



# "Question of race and ethnic identity in public administration in Europe"

as part of the SOCRATES-Programme of the European Commission  
on the topic "European Jurisdiction and its Influence  
on the National Public Administrations"  
taken place from April 11 to April 21 1999  
at the Fachhochschule für Verwaltung und Rechtspflege Berlin  
with participants from Great Britain, Sweden and Germany

Fachhochschule für Verwaltung und Rechtspflege Berlin

-University of applied sciences-

International Workshop:

Question of race and ethnic identity in  
public administration in Europe

- Final report -

Berlin, August 1999

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Within the framework of the SOCRATES programme of the European Commission, The "Fachhochschule für Verwaltung und Rechtspflege Berlin" (University of applied sciences) is coordinating an "Intensive programme" with the topic "European jurisdiction and its influence in the National Public Administration". Participating universities are the "University of Central Lancashire in Preston/England" and the "University of Göteborg/Sweden". The three partner universities have agreed to carry out an international workshop with a different topic, once a year. At this, a total of nine students and one lecturer per participating university are assumed to take part. The second workshop with the topic "Question of race and ethnic identity in public administration in Europe" took place in Preston from April 11 to April 21 1999 under the guidance of Joe Ravetz of the University of Central Lancashire, Preston.

This international workshop was financed by subsidies of the SOCRATES programme, budgetary means of the three participating universities and by the participants own resources. This documentation is also the final report of the "Intensive programme 1998/1999".

Dr. Brigitte Thiem-Schräder

-Socrates co-ordinator-





## **Preface**

In April 1999 students and staff from 3 institutions of higher learning came together to examine issues pertaining to the problems of the full participation of racial and ethnic minority populations in the political, civil, and social life of the European communities in which they live.

This is the second of three seminars in the series of seminars examining questions of participation in civil society for women, racial and ethnic minorities and physically and mentally disabled persons. In 1998 the seminar was held at the Fachhochschule für Verwaltung und Rechtspflege examining women's issues. Last April the conference was held at the University of Central Lancashire in Preston examining issues of race and ethnic minority participation in European society; and in April 2000 the third of the seminars will take place at the University of Goteborg investigating issues of importance to people who suffer physical and mental impairment.

In the booklet you will find the outline of lectures delivered by people knowledgeable in the field of race and ethnic relations and public participation. In addition you can read the outcomes of 3 projects reflecting the input of European students from Germany, Sweden and Britain. The three groups of students are themselves not homogeneous but as representative of the European community each group mirroring the diversity of Europe with a mix of people representing different national, regional, racial and ethnic affiliations, a truly heterogeneous group coming together to work to a common goal.

The seminar group made a number of visits to local government and charitable agencies in Blackburn, Lancashire and Liverpool to discuss civic and community services with experts in the field. They had the opportunity to observe the work being done by and for the population of the communities they visited. Unfortunately, you, the readers are unable to appreciate the contribution of the visits to fostering understanding. The visits are merely mentioned in the report but that is not to diminish their contribution to the programme. I hope you the reader find the booklet enjoyable and stimulating.

Thanks are due to Dr. Marie Tuula of Goteborg University, Prof. Dr Irmela Gorges of the Fachhochschule für Verwaltung und Rechtspflege and Yasmin Ali, Rob Gibb, Dr. Diane Frost, Dr. Anita Franklin, and Dr. Tunde Zack-Williams from the University of Central Lancashire for preparing and participating in the 10 day seminar. Thanks are also due to the people in the agencies that were visited that gave their time and expertise to talk to the students. Their names are in the report. Thanks are due to the administrative staff in both the University of Central Lancashire and the Fachhochschule für Verwaltung und Rechtspflege who did the background work which is essential if a programme is to run successfully.

Thanks also to the students who participated so conscientiously.

Finally I want to give a particular thank you to Dr Joy Foster who supported the programme and me when the preparation work was sometimes difficult or when an important decision was not forthcoming. Joy would step in, deal with the issues, and put the programme back on track!

Joe Ravetz

-Chairman of the workshop-

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# **Socrates Programme 11<sup>th</sup> April - 21<sup>st</sup> April 1999**

## **Monday 12th April**

### **Welcome Address, general communication**

#### **2:20 Context Session 1 Migration and Europe**

to include the impact of migration on the countries of the EU, theories of migration and theories of race and racial difference. Robb Gibb

## **Tuesday 13th April**

**9.30 Context Session 2 Minority ethnic settlement in Britain**, esp. NW England to include something specifically on Liverpool. Diane Frost.

#### **10.45 Break**

**11:00 Context Session 3 A continuation from session 2** to include Minority ethnic settlement in Sweden and Germany with particular attention to Gotheborg and Berlin. Irmela Gorges and Marie Tuula.

#### **12:30 Lunch**

**2:00 Context session 4 - The legal and policy context** To include questions of immigration policy and citizenship, anti-discrimination legislation, etc. in national and EU context. Delivered by staff and students from Berlin, Gotheborg and Preston. Anita Franklin

#### **3:15 Break**

**3:30 Context session 5 - Local Government and the multi-ethnic community.** To include outline of system of local government in the 3 countries and discussion of their legal obligations and practice re. liaison/representation and minority ethnic residents. Irmela Gorges, Marie Tuula, Yasmin Ali and Joe Ravetz

**5:00 End of Tuesday sessions**

7:00 **Reception at County Hall hosted by Chair of County Council**

**Irene Short**, senior politician in the county, Chairman of the County Council, County Hall, Preston, Lancashire, **Christopher Trinick**, Director of Education and Cultural Services, **Hazel Harding**, Chairman of the Education and Cultural Services Committee of the County Council

## Wednesday 14th

9:00 **All day trip to Blackburn**

Hosted by the Social Service Dept. (an examination of local government services provided by and for the ethnic minority population.

**David Kerambrum**, Assistant director of Social Services Blackburn with Darwin Borough, Jubilee Street, Blackburn BB1 1ET

**Betty Murphy and Ferroza Saiyed**, Senior Social Workers involved in the organisation of visits to the Family Centre, Centre for Asian Elderly, Health Centre and Mosque.

From Lancashire Evening Telegraph, April 16, 1999



**TAKING COUNSEL:** Students from Germany and Sweden visited Blackburn to see for themselves the way council services are run in England. The students, from Berlin and Gothenburg, are studying to become civil servants and came to Blackburn as part of a scheme organised by the University of Central Lancashire in Preston. They were given a tour of the council's social services department

and also visited the Seven Trees Family Centre in Blackburn and a mosque in the town. Betty Murphy (right) and Ferroza Saiyee, of Blackburn with Darwen Social Services, are pictured welcoming Professor of Social Sciences Dr Irmela Gorges (right) from Berlin and Dr Marie Tuula from Gothenburg who each brought nine civil service students. With them are Joe Ravetz (second left) from the university and students

(Dr Irmela Gorges is seen as first on the left side of the picture.)

## **Thursday 15th**

9:30 Councillors from the Minority Communities of Burnley & Raza Hussein of the Burnley Translation Unit to talk about the unit and Ethnic Minority Representation in Local Government)

AM/PM Setting up and beginning of workshops.

Students to participate in one of 3 workshops. Workshops to have staff support. Workshop discussions and conclusions are to be written up and presented on the last day of the programme. Staff and Students together to initiate the workshops.

PM Workshops meet to continue work on the topics.

## **Friday 16th**

8:30 Liverpool trip to visit Centre for Inherited Blood Disorders, Mary Seacole House and Docks Museum.

**Dorothy Zack-Williams**, Centre for Inherited Blood Disorders, Abercrombie Health Clinic, Grove Street, Liverpool L7 7HG

**Carol Sowande**, Manager, Mary Seacole House and **Judy Cummings**, Manager, Advocacy Project, 91 Upper Parliament Street, Liverpool L8 7LB

## **Saturday 17th**

10:00 **Workshops continue all Saturday**

## **Sunday 18th**

**free day**

## **Monday 19th**

**Workshops Completion of projects**

## **Tuesday 20th**

**Workshop Presentations, Final speakers.**

## **Wednesday 21st**

**Berliners and Gotheborgians return home.**

### Introduction to Local Government Structure and Structural Change

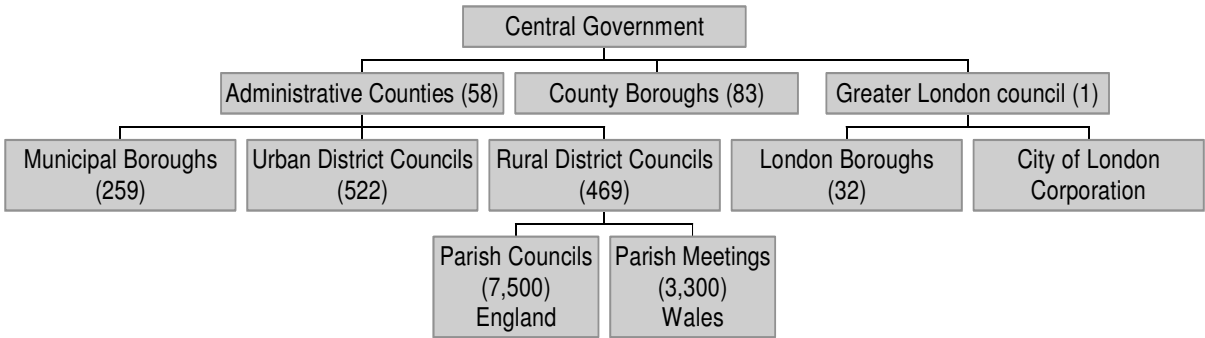
(Points to be elaborated in lecture)

#### Set the Scene

Emphasis will be placed on England and Wales because with one exception the pattern of local government in both England and Wales has been dictated by a single set of commissions and acts since the first reforms of 1835. The exception being the changes to local government structure imposed on Wales as a consequence of the review processes in the 1990's. Scotland has prior to the changes of the 1990's had its own commissions and has experienced changes, the pattern of which is similar to England and Wales.

The Greater London Council was an outcome of the Herbert Report and the subsequent London Government Act of 1963. It created the Greater London Council with 32 boroughs and the City of London Corporation. The review reflected the movement of population away from inner London to the outer suburbs so the old London County had its borders expanded into the surrounding Shire Counties. Middlesex ceased to have independent existence.

#### Traditional Pattern of Local Government in England and Wales prior to the Redcliffe-Maud reforms which came into effect 1st April 1974



The above is a consequence of the 1835 Municipal Corporation Act, two Local Government Acts of 1888 & 1894 and the London Government Act of 1899 and London Government Act of 1963



**Following the war and the growth of local government services** it became apparent that the old 19th century structures needed reform. First came London reform in 1963 with its own unique relationship with central government and unique set of power sharing arrangements with the boroughs.

For example: Education became the responsibility of a semi-autonomous Inner London Education Authority (ILEA), the Metropolitan Police remained directly answerable to the Home Secretary, the GLC controlled London Transport, while other powers were shared with the boroughs.

### **Four points of pressure for reform by the 1960's**

#### **Outdated structure:**

residential patterns had changed since the late 1890's, rural areas had become urban, cities like Manchester were pushing at their limits with no space to grow. There were simply too many authorities 1,425 principal authorities plus 10,800 Parish councils and meetings.

#### **Disparities of Size:**

local authorities of the same type varied widely in size, County Boroughs responsible for all local government services might be smaller than Urban Districts who split functions with the 1st Tier county. Many authorities were too small to hire the expert personnel required to run effective services For example Tameside a Metropolitan Borough created under the post 1972 reforms was previously made up of districts belonging to Cheshire, Lancashire, and a small part of Derbyshire.

#### **Administrative Confusion:**

County boroughs were unitary authorities providing all services, Municipal boroughs, urban district councils, and rural district councils provided with the county a complete range of services but divided between them. Local authorities both 1st and 2nd tier authorities provided a range of health and welfare services that were under the 1972 reforms to be passed to the National Health Service. It was difficult to plan comprehensively across boundaries and different local government tiers, between for instance counties and county boroughs.

### **Fragmentation of responsibility:**

Areas which had similar geographic, political, social, and employment characteristics had widely different local government affiliations. Merseyside for example consisted of 23 local authorities giving rise to co-ordination problems in a region of high deprivation.

### **The Royal Commission on Local Government**

#### **Established in 1966 under the chairmanship of Lord Redcliffe - Maud**

##### *Principles of the report*

- Simplicity - hence uniform pattern of authorities
- Efficiency- larger single tier authorities
- Democracy- local authority areas must enable citizens and elected representative to have a sense of common purpose.

(Redcliffe - Maud was working from the premise that local authorities would be direct providers of services, very different than the assumptions about enabling authorities under New Public Management suppositions in later reforms.)

##### *Consequently:*

- Areas must be based upon the interdependence of town and country.
- All environmental services (planning, transportation and major development to be in one authority.
- All personal services, education, social services, health, housing to be in one authority.
- Authorities to be large enough to provide the resources required.  
(unitary authorities)
- Minimum of around 250,000 population is essential.
- But not so large that people fail to identify with the authority, maximum of 1,000,000 as general rule.
- Where environmental service cover a conurbation of over 1,000,000, two tier authorities should be the norm. (Metropolitan Counties, two tier authorities)
- The new authorities should evolve from the existing structure.

*Recommendation:*

**Primary recommendations** 58 unitary authorities, and 3 metropolitan areas.

**Secondary recommendations** were two non-operational tiers, a 'local council' like the parish council and eight provincial councils for regional planning in which local authorities would have representation.

*Response:*

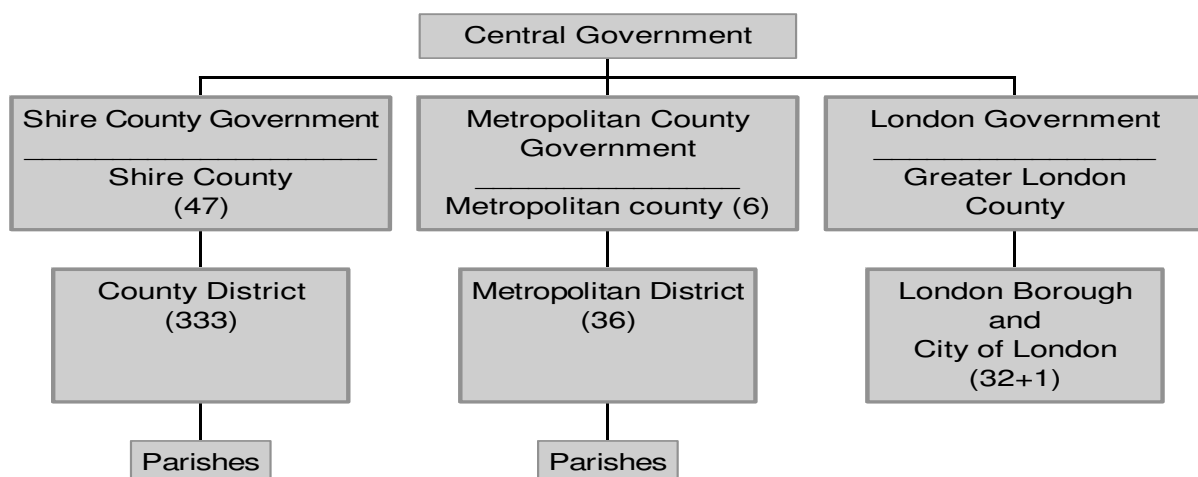
**Labour Government** - accepted the report but decided on 5 metropolitan areas and deferred a decision on provincial councils.

**Rural District Councils and County Councils** argued that the unitary authorities would be too big and so remote. They favoured two tier government.

**Critics thought he had sacrificed local democracy** for consistency and efficiency. (does larger units make for greater efficiency?)

**In 1970 the Conservatives won the election.** Edward Heath was Prime Minister. The conservatives were wedded to the county structure, they argued the case for evolution not radical change. They accepted the principle of two tier Metropolitan Counties. The Local Government Act 1972 brought in the structure diagrammed below:

### The Structure of Local Government in England and Wales after 1974



In Wales they are Community Councils, approximately 7,500 across England and Wales

**Major change**, counties down from 58 to 47, districts down from 1,250 urban, rural districts and municipal boroughs to 333 county districts, 6 metropolitan counties and 36 districts; no county boroughs.

Total principal authorities 456 down from 1,425.

However- greater rationality was hampered by:

Shire County: 109,000 to 1.4 million

County district: 25,000 to 425,000

Metropolitan county: 1.2 million to 2.8 million

Metropolitan district: 174,000 to 1.1 million

### **GLC and Metropolitan County Change**

In the 1983 manifesto the Conservatives argued that Metropolitan Counties and the GLC were wasteful of resources.

### **In a White Paper, Streamlining the Cities, the MC and GLC were seen as:**

1. a superfluous tier, junior partners to the district (borough) councils
  2. the strategic role in land use and economic development conflicted with the lower tier
  3. conflict with central government over priorities.
  4. undermining local democracy and local accountability
  5. savings of £120 /year could be expected.
  6. and lead to the Local Government Act 1985 which abolished MC's and GLC
- Some observers noted that all the Metropolitan areas were Labour and it was intention of the government to silence criticism from authorities that had a powerful alternative view of local policy development.
  - It was noted that key services, police, fire, public transport and probation were transferred not to the second tier authorities but to joint boards with council representatives from the second tier appointed from the tier to the board.

