Immigration, Minorities, Foreigners:

Problem-Solving in Britain and Germany

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Edited by

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Preface

In accordance with the policy of the Goethe-Institut London to put issues of mutual importance for both Britain and Germany on the agenda, the topic of immigration, minorities and foreigners was discussed during a two-day seminar in December 1993. The issue is of major importance in Britain and Germany. Britain has considerable experience with race relations policy and in Europe, Germany now has the highest percentage of foreigners living within its borders. British and German provision for the status of foreigners and their treatment of those who live with their borders are essential factors in the ongoing process of defining new European identities. The topic does not only include the question, who and what is British, German, or Bavarian or Welsh, but also how we are living together today and how we want to live together in the future.

We strongly believe that in this world of huge economic, environmental, social and cultural changes and problems, particularly here in Europe, the role of international and multinational exchange, contacts and co-operation is of ever increasing importance. This must take place across all types of borders, and not only across national frontiers.

That is certainly true for the topic of immigration, foreigners and minorities. That is why I reacted with enthusiasm when Barbara Marshall of the University of East Anglia came to the Goethe-Institut with the suggestion of a study of immigration and community relations practices in Britain and Germany as a topic for a seminar. Together with Cathie Lloyd of the University of Warwick and Don Flynn from the Joint Council for the Welfare of Immigrants, we organised this British-German meeting. The Goethe-Institut gratefully acknowledges that without their competence, commitment and energy, the seminar and this publication would not have been possible. I am particularly grateful to Don Flynn as the main editor of this publication. Furthermore I would like to thank the following institutions which helped organise and shape this seminar: the Centre for Research in Ethnic Relations (CRER) at the University of Warwick, which has acted as our publisher; the Joint Council for the Welfare of Immigrants (JCWI), London, the University of East Anglia, as well as the speakers and chairpersons of the different sessions of the seminar. The Goethe-Institut is equally grateful to the Delegates for Foreigners' Affairs of the Federal German Government in

Bonn and of the Senate in Berlin, and to the Office for Multicultural Affairs of the City of Frankfurt/Main for their help and advice in the preparation of the seminar.

We all hope that this is only the start of continuing exchanges. If this venture is to be a success it will help us to understand ourselves, to understand each other and the various problems in this area, as well as to look together for possible means and strategies to achieve improvement.

Elmar Brandt
Goethe-Institut London
June 1994

Introduction: On Problems and Problem-Solving

Don Flynn

When it comes to dealing with foreigners, Britain and Germany have a great deal in common. Both countries enjoy an elevated position in the international pecking order, with generations of experience of involvement in the affairs of other peoples and other nations. This activity has quite naturally had the effect of bringing representatives of these other peoples and other nations into their own metropolitan heartlands: as diplomats and merchants, business people and professionals, students and artists, workers and members of the families of workers.

Any sensible balance-sheet of the processes of these immigrations must show up very positively on the credit side. Both Britain and Germany have benefited enormously from the presence of permanently-settled foreigners within their borders: a fact which can be measured from both the contributions of immigrants to the economies of each country, and to the social and cultural life of their people.

In what sense therefore do we seem obliged to talk about the 'problem' of immigration, minorities and foreigners in these two European countries today? Why is there a sense of foreboding, assiduously promoted by sections of the popular press and certain political personalities, about the social and economic dynamism which is fostered by migration in the modern world? And is it really beyond the wit and ability of our complex and sophisticated societies to generate the new social, economic and political arrangements which will be necessary to end anxiety about foreigners and replace it with an acceptance of their presence as a universally acknowledged fact of life in the modern world?

The contributors to the seminar organised by the Goethe-Institut London in December 1993 are people not normally to be counted amongst the naive and starry-eyed when it comes to considering the challenge posed by the various forms which international migration takes in modern world society. They know that problems exist and policies need to be developed to ensure that they do not develop into a full-scale crisis. Where they differ from the commonplaces and uncritically-digested 'wisdom' of some sections of the media and the political establishment the contributions to this discussion clearly shows, is that immigration and the presence of minorities and foreigners, are emphatically not problems which can only be solved by restriction, prohibition and expulsion. The terrain on which some of these alternative solutions can be mapped out

is the subject of this exchange between community and race relations activists in Britain and Germany.

At an early stage in the proceedings, contributors tackled the vexed question of the vocabulary and terminology used in Germany and Britain to discuss issues relating to migration and race relations. Herman Ouseley describes a historical process underway in Britain across three decades to provide community and race relations activities with a terminology which infers that migration and the evolution of multi-cultural communities has been a positive and horizon-widening experience. In contradistinction, Georgios Tsapanos discusses the failure of German society to generate a vocabulary which would allow public discussion of immigration issues in a progressive and positive manner. The preferred use of the term 'foreigner', in a context which implies a temporary and conditional status, and the avoidance of concepts which might open up an appreciation of the potential of multi-culturalism for a modern complex society is a matter which urgently requires remedial action.

The seminar then went on to consider the concrete experiences of immigration from the standpoint of two groups: the women of the immigrant communities, and the Turkish community in Germany.

Emma Franks offers her account of part of the 'hidden history' of migration: of the fact that it involved not just the male workers who are typically focused upon as its major component part, but also women, for whom the success of migration was to be measured not exclusively in terms of the workplace, but also in the quality of community life. Franks is critical of the sexism which she believes pervades much of the discourse about migration and the rights of immigrants and which presumes that women exist in no other capacity than that of dependents of men. This approach is a barrier to the development of policies which address all the needs of immigrant and black communities.

In a reflection on the status of Germany's two million-strong Turkish community, Mustafa Turgut Cakmakoglu considers the implications of a people who have made permanent homes for themselves in a country which does not officially recognize the permanent fact of their migration. Often criticised from an official standpoint as being a community which does not make sufficient efforts to 'integrate' with the German way of life, Cakmakoglu points out that Turkish immigrants actually confront a system which places many social and legal obstacles in the way of their practical integration.

The theme of immigrants and the law is taken up by Ijeoma Omambala, with particular reference to the presumption that the law in Britain has provided immigrants and black citizens with a comprehensive system of legal protection and redress against acts of discrimination. Whilst accepting that British race and community relations legislation contains positive features which could be incorporated into a wider scheme of European-wide protection, she is critical of the way in which the law concentrates on the particular grievances of individuals and does not create enough scope for the protection of communities, or support anti-racism initiatives which are developed by the communities themselves.

During the second session of the seminar, contributors concentrated on describing and reviewing the structures of race and community policies which operate at the national, legal and local authority levels. Hagen Lichtenberg describes the complex structure which exists in Germany, in which the legal status of immigrants is articulated by a system which contains four components: legislation made at federal level; legislation made at provincial state level; rights which devolve from the status of the individual; and European Union law.

Professor Lichtenberg also considers the consequences of the exclusion of the majority of Germany's foreign residents from any role in the processes of democracy, exemplified by their inability to vote or stand for election. Without this right it is difficult to see how the political and legal system of a country can change over time to accommodate the needs and interests of resident foreigner populations.

For Anne Owers, the shadow of restrictive and racially-discriminatory immigration controls looms across the legal structures of race and community relation law in Britain and severely limits the potential it might otherwise have for producing progressive outcomes. With a prospect of these controls being extended into a system of regular surveillance of black communities through identity card systems and checks on people using welfare and health services, she is fearful that race relations in Britain might be about to take a large step backwards.

Two contributions then review the work of specialist non-governmental bodies which have been established in the respective countries to work in the field of race and community relations. Makbool Javaid sets out a detailed account of the work of the Commission for Racial Equality and the authority it has for its work which derives from the Race Relations Act, 1976. In a brief note, submitted subsequent to the seminar,

Georgios Tsapanos examines the position of the Office of the Federal Government's Commissioner for Foreigners' Affairs.

A third element in the respective race and community relations structures of each country exists in the form of regional and local government. In both Britain and Germany, many of the most interesting examples of radical and challenging initiatives are to be found at precisely this level.

Barbara John offers a detailed, and self-critical presentation of the work of the Berlin Commissioner for Foreigners' Affairs office. The first-established foreigners' affairs in Germany, either at federal or lander level, the Berlin office also works in the city with the highest percentage of resident foreigners. Working consistently to place the most liberal interpretation possible in those areas where federal law has jurisdiction, such as naturalization produces and the provision of welfare services to refugees, the Berlin office also sees one of its main tasks as being public education. Though German law, unlike the position in Britain, has generally failed to provide community and race relations activists with a comprehensive framework in which they can conduct their work, the Berlin office uses an imaginative approach to advance its declared aim of promoting openness and tolerance through all available channels.

In a final contribution to this section on the structures of race relations activities, Kurshid Ahmed describes the work of Birmingham City Council. The twin themes of the City Council's race relations unit has been the vigorous promotion of an equal opportunities programme which has given black citizens of the region access to employment commensurate with their population size for the first time; and campaigning work in the community for a positive celebration of the values of a multi-cultural society.

While the first two sections of the seminar took participants through a review and assessment of concepts/perspectives and the structures of race and community action, the third set out to assess the practical impact on the lives of the immigrant, black and minority communities. Ben Bowling tackled this question by looking at the problem of racial violence in Britain and the programmes which have been developed to resist this most extreme form of racism. He suggests that racial violence should not been seen as being an event which happens to an individual, but a 'process of victimization' in which the victim comes to see herself as being outside normal society and in a constant state of 'unsafety'. He argues not merely for police action, but for the co-ordinated action of a number of agencies active at the level of the community to counter these effects. At the

same time he makes it clear that the differences in the perspectives which motivate these agencies will have consequences for their effectiveness

In a second contribution to the seminar, Mustafa Turgut Cakmakoglu returned to the theme of the official marginality of the immigrant community to mainstream social life in Germany. He describes initiatives taken by Turkish community associations which are intended to promote communal solidarity across the ethnic groups which have been rejected by the authorities. From this perspective, the sense of being outside normal society arises in Germany not primarily as a result of the racial discrimination and violence described by Bowling, but as a result of the official actions of the state and its local authorities.

Vera Gaserow provided a view from the standpoint of working class society in the former East Germany and its unpreparedness for the fact that reunification meant reunification with a Germany that contained non-German communities. This has generated a special range of tensions and conflicts, worsened by federal policies which have directed asylum-seekers and other groups into areas without adequate structures for support and welfare.

In the German context, moving away from Berlin for perhaps the first time during the seminar, Rosie Wolf-Amanasreh provided an opportunity to consider the position in another large German city with a large immigrant worker community, Frankfurt/Main. In an argument for a broad perspective on race and community work, she sets out the view that activists in this area should not merely seek to act as lobbyists on behalf of the interests of minority groups. In her city, sensitivity to the moods of the German majority has been essential to prevent new grievances developing which could produce a dangerous polarisation.

John Wrench sets out a detailed assessment of the position of black and minority ethnic youth in employment and training based on studies of the job market in Birmingham. He draws attention to the disturbing durability of race discrimination despite the frequently sophisticated efforts of policy-makers, community activists and campaigners to counter its effects.

In the final contribution to the seminar Belayeth Hussain returns to the criteria by which the success or failure of a country's race and community relations policy must be judged: the extent to which a community feels itself to be inside or outside the normal society in which they reside. Based on the experiences of Bangladeshi immigrants to

Britain and the quality of their community and family life, Hussain describes a situation in which tension and ambiguity are the predominate moods.

But, in common with many of the other contributions to the seminar, it is important to note that Hussain's account does not allow for despair about the future of the relations between ethnic communities. He identifies the problems and has some sense of where solutions might lie. But if common themes recur throughout these contributions, can anything therefore be generalized from the two days of discussion and debate which might suggest a way forward for the multi-ethnic and multi-cultural societies which exist in Britain, Germany, and indeed in the other countries of Europe?

From the standpoint of the organisers of the seminar who have had the opportunity to consider the contributions at length during the course of compiling these texts we would suggest that this question can be answered in the affirmative. We would suggest, perhaps tentatively given the present early stage of the exchanges between the two countries, the following points which represent common denominators between the different experiences of race and community relations:

- The project of creating harmonious and equitable relations between majority and minority ethnic communities should not be conceived as involving the abolition of problems. What is required are reliable structures, mechanisms and procedures which will allow potential problem areas to be identified at an early stage and the necessary resources for their resolution   to be mobilised.

- These 'reliable structures' should not function as the gift of politicians, but should form part of the fabric of societies governed by democratic principles and the rule of law. The position and status of immigrant communities should therefore be buttressed by access to involvement in political democracy, including the right to vote in and stand for elective office.

- A functioning multi-cultural society must devolve rights to groups as well as individuals. The legal system within which race and community relations activities takes place, should sustain initiatives and actions which come from the minority <u>community</u> as well as from individuals who are a part of that community. Similarly, the right of the <u>community</u> to be protected from discrimination and marginalisation should also be recognised and established in law.

