Given the fluidity of social and political affairs, and the constant emergence of new ideas and insights, no report can claim to be the last word on its subject, and this one most certainly advances no such claim. However, as a carefully researched and thought-out document, hammered out in searching discussions conducted in a spirit of intellectual and moral responsibility, it represents, we hope, a major contribution to the national debate. Race is too important and sensitive an issue to be turned into a political football or approached in terms of narrow electoral calculations. We hope that our report will form the basis of, or at least pave the way for, a much-needed national consensus.

It is informed by several fundamental principles which in our view are, or deserve to be, shared by most people in Britain.

First, all individuals have equal worth irrespective of their colour, gender, ethnicity, religion, age or sexual orientation, and have equal claims to the opportunities they need to realise their potential and contribute to collective wellbeing. The principle of equal moral worth cannot take root and flourish within a structure of deep economic or social inequalities.

Second, citizens are not only individuals but also members of particular religious, ethnic, cultural and regional communities which are relatively stable as well as open and fluid. Britain is both a community of
citizens and a community of communities, both a liberal and a multicultural society, and needs to reconcile their sometimes conflicting requirements.

Third, since citizens have differing needs, equal treatment requires full account to be taken of their differences. When equality ignores relevant differences and insists on uniformity of treatment, it leads to injustice and inequality; when differences ignore the demands of equality, they result in discrimination. Equality must be defined in a culturally sensitive way and applied in a discriminating but not discriminatory manner.

Fourth, every society needs to be cohesive as well as respectful of diversity, and must find ways of nurturing diversity while fostering a common sense of belonging and a shared identity among its members.

Fifth, although every society needs a broadly shared body of values, of which human rights are an important part, there is a risk of defining the values so narrowly that their further development is ruled out or legitimate ways of life are suppressed. While affirming such essential procedural values as tolerance, mutual respect, dialogue and peaceful resolution of differences, and such basic ethical norms as respect for human dignity, equal worth of all, equal opportunity for self-development and equal life chances, society must also respect deep moral differences and find ways of resolving inescapable conflicts. Human rights principles provide a valuable framework for handling differences, but they are never by themselves enough.

Lastly, racism, understood either as division of humankind into fixed, closed and unalterable groups or as systematic domination of some groups by others, is an empirically false, logically incoherent and morally unacceptable doctrine. Racism is a subtle and complex phenomenon. It may be based on colour and physical features or on culture, nationality and way of life; it may affirm equality of human worth but implicitly deny this by insisting on the absolute superiority of a particular culture; it may admit equality up to a point but impose a glass ceiling higher up. Whatever its subtle disguises and forms, it is deeply divisive, intolerant of differences, a source of much human suffering and inimical to the common sense of belonging lying at the basis of every stable political community. It can have no place in a decent society.

We approach the current state of multi-ethnic Britain against the background of these and related principles. We believe that it is both possible and vitally necessary to create a society in which all citizens and communities feel valued, enjoy equal opportunities to develop their respective talents, lead fulfilling lives, accept their fair share of collective responsibility, and help create a communal life in which the spirit of civic friendship, shared identity and common sense of belonging goes hand in hand with love of diversity. Having sketched our vision of a relaxed and self-confident multicultural Britain with which all people can identify, we analyse the obstacles standing in its way and propose policies most likely to overcome them. The obstacles include racial discrimination, racial disadvantage, a racially oriented moral and political culture, an inadequate philosophy of government, a lack of carefully thought-out and properly integrated administrative structures at various levels of government, and a lack of political will.

The policies we propose address each of these. They require not only appropriate legislative, administrative and other measures, but also a radical shift in the manner in which British identity and the relations between different groups of citizens are generally defined.

The Commission’s report was inspired by and intended to rethink the seminal report, Colour and Citizenship, of Jim Rose and his colleagues, published in 1969. As a founder and Trustee of the Runnymede Trust, Jim took a keen interest in our work and was most anxious to see its publication. Sadly he died last year. We salute his memory with pride, remember with sadness those who died victims of or in the course of struggle against racial injustice, and express our deepest gratitude to those countless white, black and Asian people in Britain who are continuing the struggle in small and large ways. Every generation owes its successors a duty to bequeath them a better country than it inherited. This report suggests one way of discharging that great historical obligation.

Bhikhu Parekh (Lord Parekh of Kingston-upon-Hull) is emeritus professor of political theory at the University of Hull. This is an abridged version of his preface to the Commission’s report.

Modernising the terms of debate

Trevor Phillips, who was chair of the Runnymede Trust when the Commission was set up, recalls its background and aspirations, including the hope of developing new terms and concepts.

When, in the mid-1990s, the Runnymede Trustees sat in an office perched high above London to consider the Trust’s future, two things were evident. First, that after nearly 30 years of being in the vanguard of race relations thinking and research, it was time to take a reality check on our own understanding of the British people. Second, that the growing diversity of the UK, particularly in cities like London, presented a major new challenge for all those concerned with race and ethnicity.

For me, as a working journalist who wrote and broadcast often about these issues, there was a further problem. The language of race was largely borrowed from the United States, and looked increasingly inappropriate. We spoke of black and white in a nation where people of South Asian origin felt uneasy about being bracketed with others of very different backgrounds. We argued about race in a country where new faith
Predicting the Future

Kate Gavron, a Runnymede trustee and vice-chair of the Commission, places the Commission within the wider context of Runnymede’s work. She begins by referring to a media discussion of Britain’s future population.

On 3 September 2000, the Observer published a report based on research by a demographer who, not surprisingly, wished to remain anonymous. His research claimed that ‘whites’ in Britain will be an ‘ethnic minority’ by the end of the century. Apart from the anonymity of the author of the research, there is much to complain about in this piece of reporting.

It comments on neither the inadequacy nor the use of the term ‘whites’. It fails to question any of the assumptions which appear to be part of the research, such as that fertility rates of different communities will remain unchanged two or more generations after initial immigration. In its emphasis on colour as a defining characteristic, it conflates ‘non-whites’ and ‘immigrants’, ignoring the fact that many of the ‘newcomers’ of the past decade have been ‘white’. It fails to question assumptions about immigration rates remaining constant for many decades. How accurate, after all, would similar predictions have been in the early 1900s, when there was an irrational panic, of the kind that became painfully familiar throughout the 20th century, about the arrival of Jews from eastern Europe and Russia? It is disturbing that the Observer should have published this article, when it’s a newspaper that ought to be more reliable for rational reporting and debate on issues of cultural diversity than some others.

What this sort of article underlines is the importance of the messages of the Report on the Future of Multi-Ethnic Britain, as described in this issue of the Bulletin by Bhikhu Parekh. As a nation, we need to rethink our relationship with other peoples of the world, especially those with whom we have been linked for centuries as the result of our imperial past. We also need to rethink our internal relationships, not only between and within different communities but also between religious communities, regions and countries. Devolution, membership of the European Community and mass global migrations have all transformed the world since 1900 and the British need to rethink relationships with our fellow world-citizens.

I became involved in the Commission on the Future of Multi-Ethnic Britain when Jim Rose, who was originally planning to be a commissioner, decided that he could not undertake the work involved. I was asked, as a fellow trustee of the Runnymede Trust, to take his place on the Commission. It was a great pity that the Commission could not draw on Jim’s wisdom, knowledge and sensitivity during what was to be the last year of his life; but throughout that period he maintained interest in what we were doing, and attended some of the meetings and at least one of the seminars organised in early 1999 to gather together experts to discuss specific issues.

One of the most gratifying aspects of being involved with the Commission has been the generosity of everyone associated with its work. The Commissioners themselves have been immensely generous with their time, and in the attention they have given to writing, re-writing and commenting on the text of the Report, as Robin Richardson describes in this Bulletin. Our three funders have shown an active interest throughout and provided venues and support for meetings. Other friends have provided hospitality that included catering for residential meetings; especially notable here are United News and Media, the Granada Group and the Regency Hotel, Kensington. I have been interested to note the way in which help which goes beyond the routine can prove inspirational to bodies such as this Commission, not least because support from the outside reinforces our belief in the importance of our enterprise.

From the beginning it has been a principle of the Commission that it should be intellectually independent of the Runnymede Trust, to the extent that it should not feel constrained by Runnymede’s own policies, statements and aims. The links between the Trust and the Commission have therefore been largely administrative; but in the latter stages of the report-writing we have made use of expertise at Runnymede by asking staff to read and comment on various sections of the Report.

One of the problems with reports produced by commissions of limited duration is the tendency for reports (and their recommendations) to be shelved and forgotten. It is the Commissioners’ hope that the Trust will take up and pursue the recommendations in the Report and, especially, revisit the recommendations regularly in the future to see what progress has been made – just as the Report advises should be done with the Stephen Lawrence Inquiry Report.

It is above all gratifying that despite inevitable disagreements at various points over form, content, policy recommendations and priority areas, we have avoided any dissenting or minority reports. This is without a doubt due in no small part to skilful chairing of meetings and drafting of the Report itself. Beyond that, however, it is due to the Commissioners all feeling sufficiently committed to the aspiration of a successful multi-ethnic Britain to have made personal compromises in some areas, while continuing to argue passionately and persuasively whenever it really mattered.

Kate Gavron is a research fellow at the Institute of Community Studies.
A focus for searching questions

Colin Bailey, a member of the Commission in both its main phases, stresses the importance of its findings for the police service.

I was approached by the original Chairman of the Commission on the Future of Multi-Ethnic Britain to be a Commissioner as a result of my position as Chairman of the Association of Chief Police Officers (ACPO) Race and Community Relations Sub-Committee. This Committee had representation from various police forces throughout the United Kingdom, as well as the Home Office and the Commission for Racial Equality, and was charged with influencing and monitoring the application of policy in individual police forces. In view of our remit, I considered it important for the Police Service to be involved in the important work of the Multi-Ethnic Britain Commission.

Early on this was graphically illustrated when I took part in one of the Commission’s visits to Liverpool. In an open forum, attended by a cross-section of the local black and Asian community, I found that I was the focus for searching questions regarding dissatisfaction with local policing and the treatment by the police of the local black and Asian residents. Whilst I was very well informed and aware of the issues on ‘my own patch’, I found it difficult to answer for perceived shortcomings in another Chief Constable’s area.

This was an important lesson to have absorbed prior to the Home Secretary initiating the Inquiry into the murder of Stephen Lawrence. Whilst this was to be a searching investigation of how the Metropolitan Police had carried out their enquiries, from the outset it was apparent to me that important lessons for every police force in the country would emerge.

The recommendations of Sir William Macpherson’s Inquiry have strongly influenced the Commission, both in its discussions and the content of its published Report, and the Police Service and others have a duty to address the Commission’s findings with the vigour that the black and Asian communities demand.


One size does not fit all

Judith Hunt reflects on her experience of being a member of the Commission and links it to her involvement in local government and administration over the years.

Joining the Commission in its second phase, in the wake of the Stephen Lawrence Inquiry, has been a complete mix of emotions and thoughts for me. Including pleasure at the progress that has been made, depression at the stalemate in many organisations, depression at the continuing awful consequences of racism on individuals and their families and excitement at the opportunity to rethink my own views and experiences, and to contribute through the report to a wider public debate.

With others, I was involved in implementing race and equality policies in the Greater London Council in the 1980s, and subsequently at national level for Local Government. Our recent
experience, prior to the Stephen Lawrence Inquiry, was that the significant numerical progress in the 1980s and early 1990s had been maintained only in a small proportion of councils as equalities had slipped off the political agenda for most. Some councils, mainly metropolitan and London boroughs, had maintained their attention and focus, but perhaps like us were not sufficiently rethinking what was required at the turn of the century.

What have I learned? That there is deep-rooted experience of racism for many of our communities, much of which has remained hidden, and that many youngsters believe their life chances will be blighted by racism. That many of our public services have failed to tackle racism and construct services appropriate to our diverse communities. That much of the recent guidance provided by the CRE to national local government organisations, would, if implemented, make significant changes in helping to create open and accessible services fully reflecting the needs of diverse communities. That change in legislation would be helpful. The critical base point is that the facts and figures must be collected, monitored and acted upon.

Above all, the experience of the Commission has been for me a strong reminder that our communities are increasingly complex, therefore solutions have to be complex too. The debates around nation, cultural identify and religion have challenged some of my personal thinking. The debates have also highlighted for me that all involved in developing and implementing public policy need to acknowledge that complexity and find a thousand and one ways of engaging with our diverse communities, and people are prepared to kill and die for the recognition of their national or ethnic identity. Britain is uniquely placed to offer an example to the world of a country struggling with itself to resist appeals to a racist nationalism that excludes communities defined as racial, ethnic, or refugee.

In the recent past few politicians or other public figures were willing to take a lead in asserting that minorities do share a ‘national identity’, and some, shamefully, still attempt to scapegoat minorities as responsible for social and economic ills. But there are now, as the Commission found in its work, many leaders from all communities and in all walks of life – in Parliament, the professions, business, sport, and cultural activities, and countless others in the general public – who see the dangers of a country split by ugly divisions. They are working to create a decent society which can give a lead to Europe and to the world in its respect for all individuals as equals within a community of communities.

Sally Tomlinson was chief executive of the Local Government Management Board, 1993-8, and before that chief executive of Ealing Borough Council.

The world is watching

Sally Tomlinson reflects on the Commission’s emphasis on the concept of belonging, and places its report within the wider international context.

It was both a pleasure and an honour to serve on the Commission on the Future of Multi-ethnic Britain. In all our meetings the discussion which interested me most and to which we returned again and again was that of ‘belonging’.

Whom do we most closely identify ourselves with – family, community, country, nation-state – and why is it that we so often define our inclusion by the exclusion, denigration and hatred of others? Our conclusions were that, despite much racism and xenophobia, Britain is a community of communities, a multicultural post-nation still struggling to come to terms with the end of Empire. There is enough evidence of advance in the struggle for equality and racial justice to believe that a newly defined Britain does have a future.

Perhaps we did not stress enough that the world is watching. In the modern world, claims to nationhood, recognition of national identities, and relationships between majorities and minorities living in the same territory are matters for intense international debate, and people

Judith Hunt was chief executive of the Local Government Management Board, 1993-8, and before that chief executive of Ealing Borough Council.
A labour of love

Séamus Taylor

recalls personal and professional experience in relation to the Commission's work, and stresses that the Irish dimension in the Commission's report is one of its distinctive features – Irish experience illuminates Britishness rather as the experience of black people illuminates whiteness.

Growing up in small-town rural Ireland in the 60s and 70s I lived in a very homogenous society - almost everyone was white and all cultural symbols were Irish. My sense of Irishness was affirmed on a daily basis. Following university I found myself leaving Ireland to work initially as a social worker with London's Irish community. Living in London and working with excluded Irish people taught me that Irish identity was not unproblematic and the Irish experience was marked not only by diversity and success but also by disadvantage and discrimination. Whilst not belonging to a visible minority I quickly realised that I belonged to a perceived minority and that accent does not lag far behind colour as a marker of difference. I found that my accent elicited a range of positive and negative responses from 'oh you’re Irish', as if I were some kind of rare zoological exhibit, to expectations that I be as eloquent as Wilde or as thick as the Paddy in the Punch cartoon.

I became involved in founding a charity, Action Group for Irish Youth, which seeks to promote Irish community inclusion and tackle Irish community exclusion. We and others worked with the Commission for Racial Equality on a two-year research study on the Irish experience of discrimination in Britain. Launched in 1997, the report was welcomed by the Home Secretary. He is committed to drawing on the research to inform Britain’s future race relations strategy.

Alongside this voluntary activity I've been working in local government, both in mainstream policy and equal opportunities. For a number of years my locale has been Haringey, a borough marked by the range and importance of its diverse communities – with sizeable African, African Caribbean, Asian, Cypriot, Jewish, Irish and Kurdish communities, and it was through this work that I was invited to sit on the Commission.

From the very beginning I felt both a delight and a responsibility – a delight that the Irish experience had been thought about at the outset, and a sense of responsibility to articulate the Irish experience appropriately at key stages of the Commission’s work. I have to say unequivocally that I have thoroughly enjoyed my involvement with the Commission – for me it has been a genuine labour of love. I care professionally and passionately about the future of multi-ethnic Britain – about every topic we discussed, every argument, and every emphasis in the final report.