### **Observers have noted**

- *fragmentation of services*
- *consumers have little understanding of who is responsible*
- *co-ordination of service groups becomes problematic.*
- *an increased centralisation.*

## **Local Government Commission 1992**

- John Banham was appointed by John Major to review local government structures in England with a view to stressing efficiency, accountability, responsiveness and localness.
- The government expected to have a rolling programme of change and favoured unitary authorities.

### **The government argued that unitary authorities would**

- promote local democracy
- reduce administrative costs
- improve the quality of local services (enabling authorities)  
(Small authorities would be fine since services would be contracted out to private providers so having authorities big enough to hire expertise is no longer a major consideration)

### **Difficulties flared between John Banham and John Gummer Secretary of the Environment.**

- He told John Gummer that he was not the chairman of the commission simply to push unitary authorities.
- His recommendations varied enormously between unitary authorities and the status quo ostensibly on cost, community identity and local geography.
- Process often set district councils wishing to be unitary authorities at odds with the 1st tier county and rancour between the Association of District Councils (ADC) and Association of County Councils (ACC)

*For example:* Cleveland and Avon counties created in 1972 were abolished (people did not identify with the non-historic counties). Kent and Wiltshire remained. Lancashire originally was concerned at the early consultation that it could be dismembered, but when that receded the second phase of consultation saw the creation of Blackpool and Blackburn as unitary authorities, yet many 15 counties saw no change of status among its 2nd tier authorities.

Banham did not propose many unitary authorities, he was fired and Sir David Cooksey became chairman with the brief to review a number of cases in which requests

for unitary status was turned down, Blackburn and Blackpool being among two of the few authorities reviewed. They became unitary authorities on 1st April 1998

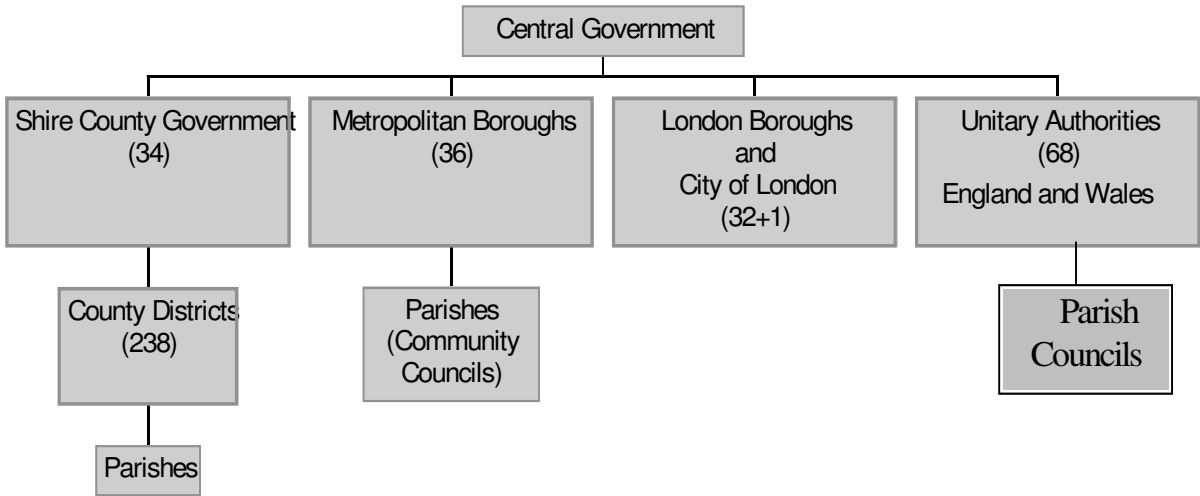
In Scotland and Wales, reviews were completed by the Welsh Office and Scottish Office quickly with the result that in Wales, 22 unitary authorities and in Scotland, 32 Scottish unitary authorities were created early in the process of change 93/94, but not without rancour.

The process was flawed, the change has been costly, and coherent service provision of two tier authorities has been damaged by loss of population and income.

Result: (Criticisms)

- Unitary authorities have had little guidance from government as to how services are to be delivered.
- Joint arrangements with counties in some instances will be made.
- Police and Fire services have become much more independent of local authorities with the creation of new authorities more independent from local authority influence- an extension of the quangocracy?
- Lack of consistency- why? Rutland 36,900 population, unitary authority
- Northampton 186,000 population, county district.

**Structure of Local Government in England and Wales 1st April 1998**



**Note! 409 principal authorities**

Parishes - a quick word, predominantly rural, these are essentially consultation bodies with some residual power like the power to comment on planning applications.

Local Government in the United Kingdom, Wilson and Game, 1994 chapter 3  
 Politics UK, Bill Jones (third edition), et al, 1998 Chapter 22  
 Public Administration in Britain Today, 1993, John Greenwood & David Wilson Chapter 8  
 Local Government in Britain, (sixth edition), Tony Byrne, Penguin 1994 Chapter 3

**Robert Gibb**

## **Migration and Europe**

### **Summary**

The aim of this introductory session was to define key concepts and identify core issues in the study of racism and migration in contemporary Europe. The session began with a discussion of the advantages and problems associated with adopting a comparative perspective on racism and migration in Europe. There then followed a review of theories of migration as well as of contemporary trends in migration movements in a global context. The remainder of the session examined competing social scientific definitions of key concepts such as 'race', (institutional) racism, racialisation, ethnicity, xenophobia and ethnocentrism. By way of illustration, the section on the concept of 'race' is reproduced below.

### **'Race': Shifting Meanings**

#### **'Race' as Lineage**

'Race' itself first appeared in European languages in the early 16th century. Contrary to what we might have expected, perhaps, the term was initially used mainly to refer to those populations who formed a part of emergent nation-states in Europe such as England and France. The word 'race', in other words, was used not with respect to the inhabitants of the New World who were being 'discovered' during this period, but rather to describe those groups of which countries such as France and England were thought to be composed.

In England, for example, the idea of 'race' played a key role in identifying both the origins of 'the English' as a nation and the characteristics which were supposed to define them as a people. Thus, the 'origins' of the English nation were traced back to the arrival of the Angles, Saxons and Jutes in the 5th century from Germany and the subsequent important presence of 'the Anglo-Saxon race' in England right up until the Norman conquest in 1066. In later years, the period leading up until 1066 was regarded as a sort of Anglo-Saxon Golden Age of liberty and democracy before the imposition of a Norman monarchy. The English Civil War of the mid-17th century was



represented in some quarters, as Miles (1989: 31) explains, as a struggle on the part of the Anglo-Saxons ('race') against the domination of the Normans.

The essential point to note here is that 'race' entered the English language to refer to the shared 'roots' or historical origins (or, at least, the perception of this) of a group of people. As Miles emphasises: **'In this usage, "race" meant lineage or common descent, and identified a population with a common origin and history, but not a population with a fixed biological character'** (1989: 32). A 'race' was a group of people who, it was believed, could trace back their family tree or line (=lineage), as it were, to a common ancestor and who shared the same history.

### **'Race' as Type / Scientific Racism**

Up until the late 18th century, therefore, the term 'race' was equivalent to descent or lineage—common origin and history in other words—without implying the existence of any fixed biological or natural characteristics. **A major shift in the meaning of 'race' occurred, however, in the late 18th and early 19th centuries, with what Solomos and Back (1996: 42) have described as 'the proliferation of scientific and pseudo-scientific theories of race'**. It was during this period that 'race' came to be used to refer to a number of discrete categories or **types** of people defined not in terms of descent from a common ancestor or history, but instead according to a set of physical characteristics. The late 18th century witnessed the formulation of a number of 'racial doctrines or ideologies' (Solomos and Back 1996: 34) which purported to classify human beings into a set of 'racial types'. Under the influence of the growth of science, then, there was a shift in the meaning of 'race' from lineage to type.

It is important when discussing the emergence of this new meaning of 'race' to recognise that there was some variation at least initially in the criteria which were used to classify the different 'racial types'. The anatomist Pieter Camper, for example, measured the 'facial angles' in order to classify different race; the German physician Franz Joseph Gall measured the cranium or skull to differentiate races in terms of morality, beauty and intelligence; and the French anatomist Georges Cuvier claimed that human beings could be classified into Caucasian, Mongolian and Ethiopian 'types' (see Solomos and Back 1996: 34).

**By the early 19th century, however, a relatively coherent concept of 'race' had emerged which contained the following four assertions:**

(1) that physical differences (for example, in skin colour) and differences in the way people behaved were related to the existence of a set of biological types or categories (whose characteristics were fixed, permanent and unalterable);

(2) that cultural differences could be explained in terms of differences in biological type (in other words, that biology determined culture);

(3) that war and conflict between individuals and nations could be traced back to difference between these biological types; and

(4) that these biological or 'racial' types could be ranked in a hierarchy of superiority and inferiority (see Solomos and Back 1996: 42-43).

**In short, the scientific idea of race which emerged in the late 18th and early 19th century asserted that there were distinct 'races' or 'racial types' which could be defined and, crucially, measured in terms of a set of fixed 'biological' or 'natural' characteristics (such as volume or size of the skull, skin colour) and which could be ranked as more or less superior or inferior with respect to their intellectual or physical capacities.**

Recommended Reading:

Banton, M. 1987. *Racial Theories*. Cambridge: CUP.

Miles, R. 1989. *Racism*. London and New York: Routledge.

Solomos, J. and L. Back. 1996. *Racism and Society*. London: Macmillan.



**Diane Frost**

## **Liverpool and the Black Community**

Liverpool is a major British city located in the north west of England. As a port, maritime trade became Liverpool's most important trade throughout its history and consequently it grew strong and profitable because of his trade. The most infamous trade Liverpool became involved in was the transatlantic slave trade from the 1750s onwards. Liverpool became Britain's largest and most important slave port, surpassing London and Bristol. This was followed by 'legitimate trade' in the nineteenth century.

The social consequences of international maritime trade meant Liverpool (like many other ports) was characterised by a transient and cosmopolitan community. People (mainly males) came from all over the world – from Scandinavia, China, India, North America and Africa, West Africa and East Africa (mainly Somalia). This paper will focus on the black community of Liverpool, and 'black' is defined here as people of African, Afro-Caribbean, Afro-American and black British origin, including those of mixed race (Afro-European). In addition to the migration of sailor's from all over the world, there has also been a steady flow of immigrants from Ireland (and Scotland and Wales to a lesser degree). Irish migration was especially prevalent during the Irish famine in the 1840s, when thousands died and thousands more came to Liverpool to board a ship for the New World. Many didn't make it and stayed and settled in Liverpool. The Emigrant trade as it became known also attracted immigrants from Europe, including eastern European Jews who were escaping religious persecution or progroms. So Liverpool has a very high proportion of people of Irish descent and continues to attract first generation Irish.

Liverpool's black community appears to be unique since historically, it has been of West African origin. This is in contrast to other black communities in Britain, who have tended to be of Afro-Caribbean origin. Moreover, Liverpool has one of longest and largest indigenous black communities in Britain, dating back to at least the 1700s. Today most Liverpoolian black people can trace their ancestors back several generations. The majority of these are of African descent and compared to England as a whole, Liverpool the highest number of bi-racial or mixed origin black people (European and African descent).

The African connection with Liverpool dates back to the slave-trade, when millions of West Africans were taken across the Atlantic in British ships. Whilst there is little evidence to suggest that thousands of West African slaves were brought to Liverpool, there is some evidence of their presence here, as slaves sold at auction. Liverpool's recent black presence dates back to the nineteenth century when so called 'legitimate trade' replaced the slave trade. West African labour was utilised to transport primary products to Liverpool on British merchant ships'. Thus it was not unusual for West Africans to be found in Liverpool during the nineteenth century. There were many incentives for staying in Liverpool including; the higher wage rates if signed on in Liverpool, the relatively higher standard of living compared to colonial West Africa, and the fact that some had established relationships with local white women and had started families.

The re-creation of this black community in late nineteenth century Liverpool was a direct result of British imperial interests in West Africa. By the early twentieth century, Liverpool had a well established and increasing black community. During the first world war, they served as seamen, soldiers and non-combatant labourers, as well as other personnel. After the war, these black workers became the focus of racial hostility, as they were physically attacked in Britain's major seaports in 1919. Throughout the 1920s and 1930s black communities in ports as Liverpool came to be labelled as a 'social problem'. In particular, the children of black seamen and local white women were especially targeted for vicious racist slurs. They were labelled as 'half casts', and seen as being 'tainted'. Much of this language and thought was informed by the growth and influence of scientific racism and eugenics that had emerged in previous centuries. Such ideology espoused the belief that 'races' could be hierarchically arranged with European at the top, denoting superiority, and those of African and Asian descent at the bottom, denoting inferiority. This served to legitimise inequality between blacks and whites in Britain and justified European colonial expansion of Africa at the end of the nineteenth century. In practice, this meant that in places like Liverpool, the black community suffered disproportionately high levels of unemployment on both shore and at sea. Some of this was because of structural factors, such as unemployment, but it was also due to racism.

Throughout the inter-war years, Liverpool's black community was stigmatised and socially and economically marginalised. The historical confinement of Liverpool's black community to certain jobs, to a particular socio-economic status, and to a specific

part of Liverpool 8, has meant that they have remained on the fringes of Liverpool life. And whilst black people in other English cities today are confined to certain areas, they are not overwhelmingly concentrated in such a narrow geographical confine as they are in Liverpool.

Today, black people in Liverpool are excluded and segregated from Liverpool life, more than other cities where black people make up a significant minority. Liverpool can be distinguished by the fact that few black people are ever seen shopping in the centre of Liverpool, and fewer still can be seen working in the service industries of Liverpool. Black people in Liverpool can only be found in three or four pubs, and even fewer in the clubs in the city centre. Black people in Liverpool today are conspicuous in the centre by their absence. They are dramatically under-represented in further and higher education, and they attend a limited number of schools in the city. In other words they are confined to certain schools and excluded from others. Black people in Liverpool continue to be confined to living in one main area, and when in the past they have ventured outside of this area, they have been persecuted and harassed by whites, including the police.

## **Conclusion**

There is something contradictory about Liverpool and its black community. On the one hand, it is one of the oldest black communities in Britain, and it has the highest rate of 'racial mixing' between blacks and whites. Yet on the other hand, Liverpool's black community is seemingly more marginal, less accepted, and apparently suffers a higher level of discrimination and racism.



**Anita Franklin**

## **Racism and Equal Opportunities**

**(Paper presented at Annual British Social Policy Association Conference 1996)**

This paper sets out to look at Equal Opportunities policies in Britain and the United States and assesses their effectiveness in combating racism in two key areas of life; employment and education. We take a comparative approach for a number of reasons, first it is widely recognised that there is much from the US experience that has informed British policy makers' thinking on race relations. Secondly, in getting a clear picture of the US experience we can recognise the selectivity of what has been borrowed and thereby better understand why equal opportunities policies in this country seem so ineffectual when compared with successful Affirmative Action initiatives in the US. Thirdly, in evaluating the damage the current backlash to Equal Opportunities we get a clearer idea of what we need to do politically to protect and enhance anti-racist policies.

In the broadest sense the fight for equality of opportunity for Black people in the US has of course very old roots, going back to anti-slavery rebellions, abolitionism, and the underground railroad where led by Harriet Tubman enslaved Africans would 'steal away' to freedom in the northern states and Canada.

At the end of the American Civil War between the Union and Confederacy amendments to the Bill of Rights of the Constitution of the US ended slavery, granted black men the right to vote, hold political office, and banned discrimination which had an adverse effect on interstate trade.

Black people in the South put these laws to the test and acted on them becoming important figures in state politics. The white supremacist backlash to black people's political and economic gains that began in the 1880's was known as 'Jim Crow' and involved segregation in public facilities, the disenfranchisement of black political power, and increased poverty. Jim Crow was underpinned by the terror of the Ku Klux Klan whose ideology of white supremacy and practice of lynching and burning Blacks, especially Black men was supported by key politicians in state and national government.



Many Black people's response to this state of affairs was to leave the predominantly rural American South. Black people migrated North and West into cities like Philadelphia, New York, Chicago and Los Angeles. On the eve of US entry into World War 2 Black people had successfully organised a major confrontation with the federal government and the president of the US. Under the leadership of socialist Philip Randolph African Americans organised nationally to challenge racial discrimination in the defense industry and were prepared to march 500,000 Black people in Washington DC in protest.

Given that such a protest would be politically damaging in the face of the avowed anti-fascist stand of the US government, President Truman agreed to write into law an executive order that would outlaw discrimination in the defense industry. Firms which were given defense contracts had to show that they were actively hiring black people. If this were not the case then the firms would cease receiving support from the federal government's department of defense. Here then are the origins of Affirmative Action. And this concession marked the start of the Civil Rights Movement of the 1950's and 60's which fought for and won the de-segregation of the South, the re-enfranchisement of the black vote, and a legal commitment to not only end discrimination but to also to introduce Affirmative Action to make up for past discrimination which has left a legacy of disadvantage and poverty. Again the same sort of formula was used as was the case with the defense industry, that is contract compliance; employers and education institutions which receive support from the federal government would not receive contracts from the federal government if they were found not to be actively pursuing Affirmative Action where necessary. An important fillip to the civil rights legislation was the inclusion of gender alongside race, creed and color. According to Betty Friedan the move to include gender was originally intended to cripple the bill's passage through Congress. However not only was the bill carried but with the addition of gender to it, women, both black and white launched the second wave of the women's liberation movement in order to defend and test the law.

