

3rd UKREN National Roundtable, hosted by the Birmingham City Council

**1 March 2001
Posthouse Birmingham City
Smallbrook Queensway
Birmingham B5 4EN**

ACKNOWLEDGMENT

We would like to extend our warmest thanks to Birmingham City Council for hosting this event and for their invaluable help in the organisation of the roundtable.

INTRODUCTION:

With the establishment of the European Network Against Racism (ENAR) in 1998, an opportunity has been created for anti-racism and racial justice organisations in each member state to hold an annual 'national roundtable'. The 3rd National Roundtable meeting in the UK brought together around 80 participants. These represented both members of the UK Race & Europe Network (UKREN) as well as representatives of other organisations and individuals concerned about the impact of European policy issues in relation to racism, anti-discrimination and immigration and asylum.

The main purpose of the NRT is to inform organisations of the work of ENAR and provide 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. In addition, the NRT 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. This year's NRT focused on the following three issues of particular relevance to race relations in the UK and in Europe: Immigration & Asylum Policy, Race Relations legislation and policy in the UK & the EU, and finally the World Conference Against Racism (WCAR).

To this end, this 3rd National Roundtable had four objectives:

1. Inform UK organisations of recent critical developments and issues at European level, focusing this year on EU immigration and asylum policy and the transposition of the new Race Directive and the new Employment Directive into UK law.
2. Provide an opportunity for UK organisations to make and renew contacts with other UK and EU member states organisations.
3. Review the work programme of ENAR and provide feedback to the ENAR Board and Secretariat.
4. Launch a national consultation process in preparation for the UN World Conference Against Racism (WCAR).

Programme

10:30	Registration	
11:00	Welcome and opening remarks <i>Cllr. Albert Bore, Leader of Birmingham City Council</i>	
11:15	Plenary Session Session Chair: Arlington Trotman, CCRJ	This session:
11:25	Liza Schuster, Department of Sociology, LSE & CCME	<ul style="list-style-type: none"> • Introduced the Roundtable and its purpose & provided contextual information about the importance of European issues to UK organisations.
11:50	<i>Prof. Barry Fitzpatrick, Professor of Law, University of Ulster</i>	<ul style="list-style-type: none"> • Highlighted the new and shifting dynamics of the debate on 'Race in Europe' to encompass the growing connection between immigration and asylum issues to race issues, the rise of the right and citizenship.
11:50	<i>Prof. Barry Fitzpatrick, Professor of Law, University of Ulster</i>	<ul style="list-style-type: none"> • Reviewed the new EU Race and Employment Directives looking at the forthcoming process of implementation into UK law and raising the issue of forms of multiple discrimination.
12:10	<i>Dr. Laurie Wiseberg, NGO Liaison for the UN World Conference against Racism</i>	<ul style="list-style-type: none"> • Outlined the process and principles of the UN World Conference against Racism and reviewed world regional activities
12:35	<i>Patrick Yu, UKREN & NICEM</i>	<ul style="list-style-type: none"> • Introduced UKREN's national consultation process in preparation for the UN World Conference against Racism
12:40	Questions and Discussion	
1:15	Lunch	
2:00	Workshops (to run concurrently)	
	1. Immigration and Asylum Policy <i>Chair: Sue Rowlands, ILPA</i> <i>Speaker: Don Flynn, JCWI</i> <i>Rapporteur: David Hudson, Refugee Council</i>	
	2. Race Relations legislation and policy in the EU and the UK <i>Chair: Patrick Yu, NICEM</i> <i>Speaker: Barbara Cohen, CRE</i> <i>Rapporteur: Gay Moon, Justice</i>	<ul style="list-style-type: none"> • Each workshop took up the issues outlined in the related morning plenary presentation. One speaker made a short contribution to start the workshops off, followed by detailed discussion on the issue.
	3. UN World Conference on Racism <i>Chair: Sukhvinder Stubbs, ENAR</i> <i>Speaker: Arlington Trotman, CCRJ</i> <i>Rapporteur: Sarah Isal, UKREN</i>	
3:30	Tea/Coffee Break	
3:45	Maria Miguel-Sierra, ENAR	<ul style="list-style-type: none"> • ENAR's role at European level and 2001 work programme followed by questions and discussion.
4:25	Concluding remarks and close of day	

MORNING PLENARY

Arlington Trotman, Chair of the morning session introduced **Councillor Bore**, leader of BBC who spoke on behalf of Birmingham City Council, the event's host.

COUNCILLOR ALBERT BORE

Welcome note

I would very much like to welcome you here today to Birmingham for your Third National Roundtable. For many years, Birmingham was known as the City of a thousand trades. Today perhaps it would be more accurate for it to be described as the City of a hundred nationalities. People have come to settle and work in Birmingham throughout its history. How else, after all, could a city grow so fast during its early stages of the Industrial Revolution. And we have had flows of migrants since. First, from all parts of the United Kingdom, then from countries across Europe. After the Second World War a concerted influx of immigrants from Ireland and then in the 50s, 60s and 70s further groups of immigrants from major Commonwealth countries: the West Indies, India, Pakistan and Bangladesh. We host a small but significant Chinese community. We have citizens living here who were born in countries in the Middle East, South East Asia, Latin America and, indeed, all around the Globe. To me, their presence is one of Birmingham's real assets. People come here to make a living; they bring and share their culture, put down roots and contribute to the vitality and dynamism of the City of Birmingham.

Issue of race and migration are amongst the most controversial in Europe today. I think we should be absolutely clear they go to the heart of our democratic values. The European Union was created a decade after the Second World War with the dual goals of increasing economic prosperity within Europe but also enduring peace on our Continent. In the Second World War, the bloodiest conflict in European history was fought to defeat an ideology of racial superiority over the races. The defeat of fascism and the commitment to human and democratic rights for all citizens has to form the bedrock of modern European politics.

Looking around Europe I think it is important to recognise and to state at a gathering like this the significant achievements which have been secure with the United Kingdom in respect of race relations over the last 30 years. I think that it is true in Birmingham too. Of course there is room for improvement.

- That is why we have signed up to the CRE leadership challenge on race equality
- That is why we have established a Birmingham Race Action Partnership as a strategic, multi-agency partnership to give a voice to local, black and ethnic minority communities and to give high profile to the race equality development within the City.
- That is why we established a Stephen Lawrence Commission to inform us how to respond to racist incidents and why we back organisations such as the Birmingham Partnership Against Racial Harassment which tackles the ongoing issues of racist violence.
- And that is why our Economic Development Department and our European Division find money and resources to help overcome the disadvantages faced by many ethnic minorities in the fields of employment and training.