What I will always cherish about working with the Commission was the genuine collective effort involved in producing its findings – the way in which we Commissioners engaged, meeting after meeting, with each others' drafts; went away and diligently refined our own efforts; and always reached a workable consensus. It was wonderful to engage with and witness the expert chairing by Bhikhu Parekh, the willingness of Commissioners to compromise, and the skilled editing by Robin Richardson, which have combined to produce a report that all Commissioners could sign up to.

Involvement with the Commission has also been a wonderful learning experience; enabling me to contextualise day-to-day equalities and diversity practice in a multi-ethnic borough within a wider theoretical and policy framework. In terms of addressing the Irish experience in the Commission’s work I think the report does justice to it wherever evidence was available to the Commission. In some ways, the Irish dimension is a unique feature of this report and helps shed fresh light on key themes – an understanding of the Irish experience in Britain illuminates Britishness in a way that the experience of black people illuminates whiteness. My hope, speaking personally and as a Commissioner, is that in so doing the report will help us all understand how we may better share our collective, multiple and different identities in a future multi-ethnic Britain.

Séamus Taylor is Head of Policy: Equalities and Diversity, Haringey Council and outgoing Chair, Action Group for Irish Youth.

New problems, new solutions

David Faulkner

comments on the principal implications of the report for public administration and law.

Britain is coming to realise that 21st-century problems need more than 20th-century solutions. Education is about more than test scores and exam results; health is about more than waiting lists and recovery rates; employment is about more than numbers claiming benefit; criminal justice is about more than catching criminals and locking them up. Racial equality – and social justice – are about more than avoiding discrimination. The Commission on the Future of Multi-Ethnic Britain has contributed to this realisation, most obviously as regards racial equality, but also in other areas of social policy, politics and governance. For me, the experience of working as a member of the Commission has demonstrated the need to move on from avoiding discrimination to promoting equality and valuing diversity; to stop thinking of people as belonging to a ‘majority’ or ‘minority’; and for people to translate that change of outlook into their personal lives as individuals, their collective lives as citizens, and their working lives in their various professions, trades and occupations.

The means of satisfying that need are partly a matter of personal and social values, and partly of professional or sometimes political judgement. They include not only programmes and techniques – training, recruitment, monitoring – but political and professional leadership and commitment. Conditions for success include a clearer and more coherent understanding of human rights; of the
individual and collective responsibilities of citizenship; and of the nature and importance of civil society. They also include structures and mechanisms to ensure that public services are not only accountable but also legitimate.

The questions raised by the Report, and the answers it gives to them, are not just about the treatment of what have in the past been termed ‘ethnic minorities’. They most certainly cannot be dismissed as ‘political correctness’. They go to the heart of modern British society, its social and political values, the relationship between the state and the citizen, the nature of authority, and the character of moral and political leadership.

David Faulkner is Senior Research Associate, University of Oxford Centre for Criminological Research.

The Chinese community

Michael Chan reflects on the concept of ‘a community of citizens and communities’, referring in particular to its relevance for the Chinese community in Britain.

A Britain that is a community of citizens and of communities is very appealing to the Chinese community, established here for more than a century but maintaining its distinctive cultural values and practices. Non-Chinese communities and individuals in Britain have adopted some Chinese practices: eating Chinese food, using traditional Chinese medicine and practising tai chi and kung-fu.

As a community, the Chinese in Britain have been found by national surveys of ethnic minorities to be relatively healthy and successful. Nevertheless, some sections of the community, particularly the elderly and young families in food catering, experience social isolation and poverty. The elderly may have difficulty with the English language and not be living near other Chinese people who can help them. However, because of the perceived successfulness of the Chinese community compared with others, the many problems of the Chinese working in catering have not been given sufficient prominence.

Immigration and asylum have become significant issues for the Chinese community in Britain since the tragedy of the 58 young people from Fujian (Southern China) found dead in a transport container in Dover in June 2000. While not condoning illegal immigration, Chinese in Britain believe that current immigration and asylum policies are based on increasingly harsh and racist principles that drive desperate people to take desperate steps in order to escape oppression, persecution and the ravages of poverty in developing countries. Such people then succumb to the blandishments of criminals and are exploited by them and their evil organisations. The Commission’s recommendations on immigration and asylum have the support of the Chinese community.

The future for a multi-ethnic Britain envisaged by the Commission’s report will lead to a more equitable society where merit is recognised and diversity valued. This is the Britain where Britons of all backgrounds, including the Chinese, will participate fully. Politics is a field most Chinese people have ignored until now – but not in the future.

Michael Chan is Chair of the Chinese in Britain Forum and Professor of Ethnic Health, University of Liverpool

Race recognised as a human rights issue

Sarah Spencer stresses that racial justice is a human rights issue and places the report within the context of recent national and international developments.

The extreme racism witnessed during the Second World War led to the unprecedented negotiation of the post-war international human rights agreements, committing nations to action against discrimination and to protect other fundamental rights. Race equality is a quintessential human rights issue, and is recognised as such abroad.

But perversely in Britain human rights has been seen as the prerogative of white lawyers. No longer.

The Commission’s report draws out the full significance of human rights principles, and the international legal standards to which the UK has signed up, for achieving race equality. It stresses the importance of a human rights culture – a culture of mutual respect among equals, and of respect for minorities, to achieving that goal. It recognises the potential significance of the new Human Rights Act in bringing about that cultural shift, and in providing new grounds on which black and Asian people can challenge the infringement of their rights.

The report argues that human rights principles provide an ethical code on how individuals should treat each other, and the ground-rules for negotiating conflicting rights in a multi-cultural society. As such they must be centre-stage in the negotiation of our future, not left to lawyers and the courts. Human rights principles are the language we all must learn to speak, at home, at school, at work and in public life.

Acknowledging the significance of human rights principles does not mean that the specific measures needed to address race discrimination and promote equality should lose their focus. The report is indeed replete with comprehensive legislative and policy recommendations. It means that those addressing race equality issues should work closely with those working on other human rights issues, including those of gender and disability, each ensuring that they reflect both race equality and wider human rights principles in their work. There is a useful analogy here with the environmental field. At one time people working on wildlife protection or global warming operated entirely separately. Now they see themselves as part of a single environmental movement. Far from losing their individual focus, they have been strengthened by working together, recognising what unites them as well as their own distinctness.

If the report helps to draw together thought and practice on race equality and human rights issues, each strengthening the other, it could lead to a step-change in the progress over the next decade.

Sarah Spencer is director of the human rights programme at the Institute for Public Policy Research.

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A fantastic experience

Matthew McFarlane describes his personal experience of being a member of the Commission and considers implications for the police service.

Being so intimately involved in the preparation of the Report has been a fantastic experience. To have the opportunity to sit and discuss issues of race and discrimination with the members of the Commission really has been an education for me.

I remember in particular, before I became fully involved with the Commission, going to see Stuart Hall deliver a lecture as part of the Windrush celebrations in Nottingham. I took all of my staff to hear him. The next day back at work we placed a quote from him on our office wall. To subsequently have the opportunity to share ideas on policing, with him and other Commission members, has vastly increased my understanding of many of the issues we face.

When I attended hearings of the Lawrence Inquiry, I considered it a unique opportunity to learn how to improve policing. I would certainly say that the meetings of the Commission were an opportunity just as valuable, and unique.

In drafting the Report, the Commission has not avoided difficult questions. It has attempted to deal with complex issues on a sound academic basis, whilst giving useful, practical guidance and advice. Throughout, the Commission has been aware that the Report must be accessible to a huge variety of audiences, at all times balancing the intellectual with the pragmatic. Fundamentally, it must lead to change and improvement.

This has been an easy achievement.

I have no doubt that some will disagree with aspects of the report, possibly even attempt to challenge its validity. I, however, hope that it will inform, challenge and, most of all, ensure that the momentum provided by the Lawrence Inquiry is sustained to improve not only policing, but the many other areas which the report covers.

Matthew McFarlane is Chief Inspector (Community and Race Relations) with Nottinghamshire Police. He attended sessions of the Stephen Lawrence Inquiry as the official representative of the Association of Chief Police Officers

Politics

Muhammad Anwar, who has written many research studies over the years on the involvement of Asian and black communities in elections and politics, stresses the importance of the report for all political parties.

The involvement of ethnic minorities in all aspects of British public life is crucial if we are to create, in the future, a society free of racial disadvantage and racial discrimination. I believe that, in addition to the progress of ethnic minorities in education and the professions, their integration into the political process is of fundamental importance. There should be more ‘decision-makers’ from these communities.

However, the representation of ethnic minorities in the mainstream of British politics is very small, though their participation in elections as voters has increased recently. In the last few years, political parties have become more aware of the importance of the ethnic minority vote and the under-representation of ethnic minorities as elected people. Some efforts have therefore been made to encourage ethnic minorities to register as electors and to become members of political parties. It appears from research that ethnic minorities have responded well to these efforts; but more needs to be done.

I believe that the integration of ethnic minorities into the political process requires their effective not token representation and involvement. There are only nine MPs in the House of Commons and about 530 local councillors of ethnic minority origin. There is no ethnic minority person elected for the Scottish Parliament nor the Welsh Assembly. Four ethnic minority origin MEPs are representing the UK in the European Parliament and there are 18 life peers of ethnic minority origin in the House of Lords. Clearly, more must be done to encourage and help ethnic minorities to participate in the decision-making process, so that the process reflects our multi-racial society. This should also include appointments to unelected bodies.

The political parties have a responsibility to increase the number of ethnic minorities in the decision-making process. This will help to achieve equal opportunity not only within the political parties but also outside them. The Commission has made recommendations in this context which should be taken seriously by the political parties and other relevant bodies. Increased participation in the political process and positive policies by political parties would also help the integration of ethnic minorities as full citizens of this country. Therefore, equality of opportunity in the political process is crucial to achieve equality in other fields, and this means effective representation and involvement. The next general election will be a good time for the political parties to show their commitment to providing equality of opportunity for ethnic minorities, in much the same way that the Labour Party did at the last general election to increase the number of women in the House of Commons.

Professor Muhammad Anwar is research professor at the Centre for Research in Ethnic Relations at the University of Warwick (CRER) and previously director of CRER, 1989–94, and head of research at the Commission for Racial Equality, 1981–9.
Ranimed, Runnymede and a Long Report

Robin Richardson, director of the Runnymede Trust when the Commission was first designed, and editor of the Commission's report, describes the background debates and concerns.

In 1992 the trustees of the Runnymede Trust, chaired by Anthony Lester, began to discuss amongst themselves and with close friends the possibility of a new version, so to speak, of Colour and Citizenship – a document which would act as a charter for the following decade, and which would be imbued with the same combination of passion and reason. A new document would need to take account of a substantial new body of research and theorising; the much greater influence of Asian and black organisations and individuals in national and local affairs; and the massive changes in public administration and governance known by the shorthand term ‘Thatcherism’.

In 1994 Runnymede organised a large residential conference, The Future of Multi-Ethnic Britain. It was here that the idea of a follow-up to Colour and Citizenship was first publicly mooted. ‘There is a need for a new public philosophy and a new national consensus,’ the conference declared, ‘about the nature of Britain as a multi-ethnic society.’ The first and over-riding recommendation from the conference was: ‘A national commission on multi-ethnic Britain should be set up, to develop further the proposals listed in this report. The commission should consult with all interested parties, and should aim to disseminate its findings as widely as possible.’

The Joseph Rowntree Charitable Trust immediately offered financial support to enable planning to start. Over the following months precise terms of reference were hammered out, procedures and criteria for appointing commissioners were agreed, and the legal relationship between the Trust and the Commission was clarified. The Nuffield Foundation (which in the 1960s had been the principal funder of the research by Rose and Deakin) joined the Joseph Rowntree Charitable Trust as a major funder, as also did the Paul Hamlyn Foundation. The Commission was launched in early 1998 by the Home Secretary, Jack Straw. The first chair was Sir John Burgh, until recently president of Trinity College, Oxford. In autumn 1998 the commission took on several new members and Bhikhu Parekh took over as chair.

By October 1999 a first draft of the Commission’s eventual report had been drafted. It was based on the meetings, seminars and visits which it had organised, and on the many submissions and papers which it had received. Over the following months the first draft was

Home Secretary Jack Straw, who launches the Report on 11 October, says:

‘I very much welcome the publication of this long-awaited report. In its wide-ranging analysis of race relations in Britain today, the report very usefully brings together two key threads of this Government’s programme – the promotion of race equality and the introduction of the Human Rights Act. Both Government initiatives will help reduce the disadvantage and inequalities which many from the ethnic minority communities in Britain face today.’

Designing, Drafting and Delivering

The founders of the Runnymede Trust named the new body after ‘the meadow called Ranimed between Windlesora and Stanes’ where the final draft of Magna Carta was hammered out in June 1215. Some of the Magna Carta’s 63 clauses meant different things to different people, and some were so obscure that they meant nothing to anybody. But the charter as a whole, notes Norman Davies in his recent book The Isles, was ‘fundamental to the subsequent growth of the rule of law’. He adds: ‘Indeed, the basic idea underlying the charter, that good government depends on agreed rules of conduct observed by all, is the cornerstone of constitutionalism.’

The Runnymede Trust came into operation in summer 1968, a few weeks after Enoch Powell’s infamous ‘rivers of blood’ speech in Birmingham. Its two founders were Anthony Lester and Jim Rose, respectively a constitutional lawyer who had been much influenced by direct experience of the civil rights movement in the United States, and a former journalist who was the director of a major survey of race issues in Britain in the 1960s. They were determined to locate the new body they were creating in the traditions of rule of law and constitutionalism symbolised by Magna Carta.

Rose’s magisterial study Colour and Citizenship was published by Oxford University Press in 1969. A year or so later Colour, Citizenship and British Society by Nicholas Deakin, who had worked closely with Rose on the longer book, was published as a Panther paperback. Together, these texts acted as charters or founding documents for the Runnymede Trust in the 1970s and early 1980s. They also, it is relevant to recall, had a major influence on the creation of the Race Relations Act 1976.
substantially re-written, and indeed only about five per cent of that initial draft survived intact into the final report. Long passages and complete chapters were ditched, even after they had been much revised. New paragraphs, sections and sentences were continually added, right up to the day in late August 2000 when the manuscript finally went to the printer. T S Eliot once said that poets are engaged in ‘an intolerable struggle with words and meanings’. Well, so are the members of a commission, as they hammer out a statement which they all can live with.

The struggle with words and meanings was fundamentally, of course, to do with politics and ideology – words such as nation, history, culture, identity, cohesion, equality, diversity, race, racism. But also there were questions of style, register, tone of voice. How deferential or conversely how critical should the report be towards the current government? Could it be academically watertight but also reasonably down-to-earth, and accessible and reader-friendly for non-specialists? Could it simultaneously address policy-makers on the one hand and strength the hands of campaigners on the other? Should it accept and use the prevailing vocabulary – ‘minority ethnic groups’, ‘ethnic communities’, ‘race relations’, and so forth – or should it seek out new terms? In plenary meetings and in sub-groups the Commission went backwards and forwards as it wrestled with these and related questions. King John and his barons, meeting 800 years ago in ‘the meadow called Ranime’, can scarcely – it sometimes seemed – have had a more difficult time.

Nicholas Deakin once remarked that writing Colour and Citizenship in the 1960s had been like painting the Forth Bridge. As soon as he and his colleagues had finished it was time to start again, for so much had happened since they began. There had been changes in the outer world and also in their own understandings and perceptions. So it was with The Future of Multi-Ethnic Britain. By the time it was finished it was incomplete. And the same, even, for Magna Carta. Of the same poem quoted above: ‘For us there is only the trying. The same, even, for Magna Carta.

It verges on grotesque hubris, of course, to refer to the commission’s report and Magna Carta in the same breath. It may even be hubris to associate the report with Colour and Citizenship. But the Commission would be insufficiently ambitious if it did not dream and intend that its report should be widely read. Each commissioner – and each reader – will have their own feel for what is particularly important in the report.

What the report itself says is that the future of multi-ethnic Britain depends on six main tasks: (1) rethinking national identity and the national story; (2) developing new understandings of identity, and seeing that all people have multiple and shifting identities; (3) working out a balance of cohesion (‘One Nation’), difference and equality; (4) dealing with racisms – i.e. seeing and addressing racism as multi-faceted; (5) reducing material inequalities but at the same time avoiding colour-blind and culture-blind approaches; and (6) building a pluralist human rights culture.