- Governments should take determined measures against the extreme right and the various forms of racist violence which have become endemic.

At the present moment elements of each of these propositions exist and operate within the apparently very different systems of race and community relations which exist in Germany and in Britain. In both cases however, other elements exist which contradict these advanced aspects and therefore render them less efficient and successful than they might be otherwise. This is not a unique situation and people active in other fields of social and community policy will recognise the dilemmas which confront individuals and movements which seek to promote progress by stripping out what is negative and building on what is positive in an existing system.

In our view there is a great deal of the negative and the positive in both the German and the British systems and we hope this seminar has contributed to an understanding of what these respective areas might be. We also hope that we have suggested the basis for future discussion, debate and, most crucially, action, which will keep race and community relations activists in our two countries in close touch and mutual solidarity with one another, as well as with our colleagues in the rest of Europe, throughout all the years ahead.

Don Flynn
December 1994

The Terminology of Race Relations in Britain

Herman Ouseley

This seminar gives us a very welcome opportunity to improve our understanding about matters relating to race relations in Britain and in Germany. We need to appreciate why solutions that seem to be appropriate in one place may not work in another. When looking at the situation in another country we also have the chance to discover each other's basic assumptions about race and community issues and to re-examine our own established views and to profit by the comparisons.

In discussing immigration policy and terminology the first striking fact for anyone making comparisons is the enormous difference between Germany and Britain. In Germany, it appears from the standpoint of Britain, immigration has been seen throughout the post-War period as a positive force. The admission of ethnic Germans and refugees has been rooted in the assumptions of Germany's Basic Law and the immigration of foreigners has been a major factor in the achievement of the economic miracle of post-war growth. Despite changes in attitude and in law over recent years immigration as such is still regarded by German policy makers as necessary. There is a concern to regulate it more closely but not, it appears, to stop it altogether.

On the other hand, for successive British governments, immigration has been seen in an entirely negative light by policy makers. The practice of allowing completely unrestricted entry during the 19th century was put into reverse in the 20th.

Consideration of the economic effects of immigration have played no part in forming policy. Instead there has simply been a series of measures designed to exclude particularly unwanted groups. Under the provisions of the first of these immigration control measures, the Aliens Act of 1905, the unwanted group consisted of Jewish refugees from Russia and Poland and Rumania. Immediately prior to and continuing after the First World War, German nationals were added to the unwanted list. Other aliens, communists and anarchists figured prominently as targeted 'undesirables' during the inter-War years. After 1945, despite a severe labour shortage, entry into Britain by the category of people called 'aliens' was still discouraged. British subjects from the colonies and the Commonwealth countries were able to enter Britain on an unrestricted basis in the decades after the War because, in legal terms, they were not aliens. The state played only a very small role in the recruitment of Commonwealth workers and it was generally left to the people themselves to find jobs and establish their homes. By

the late 1950s these Commonwealth immigrants had become the victims of hostility from some groups and individuals active in right wing politics. It is mistakenly believed that the first riot with a racial dimension took place during the great year of unrest in 1981. But there had been disturbances in parts of London as early as 1948.

As a consequence of these pressures from an increasing volume of racist, anti-immigrant agitation, the entry of Commonwealth citizens was curtailed by a series of immigration laws, the first being the Commonwealth Immigration Act of 1962. The new laws were drafted so as to allow a degree of administrative discretion, and some colonial and Commonwealth migrants could still enter with little difficulty - namely those who came to be designated 'patrials', or people who had at least one parent born in the UK. This introduced a bias in immigration policy which favoured people of white, European descent. People of non-European descent were subjected to ever more strict controls.

It is important to sketch in this history because it does account for particular way in which the terminology in British immigration and race relations policy has developed: giving exceptional weight to such concepts as 'black' and 'immigrant'. Taking the term 'black'; this has to be understood as a political term and a form of description used with pride by people who are not at all necessarily literally black-skinned. It allows an expression of solidarity amongst people who have become the targets of racism, racial discrimination, vilification and hostility. 'Immigrant' was, for a period, seen as a softer and a more respectable concept. However, it functioned for the politicians and newspaper journalists who used it as a racial term and not necessarily for its literal meaning. The identification in this discourse between immigrants and black people became so strong that it is often difficult to persuade white British people that there are any white immigrants in the country.

Black British citizens have found it deeply offensive to be called immigrants; particularly those black people who were born in Britain. Such people are not, in any meaningful sense , 'immigrants'. But political and journalistic usage has made this term into a negative concept and extreme right wing groups, like the National Front and the British National Party, have repeatedly demanded and campaigned on such slogans as 'Stop immigration, start repatriation' campaigns, as a means of expressing racial hatred and inciting intolerance.

The term 'foreigner' has rarely featured in discussion in Britain, except in more recent times, when we have heard references from leading politicians to foreign social security

scroungers or foreign benefit swindlers. The absence of a strong sense of 'the foreigner' is possibly the reason why some British anti-racists have found it hard to get the measure of the anti-foreigner sentiment in Germany. Of course there is some prejudice against foreigners but it does not have the same character as racism based on colour.

Another term to be considered is 'integration'; important because it has been the source of some confusion for a number of years. In Britain, people active in race relations and anti-racist work have interpreted the term not as 'a flattening process of assimilation', but a coexistence of different cultural and racial groups, on the basis of mutual appreciation, tolerance and respect, with equal and fair treatment for all. It is true however that some people have insisted on regarding integration as synonymous with assimilation - an insistence on doing things 'our way'.

This leads us into a discussion of the notion of 'culture'; another central term in the British context. 'Alien culture', 'indigenous culture', 'minority culture', the issue of culture being 'swamped' and, as we have recently started to hear more about, the idea that Britain had something called the British culture, to which people ought to conform, all form part of the immigration and race relations debate. I have to say from my own recent experience as Chair of the Commission for Racial Equality, this latter idea is now being rejected in places such as Scotland and Wales. Here we are finding people complaining about what they see as an English imperialist culture swamping their way of life in their own countries - and that is a very interesting and somewhat ironic development.

I would say that there is something that we might find useful to refer to as British culture and that is the traditional pride taken in opportunities for individual choice, and even eccentricity, with less value placed on conformity. A model of a pluralistic and diverse society is the one at which we all should now aim, I believe, as a safeguard against excessive nationalism and exclusiveness. Immigration has certainly changed both our societies and if the change is to work out well for everyone, we have to understand our respective national histories in a way that makes it natural for newcomers and their descendants to belong to our history and to our future.

I have just touched on some of the obvious differences between Britain and Germany. But our present need to cooperate with each other arises from the similarities between the British and the German problems that we are experiencing today. We both face increasing racial intolerance and violence and underlying that violence is a complex pattern of old prejudices, past political events and even new uncertainties. But we also

have to face the larger and even more complex problem of creating equality. Equality between the individuals who are perceived as belonging to different racial or national groups and who have to and are, living side by side.

In order to create such equality we will require a whole set of policies, official and voluntary, national and local. In Britain many policies are centralised, whereas in Germany there are strong regional governments. In discussing improvements, we have to remember these differences of machinery, while retaining hold of the similarities between our respective problems of discrimination, both direct and indirect, in the provision of jobs, homes, education, health care, and access to recreation and the enjoyment of the arts and culture. We also have to recognise the issue about the different models and roles and responses to the issue of citizenship. In Britain we have been able to use the framework of race and community legislation during the last 25 years and we have long been conscious of the need to tackle problems cooperatively by involving the majority and minority communities. Although we can claim some progress, and there is evidence of achievement and success in many areas over the last 25 years, we are still far from being a racially equal society.

It is my hope, and I am sure it is yours too, that this seminar will enable us to learn from each other, from our mistakes as well as our successes, and in so doing, hopefully improve our understanding between the German and the British situations and between the majority and minority groups in the two countries.

Terminology in the Federal Republic of Germany

Georgios Tsapanos

There are 6.5 million foreigners resident in Germany and both the number and the term gives us a first hint of the problems addressing the so-called *Ausländerpolitik* - foreigners policy - in our country.

First of all, the term 'foreigner' itself. We use this word, but foreigners are viewed in a very inconsistent way in Germany. We have foreigners who have lived there for 20 or 30 years, and we have foreigners who arrived very recently. We have foreigners who have now completely adopted a German way of life and we have foreigners who have not. We have foreigners who are subject to different laws; who are affected differently by different laws; and we have foreigners who are not affected at all by some of these laws. So may different types of foreigner but we persist with the single term of 'foreigner' to describe people in all these situations.

We might begin by discussing what you could call the classic foreigners - the people who came in the 1950s and early 60s and who we used to call, as my parents were called, 'guestworkers'. This is an interesting term because normally guests would not be expected to work. Also, a guest would be expected to leave after a period of time. This idea that they would leave has remained current until this very day. Some people in Germany continue to hope that these people will even now get round to leaving the country - perhaps after their retirement. This belief exists because whole sections of German society have never come to terms with the fact that permanent immigration into the country has in fact taken place.

Nowadays we do not speak so often of 'guestworkers'. We might now call them 'fellow citizens' - which is something of a contradiction because they are fellow citizens who do not have any rights as citizens. People who are prepared to confront more of the reality of the German situation will talk instead of migrants, immigrants, emigrants. But the truth is we are dealing with people who are here, and they are here for good.

But without a proper terminology we have a severe problem in addressing these people. This has something to do with our understanding of the problem. Take the most recent arrivals, the foreigners who came only yesterday - in the majority as refugees. A distinction is made in Germany between asylum seekers and refugees, which is rather

hard to explain because most asylum seekers are refugees and some refugees - but in German not all - ask for asylum.

Then there is a negative perception of the situation caused by reference to large numbers. For example, it is said there are 6.5 million foreign residents in Germany. This is a number that causes much concern because people say it is too many. However, back in 1956 when 17 000 Italians arrived as the first guestworkers people were asked in surveys, 'Do you have the impression that there are too many foreigners in Germany?' Even in 1956, with 17,000 Italians, just as in 1993 with 6.5 million foreign nationals, 60% of the people surveyed could be counted on to say 'yes, there are too many.' So the perception that there are too many has nothing to do with the number.

It is interesting to note that this number of 6.5 million arises in part because of the structure of German citizenship law. If, for example, France had the same citizenship laws as Germany there would be 15 million foreigners in that country. This is because every child born to foreign parents in Germany is also a foreigner. And they remain a foreigner for the next ten, twenty or even a hundred or two hundred years. This is an absurd situation and more people are becoming aware of its absurdity. It fuels the perception of large numbers of foreigners in the country when in reality we find that a high proportion of these foreigners were born in Germany and have never lived anywhere else.

Germany, as some and perhaps the majority of the Germans believe, is a mono-ethnic society. But the truth is that Germany is situated right in the middle of Europe, and has always contained a multi-ethnic and multi-national character. We have to push for wider public recognition of this fact and to think through its implications. The question for German policy, and I think also for the Britain and the other EC countries is no longer do we want to live together with foreigners, but how will we manage this business of living together. And this question will determine many of the qualities of our democratic systems. The reality which Germany needs to come to terms with is that of immigration. We have to understand that the country currently has the highest immigration figures in the EC. This reality is distorted by official refusal to acknowledge that we have been, and continue to be, a country of immigration. We do not even have a proper immigration law which goes any way towards regulating the situation. Because of this we must adjust our laws and our attitudes to the fact that it is an immigration country, that it will stay an immigration country and that we have to provide the proper equipment to tackle the issues which arise in any immigration country. Immigration societies will always experience a degree of conflict and tension.

They will never be Gardens of Eden or similar. If we in Germany want this thing called the integration of our communities to succeed we have to adjust our laws and our thinking. It will be difficult enough to make the process of integration succeed even with the best laws and policies, but if we do not make the necessary adjustments in our laws and thinking, we are on a path with very real problems to the extent that deeply threatens the security of our societies.

Women in Black and Migrant Worker Communities

Emma Franks

I am not a community leader or representative of black and migrant women, but a black women activist involved in research and community action. I want to raise a few issues which I have come across during my work and activities.

I want to begin by testifying to the anger, pain and resistance that is not very often given a voice in the forums organised by people from the majority communities and because of this we are frequently marginalised, operating mainly in our own forums in of the black and migrant communities.

We have a very personal and intense experience of life in the countries of Europe. A member of my own family said to me recently that travelling around this continent made you feel like a second class citizen of the world. Who is interested in hearing the accounts of people who suffer these difficulties? When their problems are taken up it often happens in a sensationalist way. We all know, for example, of the case of Joy Gardener,[1] killed by police and immigration officials during the process of being deported. Joy Gardener's death was covered by all the papers and many people would have been shocked by the accounts they read. But for black people this case merely epitomised their basic experiences of the activities of the immigration authorities and detention in Britain.

A people's tribunal on immigration and asylum took place in London in October 1993. People came along to offer an account in public of their experiences of the immigration process; and time in and time out you heard about people who had been taken in handcuffs and dragged from airports, or to the airport, a terribly lonely process, and being locked up in such places as Pentonville Prison, where they have had to face racist prison officers, and much more.