We take on these and other actions whilst at the same time we recognise the progress that has been made. We see increased number of ethnic minority businesses in the City; the improving results that many ethnic minority youngsters achieve in our schools and colleges; and the flourishing of the diverse multi-racial, cultural talents within our City. I think there is a very positive story to tell. One of which we are justly proud, but about which we are not complacent.

Here today, you are tackling some of the big issues of asylum and immigration. Let me say just a few words on those. On asylum seekers, there are criticisms to be made of the legislation which has curtailed the quality of life that asylum seekers can expect when they arrive in this country. But we have responded to the Government's policy of dispersal by establishing with our colleagues across the West Midlands conurbation a corporate team which is co-operating with all agencies, including the Police, Housing Associations and private landlords. This team ensures that the City Council, in association with other agencies, is able to meet the needs of destitute asylum seekers and to accord them as much dignity and respect as possible.

Turning more broadly to the whole issue of migration, let me just make a few short points. This is not a simple issue. Undoubtedly, sudden uncontrolled flows of large numbers of people into an area or a country will breed social instability. But, experience across the world shows that a policy of zero immigration simply does not work. The United States experience shows the positive economic effects of inward migration and it's clear that in this era of historically unprecedented low birth rates in Europe, countries that experience no inward migration could stagnate and suffer economically. The present reality for the countries of industrial Europe is that we will not be able to supply ourselves with enough young labour from within our own resources. Increasingly, this is being recognised by politicians across the political spectrum. Alain Juppé, the former French Prime Minister and now Mayor of Bordeaux in France; Petra Roth, the Christian Democrat Mayor of Frankfurt, are just two of the politicians on the Right who recognise this fact.

This is an issue that we need to address at the European level. It cannot be dealt with by individual countries alone. It needs to be managed and regulated at a European level so that Europe can gain skills, knowledge and talents of new immigrants. At the same time, this policy should be developed alongside initiatives which help indigenous developments within the countries from which the migrants are coming. Such an approach will not be easy. But it is one that has to be tried and it is one which accords to those core values of human and democratic rights that underpin our common culture.

I hope these words help to spark some thoughts for you at the start of your discussions. Once again, welcome to Birmingham.

ARLINGTON TROTMAN, Churches Commission for Racial Justice

Introduction to the UKREN National Roundtable

1 World Conference Against Racism (WCAR)

Over the past two years, The UK Race & Europe (UKREN) has been actively involved in informing UK NGOs about the developments and preparations concerning the World Conference against Racism (WCAR). In 1999, it conducted a national consultation process and compiled a report on the views of UK organisations for the Home Office in preparation for the European Conference Against Racism held in October 2000 (ECAR). This led to the organisation of a national information and briefing seminar in July 2000 attended by over 40 organisations. Last year UKREN participated in the NGO Resource Group preparations for the ECAR and disseminated regular information and briefing materials to UK organisations to encourage greater participation in both the European and the World Conference.

Despite these efforts, we have realised that there is still insufficient awareness of the forthcoming UN World Conference and efforts to ensure maximum participation and involvement in its preparations are still needed. For this reason, UKREN is launching on 1 March 2001 of a further consultation which will aim for widespread participation of UK voluntary organisations and communities interested in racial issues and anti-racism. The consultation, which has been commissioned by the Home Office, will be based on a series of regional meetings across the country and several focus group meetings to address specific areas of concern. These will be organised in partnership with various regional organisations.

2 Context Information about the Importance of EU issues to UK organisations

Arlington reminded participants of the anti-discrimination issues considered in the European Conference Against Racism (ECAR): policies & practices, legal protection, education, media and asylum and immigration. He also stressed the importance of the legislation being adopted at European level (ie. Race Directive, Employment Directive, Family Reunification Directive or Immigration and asylum policy) and reminded participants that these were often the result of a collaborative and strong lobby across Europe and the UK.

3 Collaborative work.

NGOs are encouraged to work much more closely right across Europe, and in their national contexts. Wherever racist and xenophobic incidents occur in any one of the member States, it would be enormously enhancing to our

cause if NGOs across Union could support colleagues fighting that particular cause. This would ensure the development of stronger lobbying processes and networks nationally and at European level among NGOs.

While legislation at European level develops, and variations within particular member States, NGOs will do well to acknowledge that the fight against racism has been the most protracted in the UK. There has been twenty-five years of anti-racist legislation, but Britain still exhibits high levels of racism, racial discrimination, xenophobia and racist hate. NGOs will need to continue to urge national Governments to develop legislation to protect all of their citizens from racism and those seeking refuge within their borders.

It is clear that the voluntary sector will seek to protect its particular interests, but in the struggle for equal treatment, and in the battle for rights for the voiceless and marginalized throughout the community, NGOs would need to demonstrate greater levels of courage in the face of strident adversity, and work together for the common good. We must never lose sight of the essential reason for our existence: To support and defend the fundamental Human Rights and freedoms of all abused and marginalized people and groups in Europe and our local communities. If we collaborate around this basic ethic, and thereby strengthen the lobby against racist policies and practices, we would exert and maintain appropriate levels of pressure on national and European governments and organisations as an imperative. The voice of NGOs is a powerful one.

LIZA SCHUSTER, London School of Economics

Asylum & Migration In Europe: The Racialisation Of Policy

1. Context within which policy is developing:

- The Single European Act (effective in 1987) which introduced Free Movement of EU nationals within the Community underlined the distinction between EU nationals and Non-EU nationals.
- The collapse of the Soviet Bloc removed one of the reasons that western states were able to champion free movement during the Cold War.
- The War in Yugoslavia and elsewhere revealed the vulnerability of Europe to conflict and to the movement of refugees.
- In the past few decades, increased access to information and mobility has risen. This makes it much easier for people to move back and forth, to maintain links with family and friends abroad who may be able to send money, tickets etc. Therefore, migration is less frightening.

The Treaty of Amsterdam established Community competence for immigration and asylum. The Tampere Summit in 1999 agreed on a number of steps leading to the achievement of a common policy in these areas by 2004. Such a policy, according to a recent European Commission communication, is to 'be based on a common assessment of the economic and demographic development of the Union and of the situation in the countries of origin, and take account of the capacity of reception of each Member State as well as of their historical and cultural links with the countries of origin'. It will lead to the creation of channels of legal migration.

A common policy should also focus on the integration of migrants, support the fight against racism and xenophobia, the maintenance of the humanitarian principle - asylum, and the fight against 'illegal immigration'. Overall then the institutions of the European Union wish to develop a coherent, comprehensive and integrated migration policy. To this end, asylum and immigration were moved by the Amsterdam Treaty from the intergovernmental 3rd pillar to the communautaire 1st pillar. Policy was previously discussed and decided in intergovernmental fora such as the Ad Hoc Group on Immigration, TREVI and the Group of Co-ordinators, all of whom were marked by secrecy and a lack of accountability. The shift to the communautarian pillar should mean that these areas are less susceptible to the vagaries of national interest and more open to scrutiny, a development supported by the Commission and the Parliament.