None of these six notions is in itself new. But they haven’t previously been brought into such close proximity with each other. As readers grapple with them and their interconnections there could be many exciting and fruitful conversations, reflections and actions. That, any way, is what the commissioners have to hope.

What do those six tasks mean for a police officer, a teacher, a nurse, a journalist, an arts administrator, a trades unionist, an employer, a parent, a lawyer, an immigration officer, a religious leader? What would such people do differently if those tasks were at the forefronts of their minds? The report raises these questions, and provides resources and ideas for answering them. It doesn’t, of course, actually settle them. But not even Magna Carta actually settled anything. T S Eliot also said, in the same poem quoted above: ‘For us there is only the trying. The rest is not our business.’

Robin Richardson is a director of the Insted consultancy. He was director of the Runnymede Trust, 1991–96, and editor of report of the Commission on the Future of Multi-Ethnic Britain, 1999-2000

**COMMISSION ON THE FUTURE OF MULTI-ETHNIC BRITAIN**

**Related Events, Conferences and Seminars**

**October 2000 to February 2001**

The following conferences, meetings and training events are relevant to the subject-matter of the Commission’s report.

An asterisk indicates that one or more of the speakers or lecturers is associated with the Commission’s work.

**The Future of Multi-Ethnic Britain**

- **Thursday 12 October, 9.30 am to 4.30 pm**, Royal Overseas League, London, organised by Queen Mary and Westfield College. Mike O’Brien MP responds to the Commission’s report on behalf of the government, and speakers on behalf of the Commission including Bhikhu Parekh, Colin Bailey, Stuart Hall, Trevor Phillips, Sarah Spencer and Sally Tomlinson.

- **Friday 13 October, 9.00am to 4pm**, Redbridge Teachers Centre, organised jointly by the Redbridge Racial Equality Council, Redbridge Police and Redbridge Education Authority. Lectures by David Moore HMI and Robin Richardson. Intended primarily for headteachers and teachers in Redbridge but places may be available for others. Details from Carol Edwards, Minority Ethnic Achievement Service, Redbridge Teachers Centre, Melbourne Road, Iford IG1 4HT.

**Aspects of Cultural Pluralism and Antiracism**

- **Wednesday 18 October, 6.30 pm**, Chatham House, London, organised by the Institute of Jewish Policy Research, a panel discussion of the findings and recommendations of the Commission’s report, with speakers on behalf of the Commission including Bhikhu Parekh and Stuart Hall, and chaired by Antony Lerman. Details from Lena Stanley-Clamp at UJR, 79 Wimpole Street, London W1M 7DD [tel 020 7935 8266, email Stanley-Clamp@jpr.org.uk]

**The Future of Multi-Ethnic Britain**

- **Thursday 19 October, 7 pm**, Peterborough Racial Equality Council. Details from Harshme Lakanpaul, Peterborough Racial Equality Council, 32 Russell Street, Peterborough PE1 2BQ [tel 01733 554630, email prec@lineone.net]

**The Literacy Hour and Intercultural Education**

- **Friday 20 October, Canonbury Academy, London**, organised by the Intercultural Education Partnership. Opening talk by Michael Barber, and a range of workshops on good practice. Details at http://atschool.eduweb.co.uk/collearn/index.ht ml or from Stuart Scott, Collaborative Learning

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Continued on back page
Liberty, Equality, Community and the Human Rights Act

Without having to take cases to the European Court of Human Rights in Strasbourg, a greater degree of justice for the British people is envisaged as a result of the European Convention having been enacted into UK law on 2 October 2000 in the form of the Human Rights Act. It will be a matter for case law via the courts to interpret and apply an Act which represents ‘a vision of human rights enjoyed by individuals on an equal basis and in a strong community’ (Booth and Singh, Daily Telegraph, 7 August 2000). Here organisations and practitioners anticipate how it could impact on their work.

**‘Bringing discrimination law into a human rights context’ – the Commission for Racial Equality welcomes the Human Rights Act**

For ethnic minorities human rights take on a particular importance. The coming into force of legislation that builds human rights into the way public authorities exercise their powers is a significant occasion. The Human Rights Act 1998 (‘the HRA’) is an important step towards a human rights culture in the UK and so will create new possibilities for challenging discrimination. Human rights are based on respect for the dignity and worth of the individual; they seek to secure each individual’s safe, effective participation in society; they ensure that the view of the majority will not necessarily, or always, prevail.

The HRA brings discrimination law into a human rights context: it will expose discriminatory practices by public authorities such as the police or prisons that until now have been immune to challenge. On its own, however, the HRA offers only limited means for challenging racism and discrimination. The protection against discrimination in the HRA is not a separately enforceable right.

Discrimination is outlawed to the extent that the European Convention on Human Rights requires that the Convention rights are enjoyed without discrimination on any ground.

In relation to racial discrimination, some gaps in the protection offered by the HRA will soon be filled, when the Race Relations (Amendment) Bill comes into force. This Bill, awaiting final Parliamentary approval, strengthens the Race Relations Act in its impact on public authorities.

**1. Race Relations Act 1976 and Race Relations (Amendment) Bill**

The Race Relations (Amendment) Bill outlaws discrimination by public authorities in the carrying out of any of their functions. The Bill for the first time applies the 1976 Act to functions such as law enforcement, detention under the Mental Health Act and some aspects of immigration control.

The Bill also imposes on public authorities a requirement to build anti-discrimination and racial equality into all that they do. The general duty in the Bill will be amplified by specific duties imposed by the Home Secretary (or, for Scottish authorities, by the Scottish Executive). It is expected that the specific duties will be similar to those contained in the equality duty provisions of the Northern Ireland Act 1998, including a duty to assess proposed policies for their impact on racial equality.

**2. Combined impact**

Taken together, the HRA and the amended Race Relations Act have great potential for helping to transform permanently the culture of public authorities. The two Acts complement and underpin each other: Both impose permanent positive obligations on public authorities: at all times to act compatibly with the Convention and to have due regard to the need to eliminate racial discrimination and promote equality of opportunity.

Implementing these duties will require new ways of working. Both new and existing policies and practices will need to be scrutinised to determine:

(a) whether policies or acts interfere with the enjoyment of Convention rights, and/or put people from a particular racial group at a disadvantage; or

(b) if alternative policies or acts can achieve the same objectives without interfering with Convention rights or discriminating on racial grounds.

**3. Differences in emphasis and scope**

As suggested above, the HRA should bring about a qualitative difference in the relationship between the individual and the state. The Race Relations Act and the Race Relations (Amendment) Bill regulate that relationship and prohibit discrimination on racial grounds.

Under the HRA the higher courts can declare that provisions in legislation are not compatible with the Convention and Ministers may, by a special procedure, seek to amend the legislation to achieve compatibility. The Race Relations Act, even after amendment, will remain subject to primary and secondary legislation; it will remain open to Ministers to introduce, and Parliament to enact, legislation that is potentially discriminatory.

The Race Relations Act 1976, especially with the pending amendments, will provide greater protection from discrimination. The non-discrimination provision in the HRA applies only to the enjoyment of Convention rights, which are primarily civil and political rights. The Race Relations Act prohibits discrimination in the enjoyment of social and economic rights, e.g. employment, access to goods, facilities and services, as well as civil and political rights. Even after amendment the Race Relations Act will not apply to judicial proceedings, so the HRA will provide the only means to challenge racial bias by courts and tribunals.

The HRA is concerned solely with public functions, while the Race Relations Act has always outlawed discrimination by both the public and private sector.

**4. Using the HRA to tackle racism**

The HRA 1998 may provide a legal basis for arguing that racism itself is a violation of human rights – for example, in cases challenging the role of the state in restricting expression of racist views or...
prosecuting those who publish racist material. Or, certain manifestations of racism or discrimination might constitute inhuman and degrading treatment under article 2.

5. What are the implications of the HRA 1998 for the CRE?
For the purposes of the HRA, the CRE is a public authority to which the Act applies. The CRE is therefore under a duty to act compatibly with the Convention in decision-making and in the exercise of discretionary powers.

Where discrimination on racial grounds by a public authority has occurred the victim may have a basis for legal action under the HRA 1998 and the Race Relations Act 1976. For example, a criminal defendant might wish to argue that their arrest was racially discriminatory under the amended Race Relations Act 1976 and a breach of their right to liberty and freedom from discrimination in the enjoyment of their Convention rights under the HRA.

Generally the CRE hopes to work in collaboration with public authorities, advice agencies, lawyers and others to promote and enforce the HRA. The dovetailing of the HRA with the amended Race Relations Act offers scope for truly effective action to make public authorities accountable and committed to the inseparable concepts of racial equality and human rights.

Barbara Cohen and Razia Karim, Legal Section of the Commission for Racial Equality

Inherent dignity and equal worth ...

‘The concept of human rights in the Convention is not based on individual selfishness. It is important to remember that the rights we claim for ourselves reflect the duties which we owe to others. Indeed it is because of the inherent dignity and equal worth of everyone that we have human rights.’

‘Nearer to home we also need to learn the lesson that it is not enough for public authorities to refrain from violating rights themselves. When, for example, the police fail to investigate a racist murder effectively or when a local authority fails to take action against those who engage in the anti-social harassment of their neighbours, the human rights of the victim may have been breached not just by the hooligans concerned but also by the failure of those in power to help them.’

(Booth and Singh, Daily Telegraph, 7 August 2000)

‘Human rights are our constitutional birthright … The Human Rights Act is a cause for celebration. It is no ordinary law’
(Anthony Lester)

It is more than thirty years since I began the campaign for a British Bill of Rights as a bulwark of liberty shielding individuals and minorities against what John Stuart Mill called ‘the tyranny of the majority’ and the abuse of power by public officials. As a first step, I argued for the incorporation of the European Convention on Human Rights into UK law. What made me aware of the need for this was my work in the 1960s campaigning for effective legislation to promote racial equality and to tackle racial discrimination. It made me realise the dangers of the traditional British system’s reliance on the sense of ‘fair play’ of Ministers and civil servants, and their accountability to Parliament and the people, without the additional safeguards of legally enforceable guarantees of human rights. It made me understand the need for positive legal rights and for effective legal remedies.

The way in which the Government rushed the Commonwealth Immigrants Act 1968 through Parliament as an emergency measure was a grim example of the dangers of populist oppression of vulnerable minorities. This was the measure that deprived some 200,000 British citizens of East African Asian origin of their right to enter and live in this country. It was enacted to appease a tide of racial hostility whipped up by Enoch Powell and others. It required recourse to the European Commission of Human Rights (supported by the then recently-formed Runnymede Trust) to reverse a piece of legislation held to have subjected a group of our fellow citizens to inherently degrading treatment on racial grounds.

The Race Relations and Sex Discrimination Acts (on which I worked for two years as Roy Jenkins’s Special Adviser at the Home Office) created positive rights and legal remedies for particular kinds of unfair discrimination. They were no substitute for wider guarantees of human rights, but the Labour Government was then as hostile as Conservative Governments to proposals to make the European Convention on Human Rights directly enforceable in British courts.

It has taken thirty years to persuade Government and Parliament to recognise that human rights are our constitutional birthright, to be protected as fundamental rights by our courts as well as by the European Court of Human Rights. The Human Rights Act is a cause for celebration. It is no ordinary law. The Act requires every court and tribunal to interpret and apply the law so as to be compatible with the rights anchored in the European Convention, including the fundamental right to equal treatment without discrimination on any ground.

The way in which the Convention guarantees equality without discrimination is narrowly restrictive. Instead of providing a general guarantee, it forbids discrimination only in the enjoyment of some other Convention right. That is why a new Protocol No. 12 has been drafted to give a freestanding guarantee of non-discrimination on any ground. There is an urgent need to persuade our Government to be among the first to sign and ratify the Protocol at the Rome meeting of Ministers in November, commemorating the 50th anniversary of the Convention’s birth.

Parliament is in the process of strengthening the Race Relations Act to cover discrimination by public authorities in providing their services and to impose positive duties to eliminate discrimination. These very welcome reforms mean that the Human Rights Act will make little difference in relation to racial discrimination. But unless and until the Government agrees to extend the law to tackle other forms of discrimination, for example, on religious grounds, the new Act will create remedies via the Convention rights.

Lord Lester of Herne Hill QC, Joint Founder of the Runnymede Trust in 1968
**‘The Human Rights Act is legislation that expresses a set of values … [and] values based legislation – such as the Race Relations Act for example – can help to transform our culture’ (Jenny Watson)**

October 2nd was a historic moment for all of us in the UK. For the first time, we have a bill of rights, setting out our rights in language that we can all understand. It’s something that our children can be taught in school, that those in authority will need to respect – and that we can enforce in the courts if we need to. The Human Rights Act has been a long time coming – years of campaigning, lobbying, and then finally training for judges and those in public authorities that need to know about the difference it will make to their work.

The most significant thing about the Act is the fact that it is legislation that expresses a set of values. And as we know, values based legislation – such as the Race Relations Act for example – can help to transform our culture. The Act places the dignity and respect that should be accorded to every human being at the heart of the development of public policy. And it also contains the crucial notion of the balance of rights. Rights are not something that can be seen in isolation. The Human Rights Act recognises that there is such a thing as society, and that human rights must exist in the context of the communities in which people live. For those rights which are not absolute – the right to freedom of expression for example or the right to privacy – that is an important concept. We cannot claim rights for ourselves without acknowledging the rights of others and taking on the responsibility to respect these also. What might this mean in practice? Well it means that those who publish racist literature – which by its content provokes threats that could put the lives of others at risk – will find their right to freedom of expression being set against the positive obligations of the state to protect the right to life.

And it is the values contained within the Act that will inform decisions made by judges, and laws put before parliament by Ministers, ensuring that for the first time there is a minimum standard that those in authority must live up to – a standard that puts the people first. Can the Act lead to a very different culture in the UK – a culture of rights? Lord Williams, speaking in the House of Lords when the Act was still under debate pointed out that “every public authority…will know that its behaviour, its structure, its conclusions and its executive actions will be subject to this culture. It’s exactly the same following the introduction of for example race relations legislation and equal opportunities legislation. That has caused a transformation in certain areas of human rights. The same is likely to follow when this Bill becomes law.”

It’s clear that government ministers expect to see a cultural shift. How might the Act produce this in practice? If the courts do start to find that legislation breaches human rights, they must send the law back to Parliament for debate and amendment. That in turn generates media coverage – and we have already started to see much more debate about human rights in the media in the run-up to the Act. This shared responsibility sets up a dialogue between the courts, Parliament and of course civil society since we can lobby MPs, asking them to take action to protect human rights. This is an exciting first step towards a culture where human rights can be owned by everyone. How will you contribute to making this real?

Jenny Watson is Deputy Director of the Human Rights Act Research Unit, King’s College, London.

**Creating a human rights culture: ‘It is the effect the Human Rights Act will have on the ethos of public administration that signals the biggest change brought in by the Act’ (Leena Chauhan)**

The Human Rights Act 1998 brings much potential for improving the way individuals are treated by the government and public bodies. From 2 October 2000, everyone from the Prime Minister to care assistants in residential homes is under a duty to ensure that their actions, and the decision-making processes that precede them, are compatible with the European Convention on Human Rights. People will also be able to seek redress in the UK courts – instead of having to go to Strasbourg – if they believe that their rights have been infringed. In the context of the volume of dealings between individuals and public bodies, the number of cases that will reach the courts is minor. It is the effect the Act will have on the ethos of public administration that signals the biggest change brought in by the Act. Black and Asian people are amongst those likely to benefit most from such a change.

On one level, this cultural shift is about ensuring that bodies falling within the remit of the Act provide services to the public in a way that respects human dignity and fairness. This is about developing good practice beyond strict compliance with the law. More widely, the Act provides fresh impetus for improvements in how individuals incorporate human rights principles into their own lives. Establishing human rights as an element of Citizenship, a new subject in English secondary schools from August 2002, is one example of how human rights can be used to stimulate change in individual behaviour.