From another angle, I recently completed a period of work for the European Women's Lobby, producing a report on black and ethnic minority women in Europe. The report offers many different accounts of the experiences of these women and this should not

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[1]   Joy Gardner was killed during the course of a raid on her home by immigration and police officers acting on the instructions of the Home Office to deport her to Jamaica in August 1993. The official enquiry into her death recorded a a verdict of 'unlawful killing' and recommended the criminal prosecution of the officials involved.

surprise anyone. When we are talking about black and migrant women we are speaking about a non-homogenous group of people, living in different situations right across Europe. Even so, there is a commonality of experiences despite these differences. There has been criticism of the report because by some people felt that it spoke too much with one voice to present the range of issues affecting black and migrant women. I would have to say this is inevitable at this point in time because the voice of these women is so seldom heard outside of the forums organised within our own communities.

I use this term 'black and migrant women' because it is the terminology which seemed most appropriate in the report, and holds out the best hope that black and migrant women will not be divided and used against each other, or even against men in our communities. We are not trying to get equality at the expense of black men and other women, yet the issues that we are concerned about should not be treated as a kind of add-on politics. We are frequently critical of the sexism which is often found in organisations in our own communities, and also of the maternalism we experience from white womens' organisations. This comes over in the report. But it should be clearly understood that it is that the immigration process itself which encourages this undervaluing of the specific experiences of black and migrant women.

By treating black women as dependants and stereotyping us as passive victims of our culture. For example, in Britain the 'primary purpose' immigration rule has the effect of making a woman's presence in the country dependent for a one year period on her husband. Because of this women do not have an independent legal status. In Germany, I believe the situation is even worse with women being dependent on the immigration status of their husbands for a period of five years. In Greece the probationary period lasts eight years and in Denmark it is three years. So all across Europe you see women that black women are regarded as the dependents of black men. It is the law which encourages this dependency and uses it against us. I quote directly from the report of the European Women's Lobby on this point:

> The laws empower men to abuse and exploit women, impose conditions to restrict and control women, place them in the hands of employers, husbands and unscrupulous agencies. Indigenous European organisations are happy to advise us but when we ask for resources to do it ourselves it is another matter.

These are the kind of things that we came across. I want to say quite clearly that black women despite all these constraints are organising on their own behalf. We are setting our own agenda. One of the most inspiring things was looking at the networks that are being set up right across Europe. Filipino women are amongst the most hard- pressed in

many European countries. We know of their stories of exploitation in domestic work, and the unscrupulous trafficking of women. But they are fighting back by organising their mutual support networks and are pressing for change. There are networks of Turkish women right across Europe, maybe less formalised than the Filipinos, but still doing really important work.

One of the campaigns that I have been involved in Britain, was the Burnsel Strike in Birmingham. Here we had an important challenge to the stereotypical image of Asian women being passive. These women were involved in a long and bitter struggle for rights in the workplace. They were on strike, leading this struggle, dealing with their communities and with trade unions and dealing with employers, in this great fight for basic democratic rights.

But to be involved in these campaigns and struggles is to be placed in a sort of no-win situation. We are a part of Europe when it comes to fighting for the type of rights which are supposed to be available to all in European society, and our identification with the achievement of rights can lead to tensions within our own black and migrant communities. But when it comes to a range of other issues, on the stereotyping of our cultures, our rights to family reunification rights and matters of asylum rights, we are part of the marginalised, excluded community which Europe appears to detest.

There is urgency in this situation. In elections to the European Parliament in the region of 10 million votes are cast for parties of the far right. It is not often brought out just how these far right and neo-nazi movements specifically target black and migrant women, and women as a whole. It is not such a coincidence that we are seeing the increase in women being murdered by racial attacks when they take place in the form of the fire-bombings of houses and refugee hostels.

The undermining of the rights to family reunification through changes to immigration laws is fundamentally an attack on the position of women. And yet we are organising. Black women are organising, despite our apparent invisibility. As this seminar goes on to discuss policy and the need to change so much of what is happening, think about the representation of black and migrant women. We feel, and this is one of the key recommendations in the report of the European Women's Lobby, there is a need to create a climate of openness. Black women are saying, we will challenge the power brokers who have made decisions for and on our behalf and we will participate in the process of our own empowerment, shaping our own visions and realising our manifest destinies to be equal partners in the process of making history.

The Turkish Community in Germany

Mustafa Turgut Cakmakoglu

The Federal Republic of Germany is from a legal point of view not an immigration country, and this is the basis for the present law on foreigners. Foreign workers, are regarded as guestworkers with only a limited period of residence allowed. In general we can say that foreign workers in the Federal Republic are subject to severe restrictions, they have no political rights and they need permits for residence and in order to work.

This means they have no possibility of influencing matters which directly concern them, because the Basic Law, or the Constitution, grants rights only to those who, according to Article 116 of the Federal Law, are German. Article 116 of the Federal Law defines the people who are German but not a concept of Federal citizenship.

On matters relating to the integration of foreign nationals, the state is an abstract concept; a unified structure desired and experienced by the individual. Integration is a process of mutual understanding which can only be successful if the foreigner does not have the feeling that he must remain outside society and be satisfied with limited rights.

The German population lacks information about non-German people. It must be made clear to Germans that non-Germans have undoubtedly played a part in constructing the state and that non-Germans, foreigners, are still contributing their part to the stable economic situation in Germany. The longer the period of residence of a non-German lasts in the Federal Republic of Germany the more the focal point of his life is going to shift.

Discussions concerning and the introduction of financial incentives to repatriation have increased the feeling of insecurity amongst foreigners. They are aware that they don't have any legal security to decide themselves about repatriation to their homeland, or to decide to stay in the Federal Republic. This knowledge gives rise to doubt in their minds, as to whether the increased efforts of integration which are required of them on the German side really have any meaning at all.

Much more must be done to ensure that foreigners do have a secure position and a considerable step in this direction would be the introduction of the right to vote for foreigners. We feel that improving the situation of the non-German would only be possible if they are accepted as minorities after a certain period of time. At various

points in the text the Basic Law does accept a concept of minorities within the German population and uses it. It is scarcely tenable for the legislature on the one hand, to use this expression, but on the other hand not to officially acknowledge the situation which in the meantime has become reality. This definition should give non-Germans new rights and new duties and we feel that the unlimited right of residence of a foreigner should be sufficient for this.

A simplified procedure for gaining citizenship is not an alternative to the possibility of the integration of minorities into society. The desire to become a citizen with full rights is something which is very great amongst Turks in Germany. We are already fulfilling the duties. Every year we pay out billions in taxes and social security payments. We live with laws and respect them without having had any say in constructing them. Our children and grandchildren are growing up here and the bureaucracy and diligence of the foreigners authorities and foreigners laws will not spare them.

Dual nationality is important because it means people who have lived here for generations will finally have the same rights as others without losing part of their identity or their own nationality. According to a survey three- quarters of young foreign nationals in Berlin would take citizenship if they did not have to give up their own original citizenship. Pressure to give up their nationality is something which we perceive as being a pressure to assimilate and many also feel that their lives as new citizens could turn into dead ends. What would they then do if racism continued to thrive and they could no longer feel secure in their German homes?

There are limits on the scope for action in the realm of legislation because the principles of the rule of law are also binding on the law-makers as regards the matter of citizenship. However, it could be possible to shift ground on citizenship by moving away from the bloodline principle to the principle of residence in the territory and thereby ensuring that those born in the country, those foreigners who have grown up in the country, can become German citizens.

Increased hostility towards foreigners and xenophobia of recent times and the attacks on foreigners can be traced back to political defencelessness. If there were official recognition of citizenship, then children who were born here - and who in fact are not foreigners at all - would be in a position to free themselves from this situation. According to Article I, Paragraph I of the Basic Law the dignity of a human being is unassailable. Dignity is the essential condition for positive self-perception of a human being as an individual personality. The dignity of a foreigner is constantly assailed by

extreme right wingers. As the state holds the monopoly on power and violence, then the state should ensure that foreigners are treated with human dignity. It is absolutely necessary that these extreme right wing organisations, who constantly fail to respect the human dignity of the non-German, should disappear from the political stage.

Another deterrent would be the tightening up of criminal laws to hinder politically motivated crimes. According to the regulations on trade, someone who conducts a trade or someone who is occupied in employing people in a trade is regarded as unreliable if he fails to pay his taxes or his social contributions and he then loses his permit to operate. We feel this should be true for those who practise racism by preventing some of them having access to trade or to housing or to work.

The difference from the economic point of view between industrialised countries and developing countries is becoming constantly greater. The consequence of this is that developing countries are becoming increasingly poor. A result of this poverty will be an increase in the number of conflicts and splits in society. Civil wars and natural catastrophes are going to give rise to more and more waves of refugees. As long as these root causes are not overcome it will not be possible to prevent this. For many years the practises of the World Bank and the International Monetary Fund have shown quite clearly that we need a new world economic system in order to help poorer countries. If we continue to cling to the present system then we can reckon on there being more and more refugees who will try through different paths to get into the rich industrialised countries. All of these issues form part of the agenda of the Turkish community in Germany and I hope they will have some resonance with the situation you are experiencing in Britain.

Anti-Discrimination Laws in Britain

Ijeoma Omambala

Herman Ouseley has argued in his contribution that one of the major differences in terms of how European countries conceptualise race is the distinction between immigrant and black. It is a distinction which is particularly important. We can see by looking at the title of the seminar, which is 'Immigration, Minorities, Foreigners and Problem-Solving' some of the ways of thinking that have in the past been brought to bear, when immigration policy and race relations have been discussed.

In terms of the British experience it is right to say that minorities have always been conceptualised as visual minorities and the European distinction between citizens and non-citizens which some of our German contributors have talked about, has not been so much of an issue in terms of UK legislation. When I say that it has not been so much of an issue what I mean is not that citizenship status is unimportant, because immigration status and problems relating to that status feed into a number of other areas in terms of social policy, such as housing, social security benefits, health care provision, policing and racial violence and harassment for example. But in terms of rights granted by law to protection by reason of one's colour or ethnic origin, citizen status is not a material issue in Britain and that is probably one of the major advantages of the UK's Race Relations Act.

But having said that and having identified this advantage it is right that as a legal practitioner who is involved in using this piece of legislation and in the context of developments in Europe, where the need for a Europe-wide race relations regulation is being touted, to point to some of its limitations. In the interests of moving towards a solution to some of the problems being experienced by other European countries I will cast a critical eye over the British legislation and share some of my thoughts with you.

I think it is important to acknowledge the context in which this piece of legislation came to be on the statute books in the Britain. It was not simply a gift of the host country. Inherently and inevitably very political, the Race Relations Acts were produced at a time when there was a very high level of racial tension in this country. There was a very real concern that foreigners and minorities were getting out of control. They were organising amongst themselves and might well have devised solutions to the problems that they had identified, which were not considered satisfactory or desirable by the

authorities of the host country. Out of this the first of a series of Race Relations Acts was born.

They were conceived in a way that would lead to a dilution of incipient self-organisation amongst ethnic minorities as to give rise to positive rights or benefits. It was not ever meant to be a piece of legislation which gave comprehensive rights, positive rights which would free individuals from discrimination and it was always designed with the idea of individuals rather than any collective approach to tackling the problems of inequality which members of ethnic minority communities face. This last point is important, because when one is considering the usefulness of the current Race Relations Act, one has to look not only at what remedy it provides to individuals, but how communities can use the act collectively. In answering that question I have to say that the Act cannot provide assistance in terms of collective action.

Having sketched very briefly the ways and means by which the Act came into being it is important to talk firstly about the problems which the Act identifies. It identifies the problem of difference in treatment. That, of itself, is a problematic concept because it involves people who are trying to use the Act to engage in a comparative exercise which is speculative and on some occasions hypothetical. To be more concrete, you have to convince a tribunal or a court that you are being treated in a different way to a person of another colour or another ethnic origin would have been treated.

There are problems with the definitions of discrimination which the Act contains; namely direct and indirect discrimination. Those definitions are problematic. In particular indirect discrimination is a particularly obstruse legal concept, beloved of lawyers, because it gives us endless hours of fun and pays us lots of money. For the individuals who are trying to use this legislation it is very difficult and it is not the language in which the experiences of black people are usually categorised.

The Act covers certain areas: discrimination in employment, education, housing, provision of goods and services. What is also important is what it does not cover, and there are significant omissions. Firstly in terms of the areas covered, the criminal justice system, and I use those words very loosely, is not within the ambit of the Act, so there is no power to scrutinise the workings of the courts in their dealings with black people. And again, on the point of definitions, there are references to differences in treatment on racial grounds where racial grounds are defined in terms of colour, race, ethnic origin and so on.