2. Two contradictory impulses are manifested in the policy outlined: inclusion and exclusion

Drive to include:

- directive on family reunification;
- fight against racism and xenophobia;
- anti-discrimination legislation;

- integration of refugees;

These are overwhelmingly directed at citizens of member states and those with long term legal residency. They exclude asylum seekers and undocumented migrants, whether overstayers or people who have arrived through irregular channels

Drive to exclude:

- Carriers Liability
- Visa Requirements
- Schengen Convention
- Dublin Convention

The European Council at Tampere spoke of regulating migration. However the focus of these measures is the prevention of the entry and settlement of 'undesirable' migrants, whether spontaneous asylum seekers or undocumented travellers and the facilitation of the return of those rejected for entry or resettlement to regions outside the European Union.

The Council stresses that a key element “should be information campaigns by which potential migrants can be informed about legal possibilities for migration and what they may expect in the destination country and of the dangers of illegal trafficking”. It is difficult to see this as anything other than negative propaganda to discourage potential migrants - unless they can fill quite specific skills shortages.

In spite of the rhetoric coming from the more progressive institutions of the EU, national governments continue to focus on the issue of control and I turn now to the sites at which control is exercised.

3. Circles of Exclusion/Sites of Racialisation

Country of Origin

- Safe Havens/No Fly Zones
- Refugee Camps
- Embassies/Airline Liaison Officials
- Bond Scheme

At Borders/Ports

- Extraterritorial Areas
- Immigration Controls
- Zones d'Attentes/Detention Camps

In Country

- Detention Centres/Prisons
- Dispersal
- Vouchers
- Deportation

These then are the primary circles of exclusion and their constituent parts. They are also sites of racialisation. At these points decisions are made about who should be admitted, who should be detained and who should be deported. On what basis are these decisions made? Anyone who has travelled to, for example, the United Kingdom, France, Germany or Italy from outside the EU can testify to some of the most obvious criteria used when deciding to stop someone and colour is clearly one of them.

The singling out of particular groups for special treatment e.g. vouchers, or the need for visas for non-EU nationals resident in a member state for travel within Europe legitimates distinctions between 'them' and 'us' and feeds the public fear of the 'Other'.

4. Perpetrators and Targets

The Far-Right

Far right has successfully set the agenda in a number of countries: France, Austria, Germany and Italy. They have made electoral gains, frightening other parties into making concessions and adopting their language. Though in Germany, the Union parties lost out to the far right in local elections a couple of years ago because the voters chose to opt for the originals. The Lega Nord and the AN campaign actively against migration and

multiculturalism, and with 14.4% of the seats in the Italian parliament and a shaky coalition government, the dangers are obvious.

The Forces of Conservatism

Conservative parties in e.g. Britain and Germany emphasised links between strict immigration controls and 'good race relations'. They overlook the impact of anti-migrant rhetoric on migrant and minority communities.

The Left

The Left constitutes a bitter disappointment; in the majority of EU member states, centre left parties form the government. Many of them have a history of anti-fascist and anti-racist involvement. However, in power they have accepted premises of the right, and fuelled and exploited anti-migrant xenophobia.

The Media

The Media is often responsible for feeding racism and xenophobia to the public. Tabloids throughout Europe are guilty of racist attacks

At EU level, the Parliament and the Commission have generally been progressive though ineffectual voices. The shift then from the intergovernmental to communautaire pillar should bode well for the development of policy in the future. However, voting on asylum and immigration remains subject to unanimity voting until at least 2004, and representatives of the Interior Ministries continue to meet in the Council of Ministers and asylum and immigration remain among the most jealously guarded areas of national policy. There is a growing convergence among the nation states about the goals of policy and the means of achieving them, but this is still very much an intergovernmental process rather than a supranational or EU process.

Given that the Intergovernmental Council of Ministers of the interior have traditionally been anti-migration this is unfortunate. Intergovernmental bodies have a very poor record in relation to migration and asylum which have been grouped together with international crime such as terrorism and drug trafficking.

I would like to highlight a particular low point: the Austrian Strategy Paper, which was submitted for consideration before Haider's party became part of the ruling coalition. Though this 4 step plan was rejected at the time as a step too far, in fact Kosovo followed the strategy outlined exactly - a strategy currently endorsed by Jack Straw.

In terms of labour migration, Spain and Italy had recognised need for migration, actively tolerated undocumented migration, then introduced quota scheme - not administered very effectively. Now major EU powers also accept the need for migration through a shift from 'zero' migration to 'selective' migration. The drive is to assert control over who and how many migrants can enter in EU member states. Choices will be - allegedly - driven by skills shortages. What is not taken into account is the instrumentalisation of migrants for economic purposes: a large number of people without legal status are already in Europe Union, many have been here for long periods suffering exploitation and exclusion – what will happen when the economic crisis reoccurs? One can easily predict a backlash against migrants.

5. The Future – Questions for debate

- *Now to 2004*
Expansion and Restriction. Two things are happening here: EU's borders are being pushed further East, candidate countries are being turned into buffer zones, encouraged to push migrants to their Eastern borders; it has been suggested that nationals of new countries should not be allowed to circulate in the area of free movement for an initial period.
- *2004 and beyond*
What kind of Europe do we want? How can one distinguish a black British citizen from a black Zimbabwean, or British Indian from an Indian Indian, or a Kosovan with refugee status from a recently arrived Bosnian?

This presentation will consider the implications of the Race and Ethnic Origin Directive 2000 (REOD) and the Employment Equality Directive 2000 (FEED) for existing race equality legislation in the United Kingdom. In consequence of the need to implement these directives by 2003, there is also the possibility of a harmonising equality statute across all or most of the heads of equality governed by the directives and even the possibility of the resuscitation of a single Equality Commission. In Northern Ireland (NI), we already have the latter and there are plans to propose the former. Indeed, the UK equality agenda is increasingly dominated by developments in NI where the implications for a statutory equality duty on public authorities are gradually unfolding, a duty which is also being imposed in Great Britain in relation to race relations. Already in NI, these developments raise issues of multi-identity, of striking a balance between diversity and inclusivity and of coalition building, issues which will be raised also in Great Britain.