Truly effective implementation of the Act requires preparation. The Human Rights Act Task Force, on which IPPR is represented, has been working hard to help Whitehall and public authorities get up to speed. The Government has not, however, allocated sufficient resources to alerting public bodies to their new duties. A June 2000 IPPR telephone survey of local authorities revealed that the majority were...
still not well informed about the implications of the Act for their work; since then, however, many authorities have reviewed their policies and trained their staff.

There are also several private and voluntary bodies which carry out public functions and are thereby covered by the Act. Earlier this year, IPPR held a conference to raise awareness amongst these so-called hybrid bodies at which the Home Secretary, Jack Straw, asserted that the Human Rights Act ‘will help us rediscover and renew the basic common values that hold us all together’. The chances of realising such a vision are weakened without advice for public bodies on how the Act impacts upon their responsibilities.

A statutory human rights body is one internationally adopted mechanism which can encompass a number of roles to support the protection and promotion of human rights. Apart from acting as a source of impartial, ongoing guidance for public bodies, such a body can be charged with scrutinising draft legislation to assess its compatibility with human rights, as is the case with the existing Northern Ireland Human Rights Commission. Assisting and advising individuals in taking human rights cases to court is another key role. There is also room to commission research and to initiate educational activities. These can provide a basis for a significant role in the fundamentally critical task of ‘winning hearts and minds’ without which real, lasting change cannot ultimately be achieved. The Scottish Executive is planning to consult the public this Autumn on the need for a Scottish Human Rights Commission. The CRE has indicated that it thinks such a body is also essential in England and Wales and would like to work closely with it.

Leena Chauhan works on equality and human rights issues at the Institute for Public Policy Research.

The Human Rights Act – the view from the Refugee Council

Much expectation has been placed on the fact that the Human Rights Act comes into play at a time when the main force of the government’s new policies on asylum starts to exert a major impact. To what extent perceived shortcomings in these new arrangements will be mitigated by recourse to the HRA is something that will be revealed through the courts in the coming year, but there are areas where this will be played out. These are, in particular, issues relating to Article 3 (Prevention of torture), Article 5 (Right to liberty and security) and Article 8 (Right to respect for private and family life).

Before referring to each of these in more detail it is worth saying that there can be no doubt as to the overall beneficial effects of making the rights contained in the European Convention on Human Rights more readily accessible to domestic courts. The requirements to state whether all new legislation is compatible with the ECHR and to interpret existing law in the light of the ECHR can only be beneficial. For asylum seekers and refugees it is extra beneficial as the ECHR has proved already to be in some instances a more flexible instrument than the refugee convention – in its interpretations of people’s circumstances, and in some of the rights it confers, it can be more absolute. Thus as governments increasingly turn their gaze to narrowing the interpretations of the Geneva Convention their ability to do so will be constrained to some extent by safeguards within the ECHR.

So what are the likely areas of contention?

Article 3 – Prevention of torture and inhuman or degrading treatment

This is an area where the right is absolute although a correspondingly high level of threshold of treatment is required. People may not be sent back if there is a danger of such treatment whatever the reason for it. It is thus broader in scope than the refugee convention, as it has been interpreted, and is capable of extending protection to situations of generalised violence, or of persecutions by clan or sexuality. It could also refer to those targeted by criminal gangs or by family connection. It clearly could bear on situations where women accused of adultery might, if returned, risk stoning, harsh punishments under Islamic law or issues of female genital mutilation. Cases have in the past also been found to relate to life-threatening health issues relating to aids or severe disability.

Many such cases currently get exceptional leave to remain. This is at present within the discretion of the Home Office and the likely effect of Article 3 will be to make such criteria far more explicit and subject to scrutiny at appeal.

The main benefit is that in future the government will have to consider both the refugee convention and Article 3 tests from the outset and hence take a broad view of the threats to that person’s rights and well-being.

Article 5 – Right to liberty and security

Refers to the fact that nobody should be deprived of their liberty except for certain specified reasons – which may include immigration purposes, such as to prevent unlawful entry or to effect removal. However, asylum seekers are not automatically in either category. It will be necessary to show that their application is wholly spurious and if that were not the case they would be likely to abscond. Moreover it must be permissible to challenge one’s detention before a court: that is one of the main reasons why government legislated for a statutory right to a bail hearing within 7 days.

The obvious point to make here is that this provision is now not due to come into force until October 2001 – a full year after the Human Rights Act! In the meantime, it will be arguable whether Article 5 points can be raised before an adjudicator in an existing bail hearing, or whether people will seek judicial review in the courts to challenge the lawfulness of their detention.

Article 8 – Right to respect for private and family life

Quite how far these qualified rights might extend is not obvious. Article 8 clearly could bear on issues of family reunion and admission subject to public funds requirements, particularly in relation to the families of those granted protection but given exceptional leave to remain.

Other likely areas are issues of family definitions, age, unmarried or same-sex partners and children.

The Refugee Council as a public body

HRA requirements impose on all public bodies and the breadth of influence is widely drawn. The Refugee Council is now contracted to the Home Office for the provision of ‘Assistant services’ – assistance with support claims and the provision of emergency accommodation for asylum seekers. Some of this work is subcontracted to other refugee agencies. All providers of such services need to be alert to their role and responsibilities under the Act as they could themselves become the subject of a challenge under the Act.

Conclusion

There is certainly expectation in the refugee world that the HRA is an opportunity to defend rights that are being eroded by other means. To what extent these hopes are justified will be played out in our courts in the coming months.

Richard Lumley is Protection Adviser at the Refugee Council.
Taking away the tools to fight racism – the Government’s Mode of Trial Bill

Lee Bridges

During the closing weeks of the previous Parliamentary session, the House of Lords was being asked again to consider the Government’s proposals to restrict the right to jury trial, having roundly defeated an earlier version of this legislation in January. The Mode of Trial Bill will remove the right of defendants in ‘either way’ offences such as assault, burglary and theft to elect to be tried before a judge and jury in the Crown Court. Instead, it will be left to magistrates to decide whether such cases should be tried before them or in the Crown Court.

In-built prejudice

A key criticism of the original bill was that it would create a ‘two tier’ system of justice, with magistrates likely to allow jury trial to those with middle class occupations and reputations while denying it to others, including many ethnic minority defendants. In its revised Bill the Government has proposed barring magistrates (and Crown Court judges on appeal) from considering any ‘circumstance of the accused’. But magistrates will still be presented with some facts – such as the defendant’s address and occupation – as well as being able to observe the defendant’s dress, demeanour and race, from which they may (perhaps unwittingly) draw certain assumptions about reputation and standing in the community.

Yet, it will be forbidden for the defence to introduce any ‘circumstance of the accused’ that might counter such prejudices. For example, a young black man from a crime-ridden inner city estate who is charged with affray or assault (perhaps having been arrested for defending himself against an alleged racial attack) will not be able to tell magistrates that he is of unblemished character or that his plans to attend university may be put at risk by obtaining a conviction.

The Government denies that its legislation will have any racially discriminatory effects, citing a research study by Dr Bonnie Mhlanga showing that magistrates are actually more likely to acquit ethnic minority defendants. In fact, this research shows that at every key decision-making point following the initial laying of charges, there is a slight bias in favour of ethnic minority defendants being acquitted or otherwise cleared. Not only are they more frequently acquitted by magistrates, but they are also more likely to have cases against them dropped by the Crown Prosecution Service, and to be acquitted at Crown Court. Mhlanga’s research does not ask why there should be such an ethnic differential in case outcomes. However, this issue is addressed in another major Home Office study on the processing of cases through the criminal justice system which found that:

…the odds of cases involving black and Asian defendants being terminated [by the prosecution] were, respectively, double and triple those for white defendants. …The possibility must be considered that, where the defendant was from an ethnic minority group, the police were more likely to submit for prosecution cases in which the evidence was weaker than average or where the public interest was against the prosecution.

New research

New research for the Commission for Racial Equality (CRE) shows the key role that can be played by the right to elect jury trial in combating such discriminatory practices in police arrest and charging decisions. This study included 107 ethnic minority defendants (84 black and 23 Asian) charged with either way offences. Comparisons were drawn between those tried at magistrates’ courts and those who elected Crown Court trial.

Nine out of ten of those tried before magistrates pleaded guilty. Of the remainder, seven out of the 11 were convicted by magistrates, with only one being acquitted and the other three having all charges dropped. This meant, overall, a rate of ethnic minority defendants being cleared of all charges in contested cases in magistrates’ courts of 36 per cent, and an acquittal rate following summary trial of just 12.5 per cent.

Of those who elected Crown Court, 11 out of the 27 (41 per cent) pleaded guilty, but in every case this was on the basis of reduced charges. Frequently, this resulted in the defendants receiving substantially lesser sentences. In fact, most defendants electing to be tried at Crown Court and eventually convicted received non-custodial sentences.

Of the ethnic minority defendants who elected Crown Court and did not plead guilty, 12 out of 16 (75 per cent) were either acquitted or had the cases against them dropped. Of one who was convicted later had the conviction overturned on appeal. This was more than twice the rate of defendants being cleared of all charges against them than occurred among contested either way cases in magistrates’ courts. Similarly, half of those whose cases reached a jury verdict were found not guilty on all charges, four times greater than the acquittal rate following contested trials before magistrates.

Overall, 24 of the 27 ethnic minority defendants who elected Crown Court were either cleared of all charges (including one on appeal) or were convicted on reduced charges following guilty pleas. Moreover, in most cases these successful outcomes for defendants resulted from weaknesses in the original prosecution evidence rather than any factors associated with delay.

A case study

The point can be illustrated by one case where a black man was...
stopped by police on suspicion of having stolen the car. He claimed that the police were abusive toward him and immediately telephoned to complain. He was subsequently visited by the same officers who threatened him with arrest for dangerous driving. An altercation occurred and riot officers were called in, and he was eventually arrested and charged with dangerous driving, affray, possession of an offensive weapon and attempted grievous bodily harm. The latter two charges were subsequently dropped, but the defendant elected jury trial on the others.

The first trial at Crown Court had to be abandoned when a black juror complained to the judge that other jury members were making discriminatory remarks about black people. Following a re-trial the defendant was acquitted on both the remaining charges. This defendant was clear about the advantages of Crown Court over magistrates’ court:

‘...when you go over to a magistrates’ court, there is only one thing – you are guilty…at the Crown Court, you’ve got a better chance because you’ve got 12 people and at the magistrates’ court, you’ve got either one or three people to decide.’

These views were widely echoed by other ethnic minority defendants. They tended to see magistrates as potentially biased, if not directly against them, in favour of the police. These defendants recognised that there may also be bias among Crown Court judges and individual members of juries. However, they considered that any such bias was much more likely to be offset at the Crown Court, where decision-making is shared among a wider group of people.

Sustaining racism in the criminal justice system

The Government has sought to discount this new research, arguing that its sample size disqualifies it as a basis for overruling research by Dr Mhlanga… ‘This is to ignore the fact that the CRE research actually confirms, rather than contradicts, Mhlanga’s and other earlier studies.

‘…police decisions on arrest and charge are a major source of racial discrimination…’

All point to the same conclusion – that police decisions on arrest and charge are a major source of racial discrimination, which then shapes the whole relationship between ethnic minority defendants and other parts of the criminal justice system. Because they are charged more often, and with more serious offences, ethnic minority defendants are more likely to elect Crown Court or be directed there by magistrates for trial. They are also more likely to plead not guilty and to contest what they regard as unfair charges against them.

And, as we have seen, this unfairness in charging decisions is often confirmed by the criminal justice system itself, in that ethnic minority defendants are more frequently acquitted or have the charges against them dropped or reduced. But such results only occur because defendants assert their rights – to plead not guilty and often to elect Crown Court – thereby either stimulating a more thorough review of the cases, or bringing their cases before juries who are less inclined to accept police evidence over that of defendants.

The potential racial impact of the Government’s Bill is also clear. It will lead to more defendants being convicted before magistrates, often on the same charges as originally laid by the police. This will disproportionately impact on ethnic minority defendants, precisely because they are more likely to face arrest and serious charges which current research indicates are unjustified. In this way, the legislation will have the effect of depriving those from ethnic minorities of what many regard as an essential tool in defending themselves against police racism and discriminatory practices.

‘...there is a no point in trying to fight racism through the criminal justice process…’

The message that the Mode of Trial Bill sends out to ethnic minorities is therefore a very dangerous one – that there is no point in trying to fight racism through the criminal justice process, as the Government intends to rig the system against this by reducing the rights of defendants. In this respect, the Government is acting in direct contradiction to the Stephen Lawrence Inquiry Report’s recommendation that:

‘...there is a striking and inescapable need to demonstrate fairness…across the criminal justice system as a whole, in order to generate trust and confidence within minority ethnic communities…Just as justice needs to be ‘seen to be done’ so fairness must be ‘seen to be demonstrated’ in order to generate trust.

It is to be hoped that the House of Lords sticks to its principles and – in the name of upholding the integrity of the criminal justice system and its confidence in the eyes of ethnic minority defendants – rejects this potentially damaging legislation.

Should Holocaust denial be punished as 'hate speech'?

The problem of Holocaust denial drew world-wide media coverage in the recent libel case lost by David Irving in the High Court in London. But, argues Paul Iganski, little exposure has been given to the lengthy deliberations within Britain's Jewish communities about whether Holocaust denial should be outlawed.

In June, a leading think-tank on Jewish life, JPR/Institute for Jewish Policy Research, delivered its own verdict in a report under the heading Combating Holocaust denial through the law in the United Kingdom. Written by a panel of legal experts chaired by Anthony Julius, who served as counsel for the defence in the Irving–Lipstadt trial, the report is based on some eighteen months of research, written and oral inquiries, and testimony from historians and survivors. The conclusion? That a Holocaust denial law in Britain would be 'inadvisable'. Instead, the JPR panel recommends that consideration be given to amending current provisions against incitement to racial hatred. Alternatively, they recommend enacting a new law that would cover Holocaust denial under 'hate-speech' provisions more broadly.

In a meeting at the Home Office prior to publication of the report, JPR made its recommendations to the Home Secretary Jack Straw and Race Relations Minister Mike O'Brien. Jack Straw welcomed the report and said he plans to look carefully at its recommendations. But before he does, wider scrutiny is in order. To be sure, a law against Holocaust denial was the JPR law panel's primary focus. Yet its recommendations—centred on amending Britain's 'hate-speech' provisions—raise fundamental questions about the possible erosion of civil rights and political freedoms.

As matters currently stand, the absence of a Holocaust denial law puts Britain against the trend of its European neighbours. Austria, Belgium, France, Germany, Spain and Switzerland all outlaw Holocaust denial. But holding to a European standard does not provide a sufficient rationale for creating such legislation. There are also strong objective reasons for law to address the unique harms inflicted by Holocaust denial. Distortion and misrepresentation of the historical facts of the Holocaust are both insulting and offensive to the memory of those who perished, those who survived as well as their descendants. In fact, criminal law is frequently used to punish offenders on the basis of the harms they inflict, emotional and otherwise.

'To be sure, the question of Holocaust denial legislation is a complex one. It operates in a political, rather than purely legal, context. Its enactment would inevitably stimulate a welter of competing political claims. As a case in point one need look no further than some of the reactions to the Home Secretary's announcement earlier this year declaring a National Holocaust Memorial Day. Why, some pundits wanted to know, should the integrity of the memory of the Holocaust be protected when other acts of genocide and historical tragedies are forgotten and even distorted? What about the slaughter of Armenians by Ottoman Turks in 1915? Or the crimes of the African slave trade? One correspondent to the Guardian posited that 'Jewish victimhood' is used to justify 'Israeli aggression and oppression', thereby warranting as well a public commemoration of the exile of the Palestinian people. And this is only the tip of the iceberg. If denial or distortion of the facts of these tragedies is not outlawed, the argument goes, supporters of a Holocaust denial law would need to defend the selective use of law for some historical tragedies but not others.

Additional doubts as to the wisdom of enacting Holocaust denial law stem from the glare of publicity surrounding recent high-profile cases. Once such legislation were to become law, it would, per necessity, lead to highly publicised trials and widespread media coverage. One index of the likely scale of press coverage of a Holocaust denial trial in Britain can be seen by the media focus on the Irving–Lipstadt trial. Holocaust deniers like David Irving crave publicity for their theories. Nor is this an accident. According to Professor Lipstadt, attempts such as Irving's to recast the historical record are deliberately intended to 'plant seeds of doubt that will bear fruit in coming years, when there are no more survivors or eyewitnesses alive to attest to the truth'. If she is right, then the prosecution of a Holocaust denial trial would automatically provide deniers a powerful vehicle for their claims—a vehicle denied them in the absence of such a legal recourse.