The backlash against Affirmative Action began in earnest in the 1970's with the Supreme Court case of Alan Bakke and later Brian Webber.

The case of Alan Bakke a 38 year old white engineer who applied to the University of California Medical School at Davis was the first serious test to Affirmative Action policies in action. Bakke was rejected by the medical school in spring 1973 and a-

gain in the fall of 1974. He had been rejected from 10 other institutions. After his second rejection from Davis Bakke learned of the special admissions programme which he subsequently attacked for "reverse discrimination". The university's programme in medicine had 16 out of its 100 places set aside for applicants from economically and educationally disadvantaged minorities. The County Superior Court and the California Supreme Court both ruled that Davis' programme was unconstitutional because it violated the equal protection rights of whites. Although the school was ordered to admit Bakke in 1977 it was allowed to maintain its Affirmative Action Programme pending US Supreme Court review of the case. The Court handed down its ruling in June 1978 with a five to four decision ruling that the admissions programme at the University of California at Davis was illegal because it violated Title VII of the Civil Rights Act of 1964.

In 1974 the case of Brian Weber, a worker at Kaiser Aluminum who challenged his employer's programme of Affirmative Action in training, did not involve the equal protection clause of the constitution and indeed the Kaiser plan was a voluntary programme on the part of a private company. Weber's claim of "reverse discrimination " was defeated in a 5 to 2 decision when it reached the attention of the Supreme Court in 1979.

Since 1994 Republican congressional victories have been interpreted by the right as a mandate to increase the dismantling of hard won gains made by the Civil Rights and Black liberation movements. Newt Gingrich's Contract with America, a political position paper authored by a leading statesmen and speaker for the House is a thinly veiled attack on measures previously adopted by government to combat discrimination, disadvantage and poverty. Because whites in the US tend to identify all three issues with Black people, then the Contract can be interpreted as hostile to black communities. Of course the contract in reality is pro-business and has an adverse effect on all people who must work for a decent living but racism is such that white workers in the US may fall or are falling for the contract because while they may believe the anti-black agenda encoded in the contract is beneficial for them. They neglect to study the fine print of the right's position. If they were to do so they would realize that those who benefit from the contract will be the rich. The contract itself while ratified has not yet been fully implemented, nonetheless over the past few

years there have been various defeats to Affirmative Action: The following list is illustrative rather than comprehensive.

November 1994, The Bell Curve by Charles Murray and Richard Herrnstein begins its 15 week stay on the New York Times Bestseller list. The authors argue that an intellectually inferior underclass, predominantly Black is evolving in the US.

November 8 1994 Republicans sweep to victory in Congress (both Houses). In California, proposition 187 becomes law, ushering in the denial of schooling and basic medical care to illegal immigrants.

January 1 1995 Contract with America announced ,US newspapers full of stories about angry white men...angry with women, with blacks etc.

Feb 22 1995 President Clinton orders review of Affirmative Action programmes, white men are reported in the press as being angry that they are having to work harder for money they were making 15 years ago.

April 19 1995 the Oklahoma Bombing, white supremacist paramilitary group kills 168 adults and children in Oklahoma City.

May 22 1995 US Supreme Court refuses to re-instate a scholarship program for black students at the University of Maryland

June 1 1995 California governor Pete Wilson signs an executive order eliminating state adopted race-based preferences. Meanwhile a campaign is launched to abolish affirmative action admissions policy in California's state university system.

Both Equal Opportunity Policies and Affirmative Action are under extreme threat. In the absence of a renewed campaign to protect and expand anti-racist policies, institutional racism will go unchecked and indeed racist attacks will continue to increase in the UK and the US as the rightwing backlash continues.

### **Selected Bibliography**

Anthias, F and N Yuval-Davis (in association with H Cain) (1992) Racialized Boundaries Routledge, London.

Braham, P, A Rattansi, and R Skellington (1992) Racism and Anti-Racism: Inequalities, Opportunities and Policies, Sage, London.

Marable, M (1985) Black American Politics, Verso, London.

Pinkney, A (1984) The Myth of Black Progress, Cambridge University Press, Cambridge.

West, C (1993) Race Matters, Beacon press, Boston.



**Irmela Gorges**

**Minority ethnic settlement in Germany  
with particular attention to Berlin - the debate on dual nationality**

**1. Introduction**

At the end of the 19th century, one of the central tasks to be solved in Europe is the political unification of the European Union and the social and economic integration of different nations within one Europe. The task is so complex that it has to be subdivided into various parts. The part discussed in the following paragraphs deals with opinions of the people in Germany on 'nationality'. What do people think about the consequences of unification, namely either the loss of their specific nationality or the fact that the residents of one country may have a dual or multi nationality? 'Unification' implies that people may migrate from one country to the other and that migrants expect to be accepted as residents with equal rights even though they may have a different culture and different beliefs from many of their fellow citizens (Habermas 1991).

In Germany, the debate on immigration and dual or multiple nationality belongs to the most sensitive themes discussed in the public. During the winter of 1998/99 this debate on immigration suddenly played a central role in the media and the discussion finally led to a decisive change in the distribution of political power in Germany. Implicitly, the public discussion focussed on how one could find a well balanced equilibrium between humanitarian demands and political and economic reasonableness. This became very overt, when, at the beginning of the Kosovo crisis, the circumstances forced politicians to put back economic, social or egocentric political considerations and to focus only on humanitarian demands. Germany decided to allow more Kosovo Albanians to come to the country as refugees than any other country. At the same time, all public debates about who should get the German nationality and whether or not a German should be allowed to have a second or more nationalities suddenly were terminated without that the public or a political party insisted to carry on the discussion.

In the following paragraphs I would like to give an impression on how the debate went on before the Kosovo crisis, what positions were taken over and what consequences the debate had for the balance of power in Germany.

Before I come to the public debate on citizenship I will have to explain the special situation and the background in front of which the public debate took place.

## **2. The background of the discussion:**

### **2.1. The law: 'ius sanguinis' versus 'ius soli'.**

In nearly all western countries one of the two criteria determine the law on citizenship: The more liberal criteria imply that those belong to a nation who are born on the territory of the state representing the nation. The law belonging to this position is named the 'ius soli', i.e. the right to get the nationality of the nation on the soil of which a person is born, regardless of the parent's nationality.

On the other hand, the more conservative criteria determines a person's nationality according to the nationality of the parents: Regardless of the country in which the parents live and what nationality they belong to and where the child is born, the child will have the nationality of the parents. Because, in this case, the nationality of a person is determined according to the 'same blood' of parents and childrens, the respective law is called the 'ius sanguinis'.

At the end of the Kaiserreich the German nationality is determined according to the 'ius sanguinis' and only after the unification of Germany in 1990 the 'ius soli' started to be discussed in the public.

### **2.2. The history of the 'ius sanguinis' in Germany**

From 1913, in the last years of the German Empire, throughout the Weimare Republic, the Nazi Regime and the Federal Republic of Germany the 'German citizenship' was based on the 'ius sanguinis' <sup>1</sup>. A German nationality has someone who can

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<sup>1</sup> Koopmans and Kriesi point out that, according to Brubaker (Brubaker 1992, p.168-171) there were "strong geopolitical reasons and interests behind the fact that West Germany retained the 1913 legislation on citizenship unaltered. Within the context of the Cold War and divided Germany, it was ideologically unthinkable to change the ethnic conception of citizenship that defined East Germans and 'ethnic Germans' from other East European count-

prove that his or her parents are Germans. All other people are 'foreigners' (see also Brubaker 1992).

The National Socialists used the 'ius sanguinis' to deprive all ethnic groups other than Teutonic or Germanic from the German citizenship. The Federal Republic of Germany, enacted in 1949, took over the 'ius sanguinis', (Reichs- und Staatsbürgerschaftsrecht and §§ 85-91 Ausländergesetz) however, in order to prevent further despotism, the law was combined with a liberal right of asylum. Those foreigners who asked for asylum, i.e. say the word 'asylum' or 'Asyl' in German had the right to stay in the country until the respective court has granted or refused a person's status of political asylum (see also the workshop 1 report). In addition, it was and is strictly prohibited to deprive any German from his or her citizenship if he or she then becomes a stateless person (§16 basic law of the German Grundgesetz (the German constitution)). A German will lose his or her citizenship only if he or she does not live in Germany and if the person, at the same time, accepts another citizenship (§17 Reichs- und Staatsangehörigkeitsgesetz). In general, a dual nationality is not tolerated. However, there are exceptions: Children, whose parents have the German and another nationality will have the nationality of both (i.e. a dual nationality). In addition, §25 Reichs- und Staatsangehörigkeitsgesetz allows a naturalized German to regain the former nationality, if the former state agrees to give to the person the citizenship a second time.

To inhibit a dual nationality is not exceptional in other European countries, for instance in Luxembourg, Austria, Sweden, Spain, Denmark and Finland, the dual nationality is forbidden too.

Until 1990 it was entirely up to the German administration whether or not a person was given the German nationality if this person did not have German parents. The German citizenship was lent because of undefined reasons, for instance, if a person should become a member of a sports team in an international competition or because of any other reason.

It was only after the reunification of Eastern and Western Germany that the law was changed a little. The Christian Democrats under Chancellor Kohl then gave the right

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ries as part of the German nation represented by the West German state " (Koopmans/Kriesi 1997,p.17)



to a person who has lived in Germany for at least 15 years (and who fulfilled some other conditions like for example that the person had not committed a severe crime) to claim for a German citizenship, i.e. to be naturalized. However, the German citizenship was given only under the condition that he or she would give back his or her former citizenship. The German Bundesverfassungsgericht, the highest German court, stated that 'in principle a dual nationality is bad'. However, there was and still is one exception, namely, that a child whose parents have a German and another nationality, automatically, gets the nationality of both, i.e. a dual or a multiple nationality.

In September 1998, the then governing coalition of Christian Democrats and Liberals was not reelected and the Social Democrats and, for the first time, the Green Party, took over the political power in Germany. In winter 1998/99, this Government, among other liberalizing regulations for the naturalization of non Germans living in Germany, announced that the 'ius sanguinis' determining the German nationality should be supplemented - not replaced - by the 'ius soli'. The minister of the interior publicly suggested that the children who are born on the German territory and whose parents have an unlimited residence permission in Germany should receive the German nationality.

In addition to that, 'foreigners', who have a permanent permission to stay in the country, should have the right to claim their naturalization after they have lived in Germany for 8 years as adults, they may claim for the naturalization after 5 years living in Germany if they are under 18 years old, if they are a spouse of a German they may become a German after three years.

In addition to that the Government suggested that it should be tolerated if Germans would also have another nationality, i. e. another passport in addition to the German passport.

This proposition of a law divided the German public into at least two different parts. However, before I will analyse the public reaction on the Government's proposal I would like to present some information on the number and origin of non-Germans living in Germany permanently.

### **2.3. The statistics: Foreigners living permanently in Germany**

After the Second World War, nearly no non-Germans lived in Germany<sup>2</sup>. The Allied troops with more than thousands of soldiers physically living in Germany up to 1990, had a special political status and legal status and therefore they would not be named as 'foreigners' within the German society.

At the end of the reconstruction phase in the mid sixties there was full employment in West Germany and soon a worker shortage had come up.<sup>3</sup> At that time the Christian Democratic Government decided to invite 'guest-workers', especially from Italy, Spain or, later on, Turkey, to come to Germany and work there for some years until they would go back home.

Between 1960 and 1970 the first influx of guest workers brought 1,8 million workers into West Germany from the south of Europe. They made up to about 2,9% of the West German inhabitants of that time (about 62 million people). All foreigners together of that time came up to 2,4 million people, equalizing 3,9% of the West German population, i.e. 600 000 foreigners were living in West Germany without that they belonged to the so called 'guest workers' (Fürstenberg 1974,p.22).

Soon at the beginning of the 1970s with the first oil crisis and the first economic recession, unemployment started to become a problem in West Germany. The guest workers, who had brought their families with them were supposed to go back to their home countries after five years at latest, but instead especially workers from Turkey, stayed in Germany and became the 'first Generation' of foreigners with a permanent permission to stay in he country<sup>4</sup>. In the following years, even more family members joined them and soon the country had a considerable percentage of non Germans, who chose to live mainly in Frankfurt or Berlin and, as in all countries with a considerable number of people from another culture, they started to live in special parts of the big cities.

The statistics say that in 1997: 7,4 million people, which equals 9% of those who lived in Germany (total population after the reunification of East and West Germany

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<sup>2</sup> The workshop 1) points out the considerable amount of 'forced laborers' especially from Poland who stayed in West Berlin after the Second World War

<sup>3</sup> In 1970, the rate of unemployed persons was 0,3% of the total population, see Fürstenberg, p. 31

<sup>4</sup> See also the respective figures given in workshop 1) 'Historical - ...'

about 82 million people), are foreigners, 4 millions of these foreigners (i.e. 4,8% of the total population) have lived longer than 8 years in the country and 3 million (i.e. 3.6% ) live longer than 15 years in Germany without that they have become Germans. Each year 50 000 children are born in Germany who do not have the German nationality. About 2 million Germans also have a second nationality (legally or illegally) (Statistisches Bundesamt 1998).

The situation is about the same in Berlin. The city has a total of 3.5 million of inhabitants, of these are 440 000 foreigners equaling 12,5% of all Berliners which is a lower percentage than in other German towns as for instance in Frankfurt am Main with 28% foreigners. The district Kreuzberg, one of 23 districts of Berlin, has more than 30% non-Germans (Sozialstrukturatlas Berlin 1997, p. 140)

In Berlin, 15% of all non-Germans come from other countries of the European Union, however, they are not treated as foreigners. The majority of those who are seen as foreigners come from Turkey. 200 000 (31%) of the Berlin foreigners have the Turkish nationality. 9,1% of all foreigners come from the former Yugoslavia and from Poland 6,6%. These three nationalities make up nearly half of all foreigners living permanently in Berlin (Rudolph, March 1999).

It may be interesting to know, that the majority of foreigners live in the western parts of Berlin (Sozialstrukturatlas Berlin 1977, p. 141)

#### **2.4. Political background of the public debate on the citizenship in Germany**

In September 1998, federal parliamentary elections took place in Germany and, after 16 years of uninterrupted government of the Christian Democrats and Liberals, the Socialdemocrats came into power and formed a coalition with the Green Party (Bündnis90, die Grünen). In January 1999, the Minister of Interior (Otto Schily) suggested that the law on how to become a German citizen should be revised. As mentioned above, he suggested that adult foreigners should have the right to claim their naturalization after they have lived for 8 years in Germany, younger people, under 18 years of age, may be naturalized after they have lived for five 5 years in Germany and spouses should be able to become Germans after 3 years, even if they would not want to give up their former nationality.

Soon the opposition party, the Christian Democrats, reacted fiercely and launched a campaign which was mainly directed against the possible 'dual nationality and for the

social integration of foreigners' (Frankfurter Rundschau, 14.1.1999). They announced that they would start a referendum against the suggested dual nationality. This campaign was started just before the elections for the Parliament in one of the 16 German Federal States, in Hessen, the capital of which, Frankfurt am Main, has the highest number of foreigners. The elections, which took place on February 7th 1999, were won by the Christian Democrats who took over the Government of Hessen from the Socialdemocrats. It was suspected that the debate on the referendum against the dual nationality was the reason why the Christian Democrats had won the elections.

For the Federal Government the results of the elections in Hessen were devastating in so far as with the elections the governing Social Democrats lost the majority in the Bundesrat, i.e. the German Upper House which represents the governments of the 'Länder'. In Germany, all laws who affect the affairs of the Länder have to pass the Bundesrat before they can be enacted in all Federal States. Because the majority of seats of the Bundesrat now belonged to Christian Democrats, the federal government coalition had lost the power to push through their version of the suggested law on citizenship. The law could not be enacted without that the Government would have to discuss a compromise with the opposition.

The Liberal party, since September 1998 in opposition, now proposed this compromise: Children should be allowed to have the German nationality as well as the nationality of their parents, i.e. a dual nationality, until they are 18 years old. However, they should chose between the two nationalities after they have become 18 but not later than when they are 23 years old. This proposition was called the 'option model' because a child had the right and the obligation to opt for one of his or her nationalities (Der Tagesspiegel, February 12th, 1999).

The Federal Government took into consideration that the majority in the Bundesrat (the Upper House of the Parliament) was lost and withdrew the original proposal cited above.

## **2.5. The public debate on citizenship and dual nationality in Germany**

The public debate on citizenship started right after the Minister of Interior had published his intention to liberalize the naturalization of 'foreigners' living permanently in Germany in January 1999<sup>5</sup>.

Interesting enough, the arguments for or against the new law focussed on the issue of dual nationality. Examples of the divergent arguments were mainly drawn from people of Turkish nationality, how the Turkish people would act in Germany when they were given the German nationality and when they would keep the Turkish nationality. Only a few newspaper articles discussed how the double nationality was judged in other European countries, like in the Netherlands (Der Tagesspiegel, 31.1.99).

