

Background Information for International Appeal
Karlsruhe Institute of Technology KIT
Abandonment of military research & civil clause
a feasible step towards peace

Karlsruhe, 2009-04-27



The German publicly funded research is facing a crucial and exemplary decision: strengthening the civil orientation or pushing militarization? It is about the merger of the large-scale research institution Karlsruhe Research Center (the former Nuclear Research Center, part of Helmholtz Society) and the University of Karlsruhe into the Karlsruhe Institute of Technology (KIT) with together 8.000 scientists and employees and 18.000 students.

Due to the German nuclear weapons ban the statute of the Karlsruhe Research Center contains the important term: "The society serves peaceful purposes only." This civil clause forbids not only the sanctioned nuclear weapons research, but any military research, because the separableness of civil and military purposes for different research areas and thus of two contrary legal positions within one house was regarded as impossible. Furthermore, as the same consequence of German fascism the clear civil orientation of large-scale research and the strict separation of civil and military public funded research were cornerstone principles of government politics through the times (except aviation & space technology).

The parliamentary bill for the KIT law, which was submitted end of March by the state government Baden-Wuerttemberg, breaks with the principles above. Instead of "the KIT serves peaceful purposes only", it is proposed ".... for the task of large-scale research the KIT operates R&D for peaceful purposes..." The task "university research" is no subject to restrictions, thus open for military research.

In contrary, concerned scientists, the works council of research center and an initiative of ver.di (trade union of public sector) together with students and GEW (trade union of education & science sector) are calling for a unified civil clause. Is this partial and weakened clause a possible compromise? No, that is a break point.

The government objective for KIT is freedom of unrestricted military research resulting in abolition of the clause.

Please, check the facts.

Cover-up of military

The university is involved in military research programs. But the fact is denied by the university administration until today.

Only due to a parliamentary inquire in August 2008 a financing over the Ministry of Defense became admits. The ver.di initiative with support of IMI Tuebingen (Information Center Militarization) revealed the military research program SDR "Software Defined Radio" (improved battlefield communication, best fitting to multinational intervention troops) with the communications-engineering institute (NTI).

For the first time in April, four months after revealing, the institute leader admitted it in a press interview (Tagesspiegel 2009-04-06) by the way swarming of the partial military funded MIT as model for KIT.

Silent networking

The leader of the purely military research institute of applied science – optronic & pattern recognition (FGAN-FOM) nearby Karlsruhe city is adjunct professor at NTI.

Only due to a ver.di panel discussion at university in February, it turned out the FGAN-FOM predecessor was a research group outsourced of former NTI in 1964 – more than forty years silent military connections. The leader of the Fraunhofer institute FhG-IITB Karlsruhe (minor military research) is professor of the university in unison.

In order to complete the network preparatory for a long time, both the FGAN-FOM and the FhG-IITB shall be merged next year.

Dual use

is the mixture of civil and military purposes with the goal of maximum military use out of civil financed programs to pull.

Even that is the intention of the national "civil" safety research program presented 2007 by minister Schavan. Two neighbouring Fraunhofer research institutes, one the mentioned FhG-IITB, are members of the Fraunhofer joint working group „defence and security research“ which includes safety research too.

Safety research is a comprehensive KIT topic. No surprise, in a meeting august 2008 with works council members the state ministry justified the refusal of a KIT civil clause due to non-separableness of civil and military purposes with safety research.

In fact, the civil clause forbids dual use, generally. For a long time a thorn in the eye for conservative parties and governments. Attempts to abolish the clause: 1986 (“SDI program”), 1994 (“improvement of innovation”), 2003 (“9-11 attack”). But since now, scientist, the works council and the unions had been successful in their struggle for presservation.

Whose freedom?

Later on a second argument against the clause was spread: the constitutional freedom of science, research and teachings (article 5.3 of German constitution) shall forbid a civil clause for universities because it means a right for military research. That was disproved through an appraisal submitted in February by the constitutional expert Prof. Erhard Denninger (University of Frankfurt).

The twofold reaction of the state ministry: silence about the appraisal and a remarkable comment at the press conference 2009-04-31 in Stuttgart. Minister Frankenberg regrets that a partial civil clause remains due to the intervention of the federal side. His explicit desire: to be able to practice military research. A surprisingly open minded statement after tricky minutes censoring of the mentioned August meeting - intransparent policy and tactical games in order to undermine the protest with the conclusion:

The difference between state and federal ministry is the difference between straight and soft killing of the civil clause.