But perhaps the strongest argument against Holocaust denial legislation is the conflict it creates between its intent on the one side to curb the assault to historical truth and the emotional damage it does to survivors and their families, and on the other, rights to freedom of expression. Holocaust deniers regularly exploit free speech by portraying themselves as its first victims. Irving pursued a similar angle when he sought to argue his case on the back of freedom of expression. To be sure, the JPR law panel recognised this fundamental dilemma in its key objection to Holocaust denial law. Unfortunately, the problem with their deliberations is not in their analysis, but in their solution.

In recommending that Britain's 'hate-speech' law be amended the JPR panel not only contradicts itself on the issue of freedom of expression but, more critically, proposes a questionable intrusion upon basic democratic freedoms.
Currently hate-speech is largely protected in Britain unless it is associated with public disorder or an underlying crime. Existing provisions against ‘hate-speech’ – or ‘incitement to racial hatred’ as it is called by law – make it an offence for a person to publish or distribute written matter, or use words in any public place or public meeting – provided they are threatening, abusive or insulting. Additional preconditions for prosecution are an intent to stir up racial hatred or, alternatively, the likelihood for hatred to be stirred up having regard to all the circumstances. Historically, prosecutors have found the ‘incitement’ pre-requisites difficult to prove. As a result, in an effort to find stronger means to combat Holocaust denial, the JPR panel, while adhering to its arguments against special legislation to combat it, has sought a ‘third way’. They propose removing the ‘threatening, abusive and insulting’ prerequisite as a condition for prosecution – words which the JPR jurists see as inhibiting the process of bringing Holocaust deniers to judgement.

This proposal, however, would arguably have radical consequences. The words ‘threatening, abusive and insulting’ are there for good reason. They reflect a concern, reiterated by government each time the incitement provisions have been reviewed, to protect freedom of expression unless disorder is threatened.

This was made clear in Parliamentary discussion of the failed Holocaust Denial Bill introduced by Mike Gapes MP in 1997. The then Home Office Minister responsible for race relations, Timothy Kirkhope, observed that ‘Parliament concluded that the freedom to express minority views should be preserved – however repugnant those views may be – except when public order and safety are threatened’.

In the same spirit prosecutors have interpreted the words ‘threatening, abusive and insulting’ – the same words the JPR Law Panel wants removed from public order law – as representing a hierarchy of violence. As a result, Holocaust denial remains outside the scope of legal recourse because it is not usually characterised by aggressive or profane expression. As recent events have shown, it is commonly couched in reasonable language and frequently presented in an academic style. It would be a severe distortion to allege, say, that some of the foremost works of Holocaust denial, such as the Leuchter Report, The Hoax of the Twentieth Century, or Did Six Million Really Die?, would provoke a violent response, even amongst those hurt and offended by the material.

If the JPR law panel’s recommendations were to be adopted, however, with the result that offensive and hurtful words become illegal even though they do not threaten disorder, the results will arguably be a contravention of Britain’s long history of upholding the principle of free speech. To outlaw Holocaust denial on the grounds that many people find it abusive, insulting, and even threatening, would in effect legitimise a so-called ‘heckler’s veto’ or even ‘mob rule’, by giving opponents – including those with views even more offensive than Holocaust denial – the power to inhibit speech.

In such circumstances, persons would be prosecuted for speech that would otherwise be lawful but for the intervention of their opponents. Even worse, it concedes the general principle for the State to outlaw words, and the sentiments behind them, that it deems offensive. The hurt inflicted by Holocaust denial may very well provide a strong case for its prosecution. But that case should be argued openly. It should not be used in a way that can open the door to a broader erosion of civil rights.

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Praise and Concern at the UN

At the 57th Session of the Committee on the Elimination of Racial Discrimination, the 15th Report of the United Kingdom of Great Britain and Northern Ireland and its Overseas Territories was considered at meetings 1420 and 1421. Michael Banton, who was a rapporteur at those meetings, puts the proceedings in context.

In 1965 the UN General Assembly thought that racial discrimination could be speedily eliminated by ending colonialism and making the dissemination of ideas of racial superiority a criminal offence. It therefore adopted the International Convention on the Elimination of All Forms of Racial Discrimination, a treaty to which 156 states are now parties. The 15th report of the UK, submitted in fulfilment of obligations under that treaty, showed how much more complicated the task was. So said Mr Aga Shahi, a former foreign minister of Pakistan, when he opened the discussion of that report at the Palais des Nations on 14 August. In his view the Home Secretary was justified in claiming that the UK had made considerable strides towards a successful multi-racial society. It was notable that while so much had been done, so much still remained.

Before the meeting started some members of the Committee on the Elimination of Racial Discrimination (CERD) met with representatives of 30 non-governmental organisations (NGOs). They had prepared their own commentary on the government’s report and wanted Committee members to press the official delegation on the government’s plans for a new Police Complaints Authority, on the disproportionate exclusion from school of young African-Caribbean boys, on the planned arrangements for dealing with asylum-seekers, and on the possible restriction of access to justice.

The government’s report was presented to the Committee by Sara Marshall, head of the Race Equality Unit at the Home Office. She welcomed the contribution of the NGOs, adding that the UK had argued for their participation in the Euro conference being convened in Strasbourg on 11–13 October.
She updated some of the figures in the report and drew attention to plans to lay on public authorities a duty to promote race equality.

Mr Aga Shahi queried the exclusions from the scope of the Race Relations Act as amended, especially that relating to decisions about immigration. He took note of NGO criticisms that different government departments did not always coordinate well. The 10 other members that also spoke queried certain aspects of arrangements for dealing with applications for asylum. Mr Bossuyt (Belgium) maintained that some of the difficulties might reflect the absence of a policy for immigration and the weak response to public stereotyping of asylum-seekers. The adequacy of measures for dealing with racial attacks, deaths in custody, institutional racism in the police were questioned, but there was praise for other matters, like the information from surveys about white racial attitudes.

In reply, Ms Marshall declared that ‘we think we are developing the most robust law that exists anywhere’. Mr Steel of the Foreign and Commonwealth Office explained that in dealing with emergencies, like the reception of refugees from Kosovo, it was sometimes necessary to provide for persons of a particular national origin, hence the carefully controlled exception of immigration decisions from the scope of the new Act. This did not satisfy Mr Aboul-Nasr (Egypt) who insisted that humanitarian exceptions were understood. The UK government considered that the banning of racist political parties would, in present circumstances, be counter-productive, though Mr Reshetov (Russia) objected (strangely) that international measures cannot be interpreted in isolation. No UK NGO has ever asked for the banning of the BNP. Maybe next time the NGOs should explain to Committee members their views about this?

The following week the Committee adopted its ‘concluding observations’ on the report. They welcomed a long list of new measures, including the use of ethnic monitoring in employment and the criminal justice system (which the Committee plans to include in its list of ‘best practices’ in its report to the 2001 World Conference); at the same time they expressed concern that the legislation was not fully comprehensive in scope, that racist attacks and harassment were continuing, that some deaths in police and prison custody had not led to prosecution, that the dispersal of asylum-seekers might impinge upon their rights, that there is racist harassment and bullying in schools, and that insufficient information had been supplied about the settled Roma population. It recommended further measures of ‘positive action’.

Postscript on CERD

Since the ending of the Cold War CERD has become a more effective monitor of the fulfilment of state obligations under the Convention. NGOs in the UK, the Netherlands, Denmark and Norway have organised themselves to present additional, and more critical, information and opinions about both those aspects of immigration policy which come under the Convention and about their governments' actions to protect the rights of settled members of ethnic minorities. NGOs in other countries are still some way behind. When the report of France was considered last March NGOs commented on immigration policy but were silent about discrimination affecting settled persons. It will probably be the same when the report of Germany is considered at the Committee's next session. When European NGOs meet to consider EU developments they should not forget what can be done via the UN.

Stimulated in part by the UN, many governments are now establishing independent human rights commissions, though some of those which are said to be independent are nevertheless dependent upon government funding and have therefore to tread delicately. Some of them comment on their government’s submissions to the UN; others do not. Distinct from human rights commissions, the Netherlands, Denmark and Norway have established more specialised bodies which can be compared with the CRE. How should they relate to the CERD?

Readers of CERD's concluding observations on the recent report of Sweden will notice the sentence: ‘Some members of the Committee welcome the State party's efforts to include NGOs in the preparation of its thirteenth and fourteenth periodic reports and generally in the reporting process.’ Why only some members? The answer is that governments have to fulfil treaty obligations; nothing should be done which might make other bodies appear to be responsible, even in part, for discharging a state obligation. On one occasion a Commonwealth minister heading the delegation of Australia included in the delegation the Aboriginal and Torres Strait Islanders' Social Justice Commissioner and permitted him to express an independent view. Would it be a good idea for the UK delegation to include the chair of the CRE? Might it not confuse the line of responsibility? CERD members have to report on whether governments are fulfilling their obligations under international law and they have too little time, or, indeed, background knowledge, to go into the detail of policy issues.

For details of the UK report, CERD's observations on it, and for the Summary Record of the discussion, visit the Website <unhchr.ch> and look under <documents>. For further background on minorities and international conventions see Michael Banton's International Report no. 26 in Journal of Ethnic and Migration Studies Volume 26(3): 543–52, 2000, and earlier reports in the same journal.

Further observations on the CERD process

1. From a Runnymede perspective:

For the United Kingdom of Great Britain and Northern Ireland's 15th periodic report on the legislative, judicial, administrative and other steps taken to eliminate all forms of racial discrimination during the period ending 31 March 1999, the UK government's delegation was led by Sara Marshall, Head of the Home Office's Race Equality Unit. NGOs also participated in the UN CERD forum, led by Liberty and the 1990 Trust. The following NGOs were represented by delegates: Birmingham Racial Attacks Monitoring Unit (BRAMU); Black Employment Initiative; Joint Council for the Welfare of Immigrants; Muslim Council for Britain; National Association for the Care and Resettlement of Offenders (NACRO); Newham Monitoring Project; Northern Ireland Council for Ethnic Minorities; the Runnymede Trust; and United Friends and Families Campaign.

Participation by UK NGOs at the CERD deliberations is of relatively recent vintage, beginning in the second half of the
1990s with the 13th Report stage. As yet the process of consultation is somewhat uncodified, and full understanding of what happens in the CERD forum itself, and the constraints faced by the parties involved, is not widespread.

Prior to assembling in Geneva, both government and NGOs had prepared reports. The report from Government is a combination of follow-up and response to the recommendations of the previous session, at which the 14th Report had been presented and debated, a summary of government initiatives and legislation (enacted and forthcoming) brought into being in the meantime, and a strategic look at what is in prospect for the period before the next Report falls due.

The NGOs’ report, compiled in this instance by Liberty and the 1990 Trust, aimed to ‘provide a more complete picture of how racism affects different communities in the UK’ and ‘assist the [CERD] committee in its evaluation of the Government’s report …’ (Liberty & 1990 Trust 2000:1). This particular report focused on six key areas with a list of recommendations to concentrate the attention of the 18 UN delegates to the CERD, as everyone has limited time within which to absorb a lot of information.

For the NGOs, consultation with the CERD was mediated via two sessions. The first consultation was with the rapporteur responsible for taking the lead in questioning the UK delegation in full committee. The second took place in full committee session itself, with a majority of the UN delegates in attendance, plus the visiting representatives of the UK government and of the NGOs themselves.

NGO presentations in both sessions focused on what the delegation deemed to be issues of pressing concern (deaths in police custody; school exclusions; the treatment of asylum seekers; and access to legal services and advice services) as all four areas are seen to disproportionately affect black and minority ethnic communities in the UK. The presentation to full committee consisted of a series of testimonials from Brenda Weinberg of the United Families and Friends Campaign; Maxi Hayles of the Birmingham Racial Attacks Unit; Mohammed Ali of the Joint Council for the Welfare of Immigrants; and Yasin Patel of the Newham Monitoring Unit. The UN delegates were moved by the points made, and expressed their concern in the discussion that ensued and in the statement of findings published by the Committee on 22 August.

The government's presentation was a comprehensive account of the diverse and innovative ways in which it has tackled and will continue to oppose racial discrimination. Sara Marshall spoke, for example, of how the Action Plan detailing the 70 recommendations of the Stephen Lawrence Inquiry will be implemented; how the Race Relations Amendment Bill has strengthened public bodies' duty to prevent and address racism, and how the government has set targets for the representation of ethnic minorities in public organisations. These moves were welcomed by the UN delegates, with the caveat that these areas, among others, needed to be addressed in greater detail (see also Michael Banton’s account).

For those in the NGO delegation it was heartening to see some of the points and recommendations – on post-Lawrence policing, deaths in police custody, and school exclusions – being taken up in the concluding observations as these will be revisited in the 16th Report.

2. From a UK Government perspective:

So how was it in the ‘hot seat’? It was a stimulating, demanding and surprisingly enjoyable dialogue with the committee. It was an eye-opener into how rigorously the Committee approach their obligations under international law: the discussion of different perspectives on article 4 between our own treaty expert Henry Steel and several committee members was sparkling stuff.

The UK has the best record on submitting reports to CERD. Surprisingly, the United States for example only ratified the treaty a few years ago and has still to submit a report.

It is a fair process but not very efficient. Our 15th report was submitted over a year ago. We consulted about 40 NGOs about what should be covered. A lot has happened since. But there is no easy way to update the Committee until the day itself. So we took packages of information and publications from 23 departments in all.

Before our hearing the Committee had met separately with representatives of some NGOs who had submitted their own report. We received the publication on the last working day before the hearing. It was robustly critical of government, without any balanced recognition of progress made and change under way, and surprisingly silent on the contribution of some NGOs, for example on the stakeholders’ group for the new asylum arrangements.

The hearing opens with a statement from the ‘state party’: we majored on mainstreaming and the Race Relations Bill before Parliament; on immigration and asylum developments and on progress on policing and race since the Stephen Lawrence Report, including looking at how growing confidence among minority ethnic communities and less tolerance of racist crime may be contributing to increases in reported racist crime.

Mr Shahi – our country ‘rapporteur’ – analysed the UK picture and, along with colleagues, politely fired questions at us for 2 to 3 hours over the rest of the morning and early part of the afternoon. We had the lunch break to get our act together for our response. A quick-thinking, well-informed team and excellent briefing meant we were able to deal with as many of the questions as time allowed. They ranged across all aspects of how current laws operate, how government works on these issues, and what developments lie ahead.

The hearing concluded with gracious remarks from the chairman about a ‘frank, fruitful, constructive and productive’ discussion. The outcome? Observations which reflect the very high expectations CERD has of the UK compared with many other ‘state parties’.

What happens next? We respond to the Committee in a short report specifically addressing these points by Spring 2001. And in 2003 we compile and submit another full report.

Where do we sit in the international spectrum of regimes for tackling race discrimination? We believe the UK has much to be proud of as well as continuing challenges to face. But – perhaps surprisingly – the UN itself makes no comparisons between member states so there is no ‘benchmark’.

Sara Marshall,
Head of the Race Equality Unit,
Home Office
RELIGIOUS AND SOCIAL DISCRIMINATION

Council of Europe policy recommendation no. 5
Combating intolerance and discrimination against Muslims

ECRI (the European Commission against Racism and Intolerance) is a body of the Council of Europe whose work includes the formulation of general policy recommendations addressed to all member States. What follows is the text of a general recommendation on combating intolerance and discrimination against Muslims which ECRI has just published. Concerned principally with the position of Muslim minorities in Europe, it takes the form of a series of recommendations directed in very general terms to national governments. Michael Head, (Vice-Chair and UK member of ECRI) who has provided the following commentary as well as the final text, writes:

ECRI’s core work is to produce reports on the situation in individual countries as regards manifestations of racism, xenophobia and intolerance. From time to time, however, we also frame General Recommendations addressed to the Governments of all member countries of the Council of Europe on issues that seem to us to be of universal importance. Over the last few years, we have grown increasingly aware of the vulnerability of Muslim communities throughout Europe to discrimination and hostility based as much on religious as ethnic grounds. The situation seemed to us sufficiently widespread and urgent to merit a recommendation specifically on combating discrimination and intolerance against Muslims and directed not just at individual Governments but also at Governments in general.