With regard to the reform on how to get the German Nationality the newspapers reported or printed the opinions of different representatives of interest groups. One of these interest groups was the group of 'permanent residents as foreigners'. The newspapers published interviews with Turkish people or journalists of the second or third generation of these 'foreigners' published their opinion on the subject. In addition to that, the different interest groups can be divided according to their political party position, a special group within these groups were officials, who belong to a political party but exposed their special opinion to the public as experts<sup>6</sup>.

Looking at the basic intentions of the arguments of all interest groups and political parties one has to distinguish between articles published before and after the elections in Hessen were won by the Christian Democratic Union on February 7th, 1999.

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<sup>5</sup> The following analysis of this debate is based on articles mainly published in two German newspapers, a daily newspaper in Berlin (Der Tagesspiegel, an independent newspaper) and a weekly magazine published in Hamburg 'Die Zeit' which is sold throughout Germany. The articles analyzed in the following paragraphs appeared between January and March 1999.

<sup>6</sup> The parties whose opinion were publicly discussed were the governing Socialdemocratic Party of Germany (SPD) the Green Party Bündnis90/die Grünen, the former ruling Christian Democratic Union (CDU), their more conservative part in Bavaria, where the party is called Christian-Social Union (CSU) and the Free Democratic Party (FDP). The position of the fourth party represented in the parliaments, the Party of the Democratic Socialism (PDS), the follower party of the Socialistic Party of Germany (SED) who ruled the former GDR, was not widely discussed in the press.

### 2.5.1. The arguments before the Hessen elections on February 7th, 1999

In the time before the elections there was - apart from the Christian Democrats - a strong and almost unanimous support for the initiative of the Government. It seemed as if the authors expressed the 'public opinion' representing the silent masses. However, many of these articles were written by journalists who had been naturalized or were still foreigners and wished to become Germans while they wanted to keep their former, mostly Turkish, nationality. The articles sounded triumphant, the 'ius sanguinis' was called the 'last bastion of the 'old Germany"' (Der Tagesspiegel, 8.1.99). The main part of the debate focussed on the issue of 'double nationality'. Characteristic of that position may be the article by Canan Topçu saying: 'I want to belong to them ... with two passports'<sup>7</sup> (Die Zeit 14.1.99). On one hand, it was argued that the passport would not be identical with the feelings of the people, on the other hand it was said that one could also have different parts of one identity and that for many people it was impossible to decide for one of their identities (Zafer Senocak, Der Tagesspiegel, 7.1.99). But they also said that foreigners who wanted to live in Germany would have to accept, to adapt and to adjust to the way the Germans live, and that the Germans should accept them and their different cultural identities. The journalists also regretted that the plans of the governing coalition would not go further, that they, for instance, did not plan to enact an anti-discrimination law in Germany (Der Tagesspiegel, 8.1.99).

Before the elections in Hessen, representatives of the governing parties emphasized that the new law would give the non Germans living in the country the possibility to integrate and take part in the political self-determination process (Der Tagesspiegel, 14.1.99). The Government stressed the point that the problem of double nationalities would not be the focal point of their proposition (ibid.). The new Minister of the Interior even said he would not mind if the constitution would be amended so that the people of Germany could be asked in a referendum how they wanted to live with those coming from other cultures (Der Tagesspiegel, 22.1.99).

The Christian Democratic Union (CDU), the former governing party of the former chancellor Kohl, took the chance to play their new role as the opposition party and to oppose fiercely against the idea of a new law. They argued, to have two nationalities

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<sup>7</sup> Original: 'Ich will dazugehören...und zwar mit zwei Pässen', I.G.

would be a stronger attack against German law and order than what the Red Army Fraction (RAF, comparable to the IRA with regard to the violence against the state) did to the German society back in the seventies (Der Tagesspiegel, 7.1.99). In addition, they referred to the possible influx of masses of children of the naturalized persons, and the problem of loyalty in case of a conflict between the home country and Germany. They argued that a dual nationality would hinder the social integration of non-German residents into the German society because the people would still cling to the culture of another nation. The CDU, instead, at first would promote the integration or assimilation of those guest workers who lived for a long time in Germany and only after they had been integrated they should become Germans (Der Tagesspiegel, 7. and 8.1.99).

According to the pro-government positions, the supporters of the CDU's and CSU's viewpoint ignored the fact that the former CDU chancellor Kohl strongly supported the dual nationality for Germans living in another country, for instance in Poland, they also did not remember, as their critics put forward, that the first CDU-chancellor of the Federal Republic of Germany, Konrad Adenauer, once had supported the idea, that all Germans should also have the French nationality in order to hinder them to be in war with France once again (Der Tagesspiegel, 14.1.99).

The opposition party, mainly the part from Bavaria, the CSU, seemed not only to gather support for their position. Their arguments focussed on the issue of the dual nationality (the double passport).

Also members of the Christian Democrats called the CSU's wish to initiate a referendum wrong because they only would stir up right wing activities and xenophobia among Germans (Michel Friedman, Der Tagesspiegel 6.1.99).

### **2.5.2. Articals after the elections in Hessen**

After the lost elections in Hessen the Government very quickly withdrew from their own proposition and seemed to be willing to accept a compromise which was put forward by the Free Democratic Party (FDP): The FDP suggested that children, who are born in Germany and have non-German parents, should have - comparable to the French model - the German citizenship and the nationality of their parents. However, at the age between 18 and 23 they should decide which one of the two or more nationalities they wanted to have for the rest of their lives. This was called the

'option model' because the children could opt between the German and another nationality when they have become adults (Der Tagesspiegel, 12.2.99).

After the elections in Hessen the press focussed on the same issue, the dual nationality. Members of the Free Democratic Party (FDP), now criticized the Green Party as too radical (Der Tagesspiegel, 12.2.99). However, the former ombudswoman for foreigners, a member of the FDP herself, argued, that the public should not be confronted with petitions, instead the people should be informed about the actual situation, namely that there are already 2 million Germans with two or more legal passports (Der Tagesspiegel, 15.2.99).

Members of the Socialdemocratic Party (SPD) now admitted that their initiative was a failure (Der Tagesspiegel, 11.2.99). They now pointed out that at first the social integration of those living for a long time in Germany should be supported, they should get a better school education and especially a better language teaching. However, all representatives of the ruling Socialdemocratic and Green Parties still defended the proposition to change the law on citizenship in Germany but finally the media reported that they had consented to the Liberal Party's compromise, the 'option model'(see above, Der Tagesspiegel, 12.3.99).

The Christian Democratic Party carried on with their petition after the elections but criticized the option model because it could tear up families in which the children decided to become Germans and the - divorced - mother would have to leave the country (Der Tagesspiegel, 12.3.99).

As mentioned above, the entire debate on the dual nationality focussed on the example of the Turkish people in Germany. If the problems of dual identities were discussed, Turkish education and Turkish values were contrasted with German education and values. Turkish families and their way to live were equalized with Rumanians, or families from Vietnam, or gypsies, but not with Italian or French or European families (Die Zeit 11.2.99).

The Turkish residents in Berlin were deeply disappointed after the compromise of the 'option model'. They accused the Government to have not only withdrawn their former proposition but the new proposal would be worse than the situation before: The new proposition would not allow to regain the old nationality after it was given back (§25 Reichs- und Staatsangehörigkeitsgesetz), the dual nationality of citizens from



the EU would be tolerated, which would explicitly exclude the Turkish residents. Finally they found, that the social integration will become more difficult if a young man or woman who had grown up with a dual nationality had to chose one citizenship (TBB Spiegel, Nr.4, 1999, p.6).

### **3. Conclusion**

The debate on dual nationalities in Germany between January and March 1999 seemed to have been used as a political weapon in the power play between Government and Opposition. The German population is still divided into defenders and supporters of all positions. This means that there is no stable public opinion on the issue of citizenship. Furthermore, integrating different cultures was not really discussed in public and issues on anti-discrimination laws were not even mentioned in the debate.

The British authors Koopmans and Statham (Koopmans/Statham 1998) suggest that the history of the law on citizenship in Germany has to be made responsible for the lack of anti-discrimination laws and the lack of discussions on integration: According to the basic law all Germans are equal and should not be discriminated because of their sex, race or religion or any other reason. Non-Germans are, implicitly, 'foreigners', and foreigners, like the Turkish residents, need not to be 'integrated' - even if they live permanently in the country. These arguments may show a severe lack of awareness of social problems in Germany and the necessity to continue the public debate.

## References

Rogers Brubaker: Citizenship and Nationhood in France and Germany, Cambridge, Ma: Harvard University Press 1992

Der Tagesspiegel, Unabhängige Tageszeitung, 55. Jahrgang, Januar, Februar, März 1999

Die Zeit, Wochenzeitung für Politik, Wirtschaft, Wissen und Kultur, Februar 1999

Frankfurter Rundschau, Unabhängige Tageszeitung, Frankfurt, Januar 1999

Friedrich Fürstenberg: Die Sozialstruktur der Bundesrepublik Deutschland, Westdeutscher Verlag, Opladen 1974

Jürgen Habermas: Staatsbürgerschaft und nationale Identität, Überlegungen zur europäischen Zukunft, St. Gallen 1991

Ruud Koopmans, Paul Statham: Challenging the Liberal Nation-State? Postnationalism, Multiculturalism, and the Collective Claims-Making of Migrants and Ethnic Minorities in Britain and Germany, FS III 98-105, Wissenschaftszentrum Berlin, Germany, 1998,

Ruud Koopmans, Hanspeter Kriesi: Citizenship, National Identity and the Mobilization of the Extrem Right. A Comparison of France, Germany, the Netherlands and Switzerland. FS III 97-101, Wissenschaftszentrum Berlin, Germany 1997

Hedwig Rudolph: Unpublished Manuskript, Wissenschaftszentrum Berlin, March 1999

Senatsverwaltung für Gesundheit und Soziales Berlin (ed.): Sozialstrukturatlas Berlin 1997 - Eine disaggregierte statistische Sozialraumanalyse, Sabine Hermann, Uwe Imme, PD. Dr. Gerhard Meinschmidt Berlin 1998

TBB-Spiegel, Türkischer Bund in Berlin-Brandenburg, Januar-Februar-März 1999 Nr.4

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### **The anti-discrimination legislation in Germany**

In contradiction to other European immigration countries Germany does not have specific laws against discrimination. The ban of discrimination (article 3 of the German constitution) is directly binding only upon the supreme power. But it takes only an indirect effect to the behavior of private persons. Since the early 90s national and international institutions demand the creation of an antidiscrimination legislation to protect ethnic minorities.

### **The previous legal handle against social discrimination**

The defense from discrimination in Germany is not that good as in most of the industrial nations. In contrast to many other European countries and the United States there is no uniform antidiscrimination law in Germany. The existing legal provisions are distribute among different laws and for that reason difficult to handle.

### **International obligations:**

The UN-convention against 'racial discrimination' from 1966 (ICERD)

- Article 1 paragraph 1: direct and indirect discrimination is forbidden.
- Article 2 paragraph 4: positive measures for a promotion of minorities in all relevant social fields are allowable.
- Article 2 paragraph 1b: the states of contract are obliged not to support discrimination by private persons.
- Article 5 e and f: demands an effective equalization of discriminated groups in essential fields of the economic, social and cultural life.
- Article 6: victims of racist discrimination are entitled to effective legal protection inclusive a claim on damages.

### **Constitutional obligations:**

“No one may be prejudiced or favoured because of his sex, his parentage, his race, his language, his homeland and origin, his faith, or his religious or political opinions.” (article 3 paragraph 3).

Article 3 belongs to the human rights. For that reason it is in force for everybody in Germany irrespective of the nationality. Nevertheless as other basic rights article 3 is a defense right of the citizen against the development of state-power. The problem is that it is not directly binding for private persons.

Article 2 paragraph 1 of the German constitution guarantees everybody the right of free development of the personality. That means that every citizen can do whatever he or she wants to do as long as he or she does not offend against laws which are in force for everybody. The citizens should regulate their legal relations without the influence by the state.

To bring a case of discrimination to trial it is not enough to refer to article 3 paragraph 3 of the constitution. It can only be taken into account for the interpretation of other legal provisions.

### **Legal regulations**

In the criminal law there are several regulations to punish discriminating against verbal and written utterances and propaganda. But the criminal law is very exacting concerning the argumentation. There is a lack of civil law regulations to punish discrimination which is less hard.

### **The criminal law**

Facts of the case of incitement of the people § 130 StGB:

This paragraph was created in 1960 because of antisemitic attacks. Up to know it is the only specific antidiscrimination regulation: anybody who stirs up to hate and violence against parts of the population or who insult and slander them can be punished with imprisonment from 3 month to 5 years. There were only a few condemnations. Although the § 130 was modernised in 1994 discrimination in terms of the admission to restaurants or the rent of an accommodation cannot be punished on the basis of this regulation.

Defamation (§ 185 StGB) is the attack at the honor of another person and can be punished with imprisonment up to one year or a fine. Again these are disparaging utterances which are criminal. The rejection of guests of a restaurant is rarely condemned as defamation.

### **Civil law regulations**

In the case of daily life discriminations, the legal position is in many parts unclear and laws are uncomplete. Because there is no uniform law against discrimination by private persons it is difficult to say if there are legal measures against discriminating against behavior or not.

Concerning the legal handle against discrimination in the *working field* there is a differentiation into:

- discrimination concerning the recruiting and
- discrimination at the work-place

If an employer selects the employees because of their colour of the skin, there is no legal handle against it. The employer cannot be obliged to recruit the person. The discriminated against person does not have a claim on damages.

Pursuant to § 75 Betriebsverfassungsgesetz the employer and the works council have to pay attention that there is no discrimination at the work place. The paragraph also includes the characteristic "nationality". A dismissal due to the nationality of the employee is illegal. The discriminated employee has a claim on omission but not on damages. If an employee discriminates a colleague it would be a sufficient cause for a dismissal.

If somebody looks for an *accommodation* and is discriminated by a broker or letter because of the ethnicity there are no civil law measures against it.

*Article 5f ICERD* lays down that everybody no matter which race, colour of the skin and nationality has the right to enter every place and every service which is assigned for the public using like hostels, restaurants, theatres or the public transportsystem. In Germany there are no specific regulations. There is only the possibility to make use other general provisions.

The trade supervising authority can retract the permission for a restaurant if the landlord is not trustworthy. This could be the case if repeated complaints concerning discrimination exist against the landlord. But these are big sanctions which are rarely used. For that reason there are several single discriminations which stays unpunished.

Concerning the *insurance* for motor vehicles the Supreme Administrative Court declared that higher tariffs concerning the compulsory insurance for special foreigner groups is illegal. After this the insurers did not pay provisions when they effected contracts with foreigners. When the insurance law was changed in 1994 (because of demands concerning the EU-right) § 81e Versicherungsgesetz was added. Since that time it is forbidden to raise higher tariffs and bonuses because of the nationality or ethnicity. Due to this paragraph discriminations like notices, refusal of supplementary insurances or delays are not allowed even if they hiddenly tie to the characteristics.

### **Antidiscrimination laws of the Länder**

There are no antidiscrimination laws and concrete projects for such a law. The governments consider the passing of an antidiscrimination law „as not efficient“ as the change of the decisive legal subjects (nationality- and foreigner law, general civil-, economic-, social- and industrial law) do not underlie the legislation competence of the Länder.

Because of the Maastricht Treaty the parliament had to change article 28 of the German basic law. The Länder translated the EU-guidelines concerning the local elections into national right so that all nationals of the other EU-member states can participate in the local elections. The other foreigners do not have these political rights. The Bundesrat decided a bill for the change of article 28 of the basic law concerning the participation of nationals from non EU-member states and gave it to the parliament.

When the Landesbeamtengesetze were adjusted to § 4 Beamtenrechtsrahmengesetz, nationals from EU-members states could become civil servants. Nationals from other countries can only become a civil servant if there is an urgent official requirement. Nevertheless in the last years foreigners failed the German test. In Bre-

men for instance the police offers a German course if the applicants passed the rest of the recruiting test.

There is a special situation in Berlin concerning the recruitment of foreign policemen and policewomen. Since autumn 1988, foreigners who meet the requirements for the naturalization can be recruited but to become a civil servant they have to be naturalized before the end of the training which lasts three years. Basis for this training is § 33 Laufbahngesetz. Because of this model the police in Berlin did not recruit foreigners because of an urgent official requirement.

### **The ICERD—Convention: an example for the attitude of the former German government concerning the anti-discrimination policy**

The regulations of the ICERD-convention are not self-executing in Germany but they have to be translated into national right. The German government always meant that article 3 paragraph 3 of the German basic law and § 130 StGB would deal with all aspects of the convention.

While the ICERD is mainly regarded as a human rights convention Germany used it as an instrument of the „classical“ minority policy. Long time the government only reported about the situation of minorities like Danes in North Germany but not about immigrated minorities: Certain „racially persecuted groups“ (article 2 paragraph 2 ICERD) in Germany are groups of the German population who differ from the rest of the population because of their national origin“ (definition by the government).