But an omission there is that it does not include discrimination on the basis of religious feeling or religious belief. As a result, unless you are of a member of a community, which is perceived or acknowledged as an ethnic minority you are not able to use the Act. Muslims who are from a range of ethnic groups are not, as Muslims, a group who can use the Act to challenge the discrimination which they experience.

Other difficulties in terms of the Act are difficulties in terms of remedies which it provides. These are inadequate to say the least. In the employment context an award for injury to feelings and an award which relates to losses which have been suffered are by and large never adequately compensated by the remedies which a tribunal or a court can order.

Another problem, which is not directly related to the structure of the Race Relations Act itself, but to the legal system in which it is situated, is the problem of access to even these inadequate remedies which the Act provides. The litigation of cases is conducted without the benefit of legal aid. It is an area of law which is complicated and legal advice is absolutely imperative if there is to be a chance of success. To return again to the employment law context, 85% of racial discrimination cases fail but those cases which are represented by lawyers are far more likely to succeed. But access to that representation is limited by the individual financial standing of applicants.

There is much to be said for the proposals for European-wide race equality laws but before one takes hold of the model of the British Race Relations Act I hope that the limitations of this measure will be considered along with its advantages.

Legal Status of Immigrants in Germany

Hagen Lichtenberg

The legal background of the situation of foreigners, or immigrants in Germany is determined by Germany's federal structure. This has entailed a system in which legislation emerges at the federal level whilst the Länder are responsible for its administration, together with any local legislation which might relate to the subject. In addition to these levels of legislation and administration which have always had to be taken into account, there is now an additional dimension, namely the legislation of the European Community, or now more properly called the European Union.

The different levels of legislation have consequences for the political participation of immigrants. As a result, the situation in Germany is quite different from that prevailing in the United Kingdom. In Britain, the great majority of immigrants have British citizenship. In Germany only a very small proportion has acquired citizenship, be it exclusively German or dual citizenship. The way people can influence political decisions and take part in the political decision making process is therefore quite different.

There have however been some efforts in Germany also to involve foreign residents in decision-making procedures at local level and at the level of the Länder. For example, some years ago Land Hamburg introduced the right to vote for foreigners who had been living in the state of Hamburg for more than eight years. But this initiative was blocked by the Federal Constitutional Court which found that in accordance with Article 28 of the German Constitution, the Grundgesetz (Basic Law), the right to vote is exclusively linked to nationality, to German citizenship. Land Schleswig Holstein was then also prevented from realising its plans to introduce a right to vote for foreign residents.

Another approach was that of the establishment of Foreigners' Councils (Ausländerbeiräte) on the local level of municipalities. However, these Councils are purely consultative bodies and are without any influence on decision making procedures. They are consulted only in matters of their narrow concern. On the more positive side there has been a development recently which shows that in Germany things are also beginning to move. A former Turkish national, Hakki Keskin has been elected Member of Parliament in Hamburg. This was possible because he has adopted German nationality (whilst retaining his Turkish citizenship as a dual national), and because according to the German electoral system, which is not a 'first past the post'

system, the parties present lists containing the names of their candidates. The voters then have the chance to push a particular candidate by allocating their votes to him or her within this list. Hakki Keskin was able to benefit from this system to win his election. The voters, all were German nationals, pushed him in order to make sure that he had a fair and reasonable chance to be elected to Parliament.

At European level changes are underway as a result of the Treaty of European Union - the Maastricht Treaty - which under Article 8 provides for a citizenship of the Union. One aspect of this citizenship is the right to vote in local elections and elections to the European Parliament wherever they the person lives within the Union. But this right is again linked to citizenship, albeit the citizenship of a member state rather than just German citizenship. Article 8 does not include nationals of third states.

It is conceivable that an application of the Association Agreement might have consequences for the political rights of Turkish nationals and by these means the European level could come to promote the cause of foreigners by granting them rights, establishing which individual member states now refuse to concede. In Germany there are crucial issues where political discussion becomes very controversial and the federal governments sometimes has to transfer the solution of the problem to the European Union. This removes the responsibility for potentially unpalatable decisions from national government. This applies particularly to those areas of policy in which certain groups suffer disadvantage. This is the preferred way, for example, of dealing with farmers who are usually passed across to Brussels for the difficult decisions.

The instrument of Community law can be effective to some extent at least for people living within the Community. The example of the Turkish nationals shows that development in this realm might be possible in the future.

Legal Structures in Britain

Anne Owers

In the UK immigration control is assuming a greater importance inside the country as well as at the borders. This relates to what is happening in Europe. It affects statutory and local authorities and also non-governmental organisations within the country. One of the main differences between the UK and Germany in terms of immigration policy is clearly that the UK can police a very tight external border in the way that a country with a large land-border cannot possibly do. For that reason the UK has historically always depended for mechanisms of control on control at ports and borders.

This concentration and the absence in relative terms of internal controls and checks also reflects a legal difference between the two countries, in the sense that UK law has a common law base in which no permission to exist is needed: the maxim is, what is not illegal is permitted. Germany is based much more on a civil law tradition, with a concept of rights and corresponding duties, which are clearly laid down.

There is pressure for a much greater series of internal checks due to the project of harmonisation law in Europe, and the pressures that governments feel as internal borders are removed and the lack of confidence that governments in the north of Europe have about the ability or willingness of countries in the south of Europe to police their borders properly. For the UK this poses particular problems.

In the UK over the last ten or twelve years devolved forms of immigration control within the country have developed. Immigration status is increasingly linked to access to health, access by students to fees and awards and to access to social security, both in terms of needing to prove that some benefits are not required before entering the country and in terms of restrictions on the ability to get them once in the country. The Asylum and Immigration Appeals Act of 1993, as well as controlling asylum seekers' entry, also limited access to accommodation provided by local authorities. That has been quite a recent development within the UK but a very strong one.

There are two themes to the new situation. One is to extend enforcement possibilities for immigration control from the borders to place within the country. Effectively, tripwires will be put up over which anyone resident without authority can fall.

The second theme is a kind of national meanness and exclusivity. Many of these checks and controls do not apply simply to people who are here illegally; they apply also to legal residents or those applying for a legal status. They are designed to confine access to what are felt to be the universal benefits of society - social welfare benefits, health care, education, and so on - to limited categories of people. This is clear from the example of the speech given by the Secretary of State for Social Security, Peter Lilley, during the 1993 Conservative Party conference he spoke about foreigners coming here; by which he meant not merely visible minorities but also people from European Union countries who he alleged were coming to 'sponge off' the British welfare state.

The consequences of this development in the UK have been quite alarming in many respects. To start with it targets solely those people who are dependent on public services. Those who can afford private housing, private education, private health care will largely be untouched by this system of checks. Secondly, it has developed in an almost uncontrolled manner. Local authorities and those local officials, that one may find in the local housing office, the local social security office, the local school or college have largely been making it up as they go along, in terms of who they check, how they check, when they check and if they check at all.

Those authorities which are themselves under pressure to make savings in terms of their budgets have tended to try and push the existing legislation to the limit. For example, the actions of the London Borough of Tower Hamlets have now very much extended the ability of councils and indeed the duty of councils to check the immigration status of applicants for housing. The consequence of these developments has been that those checks have often been carried out in a discriminatory manner, and a manner which cannot easily be challenged.

The second point is that the new system does not just affect people who are here illegally. Recent asylum legislation affects asylum seekers, whose status has not yet been determined but who are not illegal and it limits their access to accommodation for the homeless. Similarly there is a means test on the entry of family members in the form of a requirement to show they will not claim certain social security benefits. This is not about the legality or actuality of the marriage; it is simply about reducing the rights of people to join their family and to have access to certain benefits. It is a policy of deterrence as well as a policy of control and it sends very clear signals to people about who belongs and who does not belong. In the public mind the issues of immigration, illegality and 'scrounging' are linked very clearly.

We can expect to see further pressures for internal controls in the UK. For example, if internal borders in Europe are removed we can expect a move towards legal sanctions against employers who employ workers without a legal residence status, which do not exist in the UK at the moment. There is an argument that it would be fairer if employers were penalised for doing so rather than simply penalising the employees who sometimes work in appalling conditions, unregulated, low waged, and without any rights. But in practice penalising employers does not stop illegal employment; it merely drives it underground, into conditions which are even less regulated. For the UK, which refuses to sign up agreements like the Social Chapter of the Maastricht Treaty, which may have the effect of improving employees' rights and health and safety, to claim that sanctions on employers derived from immigration legislation will improve workers' conditions is hypocritical. The way to improve employment conditions is to pass employment laws, not to pretend that immigration law is a tool for improving the lot of certain workers.

There will also be increased pressure for a system of mandatory identification. This is the issue of identity cards. In Germany, of course, as in almost all continental European countries, identity cards are common. In some countries they are supposed to be voluntary, although if you are black and do not carry one, it is not clear that you are perfectly free not to do so. In many countries it is compulsory to carry identification. The European Parliament drafted a resolution[2] (now withdrawn, for the time being) suggesting that in the light of the removal of internal frontiers, identity cards should be compulsory within European countries. It considered that these internal controls may never be carried out on the basis of race, colour or gender. It is not clear whether that was a statement of intent, or a pious hope, or what Parliament actually thought happened. But it is quite clear of course that identity cards are never in fact used in a way that is indifferent to race, colour or gender.

The other worrying thing is that the European Parliament's draft suggested that identity cards should be mandatory in situations of transactions between citizens, as well as between the citizen and the state. For example, when people are buying or renting property, or entering into agreements of marriage, divorce or adoption, and other citizen to citizen agreements. This of course would devolve immigration control still further, essentially to individual citizens; a kind of privatisation of control.

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[2] Report of the Committee on Civil Liberties and Internal Affairs, Rapporteur Mr Kanstantinos Tsimas, 2 October 1992.

From the German perspective the UK's worry about identity cards often seems to be rather odd. But this is a particular problem in the UK where we do not have any checks and balances which define the relationship between the citizen and the state. In Germany as has already been mentioned, the relationship between the federal government and the Länder is very important in terms of checks and balances; so also is the existence of a written constitution which gives citizens rights. If there are duties to be imposed on citizens then it is also very important that those citizens also have rights and these are enshrined in law. In the UK there is nothing of that kind.

Moreover, to implement the proposal, we would have to start from scratch. There would have to be an immigration census of every person living in the country. Because there is no way that everyone has or can provide evidence of their legal residence status, or of their right to residence, the consequences of doing that in community relations terms would be hugely damaging.

But in the light of developments in Europe we have to consider what our aims are in this area. Should we be trying to control the controllers? If controls are to be delegated to a multiplicity of authorities, how might we working out good and justifiable regimes for those who develop authority over our lives in place of the present ad hoc and discriminatory systems which operate in the UK? Or should we concentrate on trying to prevent internal controls developing altogether?

Finally, if creeping control at all levels of citizens' lives is to be prevented, it is certainly essential, in a Europe without internal borders, that third country nationals, the group of people most likely to need to prove themselves at borders at the moment, are given free movement rights like citizens of the Union.

The Work of the Commission for Racial Equality in Britain
Makbool Javaid

In the United Kingdom, the Race Relations Act (RRA) sets out the legal framework for fighting against discrimination on grounds of race. For an understanding of the role of the Commission for Racial Equality (CRE), the entity established under the Act with responsibility for ensuring the enforcement of its provisions, it is important to bear in mind a number of points. Firstly, the RRA is essentially a bargain which was struck in trying to balance the desire to control and restrict immigration with the need to provide protection for people who settled in this country from the Commonwealth; that is the former colonies of the UK.

As stricter immigration controls were introduced it was accepted that protection for people who were settled was necessary because without it there would be great resentment among the groups which had settled permanently. The philosophy of the Act is simply that the manifestation of racial prejudice ought not to be allowed in the public arena. As far as the private affairs of individuals is concerned the state will not intervene and will not attempt to tackle that prejudice. However when prejudice manifests itself in the public arena, the law will prevent less favourable treatment.

Many of the RRA's basic concepts were borrowed from the United States, such as the notion of direct and indirect discrimination. The CRE's position as a statutory organisation under the Act is also very similar to agencies that exist in the United States. The Commission is funded by the government although it is not a part of government. It is a statutory body in the best British tradition; but it does not form a part of the governmental set-up.

The Commission has a number of duties, which are set out under the Act. It is to work towards the elimination of discrimination - a very laudable aim. It is to promote equality of opportunity and good relations between persons of different racial groups. At the same time it is to keep the RRA under review, so that where it becomes evident that there is a need for amendment, where it is not working as intended, the Commission can make recommendations to the Secretary of State for the Home Office on the changes which are needed.

The Commission is entrusted with a number of statutory functions. Essentially it has a promotion and law enforcement role. It seeks to promote good race relations but also

has a role in enforcing the law. There is a tension between those two aims. As far as the promotion role is concerned, the Commission meets with various organisations, employers or local government and advises on how good race relations ought to be promoted. It gives advice on how to eliminate racial discrimination from the working of any particular organisation. This takes the form of either producing publications or arranging conferences and seminars. The Commission performs that role fairly successfully.