We spent a good deal of time last year framing and consulting on this recommendation. The resultant draft was finally shown to the Council of Europe’s Committee of Ministers earlier this year. It has now been published and the full text is reproduced below.

The objective is to strengthen and confirm an increasing international consensus on this issue and to provide some objective validation for Governments minded to adopt its recommendations. Inevitably, there are problems in agreeing a document that is seen to be relevant to the whole of Europe and acceptable to 41 different political cultures. For this reason, it cannot be too prescriptive nor too detailed. Above all, it has to be sufficiently flexible to be capable of adaptation to differing national circumstances. So it may well be that the document does not represent every aspect of the UK’s current political agenda; but it does reflect the level of concern that is generally felt here, and it reinforces particular priorities, especially the current absence from UK law of protection against instances of specifically religious discrimination.

With all these qualifications, ECRI hopes it has produced something that will maintain the impetus of international debate and provide a lever to enable NGOs in individual countries to press for action from their Governments. I am very grateful for the comments I have received during the drafting process from my UK contacts and to the Runnymede Trust for giving this document a UK airing. I hope it will be proved useful.

The Final Text reads as follows:

- The European Commission against Racism and Intolerance:
  Recalling the Declaration adopted by the Heads of State and Government of the member States of the Council of Europe at their first Summit held in Vienna on 8-9 October 1993;
  Recalling that the Plan of Action on combating racism, xenophobia, antisemitism and intolerance set out as part of this Declaration invited the Committee of Ministers to establish the European Commission against Racism and Intolerance with a mandate, inter alia, to formulate general policy recommendations to member States;
  Recalling also the Final Declaration and Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at their second Summit held in Strasbourg on 10-11 October 1997;
  Stressing that this Final Declaration confirms that the goal of the member States of the council of Europe is to build a freer, more tolerant and just European society and that it calls for the intensification of the fight against racism, xenophobia, antisemitism and intolerance;
  Recalling that Article 9 of the European Convention on Human Rights protects the right to freedom of thought, conscience and religion;
  Recalling also the principle of non-discrimination embodied in Article 14 of the European Convention on Human Rights Bearing in mind the proposals contained in Recommendation No. 1162 on the contribution of the Islamic civilisation to European culture adopted by the Parliamentary Assembly on 19 September 1991;
  Taking note of the conclusions of the Seminar on religion and the integration of immigrants organised by the European Committee on Migration in Strasbourg on 24-26 November 1998;
  Stressing that institutional arrangements governing relations between the State and religion vary greatly between member States of the Council of Europe;
Convinced that the peaceful co-existence of religions in a pluralistic society is founded upon respect for equality and for non-discrimination between religions in a democratic state with a clear separation between the laws of the State and religious precepts;

Recalling that Judaism, Christianity and Islam have mutually influenced each other and influenced European civilisation for centuries and recalling in this context Islam’s positive contribution to the continuing development of European societies of which it is an integral part;

Concerned at signs that religious intolerance towards Islam and Muslim communities is increasing in countries where this religion is not observed by the majority of the population;

Strongly regretting that Islam is sometimes portrayed inaccurately on the basis of hostile stereotyping the effect of which is to make this religion seem a threat;

Rejection of all deterministic views of Islam and recognising the great diversity intrinsic in the practice of this religion;

Firmly convinced of the need to combat the prejudice suffered by Muslim communities and stressing that this prejudice may manifest itself in different guises, in particular through negative general attitudes but also, to varying degrees, through discriminatory acts and through violence and harassment;

Recalling that, notwithstanding the signs of religious intolerance referred to above, one of the characteristics of present-day Europe is a trend towards a diversity of beliefs within pluralistic societies;

Rejecting all manifestations of religious extremism;

Emphasising that the principle of a multi-faith and multicultural society goes hand in hand with the willingness of religions to coexist within the context of the society of which they form part;

- recommends that the governments of member States, where Muslim communities are settled and live in a minority situation in their countries:

  (1) ensure that Muslim communities are not discriminated against as to the circumstances in which they organise and practice their religion;

  (2) impose, in accordance with the national context, appropriate sanctions in cases of discrimination on grounds of religion;

  (3) take the necessary measures to ensure that the freedom of religious practice is fully guaranteed; in this context particular attention should be directed towards removing unnecessary legal or administrative obstacles to both the construction of sufficient numbers of appropriate places of worship for the practice of Islam and to its funeral rites;

  (4) ensure that public institutions are made aware of the need to make provision in their everyday practice for legitimate cultural and other requirements arising from the multi-faith nature of society;

  (5) ascertain whether discrimination on religious grounds is practised in connection with access to citizenship and, if so, take the necessary measures to put an end to it;

  (6) take the necessary measures to eliminate any manifestation of discrimination on grounds of religious belief in access to education;

  (7) take measures, including legislation if necessary, to combat religious discrimination in access to employment and at the workplace;

  (8) encourage employers to devise and implement ‘codes of conduct’ in order to combat religious discrimination in access to employment and at the workplace, and, where appropriate, to work towards the goal of workplaces representative of the diversity of the society in question;

  (9) assess whether members of Muslim communities suffer from discrimination connected with social exclusion and, if so, take all necessary steps to combat these phenomena;

  (10) pay particular attention to the situation of Muslim women, who may suffer both from discrimination against women in general and from discrimination against Muslims;

  (11) ensure that curricula in schools and higher education – especially in the field of history teaching – do not present distorted interpretations of religious and cultural history and do not base their portrayal of Islam on perceptions of hostility and menace;

  (12) ensure that religious instruction in schools respects cultural pluralism and make provision for teacher training to this effect;

  (13) exchange views with local Muslim communities about ways to facilitate their selection and training of Imams with knowledge of, and if possible experience in, the society in which they work;

  (14) support voluntary dialogue at the local and national level which will raise awareness among the population of those areas where particular care is needed to avoid social and cultural conflict;

  (15) encourage debate within the media and advertising professions on the image which they convey of Islam and Muslim communities and on their responsibility in this respect to avoid perpetuating prejudice and biased information;

  (16) provide for the monitoring and evaluation of the effectiveness of all measures taken for the purpose of combating intolerance and discrimination against Muslims.

The ECRI Secretariat can be contacted at the Directorate of Human Rights, Council of Europe, F-67075 Strasbourg Cedex. Its Secretary is Isli Gachet.
Educational Advocacy Crossing the Atlantic

Patterns of educational discrimination against immigrants and minorities respect no borders. Introduced by Linda Appiah, Runnymede’s Education Policy Officer, Peter Roos of META (Multicultural Education, Training and Advocacy, Inc.) writes about educational advocacy in the US and its relevance to Europe – and vice versa.

‘Race’, Education and Advocacy

Historically, American citizens have used the courts to ensure that minority ethnic pupils receive equal educational opportunities. Although this practice is not widespread in Britain, with the Working Group Against Racism in Children’s Resources (WGARCR) having successfully overturned a decision on permanent exclusion through the courts, we felt that the time was right to explore the use of litigation and advocacy in relation to exclusions and other educational matters.

On Wednesday 25 May 2000 the Runnymede Trust held a seminar at which we were fortunate to be addressed, as our keynote speaker, by Peter Roos, Co-Director of META (Multicultural Education, Training and Advocacy). His consultancy firm has a long-standing record of successfully using the courts in the United States of America to address the educational rights of minority ethnic pupils. For example, META’s attorneys have won cases in the US Supreme Court establishing the rights of undocumented alien children to access state schools and the right of all children to an evidentiary hearing before being removed from school for allegedly improper behaviour. In the past few years META has been involved with several international initiatives.

They recently aided counsel representing Roma pupils in the Czech Republic, and in this past year participated in a forum in The Hague concerned with linguistic discrimination in various countries around the world.

Having done comparative work on the issues that face minority ethnic pupils in America and Europe, Peter wanted to gather anecdotal and researched evidence to explore the case for advocacy work in Europe. Through the dialogue that ensued with participants at the seminar Peter felt that there was a need for advocacy work in Britain, with particular regard to the issue of exclusions. He envisages a kind of advocacy that will draw on the work of researchers, lawyers, schoolteachers, parents, advocacy groups and interested parties in raising the issues of educational concern, putting a case together for the courts and implementing/monitoring the decisions taken by the courts.

Here he spells out his case for such an outward-looking organisation in an essay that increases understanding of how and why litigation is used in America for minority ethnic pupils and why this practice can and should be extended to Europe.

T he heart that seeks to gerrymander school boundaries to protect white middle-class students from poor minority pupils beats in Paris as it does in Denver. The instinct to exclude students with different cultures or lifestyles rather than restructure ethnocentric attitudes is found in Dallas as in Manchester. The confounding of language skills or cultural differences with educational ability occurs in San Francisco just as it does in the Czech Republic.

Educational advocacy that melds advocates, lawyers, and academics has a long history in the US. Recent demographic and legal changes in Europe and the UK suggest that a similar coalition might well be useful here in addressing educational barriers confronting recent immigrants and second/third generation minorities. Thus I describe the elements of educational advocacy in the US, issues that have been and are being addressed, and finally briefly review legal changes that make more viable a legal dimension to advocacy in the UK.

The US Model of Educational Advocacy

The United States has an almost unparalleled history of educational discrimination against minorities and immigrants. Boston brahmins discriminated against poor Irish immigrants, who in turn discriminated against African-Americans. Mexican immigrants and African-Americans early on were denied schooling, and then were granted inferior segregated schooling. Classification of minorities as intellectually inferior led to placements in programs for the retarded. The racist and ethnocentric attitudes of white Americans, often transported from Europe, wreaked educational discrimination on disfavoured immigrants and the sons of slaves.

The Civil Rights movement of the 20th century targeted educational discrimination as a core barrier that needed to be attacked. A model of advocacy which centred on the removal of educational segregation evolved from these early battles. This model, generally unarticulated, continues to guide educational advocacy in the US.

First, while there is an important role
for individual pupil representation, the model envisions attacks on institutional practices that burden large numbers of minority pupils. For example, repeated evidence of discrimination in expulsions might be met by an effort to establish the legal principal that procedural safeguards be established for all expulsion proceedings, in the belief that much racial discrimination would be screened out by such procedures.

The concept of a proactive attack on institutionalised practices requires a process for identifying the malignant practices and their susceptibility to attack. A first step is consultation with the victims and their representatives. It hardly makes sense to go into battle unless the intended beneficiaries believe the issue is worth fighting for. Viewed alternatively, lack of support will quickly be used by the other camp to undermine the necessary moral force of a civil rights initiative.

Issue identification goes beyond client or victim consultation. It must include confirmation of the breadth of the problem through consultation with sympathetic school officials, academics and, often-times, statisticians. Finally, one must make a hardheaded assessment to determine which venue is likely to be most sympathetic to your attack, e.g. courts, legislative bodies, administrative bodies.

The third key element of the approach is heavy reliance on legal resources. Institutional change litigation assumes that discriminatory practices were created and maintained to protect perceived interests of the dominant group. Such practices are not easily foresworn. Coercion is needed. Legal tools provide such coercion.

Finally, as is implied above, virtually all efforts must be multidisciplinary. The paradigm of the model, the fight to end school segregation, utilised lawyers armed with general and specific research showing the multiple harms that flow from enforced segregation. While academic research is never without its critics, research that is solid in its genre and supports commonsense propositions is invaluable.

How Issues Relate to European Conditions
In this section I review issues that have been addressed in the US using the methodology. I also touch upon ‘findings’ from a recent trip to the UK and mainland Europe which suggest the existence of similar conditions in many European countries. In the next section I will touch upon the cutting-edge initiatives in the US which seek to address some problems evolving in Europe.

(a) Segregation
As touched on above, the fight to overcome racial ethnic segregation in schools has been a long one – and one which has met with mixed success.

Importantly for those looking at this issue from a European perspective, the battle has gone well beyond the de jure (officially sanctioned) segregation once prevalent in the South. In the North and West of the United States, courts have struck down segregation that was the result of gerrymandered school boundaries, freedom-of-choice transfers, school placement, and the like. Courts have also looked at segregation allegedly done for an educational purpose, e.g. language programming that segregated well beyond the professed need.

On my recent trip, informed persons in several countries indicated that variations of these latter practices could be found in communities that wished to protect native Europeans from having to share schools with significant numbers of immigrants or minorities.

(b) Unequal allocation of resources
In the United States there have been several variations of this issue, but the best-known battles may have little relevance to most European systems that are more unitary than what is found in the US. Specifically, local educational agencies within states have historically been responsible for much of their own school funding. Thus neighbouring LEAs may have significant differences in per-pupil spending – with richer communities typically spending more than poorer ones.

A second variation suggested as a problem in certain European locations is the mis-allocation of key educational resources. Students in overcrowded immigrant communities go to schools which are oversized and overcrowded, both conditions which research suggests are educationally counterproductive. It is also the case that middle-class white schools often have the pick of teachers. Disproportionately, teachers with limited certification or experience serve low-income students – the students most dependent on a solid school system.

A third variation, less susceptible to attack, occurs where parents voluntarily contribute significant sums to schools attended by their children. This, of course, gives a competitive advantage to their children.

(c) Language discrimination
Until 1975, American schools had no obligation to adapt their programs for immigrant pupils whose English was limited. A unanimous Supreme Court ruled that schools had to develop specialized programs for these children.

Subsequent litigation and legislative advocacy added meat to the mandate. Schools have an obligation to identify all children in need, provide them with an adequate program to learn academic English, take reasonable steps to ensure that they do not fall down in substantive courses while learning English, and exit the pupil only upon evidence that he/she can succeed in an English-only classroom. Adequate resources must be provided to the program including specially trained teachers.

It should be noted that limited English proficiency – not parental wishes – is what triggers a program. It also should be noted that while transitional bilingual programs are a legally acceptable approach for addressing these needs, the courts have yet to rule that they are the only acceptable approach.

My European research suggests that many immigrant children get substantially less than the US minimum. (It must be noted that many US pupils do also – until there is an enforcement action.) As with the other initiatives, substantial research serves as a foundation for defining these minima and providing the advocates with remedies.

(d) Exclusion
Statistics tell us that minority pupils, particularly boys, are disproportionately subject to disciplinary exclusion. Research in both the US and UK suggests that exclusion is often based upon such offences as ‘defiance of authority’ – an ambiguous term that almost certainly incorporates a level of
misunderstanding between a white-dominant school system and minority pupils.

In the US there have been major legal/policy attacks on the fringes of the problem. As discussed earlier, procedural safeguards have been mandated. While short-term suspensions require a modest level of protection, a long-term expulsion must be accompanied by a hearing in which accusers can be confronted.

Several cases have directly confronted the racial disparity problem. While there have been rulings that statistical disparities reflect institutional racism, the remedies have usually been unsatisfactory, e.g. limited cultural sensitivity training.

(e) Misclassification
Immigrant and minority pupils are disproportionately placed in programs for the retarded and streamed into vocational and dead-end tracks.

Major initiatives in the 1970s surfaced the fact that limited English proficiency was being confounded with limited intelligence. Thus, low scores on English tests were being used by school officials to track immigrant pupils into classes for the retarded. As the academic research reflected that this doomed the life-chances of these students, authorities were forced to use more valid instruments in assessment.

There were similar initiatives on behalf of non-immigrant African-American pupils. Where disproportionate placement into low streams or tracks could not be backed up with psychometrically sound instruments normed on African-American populations, they were subject to attack.

Current Educational ‘Reform’ Initiatives
The US is in the middle of a school reform frenzy. The good news is that finally all levels of government recognize that unless education improves – especially for minority pupils who one day may be the majority – the American economic and political system is in jeopardy. The downside is that real change has major costs. The result is that superficially appealing remedies are adopted which have the potential for doing more harm than good.