1. Article 13 EC

Article 13 of the Treaty of Rome, as amended by the Treaty of Amsterdam provides: *"Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."*

2. Direct Discrimination

The central concepts of REOD, which must be implemented by June 2003 in each member state, are refined concepts of direct and indirect discrimination. Art 2.2(a) REOD provides: *"direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin"*. This definition is repeated in Art 2.2(a) FEED and mirrors the definition of direct discrimination in section 1(1)(a) of the Race Relations Act (RRA). Art 2.3 REOD expands the concept of direct discrimination into the area of 'harassment' as follows: *"unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment"*. Art 2.4 provides that an instruction to discriminate is deemed to be discrimination. Similar provisions are set out in Art 2 FEED, providing for cases of direct discrimination on grounds of religion or belief, age and sexual orientation. This is a wider direct discrimination definition than in the Disability Discrimination Act. Outside the area of age, justification for direct discrimination is by Art 4 restricted to genuine occupation qualifications (GOQs). However, Art 2.5 FEED also provides a general exception to direct discrimination, modelled on provisions of the European Convention of Human Rights, namely: *"without prejudice to measures laid down by law which, in a democratic society, are necessary for public security, for maintenance of public order and the prevention of criminal offences, for health protection and for the protection of the rights and freedoms of others"*.

3. Indirect discrimination Art 2.2(b)

REOD provides the concept of indirect discrimination as follows: *"indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary"*. Reference to "provision, criterion or practice" is wider than "requirement or condition", already narrowly interpreted by the UK courts in the Race Relations Act, in particular in that policies as well as practices are to be covered. Reference to "at a particular disadvantage" suggests that a highly statistical 'disproportionate effect' will not necessarily be required. This approach allows for a clearer focus on impediments to equality. A vital component of the indirect discrimination concept is the 'objective justification' test, which is more specific in the REOD than in RRA (again narrowly interpreted in RRA) but arguably weaker than test adopted by European Court of Justice (ECJ) in sex equality cases concerning ordinary employment relationship, eg Bilka-Kaufhaus. The REOD test is similar to the ECJ test in cases in relation to welfare and statutory schemes, eg ex parte Seymour-Smith. The equivalent provision is Art 2.2(b) FEED which applies to religion or belief, age and sexual orientation. It also applies to disability, but satisfaction of "reasonable accommodation" under Art 5 FEED also satisfies indirect discrimination objective justification test.

4. Material scope

Art 3 REOD includes discrimination by employers as in sections 4-9 RRA, partnerships, trade unions, qualifying bodies, persons concerned with vocational training, as in sections 10-13 RRA). It includes “self-employment and occupation” and explicitly includes “pay”. Unlike the FEED, the ROED covers social protection and social security, social advantages and education and access to and the supply of goods and services, including housing. However, the FEED covers only employment and vocational training. In particular, Art 3.4 excludes “payments of any kind made by state schemes or similar, including state social security or social protection schemes”.

5. Genuine occupational qualifications (GOQs)

Art 4 REOD provides: “*a difference of treatment which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate*”. This is less specific than section 5 RRA. The inclusion of “context in which ... carried out” may justify differential treatment, eg on grounds of sexual orientation, but appears only to govern initial suitability for the job. There is no justification for discrimination, eg on grounds of disability or sexual orientation, once the worker is in employment. Art 4.2 (a) + (b) FEED makes special provision for churches or other public or private organisations the ethos of which is based on religion or belief. In these cases, a person’s religion or belief constitute a genuine, legitimate and justified occupational requirement, having regard to the organisation’s ethos. Those working for such organisations must also act in good faith and with loyalty to the organisation’s ethos.

6. Positive action

A vital consideration in any equality regime is the permissibility of positive action. Art 5 REOD, mirrored in Art 7 FEED, provides: “*With a view to ensuring full equality in practice, the principle of equal treatment shall not prevent any Member State from maintaining or adopting specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin*”. There are only very limited possibilities for positive action in s 37 and 38, RRA, in relation to training prior to employment. We can expect this definition to be interpreted in accordance with ECJ case law on gender equality law, namely that permits ‘tie-breaks’ if there is under-representation in a category of employment, if the applicants are chosen from a qualified pool and the personal circumstances of qualified applicants are considered. However, it would appear that the formulation in Art 5 REOD does not permit the appointment or promotion of ‘less meritorious’ candidates.

7. Procedural issues

Art 7 REOD, mirrored in Art 9 FEED, provides for defence of rights. Associations, organisations and other legal entities “*may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure*”. This is possibly wide enough to allow actions by equality agencies such as the CRE, trade unions or interest groups. Art 8 REOD, mirrored in Arts 10 FEED, governs burden of proof, as in the Burden of Proof Directive concerning gender equality. It provides for a shift of burden on to an employer if “*facts from which may be presumed direct or indirect discrimination*”. This definition involves little change in practice in UK procedures. Art 9 REOD and Art 11 FEED provide a wider definition of victimisation than in previous legislation in that protection to those involved in complaints of inequality is extended to any person and any detriment. Finally, Art 13 REOD, in this case not mirrored by the FEED, provides for the establishment of independent equality bodies: “*Member States shall designate a body or bodies for the promotion of equal treatment of all persons without discrimination on grounds of racial or ethnic origin.*” The body or bodies shall assist individuals to pursue complaints, conduct independent surveys and publish independent reports. Art 13 will have little significance in UK but will be crucially important in other member states.

8. Diversity and Multi-identity

Will implementation of the directives lead to harmonised equality statutes in GB and NI? The REOD and FEED are to be implemented by 2003 with the exception of the provisions concerning age and disability which must be implemented by 2006. It is difficult to imagine the disability reforms being deferred to 2006 and hence that age will not be included in any harmonisation process. The European Commission has proposed a sex equality directive to harmonise the Equal Treatment Directive 1976 with the REOD and FEED. Thus it intends to propose extension of the FEED into the wider range of areas governed by the REOD. The prospect of a single

equality act inevitably raises the issue of a single Equality Commission as in NI. The prime motivation for the single NI Commission was the overseeing of the statutory equality duty set out in the Northern Ireland Act, which is now mirrored in section 2, Race Relations (Amendment) Act 2000. It provides a general statutory duty on public authorities to “(a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity and good relations between persons of different racial groups”. Section 75, Northern Ireland Act 1998, provides: *“A public authority shall in carrying out its functions relating to Northern Ireland have due regard to the need to promote equality of opportunity- (a) between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; (b) between men and women generally; (c) between persons with a disability and persons without; and (d) between persons with dependants and persons without”*. Section 75 provides new heads of inequality in NI, namely sexual orientation, age and those with and without dependants. It remains to be seen whether a hierarchy of inequalities is re-established. The duty, of course, does not create any new substantive rights. Rather it places a procedural duty in relation to major public authority policies, provision of services and employment and procurement policies. As will occur also in GB in relation to the race relations statutory duty, the focus is upon extensive consultation with interest groups, upon a more structured and intensive analysis of policies through equality impact assessment and upon transparency of decision-making. What is emerging in NI are coalitions within ‘constituencies’ such as the NI Council of Ethnic Minorities (NICEM) and the Coalition on Sexual Orientation (CoSO) or the Equality Coalition, a coalition of umbrella groups, organised by UNISON and the Committee on the Administration of Justice. The underlying principle of the Equality Coalition involves respect for diversity but also inclusivity in relation to multi-identity. Umbrella groups have decided to ‘sink or swim together’ through the sharing of expertise and experience and attempts at a common strategy.

