

UK Race & Europe **NETWORK**

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UKREN 4th Annual National Roundtable FORMAL CONSTITUTION OF THE NETWORK

ROUNDTABLE REPORT

Edited by Sarah Isal

**Wednesday, 22 May 2002
At the National Union of Teachers, London**

**Sponsored by
UNISON**

4th UKREN National Roundtable, sponsored by UNISON
Formal Constitution of the Network
22 May 2002
National Union of Teachers
Hamilton House – Mabledon Place
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ACKNOWLEDGMENT

We would like to extend our warmest thanks to UNISON for sponsoring this event and for their invaluable help in both the organisation of and participation in the roundtable.

BACKGROUND

Since its inception in 1996, the UK Race & Europe has organised annual national roundtables with the aim to inform its members and representatives of other organisations about the impact of European policy issues in relation to racism, anti-discrimination and immigration and asylum. The roundtable also provides participants with an opportunity to comment on the work programme of UKREN for the year to come and provides useful pointers as to the priorities and concerns of network members. Furthermore, the roundtable informs organisations of the work of ENAR and provides feedback to the ENAR Board and Secretariat from the perspective of each member state on key local, regional and national issues and concerns. This feedback informs ENAR's annual work programme, which reflects common issues and concerns as well as identifies and helps develop critical lobby actions that need to be addressed at European level in relation to anti-racism and racial justice. Finally, the national roundtable offers an effective networking and information session for organisations in each member state, and is therefore structured to take up other matters of business or concern.

UKREN FOURTH ROUNDTABLE

This year's national roundtable was particularly important as it saw the adoption of a constitution for UKREN. Indeed, while having operated successfully on an informal, ad hoc basis with minimal funding since inception in 1996, consultation with non-governmental (NGO) and community organisations has revealed a desire amongst UKREN's membership to establish an open, transparent and democratic structure, which will also support work at local and regional level. The Core Working Group had therefore drafted a Constitution for UKREN, which was submitted for adoption at the roundtable.

This 4th national roundtable had two objectives:

- 1. To discuss and adopt a constitution for UKREN, to initiate the formalising process which would lead to the setting up of a formally established, transparent and democratic network.**
- 2. To discuss and debate European policy issues linked to race equality. (Anti-discrimination legislation and immigration policy).**

MORNING PLENARY

Michelynn Laflèche, Chair of the morning session introduced **Gloria Mills**, Director of Equalities at UNISON and Chair of the TUC's Race Relations Committee, who gave a welcome speech as the sponsor of the event.

GLORIA MILLS

Welcome note

Gloria welcomed the participants at this 4th National Roundtable, reminding them of the importance of discussing the issues that were about to be tackled. She praised UKREN as a very positive development in relation to facilitating the participation of grassroots organisations in shaping and directing policy, at UK and European level. She also stressed that this roundtable was crucial in terms of looking at structure in order to make the network transparent and accountable. In this way, having an effective constitution would be a major step forward.

Gloria spoke about the threat of the extreme right in Europe, where a populist party came second in Holland in just three months, and France voted for an extreme right candidate in the first round of the presidential elections. She expressed concern about what was happening all over Europe and which made UKREN all the more crucial in tackling racism and taking the race equality agenda forward both in the UK and the European Union.

She wished participants a productive day and urged them to have constructive discussions in order to set the pace for a solid, transparent and democratic network.

WILF SULLIVAN, TUC & Member of UKREN Core Working Group

Background presentation on the process
leading to the adoption of UKREN constitution

Wilf introduced this session by reminding participants of the background to the setting-up of UKREN and the reasons for launching a formalising process for the network at this roundtable (see background information on page 2). Participants were therefore gathered at this roundtable to launch this formalising process through the adoption of a constitution for UKREN. The proposed constitution was intended to equip the network with a proper structure allowing the lines of accountability to be seen between network members and the various officers and committees of UKREN.

Wilf then outlined the next steps that would follow the adoption of the constitution, in particular a process to elect a new Management Committee. Interested organisations would be invited to put themselves forward to stand for election which would be done through postal votes. The new Management Committee would start its mandate at the next Annual General Meeting taking place in Autumn 2002.

Wilf then reviewed the day's process in relation to the adoption of the constitution. He reminded participants that prior to this roundtable, they had been sent the draft

constitution together with an invitation to send proposals for amendments. Only amendments that had been sent prior to this roundtable would be discussed.

There were three amendment proposals. They were each discussed one by one. Wilf gave the opportunity to the person who put forward the proposal to explain why he/she had done so. He then allowed for short interventions from the floor to discuss the proposal before proceeding to the vote.