A rallying cry for education reform is ‘accountability’; the primary vehicle for its achievement is high-stakes testing. Thus pupils who do not meet certain levels of achievement on standardised tests at certain grades are forced to repeat the grade. Further, while a graduate certificate at the end of secondary schooling has historically gone to all pupils who have received passing grades in key subjects, increasingly they must also pass a standardised test. Thirdly, schools are often graded on how pupils do on these tests – with failure triggering a school shakeup, and success often triggering financial rewards for the school and/or its teachers.

To the lay eye, these all seem like reasonable responses to a serious problem. On closer inspection, it becomes clear that without addressing certain nuances, the ‘solutions’ may make matters worse for immigrant and low-income pupils.

First is the old problem of utilising English-language examinations for purposes that are not directly on point. If one is committed to grade retention for failure to make reasonable progress, it makes little sense to retain a limited-English proficient pupil for failure to have reached a level set for native speakers. It’s preferable to measure expected progress in closing the gap with native speakers and learning other subjects. Misuse of tests to retain is a serious business, as substantial research suggests that grade retention has the high potential of pushing pupils out of school.

Secondly, it is critical that tests measure what the pupil was in fact taught. Standardised tests may well not mirror the curriculum delivered in a high-poverty, high-minority school. To deny grade promotion or a diploma to one who has done what was asked of her violates basic principles of fair play and justice.

Thirdly, resources must meet adequate and equal standards in all schools before one can make judgements, particularly comparative judgements, about pupils and school productivity. If a predominantly minority/immigrant school has high percentages of inexperienced or undertrained teachers, education-inhibiting overcrowding, inadequate materials, etc., it defies sense to punish the pupils or schools for failure to achieve as another school might.

While ‘accountability’ is one mantra of current school reform in the US, of almost equal resonance is the cry for ‘competition’. The notion here is that publicly funded schools have a monopoly position in serving all but that handful of pupils who can afford private schooling.

It is argued that the monopoly position creates a lethargy which is at the core of school failure. The most zealous competition advocates would give ‘vouchers’ to pupils with a value equivalent to the per-pupil cost of educating students in a public school. These vouchers would then go to pay for competitive private schools. It is argued that this competition for pupils would compel public schools to reform or go out of business.

A more modest approach, which has been endorsed by some liberals, in part to undercut the popularity of vouchers, has been the adoption of ‘charter schools’. These schools are freed from most public regulations but are still technically public schools. Usually enrolment is open to all-comers and there is a nominal prohibition against discrimination on the basis of race or ethnicity. Headmasters and teachers are usually chosen by the sponsors of the charter school rather than by the LEA, which is often constrained by union contracts.

The concerns about each of these efforts to ‘privatise’ public schools are similar. It is suspected that private schools in the voucher approach and charter schools will tend to skim off most middle-class students left in high-poverty schools. This would further segregate minority and immigrant pupils and would undercut middle-class support for their improvement. There is concern about how one Oversees anti-discrimination provisions in laws creating these schools – we poorly oversee the public schools we now have. There is concern too about chartalas opening up inadequately resourced schools in inner-city areas. On the other hand, one can see attractions in some charter possibilities that allow minority parents to set up schools free of the sense of failure and/or racism that pervade many minority schools.

Another angle worth mentioning on ‘reform’ is that which is being undertaken by minority community advocates. Litigation is ongoing to secure, not equal but ‘adequate’ schools. Most of the efforts in the past have
focused on inequalities suffered by high-percentage immigrant/minority schools. This approach tries to meld statistics showing educational outcomes that leave minority pupils unable to compete in the 21st century with inputs, e.g. resources, that are inadequate to overcome the effects of poverty, language problems, etc. Several cases have been won in Southern states, and the effort is now moving north.

**When to Borrow from the US Model**

While an Honorary Associate at the University of London in 1982, I wrote a monograph that reflects many of the ideas in this article. In conclusion, I suggested that failure to use the legal tool as part of the advocate's arsenal was an error committed in the UK. I cited some English law that suggested that more could be done with law than was commonly supposed.

A rejoinder was written by Margareta Rendel, an attorney at the university. She argued that the lack of a Constitution and of ‘class actions’ were inhibiting factors.

If there was some truth to her points in 1982, they carry less weight as we move into the 21st century. First, while still cumbersome, the machinery to enforce the European Convention on Human Rights has recently been streamlined. The Convention contains a provision (Article 14) that mirrors the US constitutional mandate for ‘equal protection’ – the primary vehicle of redress in the cases above-cited. It also includes a right-to-education provision (Protocol 1, Article 2) that is useful on its own and assures that Article 14 applies to inequalities in education. It is notable that unlike many international agreements, the European Convention can be enforced by individuals, though there generally must be exhaustion of national remedies. This becomes less onerous in the UK with the passage of the 1996 and 1998 Human Rights Acts. This latter act incorporates the Convention into UK law, thus allowing direct challenges to LEA practices and even parliamentary provisions. The modest limits on parliamentary challenges are frankly not very important, for in our experience, much advocacy challenges implementation procedures rather than acts of legislative bodies.

A word should also be said about Article 13 of the Treaty of Amsterdam. This recent provision outlaws national origin and racial discrimination. While cases cannot be brought directly by individuals under this, its existence may well embolden courts to grant remedies under Article 14 and other laws.

Frankly, the marriage of community activists, academics and lawyers need not, and should not, be primarily targeted on litigation. The joint expertise, harnessed in pursuit of equal and adequate educational opportunity, can be directed to legislative tribunals, administrative agencies, and to public education campaigns.

**Conclusion**

The face of Europe generally, and of the UK in particular, has changed dramatically over the past several decades. Immigrants are arriving in unprecedented numbers, and there is no reason to believe this phenomenon will end. US experience suggests strongly that what began as lawful immigration will mushroom into increased unlawful immigration. US experience also suggests that what often begins as worker immigration becomes family immigration. This leads to the backlash now increasing in Europe. That backlash almost certainly is being and will increasingly be reflected in schools. It is thus timely to think about expanding cross-border, cross-disciplinary, targeted educational advocacy on behalf of minorities and immigrants. Failure to do so will embed discriminatory practices and policies, and will have multi-generational effects to the detriment of the victims and the European society in which they will live.

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The rallying slogan of the French Revolution, *liberté, égalité, fraternité* [liberty, equality, brotherhood] identifies the key concepts of liberal democracy, but theorists must still determine how these ideals might interact and within which bounds each concept might confine the other two. Recent investigations by political theorists can illuminate these interactions and the current state of liberal democracies more generally. This review of two recent publications spells out the renewed importance of political theory in topical debates on immigration, equal opportunity policies, the provisions of Article 13 and the implementation of the Human Rights Act, particularly in multi-ethnic Britain. Furthermore, an understanding of the conflicting goals at the heart of liberal democracies will explain why policy developments need to remain sources of contestation.

**Mouffe and democracy**

It may seem odd to insist on the importance of theory at a time when the main ideological source of debate in politics, namely the Left–Right split, is deemed to be irrelevant by important personages of the old left and old right. Indeed, some New Labour politicians might further stress that the current challenge of globalisation can be met only by third-way politics. In a collection of five semi-related essays, Chantal Mouffe persuasively demonstrates that such a conclusion not only exaggerates the degree to which globalisation has eradicated social divisions and other concerns of ‘old world’ politics, but also gravely misconceives the genealogy and nature of liberal democratic politics – namely the importance of conflict. Mouffe does not simply state the importance of conflict in liberal democracies; instead she sources it to two distinct traditions that have ‘no necessary relation… but only a contingent historical articulation’. The first of these two traditions she defines as ‘liberal… constituted by the rule of law, the defence of human rights and the respect of individual liberty’; the second being ‘the democratic tradition whose main ideas are those of equality, identity between governing and governed and popular sovereignty’. As Mouffe points out, liberals and democrats have historically been aware of the limits that the conjuncture of liberal democracy placed on their own political ideals. In the present circumstances, the liberal viewpoint is in the ascendant, evidenced by the contemporary stress on (human) rights and the waxing obsolescence of popular sovereignty.

These ideas often need to be expressed more simply than Mouffe allows, particularly to a non-theorist. Unpacking her somewhat unwieldy prose, however, not only brings us to the heart of Mouffe’s criticism of the current situation, but also helps us to better understand what she means by the ‘democratic paradox’.

One of the reasons that left politicians and activists become so agitated by the inequalities of global capitalism is precisely because they weigh the traditions of democracy and equality as more significant than those of individual liberty. Libertarians and conservatives are often outraged by equal opportunities policies and other governmental intervention to raise the status of underprivileged individuals and groups not because they are wicked but rather because they value liberty more than equality. Particularly in the economic sphere this is not to say that either the left or right are ‘better’ standpoints or that they are blind to the concerns of the other position; rather, it is to recognise that in the past the political disagreements of left and right were based on the interaction of different traditions, liberal and democratic, within liberal democracy and their contemporary articulations.

What Chantal Mouffe is saying is that New Labour and other third-way politicians are attempting to reconcile and permanently fix the interaction between the principles of liberty and equality. In fact, they have shirked the responsibilities of equality normally propounded by left politics and, Mouffe concludes, have in the process stunted political debate and ‘a legitimate form of expression of resistance against the dominant power relations’. According to Mouffe, New Labour wants no losers in its game of zero-sum politics, and she is particularly concerned that the...
‘democratic deficit’ as represented by the loss of popular sovereignty may lead to a rise of the far right as the only ideology that considers its importance.

For Mouffe, it is not only third way politicians that misunderstand the roots of liberal democracy. Recent theorists of ‘deliberative democracy’ are similarly criticised for attempting to posit a conflict-free politics that is based on rational deliberation of opposing views. Mouffe argues that thinkers such as Habermas mistakenly link ‘Enlightenment universalism and rationalism’ with the modern democratic project and thus see ‘postmodern’ approaches that question universality and rationality as jeopardising the success of democracy. Rawls is further critiqued for simply stating the fact of pluralism rather than considering it as ‘constitutive at the conceptual level of the very nature of modern democracy’. Differences among citizens are inherent within all social polities, but the goals of liberty and equality at the centre of liberal democracy demand a coherent and consistent theory of the state and state interventions to allow the diversity of the polity access to liberty and equality.

Liberal democracy, despite its seeming success in managing conflict arising from diversity, is also stretched to its limits in attempting to reconcile the goals of liberty and equality with this pre-existing diversity. In her second essay, Mouffe examines the controversial thought of Carl Schmitt, an early 20th-century political philosopher who concluded that its internal contradictions made liberal democracy a non-viable regime. From a close examination of Schmitt’s ideas, she illustrates the challenge of plurality for liberal democracy when it weights the key political concept of inclusion—exclusion and the corresponding idea of citizenship.

At this stage, it is clear that Mouffe is calling for a strengthening of the democratic tradition in the face of the current liberal consensus. The struggle for an open and equal conception of citizenship, against those that have historically argued for an ethnic or racialised measure, has led some to invoke and argue for a ‘cosopolitan’ idea of citizenship. Schmitt argues that this arises from the liberal interpretation of equality, that postulates that every person is, as a person, automatically equal to every other person. Whether this obtains in practice is a concern that the state will later address through its institutions — for liberals this equality of humanity must form the a priori basis of citizenship.

Mouffe agrees with Schmitt when he argues that the liberal ideal of general equality of humanity and the corresponding conception of citizenship is necessarily non-political. This is because it lacks the distinction between those who belong to the demos and those who are exterior to it. Indeed, the democratic notion of inclusion and citizenship will always exist alongside the correlate of inequality, since certain individuals will not belong to the demos. To explain this further, Mouffe quotes Schmitt at length:

In the domain of the political, people do not face each other as abstractions but as politically interested and politically determined persons, as citizens, governors or governed, politically allied or opponents — in any case, therefore, in political categories. In the sphere of the political, one cannot abstract out what is political, leaving only universal human equality.

Schmitt notes that even in modern democratic states there is a category of people who are excluded as foreigners or aliens, a point that is as resonant today in immigration debates and legislation as it was in 1926 when Schmitt completed The Crisis of Parliamentary Democracy. Mouffe concurs with Schmitt in a way that corresponds with her disagreement with a ‘procedural’ or ‘instrumentalist’ theory of politics that views modern conditions as ‘common good’ and ‘general will’ insignificant. To Mouffe, Joseph Schumpeter’s seminal work Capitalism, Socialism and Democracy (1947), in defining democracy solely as ‘the system in which people have the opportunity of accepting or rejecting their leaders thanks to a competitive electoral process’ reduced politics to a balancing of competing self-interests. These interests are to be adjudicated by the state but remain unchallenged by popular participation since such participation creates ‘dysfunctional consequences for the working of the system’.

Mouffe argues, therefore, for a strengthening of the democratic tradition, in what she has earlier called ‘the return of the political’. She agrees with Schmitt about the weaknesses of the liberal conception of citizenship and with his evaluation of tensions within liberal democracy. However, she sees this tension as the strength of modern democracy in its many forms and deems that a strengthening of ideals such as popular sovereignty associated with the democratic tradition is what is required to set it aright. Such a move can more properly balance liberty and equality but also, more importantly, will allow democrats to argue their case for citizenship. If the liberal cosmopolitan vision creates citizens who have ‘lost the possibility of exercising their democratic rights when violated, what this represents is ‘the actual disappearance of democratic forms of government … indicating the triumph of the liberal form of governmental rationality’.

Chantal Mouffe is a defender of modern democracy, but she would like to see a more active citizenry and reform-minded government. In The Democratic Paradox, she also stresses the importance of Wittgenstein and Derrida in positively recognising the importance of difference and the broad conception of citizenship that such considerations allow. However, another recent volume offers a specific social circumstance where the boundaries of citizenship might be tested, namely the case of the religious believer.

Faith and the citizen

The source of dilemma for the liberal state is clearly evoked in the title of this volume: Obligations of Citizenship and Demands of Faith. Given that individuals and communities often have differing moral and ethical ‘world views’, how should the state react when allegiances to religious laws seem to violate those of liberal theory? To further complicate the picture, in some situations, certain groups and individuals are actually discriminated against and have less access to social goods, leading them to confront the state in the courts.

In her introduction, Nancy Rosenblum argues that religious challenges to liberal
democracy are the ‘most pervasive and powerful today, supplanting Marxism and other political ideologies’. Perhaps she is overstating the novelty of religious challenges in liberal theory, but this volume, with its thirteen essays, does offer an overview of the challenge made to a liberal state by religious believers, although nine of the essays deal almost exclusively with the United States.

Michael McConnell notes that until the modern period, ‘citizenship was inextricably tied to religion’. However, in order to offer citizenship to all its inhabitants, states have since disestablished state religions in the hope that individuals of all faiths could become full and equal citizens, a view that ‘became a fundamental and uncontroversial premise of liberal constitutional order’. Now, states McConnell, the situation has reversed – secularists are the favoured citizens in a liberal democracy and religious believers are often not granted their full rights.

The problem, argues McConnell, is that religious believers ‘inevitably face two sets of loyalties and two sets of obligations’, resulting in a ‘citizenship ambiguity’. In liberal theory, it has often been necessary to diminish the claims of religious obligations so that liberal institutions could properly function. In American constitutional history, this has taken the form of Jefferson’s ‘wall of separation’ between church and state, though this famous phrase does not appear in the Constitution itself. McConnell’s vision is a pluralist one that allows communities to educate their children according to their needs and makes other concessions to religious groups. This, he asserts, would ‘ensure that for Protestants, it [the United States] is a Protestant country, for Catholics a Catholic country, and the Jew, if he pleases, may establish in it his New Jerusalem’.

Most of the contributions in this volume are concerned with constitutional law, mainly in the United States. A number of cases are cited to note the conflicting interpretation of the state’s relationship to the religious observer, specifically its interpretation of the Establishment Clause. This famously states that Congress could neither establish a national religion nor interfere with existing state establishments. In the United States, the interpretation of this clause has led to cases covering such broad topics as educational segregation, religious education, mind-altering substances as sacrament in worship, appropriate clothing in the military, chaplains in hospitals, prisons, legislature and military, financing religious institutions and chaplains, unionisation of parochial school teachers, liquor bans in Mormon-majority counties, etc. Clearly these cases question the state’s ability to act neutrally; the Supreme Court, in allowing Amish children to be removed from the education system, while banning the use of peyote in Native American ceremonies and preventing fundamentalist Christians from removing their children from classes teaching evolution has offered conflicting interpretations on a number of occasions in the past thirty years.