Hence, the enactment of the REOD and the FEED will have significant impact in GB in the same way as the development of a statutory equality duty in NI has prepared the ground for a single Equality Commission, a proposed single equality act and a bringing together of the Equality Coalition. It is rather dangerous to become distracted through the prospect of common legal concepts across areas of inequality into ignoring the diversity of experience which such inequality involves in practice. On the other hand, the lengthening list of inequality brings into focus issues of multi-identity and the need for those who pursue equality to appreciate the needs of other disadvantaged groups and to be prepared to enter into coalitions to achieve real inequality for all.

DR LAURIE WISEBERG, NGO liaison for the UN World Conference Against Racism,
Update on the preparations for the World Conference Against Racism (WCAR)

Dr Laurie Wiseberg addressed the participants about the international preparations for the World Conference Against Racism (WCAR) due to be held in Durban, South Africa between 31 August and 7 September. She provided participants with an update on the international preparatory process and stressed the importance for UK NGOs to prepare thoroughly for the WCAR, through the consultation process launched by UKREN on the day. Laurie pointed out that this 3rd WCAR was different from the 2 previous Conference because it had a broader mandate and therefore would not deal with just black/white racism but would also address issues such as gender, age, disability, ethnic conflict, descent, trafficking etc... (The 3rd WCAR’s full title is “World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance”) The WCAR would therefore provide each society with the opportunity to look within itself and accept that no state is free from racism. Whilst recognising that many states are in denial with regards to racism and therefore marginalise victims even more, she also stressed that NGOs had a role to play to ensure that certain groups of victims are heard and present at the WCAR. As an example, she mentioned the African descent group which was quite visible at the Preparatory meeting of the Americas in Santiago, Chile in December 2000.

Dr Wiseberg then reminded participants that Mary Robinson, High Commissioner for Human Rights, was keen to see concrete and action-oriented results coming out of the WCAR. Hopefully, the targets and benchmarks set at the WCAR would then hold NGOs, corporations and governments accountable for implementing these provisions together. On this subject Dr Wiseberg mentioned that governments are no longer capable of dealing with these problems alone. For this reason, NGO involvement in the process is crucial, especially in the follow-up to the Conference.

Coming back to regional preparatory meetings, Dr Wiseberg stressed the positive developments relating to NGO participation, in particular the increasing interaction amongst various groups and interaction between the groups and the UN. She then reviewed the rules and procedures through which NGOs could participate in the WCAR and explained that it was important for NGOs to get involved not least because it is an empowering process for local NGOs to interact at international level. Finally, she mentioned that there will be an NGO Forum organised just before the WCAR which could be more interesting for NGOs as it will be possible to discuss the issues still in brackets in the governmental documents, therefore allowing for contentious issues at governmental level to be debated during the NGO Forum. The NGO Forum will also be a great opportunity to network, lobby and put many issues on the table. Preparations for the WCAR at national level are therefore crucial to ensure that NGOs make the most out of the Durban Conference.

Patrick Yu, NICEM and UKREN

Patrick outlined the main activities of UKREN in the year 2001, particularly the national consultation of NGOs in preparation for the WCAR launched on the day. He outlined briefly the importance of such a consultation for strengthening the NGO network in the UK and the important information that the consultation should bring to NGOs concerning the WCAR. Patrick also reminded participants that preparations for the WCAR had started a year ago and there was a need to work from what had been already achieved, in particular what was achieved in the European Conference Against Racism (ECAR) in Strasbourg in October 2000. He re-emphasised that Governments had made a number of commitments at the ECAR and that NGOs need to put pressure on them to stick to these commitments. The impact of NGOs on the governmental documents is very important as it will have an impact on the UK government itself. In outlining the process of the consultation Patrick invited organisations to go home to their regions and prepare thoroughly for the regional meetings that would be held in the framework of this consultation. He stressed the importance of the WCAR follow-up for NGOs in the UK and that this follow-up would be all the more worthwhile if there was a real exchange of information both through formal and informal networks.

Workshop 1: Immigration & Asylum Policy

Chair: Susan Rowlands, ILPA

Speaker: Don Flynn, JCWI

Rapporteur: David Hudson, Refugee Council

Presentation by Don Flynn

1. Immigration and asylum and refugee issues are legally different but do not just occupy discrete technical and legal areas as they both impact on each other, and on the "race" agenda as well. Most of the refugee debate has its origins in concerns about immigration. The Treaty of Amsterdam Article 13 anti-discrimination proposals are affected by EU policies and become immersed in the immigration and asylum debate. But it is accepted that there is a dichotomy here: there is an "exclusion" agenda looking for secure borders and a "fortress Europe" approach. There is also an "equality agenda", though often a somewhat reluctant one, looking at inclusion and integration. Is this really acceptable and adequate as a *quid pro quo*? There is no division between immigration and race in reality, and speaking about immigration impacts on long term resident ethnic minorities too.

2. EU policies: since the Treaty of Amsterdam, immigration and asylum have come within the competence of the EU. There have been new proposals and directives etc. on asylum, set within a timetable due to be implemented under the "Tampere scoreboard" by 2004. These have included proposals on common asylum procedures and uniform status, minimum reception standards, complementary forms of protection, temporary protection etc. There have also been initiatives within the "integration" agenda, such as on family reunification, and on long term residents. However, on family reunification, an EU Commission quest for the liberalisation of the right to family reunification for those with permission to stay clashes with the current member state perception that there

are no rights to family reunification unless for marriage to an EU citizen. The member states' perception (especially in the UK) is that direct family reunification for purposes of marriage leads to abuse and that e.g. 1 in 3 of 21,000 London marriages of this type are "bogus". The UK has the right to opt out of all such EU agreements anyhow. On the issue of long term residents or third country nationals, a Commission proposal is expected, hopefully proposing that instead of such people experiencing benefit and movement restrictions and being tied in permanently to only one member state, there should be an agreed common period by which time long term residence would have been established, giving a secure status, freedom to move, to work etc. This has great potential but it is expected that the member states will want to water this down.