Constitution discussion and adoption

A procedural question arose when a participant asked whether it was possible to propose amendments to the amendments. Following a short debate on this issue, the Chair called for a vote and the majority of participants agreed that the meeting should be conducted according to the process as it was described before the roundtable in the guidance note and that amendment proposals would be voted on as they stand. The proposal to allow amendments to amendments was therefore rejected.

The following amendment proposals were sent to UKREN prior to the roundtable and were therefore discussed on the day:

Amendment 1:

- *Replace PREAMBLE section a) with:
“UKREN aims to be an umbrella for a network of organisations engaged in combating racism and xenophobia, as well as working towards the goals of social justice, community cohesion and inclusivity”*
- Result of vote: the proposal was rejected by 23 votes to 8 (out of 31 participants voting) after discussion that this item should go into a Mission Statement rather than a constitution.

Amendment 2:

- *Add in AIMS AND OBJECTIVES, section 3.1:
“Contribute to the construction of a social face of a Europe that is inclusive, cohesive and pluralist”*
- Result of vote: after discussion around the possibility of including this wording in a Mission Statement rather than in the constitution, the person who put forward the amendment agreed to withdraw it on the understanding that it would be part of a Mission Statement

Amendment 3:

- *Replace Section 8.1 with:*
 - a) *“All meetings and decisions other than elections of the Management Committee shall be conducted according to the principles of consensus decision making*
 - b) *It is the responsibility of the facilitator to table items where there is no consensus and work out a way for interested parties to meet later to see if they can iron out differences*
 - c) *If someone feels strongly enough to object to an action, it is the responsibility of that person to state the reason for objecting and propose an alternative as close to the original as possible for the group to consider*
 - d) *If a decision is reached and a member or members are not fully in accord, but do not wish to block the decision, the note taker shall be instructed to record any and all concerns”*
- Result of the vote: The proposal was rejected by 22 votes to 2 and 5 abstentions (out of 29 participants voting). However, it was agreed that Rules and Procedures should be drafted with a mention that consensus should be the main way of conducting meetings.

Conclusion of the session:

The Core Working Group will draft a Mission Statement and Rule of Procedures which will be presented at the next AGM.

Adoption vote: The UKREN Constitution was adopted unanimously by 34 votes to 0 (out of 34 participants voting).

SARAH ISAL, RUNNYMEDE TRUST, UKREN COORDINATOR

Update on the WCAR follow-up process

Sarah gave a brief update on the issue, as most of the work relating to the follow-up of the WCAR will be taking place from this point forward.

The WCAR context

The 3rd WCAR was organised by the UN in the context of 3 decades to fight racism. It took place in Durban between 31 August and 7 September. An NGO forum and a Youth summit were organized alongside it. Before that, the European Conference Against Racism was held in Strasbourg in October 2000.

UKREN's role in WCAR preparations

Throughout the first half of 2001, UKREN had conducted a national consultation of UK NGOs commissioned by the Race Equality Unit at Home Office. The aim of this consultation had been to discuss issues around the WCAR and collect the views of NGOs and to submit a report of these views to the government. UKREN organized 13 meetings across the UK, including Northern Ireland, Scotland & Wales and coordinated the organization of youth meetings, meetings with black led organisations and women's organisations. All this was done with the help of partner organisations, all linked to the UKREN network.

As a result, we produced a report submitted to the government delegates who attended the WCAR for them to take into account the recommendations of NGOs when negotiating in Durban.

Throughout this time, UKREN always emphasised that the WCAR was the beginning of the process, not the end of it. Although the WCAR was quite a challenging process, the objective is now to take on the positive results of Durban and carry them forward.

National Action Plan (NAP)

One of these positive results was the recommendation in the final WCAR document that national governments have to draft and implement National Action Plans to ensure that what was decided in Durban is put into practice.

Practically speaking, what does this mean?

- The Home Office has committed itself to drafting a National Action Plan and implementing it at national and local level;
- It started doing this by compiling all the WCAR, ECAR and UKREN Report recommendations into one single document and classifying these recommendations by government departments. The aim is to identify in each department what is already being done to implement these recommendations and what is not and to identify the gaps in legislation and policy;
- The Home Office is now waiting for the various departments to get back to them and to start drafting the National Action Plan which they hope to have completed by the end of year;

- The Home Office will host a follow-up national conference for NGOs in November where this draft National Action Plan will be discussed and edited if needed by NGOs and community organisations.

Sarah reported that UKREN would work towards ensuring that NGOs who attend the national follow-up conference are aware of the process and are engaged in ensuring that the National Action Plan does not leave anything out. Although the WCAR took place a while ago and the process has been slow, there is still a need to ensure that NGOs are involved if the National Action Plan is to be successful.