There is a real freedom argument. The university research is extorted by shortage of the basic financing and luring with extra funding (“Drittmittel”) of the Federal Ministry of Defence, from European Union arms programs and from the armaments industry. That contradicts the constitutional freedom right, not the abandonment of military research by law, statute or senate decision.

Summary

It is an urgent question of peace to strengthen the civil orientation of science, research and teachings.

The trade unions raised their voice soon und demanded a unified civil clause for the KIT law.

The university students decided in a vote at the end of January after a civil clause in the KIT law for both parts, university and research center, with clear majority. This is a unique referendum. The state conference of university student councils supports the demand and endorses to lead the discussion across the research objectives at all universities at Baden-Wuerttemberg.

NatWiss, the German scientist initiative „responsibility for peace and sustainability” did appeal nationwide to university committees in order to promote decisions for civil clauses. Interactions with initiatives at other universities have been started.

The parliamentary hearing for the KIT law is scheduled from 2009-05-05.

The fight for a civilian, democratic and social KIT is continued.

The KIT civil clause initiative would be very grateful for support of the international science community.

For more details, please read www.stattweb.de/files/appeal-civil.pdf with translated documents:

- (1) 1994 August, announcement of German scientist “NO to dual use”, magazine “Bild der Wissenschaft”
- (2) 2003-10-25, resolution of union ver.di federal congress “Helmholtz society – the tradition of civil research – against military and civil-military research”
- (3) 2005 January, “Re-organization of German arms research - protest of employees”, scientific magazine “Wissenschaft & Frieden” 2005-1
- (4) 2008-11-9, ver.di press release “KIT – No military research”
- (5) 2008-10-02, state response to an inquiry of social democrats party
- (6) 2008-12-08, ver.di press release on war research at university of Karlsruhe
- (7) 2008-12-16, Open letter to the university rector
- (8) 2009-01-26, “Calls off at military research” students poll, newspaper “Neues Deutschland”
- (9) 2009-01-30, “Militarization of research and teachings”, newspaper “unsere zeit”
- (10) 2009-03-02, Civil clause for KIT - universities and colleges without military research - NatWiss appeal
- (11) 2009-04-06, “War games on the campus”, newspaper “Tagesspiegel”

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Announcement in "Bild der Wissenschaft" August, 1994 page 78

NO to “dual use”, NO to militarization of research. Science and research must serve peace and worldwide improvement of living conditions.

Open letter to the employees in science and research establishments, to the Federal Government, parties, trade unions and peace initiatives

In a press statement on October 20th in 1993 the R&D working group of the German CDU/CSU Bundestagsfraktion has demanded for the „improvement of the location Germany in research and innovation” beside other topics: „The actual separation between civil and military research is to be reconsidered (keyword ‘dual use’). The conclusions arising are to be presented to the German Bundestag until the middle of the next year.”

Research by the "dual use" concept means that the development of civil technologies will already be influenced by military interests and purposes as early as in the phase of topic finding and priority settlement. A mixture of civil and military research would entail the militarization of wide areas of the science and research system. For a long time, from interests formulated in technology plans and research programs of the US department of defence, militarization trends are spreading out into whole research branches. In unison, circles of the federal ministry of defence are campaigning for more close cooperation with the federal research ministry either by closer coordination of research and technology activities with conceptual dual use potential or even to initiate them jointly as the case may be. Military and civil research should be amalgamated based upon the "argument" that savings effects are achieved and international competition advantages are provided to the industry. The federal research report in 1993 stipulates for the future equipment of the armed forces *„to rely more and more on civil technologies ... and to guarantee the necessary technological and cooperation ability of German research establishments with the industry”*.

It has been proven that the benefit of military research for civil purposes is extremely low. A large budgetary chunk for weapons and military research, as for example in the USA for the SDI programme, undermines the national economy, destroys reasonable jobs and deteriorates the competitive position.

Nevertheless, the attempt to counteract this misery by "dual use" leads to the increase of the sphere of military influence in practically all fields of research thus deepening trends towards crisis. The exchange of scientific experience would be hampered by secrecy thus decreasing the efficiency for civil objectives even further. The ascertainment to perform research exclusively for peaceful purposes chartered for many research institutions, could no longer be guaranteed any more.