A protocoll of a CERD meeting includes the international reaction of this definition: „members of the Committee noted from the report that the Sinti, the Romany gypsies and the Jews had been recognized as „racially persectuted groups“ and asked why other groups living in Germany, such as Turks, Poles, Czechs or persons from former Yugoslavia, were not featured as ethnic minorities.“ (UN/ CERD 1994: nr. 431, p. 82/83).

The answer of the German government was: „Turks residing in Germany had either acquired German nationality and benefited from the same rights as other German citizens or were still foreigners and did not constitute a national minority.“ (UN/ CERD 1994: nr. 437, p. 84).

This shows that the integration policy with the maxim „Germany is not an immigration country“ and the restrictive attitude concerning the naturalization policy had big in-

fluences on the antidiscrimination policy: the government disowned the responsibility for the protection against discrimination for immigrated minorities.

Concerning the antidiscrimination legislation the government reported, that especially the civil- and the criminal jurisdiction in Germany guarantee an effective defense against racial discrimination. The basic rights which correspond to the convention influence the civil law with the help of general clauses and contribute to the defense from racial discrimination by private persons.

The CERD Committee and essential juristical authors say that „(...) practices of racial discrimination in such areas as acces to employment, housing and other rights referred to in article 5(f) of the Convention were not always effectively dealt with. The German authorities should give serious considerations to the enactment of a comprehensive anti-discrimination law. Such a law would constitute a clear reaffirmation by the German authorities that racial discrimination was absolutely unacceptable, detrimental to human rights and human dignity.“ (UN/ CERD 1994: nr. 447; p. 86).

### **Literature**

Pörksen, Heike; Politische Ansätze zum Schutz gegen ethnische Diskriminierung in der Bundesrepublik; dissertation

Senatsverwaltung für Schule, Jugend und Sport – Landeskommision Berlin gegen Gewalt (bearbeiter: Frank Gesemann/ Gerhard Simoneit); Multikulturelle Gesellschaft und Lebensvielfalt – Antidiskriminierungsregelungen und Ininitiativen zur Gleichstellung von Minderheiten in den Bundesländern; 1998; Berlin



## **Swedish contribution<sup>1</sup>**

### **Some important terms**

#### **Migration policy**

The principles, rules and agreements relating to the movement of people between countries. Sweden's migration policy, which includes refugee, immigration and returnee policy is an integral part of foreign, security, trade and development assistance policies, should be seen as an integrated whole.

#### **Immigration policy**

The principles and rules concerning the granting of permission for aliens to take up residence in Sweden.

#### **Immigration**

Immigration to Sweden has been controlled since 1967, except for nationals of the Nordic countries, who have the right to live and work in any Nordic country, and nationals of all EU Member States have the right of free movement between these states for the purposes of work, study and residence without needing work permits. The right of free movement also applies to members of their families, irrespective of nationality.

Immigration to Sweden in recent years has mainly consisted of refugees and their close relatives. The reception of refugees in Sweden is only one of several elements of Sweden's refugee policy, which comprises a number of measures:

- efforts in the United Nations and other international fora designed to contribute to the prevention and solution of international conflicts and maintenance of respect for human rights;
- financial support to the UNHCR (United Nations High Commissioner for Refugees), UNRWA (the United Nations Relief and Work Agency for Palestine Refugees in the Near East) and other organizations that assist refugees;

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<sup>1</sup> Sweden's Migration Policy 1998 (1998) Ministry for Foreign Affairs

- participation in international cooperation with a view to promoting a division of responsibilities between countries on the basis of solidarity and strengthening the legal protection of refugees;
- the transfer to Sweden, in close cooperation with the UNHCR, of particularly vulnerable persons who need a safe refuge from persecution or who cannot return to their home countries;
- the acceptance of refugees other than convention refugees who are in great need of protection;
- government-financed municipality reception and resettlement programmes for refugees and persons with a similar status in order to facilitate their integration into Swedish society;
- support for refugees on whom refugee status has been conferred and who wish to leave Sweden of their own accord and return to their home country or settle in another country.

### **Migration**

A generic term for people's movement over various distances derived from the Latin "migratio". Used here as immigration and emigration between various countries.

### **Asylum**

From the Latin "asylum": the protection offered by a state on its territory or other area under its jurisdiction. Used here in the sense of a residence permit granted to an alien on the grounds of refugee status under the Geneva Convention.

### **Refugee**

A person who is outside the country of which he is a citizen and who has a well-founded fear of being persecuted for reasons of race, nationality or membership of a particular social group or on account of his political or religious views and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

The above applies irrespective of whether the persecution is exercised by the country's authorities or because they cannot be assumed to provide protection against persecution. This definition is included in the Aliens Act and is consistent with the

definition in the 1951 UN Convention Relating to the Status of Refugees (“The Geneva Convention”).

### **Person in need of protection**

A person who has left the country of which he/she is a citizen because he/she is in need of protection. This term includes, in addition to refugees, persons:

- who have a well-founded fear of being put to death or subjected to torture or other inhuman or degrading treatment or punishment;
- who need protection on account of an external or internal armed conflict or who cannot return to their country on account of an environmental disaster;
- who have a well-founded fear of persecution on account of their sex or homosexuality.

### **Asylum-seeker**

A person who has travelled to Sweden on his own initiative and declares himself to be in need of protection (asylum), with respect to whom a final decision has not yet been taken regarding his/her asylum application.

### **Humanitarian reasons**

A person may be granted a residence permit (but not asylum) for reasons directly related to the individual, e.g. serious illness or circumstances related to a long period of residence in Sweden.

### **Principle of first country of asylum**

A refugee is expected to apply for asylum in the first country in which he arrives after fleeing, provided that he is protected against persecution and against being returned to the country from which he has fled. Therefore, a refugee who has resided in such a country of first asylum before his arrival in Sweden is normally returned to that country. This principle is applied by most countries that have signed the Geneva Convention.

**Quota refugee**

A person belonging to the special quota of persons in need of protection, as determined by Parliament, who are given the opportunity to settle in Sweden since the best solution in their situation is for them to be transferred to a third country. Selection of such persons and their journey to Sweden is organized by the Swedish Immigration Board in close cooperation with the UNHCR. The quota is intended for persons who cannot receive protection in any other way and who cannot return to their country.

**Relative of an immigrant**

A person who is granted a residence permit because he/she has close relatives residing in Sweden. Spouses, partners and unmarried children under the age of 18 are regularly granted residence permits in Sweden.

**Remigration**

The voluntary return to their country of origin of persons who are legal residents of Sweden.

**Return**

The voluntary return to their country of origin of persons who do not, or not longer, fulfil the requirements for a residence permit in Sweden. Return may take place on a voluntary basis or as a result of a refusal of entry or deportation order executed by the competent Swedish authorities.

## **Workshop Themes**

### **Subject 1**

#### **Historical**

Political systems and representation, voting rights, liaison mechanisms for participation. What rights did minority groups have on arrival to Germany, Sweden, Britain.

### **Subject 2**

#### **Policy**

legal framework, how did 'law develop', current legal situation, anti-discrimination law, social, cultural, and political issues effecting policy and implementation of 'equal rights law' and 'anti-discrimination law'

### **Subject 3**

#### **Practical Issues of Service Delivery and Participation**

Service or services to be examined, i.e. Social Services, Education, Police, Housing. and others to be recommended as core to the experience of minorities.



Each group covers one of the core subject areas, but that the group for Subject 3 make a choice or choices about the most appropriate service to examine. In each country the students divide into 3 groups, each group to examine one of the subjects to prepare for the joint work in Preston.

The content and delivery structure of the context sessions are to be the responsibility of the respective institution delivering its contribution to the secession. (We each do our own thing! The subject/theme is the unifying factor.)





## Workshop 1

### Historical

Political systems and representation,  
voting rights, liaison mechanisms for participation.

What rights did minority groups have on arrival to Germany, Sweden, Britain?

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### Introduction and purpose

Immigration has always been a factor within Europe even before official borders were established people have move around Europe and settled bringing different cultures and customs to those particular areas. Both Great Britain and Germany have had a long history of immigration dating back to the last century and before. Sweden on the other hand has only had significant immigration from the end of the second world war. Also great Britain and Germany also had significant immigration from this period, all having different ways on how they delt with this influx of immigrants to their country.

We want to give an overview of the historical patens of immigration in Sweden, Germany and Britain. We will discuss the voting rights, participation and representation of ethnic minorities within these three countries. The terms that will be used are for Germany foreigner, Sweden immigrant and Britain ethnic minority. The three terms used have the same meaning, but in each country the terms used can also mean different things.

## **Historical context of immigrants to ...**

### **Germany**

Most political and scientific discussions differentiate between foreign labour, refugees, asylum seekers, and people of „German origin“ (not really regarded as migrants) living abroad. In 1880 the first political regulations and administrative institutions were introduced to recruit foreign labours. Step by step instruments and regulations were developed to handle a fairly flexible use of foreign labour. For decades, it was a big advantage for the German labour market because the levels of economic activity were lower in neighbouring countries. For that reason many volunteers came to Germany to look for employment even in hard, relatively low-paying jobs. A black period in German's history was World War II. During this time large numbers of hard labour were deported from the countries occupied by the German army to work for the German arm industry. After 1945 a huge number of migrants came to Germany. The majority of them were German citizens from Eastern Europe. The GDR as well as the FRG imported guestworkers from foreign countries but the handling of these practices was slightly different. Although Germany has the highest immigration rate in Europe German politicians denied that Germany is an immigration country.

### **History of Polish immigration**

Until beginning of 19<sup>th</sup> century Poland counts to one of the countries which had great exile movements. Again and again many people were forced to leave their homes because of fights for independence and rebellions against the occupying powers of Germany, Russia and Austria. After the bloody suppressing revolts of 1830/31, 1846/48 and 1863 many Polish people left their homes to go West. Because of the industrialisation more and more workforces went to the cities and the recruitment of agricultural labours from Eastern Europe increased. Workforces from Poland were really popular because the large land proprietors had not have to pay social insurance and could decide on a low standard of housing and pay for the workers.

On the other side Prussia supported the immigration of hundred thousands of polish workers into the Ruhrgebiet and other industrial regions. At first they lived in very closed areas, little by little they integrated in German majority and finally they assimilated.



## **The Third Reich**

Although nobody would be carried off hard labours from the occupied countries regarded as migrants we would like to take this part of German history into account.

Step by step the labour market was disciplined and militarised. Since January 1939 the employment of prisoners of war in the agriculture was planned. When the German Army occupied Poland, civil servants of the Labour Exchanges tried to find Poles who wanted to work in Germany, especially in the agriculture. But there were not enough volunteers. For that reason workforces were carried off to Germany. After the successful ending of the battle against France the political and personal reduction of East European hard labours began. When the first soviet prisoners of war were deported to Germany the situation for the workers from Eastern Europe became worse as well. A high death rate, malnutrition and sickness were typical for the stay in Germany. Working- and living conditions became a little bit better because the firms set great store by improvement in efficiency and qualification.

In general the relationship between Germans and foreign workforces was influenced by indifference. Racism was normal and everybody had enough own problems. Gang of undernourished human beings, discrimination and cruelties of the foreign workers belonged to the daily life as well as bombings and food ration card. More than 7 million<sup>1</sup> foreign workforces were working for Nazi Germany. Many foreigners did not survive the Nazi regime, among them approximately 3 million Polish Jews who were killed in concentration camps or were shot down in mass executions. Many Poles did not want to go back to Poland because it was communist ruled now. So they stayed in Exile, e.g. in Germany. After the war compulsory evacuation took place. The Allies decided to evacuate Germans out of the new Polish areas and to resettle Polish population from Polish pre war areas into German pre war areas. That means that migrations from the new Poland to Germany as well as in the other direction took place.

## **Foreigners in Germany since the end of World War II**

When the two German states were founded the history of foreigners in Germany developed in two different ways.

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<sup>1</sup> Briesen, Detlef/ Fras, Zbigniew/ Ruchniewicz, Krzysztof; "Migration und Integration als Europäische Erfahrung" (written by Angela Brestrich); p. 165

## Foreigners in the GDR

### Guestworkers<sup>2</sup>

Because of the shortage of workmen, the government of the GDR recruited the first guestworkers from Hungary in 1967. The bilateral contract defined that the Hungarians should develop their professional qualification directly in the working process. Further agreements brought more work forces from other socialistic countries into the GDR. In 1974 the GDR signed an agreement with Algeria. But in the end of the seventies it was given notice to terminate because of breach of contract. In 1977 55,000 guestworkers lived in the GDR. As a rule they stayed not longer than 3 years. In 1980 agreements with Vietnam, Angola, Mozambique and Cuba were ratified. Step by step the contracts were changed for the benefit of the interest of the GDR. The training of the workers was not dominant any more, but the capacity of work was in the foreground. Foreign workmen were employed in the production areas above all the car industry, chemistry factories, etc.

### Foreigners in the GDR 1989

<b>Nation</b>	<b>In 1000</b>	<b>%</b>
Vietnam	60.1	31.4
Poland	51.7	27.1
Mozambique	15.5	8.1
Soviet Union	14.9	7.8
Hungary	13.4	7.0
Cuba	8.0	4.2
Bulgaria	4.9	2.6
Czechoslovakia	3.2	1.7
Yugoslavia	2.1	1.1
Angola	1.4	0.7
Total	191.2	100.0

Source: Wirtschaft und Statistik 8/1990 p. 544

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<sup>2</sup> figures are taken from Stach, Andrzej/ Hussain, Dr. Saleh; Die Ausländerbeauftragte des Senats (editor); „Ausländer in der DDR – Ein Rückblick“

## **Foreigners in the FRG**

### **1945: Polish refugees e.g.**

At first Polish compulsive immigrants became lots of help from the West Berlin Senate. Their aid belongs to residence and working permit, granting welfare aid and public housing allowance. After a short time aid was taken away. For that reason, drastic reductions led to disadvantages for Poles who stayed in Berlin. With a deterioration of residence status it was impossible to get a working permit and by that no appropriate flat. Many Poles could not apply for asylum because only a few fought against the communist system in Poland and were regarded as political victims of persecution in the sense of article 16a of the German Constitution. On the other hand many were afraid that they never can go back or on criminal consequences during visits in Poland. Besides the idea of moving in other Bundesländer and living in collected accommodations were deterrent. That is why many of Polish people stayed in West Berlin.

In the years 1970, 1976 and 1980 political unrest produced huge migrate rates. In 1981, before imposing the state of war, about 170,000 Poles left their home and stayed in foreign countries. Between the years 1981 – 1988 about 200,000 Poles migrated to Germany, approximately 30,000 came to West Berlin. It was difficult to find work for Polish teachers, lawyers and other academics. Formal difficulties were the reasons like not accepting Polish studies. That is why many university graduates began new - from below. In Berlin lives a minority of 30,000 people with Polish and partly German passports. Moreover about 80,000 immigrated Polish people are living in Berlin. They are still connected with the culture and tradition of Poland.

### **Guestworkers in West Germany**

Because of the so called economic miracle, the West German industry demanded in 1955 the import of manual workers from foreign countries. Because of bilateral contracts (Italy 1955, Spain and Greece 1960, Turkey 1961, Morocco 1963, Tunisia 1965, Portugal 1964, Yugoslavia 1968) many guestworkers came to Germany.

As a rule, the permit to work and stay in Germany was granted for one year only. It was restricted to a specific job and local community. In 1971 foreigners who worked in Germany for more than five years were able to claim special work permits what allowed them to stay for a further five years. Step by step the numerous former male

guestworkers settled down in Germany together with their families. The living conditions were not very good. They could only pay the rent for flats in old houses where no German did not want to live any more. This led to the development of ghettos. In 1973 the government declared a recruitment stop because of the growing labour market crisis in Germany. Nevertheless it did not lead to the return of the guestworkers. Even when financial incentives for the return to the origin countries were offered in 1983, most of the guestworkers stayed in Germany.

The following table shows the biggest guestworker groups in 1992:

<b>Nation</b>	<b>In 1,000</b>
Italians	165.0
Spain	54.9
Greece	102.8
Turkey	652.1
Former Yugoslavia	375.1

Source: Statistisches Bundesamt, Jahresberichte; Bundesanstalt für Arbeit (1991)

With the help of this foreign work forces the German industry could keep the wage levels in some branches fairly low and reduced the necessity to rearrange the structure of wages. Foreign labour allowed the continuation of poor working conditions as well as the maintenance of German balance of payment and standards of living.

**Asylum seekers<sup>3</sup>**

The number of asylum seekers increased in the late 1980s: from 103,000 in 1988 to 438,000 in 1992. The reason for this fact are complex:

- Before 1991 Germany had an asylum law which was very liberal. Germany is attractive because of its prosperous economy.
- After the recruitment stop in 1973, there was no other way to enter the German labour market.

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<sup>3</sup> figures are taken from Fassmann, Heinz/ Muenz, Rainer - "European Migration in the Late Twentieth Century" (written by Hedwig Rudolph); p. 122-123

- Germany is located close to some centres of recent political crisis. For that reason many asylum seekers come to the country, like in 1991 when almost 30% of asylum seekers were former Yugoslavs.