Sarah said that UKREN would organise briefing and consultation seminars across the UK with the limited resources available. In this respect she hoped that UKREN members would work closely together to have as many meetings as possible in the UK before November.

Questions & Discussion

- **Reparations:**
A participant raised the issue of reparations and asked whether this issue was on the agenda. She pointed out her disappointment in the UK Government's delegation's position on reparations.
Sarah Isal responded that although it had been a contentious issue throughout the governmental conference, it was actually quite strongly mentioned in the NGO Forum document. Furthermore, the issue is now firmly on the agenda at national level, through various initiatives, including a campaign prepared by 1990 Trust on reparations which will use the momentum raised by the WCAR.
- **Regional meetings:**
A participant from Nottingham confirmed that he would support the organisation of a regional meeting in Nottingham. He also emphasised the importance of holding meetings outside of London.
Sarah thanked him for the support and re-affirmed UKREN's commitment to work with organisations across the UK and not just in London. She reminded all that this was why the previous consultation consisted of a total of 13 meetings out of which only 3 were in London and the others were in the rest of the UK, including Northern Ireland, Scotland and Wales.

AFTERNOON PLENARY

Patrick Yu, Chair of the afternoon session introduced the two speakers, Haoua Lamine and Barbara Cohen and invited them to speak on European Immigration policy and on the implementation of the European Race and Employment directives in the UK. Transcripts of their presentations follow.

MS HAOUA LAMINE, ENAR-FRANCE & FEMMES DE LA TERRE European common immigration policy

European Integration made difficult due to the security obsession.

Although immigration & asylum policies differ in each EU Member State, for geographical, historical and sociological reasons which vary from country to country and therefore lead to different approaches, there is nevertheless a common denominator: all countries are determined to exercise their sovereignty in relation to mastering migration flows, and therefore, are not inclined to cooperate in this field. In recent years, Member States have been led to European communitarian policy almost against their will. We need to look at the principal stages leading to common policy, emphasising the resistance to a communitarian policy by national governments.

Move towards harmonisation rather than communitarianism.

The 1986 Single Market Act, permitting free movement within the European Community (EC) borders was a decisive stage in relation to questions of immigration in the construction of the EC. However, the free movement principle only applied to community nationals, and borders therefore still had to be “protected” (according to Member States) from third country nationals (this is representative of the security obsession by Member States, associating immigrants with illegality, trafficking and criminality). In the context of the security obsession, free movement of EC nationals was matched with increased co-operation in the field of entering, circulation, and residence of third country nationals.

The Schengen Convention

The Schengen Convention, signed in 1990, aimed at the harmonisation of the main issues relating to immigration and asylum (visa, borders controls, treatment of the asylum seekers). However, the purpose was not to have a common policy which would again impinge on the sovereignty of Member States, but rather to establish general agreements which would provide general guidance for national policies in this area.

The Maastricht treaty, third pillar

Since the Maastricht Treaty adopted in 1992, these questions are grouped together under what we call the third pillar of the EU treaty, meaning that these questions are discussed in the framework of intergovernmental co-operation rather than the first pillar where common policy is decided through real communitarian policy (such as economic and monetary policy for instance).

In the first pillar, decisions are taken by European institutions (bearing in mind that the Council of Ministers has the last word) with the obligation for Member States to put them into effect. In the third pillar there is no question of common European policy, but rather of harmonising national policies. The European Commission and Parliament do not play any role in the decision-making process. The Court of Justice has only very limited jurisdiction. It is the European Council (heads of government in the Member States) who defines the overall direction of law and policy and takes decisions on the basis of unanimous agreement.

Phase of hesitation in communitarian process.

The 1997 Amsterdam treaty (which came into force in 1999) integrates the Schengen acquis into EU law and policy. Following the failure of the Maastricht third pillar, the choice was made to integrate questions relating to free movement of people in the first pillar communitarian sphere, rather than the purely intergovernmental one.

This was done through the creation of Title IV within European Community Treaty, dealing with “visa, asylum, immigration and other policies, linked with the free circulation of people”. This produced a very complex mechanism which went only half way towards a European common policy in immigration and asylum for the following reasons:

- 1) The exclusion of Denmark, UK and Ireland from the common policy resulted in a two-tier system with on the one hand a move towards the communitarian principle, and on the other, three countries with an “opt-out” clause and a fundamentally different system of regulation;
- 2) Communitarian policy itself was marked by priority to security issues which has come to characterise the European approach to immigration;
- 3) Finally, in the name of a step-by-step approach in achieving freedom of movement, all the provisions will only take effect at the end of five years following the signing of the Amsterdam Treaty (i.e. not before 2004), unless the Council decides by unanimity vote to move to a co-decision system for matters relating to Title IV. This effectively blocks the move towards a genuine communitarian approach.