3 Contradictions

The two recent Commission Communications, one on a "Community Immigration Policy" and the other on a "Common Asylum Procedure and Uniform Status" are an attempt to rethink these issues. They have many progressive elements, including the realisation that zero immigration into Europe is now neither possible nor desirable. Yet the other agenda lives on, with the 1960/70s agenda of tight controls. This is predominantly seen in the asylum debate, with the UK government often in the lead. Now we see threats to undermine or rewrite the 1951 Geneva Convention on Refugees, harking back to the Austrian proposals of 1998, which seemed outrageous then but are sadly appearing normal now. To cope with this the debate needs to become wider than just focusing on entry controls, and needs to embrace the race and human rights arena too.

Discussion

Atmosphere of the debate

Though there may be a change in the EU "atmosphere" leading to a more harmonised, regularised processes there is a danger that this is implemented through measures such as exchanges of immigration officials, fingerprinting, and e.g., the Schengen database which has few Human Rights based controls. There is agreement that whatever the legislation, even if we disagree with it, it must always be "free of racism". So for example the NAAR campaign in relation to the General Election in the UK, aims at improving the atmosphere of the debate by bringing together a coalition of supporters in defence of asylum seekers, by keeping racism out of the election campaign, popularising the issue ("Hands Off My Friend"), and challenging the racist mechanisms by which the legislation is implemented (vouchers, detention, dispersal etc.)

The way the asylum legislation is implemented is racist in most ways. As experienced in asylum hostels for example, people often experience very little choice, have no real interpretation facilities or translated materials, and there is far too much shuttling people around in unacceptable ways. That is just in relation to the way the system works. Then there is the serious growth in the number of racist attacks on asylum seekers and a mass of prejudicial statements regularly in the press. Added to this is the failure of this process to reduce numbers, which was its principal intention; the unwillingness of many asylum seekers to be dispersed (with the effect that they do not then even get full access to vouchers); needless and maybe long-term damage to individuals, to children especially, and adults; and an increase in racism among the general public due to misinformation and the feeling that people are reflecting the general mood of the authorities, which is to be tough on asylum seekers.

In the recent period too the curious dichotomy has again been evident when the bombing of Iraq to "protect the Kurdish enclaves" happened almost simultaneously with the arrival in France of 900 Kurdish refugees. In France, not renowned for having a liberal approach to such arrivals, an opinion survey was reputed to have indicated that 70% of French opinion believe that these people should be allowed to stay, once they had seen them as "real people". The need for public opinion to be influenced by such case studies, and not by misinformation is paramount.

Europe

A number of European issues were also raised about how it could be possible to get some of the EU's more balanced progressive voice listened to in the face, particularly, of an UK wide scepticism about Europe. This is a

task in part of EUMC, ENAR and UKREN in their different roles, but needs to be implemented at national and local levels.

ENAR is developing a campaign on "citizenship" which is more about equal rights than about nationalities. On the one hand, in order to get any realistic level of "EU harmonisation" initiatives must first be implemented on a member state basis, as they have to work at a local and national level and cannot easily be imposed on all 15 Member states at once against their will. On the other hand positive framework changes, such as the Anti Discrimination Directive, can be made at an EU level, though governments will often have the power to reduce their impact.

There are also many issues where contradictions are ever present. For example, tactically, in order to get a resolution, is family reunification an issue best treated as an EU or as a national immigration issue, or as an individual human rights issue? In another example, how is it possible to preserve the distinction between immigration and the protection needs of refugees? For while trying to take advantage of the need for skilled labour and an opening up of a more positive attitude to immigration (but not to asylum), refugees are still perceived as economic migrants who curiously are not wanted. This has many race implications and is it important that UKREN and others need to build on the issue of positive aspects of immigration e.g via the opening up of work permits, and at the same time see asylum as a civil and human rights issue, not a "skills" issue.

How to move forward?

The key question is whether adequate information is in the public domain, since much of racism is probably due to ignorance. In the UK the Audit Commission's report on Asylum, the Association of Chief Police Officers report, the Shelter report on Housing, reports on the legal services etc. are all widely respected sources. Yet, though we win the argument there is often no really effective input into the political domain. All policies have to be rooted in good race relations. Through positive messages about the importance of local leadership and local action in building communities together, we must counteract the demonising of economic migrants and asylum seekers by the media, including the BBC. There is also a dilemma over the role of NGOs in needing to negotiate with governments without being seen to collude; but at what point would they withdraw their co-operation?

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

Chair: Patrick Yu, NICEM
Speaker: Barbara Cohen, CRE
Rapporteur: Gay Moon, Justice

Presentation by Barbara Cohen

Barbara introduced the discussion by pointing out what a critical time it is for race relations law and policy at the moment both in the UK and in Europe. The UK does not have a written constitution and although it does now have the Human Rights Act (HRA) this does not provide for protection against discrimination as a free standing right. We have the Race Relations (Amendment) Act 2000 (RRAA) which may go further than any anti-discrimination legislation in any other jurisdiction. The RRAA is an amendment act that adds to the Race Relations Act 1976 (RRA), it will come into force in April 2001.

The UK context

The new provisions of the RRAA mean that we now have a law that outlaws racial discrimination by the state in most of its functions. This is a dramatic development, both direct and indirect discrimination and victimisation in the carrying out of any function of a public authority are included within its scope. The CRE will have powers to enforce compliance. The HRA definition of a 'public authority' has been adopted in the RRAA, namely "any person certain of whose functions are of a public nature", so this will include not just state organisations but also private organisations performing public functions e.g. private prisons. The major exceptions to the act is that it

does not apply to judicial acts nor does it apply in relation to discrimination on grounds of nationality or ethnic or national origin in relation to certain immigration and nationality functions.

On the European front we have the Race Directive, this will set new standards, it gives a new definition of indirect discrimination and provides for a shift in the burden of proof. It is to be hoped that its provisions will be completely incorporated when the RRA is amended to comply with it. The Government will be consulting on the implementation of this soon. The NGO movement will need to engage with this consultation and urge the government to adopt the broadest definitions.

In the case of the DFEE consultation on the Burden of Proof Directive, which has just finished, the government proposed the narrowest possible application of the directive, entailing different definitions for indirect sex and race discrimination as well as limiting the change in the burden of proof to employment cases. We should use the UK position as standard bearers for anti-discrimination provisions in the EU as an opportunity to urge the government to fully implement the directive.

There will be a positive duty on public authorities (as there is already in Northern Ireland) to promote good race relations. They will need to assess the impact of their policies, consult on them and then publish the results of their assessment. They will be publicly accountable. If they do not do this it will be possible to take the matter up in the Courts. This enforceable duty to mainstream could lead to major changes, there is a need for local groups to take part in the consultation process.