The claim of the CDU/CSU Bundestagsfraktion can not be considered neglecting the general social development as a whole which is marked by a progressive militarization.

- The German armed forces are being prepared for worldwide intervention and combat missions violating the German constitutional commitments.
- Vital German security interests should supposedly exist among others in the „unchecked access to markets and raw materials all over the world” according to the „defensive-political directives”.
- The military expenses have practically not been reduced in spite of the end of the cold war. Large-scale ambitious likewise useless armament projects continue to be funded.
- The Federal Government strives single-mindedly for the relaxation of weapon export regulations.
- Even representatives of the parliamentary opposition fight for the preservation of armament jobs rather than for their transformation for civil production (conversion).
- In contrast to the historical experience the Federal Government attempts to transform Germany’s economic power once more again into political and military super power.

For many years budgets and number of jobs in state financed research are being cut. Additionally, using the reasoning "location protection" financial means are taken away from the fundamental and precaution research, and are assigned to application research for the industry. Raising the reproach of lacking

familiarity with applicable results, the research establishments are held responsible for the fact that the industry has reduced their own research and fails to implement publicly financed research results productively.

Presumably, the CDU/CSU Bundestagsfraktion assumes that research employees are meanwhile so unnerved by the impact of this continuous economic and research crisis that they would no longer oppose the militarization by "dual use". Nevertheless, we have not forgotten the role of science during both world wars sparked by Germany. We do not want to tolerate that once again German scientists and engineers, as a „gender of inventive dwarfs” (Bert Brecht), and their innovative spirit will be abused for the profit before respect for human dignity attitude and hazardous attempts to achieve great power.

The problems of the worldwide underdevelopment, the environmental and climate crises, the preposterous waste of raw materials and manpower for armament purposes and the growing mass unemployment in the industrialized countries require the opposite of militarization, namely the international cooperation of the science and research establishments for peace, for improvement of the living conditions for all people and for preservation of nature.

We, the signatories, urge all employees in the science and research establishments to react to the "dual use" concept by a decisive NO and to initiate public debates regarding this approach that science must not serve weapons research, but must be oriented towards peace and life where scientific and financial resources have to be concentrated on.

We ask you to initiate your own initiatives correspondingly.

We turn to the public, to the Federal Government, to the trade unions and the parties raising our demands:

- No intermixture of civil and military research. No restrictions to the obligation and the right to publish all civil research results. Obligatory publication of the contractors and funds for all military R&D projects.
- Slashing the military research budget in favour of the civil research.
- Strengthening peace research and conflict studies.
- Cut-down of the armament budget and renunciation of projects like Jäger 90 or Eurofighter 2000. No militarization of the space.
- Protection of the jobs by gradual conversion of the armaments industry and creation of the appropriate legislative framework.
- Tightening of the weapon export regulations in order to stop all armament exports.
- Raising consciousness for the public responsibility of science; strengthening of the interdisciplinary cooperation of engineer's and natural sciences with human and social sciences.
- Creation of effective democratic structures by expanded rights of co-determination within the research establishments and reinforced opening of the facilities for the research needs called for by social groups as for example by trade unions, municipal/regional users and by environmental associations.
- A legally grounded right to refuse the cooperation in military projects.

This open letter was signed by 95 people and 11 vocational or union groups from research establishments and universities. Unfortunately, for lack of space we can call only:

Prof. Dr. **Hans-Peter Duerr**, Director of Max Planck Institute of Physics, Munich; Prof. Dr. **Werner Buckel**, Director emeritus of the Physics Institute, University of Karlsruhe; Prof. Dr. **Peter Herrlich**, Director of the Institute of Genetics, University of Karlsruhe and KfK Karlsruhe; Prof. Dr. **Hartwig Spitzer**, Speaker of the Working Group Natural Sciences and International Security University of Hamburg (CENSIS); **Siegfried Pommerenke**, Chairperson of Federation of German Trade Unions Baden-Wuerttemberg; Prof. Dr. **Juergen Schneider**, University of Goettingen, Board of the Scientist's Initiative "Responsibility for Peace"; Prof. Dr. **Stefan Thierfelder**, Prof. Dr. **Albrecht Maria Kellerer**, Institute Directors of the GSF Munchen-Neuherberg; Prof. Dr. **L. Roeckl**, Darmstadt GSI, Forum Information Scientists for Peace and Social responsibility inc. (FIFF), Forum Critical Science, Munich.