At the European Council meeting of Tampere (15 and 16 October 1999), Member States agreed to define a space of freedom, security and justice and define a common policy in the field of immigration and asylum. Member States seemed to have recognized the importance of moving towards common policy. However, when looking at the post-September 11 common legislation adopted at European level, it is striking to see that all repressive legislation (anti-terrorism legislation or protection against illegal immigration for instance) has been adopted at a much more faster pace than any laws governing immigration and asylum rights.

The warrant for arrest and fight against terrorism

After the events of September 11 in the USA, the Council of Justice and Home Affairs met in an extraordinary session in 20 September, in “order to take the necessary measures to maintain a degree of higher security, including measures to fight against terrorism”. Two pieces of legislation, drafted by the European Commission, were quickly adopted. This illustrates the point that national security measures have now become the overwhelming priority. This trend is confirmed when looking at the

extremely painful and slow process surrounding the adoption of the Commission's earlier proposal for a directive governing the right to family reunification for immigrants. The record of progress around the adoption of this directive is notorious, not because of its content, but because of the slow and painful process of negotiations around the measure.

The proposal has now gone through three separate drafts. The first emerged in 1999 [COM (1999) 638 final], followed by a second arising from amendments proposed by the European Parliament in 2000 [COM (2000) 634 final]. The third draft became necessary following the Laeken Council meeting in December 2001, as a consequence of national governments being unable to adopt the directive, in the form preferred by the Commission and the European Parliament. This latest version, which has been very much diluted from the draft originally proposed by the Commission, was published in May this year.

Let's go back to the way this saga unfolded:

Phase 1: The Proposal

Although the first Draft Directive fell short of the full requirements of NGOs, it was still supported by most because it represented the chance for substantial progress in most EU Member States where the national legislations on family reunification fell below acceptable standards. Perhaps more importantly, from an NGO perspective, a communitarian policy in the immigration and asylum field represent the guarantee that these issues are not dependant on national governments' agendas, which tend to be quite unstable and politically charged.

Phase 2: First round of amendments

A second version of the directive was produced following the amendments advocated by the European Parliament. Although these amendments were more restrictive than the original version, the draft was still acceptable from an NGO perspective, though the point was made about the importance of using the directive to raise national standards rather than to lower them.

Phase 3: Resistance from Member States

When the Council of Ministers met in October 2001 to discuss this second draft, they launched an assault on crucial provisions. The Council of Ministers was unable to agree on the adoption of the proposed directive with each Member State falling back on its respective positions and national interests without considering the common European goal. The requirement that proposals on immigration might require unanimous agreement allowed a further long period of stalling. This state of affairs has raised many concerns amongst NGOs, some of whom came out and opposed adoption of the directive in the form in which it was evolving. This was due to two factors: firstly, the draft directive now fell below standards pertaining in many Member States; secondly, it actually legalised the violation of the fundamental right for families to live together. This obviously made it unacceptable.

Phase 4: Council of Ministers asks the Commission to revise the text

When looking at the new recent draft produced by the Commission further to the demands of the Council of Ministers, there is concern that the Commission itself is

now playing the game of national governments and the new draft being completely compromised to please Member States

Although the objectives of the new proposal are not fundamentally different from the previous drafts, the introduction of various provisions allowing Member States to “get out” of some crucial articles of the Directive is bound to give rise to the gravest of concerns.

Firstly, a “stand still” clause has been introduced to cover the situation of Member States who already have national legislation on the provision, even if it is lower than that of the directive. This is unacceptable as it represents another move away from European harmonization.

Secondly, there is now a “deadline clause”, which allows for a new attempt at harmonisation on issues that were at “the heart of the negotiations”. This will take place two years after the transposition of the directive into national legislation.

NGOs: what approach?

Since 11 September, the context of common European immigration and asylum policies took a turn for the worse in relation to respect for human rights. Although NGOs were hoping that the steps initiated by the European Council in Tampere in 1999 would lead to higher standards being adopted at European level, the opposite happened. The fight against terrorism provided the excuse for the quick adoption of more and more restrictive European immigration legislation by Member States. The question for NGOs today is therefore not so much one of support or non-support for European proposals in this field, but rather of struggle to protect human and social rights. The history of the family reunification proposal shows that Member States are not prepared to commit themselves to harmonization of policies relating to immigration, since these are seen as touching on their own core concerns about national sovereignty. On the positive side, we could say that the delays which have resulted from this protective approach means that NGOs have more time to prepare their own proposals for real harmonization in the future. In this way, pushing back the deadline is probably better than adopting a weak and bad directive.