As far as law enforcement is concerned the Commission provides assistance under Section 66 of the Act to individuals who have, or who feel that they have been discriminated against. It has limited potential and therefore is not always able to help every individual who comes for assistance. There is a simple application form which is completed by individuals with a complaint and this is considered by various Commission officers who will investigate the complaint. That involves making enquiries of the alleged discriminator for which there is a set procedure: Does this complaint have any merit? Is there any substance to the allegation made? Obviously the Commission has to deal with people who are under great stress and anxiety, who feel that they have been dealt with unjustly and the it has to do its best when examining at the merits of any application.

Once the case has been investigated a report is produced for internal purposes and a decision has to be made whether the applicant will be provided with assistance. If this assistance takes the form of legal advice the Commission will arrange for legal representation so that the person can pursue his or her case through the courts. Not every individual can always be helped as the Commission has limited resources. But it is fairly successful with those individuals where help is possible. It has won major cases in a number of areas; cases involving police officers, the army or large employers. The Commission has also developed the law by helping individuals.

Regrettably some setbacks have been suffered; notably in the field of immigration policy and practices. There is a House of Lords decision (acting in its constitutional role as the supreme court) which has ruled that immigration control falls outside the RRA. That is unfortunate because there is considerable evidence of discrimination in the field of immigration policy. But the courts have decided that area falls outside not only the RRA but also the Sex Discrimination Act.

The Commission also has a role in mounting its own investigations where no specific complaint from an individual is needed. If the Commission forms the view that a

particular organisation is engaged in a discriminatory activity it can formally investigate under Section 48 of the RRA. That involves notifying the alleged discriminator of the Commission's suspicion and allowing them an opportunity to make representation - essentially trying to persuade the CRE that there is no substance to its suspicions. If the Commission accepts this representation then that is the end of the story: if not, the Commission will proceed further. It will look at the practices of the organisation, interview staff, look at documents, produce a report and, if appropriate, serve a notice on the organisation, which would be directed at eliminating the discrimination found. If no discrimination is found, the Commission would obviously pronounce this as its official finding.

There is another more general formal investigation role. The Commission can look at a particular sector of employment rather than an individual firm. In the past it has analysed the hotel and catering industry because of the large number of people from ethnic minorities who are engaged in work in that sector. The Commission can look at the practice of employers generally. It can also examine the practices of local authorities in a particular area. There does not need to be a suspicion of discrimination for the Commission to look at the practice, produce a report and set out guidelines on how the discrimination that may have been found ought to be eliminated.

The Commission also produces codes of practice and guidance on how certain activities should be approached in a non-discriminatory manner. We have a code of guidance in the fields of employment, housing and education and we are producing guides in other areas as well. That is a very general description of the Commission's role in the UK.

It should finally be said that the Commission is also concerned about the increase in racism throughout Europe. Its role here goes beyond the UK. In conjunction with other groups it has been trying to persuade the European Commission of new measures to implement legislation which will outlaw discrimination on the grounds of race, similar to Article 119 of the Treaty of Rome in the field of sex discrimination. The Commission has been working on that and has been fairly successful in putting the case, although it has not yet been successful in persuading the European Commission.

The Work of the Berlin Foreigners Office

Barbara John

The Office of the Commissioner for Foreigners in Berlin was founded 12 years ago, in 1981. It was the first Office on a Land (state) level and was established only three years after the creation of the federal Office for Foreigners, operating at the national level.

The federal structure means that it makes a great difference to the foreigner in Germany where he or she lives, be it in Munich, Berlin, Rostock or elsewhere. The application of the Ausländergesetz (Foreigners Law) is at the discretion of the Lander states. Every state has a special body, the Landeseinwohneramt, or Police for Foreigners, which makes the decisions on whether family members get a visa to enter Germany and to which state. These officials also decide on deportation. And yet another type of office, the Labour Exchange, decides on work permit issues.

The different treatment of foreigners in the Länder can be illustrated well in two areas: dual nationality and asylum seekers. In Berlin we allow dual nationality. This is possible under Article 87 of the Foreigners Law. Despite this, Bavaria and Baden-Württemberg will never allow it. Because in Berlin we allow dual nationality there is therefore a much higher take-up rate for German citizenship. Young people of Turkish origin even come from Munich to Berlin, stay for a few months and then apply for citizenship. When they get it they return to Munich as dual nationals.

Another example of differential treatment comes from the fact that every state has the option either to give out food tokens or cash to asylum seekers. Under the new Asylum Procedure Law all newcomers who came after July 1993 are to be provided with tokens only. But this obligation does not exist for those asylum seekers who were already in the country at that date. In Berlin we argue that food tokens alone makes every day life in hostels even harder, leaving the asylum seekers with nothing to do. It is like living in a zoo. We therefore do not give out food tokens.

In the new Länder in the east, by contrast, this is standard practice because they think that food tokens have a deterrent effect. This seems to work in that thousands of asylum seekers have now left these particular regions. They seem to have vanished; probably they have gone back to the countries from which they fled. They cannot have come to Berlin because there is a special distribution system in operation in which only those registered in Berlin are entitled to social benefits in the city.

It is really at Land level where one can make an attempt at successful integration. Therefore the Offices for Foreigners are very important. Successful integration is dependent on residence, work and entry permits. It also depends on education and social benefits. Last not least, it depends on the climate which is created in a community, whether people feel accepted, whether they feel a sense of belonging or not.

In the structure of the Berlin city administration the Office for Foreigners sets the agenda and brings forward proposals concerning foreigners to the government of Berlin, the Senate. Before it makes proposals, it works together with different departments of the administration to achieve compromise. At present I am preparing a report on the social, economic and political situation of ethnic minorities in Berlin with new proposals but I am uncertain whether they will be accepted. There has also been a long debate about terminology following a proposal not to use the term 'foreigners'. This terminology has become misleading, because the people it applies to have often resided in Germany for generations. Instead we want to introduce the term 'ethnic' or 'cultural minorities'. However, there is considerable opposition to this in the Senate. The Senator for Internal Affairs rejects it on the grounds that these people might then ask for special treatment or unwarranted privileges.

This explains aspects of the current debate about a new constitution for Germany. The proposal by the joint commission for this constitution, to insert a new Article 20B into the Basic Law which would oblige the state to respect the identity of national, cultural and religious minorities, is unlikely to be adopted in the final version of the draft, because of opposition from the political parties. It would be the first time the term 'minority' appeared in the basic laws of our country.

From 1981 onwards the Office has had five priorities. Firstly, every inhabitant of the city must feel safe. She or he must have an unrestricted residence permit. In this field Berlin is leading in Germany. More than 80 percent of all non-Germans living in Berlin have this or the even more important long-term Aufenthaltsberechtigung (Entitlement to Residence). Because this policy was followed early on, there is now the largest number of people with a secure legal status in Berlin.

Secondly, it is very important for individuals to earn a livelihood and not to be dependent on welfare. Therefore Berlin has been more liberal in issuing trade licenses to non-Germans. In other regions they have to wait for at least eight years; Berlin issues them after two years. The city is also very keen that people have a school certificate.

About 70 percent leave our schools with this document; although 30 per cent don't. This is a matter for concern and many special measures have been taken to provide another training course for those leaving school without a certificate. There are a range of courses of this nature financed by the Senate of Berlin.

Thirdly, all people living in Berlin have a right to equality of treatment. The best way of achieving this is through German citizenship. By this the whole community learns that being in Berlin you are a Berliner irrespective of where your parents or you yourself have come from, what you look like and what is your culture or your religion. This makes Berlin a very cosmopolitan city. In 1992 more than 9,500 German citizenships were taken up in Berlin and in 1993 this figure rose to 12, 000, out of a total of 30,000 grants of citizenships for the whole Federal Republic. Nearly half of all applications for citizenship are made in Berlin.

Fourthly, we want to protect people against discrimination, although at present there is no strong legal instrument against it. The Berlin Office has set up a group of three people who go out to the big industry bosses and explain the requirement that discrimination should be tackled. It wants to raise the proportion of non-Germans, or minorities in the factories and businesses in the region. The Office also examines the proportions of non-Germans in state agencies and, if these are too low, establishes the reasons for this. A plan of action for change is then drawn up. This is an effort by voluntary means to achieve positive discrimination.

Where there is evidence of negative discrimination, the Office takes the matter up with those responsible, as in the case of Berlin discotheques some years ago. It was discovered that visible minorities were denied access to every second discotheque in the city. Further efforts are being made to determine the current position at the present time. On this occasion we have the advantage of a legal instrument which offers some protection against this form of discrimination. Preventing a person from entering a discotheque because he or she looked like a foreigner is in some cases contrary to a special law, the Gaststättengesetz (Gastronomy Law) which can be used, albeit with difficulty. In this way the situation in Berlin has been improved although more anti-discrimination legislation is needed.

In addition there is an annual budget of DM 18 Million which goes mainly on self-help, non-German groups, to voluntary bodies and other agencies which advise and provide education. Altogether DM 120 million are spent each year on integration measures and most of this goes into education.

Fifthly, the Office has created a climate of openness and tolerance. We can no longer allow ourselves to be tolerant with intolerance. We have a new approach in Berlin: foreigners are no longer depicted as nice people with whom you must sympathise; this has been done for many years and people could not stand this approach any longer. Instead, the Office appeals to the German people and to their self interest: it is in the interest of the community to oppose discrimination and intolerance. It is your problem. It is not the problem of the subject of discrimination; it is the problem of the perpetrators. This seems to have had some success. For example, on posters displayed in our underground trains the question was asked, 'What is German?' and many suggestions were made. There was considerable response from the public to this, because it made people think. Perhaps the central lesson people are learning is that, amongst other things, being German means that we have to learn to live together in a modern world which is becoming more international.

The Situation in East Germany

Vera Gaserow

I come from Berlin, the largest Turkish city outside Turkey and also a city which lay in the former German Democratic Republic (GDR) and was oriented towards Warsaw and Moscow in the Eastern Bloc. This geographical situation is something of which we have become very aware in recent years and something which has been the cause of many problems for foreigners.

On the evening of the 9th November 1989 when the wall collapsed I had a very strange experience. I was standing at a border crossing next to a group of young Turkish girls, teenagers, who were first of all very pleased with what was happening. They watched the people coming from eastern Berlin and suddenly one of them said: 'there is a stream of ugly men coming across'. Some time later the eastern Berliners had a similar sentiment of irritation, when they looked around in western Berlin: people in the western part of the city seemed so different to them. The first time in their life people from the former GDR became aware, that the Germany which they wanted to become part of was no longer a 'purely German' state.

It is perhaps important to make clear that in the GDR there was no concept of a foreigner, and people did not understand the idea of a foreigner as was the case in the West. Walls were built to keep people in and also to wall off the country from the outside. It was not just a question of not understanding other nationalities, but it was rather a question of not understanding those who think or live differently. There was absolutely no culture of understanding, of tolerance, of human rights and no understanding of the tensions which inevitably exist between the notion of society and acceptance of different people.

When the wall collapsed and Germany was unified we experienced the peculiar situation of a mood of anti- semitism without their being a significant number of Jews, and hostility to foreigners without many foreigners being present, because there were practically no foreigners in the GDR.

At this stage the Government made what I feel to have been a very serious mistake. They embarked on policies which effectively practically ordered people to live together through the application of the law. Refugees who had been distributed throughout West Germany on a percentage quota basis were now to be distributed amongst all the

different states of Germany, including the new Federal States from the old GDR. That involved new in-coming refugees, who are amongst the most problematic groups of foreigners. These people were to be distributed throughout all the federal states, including those in the east which were likely to have the least developed tradition of toleration and acceptance. The local communities simply had to accept this fact, and the refugees themselves had to battle with it.

This was an experiment which we now know has failed. The consequences of this have seen flashed around the world with the news reports of such events as took place in the towns of Hoyerswerda and Rostock. This situation grew even worse, because people had scarcely any opportunity to have any contact with foreigners, because the laws required the refugees to be grouped together in homes, in their own accommodation. They were not allowed to work, which meant that they had no contact with the local population. This was the very difficult situation which led to the events we are all familiar with, which is not by any means supposed to excuse them, but which might perhaps go some way to providing an explanation.

Then, in this troubled situation, the politicians in Bonn and journalists in the media threw petrol onto the fire by starting a campaign against asylum seekers.

It very quickly became a problem for the whole of German society as these events, and the poisoned atmosphere which had been created, crossed over into West-Germany. Germans in the West, who had been living with immigrants and refugees for a long time, suddenly had the feeling that this cohabitation was not on such a firm basis as they thought. This also had consequences for the foreign population whose attitude to their lives in the country in which they had settled, and whose feeling of value changed completely.