Contact Address: Dr. Hans-Juergen Bleyl, Scientist's Initiative „Responsibility for Peace” (NatWiss), Group in the Nuclear Research Centre Karlsruhe (KfK), Frankfurter Str. 12, D-76344 Leopoldshafen

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ver.di federal congress 19th-25th of October, 2003 in Berlin, B 174 passed:

HGF - the tradition of civil research - against military and civil-military research

ver.di reinforces the demand that the research activity in the publicly financed research establishments continues to be restricted to civil research with the Helmholtz community also (HGF - former big science establishments).

The 9/11 attacks in the USA do not justify the expansion on military or civil-military research (dual use). ver.di rejects it and will promote this refusal before the Federal Government emphatically. All shop stewards and works council members are encouraged to lodge protest against known R&D projects of that type. ver.di assures them and the employees who refuse to cooperate in such projects, public-relations and juridical support if necessary.

Reasons:

Research in the HGF centres is traditionally and for good reasons purely oriented on civil purposes. In several centres the exclusively peaceful objective of the research is established by their charters. The DLR (German research centre for aviation and astronautics) is the one only exception, where civil and military research is associated with separate budgets.

The participation in exclusively civil research corresponds to the self-image of the scientists who opposed militarization plans with direct actions at several opportunities, for example, in 1985/86 against SDI research and in 1993 against intentions of the working group of German parliamentary parties CDU/CSU in the Bundestag to waive the separation of civil from military research.

In February, 2002 a HGF commission stressed the increase of the importance of the military research after 9/11 and pointed out that this can also have effects on the HGF research activities. Questioned by a works council the HGF president announced that there are no specific plans at present. But as the HGF research has to follow state objectives, for example security, defence and defence against terrorism, military research is conceivable for the HGF, for example, vaccine development against terrorist attacks with bioweapons.

Aside from the fact that defense research against offensive weapons also provides for the technical conditions for the production of proprietary weapons, it becomes clearer and clearer today that security can not be created by technical-scientific means, but only by worldwide justice.

Our chairperson, colleague Frank Bsirske, reassured that he himself as a HGF senate member will stand up for to conserve civil research and that he will oppose expanding military research to other centres.

Press release ver.di 2008-9-11

KIT - No military research in the new Karlsruhe big science institution

On given occasion, the trade union ver.di section Mittelbaden-Nordschwarzwald demands to transfer the restriction on research to exclusively civil research purposes into the charter of the Karlsruhe Institute of Technology (KIT) which is to regulate the merger of the large-scale research by university and research centre Karlsruhe.

In the charter of the research centre (former nuclear research center Karlsruhe) it is regulated from the beginning that the research serves exclusively peaceful purposes (civil clause). This restriction for the whole area of the nuclear big science of the federal republic is the historical consequence from the Nazi regime. For generations of researchers this has become their self-evident matter to fulfill their social responsibility in this manner and to dedicate their creative forces only to useful, civil purposes. As Wolfgang Eppler, works council chairperson of the research centre, informs, attempts of the research administration during former years to mix the research mission with military purposes have definitely been rejected by the scientists. At a symposium in April on the future of the scientific co-determination in presence of the board of directors it was confirmed that the civil clause should remain valid also for the large-scale research at KIT. For the university of Karlsruhe no such clause exists. The works council of the university therefore welcomes this acknowledgement of a civil clause in the KIT charter.

From an inquiry of the German Bundestagsfraktion DIE LINKE arises, that federal und state governments are trying to bypass a civil clause including in the KIT charter arguing two ways: a) The clause is a precondition for the KIT anyway. b) In security research it is often difficult to separate civil and military research ("dual use"). This contradiction in itself is enough evidence for the need to regulate this important precondition in the KIT charter, explains the ver.di department.

Juergen Ziegler, ver.di district manager, recognises this civil research tradition of both research partners as big luck in view of the rather growing role of science and research for the responsible creation of the social development.