Can NGOs agree a coherent position?

When looking at the NGOs reaction to the immigration debate, it is interesting to note their somewhat incoherent position. They sometimes seem to replicate the highly protective approach of the national governments: focusing more sharply on changes in the national legislation instead of on the important work that needs to be done at European level. The NGOs do not seem willing or ready to fully engage in the European process as of yet. NGOs in each country have to take into account the national experience and are fearful that their national legislation might be dragged down by the adoption of a common European policy. This individualistic behaviour remains quite unsatisfactory. Unfortunately, at ENAR France, we have not had a common reflection on the subject yet (a subject which however concerns us greatly in our various network organisations). But I am quiet happy to launch this debate here at this roundtable, especially as we are in a country whose national government has made its position quite clear in terms of moving towards a communitarian policy in the field of immigration and asylum, by having the “opt-out clause”.

BARBARA COHEN, LEGAL CONSULTANT
EC Race and Employment Directives
Implementation in the UK -
Proposals and progress

Introduction:

The government published a consultation document in December 2001 outlining its plans for the implementation of the Race directive and the Employment directive. The consultation document, published by the Department for Trade and Industry (DTI), called for comments by interested businesses and organisations, including NGOs. The document applied to Great Britain only. Northern Ireland is further ahead in the process. One of the issues raised in the document is the government's intention to move towards the establishment of a Single Equality Body for Great Britain, which Northern Ireland already has. This presentation therefore focuses more on the situation in Great Britain.

“Towards Equality and Diversity” – the Government’s three main principles for implementation in GB

- To develop practical, workable and effective legislation which fully meets the standards required by the Directives and will have a real impact in removing unfair discrimination and improving people's lives - but without stifling business with unnecessary burdens
- To seek greater coherence where possible between strands -- using the same concepts and wording where sensible and practicable
- To ensure that sufficient time is given to employers and employees and other interested parties to respond and to prepare for implementation

Considering these principles and the consultation document in general, a number of concerns could be raised from a NGO perspective.

First, the fact that the document was produced by DTI, while race remains the responsibility for the Home Office, creates problems regarding lobbying; it is not clear who does what in government departments. Furthermore, it seems to have a business angle, rather than an anti-discrimination perspective, illustrated by the fact that DTI took the lead on the consultation rather than the Race Equality Unit at the Home Office. The document describes “equality” as “finding the right person for the job”. Second, the government seems to be adopting a minimalist approach, which means it will comply with European law but will not take this opportunity to go beyond.

‘Cross-cutting’ issues on which views were sought in the consultation document

The consultation document sought for views on the definitions of the following concepts:

- Indirect discrimination
- Harassment: the consultation document suggested adding an additional requirement that tribunals should consider whether “a reasonable person would

have considered the conduct in question as violating the dignity of the complainant". This is of course unacceptable: it conflicts directly with the view that what constitutes harassment is a subjective matter, which English courts and tribunals have applied in relation to both racial and sexual harassment.

The document makes a few suggestions regarding exceptions such as:

- Genuine occupational requirement, which may be more restrictive than currently
- Positive action which will need to be extended to new grounds in the field of employment

Other issues raised in the consultation document

- Role of NGOs, trade unions etc. in supporting victims of discrimination
- Seeking redress after relationship has ended
- Sanctions
- Victimisation
- Shift in the burden of proof

Other issues that should be considered

- Compliance of other laws with equal treatment principle (Art. 14 Race/ Art. 16 Employment)
- Information about anti-discrimination legislation brought to public attention (Art. 10 Race/Art.12 Employment)
- Dialogue with NGOs and trade unions (Arts. 12 and 11 Race/Arts. 14 and 13 Employment)

The consultation document does not mention how the government intends to implement these three provisions which are crucial.