Although the asylum law was relatively liberal the administrative procedures were highly restrictive, so that less than 10% of the applications were successful. The rest could stay in Germany but for several years (until 1991 when the law was changed) they were not allowed to take up paid work. This should discourage so called economic refugees and protect the German labour force. As consequence, all these people “became a burden” on the communal budgets that had to pay social welfare. This influenced the attitude of German locals toward the asylum seekers in a negative way.

### **Aussiedler**

Why did emigrants came to Germany?

Russian Germans:

- no food for hard work, no healthy care, no education for there children, unsociable and ridiculous treatment even maltreatment from authorities if application for departure is set.
- Everything was forbidden, permanently suppression

They were used for work to compensate the doing of the German. They had to move often and start again. For the Russians every German was a fascist and a traitor. In Germany they get at least something for work but in Russia they get nothing.

Poles:

They had to look at maltreatment and looting of the red army. Deportation because of discriminations, no rights, it was forbidden to speak German. In Germany they have more liberty saw a better future.

- Emigration to Germany to reunite their families
- After opening of the borders to the West, many people do not feel repressed because they have the opportunity to contact the western world.

Problems in Germany?

Although Aussiedler get an integration aid (monthly integration money, language courses, child- and sickness benefit etc.) and all political rights that Germans have they have to fight against prejudices of the German population.

For instance: In Russia they were Germans, in Germany they are Russians!

- Trouble with the German language
- Difficulties to contact Germans
- Comradeship in Germany less than in Poland
- Assimilation lasts 2-3 years and means winning of experiences (a new language changes a human being)

## **Sweden**

### **Immigration 1930-1999**

Before 1930 the emigration exceeded the immigration in Sweden. In the beginning of the 1930s the situation was the exact reverse. In the beginning this was due to the fact that the emigration to America stopped.<sup>4</sup> During the Second World War Sweden received 130000 refugees from the Nordic countries and 30 000 from the Baltic countries.<sup>5</sup> After the war, in the 1950s', the immigration consisted of labourers mainly from the Nordic countries, but also from Germany, Austria, Hungary and Italy. During the following decade labourers came from Yugoslavia, Turkey and Greece.<sup>6</sup> In the beginning of the 1970s the nature of immigration changed. It now consisted mostly of refugees. The largest groups of those came from former Yugoslavia in the 1990s', from Iran as from 1979 (40 000), from Chile as from 1973 (25 000), from Iraq in the 1980s' and 1990s' (25 000). From the beginning of the 1970s', 20 000 Kurds have come to Sweden and from 1975 20 000 Assyrians/Syrians have come here.

### **Major groups of refugees since 1950**

15 000 Hungarians	1956, 1970s', 1980s'
6000 Czech	1968, 1970s', 1980s'
11 000 Eritreans	From end of the 1970s'
20 000 Kurds	From beginning of the 1970s'
25 000 Chileans	From 1973
10 000 other Latin-Americans	1970s

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<sup>4</sup> p. 11 Lundh & Olsson

<sup>5</sup> p. 21 Lundh & Olsson

<sup>6</sup> p. 23 Lundh & Olsson

20 000 Assyrians/Syrians	From 1975
9000 Vietnam-Chinese	From end of 1970s'
40 000 Iranian	From 1979
25 000 Iraqi	1980s', 1990s'
13 000 Palestinians	
9000 Somalians	1980s', 1990s'
93 000 from former Yugoslavia	1950s', 1960s', 1990s'

(SIV 1998)

### **The United Kingdom**

Britain has always had a mixed society a nation peopled by immigrants through out history. From the Bronze age and Neolithic periods, migrants have traced to north west Europe as long as 40,000 years ago. To the south Asians and the afro Caribbean and the refugees from eastern Europe today. In Britain today if we could look far enough we might be able to find that our own origins that come from somewhere else, and probably trace immigrants within our own families. These may have come from the various invading armies of, Roman, Saxon, Viking or Norman. In 1066 a small community of French Jews were encouraged by William 1 to bring their capital and financial skills to Britain. The community was about 5000 strong which made up 0.25% of the population at that time. It is quite interesting to know that this group became indispensable source of finance to the king and the commoner, and also Jews were the founders of banking and financial services in Britain. Also from the fourteenth century many Flemish and French weavers and German mining engineers, Dutch canal builders, printers, brewers brought new manufacturing techniques to Britain. Also in the sixteenth and seventeenth centuries the Protestant refugees from France and the low countries brought revolutionary manufacturing skills in silk weaving, science and banking. Also in the seventeenth and eighteenth centuries, Britain's traders made a lot of money from slavery. The two main centres for slavery were London and Liverpool, by the end of the eighteenth century there were about 20,000 Black people in London, most of them compelled to work as servants in the big houses. The other major centre for slavery was Liverpool and from at least the nineteenth century mostly West Africans have settled there. Most of these at the time were employed as seamen on British ships that sailed between Britain and West Africa during an era of colonial trade. In the 1830's and 1850's the many thousands

of Irish who fled in there thousands from the rural poverty and famine, helped to build much of the infrastructure of the industrial Britain, many were the backbone of the canal building business in Britain. They also worked on the railways, roads and within factories. It is also worthy to say that at the time the British Empire which covered large parts of the globe owed its success to over two million Indian and Chinese who worked on the plantations, mines, docks, ships and railways which was crucial to the prosperity and expansion to Britain in the nineteenth century. Also as British subjects the people from the Empire were expected to fight in all of British wars. It was not until after the second world war that their was a massive influx of immigrants. This was because of a enormous task of reconstruction after the war and acute labour shortage. It was the British government who encouraged immigration and for the immigrants to settle in Britain. There were no large scale immigration from the colonies and dominions just after the war, most of the migrants who arrived in Britain between 1945 to 1954 were from other European counties. Also between 1945 and 1951 there were between 70,000 and 100,000 Irish people who entered Britain. Also the Labour government was instrumental in encouraging the settlement of polish soldiers and their families in Britain It is estimated that in 1949 the resident Polish population was around 127,900 people. Another significant group of immigrants that were encouraged by the government so that they would resolve labour shortages in certain sectors of the economy were those displaced persons or political refugees who were unable to or did not wish to return to their own country. In 1947 around 74511 persons most of these immigrants were from Estonia, Latvia, Lithuania, Poland and Yugoslavia came over to Britain to work. To control these immigrants that were coming into the country the British state had legislative powers in form of the Aliens legislation's, This was to control the entry into Britain and the access to the labour market of non British subjects. Nevertheless the majority of the colonial British subjects retained a legal right to enter and settle in Britain with the legal right being confirmed by the British Nationality Act of 1948. Even though there were liberal attitudes towards the European immigrants in Britain there were constricting fears expressed about the social and racial problems which was being seen as related to the arrival of the coloured colonial workers, although they were British subjects. Both the labour and conservative governments in the 1940' and 1950's considered way of stopping or reducing the number of black immigrants coming and settling in Britain. So during the 1950's the basis was towards the control of black immigrants which first was



implemented through the 1962 commonwealth immigrants act. One of the features of this act was that citizens of the United Kingdom living in independent commonwealth countries were exempt from control as long as they had a British passport. This included European settlers a sizeable amount of East African, Asians and though in Kenya and Uganda who from 1965 to 1967 steadily flowed into Britain. Another act was the 1971 immigration act which took away the right for black commonwealth immigrants to settle.

So Britain today has a long history of ethnic diversity people who have settled in Britain who have diverse histories, cultures, beliefs and languages. So at the 1991 census there were just over 3 million of the 55 million people in Britain who did not classify themselves as white, half of these are from South Asia see table 1.

**Table 1** Ethnic composition of the population of Britain 1991

	Number	% of total	% born in UK
Total population	54,888,844	100.0	93
White	51,873,794	94.5	96
Ethnic minorities	3,015,050	5.5	48
Black Caribbean	499,964	0.9	53
Black African	212,362	0.4	38
Black Other	178,401	0.3	84
Indian	840,255	1.5	42
Pakistani	476,555	0.9	50
Bangladeshi	162,835	0.3	37
Chinese	197,534	0.3	28
Other Asian	197,534	0.4	22
Other-Other	290,206	0.5	40

Commission for Racial Equality

There were also nearly four million of the population that were born elsewhere, but the figures do not show a true size of the populations today. The main language that is spoken is that of Punjabi. The regions of residence is that 97% of Britain's non-white population live in England, mostly in large urban centres see table 2

**Table 2** Regions of Residence

	White		Ethnic	
	Number	% of GB	Number	% of GB
South East	15,513,800	29.9	1,694,700	56.4
Greater London	5,332,900	10.3	1,346,800	44.8
E. Anglia	1,983,700	3.8	1,346,800	44.8
S. West	4,546,900	8.8	62,700	2.2
W. Midlands	4,727,200	9.1	422,900	14.1
W Midlands MC	2,179,200	4.2	372,500	12.4
E Midlands	3,764,500	7.3	188,800	6.3
York Humb	4,621,200	8.9	215,200	7.2
North West	6,000,400	11.6	234,200	8.1
G Manchester	2,351,900	4.5	147,500	4.9
Merseyside	1,378,300	2.7	25,300	0.8
North	2,989,000	5.8	37,800	1.3
Tyne & Wear	1,075,500	2.1	19,700	0.7
Wales	2,773,900	5.4	41,200	1.4
Scotland	4,934,500	9.5	64,000	2.1
Total	51,843,900	100.0	3,006,500	100.0

Commission for Racial Equality

The ethnic minorities have established their own communities within these areas although most of these areas are poor due to the decline in industry in which they worked for example, the decline in the cotton industry in East Lancashire. Although Britain has had a long history of immigrants who have come to this country and different ethnic societies have been established over many years. There are two types of ethnic groups though who are seen and though who are unseen. When ask a question Who are the ethnic minorities? Most people in Britain today would say coloured people, these stand out because of their skin colour. They do not recognise that the polish or other Europeans who have settled in this country are also ethnic minorities. Even though they have established communities themselves and have been in this country just as long as other ethnic minorities they seem to be unseen.

### **Participation possibilities in ...**

#### **Germany**

Since the beginning of the 70s the foreigners are part of the works council elections. In 1987 3.223 foreign workers were elected for the work councils in the steel industry, in 226 cases foreigners were elected as works council chairman.<sup>7</sup> In Universities foreign students and professors have active and passive voting rights. Its also possible for a non German professors to get elected for rector of a university. The main churches in Germany (Protestant and catholic) allow foreign members of their community to take part in elections and to take over position in the church council. According to the Party Law (Parteiengesetz) it is not possible for foreigners to establish new parties if most of its members are non Germans.

#### **Alternatives to the introduction of voting rights**

Opponents of the voting rights state that everyone wants to get politically involved should aim for the German citizenship, since foreigner with German citizenship have full voting rights. The problem with this argument is if the opponents want to give German citizenship to about 5 million foreigners how that can be established. Also not all foreigners want the German citizenship and for others its impossible to give

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<sup>7</sup> IG Metall "Wahlrecht ist Menschenrecht" 2.Aufl. 1989

back their original citizenship. Because of this the discussion about double citizenship is coming up. This is featured in another workshop.

### **Foreign advisory committees**

It is possible for foreigners even without the voting rights to be political involved in the community in the foreign advisory committees. These committees can only advise and suggest to the city councils in all things that are concerned with foreigners. The foreign members of these committees will be elected but they don't have the status of a council member. They work together but in the end they can't decide over budgets. The good thing about these committees is that not only EU citizens but all foreigners are represented.

### **Participation in historical context**

#### The Empire

In this monarchy the class-based electoral system existed. Foreigners did not have any political rights.

#### The Weimar Republic

In this first German Republic foreigners could found associations, schools, publishing houses, etc. Unfortunately the political (democratic) instruments could be used by Hitler to come into power.

#### The Nazi regime

The fascistic dictatorship did not have any democratic institutions. It was based on Gleichschaltung. The so called „Polenerlasse“ from March 1940 represented a special right to exploit Polish workers „in an optimal way“ with political and legal discrimination (nightly curfew, prohibition to take part in religious and cultural events, etc.) at the same time. Since 1943 foreign workers offered limited resistance like working slackness, etc. But in generally all participation stopped when Hitler came into power.

#### The GDR<sup>8</sup>

The political system of the former GDR was a socialistic regime. The whole political power came from Berlin and was influenced and controlled by the Soviet Union. The

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<sup>8</sup> figures are taken from Stach, Andrzej/ Hussain, Dr. Saleh; Die Ausländerbeauftragte des Senats (editor); „Ausländer in der DDR – Ein Rückblick“

guestworkers lived in special hostels where they did not have any contacts with German citizens. They were also isolated at work because of a contact ban at universities, factories and other institutions. Marriages with citizens of the GDR were not welcome (the permission of the GDR and of the origin countries was necessary and couples had partly to wait for it for 5 years). Both ratification countries insisted on the return of the workmen after the termination of the employment.

The agreements with Vietnam, Angola, Mozambique and Cuba had several results for the workforces:

- branch off 12 % of the wage to the origin countries,
- strong control by the GDR-authorities and embassies,
- no re-uniting of families,
- deportation because of pregnancy or abortion (since 1988 no rigorous handling),
- deportation because of political activity (in 1989 introduction of voting rights for foreigners concerning the local elections),etc.

Between January and May 1990 14,000 foreign workforces lost their jobs because of the new situation at the labour market after the wall came down. The agreements were changed (the workmen had to return one year earlier, etc.). Up to now they got some other rights like the right of unemployment benefit, the possibility to look for a job and a place of residence by themselves as well as the possibility to apply for a trade permission. A wave of violence caused many foreigners to return to their native countries.

## **Sweden**

### **Political rights**

The Foreigner acts from 1937 and 1945 permitted the government to banish foreigners who were politically active. All sorts of political activity was unwanted .<sup>9</sup>

In a committee which was set up in 1936 to look over the legislation about foreigners, a clear political standpoint was that foreigner must not interfere with domestic affairs, particularly not political refugees. In the 1950s' efforts were still made to prevent fo-

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<sup>9</sup> p. 14 NY I SVERIGE 3/1 1991

reigners to have anything to do with the political life. In 1953 the Foreign Office declared that the political refugees were not allowed to carry on with political activity. Although there was not any law to support it, it was claimed by the minister for Foreign Affairs that it was a rule that refugees were not supposed to be politically active in the country where they received asylum. This rule was motivated by security reasons; the risk of getting into conflicts with other countries would then be reduced.<sup>10</sup> In the 1960s' the above mentioned rule still counted, but the situation was beginning to grow milder and the approach towards political activity of foreigners became softer, so the immigrants were then able to indirectly influence the political life. The means by which this could be done was to operate within a political party or within their own organisations with political nature, or take part in the expression of political and idealistic opinions in popular national movements.

The rights that an employee has are independent of citizenship, so the immigrants were (and are) free to use the influence hereby that the Swedish law gives every employee. The organisations of the labour market; the unions and the employers organisations took no notice of citizenship so through these organisations was also a means by which the immigrants could reach influence. All these things together meant ways for the non-Swedish inhabitants to indirectly influence the local and national politics.<sup>11</sup> Efforts had also been made to stimulate the immigrants to participate in the ways described above.<sup>12</sup> With no concern to citizenship was also the right for members of the municipality to appeal against decisions made by the local council and other authorities. Appeals are restricted to matters that concern the whole municipality, which also must be taken care of by the municipality according to law.<sup>13</sup> Influence for immigrants was now an acknowledged right. Efforts had been made to realise this right by having reference groups in the municipality.

### **Constitutional rights**

Rights that the Swedish constitution prescribes; freedom of speech, religion, association and assembly among other things, are granted everyone in the country, Swedish

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<sup>10</sup> p. 28 Bäck & Soininen

<sup>11</sup> P. 99-100 SOU 1975:15

<sup>12</sup> p. 5 1979 SIV

<sup>13</sup> P. 104 SOU 1975:15

or non-Swedish citizens. According to the constitution from 1974 it is not necessary to be a Swedish citizen in order to get appointed to public posts. In the old constitution from 1809 this was demanded. There are a few exceptions to this rule in the constitution, Chapter 11 Article 9; non-Swedish citizens can not among other things be appointed to judges, head of an authority which is subject to the government or the national assembly, head of the State, member of the cabinet or get elected as a member of the national assembly. Foreign citizens cannot be elected as jurymen in courts or as members of the board of county administrative board or police-board or tax-committee. At war or danger of war, the government can by law (the Foreigner Act) withdraw the right of foreigners to get elected to local or public commissions of trust.

### **Voting rights in ...**

#### **Germany**

The heated discussion about voting rights for foreigners in Germany started in 1989. The Article 28 of the German Basic Law (Grundgesetz) was changed so it was now possible for EU citizens to vote in the local elections. The problem with these voting rights is the fact that most foreigners in Germany are non EU citizens and therefore still not entitled to vote.