The current developments in foreign-policy (Afghanistan) prove once more that neither security nor peace is created by military means. They urge imperatively to resolve conflicts exclusively by civil, economic and humanitarian means. To this end scientists are urgently needed who have passed their professional life with civil research and who care for which purposes the results of their research is used.

ver.di calls on the Federal Government, on the federal research ministry and the state government of Baden-Wuerttemberg to ensure that the civil clause is adopted in the KIT charter. ver.di calls on the representatives of Bundestag and Landtag to join into this demand and to push for its realisation. The democratic public is asked to interfere.

In view of the background of the proposed new EU constitution where a European authority is intended for armament, research and military abilities this clause becomes even more important than before. Civil research must not get in the suction of permanent armament. KIT research must be dedicated to social precaution, and not to the military, to war and destruction!

In case of inquiries you may contact Dr. Dietrich Schulze
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Parliament of Baden-Wurttemberg printed matter 14 / 3312 14th electoral period 2d of October, 2008

Inquiry of the member of parliament Johannes Stober (German Social Democrats) and answer of the ministry of science, research and art Baden-Wurttemberg

Subject: The transfer of the civil clause of the research centre Karlsruhe with the exclusion of military research on the university of Karlsruhe and Karlsruhe Institute of Technology (KIT)

Grounds

Military research and armament research have always served to do the menace spiral and defensive spiral further. One has never succeeded in holding the results of such research exclusively in the hands of the „good side“, because much too often became the "rough state" what was before a welcomed ally – and the highly grown military machinery became in the „wrong hands“ now the dreaded menace. In the liberal and democratic constitutional state the colleges must be protected against this armament logic and war logic, just because they are operated with high sums and are tempting for the underfinanced research establishments. Graduation could be in the concrete Karlsruhe case the civil clause which should be transferred with her effectiveness by the research centre on the university and the Karlsruhe Institute of Technology (KIT).

With the letter of the 21st of October, 2008 No. 7329-1 the ministry of science, research and art answers the inquiry as follows:

I ask the government:

1. Does the government support the demand for a transfer of the civil clause of the research centre Karlsruhe („The research program and development program serves exclusively peaceful purposes“, cf. for the research centre) on the university of Karlsruhe and Karlsruhe institutes of Technology (KIT)?

At the moment conversations about the future creation of the KIT and his legal argument situations are carried on between the state and federal government. The object of the talks is also the question of the logical takeover paragraph 3.2 of the statute of the research centre of Karlsruhe. This is: „The society pursues peaceful purposes only“. Such a clause would be if it was included in the statute for a public law equipment to lay out in the light of the constitution. Central meaning would come here to the confession of the constitution of peace and understanding among nations (cf., e.g., preamble to the constitution as well as article 26 constitution), but also of the recognition of the defensive order of the state for the protection of peace to what if necessary also the suitable research counts, to (cf. possibly article 87 a, 87 b and 12 a constitution). Further the fundamental right of the science freedom is to be followed according to the constitution article 5.3.

2. Are there research subjects at the university of Karlsruhe which would run counter to a transfer of this civil clause to the university and if necessary which?

To the science ministry such subjects are not known.

3. Is the government ready to create the juridical and actual conditions for the obliging exclusion of military research at the university of Karlsruhe and in the KIT in the temporal connection with the restructuring approaching now of the Karlsruhe science scenery?
4. How judges the government the answer of the Federal Government to the inquiry (BT-Drs. 16/10056) in the German Bundestag all together and is the government in particular ready to make the position of the federal government the graduation of own action for which „the so-called civil clause in the big research job (...) (is) a condition for KIT“?

About the question of a so-called "civil clause" it is negotiated at the moment between the state and federal government. For the rest, see the implementation to No. 1.

Dr. Frankenberg,
minister for science, research and art

Comment DS to answer No. 2: A rather strange reply. In 2007 the university of Karlsruhe did participate on the military dominated research program SDR "software defined radio" financed by the ministry of defence. SDR see [Michael Puttré](#) and [Atlantic Paw](#)

Press release ver.di 2008-12-08

War research at the university of Karlsruhe? High tech communication for archaic fighters ver.di demands restriction on civil research

On inquiry of the district trade union ver.di rector Prof. Hippler informed at the beginning of December that one military-technical research program financed by the federal ministry of defence in the institute of communications engineering is carried out which devotes itself to the subject „Software Defined Radio“ (SDR).