Implementation of the Race Directive

The following factors need to be taken into account when looking at the implementation of the Race Directive:

- Fundamental principle: No reduction in the level of protection already provided – Article 6.2 (similar provision in Employment Directive – in UK relevant to disability protection, in NI also relevant to religion - Art. 8.2)
- Scope of the Race Relations Act (RRA) is wider than scope of Directive
- Protection on 'racial grounds' under RRA goes beyond 'racial or ethnic origin'
- Need to review existing non-employment exceptions, e.g. charities, associations

Implementation of the Employment Directive

The following factors need to be taken into account when looking at the implementation of the Employment Directive:

- Scope limited to employment-related activities, vocational guidance, vocational training, membership of unions or employers' organisations
- Omits protection in for instance education, health, housing that affect ability to access suitable employment

- Creates two-tiered protection - consider cases of multiple discrimination - retains distinction between Sikhs & Jews and Muslims, Hindus & Rastafarians
- Employment in religious schools – conflict between individual and group rights

Implementation process

- Preference of government is to do so by regulations under section 2(2) of the European Communities Act 1972 “where practicable”
- Need to press for primary legislation to implement the Race Directive - to avoid duality of standards and serious confusion, especially for public authorities
- Benefit of primary legislation for new strands

Institutional arrangements

- Government proposes a single equality body – but not within the life of this Parliament; it is not proposing single equality act at present.
- What remains unclear are the arrangements – and what level of resources – will be available for new strands when regulations come into force.

Great Britain Government timetable

Jan – March 2002	Consultation on proposals
Second half of 2002	Consultation on draft regulations on race, sexual orientation and religion and belief and on proposals for single equality body
First half of 2003	Lay regulations before Parliament Consultation on draft guidance for employers Publication of guidance
October 2004	End of exemption for small employers from the Disability Discrimination Act
2005 -2006	Consultation and legislation on age discrimination <i>and single equality body?</i>

Northern Ireland Government Timetable

Nov 2002 – Jan 2003	Consultation on regulations to implement Directives re Race and Religion/Belief and Sexual Orientation
Dec 2002 – May 2003	Consultation on White Paper proposals for Single Equality Bill
Late Jan/early Feb 2003	Regulations to implement Directives introduced in the Assembly
Jan/Feb 2003 – May 2003	Consultation on Age and Gender (anticipating new Directive on Gender)
5 May 2003	Northern Ireland Assembly elections
May 2003 – Sept 2004	Consider responses to consultation – draft Single Equality Bill
Sept 2004 – July 2005	Single Equality Bill is introduced in and considered by NI Assembly
July 2005	Northern Ireland Single Equality Act

Workshop 1: Immigration & Asylum Policy
Chair & Facilitator: Yongmi Schiebel, Migration Policy Group
Rapporteur: David Hudson, Refugee Council

Introduction by Yongmi Schiebel

Yongmi referred to Haoua's speech, pointing out that she had painted a fairly bleak picture of European legislative developments in the area of immigration and asylum. There is indeed a situation where many of the more ambitious Directives are not adopted or where the agreed text leaves a great deal of flexibility to states. The third version of the Directive on family reunification [presented by the Commission on 2 May], for example, largely allows Member States to keep their existing and varied legislation. Germany will be able to set an age limit of 12 years for children subject to verifying integration conditions. To avoid a 'downward spiral' in standards despite the many allowances for exceptions, the Directive includes a 'standstill clause', which prohibits Member States from introducing tougher measures on family reunification after the Directive's adoption.

The draft Directive on minimum standards of reception for asylum seekers similarly does not provide for real harmonisation. For example, there are no common rules on access to employment for asylum seekers. The question remains what merit lies in agreeing on legislation that leaves so much leeway to Member States. In such documents, Member States 'agree to disagree' rather than making a genuine step towards common rules.

Yongmi emphasized that security was an overriding concern for Member States. The Spanish presidency's priorities reflected this, with issues such as the development of a Visa Databank pushing back the more long-term directives on the Council agenda. Governments also want to be seen as acting strongly 'for security' in the wake of populist right wing successes in several elections. However, there are also other signals from governments, which suggest that despite the current focus on admission and borders, Member States are aware of Europe's need for immigrants. For instance, at the Belgian Presidency's ministerial conference on migration, held in Brussels on 16 and 17 October 2001, the majority of speakers emphasised that migration is a reality in Europe. This acknowledgement, and the consequent support for policies to manage migration positively, marked a sea change in the public attitude of European governments. The Laeken summit urged further progress and called for new impetus in the area of the common immigration and asylum policy.

These positive signals for (managed) migration are the result of socio-economic and demographic considerations that are well known to governments. There is a demand for workers of all skill levels, and employers are calling attention to particular occupations where there are gaps in labour market supply. Demography is a crucial issue in the long term as Europe's population is diminishing in size as well as becoming older. This means that a growing number of people above retirement age will need to be supported by those in employment. Concerns about the sustainability of pension systems and of health care and other social services are growing. While migration is not the only (or even an easy) solution to both labour market and

demographic imbalances, it is one among several options and is increasingly being considered seriously as an option.