#### **Arguments in favour of voting rights**

Political parties, church organisations and unions are demanding voting rights for quite some time. Arguments in favour of voting rights are for example that more than 68% of the foreigners have been living in Germany for over 10 years.<sup>14</sup> Their main work and family life is in Germany and not in their home country. They have the same responsibilities like the Germans. The foreigners pay taxes and for social security without having a hand on the distribution of that money. In the 18th century “no taxation without representation” was one of the reasons for the American Civil War. The steel workers union (IG Metall) states it is incompatible with the Basic Law that fo-

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<sup>14</sup> Gugel, Guenther “Auslaender-Ausiedler-Uebersiedler”, 1990, p. 150-154

reign citizens are treated like “objects” of politics and they become the playball of the society. In a democracy there shouldn't be people of first and second class.<sup>15</sup>

### **Arguments against voting rights**

The opponents of voting rights for foreigners share the opinion that voting rights for foreigners are against the Basic Law. There is nothing explicitly said about it in the law but they base their argumentation on the meaning of the word “people” (Volk) in the Articles 20 and 28 of the Basic Law. The word “people” has many different meanings and usage in German society. According to the common opinion people means a “long-term political community of Germans”. The connection between citizenship and the interpretation of the word people is sentence 3 of the preamble of the Basic Law. (decisions of the Bundesverfassungsgericht) One of the main discussion points is the question if voting rights are citizens rights and if they are combined with citizenship. The former secretary of Interior Zimmermann stated that the voting right was only a citizens right and citizen rights are only for those who will take over citizens duties. Another argument against voting right is the fact that foreigners decide on their own how long they would stay in this country and that its not sure that they are loyal to the Federal Republic of Germany. Also opponents say a lot of foreigners are not interested in politics or they don't understand the political connections in Germany.

### **What do people in Germany think about voting rights for foreigners?**

In 1994 a Centre for Turkish Studies in Essen did a survey to the voting rights for foreigners and 69% of the 1412 foreigners asked stated that voting rights are important or very important and even more important than the introduction of double citizenship. A survey among Germans with the same questions found out that 81% of the Germans are against voting rights for foreigners.<sup>16</sup>

### **Sweden**

#### **Local elections**

By the end of the 60s suggestions were made about immigrants getting the right to vote in local and county elections, which meant a rather sudden change compared to

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<sup>15</sup> IG Metall “Wahlrecht ist Menschenrecht” 2.Aufl. 1989

<sup>16</sup> Mannheimer Institut fuer praxisorientierte Sozialforschung



the situation just after the Second World War. Although, on a whole the trend had been (and still is) towards an even greater equality between foreigners living in the country and Swedish citizens.<sup>17</sup> Motions about the above mentioned right to vote, were presented to the Riksdag in 1968 for the first time and then at regular intervals during the first half of the 1970s until a proposition from the government about it was presented for the Riksdag in 1975 where all of it agreed upon the suggestion. As from the general elections in 1976 foreign citizens were allowed to vote in the local government and county council elections as well as in the church council elections (and when choosing priests). Everyone who has been nationally registered in Sweden on the 1st of November three years before the election can vote. The right also includes the possibility to get elected for the local and county councils and other decision-making bodies. To be allowed to vote in the church elections a membership in the Swedish church (evangelical-Lutheran Protestantism) is necessary. One also has to be a parishioner. Fundamental is also the 18-year-old limit for voting, which goes for everyone. According to the committee which worked out the proposition, some of the main reasons for this new right for immigrants was the great number of foreigners living in the country and the acknowledgement of the settlement as a fundamental principal for certain public rights or receiving for example social benefits. The fact that the foreigners pay taxes and fees (mostly to the municipalities) and that they apart from this also contribute with their working achievements to the wealth of the country speak in favour of immigrants getting this right to directly influence matters that concern the conditions in the district where they live and work.<sup>18</sup> It is also the municipalities that are responsible for matters that cause effect for immigrants as for example housing, social issues and cultural issues, tuition in their mother tongue at pre-schools and schools. The idea was that more efforts would be made to diminish the difficulties for the immigrants by for example establishing immigration offices, improve the information and the children's education, all come around by the immigrants new influence in the politics.<sup>19</sup> The right to vote was also considered to strengthen the immigrant's confidence and promote solidarity with the Swedish so-

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<sup>17</sup> p. 99 SOU 1975:15

<sup>18</sup> P. 100 SOU 1975:15

<sup>19</sup> p. 5 1979 SIV

ciety.<sup>20</sup> One of the arguments against the right to vote was that there is a close connection between local and national politics, so that by influencing the local politics, one would influence the national politics, which isn't the idea of the decision made in 1976.<sup>21</sup> Many immigrants live in Sweden for a very long time without becoming a Swedish citizen, in some cases because they don't wish to give up their original citizenship. Because of their long-term stays in the country, they come to know so much about the society that they should be able to take a direct part in the political life. Something to do with it had also the Nordic counsels and European Counsels standpoint in favour of increased influence for immigrants.<sup>22</sup> Giving immigrants the right to vote in local and county elections is also in line with the Swedish Municipality Law 1991:900. It constitutes that all members of a community are to be treated equally. The main thing for sharing the benefits of the community is the obligation to pay taxes there.<sup>23</sup> In the referendum in 1980 over nuclear power immigrants were granted the right to vote on the same premises as in the local and county elections. In the latest referendum, in 1994, about whether to join the European Union or not, they were not allowed to vote.

### **National elections**

This right is restricted to Swedish citizens. Because of the propositions on voting rights for immigrants in local elections in 1975 suggestions were also made about total voting rights. In the end of the 70s and beginning of the 80s the national assembly had the question up for debate every year. The left-wing parties (Socialdemocrats and left-party communists) submitted motions in the Riksdag about an extension of the right to vote or at least that the matter should be investigated. The left-party communists (now left party) clearly took a stand in favour of immigrants being allowed to vote, while the Socialdemocrats took up a wait-and-see attitude in that they wanted to have an investigation.<sup>24</sup> In 1983 the Socialdemocratic government set up a committee (1984:11) whose task was to investigate whether this would be possible or not. The resistance was much greater to this initiation than to that about the

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<sup>20</sup> P.102-103 SOU 1975:15

<sup>21</sup> p. 42 Bäck & Soininen

<sup>22</sup> P. 100 SOU 1975:15

<sup>23</sup> P. 103-104 SOU 1975:15

<sup>24</sup> p. 47 SOU 1984:11

right to vote in local elections. The Socialist majority of the committee was however in favour of letting Nordic immigrants vote in the national elections. There was such a great resistance to it that the government decided not to carry on with it.<sup>25</sup> The non-socialist parties reasons for not wanting to allow this was that the connection between citizenship and the right to vote is so fundamental. If non-Swedish persons get elected to the national assembly it could mean a serious conflict of interests.<sup>26</sup> The right to vote shouldn't belong to someone who feels so little connection to the country that he/she doesn't want to become a member of it.<sup>27</sup> Problems like double voting rights could arise; both to the Swedish Riksdag and the national assembly in the immigrant's original countries and also double eligibility; for both of the national assemblies.<sup>28</sup> This is under the presumption that citizenship isn't relevant in the question of having the right to vote. But if we say that it in fact is highly relevant, then another mean by which one could achieve a higher grade of participation for immigrants in the political life is to make it easier to become a Swedish citizen. The existing rules in this area is that one has to live in Sweden for five years to be able to become one. Before 1976 the requirement was seven years. The question of allowing people to have a double citizenship, was investigated by a committee in 1985. If a person has double citizenship, there is a risk that one or none of the countries are willing to grant the person rights that it would be entitled to if the person only was a member of one of the countries. If this is to be avoided, the countries in question have to come to certain agreements, ad the committee didn't consider it to be realistic.<sup>29</sup> The present situation is that the right for immigrants to vote in national elections is only supported by the extreme left and the green party.<sup>30</sup>

### **Participation in the elections**

The number of voting among foreign citizens is considerably lower than among Swedish citizens. The political participation is also decreasing a lot more among the fo-

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<sup>25</sup> p. 30 Bäck & Soininen

<sup>26</sup> p. 50 1979 SIV

<sup>27</sup> p. 147 SOU 1984:11

<sup>28</sup> p. 149 SOU 1984:11

<sup>29</sup> p. 32 Bäck & Soininen

<sup>30</sup> p. 33 Bäck & Soininen

reign citizens, than among the Swedish. At the Local council election in 1994 only 40 percent voted out of the at least 293 000 foreign citizens who were entitled to vote. Since 1976 participation in the election has dropped with 20 percent - from 60 to 40 percent. We can see that citizens from Chile still are the immigration group to vote most in the elections. The lowest percentage of participation in the election are citizens from former Yugoslavia and Greece. We can also see that former foreign citizens who now are Swedish citizens tend to vote less than Swedish citizens do in general; 77 percent compared to 84 percent. Still it is a considerably high number, compared to the foreign citizens, among only 40 percent vote. Ever since the right to vote for foreign citizen was introduced in 1976, women have voted more than men have in the foreign citizen group. The difference has even increased, from a few percent in 1976 to about 5 percent in 1994.

The number of nominated immigrant women were lower than the number of nominated immigration men, but there were more women than men who were elected and especially women born in Finland and Norway. An explanation to this is that the Finnish and Norwegian immigrants are mainly women and a lot of these are also living with a Swedish partner. This should make it easier to take part in the political life, and you would probably feel more like a part of society. Among the nominated and elected candidates in the election 1994, the Finnish women also had a higher education than the Finnish men. There is an obvious connection between the number of nominated and elected candidates and the years they have been in Sweden. 23 percent of the nominated candidates came to Sweden before 1967 and only 9 percent came after 1986. If you compare the nominated and elected in the Local Council election, we can see that 22 percent were elected. If you compare the 1994 and 1998 Local Council elections, there was a 0.3 percent increase of elected people who had a foreign background. The national level does not show a very big difference. In the election in 1994 just over 2.7 percent of the nominated candidates with foreign background were elected. This was a reduction with 1.6 percentages since the election in 1988. According to a report by the Campaign Youth Against Racism in 1994-1995, 24 of the members of the Riksdag had an immigration background. That is hardly 7 percent of the parliament members. Out of these, 3 percent were Scandinavians and 4 percent a non-Nordic background. If you compare this to the Swedish population, the number is 4 and 11 percent. If you compare the nominated and elected candidates in the Riksdag election in 1998 you will find a reduction a reduction this year as

well. The reduction was 0.6 percent. At the election 7 people with non-Swedes background were elected to the Riksdag. That is about 2 percent of all members of parliament. About 6 percent of the Swedish population has a non Swedish background and it is quite clear that people with a non-Swedish background are underrepresented. It is important to remember that immigrants are not a homogeneous group. They are coming from all different countries with different cultural backgrounds, with different religions, maybe a different mentality and a different set of values. There might also be a big difference in the way they have been brought up, different living conditions etc. (grown up in the countryside in a religious environment or in a more secularised urban city). Even immigrants from the same country can not be seen as a homogeneous group. We think that everyone is unique and generalising about these people would not be a good thing.

**United Kingdom**

From the 1950's when significant numbers of coloured ethnic minorities started to arrive in Britain, those ethnic minorities who held a British passport and who was classed as a British subject would be able to vote. They may have been excluded from voting due to the lack of speaking the English language and would have not understood the electoral system. The ethnic minorities moved to areas where they could find work and was especially employed in unskilled manual labour for example within the cotton industry. They formed communities within these areas which would serve all their cultural and religious needs. After the second world war there were no ethnic minority members of the House of Commons. Between 1970 and 1983 non of the three main parties adopted ethnic minority candidates, it was not until 1987 when three black candidates where adopted by the Labour party, since then there has been steady growth of ethnic minorities within the House of Commons with the election of five ethnic minority members being elected. In contrast to this the ethnic minorities representation within the local government level is well established. In several local authorities outside London where Asian population exceeds 10% the Asians provide 13% of all councillors, see Table 1.

	Asian		Black	
	Population	Councillors	Population	Councillors
Birmingham	13.5	13.7	5.9	3.4
Blackburn	14.2	10.0	0.4	0.0
Bradford	13.6	12.2	1.1	0.0
Coventry	9.3	13.0	1.6	1.9

Kirklees	8.3	5.6	1.8	0.0
Leicester	24.7	23.2	2.4	0.0
Luton	13.6	16.7	4.9	6.3
Manchester	5.9	4.0	4.6	3.0
North Beds	5.6	5.7	2.8	0.0
Nottingham	4.8	12.7	4.6	5.5
Pedal	9.7	7.8	1.0	0.0
Preston	8.3	3.5	1.2	0.0
Sandwell	10.6	11.1	2.4	0.0
Slough	22.6	30.0	3.8	0.0
Wolverhampton	12.3	5.0	5.1	0.0

**Race and British electoral politics**

As you can see from the above there is more involvement and participation within local government than within national government, this may be that the ethnic minorities feel that they can achieve more for their communities in this way than from national government.

### **Bibliography**

Ferstl, Lothar/ Hetzel, Harald; „Wir sind immer die Fremden“ – Aussiedler in Deutschland; Verlag J.H.W. Dietz Nachf.; 1990; Bonn

Geißler, Rainer; „Die Sozialstruktur Deutschlands; Westdeutscher Verlag; 1992

Stach, Andrzej/ Hussain, Dr. Saleh; Die Ausländerbeauftragte des Senats (editor); „Ausländer in der DDR – Ein Rückblick“; Verwaltungsdruckerei Berlin; 1994

Briesen, Detlef/ Fras, Zbigniew/ Ruchniewicz, Krzysztof; „Migration und Integration als Europäische Erfahrung“; Wrocław; 1996

Stach, Andrzej; „Das polnische Berlin“; Miteinander leben in Berlin; Die Ausländerbeauftragte des Senats; Berlin im August 1998

Fassmann, Heinz/Muenz, Rainer; „European Migration in the Late Twentieth Century“; Edward Elgar Publishing Limited, England 1994

Public rapports

Statens offentliga utredningar (SOU) 1975:15

Statens offentliga utredningar (SOU) 1984:11

### **Literature**

Folrén, Anders & Åsa Karlsson (red) (1998) Främlingsfientlighet, ett historiskt perspektiv. Uppsala

Lundh, Christer & Rolf Ohlsson (1994) Från arbetskraftsimport till flyktinginvandring. Stockholm

### **Other printed sources**

Den Reglerade Invandringen (1997) Statens Invandrarverk

Den Svenska Flyktingpolitiken (1997) Statens Invandrarverk

På tal om... statistik om invandring och om personer med utländsk bakgrund (1998) Statens Invandrarverk

Kommunal rösträtt för invandrare- en faktabakgrund (1979) Statens Invandrarverk

Nominerade och valda kandidater vid de allmänna valen 1994. BE 31 SM 9501, SCB  
Nominerade och valda kandidater vid de allmänna valen 1998. Preliminära tabeller,  
SCB

Sweden's Migration Policy 1998 (1998) Ministry for Foreign Affairs

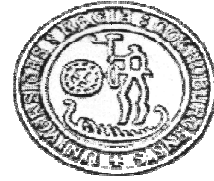
Bäck, Henry & Marita Soininen, (1996) Invandrarna, demokratin och samhället, Göteborg

Höglund, Sten Svensk forskning om diskriminering av invandrare i arbetslivet 1990-1996. (1998) Rådet för arbetslivsforskning

Journals

Ny i Sverige 1991-01-03





## Workshop 2

### Policy

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### Introduction

The legislation in Great Britain, Sweden and Germany has developed in a certain way in each country according to their distinctive circumstances. On the way to the European Union there had been a number of acts which applied to all European countries and made laws concerning immigrants similar. This essay aims to describe the Swedish, British and German legislation in the areas of immigrants and ethnic discrimination, and the administrative system for these questions, i.e. the authorities.

### Aliens Acts

#### Passport and Visas

The Aliens Acts establish that an alien entering or staying in Sweden, Great Britain and Germany shall have a passport. People from EU member states only need a valid Identity Card. Most regulations regarding passports are formal and therefore very much alike in these three countries. When it comes to visas the legislation is very similar in Germany and Sweden. A visa may be issued for up to three months stay at a time. Great Britain have a more diverse range of visas, and they can last longer. Citizens of a number of countries are exempt from the visa requirement be-

cause of the political links and treaties towards these countries. Both Germany and Sweden have signed the Schengen co-operation, whilst Great Britain has not.

### **Residence and work permits**

In Germany there are four different kinds of residence permits, which differ in limitation of time and space. They range from permanent via temporary to an emergency permit given exclusively for urgent humanitarian reasons. A work permit is granted if the foreigner has got any of the four kinds of residence permit. A work permit is not necessary for EU-citizens neither for people who are married to an EU-citizen. In Sweden, an alien who is not a citizen of Denmark, Finland, Iceland or Norway, shall have a residence permit if he is staying in Sweden for more than three months. There are two kinds of residence permits, fixed-term residence permits and permanent residence permits. An alien shall apply for a residence permit before entering Sweden, or his application will not be allowed. Work permits shall like residence permits be applied for before entering Sweden. Further shall work permits be issued for a fixed period of time. EU-citizens are exempt from the work permit stipulation. In Great Britain there are also two kinds of residence permits, permanent and temporary. Temporary residence permits are valid only for the expected period of employment. New Commonwealth immigrants are granted a UK passport, therefore they do not need a residence permit. Work permits are only given to people aged 23-54 with specific needed skills and shall like in Sweden be applied for before entering the country. Great Britain has compared with Sweden and Germany had a more extensive legislation regarding work permits (i.e. work vouchers), applicable to the commonwealth.

### **Asylum**

Due to the regulations in the EU, national law concerning asylum is getting more and more similar.