In highly different ways, two articles in this volume suggest that religious obligations demand greater relevance in liberal theory. Ronald Thiemann strongly argues that the ultimate loyalty and absolute love belong to God alone and that an individual’s ‘commitment to democracy remains penultimate’. He argues that people of faith serve as ‘connected critics’, ‘persons committed to the fundamental ideals of democracy yet able to see the shortcomings’. He deems that such Christians are in fact positive contributors to democracy through their defence of the values of faith, hope, and love. Graham Walker argues against McConnell’s earlier contribution, suggesting that its version of pluralism could ‘careen toward Balkanization and fragmentation’. Instead, a ‘mixed constitutional regime’, overtly preferring one specific religion while constitutionally binding itself to protect ‘subordinate religious orientations’ should be instituted, much as in the case of Israel. He also offers and recommends an overtly secular version that would institutionalise its values as ‘the official public theology’, rather than the contemporary sleight of hand and resulting ‘immoderate hegemony’ of secular liberalism.

These theoretical musings present some of the reasons that ideals of citizenship will be contested and conflictual. Following Mouffe, it would seem plausible to allow religious believers to state their preferences in a political way, meaning that they could be religious both in public and in private, moving beyond liberal neutrality and re-engaging the democratic tradition. However, serious questions remain for the liberal democracies, particularly with their commitment to the values of liberty and equality for every citizen.

Obligations of Citizenship and Demands of Faith suffers somewhat from its particular focus on the United States. There, more than elsewhere, questions such as abortion and homosexuality are moral questions in which a significant part of the populace act in ways that are intrinsically illiberal and inegalitarian. One of the two strengths of this volume is its presentation of the conflicting judicial decisions made in the United States, demonstrating the conceptual and practical difficulty in fully separating church and state and in truly treating all citizens in a liberal and equal fashion. Its second strength lies in three essays examining the cases of Israel and India.

These three essays demonstrate the dangers that religious viewpoints can have. Recognising that absolute liberty can lead to some individuals harming others, freedom of speech has often been curtailed, specifically hate speech. Yael Tamir considers the case of religious hate speech in Israel. Specifically, he evaluates why it is sometimes necessary to ban speech that is directly sourced to the Bible, in one case where Rabbi Kahane quoted with reference to the Palestinian religious enemies:

When the Lord thy God has cut off the nations, whose land the Lord thy God give thee, and thou hast driven them out, and dost dwell in their cities, and in their houses… You shall utterly destroy all the places, in which the nations whom you are to dispossess serve their gods, upon the highest mountains, and upon the hills and under every leafy tree: and thou shall overthrow their altars, and break their pillars, and burn their asherim with fire: and thou shall hew down the carving of their gods, and destroy the name of them out of the place.

As Tamir summarises, ‘the eradication must be complete’. This demonstrates that there are traditions and interpretations within religions that defend values other than those of faith,
hope and love that Thiemann identified earlier, and Tamir points out similar examples in Islam and Christianity.

In the case of India, Gary Jeffrey Jacobsohn explains that constitutional structures allow the state to intervene more strongly than elsewhere precisely because caste hierarchies have been a source of social inequality that the state seeks to minimise and prevent. This allows India to monitor the hate speech of politicians such as Balasaheb Thackeray, the leader of the Shiv Sena, and to bar them from electoral competition when such language might lead to social violence.

Martha Nussbaum further examines the constitutional structures of India and concludes that in the case of gender equality, the state is manifestly failing in its duties by not intervening more strongly into personal religious law. These three cases, two from India and one from Israel, demonstrate that certain ramifications of religious interpretations can be highly damaging, usually to another social group that the state is obliged to treat equally. Thus, the state is torn in its own obligations -- towards the liberty and equality demanded by modern liberal democracies, but also towards freedom of religion, even where such rights might proscribe illiberal or inequalitarian views.

Conflicting obligations
Both publications demonstrate that liberal democracies have differing and at times conflicting obligations to their citizens, not simply at a legislative level, but at a deeper structural and theoretical stratum. Debates surrounding immigration and relations between ethnic groups usually take the form of arguments about appropriate legislation. Chantal Mouffe argues that the emphasis on legislation has led to a more scaled-down vision of democracy, limited to 'proceduralist' concerns that have in recent years been more concerned with liberty and rights than with equality. As commentators consider the future of multi-ethnic Britain (or any other multi-ethnic state), it will be necessary to buttress and perhaps re-articulate the concept of citizenship to allow for a more democratic society.

At the same time, the state must be aware of the dangers that some forms of liberty can create, as evidenced in Obligations of Citizenship and Demands of Faith, whilst simultaneously challenging forms of exclusion that violate human rights. To imagine a possible reconciliation of ethics and politics might undermine democracy's strength and rigidify conceptions of citizenship. As Mouffe concludes, the tension between the liberal and democratic traditions, including their differing conceptions of equality, constitutes a paradox, but this tension is not only the source of debate in politics but the greatest strength of liberal democracy too.

Omar Khan, Runnymede

Government sees value of economic migrants

Barbara Roche the Minister of State at the Home Office called for a 'Grown up debate' on immigration earlier this month. Speaking at an IPPR seminar held in London on 11 September 2000 the Minister spoke of possible moves towards relaxing immigration controls for the highly skilled. She said 'we are in competition for the brightest and the best talents'. The speech has been described as the biggest shake-up of immigration policy for three decades (Express 12/09/00). The Minister spoke about the benefits of economic migration.

This shift on immigration comes at a time when government has acknowledged that a skills gap exists in Britain. The skills gap has been directly attributed to the demographic time bomb and the Minister spoke of estimations that by the year 2050 almost a quarter of the population will be over the age 65. It is with this in mind that the Minister for Immigration has asked for a debate on 'a modern immigration policy', which discusses the benefits and challenges of managed migration. Ms Roche pointed out that people have always migrated to and from Britain and that since the early 1970s the number of people emigrating has out stripped those entering Britain.

The Home Office is currently examining the immigration policies of Canada, America and Australia to explore the type of model that would be best for Britain. The Minister referred to the possibility of a points based system being adopted as is currently used in America.

In response to the speech the Shadow Home Secretary, Ann Widdecombe, said Britain wants the best skilled workforce in the world. Improving the skills of our own workforce is the best way of achieving this, but immigration has a role as well. A work permit scheme, which we support, already exists to import labour where there is a skills shortage (Daily Mail, 11/09/00). The Liberal Democrat Home affairs spokeswoman, Jackie Ballard, said 'Immigrants add to the skills base and help develop the diverse culture of the UK. But the Government must not shirk its wider responsibility for training and education by poaching those that other countries can ill afford to lose' (Daily Mail, 11/09/00).

The speech is the first positive statement to be made about immigration by a Cabinet Minister for as long as some of us can recall. Furthermore, it appears that there is consensus between the parties on two counts. The first point of agreement is that there is a skills shortage. And the second is that immigration can in fact contribute to bridging this gap.

Demographic debate

A demographer caused controversy by predicting that the UK could see white people become a minority by 2100. He made his calculation anonymously, for fear of being labeled a racist, and his prediction made major headlines in The Times, Guardian, Evening Standard, Sun and Daily Mail after initially appearing in the Observer on 3 September.

Estimations regarding the numbers of ethnic minorities in the UK and elsewhere are often used by the British National Party to imagine ugly projections of racial violence and the dissolution of all things British. For this reason, some commentators were 'appalled' by predictions that could only create 'unnecessary panic'.

Demographic predictions are based on fertility rates, which are often higher among first-generation immigrant groups and are particularly high for Pakistani and Bangladeshi women in the UK. Explanations about these statistics are as contested and controversial as the
demographic predictions. *The Times* considered that the high fertility rate of Pakistani and Bangladeshi women was ‘because they keep bringing into the country young brides from remote villages who retain traditional values’, though it also noted that predicting birth rates is ‘one of the most difficult areas to forecast’.

The *Guardian* noted that ‘with affluence and assimilation birth rates diminish’. However, it further noted that some minorities are not becoming more affluent or assimilating, such as Bangladeshis, who might also maintain high fertility rates due to ‘Islam’s strength as a belief system ascribing women a fixed role’ or possibly ‘segregated schooling’.

In London, Lee Jasper noted that London is due to become a minority white city even sooner. He was quoted in the *Evening Standard* as saying: ‘At the moment ethnic minorities are about 40 per cent in London. The demographics show that white people will become a minority by 2010.’ Some of the interest in these prognostications derived from news released by the US Census Bureau that California’s non-hispanic whites constitute 49.8 per cent of its population, and the possible ramifications of this forecast for the Europe of the next century.

### The minority ethnic electorate

Yasmin Alibhai Brown, commenting on the demographic predictions, noted ‘There are areas where, if you count, you could say that white people are a minority but so what?’ (*The Times* 4/9/00). In fact, in such areas, black and ethnic minorities can have a considerable impact in elections. As the main political parties prepare shortlists for the next general election, they will keep in mind that approximately 50 constituencies have minority ethnic populations of over 20 per cent.

The Labour party has been particularly concerned with increasing the number of its candidates who are ethnic minorities and has been criticised for selecting only one extra seat from the Asian or black communities to fight a winnable seat. The *Birmingham Post* noted a high level of infighting in the selection of Jeff Rooker’s successor in a seat (Perry Barr) where 37 per cent of the population came from minority ethnic backgrounds according to the last national census.

Earlier this year, David Lammy’s accession to Bernie Grant’s seat in Tottenham received a great deal of attention. As the Voice pointed out, the race to replace London Mayor Ken Livingstone ‘has hotted up with the announcement of the final shortlist of six candidates’ in his Brent East parliamentary seat. With three of the candidates for this very safe Labour seat coming from ethnic minorities, one of the candidates was quoted as saying: ‘The nature of the constituency and its diversity means that it is a winnable seat’. She further explained: ‘In the past the party has had black people on the list, but in unwinnable constituencies as a token gesture’.

Commenting on the shortlist in Brent East, the *Voice* concluded, ‘the big surprise is that Peter Herbert, chairman of the Society of Black Lawyers, failed to make the shortlist after being tipped as a favourite’. The paper further noted that Herbert failed to be nominated in Gloucester earlier this year.

There are currently 9 minority ethnic MPs, all from the Labour party, in the House of Commons, out of a total of over 650. If the number of seats were to match the actual population in the UK, there would be over 40 minority ethnic MPs. Examining demographic figures can thus be highly important for a functioning democracy and in evaluating the needs of a constituency. Without suggesting that ethnic minorities can only be represented by minority ethnic MPs, or that such MPs cannot win in predominantly white constituencies, it is nevertheless important to recognise that success for minority ethnic MPs has tended to be limited to constituencies where black and Asian voters constitute a substantial percentage of the total vote.

### Stephen Lawrence Memorial Lecture and Bursary

The first Stephen Lawrence Memorial Lecture was delivered at Prince Charles’s Foundation for Architecture in East London on 7 September 2000. Presenting the Lecture, HRH The Prince of Wales announced a new scholarship worth £70,000 to commemorate the life of Stephen Lawrence, in an attempt to increase the number of black and minority ethnic architects.

Endorsing the Stephen Lawrence Trust the Prince said: ‘Stephen Lawrence was cruelly robbed of the chance to develop his potential talents in the field of architecture. I’m sure that his parents, who did so much to support him in his ambition, will join me in hoping that the trust established in Stephen’s memory and my foundation can work together to find more opportunities for those with talent to find a role in building design’ (*Express*, 8/9/00).

Recognising the under-representation of black and minority ethnic architects in Britain, the Prince challenged the architectural profession, dominated by white middle-class people, to be more inclusive and ‘to open their recruitment programmes to people from ethnic minority communities’ (*The Times*, 8/9/00).

Doreen Lawrence, Stephen’s mother, also speaking at the Memorial event, said that she hoped Prince Charles’s influence would encourage black young people to become architects: ‘it would be a feather in our cap if all the architectural schools in the country had a student in Stephen’s memory’ (*Express*, 8/9/00).

In his welcome note, Mr Arthur Timothy, Chair of *The Stephen Lawrence Trust*, explained that the Memorial Lecture will be held annually, and will in time serve as a benchmark for progress made toward making architecture and related design professions more accessible to the ethnic minority communities (Memorial Lecture Programme, 2000).

Set up in 1998, with the support of Baroness Ros Howells OBE, Doreen Lawrence and Neville Lawrence, the Trust is not political, and seeks to help encourage talented and disadvantaged black young people to pursue careers in architecture and other design professions. In less than 2 years this charitable trust has managed to develop bursary programmes for young disadvantaged people in the north of England, in London and overseas in Jamaica, and ‘is hoping to develop a new purpose built education and arts building in Deptford South East London called The Stephen Lawrence Technocentre’ (Memorial Lecture Programme, 2000).

Speaking about the Trust, Doreen Lawrence said ‘The tragedy surrounding Stephen’s murder has helped to change Britain as we know it. His death has highlighted the evil of racism that so many face in our society. I see the Trust as a fitting tribute to Stephen’ (Memorial Lecture Programme, 2000).

*Compiled by Randeep Kaur Kular and Omar Khan, Runnymede*
Race and Identity on the Agenda*
Thursday 9 November, 9.30 am, Greenwich Professional Development Centre, a training event for teachers and headteachers, organised by Greenwich Education Services, led by Robin Richardson. Participants welcome from other local authorities. Details from James Morrison, Greenwich Education, Riverside House, Woolwich High Street, London SE18 6DF [tel 020 8312 5075]. To be repeated on 8 February 2001.

Race Equality Issues in Schools*
Friday 1 December, 9.30 am to 4.00 pm, University of London Institute of Education, organised by the Language Development in Multicultural Schools (LDMIS) network, on innovative and effective ways of using the Ethnic Minority and Travellers Achievement Grant (EMTAG). Opening lecture by Robin Richardson and workshops on staffing, training, monitoring, assessment and partnerships with parents. Details from Roger West, 16 Gabriel Street, London SE23 1DT [tel 020 8699 5974, email gorwest@talk21.com]

Young Black People in the Penal System
Wednesday 6 December 2000, 2.00 pm to 5.00 pm, The Howard League Centre for Penal Reform, organised by The Howard League. The conference will discuss issues such as the over-representation of young black people in the penal system and ways of creating a more equitable system, with speakers from Brent Borough Council, Feltham Young Offender Institute, HM Prison Service, Howard League Council, Lambeth Youth Offending Team and Metropolitan Police Service. Details from Barbara Norris, The Howard League, 1 Ardeerigh Road, London N1 4HS [tel 020 7249 7373, fax 020 7249 7788, email howardleague@ukonline.co.uk]

Equalities Conference
Tuesday 16 January 2001, Rochdale Town Hall, organised by Rochdale Metropolitan Borough Council. Details from Suki Kaur, Rochdale Metropolitan Borough Council, Equal Opportunities Unit, Municipal Office, Smith Street, Rochdale OL16 1AQ [tel 01706 864723, fax 01706 865656]

The Future of Multi-Ethnic Britain*
Friday 19 January 2001, 6pm, in the Council Chamber at Lancaster Town Hall. The half-yearly meeting of Preston and Western Lancashire Racial Equality Council. Guest speaker, Bhikhu Parekh. Details from the REC at Town Hall Annex, Birley Street, Preston PR1 2RL [tel 01772 906422, email lacowrec@mrcl poilte.org.uk]

Race and Identity on the Agenda*
Thursday 8 February 2001, 9.30 am, Greenwich Professional Development Centre, a training event for teachers and headteachers, organised by Greenwich Education Services, led by Robin Richardson. Participants welcome from other local authorities. Details from James Morrison, Greenwich Education, Riverside House, Woolwich High Street, London SE18 6DF [tel 020 8312 5075]

Ageing
Tuesday 24 October, 9.30am to 4.00pm, at Rothes Halls, Glenrothes, Fife. On services for older black and minority ethnic people, organised by Fife Racial Equality Council. Speakers include members of community organisations, the chief executive of Fife Health Board, the head of the Commission for Racial Equality in Scotland, and two MPs, Jackie Baillie the deputy minister for social inclusion, equality and the voluntary sector, and Henry McLeish, the minister for enterprise and life-long learning. Details from Fife Racial Equality Council [tel 01592 610211, email selmar@fiferec.freeserve.co.uk]