines a single round of voting in single member constituencies with a two-round system of seat allocation for the parties that surpass an electoral threshold of 5%. Only the candidates who obtained over 50% of the votes in single-member constituencies are automatically elected. The seats that remain are distributed among the political parties first at the county level (by using the Hare quota) and then at the national level (by using the Hondt method), provided that they pass the 5% threshold. The German electoral system is also a version of a mixed electoral system, combining a single round of voting in single member constituencies, but with a two-vote system for one chamber. While the 5% electoral threshold has to be fulfilled in order to be part of the Parliament, the 299 direct candidates can win their constituency even if they do not reach 50% of the votes, but have gathered the most votes in their constituency. The other 299 seats still available are distributed among the political parties at the regional and national level.

The result is that in both the Romanian and German parliament, the number of parliamentary seats is flexible.

Yet in Romania the number of deputies will increase if a party is able to elect its candidates with 50% of the vote in the single-member constituencies. So, the more single member constituencies a party wins, the less likely it is to benefit from the redistribution at the county level and

from the supplementation of seats at the national level. This statement is valid as well for the parties that are not able to win the single member constituencies systematically.

In Germany the election law was changed in so far that the redistribution at the regional and national level will not be affected by the directly elected deputies. In this way, no party can lose a seat in the parliament, because the first or direct vote percentage is better than the second or party lists one.

(*Decker, Frank* (2011): Brauchen wir ein neues Wahlrecht?, in: Aus Politik und Zeitgeschichte, Parlamentarismus, bpb Bonn, in [URL: http://www.bpb.de/apuz/33520/brauchen-wir-ein-neues-wahlrecht?p=all], Stand 07.08.2012.)

When summing up the facts and judging by comparison, one would be likely to say that both the Romanian and German system symbolize popular sovereignty through their elected representatives. However, if we were to consider the possibility that out of the many parties, only few actually manage to reach the 5% threshold, then all of those who are under this 5% remain unrepresented. Continuing on this pattern and looking back on the last elections for the German Bundestag, where two parties reached 4,9% and another 6% went to other parties, we would come to the result that over 15% of the voters are not represented by the elected deputies. Additionally, when it is considered that 50% + 1 are enough for a majority, it would mean that the sovereignty or the rule of the people is not reflecting an actual majority. Following this pattern, one would agree that democracy, carried out through its elected parliamentary form, is not the ruling of the majority, but the ruling of the largest minority which have the same goals and interests.

The parliamentary democracy and the parliamentary elections are without a doubt the best contemporary way to determine and to carry out popular sovereignty. But just like Rousseau's views on democracy are outdated today, one should not settle for an albeit good system, which could be improved.

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