I think in the West-German Federal States in the 1980s that the idea that we should live if not perhaps with each other but at least side by side had been treated as a matter of course. It was felt that daily contact was normal, that you bought your goods in immigrant-owned shops, or that your children would be looked after by Turkish people, for example. It was held to be perfectly natural and suddenly a rift opened up.

One sees this in our daily way of life. Contacts have become more difficult. There are more problems in living together as we did before. No one would want to get involved in any sort of quarrel with their neighbours or with youngsters, because they are driving too fast or they put their rubbish in the wrong place or because somehow you object to

their behaviour, because the normality of relations, normal relations, have been ruptured. And if anything like this is said then the reproach will immediately be, 'you are saying that because I am Turkish or Arab'.

So to conclude, I think perhaps on the side of the immigrants especially the younger immigrants, there is a tendency to wish to counter-react, to act against perceptions of discrimination and racial hatred, sometimes violently. But I think it should be recalled that this can sometimes be a sort of an excuse to let off steam and aggression which was there before, resulting from the miserable social situation, discrimination and cultural confusion, from which many young foreigners suffer.

Community Level Work

Rosie Wolf-Almanasreh

I would like to refer to the contributions of Georgios Tsapanos and Barbara John, about their practical work as Commissioners on Federal and on Länder-level. I am working at community level and as others have stressed we are handicapped by not having the framework of law to support our work. We just invent our work and try to get on with it.

Nevertheless, important initiatives have emerged and I shall speak a little bit about one, namely the Office of Multicultural Affairs in Frankfurt, which is unique in Germany. I should say something about the ideas and perspectives with which we work. This is important because, quite obviously, the way you think has important consequences for what you do.

We think in principle, that we need a vision, we need something to look forward to. It does not help us to look back and complain: people need to know what we are aiming for if they are to be persuaded to come with us. I agree with the other contributors at this seminar who have said that the ethnic minorities will not be successful by protest alone; but need also to convince the majority that it is in their own interest that they engage with these human rights issues, such as the question of equality, of human dignity and so on. We think that in all our countries, though it varies in the different regions, in the big and small cities we have more or less a pluralistic or multi-ethnic, multicultural society, which is not perfect, but which nevertheless exists. The multi-ethnic basis of modern Europe simply cannot be reversed.

We have to persuade people to engage constructively with such questions, as what is it to be British, or German, or French? How can we exist as a multicultural society? How should we live together? How should we deal with the differences? How should we solve conflicts? And we believe that there are two very important aspects of this. To assist in providing a positive response to these questions we should say that two values need to be closely integrated. Firstly, that of equality of rights in the political, the economic and the social spheres to allow full participation and the sharing of our broad social values.

Secondly, we also need the freedom to live our private lives as far as possible as we like, to find our own way, how we like to live, how to celebrate, how to build our

houses, how to pray, and so on. We think that this is possible, and we need a common image which will help us cohere, and we believe that idea of the republican state could be that image. A democratic republican state, in which we can live our private lives as we like, but in the public sphere, with common ideals and principles.

At the level of the community in Germany, and I think also in the UK, it is very hard to work with federal or national law and to promote integration. Very often the national and the local do not fit. We need laws which are sensitive to regional differences. In Frankfurt we are looking at ways in which this might be possible.

Frankfurt has been the first city in Germany to create a department which operates at a high level of policy co-ordination. My position is equal in status to all the other local authority directors. I have a budget and a committed staff. To promote the equality we advocate, half our staff are men and half are women. Half of them come from an ethnic and cultural minority background and half of them from a German background. We can speak 14 different languages, including English, and the other main languages of our minority communities.

We try to tackle the issues in a very pro-active way. For example, German municipal administrations will employ foreigners but only to clean the streets, or at a similar low level. Foreigners are not at the level of administration or management. We broke with this practice and now employ ethnic minority people throughout the administration.

However, we are not just a lobby for the employment of foreigners. We are concerned to change attitudes and practices within the administration as well as outside our structures in the city at large. We are seeking the development of a multicultural community. This means that we have to focus on all people in the city. So the Germans are a very important target of our work, not only the foreigners.

What do we do in this department? We are doing everything that people from Britain and also some from Germany spoke about during earlier contributions: public relations work, information work, case studies, ombudsman work. We are active in the field of opposing discrimination in the work-place; Germans and non-Germans can come to us and complain about discrimination. Our view is that work in opposition to discrimination means not only with the things that happen between foreigners and Germans, but to promote a sensitivity within the German population to understand what is involved in the processes of discrimination.

We developed a programme for schools where children can talk about discrimination in a way which has nothing to do with discrimination against minorities or migrants; simply what discrimination is, how I would feel if someone discriminates against me. We had a competition for essays on the subject to promote this idea.

We are doing the same thing in a special programme with the police, to establish how police officials feel when they are discriminated against. They are called certain names, such as 'bulle' for policemen, I am sure similar things happen in Britain also. We discuss these questions with police officials in a way that tries to avoid confrontation, not by merely denouncing them as racists who discriminate against foreigners. In the first stage of our work about discrimination we talk with them about their problems and experience of discrimination.

We are preparing projects for other departments of the city authority. Our role within the administration involves intervening in other departments and to do that we have a decision from the municipal council which allows us to enter different departments of the city and to examine their work. Without this close scrutiny it would be impossible to change things.

We are also concerned with conflict management. We are trying to develop different methods of conflict management, which go beyond the normal conflict solving, which can be used with police or court procedures. For example the press reports that there are a lot of problems with the Kurdish community. A Kurdish political party was banned by the Federal Minister of the Interior and some of these organisations' centres were closed. In Frankfurt we had a group of 500 people, women, children and men organising a sit-in at a local centre threatening to burn the building and themselves in protest against its threatened closure. The evidence suggests that they really intended to carry out this threat. This was a situation where the police and the normal conflict negotiation people who tried to deal with this situation could not make any progress.

Our department had to enter the process with our people who speak the language, who know the situation and in who the people involved have some confidence in, and we helped to find a compromise. It also required compromise from the police. It is not only the so-called foreigners who have to find a compromise: the police also had to step down from their hard line. We could persuade the Kurds to step down but it was very difficult for the police, because the police and the Minister of the Interior and the secret service and all these people have very clear ideas how to deal with these people, whom they call terrorists. We have been harshly criticised for our efforts by some people on

the city council, with some people saying that we cheated the officials and undermined them. We now have to do mediation work on our own behalf.

We believe that the main thing we will have to do in the next few years is communication. For those who understand German our department is very often called 'babbelamt'. This is a Hessisch, dialect word which means a department which talks a lot.

We believe in communication. We say we can not go on dealing with things in a merely legal way. We are trying to communicate within the administration. We use each case to create consciousness to discuss our future. We don't tell people to change their mind because they should love foreigners or in order to be a good human being. The issue before them all is whether or not they are going to be successful. We say that if you want to be successful in your work as a social worker, as a policeman, as an administrator, you must be able to solve problems and communicate, and we want to help you to do that.

We will not convince people by basing our arguments on ideological lines. We certainly have a theoretical perspective to guide us as we move forward, but we don't think that by confronting people and telling them that they are racists' we will be successful.

For my last point, I would stress how essential it is to communicate with minority groups. We are part of the administration, but we have had to ask ourselves whether it really is possible for the state to play a constructive role in achieving successful integration. My background is with work with grass roots organisations so I was very critical about the possibilities for this work. After three years of frustration and hard work, but also some good experiences, I now believe that it is very important to go into state institutions. They need reform, they need to be changed.

In particular, the state structures are national, but we are now living more and more at a European level. But the national state structures are often not yet prepared to communicate on an wider European level. They are not efficient at this level, with many officials not knowing how to communicate, and, if they have to negotiate, they don't know how to do it. They are making mistakes, and there is a lot of misunderstanding. So we believe that we have to go in and to teach people, to help them to communicate and to prepare them for the decisions we have been talking about at this conference.

The main problem is with political will. The politicians and the administrators will have to change their attitudes. They are extremely reluctant to change. On the other hand migrants and the minorities have to learn to cooperate, they have to push things forward on their own behalf, but they have to find people who go with them. If they don't convince the majority we will have conflict and strife.

I would say that if in our European societies we do not resolve the problems of living in multi-ethnic and multi-cultural communities then we could all go the way of Yugoslavia. The chances of success and failure in my opinion are evenly balanced at 50/50. From this standpoint it is essential that we convince the majority that it is in their own interest to look for compromises in the future society, which will not be a homogenous society, but which should be able to solve conflicts, to live with diversity, to be strong enough to tolerate differences. And we must find practical solutions, and our experience in Frankfurt, and yours in Britain, suggests that we are beginning to get an idea of the scope which exists in our communities for practical solutions and the emergence of a tolerant society.

Employment and Training

John Wrench

There are two themes to my contribution. The first one is the 'second generation', as it is called in Germany or what in Britain we call the 'young ethnic minorities'. It is important to look at this particular group as it is a significant barometer of social processes, perhaps more important than the first generation. In Britain young ethnic minorities have citizenship, they are born and educated in this country, they face no language problems and they often have excellent educational achievement, all in the context of anti-discrimination legislation, and <u>still</u> they are excluded from the opportunities in the labour market that they deserve, and for which they are well qualified. There is a perpetuation of inequality similar to that experienced by their parents.

The second theme is the assumption that the main problem of the majority society with regard to immigrants is right-wing racism and racist violence, such as the petrol bombings of refugee hostels, and skinheads beating up young Asians in Tower Hamlets. While it is true that this is perhaps the most important issue facing the new European Union there is a problem if people claim that is the <u>only</u> difficulty. Politicians and activists at the political level are inclined to say that racism is caused by lunatic extremists, but emphasise that they are an extremist fringe, a small minority and 'not like us'.

People are less willing to concede that in the routine everyday processes of allocation of housing and jobs, there are systematic acts of exclusion and discrimination committed by normal, average people like you and me. Now that is much harder to admit, and people tend to say that 'this does not happen here'. It is consistent with the approach in the Maastricht Treaty, where the signatories of the Treaty were happy to condemn fascism, but refused to consider any strong practical measures against routine racial discrimination.

The problem of not tackling the routine quiet everyday discrimination is that in the long run this perpetuates inequality and feeds and reinforces the racism and fascism at a different level. Because of this routine racism remains a very important issue. In Britain, and perhaps in other countries, when you have inequality persisting across the generations, it is often assumed that it must be connected with 'their language' or 'their culture' or 'these people are living in the wrong place. If only they would move into

different areas, away from the inner cities, or into towns where there are new factories'. All these explanations put the blame on the migrants and the ethnic minorities themselves.

It is easy to ignore what is actually happening- the everyday processes of exclusion - because they are quiet, under the surface and not very noticeable. The fact that we have a strong Race Relations Act means that people have been educated not to be openly racist, and quiet discrimination becomes more common.

Research has highlighted this problem. One type involves 'discrimination testing', where mock applications to jobs are organised on behalf of ethnic minorities and white English 'candidates' to see who is accepted and rejected, when the only difference in the applicants is their ethnic background. When this sort of research is carried out in the UK it is regularly found that the whites would be called for an interview and the Asians and Blacks would not.

This is similar to what Barbara John mentions with the 'disco test' in Germany: sending people to prove that discrimination exists. Earlier this year in Britain there was a case where two doctors made up applications for well-qualified doctors, some with Indian names and some with English names and sent them for jobs in hospitals. They found out that those with Indian names were rejected. Now the International Labour Office is co-ordinating research all over Europe using this particular test.

Secondly, I will discuss research in which I personally have been involved which looks at the access of young people to vocational training, apprenticeships and employment. In each case we matched the young people by ability, so that we were looking at equal types of young people. We also carried out tape-recorded interviews with employers and people who work in employment agencies, and began to reveal the processes of exclusion which operate in the labour market. All employers told me, 'I don't mind what colour they are, white, black or blue' (it was almost the same expression every time). They seemed liberal, reasonable people, but they also dealt in stereotypes. Just to give one example: one man said, 'I don't think Indians would be very good at mechanical or technical drawing, because look at Indian art, which is flat'.

More interesting was the indirect discrimination. Firstly, priority is given to family members of existing employees, negotiated with the unions, so that ethnic minorities who were not already in the firm did not get a chance. Secondly, many employers did not bother to advertise their vacancies, because they said 'it is too expensive, we want to

save money'. They just tell their employees, and they pass on the news by word of mouth to their friends. That also prevents ethnic minorities from hearing about vacancies in largely white firms.

Thirdly, employers used 'rings of recruitment'. This was quite common in Birmingham where the research took place, where there are big factories all round the white suburbs. Nearly every employer said they drew a ring round their factories and recruited people from within this ring. This was allegedly for convenience so the young people had not very far to travel. But this automatically excluded all the Black and Asian young people who live in the inner cities.

