

Humanitarian Exception

Duško Petrović

Humanitarian exception is a partial or complete suspension of rights, or a state of legal uncertainty, which occurs through the creation of a special **humanitarian space**, outside, on the borders or within a territory regulated by law, by the application of **humanitarian power**. In the contemporary context, as shown by Didier Fassin and Paula Velasquez (2005) for the humanitarian state of emergency, it is a common occurrence and a part of legitimate state policies which suspend the legal order of a state for a certain length of time and in a certain area, or renders it ambivalent. Humanitarian exception can also come from the application of securitarian-humanitarian policies aimed at exacting control over **irregularized migration**. Such an exception was in force in the territories of several states in which the *ad-hoc* organized and internationally regulated **Balkan refugee corridor** was active in 2015 and 2016 (Petrović 2018). The humanitarian exception in the Balkan corridor was reflected, among other things, in the fact that its formation and purpose – the transit and detention of migrants – had no basis in the legislation of the European Union, nor in national legislation (cf., e.g., Kogovšek Šalamon 2016).

3/5/2022

Literature

Fassin, Didier and Vasquez, Paula. 2005. "Humanitarian Exception as the Rule. The Political Theology of the 1999 Tragedia in Venezuela". *American Ethnologist* 32/3: 389-405.

Kogovšek Šalamon, Neža. 2016. „Legal Implication’s of ‘Humanitarian Corridor’“. U *Razor-Wired. Reflections on Migration Movements through Slovenia in 2015*. Neža Kogovšek Šalamon i Veronika Bajt, ur. Ljubljana: Peace Institute, 39–49.

Petrović, Duško. 2017. "Humanitarno izuzeće. Normalizacije suspenzije prava u kampu i koridoru". U *Kamp, koridor, granica. Studije izbjeglištva u suvremenom hrvatskom kontekstu*. Marijana Hameršak i Emina Bužinkić, ur. Zagreb: Institut za etnologiju i folkloristiku, Centar za mirovne studije, Fakultet političkih znanosti – Centar za istraživanje etničnosti, državljanstva i migracija, 41-58.