When speaking about migration for labour market purposes, it is important to underline the importance of equal treatment. Integration and human rights issues need to be taken forward in order to avoid the pitfalls of a guest worker system. Part of equal treatment is mobility for third country nationals, which is included in the proposed Directive on long-term residents. However, this Directive is still pending, and the UK has not opted into it.

In view of the largely restrictive developments within Justice and Home Affairs, it may be useful for NGOs to look at other actors and fields of debate. For instance, the directorate-general for Employment and Social Affairs is developing its interest in migration. Similarly, discussions on pensions and on family policy may be good places to advocate more progressive migration policies.

Discussion

In the context of the single market and despite the UK-Irish-Danish opt-out/opt-in-clauses there should be no in-principle objection to immigration being dealt with at EU level. The debate is about concrete policies that have been impossible to defend (e.g. Schengen), where there has been no accountability. There has as yet been no significant change in the name of the game, but rather decisions have reverted exclusively to those of individual Member States, reproducing established nationalistic limitations, but now at an EU level, still using nineteenth century concepts of sovereignty but in a more global context.

There has been a substantial change with specific interest groups in civil society acknowledging that there is a need both for highly skilled workers, as well as for child minders and restaurant workers. There is the greatest clash however over low-skilled workers, and a need for far more dialogue over this group. Additionally it must constantly be stressed that migration is a complementary option, not a substitute for training, nor a substitute for an effective pensions system. As opposed to the 1950s when people were invited, the system now involves politics and race tied in with election promises to reduce migration flows. The exception is where there are identified needs, such as for the NHS or IT, where immigration is acceptable, but only for the people coming in specifically to work. For example, the main industrial countries have still not signed up to the UN Convention on the Rights of Migrant Workers and their Families (not just the workers themselves).

All such discussions need to be in their own context. The asylum system too needs a comprehensive approach, not just branding asylum seekers as bogus and economic migration as a dirty word. The world of asylum seeking does become linked with both immigration and trafficking and inevitably with racism. It is a dangerous debate, full of myths and misconceptions, such as the position that immigration cannot be supported. There is a need for the asylum system as per the 1951 Convention to be maintained as a discrete element in the jigsaw: this does not preclude statements about the economic benefits that refugees and immigrants bring too, such as have been issued by the CBI and even by some Home Office research on the benefits of migration.

Immigration, however, may not be seen to be supportable where there is no effective nor credible strategy to solve existing social problems, poverty, unemployment, social exclusion etc., for which immigrants can be so easily blamed as opportunists. This feeds anti-immigrant frenzy, such as in recent Dutch elections where an abandoned white working-class highlighted the fact that their concerns were not being addressed and could focus the blame on immigration.

There is a need for a European managed migration system but this must not be a temporary sticking plaster inviting skilled people in for 5 years, for example, who then go, with no long-term residential rights nor economic and social rights and benefits. These are not disposable people even if they do go home richer to still impoverished home countries. We need to set an agenda to protect the rights of such migrant workers, rather than allowing them to be used to fill short terms skills gaps through poaching from developing countries, and rather than offering effective training the home workforce. This should not be a law and order debate, as it so often is, but one about rights and economic standards, about the rights to move for employment purposes in any global economy. In this debate the NGO sector has a big role to play.

Workshop 2: Race Relations legislation and policy in the EU and the UK

Chair and Facilitator: Maria Miguel Sierra, European Network Against Racism

Rapporteur: Sarah Isal, Runnymede & UKREN

Introduction by Maria Miguel Sierra

Maria introduced the workshop by summarising the issues that need to be discussed by NGOs in the process of implementation of the directives. She reminded the participants that it was important to have as much involvement by NGOs in the implementation process because this was an opportunity to have a comprehensive review of national equality legislation. The Directives are the minimum requirement but Member States should go beyond these requirements rather than do just the minimum needed.

She also raised the issue of more coherence between the different strands and invited participants to discuss this as well as ways to move towards a Single Equality Act and Single Equality Commission.

Discussion

- Effective implementation

The main question is how to implement the directives in a way that is constructively effective at local level. The question of redress was brought up. In this respect, the Directive is very plain. The solution, which is not in the directive, is the possibility for organisations to represent victims in discrimination cases because many victims of racism or racial discrimination find it difficult to go to employment tribunals on their own, without the support of these organisations.

- More information for and empowerment of NGOs

Another issue is the access to information that NGOs, especially grassroots organisations, find difficult. It is important to challenge the government in terms of their plan to implement articles in the directives which require the national

governments to ensure public information on the directives. Real means need to be put in public campaigns. One participant expressed her difficulty in finding European documents, especially for small grassroots organisations. UKREN needs to be proactive in ensuring the small organisations are informed and facilitate access to European information.