We also interviewed the employers who were in the inner cities (there were not many of them) and none of these employers drew a ring around their company, claiming that, being in the middle of the city, employees could get to the workplace from all over on public transport. Race and colour were not mentioned, but this is another example of systematic indirect discrimination.

The second part of the research involved tape-recorded interviews with people in the careers service. (The careers service operates within local authorities but I think the same thing would apply to private agencies). In our interviews the workers at these agencies said that they often had calls from employers who would say 'I want a kid, but don't send me a black kid. I own a bakery, I want someone to work on the counter, but I don't want a black kid, because the customers would not like it'. Or another would say, 'I own a textile firm, I want somebody to operate the sewing machine, but don't send me an Asian, because they will go off and start their own business'. We have pages and pages of these statements from the same sorts of employers who told me that they didn't care what colour their workers were.

You then have to ask, how does this square with our race relations legislation? What the employers are saying is in direct contravention of the 1976 Race Relations Act. They could be prosecuted for this. What happens? During the twelve months I did this research not one of the cases quoted to me came to a Tribunal. In other words the careers officers did not tell anybody about it. So then you have to ask, why did they not tell anybody ? These are careers officers, professional, reasonable people. The reason for their lack of action was that it was in their interest to cooperate with the employers, because their jobs depended on it. If they did not have the employers as customers, their jobs in the long run would be threatened. And their superiors made sure that they knew this.

So if an employer was reported to a senior official for discrimination the boss would say, 'very good', but would do nothing because they need the employers as customers. This is likely to be even more the case with private agencies. So what did the careers officers do in this case? We found evidence that the careers officers indulged in what we call 'protective channelling'. After a while they begin to recognise who the racist employers were (which often happened to be the most prestigious, the ones offering the best jobs and the best training). They begin to recognise who are the ones who are difficult and Asian and Black applicants would not be sent to these employers. They send them to other employers, where there won't be a problem, because these other employers have a tradition of employing ethnic minorities, but these are quite likely to be lower status jobs. So, what you have is the anticipation of racism by the careers officers who are doing the discriminating for the employers.

We then operated a test with the careers officers, to see if they were prone to stereotype. We matched pairs of young people who were presented to them for evaluation and they consistently judged ethnic minority young people as less able and less suitable for skilled work than their exactly equivalent white peers (they did not know that we had matched them). So there is some stereotyping going on there. Some would 'talk the young people down' and say 'you are not good enough for this, you ought to go for that'. Added to this was the fact that sometimes the young people themselves would tell the careers officers 'I don't want to be sent to this employer, because my friend was sent there and he was beaten up'. Or, 'I don't want to go to this part of the city, because I would go on the bus and I would be the only black person there'.

These Black young people themselves anticipated racism and they resist being placed in certain companies, because of fear. Putting these things together, you have the avoidance of racism by the young people, you have the protective channelling by the careers officers, and you have the stereotyping whereby young people are separated out and sent to something beneath their abilities. The combined effect of these three things results in processes of exclusion which do not involve blatant acts of discrimination but have an equivalent result.

In discussing this sort of research with German colleagues and officials I have often heard statements such as, 'in Germany we don't have problems in the workplace, the problems of racism in Germany are in the streets, but we have good agreements with the DGB and we have equality at the workplace. It is not an issue in Germany'. I would like to end on a question. Is it the case that because of works councils and other workplace arrangements, which are much better than in Britain, there is less of a

problem of discrimination and exclusion in Germany? Or is it possible that similar processes of exclusion might also happen in Germany, but which have yet to be exposed by research?

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Work at Community Level in Britain

Belayeth Hussain

I am speaking in a personal capacity and as an immigrant of the second generation living and being raised in the United Kingdom. I was born in Bangladesh and came here in the early seventies, as did many of my contemporaries, and my experience therefore relates to that community. Like them I came here to join my father as a dependent, who had himself been one of the first Commonwealth immigrants to come here. Having fought for the British in the Second World War he then decided to stay here rather than continue with his work in the Merchant Navy. That would have applied also to many of his contemporaries. The later arrivals in the 50s and 60s came here directly, exercising their rights as British subjects to live in the country of their colonial masters.

They would have come here in search of employment and the hope of better prospects, and in turn were received to fill the shortage in the labour market that existed then. Most of the arrivals then would have seen themselves as sojourners, my father for example did not see himself as coming to this country to reside here for the rest of his life. They would have seen themselves as coming here to take an opportunity and make money and go back with newly found wealth to their families. I think that by the late 60s this idea began to die down; their stay here was not going to be as temporary after all and naturally the urge to reunite with their families became stronger. And it is in this process that the migration of the second generations, like myself, came about.

Speakers have previously discussed the immigration policies of the British Government in the early 70s and referred to the policy of curbing what was then dubbed 'coloured migration'. In furtherance of that policy many obstacles were placed on the reunification of families (I have been a victim of that as well). The 1984 Commission for Racial Equality Report illustrates only too well the discrimination and the unjust treatment of applications for visas. Those who managed to get into the country experienced hostility and discrimination perhaps similar to that experienced by the Turks living in Germany. The State for its part initially could not decide how to grapple with the increased demand on its services. Previously they had to deal with a single man who had occupied crammed conditions quite contently, but having been reunited with family members their demands grew and naturally these demands were channelled through the state.

I will take housing as an example to show how it became very clear how racist the whole scheme was and how immigrants were deliberately excluded from a fair

allocation of proper housing. People tended to end up in slum areas and there then began the process of 'ghettoisation'. By 'ghettoisation' I mean concentration of particular races to particular areas. This was justified by a claimed natural desire on that part of our communities to want to cling together. Now, that was not an unnatural thing given the sense of insecurity they felt; and perhaps they needed to feel a cultural affinity amongst their numbers. But that still did not explain why it is they had to end up in slums, in the worst housing that could not be offered to the host community. That has not been explained.

The only explanation that has been forthcoming is through research which has found that there have been deliberate policies which have tended to discriminate especially against Bengali and against Black people generally. Apart from excluding those that had already come here therefore, other devices have been introduced to exclude even further, and one such example is a test which exists at the moment in British housing legislation, which provides that if you leave behind a property which is reasonable for you to occupy then you may be called 'intentionally homeless' and excluded from rights to local authority housing. Many newcomers were tested as to whether the accommodation they left behind was in fact reasonable for them to continue to occupy. You may wonder if it was reasonable for them to continue to occupy their previous homes, how it is they where ever possibly likely to achieve family reunification in this country. That again provides a further illustration of obstacles and devices to exclude people from receiving public services.

Employment has already been spoken about, but if we go back to ten or twenty years ago, perhaps the problems were not so acute then, not because there was less discrimination but because from the point of view of the Bengali community we tended to concentrate in particular traditional areas, such as manufacture of clothing, the rag trade or the restaurant trade, and because we had not ventured out we had not experienced discrimination on that scale. But now that we are in the process of moving out it is becoming clear that the level of discrimination does exist and the sufferings are only too clear from earlier presentations.

Education likewise did not give us any encouragement when we started. Those of us going to the schools here for the first time tended to think of school as a very bitter and awful experience. Unable to speak the host language and unfamiliar with the culture combined with the daily, almost routine taunts and violence that was inflicted on us, made it all the more difficult to understand what this education system was in fact about. In terms of academic achievements we also fared badly. I think it would be true

to admit that in the first instance there may have been an issue with the attitude on the part of the immigrants themselves. Certainly, as far as my own experience is concerned, there was no expectation that one day I would achieve something and would become an immigration councillor at the JWCI, it was expected rather that I would fill the role that my father played in the manual labour market. However, I would also stress that research has now revealed that it is not just the attitude of immigrants alone, but that those in charge of delivering the services themselves have had very low expectations, which would have resulted in underachievement.

I will now move on to consider solutions and where we stand in the 1990s. It would be wrong to say that the problems that we encountered in the past have all gone away, but I am certainly encouraged because much progress has been made. The progress that has been made has been through self-realisation. I would stress our parents would have seen themselves differently they have constantly said to me that it is not for us to do this, it is not for us to do that, or it is not our lot. The idea being that everything that we receive was a gift of the colonial masters of this country where we are living. We have moved away from that and have begun to assert our rights as citizens. That is where the process of change has begun.

In terms of my own experience in being raised in the East End of London and the Borough of Tower Hamlets, where I still dwell, the first break-through came in the early 1980s, when for the first time we began to fight back and, unlike perhaps the Turkish experience, the overwhelming view in our community was that the time has now come to fight and fight in a violent sense. Where systematically there had been racist attacks under the watchful eyes of the police, if you like, that were gazing from behind on our communities, where previously organised attacks had gone totally unabated, this time we took the attackers on because we thought that that was not our lot. The first time we began to fight back we began to see panic in the faces of racist thugs who ran away.

That provided an inspiration for our communities to organise in a social and political sense and you could then see a whole movement of organisations springing up all around the country agitating for political and other rights. I would stress here that although much came through our own personal endeavour and a lot of sacrifices on our part there have been many who from the host community have been willing to assist in that cause. And I think their contribution ought not to be forgotten. Moving on we have now felt that the way to progress is through the sharing of power and many of our community members are now, if you like, taking part in the mainstream of the political

process, beginning at the local level as members on equal terms in housing and residents associations, local political parties and of course on the national scene.

However, this process of achievement through the realisation of rights as citizens has not been a very easy one. We have constantly felt and I speak for my own self that in order to be treated as an equal one has always to compete and prove that your skills are twice the better of your counterparts. And that has been something that has dogged us constantly and I still very much feel that that is the case with many of us.

In terms of other areas we now have more and more persons from our community involved in the education process. Many sit as governors of the schools (I am an example of that) and we aim to bring changes from within, within the curriculum, as well as the pastoral care of the school. Certainly there are many schools in the inner cities where there is now the offer of prayer facilities for Muslims and so on. There are of course proper arrangements in many cases for language support, for those who do not speak English adequately. I must say that is now very much under attack and the Government has withdrawn funding which has hitherto been available to provide additional language support to non-English speakers.

Apart from a change in attitude about our roles and duties in our communities there has I think been a noticeable increase in terms of education achievements. More and more children from our community are coming away with better qualifications and are seeking careers that are different from the past. Previously there were only traditional routes that were being explored, now we are willing to move away. I think there has also been a general climate created through this process of involvement and accountability from those in power. There is certainly now better media coverage of black issues which does bring in accountability and that has helped to establish the idea that acts of discrimination, act of wrong doing have to be publicly justified. That I feel certain has brought much progress.

One further contribution to the process of change that I must mention is the role of legislation. Now, liberals, with a small 'l', will have argued and still do, that discrimination is a question of social attitude and that can not be changed by law. I would totally disagree with that. I know that the law cannot be enforced as much as it should be but in my own experience it has had an effect. If it was not for the force of law the CRE report that I earlier talked about which exposed the racism within the immigration control procedure might not have taken place. Certainly that report was conducted under the powers given to the CRE by that legislation.

In the case of my own Borough, it has been served with what is called an anti-discrimination notice, which I know has resulted in various changes of its practises which had been discriminatory. I don't for a minute doubt that social attitudes must ultimately be the vehicle for change, but I think the role of law must be to make it clear what we as a society are allowed to tolerate, to give legitimacy to the argument that discrimination is unlawful and is wrong. Discrimination once outlawed by the law, no longer remains subject to debate and ought not to be subject of debate, because it is wrong in a clear sense. While I have spoken of the successes on the political front which have brought about changes in the attitude cuts in resources has certainly not helped.

The competition for scarce resources within communities leads to conflicts and there is then the tendency to find a scapegoat, find somebody to blame for one's own ill fate. I cannot illustrate this point more clearly than by referring you to the huge publicity that was received in the election of an extreme right British National Party member in Millwall in the Borough of Tower Hamlets in October 1993. Many of those who were subsequently interviewed, those who had voted for the party said, they felt the Bengalis were taking it all. None of them were able to back that up by any statistics, because statistics would have proved otherwise. What the Bengalis were trying to do was to get their fair share of the deal. But you can see how easily it can enter in the minds of those communities who feel threatened that somebody is taking their things away.

Now, that attitude and the scapegoating that is going on is not simply confined to individual behaviour. Political parties can also exploit that sort of hysteria, that sort of situation, that feeling of vulnerability, as again illustrated by the same event. The Liberal Party, for example, have been accused of playing the racist card, playing to racist sentiment, in the hope of getting electoral success. These observations may well apply across other nations, other countries and other situations. I would like to conclude by saying that while discrimination and deprivation still continues there have been some changes for the better, as I have tried to argue. These changes have come as a result of our endeavours and not through gifts from the political establishment, or those of the host community. Although many of their members have stood shoulder to shoulder and fought with us, we believe, given further resources we can make better changes for the future and we can live with others in society as equal citizens and not alien subject as we have been treated hitherto.