The directive itself is only a minimum standard. It is also worth remembering that article 6 of the directive requires that the existing standard in any state cannot be reduced to implement the directive. The RRA applies to discrimination on grounds of race, colour, nationality, ethnic or national origin, whereas the Race Directive only applies to discrimination on grounds of racial and ethnic origin, but not on grounds of nationality. Does this mean that the equal treatment provisions of the Race Directive will not be applied to discrimination on grounds of national origins and nationality? NGOs will need to put pressure on the government to ensure that this does not happen.

Discussion

Much of the discussion centred on the need for local organisations to be involved, the difficulties entailed in this process and the ways in which it could be achieved.

The question was raised about how all this information could be filtered down to the ground level. Barbara confirmed that it was a really important part of the CRE's functions to pass on this sort of information and to make sure that local authorities understood their new functions. The CRE is planning to hold regional meetings and training sessions throughout the UK. The Government has issued a consultation document on the way that the RRA should be implemented, the CRE is preparing their own two page response leaflet to summarise the main points.

In the UK it has just been established that Irish Travellers are a racial group, in NI there is a powerful definition for Irish Travellers. As 80% of Irish Travellers are unable to write, how can they become involved in the consultation process. The CRE has had meetings, it hopes to use the local and national press, high profile court cases as well as by word of mouth. In Scotland travellers are still not recognised by the Scottish courts and local authorities as a racial group. They play the numbers game and say that the numbers are too small to merit special provision.

There is a specific social inclusion duty so that government and local authorities have to review each of their policies. The aim is to get all these issues down to street level, this will be done by the production of accessible leaflets but other methods will have to be used as well. Public meetings have to be used to discuss these changes but care needs to be shown over timing, whether they are held at the weekend or in the evenings, and attention needs to be paid to local initiatives, meetings should be held outside London as resources tend to be concentrated too much into London based initiatives. Additionally looking for remedies from the law alone is a mistake many

of the most effective initiatives have come from local authorities, the way that they issue contracts for example. Things have to be done at a local level. Good practice should be promoted. The CRE will be developing Codes of Practice for local authorities and schools and similar bodies. It will require persuasion by the CRE but it is a statutory duty and can be enforced.

There was criticism of the consultation process, large documents are issued and when people do not respond they are assumed to agree. There is a need for capacity building which could empower people to speak up. It is difficult to translate complex legal documents into everyday comprehensible language. Statutory funding should recognise the need for this.

The example was given of Staffordshire where it was felt that they had been involved in the consultation but were unsure that it had actually affected the outcome.

The Chinese community in Northern Ireland had experienced racial harassment and violence. Police failure to respond to racist crime has been taken up, racially aggravated offences can now lead to increased sentences, however, most of the prosecutions so far have been against black people. It is possible to ask for a formal investigation of the Northern Ireland police force about their failure to take up particular issues or complaints.

Legislation can change attitudes and the judicial process can be helpful but the employment tribunals are quite legalistic and cases involving discrimination in the supply of goods and services must go to the County Courts (or Sheriff Courts) which are even more legalistic.

Once the new RRAA duties are in place public authorities will have a positive duty to eliminate racism. For example, it will be possible to ask a housing authority who lives in which houses, who is being re-housed, and whose houses are being repaired. All new policies will have to be checked against the duty to promote racial equality, so it will come to influence all decisions that are taken. It will lead to a process of self-checking to prevent race discrimination before it occurs, but this will not happen if the community are not bringing pressure to bear. Targets have been introduced throughout central government, pressure should now be put on local government to put similar targets in place.

Equality of opportunity is often identified as equal treatment, but this is not necessarily true, there is a need to look positively at what peoples needs are and at how services are packaged and presented.

Workshop 3: UN World Conference Against Racism

Chair: Sukhvinder Stubbs, ENAR
Speaker: Arlington Trotman, CCRJ
Rapporteur: Sarah Isal, UKREN

Presentation by Arlington Trotman

“Bigotry, hatred, prejudice

These are the ugly symptoms of a sickness humanity has always and everywhere suffered. Racism can, will and must be defeated.”

(Secretary-General, Kofi Annan)

What & Why

In 1997, the General Assembly decided, in resolution 52/111, to hold the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. This will convene in Durban, South Africa, August 31st to September 7th 2001. In preparation for this major event, four regions around the world have to convene preparatory inter-governmental conferences, the findings and recommendations of which will be fed into the

world conference. These would have been held in Europe (Strasbourg Oct 2000), The Americas (Santiago Chile, Dec 2000), Africa (Dakar Senegal Jan 2001), and Asia (Teheran Feb 2001).

Whilst the world and preparatory conferences are inter-governmental, the UN agreed that the voices and experiences of Non-Governmental Organisations (NGOs) working on these issues would provide critical contributions to the final outcomes. Accordingly, NGO Forums will have immediately preceded the preparatory and world conferences (28th Aug to 1st Sept 2001).

The conference has been described as a landmark in the struggle to eradicate all forms of racism "requiring a strong follow-up mechanism to examine whether Governments have delivered on their promises made," according to the UN High Commissioner for Human Rights, Mary Robinson. She promised "to make it a conference of actions not just words." The World Conference is a unique opportunity to create a new world vision for the fight against racism in the twenty-first century.

Title & Draft Declarations

The first preparatory conference was held in Europe, entitled "*All Different, All Equal: From Principle to Practice*, European contribution to the world conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance." It convened 11th –13th October, and was preceded by the NGO Forum (10th –11th October) in Strasbourg. Some 570 Government representatives from the 41 member States of the Council of Europe (organisers) attended the conference, and approximately 250 NGOs participated in the Forum.

The ministerial conference prepared Draft General Conclusions (DGC) and a Political Declaration (PD), the contents of which will be fed into the World conference. Thirteen recommendations from the NGO Forum Report, including a key insertion on the vexed question of immigration and asylum - which was omitted from the DGC - were incorporated into the final version of this document.

The WCAR & Themes

The UN world Conference will, of course, be influenced by the findings and recommendations of the regional conferences; but fine words and plush promises will never have morally realistic significance until visible and effective change in policies, practices and attitudes to the world's two-thirds people and all minorities become an actual reality.

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|---------|---|
| Theme 1 | Sources, cause, forms and contemporary manifestations of racism, racial discrimination and related intolerance. |
| Theme 2 | Victims of racism, racial discrimination and related intolerance. |
| Theme 3 | Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination and related intolerance at the national, regional and international levels. |
| Theme 4 | Provision for effective remedies, recourses, redress, (compensatory) and other measures at the national, regional and international levels. <i>The bracket in theme 4 indicates that a consensus could not be reached on the word "compensatory".</i> |
| Theme 5 | Strategies to achieve full and effective equality, including international co-operation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia. |

Conclusion

NGOs can ensure that these are not just fine words. In Britain and throughout Europe we must declare these manifestations of inhumanity as fundamentally flawed and evil: We must come to enhance our struggle in an integrated way, to defend the voiceless, protect the persecuted; we must empower the socially excluded and economically displaced, we must defend he who struggles against the forces of racism, and work for the

restoration of destitute and tortured people: refugees, migrants, black people, asylum seekers, undocumented persons, Roma, gypsies and Travellers; we must continue to confront the State with peaceful protest when death occurs at its hands.