In the same scope of work it is done research at the university of the armed forces in Munich. From the internet one finds out that it concerns, besides, a new digitized radio communication whose first version was developed already in 1993 for the US military. With it a substantially improved guidance and own decision-making power of the soldier should be reached in the war application. The computer-supported adaptable communication system recognises before coached battle situations and should minimise sources of error on account of different order levels and data springs like radio commands, picture evaluation and air traffic control. Particularly by applications of multinational combat troops like the NATO responses force and the EU battle group SDR plays a central role. Now the military already swarms about the revolutionary issues to the battlefield by linked up fight applications which allow more prompt killing of the enemy. From the German newspaper "Welt" from 29th of February 2004 we get to know, like the army Chief of Staff of the armed forces, lieutenant general Hans-Otto Budde, the neo-German soldier's type sees: „We need the archaic fighter and that who can lead the high-tech-war.“ Further in the "Welt": „This type we must probably fancy as a colonial warrior who stands far from the native country with this kind of existence in danger to act according to own laws.“ Researchers of the university of Karlsruhe co-operate in contrast to the constitutional order in the technology also for intervention wars. With it end must be immediately made.

For the Karlsruhe institute educated anew of technology (KIT) in which the research of the university and the research centre is transferred there is a clear alternative, namely the legal restriction on exclusively peaceful purposes like in the statute of the research centre is established (civil clause). If the base technology SDR is investigated for civil purposes, a financing is by the federal research ministry necessarily with an arrangement with which a mixture with military purposes is avoided. This proven orientation to the use of the general public can and must be continued in the new research establishment KIT. The restriction on research for peaceful purposes means the greatest possible freedom and flexibility in the subject choice and offers the guarantee for general international cooperation in science and research. The globe is threatened by hunger and climate disasters. Of every kind it is a matter conflicts to learn to solve with non-military means and to direct all strains upon economic cooperation and balancing of interests. In addition the researchers and employees in the KIT can make persuasive and preictorial contributions.

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Open letter to the chairperson of the University of Karlsruhe, 16th December, 2008

Subject: Civil Clause for KIT

Text of the civil clause:

“The KIT pursues peaceful purposes only.”

Dear Mr. Prof. Dr. Hippler,

today we turn to you because of a reaction of the university of Karlsruhe on overleaf printed ver.di press release. On the question of radio station SWR4 whether the civil clause should play no role in future in the KIT the press agent gave the answer: „The KIT will have in future two missions, namely they of the research centre in the Helmholtz community and at the university and we will do everything, so that the civil clause of the research centre is preserved.“

However, fact is that the civil clause to be transferred is a legal issue which deals nothing with the fact of two missions, but with the fact that there will be one single legal bearer. Then all employees - the former employees of the university, the former employees of the research centre and even the new employees - are defeated by the same agreed and working-contractual regulations which can also contain transitional regulations.

The question had been put before the background of the existing military research program „Software Defined Radio“ to the university of Karlsruhe which would have to be finished by transfer of the civil clause to the KIT. Unfortunately, the answer of the press agent „To want to read now from radio-software that we make war research, is unexpected a little bit.“ has not contributed to the clarity.

So we ask you politely to direct a clear word to the employees and then also to the public. Is the university management supporting that the civil clause (above) is taken over in the KIT law consistently?

However, for the case that this should be believed on top said in such a way that for the mission „research centre in the Helmholtz community“ the civil clause is preserved and it will not transferred on the mission "university", we would like to point out the following. Such a regulation hinders an equal cooperation. Only the competition around sources of money would scatter the missions which should grow together in reality, namely just also because of the unequal treatment of the new employees. The “partial civil clause” could be simply avoided and would disappear in the shortest term.

To the big chances which arise from a renunciation of military or civil-military research we ask for check of our arguments in the attached press release (8th December, 2008). We count on it, dear Mr. Prof. Dr. Hippler that you will contribute to the purification and hope that you can also bring good news to the co-determination and to the social questions to the employees.

The three positions „transfer of the civil clause“, „preservation of the co-determination“ and „protection of the social standards“ may not be offset after our conviction mutually.

Yours sincerely, Jürgen Ziegler (ver.di manager)

Comment DS: Unfortunately, Prof. Hippler confirmed in a meeting of university employees that a “partial civil clause” is aimed. The civil clause should be valid only for the Helmholtz mission, and however, as before, not for the university. He said the university appeals in this question to the constitution article 5.3