Racial Harassment and Violence in Britain

Ben Bowling

I will briefly describe my practical experience of these issues, then discuss the scale of the problem of racial violence in Britain and then consider present and future strategies in a 'whistle stop tour'.

My experience is mainly in the subject of racial violence or violent racism, however conceived. I had a three year involvement in an action-research project in the East End of London which aimed to develop a comprehensive response to racial harassment and attacks in a small locality. It aimed to find ways of better dealing with perpetrators of racial violence, better ways to support victims and to seek ways of preventing harassment and attacks from taking place in the first instance. In 1991 I published a report with a co-author as a Home Office Research and Planning Unit paper (Saulsbury & Bowling 1991; Bowling & Saulsbury 1993).

To consider the scale of the problem it is very important when talking about racial violence in Britain or elsewhere, neither to exaggerate on the one hand nor underestimate its extent and impact on those targeted. It is also very important to bear in mind when attempting to make international comparisons of this phenomenon, that the targets of racial violence will differ with the histories and different experiences of majority and minority communities (Bjorgo & Witte 1993).

In Britain in 1991 7,800 racial incidents were recorded by the police and the most recent survey estimate, using interviews with victims, estimated that there may be as many as 130,000 racial incidents in England and Wales in 1992 (Aye Maury & Mirrlees-Black 1994).

Looking at the numbers of people or proportions of ethnic minority communities affected by this problem, local surveys of ethnic minorities have found in areas such as East London, that around a fifth and one quarter of African, Afro-Caribbean and Asian people report having experienced some form of racial harassment or attack in the previous year(London Borough of Newham 1987, Bowling 1993a). In legal terms, many of those instances would not be considered serious crimes: the bulk constitute verbal abuse, threats and 'low level harassment.' And although, in legal terms, these incidents may seem not to be very serious, in terms of the cumulative effect on the victims, their outlook and the way in which they live their lives, their feelings of

security in their locality, and their sense of security in the countries in which they live, this does exert a profound effect (Bowling 1993b).

I have argued elsewhere that rather than speaking of racial violence as consisting of a series of individual events, one should conceptualise it more as a process of victimization by which one becomes accustomed to or understands oneself as a 'victim' and either at home or 'out of place' within particular localities. The cumulative experience of racial harassment can create a climate of 'unsafety', acts to terrorise lower the quality of life for all those people who are affected by it. And this includes not only those who suffer direct attack or harassment, but also those who are the targets of violence.

To turn to present strategies. Police intervention is most effective when the incident to which they are called is clearly and unambiguously a serious crime. There is then the possibility (though not the certainty) that the full weight of policing and criminal justice resources may be brought into effect. Where offences are in legal terms, less serious, there is a great pressure on the police and criminal justice system to divert the offenders in such cases away from court and from custody. And with respect to offenders in general one might applaud that, as research suggests that prolonged contact with the criminal justice system can serve to entrench offending behaviour, rather than challenge it, particularly if the intervention most frequently used is a punitive one. Of course, it might be argued that violent racism is an exception and must be taken seriously and responded to vigorously - even punitively. Leaving this conundrum to one side, from my research I found that where incidents of racial harassment were reported to the police and fell short of a definition of a serious offence or serious crime, that legal action, legal intervention was rare.

One can conclude many things from this. I have heard it said that the 'seriousness of racial violence is exaggerated', 'the police are complacent', 'the law is inadequate', 'the courts are biased'. My own view is that there exists a powerful combination of legal, organisational, subcultural and structural constraints on policing which militates against an effective criminal justice system response. I conclude therefore that to deal with this problem a broader approach is required, than simply one which identifies the police as the sole agency for dealing with the problem. And indeed the idea that the police should cooperate with other statutory and voluntary agencies to tackle this problem is an idea which has been around for sometime. Certainly by the mid 1980s there was quite a clear consensus on the part of statutory agencies and among many voluntary agencies, that

racial violence could most effectively be tackled on a multi-agency or a joint agency basis (House of Commons 1986; Home Office 1989, 1991).

Indeed a co-ordinated response certainly has some potential. For example the behaviour of offenders can be challenged by probation officers, social workers, youth workers, community development workers and teachers as well as dealt with by the police, housing officials and the courts. Similarly, victims of racial harassment can be helped by workers from specialist victim support agencies, public housing authorities, community agencies and indeed church groups, teachers and ordinary citizens. But while I recognise the potential of such a co-ordinated approach it is important to recognise the pitfalls.

For example we have to recognise that multi-agency co-operation will not in and of itself solve the problems of racism and violence. The most important lesson for those thinking about co-ordinated action is that individual agencies must get their individual responses as effective as possible before during and after attempting to develop co-ordinated action. The kinds of problems that would affect co-ordinated action are a lack of consensus on how the problem is to be defined, explained or tackled. The goals of co-ordination are different between different agencies and collective action has to be most effective when those agencies, those organisations wanting to cooperate have already gone as far as they can and now seek to go further.

I will conclude with some thoughts for future strategies. I think it is very important to have good and clear information about the manifestation of racist violence. Above all to recognise that not all individuals, not all organisations will understand the problem in exactly the same way. Indeed, personal ideologies, politics, experiences will all influence the way in which an individual or organisation understands what the problem consists of and what should be done about it. We have to accept that there will be these competing accounts. We have to find a way of drawing out the points of consensus and understanding why there conflicts exist between different state agencies. My own view now is that a comprehensive response is likely to be the most effective way forward, involving all statutory agencies, all voluntary agencies and indeed, for all people, individual citizens and others, to take responsibility for dealing with racism and its expression in violence whether from the majority or minority communities, whether part of an organisation or otherwise, for dealing with this problem.

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After Thirty Years of Immigration: Still 'Foreign' in Germany

Mustafa Turgut Cakmakoglu

The policy towards foreigners of the Federal Republic of Germany is marked by a conviction that the non-German is to be regarded as an intruder. And this is something which determines the whole application of policy towards foreigners. Furthermore, people talk of overpopulation, of becoming aliens themselves in their own country, but it is not possible for 8% of the population to render the other 92% aliens or to overpopulate them in any fashion.

The issue of voting rights has been mentioned several time already at this conference. Voting involves duties as well as rights. When the talk is of duties then foreigners are fully involved in the discussions; but they have not yet been granted any of the rights. If the foreigners have children it is very difficult for them to get day-care places; the same is true in education and in training. If you talk to the officials or to the official bodies for the allocation of training places they'll say that there are a certain number of places still unfilled, but when the young foreigner goes along to get one, he or she will find that they do not get it. This is why unemployment is rising considerably amongst young people from Turkish families.

The improvement of the position of non-Germans depends on the legislator. First of all public relations work needs to be done amongst the population to overcome resistance, but fear of the non-Germans which is encouraged by the politicians themselves give a very one-sided view of the foreigner in German society and does not point to the advantages for Germany and the German people of the presence of foreign people and therefore fears are allowed to increase. In order to help such public relations work we in the Turkish community in Berlin offered our services to official bodies.

For example we said we would like to set up a German-Turkish youth exchange programme, but this offer was rejected by official bodies. We also wished to make the unification of families easier, that is, if someone is born and grows up in the Federal Republic of Germany they should be able to bring their husband or spouse from Turkey to Germany: at the moment this can take up to a year. All the international agreements regarding the unification of families have been signed by the Federal Republic of Germany, but artificial bureaucratic obstacles are always put in the way to prevent the unification taking place more rapidly.

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We have expressed the wish to make the acquisition of nationality easier, as far as the different generations are concerned. As far as the first generation is concerned the rule is as follows: young ethnic minorities aged 16-23 years can apply for German citizenship if they have spent at least eight years in Germany including at least six years of school attendance. Since the Turkish Republic does not dismiss its male citizens from Turkish citizenship unless they have finished their military service in Turkey, Germany tolerates dual citizenship in the case of young male Turks. This is an exception to the rule which normally excludes dual citizenship.

However, in the case of young women, they have to give up their Turkish nationality if they wish to become German citizens, which is a case of discrimination against women. In Germany there is an anti-discrimination law which forbids discrimination on the basis of gender, but this is not respected in the case of the acquisition of nationality.

In Berlin the Protestant church and the Jewish community have concluded a treaty, a contract with the state, which lays down conditions by which the practice of their religion can be respected. We would like to do the same for Islam, but we constantly encounter obstacles in practising our religion. Recently a new contract was concluded between the Jewish community and Berlin (involving substantial financial benefits for the Jewish community). But when it comes to the 'guest worker', (this expression is a German invention in the first place), if we are talking about non-Germans practising a different religion, we face scepticism and rejection when trying to put forward a proposal for such a contract.

After the racist attacks which took place in various cities the Turkish community were asked whether we would counter-attack, and we rejected this solution because we do not believe in meeting violence with violence, which merely leads to escalation. But public bodies need to stop shutting themselves off and ignoring this problem. If they don't try to improve the situation then they are merely delivering us up to right wing extremists. We will become a target and we will become victims of further attacks. The situation must be improved, and we must be acknowledged as part of society, that foreigners are a part of society, and we must be accepted in spite of different religions and different cultures.

Those of us in Turkish community who reject and oppose the use of counter-violence and the use of economic sanctions against right wing extremists encounter criticism by some sections of our community. They argue that we must show our strength and make ourselves noticed. In the past these arguments have had little support but now the

situation is changing. The people who have criticised us in the past now say that the current predicament of our community proves that they were right; that our situation is not going to change in the future if action is not taken now.

Recently we had complaints from members of the community about discrimination and bad treatment at the hands of the police. A group of us as community leaders went to the police and asked to interview a group of Turkish people who had been arrested to ensure that they were being treated correctly, and to consider any allegations of discrimination. We were not allowed to do this. Our view was that if there was no discrimination there was nothing for the police to hide. Why was there a problem with allowing us access to the people who had been arrested? If there is something of which the police are afraid then this indicates that there is a problem.

Racism amongst the police in Berlin is constantly denied by the Senator for Interior Affairs. Co-operation is much easier with individual police officers, some of whom are committed to working for coexistence and co-operation between ethnic minorities and themselves. Unfortunately, these police officers do not represent the majority if the police and it seems we have a long way to go before there is effective police accountability.

A lot depends on the political will of the persons in charge. The Turkish community was more successful in talking to the Berlin Senator for Justice. She agreed to our proposal to allow community representation on the controlling bodies for prisons in the city. Turkish prisoners now have the opportunities to consult with their own communities if they have problems with prison personnel or other prisoners.

Our hope and belief is that improvements will come about through democratic means, that is by giving the vote to non-Germans, and whether this is brought about by a change in the law, or by citizenship is not really important. The main thing is that we should be able to play our full part in the democratic process and influence decision making on a democratic level. And we feel that as long as we don't have the vote our situation will not improve.

Appendix

The Office of the Federal Government's Commissioner for Foreigners' Affairs

In November 198 the Federal Government decided to appoint a 'Commissioner for the Integration of Foreign Workers and their Family Members'. With this decision the fact was acknowledged that the majority of foreign 'guestworkers' would not return to their home countries but rather stay in the Federal Republic. The emphasis on the position of foreign workers led to the location of the office within the Federal Ministry of Labour. However, it is not a part of that ministry's administrative hierarchy.

In November 1991, with the member of the federal parliament Cornelia Schmalz-Jacobsen becoming the third person appointed to the post of Commissioner, the office's title was changed to 'Federal Government's Commissioner for Foreigners' Affairs'. This change took into account the fact that foreigners in Germany had long ceased to be migrant workers and their interests required a broader consideration.

However, the office remained disadvantaged by the fact that it had no executive powers. Its authority derives not, as is the case with the CRE in Britain, from an act of parliament, but from a decision of the Federal Government. According to this Government decision the Commission's tasks are to be 'responsible' for all foreigners residing in the Federal Republic on the basis of a residence permit, a residence claim, a bilateral agreement or an agreement under European Union legislation and their family members. In other words, to be responsible for all foreigners residing lawfully in Germany with the exception of asylum seekers.

The Commissioner gives advice and support to the Federal Government with regard to its activities in matters concerning foreign residents. She is also invited to make suggestions for the future development of integration policy to be considered in the European context. The Commissioner is also to be consulted in the preparation of laws and statutory orders and other matters concerning the tasks of her office.

She is engaged in a permanent exchange of views on foreigners' policy issues both with members of parliament and members of the Federal and Lander governments. She also maintains close contact with government representatives of the immigration sending countries.

The office serves as a connecting link in order to create a climate in which Germans and foreigners might live together without tension. This includes dealing with a wide range of individual complaints, suggestions and requests for information submitted by both foreign residents and German nationals. The Commissioner is also expected to suggest and support initiatives at state and local level and with the various non-governmental organisations which seek mutual understanding between Germans nationals and foreign residents.

The Commissioner engages in public relations work by informing the press and other interested groups about her perspectives and views on matters in the field of foreigners' policy. The aim of this activity is above all else to counteract widespread ignorance about different ethnic groups and cultures.

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