We must implore endlessly, and with appropriate degrees of professionalism, all governmental authorities to continue to bring forward adequate legislation, and not only strengthen existing legal competences, but also deliver new and radical ones, with appropriate penalties.

Discussion

Sukhvinder Stubbs, Chair of the session, reminded that this workshop was aimed at launching UKREN's consultation for UK NGOs in preparation for the World Conference Against Racism (WCAR) to be held in Durban, South Africa in September. She emphasised the importance of making sure that NGOs mobilise themselves and achieve their objectives. She also stressed the importance for NGOs to be informed and understand the process in order to know "which buttons to push" and be heard.

At the onset of the discussions, three clear areas of concern were voiced by participants in relation to the WCAR themes. These were:

- racism and social exclusion
- refugees and asylum-seekers
- compensation

The Chair then decided to break down the fairly large workshop further into three groups each discussing one of the issues mentioned.

Racism and social exclusion:

After acknowledging that there was generally clear lack of mention of the connection between race and social exclusion, the sub-group discussed language issues, especially the fact that the term social exclusion is very much recognised in Europe but would not be so much recognised in South Africa. The term "poverty" was perceived to be more familiar. It was also mentioned that social exclusion was at the root of structures and barriers that prevented black and ethnic minority people to exercise their rights. Finally, participants stressed the importance of local action and local initiatives, giving the example of the CRE Leadership challenge or the Manchester Charter. Both these initiatives try to tackle social exclusion faced by black and ethnic minority people at a local level.

Recommendations:

- The Government should make sure that social exclusion/poverty as one of the major sources of racism and its perpetuation is firmly put on the WCAR agenda.
- The Government should pay particular attention to ensuring that the follow-up to the Conference can be implemented at local level. This could include a provision similar to Agenda 21 which was adopted following the Rio Green Summit and which engaged local communities to implement the more global decisions adopted at the Summit.

Refugees and Asylum-seekers:

Participants to this sub-group started off by reminding us that the refugee issue was one of the gains of the ECAR since it was present in the ministerial text thanks to the efforts of participants to the NGO Forum. It was also stressed that the WCAR timing was crucial as it will take place just before the review of Tampere in December 2001. This is a great opportunity to reassert certain ideas and concepts and make sure that they are part of the paper work coming out of the WCAR. These concepts can range from the long-term idea of a global citizenship to the more short-term issues of statelessness and refugee protection under international instruments. The responsibility of government was also perceived to be an important factor in provoking a flow of asylum seekers and refugees through their own actions (ie. bombing of Iraq). It was finally agreed that education is crucial in reducing stereotypes and instilling the concept of global citizenship.

Recommendations:

- The Government should acknowledge the importance of the WCAR to tackle issues of refugees and asylum-seekers and should re-assert its allegiance to existing international instruments to protect refugees and asylum seekers.
- WCAR should be the opportunity to re-assert the concept of global citizenship.
- The Government should take responsibility in provoking the flow of refugees and asylum-seekers through its political action.

Compensation:

Participants in this sub-group first stressed that the question of compensation only arises after the event. However, they felt that the aim should be to look forward and to aim for prevention through education and information to both sides. In this way, compensation could mark the end of the atrocities. However, it is important to recognise compensation as not just an issue of the past but a very contemporary question indeed. It has to be studied in the context of the legacy of slavery and colonialism and therefore in the context of the damage that this legacy continues to have on black and minority ethnic communities.

Recommendations:

- The issue of compensations should remain on the agenda of the WCAR.
- The issues should be recognised as a contemporary issue that affects individuals and communities today
- The WCAR should put in place strategies and monitoring mechanisms to ensure that compensations is part of the implementation of the WCAR by national governments.

CLOSING PLENARY The closing plenary was chaired by Diana Brittan, Chair of UKREN.

MARIA MIGUEL-SIERRA, ENAR

ENAR's Programme of action 2001

Maria started her contribution by stressing the importance of UKREN's Roundtable in contributing to building links between the local, regional, national and European level. She explained that this was one of the main purposes of ENAR, as well as linking grass root organisations with EU institutions. She then explained that the Roundtable was a useful event for her since it gave her an opportunity to hear national concerns and report these issues back to ENAR which will take them into consideration when establishing its work programme.

Maria then outlined the main themes of ENAR's work programme for 2001 which run along the same lines as the three themes developed on the day in the conference: Implementation of European anti-racist legislation, Citizenship (which encompasses issues around immigration and asylum-seekers as well as the right to vote for non-EU citizens) and finally the World Conference Against Racism.

Finally Maria reminded participants that ENAR would hold its First General Assembly (GA) at the end of March 2001. The aim of the GA would be to assess what has been achieved so far and what should be done in the future, including establishing a strong, concrete work programme for ENAR.

Lady DIANA BRITTAN, UKREN and the Runnymede Trust

Closing remarks

Lady Diana Brittan first thanked all the speakers, contributors and participants to the day's meeting. In summing up the Roundtable discussion, she welcomed the clear analysis on equality, immigration and asylum-seekers and the threat to the Geneva Convention and re-emphasised that these were fundamental issues. She reminded that the work on equality in the EU had been crucially influenced by NGOs with regard to the Race Directive and Framework Directive but that they were less successful in influencing the agenda on immigration and asylum. However, she stressed the vital importance of linking racial equality with immigration, asylum and refugee issues and the ongoing role that NGOs had to play in influencing EU & National Policy.

LIST OF SPEAKERS & CONTRIBUTORS

Cllr Albert	BORE	Birmingham City Council
Lady Diana	BRITTAN	The Runnymede Trust & UKREN
Barbara	COHEN	CRE
Professor Barry	FITZPATRICK	University of Ulster
Don	FLYNN	JCWI
David	HUDSON	The Refugee Council
Sarah	ISAL	The Runnymede Trust & UKREN
Michelynn	LAFLECHE	The Runnymede Trust
Maria	MIGUEL-SIERRA	ENAR
Gay	MOON	Justice
Sue	ROWLANDS	ILPA
Liza	SCHUSTER	LSE & CCME
Sukhvinder	STUBBS	ENAR
Arlington	TROTMAN	Churches Commission for Racial Justice
Dr Laurie	WISEBERG	UN World Conference Against Racism
Patrick	YU	NICEM & UKREN

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Sharda	BHAT	Indian Community Centre
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Sandra	BROGHAN	Northern Ireland Federation of Womens' Aid
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