In Germany, asylum shall be applicable to aliens applying for protection from political persecution pursuant to the German Constitution or from being returned to a state where they are threatened by the dangers mentioned under the Aliens Act.

Sweden has similar legislation to the German one, but has also recognised persons who because of their sex or homosexuality have a well-grounded fear of persecution, as asylum entitled.

In Great Britain the asylum regulations are stricter. Where asylum is granted, there is a permission to remain in UK for a year without restriction in employment. After that an extension can be given for up to three years.

The Asylum and Immigration Appeals were completed and enforced recently and gave the right to asylum seekers to apply orally.

## **Citizenship**

All three countries offer foreigners the possibilities to become citizens of these countries. It can be done through adoption, legitimisation or naturalisation.

German citizenship is based on the principle of origin (*ius sanguinis*) which means wherever a child is born to German parents it will have a German citizenship.

Swedish citizenship is also based on the principle of origin, but it is the child of a Swedish mother that receives Swedish citizenship, where ever it is born.

British citizenship is based on the principle of territory (soil). It can also be acquired through descent (person born outside the UK whose father is a UK citizen), and by registration (only for Commonwealth citizens, citizens of the Republic of Ireland).

German, British and Swedish citizenship can also be received through *adoption*, a method where the three countries have very similar conditions.

Another method where Sweden and Germany have similar conditions is *legitimation*. The conditions related to *naturalisation* differs somewhat between Sweden, Britain and Germany, where the latter have several kinds (by discretionary decision of civil servants, by entitlement in many ways). An interesting difference is the German demand for adaptation to a “German way of life”, which means that an integration in the German society, including knowledge of the German language, is necessary. This is similar to the British demand for knowledge of the English language and being a “good character”. Both Germany and Sweden have the same demand of “an honourable life”. Neither Germany nor Sweden allows a citizen to be deprived of his or her citizenship as a punishment. Britain does so for those naturalised before the 1981 Act. Both German and Swedish legislation is based on the fundamental idea of avoiding dual citizenship and have the same reasons. Germany signed and ratified the European Council’s “Agreement on Avoidance of Multiple Citizenship” in 1969

and it has been in force since then. The UK does not forbid dual citizenship, in fact the 1981 Act quite clearly confers it to a large number of people.

### **Anti-Discrimination-Legislation**

This is an area where there are many differences, especially because of the three countries national laws which cover different fields. Sweden has a very new (1999) and precise anti-discrimination law which is clearly made for the protection of people in working life. Both Germany and Great Britain lack a special and kept-together anti-discrimination law. Germany filled the missing space with an article about human equality in its constitution. Great Britain has a two major acts in the area, The Immigration Appeals Rules and The Queensland Anti-Discrimination Act of 1991, where the latter was produced to promote fair treatment and equality of opportunity. The Act enabled people to take legal action for discriminating actions against them. Along with race it was also about disability, sex etc.

### **Authorities**

Due to the Swedish system of more independent authorities and less governmental power, there is one central body, the National Immigration Board, that handles almost all immigration related issues and also an independent appeals authority. The Ministry of Foreign Affairs handles certain issues. The major body in Germany is the Ministry of Labour and Social Affairs, which also organises the Federal Ombudsman for Foreigners. In Great Britain, immigration policy and implementation is the task of the Home Office. It is the main administrative unit with two major subdivisions which are the Immigration and Nationality Department and the Immigration Service. The Home Office gets assistance by the Foreign and Commonwealth office. The department of employment deals with The Work Permit Scheme. Immigration Officers are responsible for issues of entry and leaving the country but the House of Lords can decide about issues of deports on behalf of the secretary of state.

What you can see is that Germany and Great Britain are using the normal European model, with strong governmental power and most tasks organised under the Ministries, whilst Sweden has a different model with more independent authorities.

## **Conclusion**

As we have seen there are many similarities between the countries. The EC legislation has influenced many of the laws. A good example is the brand new Swedish anti-discrimination law.

A big difference between the countries is that Britain have had a much longer tradition of immigration and the following occurrence of ethnic minorities compared to the other two countries. The main explanation to Britain's vast amount of immigrants is the historic significance of the Commonwealth. Britain is also the only country that do not have a written constitution. We think this might be a reason why the Swedish and German legal systems in this area are much more similar to each other while the British system differs slightly. For example a main point is in the Swedish and the German legal system the Ombudsman who can not be found within the British system.

As far as comparing the countries we have found more similarities than differences. The legislation regulating visas, asylum and permits are fundamentally the same. The laws in all the countries are changing repeatedly to correspond with what is happening in Europe and the influx of immigrants from non EU-countries. Naturally Britain has the widest experience in dealing with large amounts of immigrants arriving in the country at one time and they are the ones that have set a new agenda related to asylum-seekers, known as "fairer, faster and firmer".

## **Bibliography**

### **Great Britain**

Satvinder S. Juss (1993): Immigration, Nationality and citizenship. Mansell, London

Clairborne Louis (1983): Race and law in Britain and the USA. MRG, London

Ball Wendy and John Solomos (1990): Race and Local Politics. Macmillan Education LTD

Macdonald Ian A. (1983): Immigration Law and practice. Butterworth & Co Publishers LTD.

Refugee Council Asylum Briefing: <http://www.gn.apc.org/brcs/project/julybr.html>

Anti-Discrimination - Your rights and responsibilities:

<http://www.adcq.qld.gov.au/pubs/j0560.html>.

Solomos and Back (1996): Racism and Society, MacMillan Press Ltd, London

Immigration Directorates Instructions: Right of Abode,

<http://www.homeoffice.gov.uk/ind/idi/clsla.htm>

Ali Y and Gibb R (1999) Le racisme, le droit d'asile et la presse britannique en 1998 in Migrations société, vol.XI, n62.

### **Sweden**

16 kap. 8 § Brottbalken (Hets mot folkgrupp)

Lag (1950:382) om svenskt medborgarskap, SFS

Utlänningslagen (1989:529), SFS

Utlänningsförordningen (1989:547), SFS

Lag (1999:130) mot etnisk diskriminering i arbetslivet, SFS

Europakonventionen om mänskliga rättigheter

SOU 1997:174, Räkna med mångfald!, Inrikesdepartementet, Stockholm

AD 1997 nr 61, Sveriges civilingenjörs förbund / Öståkers kommun

Sandesjö och Wikrén (1995) Utlänningslagen, Stockholm: Norstedts Juridik

Statens invandrarverk, Den reglerade invandringen, Norrköping: Luftfartsverkets tryckeri

Statens invandrarverk, Svenskt medborgarskap, Norrköping: Luftfartsverkets tryckeri

### **Germany**

Die Auslaenderbeauftragte des Senats (1995) Die Arbeitserlaubnis - Hinweise zur Arbeitsaufnahme Berlin

Die Auslaenderbeauftragte des Senats (1997) Erleichterte Einbuengerung junger Auslaender Berlin

Senatsverwaltung fuer Soziales (1993) Die Auslaenderbeauftragte des Senats - Aufgabenschwerpunkte Berlin

Wolfgang d. Kramer (1995) Europaeische Unionsbuergerschaft Hamburg

Journal New Community - various issues from 1998



## Workshop 3:

### Practical Issues of Service Delivery and Participation

### Education for ethnic minorities in Sweden, Germany and Great Britain

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### Opening

The purpose with this paper is to illustrate the educational situation for ethnic minorities in the three countries; Germany, Sweden and the UK. While doing that we use a comparative method, which means that we take a look at *differences* and *similarities* instead of just splitting the countries up in three chapters.

In Germany and Sweden the education for ethnic minority groups are quite similar. Just the British system is different.

### Education for ethnic minorities in Great Britain

The initial response in the 1960s to the increasing number of ethnic minority 'immigrant' students in British schools led to policies of assimilation which focused on getting them to adapt in ways which would enable them to fit in an education system which was seen as a model of meritocracy and opportunity. Specific policies included the provision of special language support and policies of dispersal pursued by some local authorities. Such policies, of course, defined children of minority ethnic origin as a problem.

Moreover, they were formulated as much out of concern for the effects of a growing 'immigrant' school population on the opportunities of white pupils as in response to the needs of minority ethnic groups themselves.

Eventhough Britain has come a long way in implementing equal opportunity polices compared to the rest of Europe. There is considerable evidence to show that ethnic minority communities are still suffering from racism in a number fields in Britain.

### **Education for children and teenagers from ethnic minorities in Sweden and Germany**

You can say that the main reason for less qualification an worse chances for non-German children lays in the unequal pre-assumptions by entering the educational system which are mainly caused by language difficulties. In Sweden and Germany we have something called immigrant education, and that is the special measures of education aimed for immigrants. Immigrant education is used both in the youth school and in the adult education.

#### **Sweden**

In Sweden the local authorities are obliged to organise ethnic minorities language teaching. In an immigrant language class the pupils have one other jointly language than Swedish, and teaching partly pursues in this language. In a compounded class about half of the pupils get teaching in Swedish, and half in their home language. It is especially in housing estates with many immigrants that compounded classes and immigrant classes occurs. The comprehensive school also has preparation classes. This type of class is a temporary class for newly arrived immigrant pupils. The teaching pursues in Swedish and transition to a common class is done gradually. However, the vast majority of immigrant pupils are going in common classes where they are offered home language teaching a couple of times a week. Immigrant education for grown-ups is pursued in several different forms; within municipal adult education, vocational advancement, universities, residential colleges for adult education and adult education federations. The education that principally is pursued is teaching in Swedish and civics.



## **Germany**

Fact is that all students with German and non-German background normally are educated together in the same class. There is a rule stated by Berlin government which says that at least 75% of all students must be able to follow the lessons. If this is not the case the children have to be distributed to other classes. If this is not possible different services have to be provided.

### *Supporting classes:*

This is a class of at least 15 children of the same age who cannot follow the lessons. The classes are smaller and have a higher number of units. The children have to be prepared for going later to normal classes. The aim is to teach them basic German knowledge and to offer integration into the school. Students who are not able to speak or understand German get intensive lessons in classes of 12 students 8 units per week for 2 or 3 years.

### *Integration classes:*

In these classes the students are between 14 and 16 years old and have recently arrived in Germany. They do not speak German and they are not expected to get the standard of a leaving qualification of the "Hauptschule". They stay within this class for about one or two years. In the school year of 1994/95 104 young students were able to change to a normal school. These integration classes are existing in 14 out of 23 districts.

### *Alphabet classes:*

These are established for children between 9 and 11 years who have huge deficits in their mother tongue, counting, elemental learning techniques and basic rules of social behaviour.

## **Education for adults from ethnic minorities**

### **Sweden**

Today the local authorities are heads of the fundamental education in Swedish for grown-up immigrants. This means that they are obliged to arrange sfi within three months from the day when "the right to sfi commenced". The general outline for the extent of the education in sfi is stipulated to 525 clock hours. In Sweden they do not work in projects like the following. In Germany (Berlin) there are services provided

especially for adults. There exist language classes for instance for Turkish mothers, so that they can help their children with homework.

**Germany**

In adult education there exist so called “Volkshochschulen” which offer special courses for ethnic minorities in their mother tongue on special subjects or to teach the German language. Sometimes these people have to pay for the courses, often they are for free.

**The ethnic minorities’ situation in the three countries’ educational system  
Statistics of the school system in Britain**

The chart shows the percentage of 16-18 year old still at full time education 1988-90. The statistics show that a large majority of Afro-Caribbean and South Asian teenagers are much more likely to continue furthering their education compared to white students. There could be two explanations for ethnic minority students to continue their education.

Percentage of 16- 18 year olds still at school or in some other full-time education by ethnic group, 1988- 90

	White	Total ethnic minority	Afro-Caribbean	African Asian	Indian	Pakistani	Bangladeshi	African	Other/Mixed
Percentage still at school	30	41	30	46	45	38	45	47	42
Percentage still in full-time education	11	24	25	22	24	26	8	32	22

source: 1988,1989,1990 Labour Force Surveys (GB) from: Britain's Ethnic Minorities, Trevor Jones, 1993

One of the factors could be that the various ethnic groups, would rather stay at school and further their education as this would enable them to possess the relevant qualifications. In order to gain work or to go into higher education. An other factor, which could arise would be that ethnic minority students, who did not succeed in passing their examination requirements, would automatically retake their subject/ subjects and continue until the standards were met.

Male white students tend not to further their education, and as a result, work as apprentices, which would enable them to gain the skilled experience and also spend one day a week at the local college to understand the theoretical aspect of their specialised work.

### **Statistics in Germany and Sweden**

Even here are quite many similarities between Sweden and Germany:

In both countries we can find a wide gap between “native” pupils and students from ethnic minorities.

While every eighth German pupil leaves school before having a certificate, every fifth Turkish students leave it without finishing. Every third German student finishes with A-level (upper secondary school) but only every tenth Turkish. Although the situation is increasing (in 1983 only 1,8 % of all Turkish students finished with A-level in 1994 it was 10,3 %) there is still a wide gap of opportunities in education between German and Turkish students.

In Sweden there is a similar situation. 24% of the pupils with an ethnic minority background did not complete their upper secondary studies compared to 16% of the Swedish pupils. 70 % of the pupils with an ethnic minority background completed a theoretic program in the upper secondary school, and among the pupils with a Swedish background the figures were 82%. In Sweden 27% of the pupils who do not have an ethnic minority background started to study at the university, while 19% of the pupils with an ethnic minority background did.

In Germany the number of non-German students who go on to the university is much lower than number of German students. In some districts of Berlin we can find a higher concentration of Turkish students as in Kreuzberg 45,9%, in Wedding 42,1%, in Tiergarten 36,9%, in Schoeneberg 29,4% and in Neukoelln 29,0%. The Kreuzberg “Plauen-Primary School” has with 78,6% the highest rate of non-German students.

Many of German parents are afraid of a lower level of education and a lower reputation of these schools. So they try everything to prevent their children from going to one of these schools e.g. if they can afford by moving to another district or to Brandenburg. So the concentration of problematic children with non-German background increases.

In Sweden we can also find schools with a high concentration of non-Swedish pupils, e.g. 60 percent of the immigrant children in Malmö go to schools almost without

Swedish children. In Göteborg the situation is even worse. For example the Hjällbo-school, in the Göteborg suburb Hjällbo, about 75 percent of the pupils are immigrants. There they have even arranged school classes with only Swedish pupils. "It is the only way to get the Swedish pupils to stay there", Roger Andersson, a man interviewed in DN 990219, says. Schools located in districts with many people with ethnic minority origin gave their 9th-graders much worse leaving certificates than the national average last spring term.

One of the biggest problems is the lack of knowledge in German language of almost every third foreign child, in Sweden the difficulties with the Swedish language is a problem as well. In Great Britain the situation, of course, is the same. In London schools alone, children speak over 160 first languages other than English.

Schools should adopt policies which recognizes the home language of each child for what it is. But an additional language capability are part of the child and a precious resource for the school.

Although they were born in Germany many of the Turkish children do not speak a single word of German. This may be caused by inflexible family structures. Quite a few Turkish families send their children to Kindergarten so lots of them do not have contact to German children until the age of six or seven. When they come to a school with a high rate of non-German students (mostly a high rate of Turkish children) they are not forced to speak German.

## **Conclusion**

It may be concluded that it is extremely difficult to compare, Swedish, German and British education systems in relation to ethnic minorities.

Firstly, Britain has come a long way since the policies of assimilation in the 1960's and policies of multiculturalism. Sweden and Germany had no colonial empires, and that might be the reason why Sweden and Germany, are in the process where Great Britain were in the 1960's.



**Concluding remark**

The workshop has undelined quite clearly similarities as well as striking differences in appraising 'race and ethnicity' in the three countries under investigation. The participants could find out that the reasons for these differences have been linked to the respective history of the three countries, especially to the premise under which immigration took place, whether the influx of people came under the protection of the Commonwealth, as 'guestworkers' from South Europe or as asylum seekers. The social and economic position of immigrants, the right for self- or co-determination, is clearly depending on the historical conditions of immigration and the present prevailing policy guidelines of the respective country.

Most similarities between all three countries, Great Britain, Sweden and Germany, have been found in the field of legislation for ethnic minorities, even though differences have to be stated especially in regard to anti-discrimination laws, where Germany, due to the article on human equality in its constitution, shows the least developed awareness of the necessity to protect immigrants from social disadvantages. Most differences have been found with regard to the issue of equality and opportunities of ethnic minorities. Because of the relatively short history of immigration in Sweden and Germany, both countries fall behind Great Britain in supporting young immigrants in furthering their education.

However, in all three countries problems related to 'race and ethnicity' have not been sufficiently solved. The workshop did not only widen the view of all participants for the range of cultural diversities in each of the three countries, they also realized the lack of reliable information on the present situation and problems of integration of immigrants. Furthermore, it is quite obvious that the diversity of cultural and ethnic groups in Europe as well as the future influx of immigrants into Europe necessitates the further development of a balance between maintaining different cultural identities and acquiring mutual accepted social rules in all European countries.



## **ANNEX**





## **Annex**

### **Three essays prepared by Swedish students in advance of the Sokrates Workshop**

1. Political rights and participation
2. Legislation
3. The immigrant's situation in Sweden - a social perspective

### **Several flyers from local government and charitable agencies in Blackburn, Lancashire and Liverpool**