- *Funding*

The question of funding remains a major concern amongst community organisations. NGOs are often prevented from effectively supporting cases of racism due to lack of funds. Local authorities face the same problem: when they are proactive about the case of a victim of racism, the funding is short term and insufficient.

- *Religious discrimination:*

It is highly disappointing that the government is not taking the implementation of the directives as an opportunity to comprehensively review national legislation in relation to religious discrimination. At present, religious discrimination is only prohibited in employment. The need for prohibiting religious discrimination in other situations is all the more crucial following the consequences of September 11 and the resurgence of Islamophobia.

- *Single Equality Act/ Body*

On the one hand, there is concern that if a Single Equality Body is set up, the race strand and race issues might get sidelined at a time where they need to remain at the top of the agenda. However, it is also acknowledged that in order to implement the directives as effectively as possible, we need to work with other sectors, in particular as there is growing awareness of multiple discrimination. Race and the other strands need to be brought together in a legal context but with different representatives of each strand, keeping their individuality. The debate on this “horizontal versus vertical” approach will be ongoing in the months to come. It is therefore important to get expert advice on what the real impact of a Single Equality Act and Body will be on the fight for equality.

CLOSING REMARKS

MICHELYNN LAFLECHE, RUNNYMEDE AND UK REPRESENTATIVE OF ENAR Closing Remarks

As a conclusion to the day, Michelynn reminded participants that the adoption of the UKREN constitution was a great achievement. The Network is now formal which is a great step forward. On behalf of the UKREN working group, she committed to the drafting of a mission statement and rules of procedures to make the formalisation process stronger and the network more accountable and clear in terms of its objectives.

Michelynn closed the roundtable after thanking participants for attending the roundtable and reminding them to attend UKREN's 1st Annual General Meeting.

PROGRAMME

10h30 – 11h00	Registration & Coffee	
11h00 – 11h10	Welcome keynote address by Gloria Mills, UNISON	
Morning plenary – Chair: Michelynn Laflèche. Director, Runnymede Trust & UK Representative on ENAR Board		
11h10 – 11h30	Wilf Sullivan TUC	This session previewed the next steps for formalising the UKREN network, and presented the constitution
11h30 – 12h15	Discussion & Adoption of Constitution	This session allowed for discussion around the constitution and the formalizing process. This led to a vote on the Constitution
12h15 – 12h30	Sarah Isal Runnymede Trust UKREN Coordinator	This session provided an update on the World Conference Against Racism follow-up process followed by a brief discussion.
12h30 – 13h45	Lunch Break	
Afternoon Session – Chair: Patrick Yu, NICEM & UK Deputy Representative on ENAR Board		
13h45 – 14h05	Haoua Lamine ENAR – France Femmes de la Terre	Outline of the latest developments in relation to European Immigration and Asylum policy
14h05 – 14h25	Barbara Cohen Legal Consultant	Outline of next steps in relation to implementation of the European Race & Employment Directives in the UK
Workshop Sessions		
14h25 – 15h25	<p>European Immigration and Asylum Policy Chair: Yongmi Schibel, Migration Policy Group Rapporteur: David Hudson, Refugee Council</p> <p>Implementation of European Race & Employment Directives Chair: Maria Miguel Sierra, ENAR Rapporteur: Sarah Isal, The Runnymede Trust</p>	Information-sharing workshops on issues tackled by the speakers in the previous panel session
15h25 – 15h40	Coffee Break	
Closing session – Chair: Patrick Yu, NICEM & UK Deputy Representative on ENAR Board		
15h40 – 16h00	Michelynn Laflèche UKREN working group member UK Representative of ENAR	Conclusion
16h00	Close	

LIST OF REGISTERED PARTICIPANTS

Iman ACHARA

Genuine Empowerment of Mothers in Society

Audrey ADAMS

1990 Trust

Peter AMADI

The Petadists Community Organisation

Martha BAKER

UK WILPF Executive Committee

Cormac BAKEWELL

Commission for Racial Equality

Anneliese BALDACCINI

Rob BERKELEY

The Runnymede Trust

Lorna CAMPBELL

Public & Commercial Services Union

Filiz CARAN

The Runnymede Trust

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National Black Police Association

Farkhanda CHAUDHRY

Scottish Council for Voluntary Organisations

Barbara COHEN

Legal Consultant

Chinedu ENE

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Don FLYNN

Joint Council for the Welfare of Immigrants

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Suzanne LONG

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TUC

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Ashok VISWANATHAN

Operation Black Vote

Glenroy WATSON

Black Workers For Justice

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Paul WINSTONE

Leicester City Council

Enid WISTRICH

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