



Comparative Study Visit to Germany

Berlin, Germany

21th October– 24th October 2013





Democratic Progress Institute and Berghof Foundation

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Foreword

Democratic Progress Institute

DPI aims to foster an environment in which different parties share information, ideas, knowledge and concerns connected to the development of democratic solutions and outcomes. Our work supports the development of a pluralistic political arena capable of generating consensus and ownership over work on key issues surrounding democratic solutions at political and local levels.

We focus on providing expertise and practical frameworks to encourage stronger public debates and involvements in promoting peace and democracy building internationally. Within this context DPI aims to contribute to the establishment of a structured public dialogue on peace and democratic advancement, as well as to create new and widen existing platforms for discussions on peace and democracy building. In order to achieve this we seek to encourage an environment of inclusive, frank, structured discussions whereby different parties are in the position to openly share knowledge, concerns and suggestions for democracy building and strengthening across multiple levels. DPI's objective throughout this process is to identify common priorities and develop innovative approaches to participate in and influence the process of finding democratic solutions. DPI also aims to support and strengthen collaboration between academics, civil society and policy-makers through its projects and output. Comparative studies of relevant situations are seen as an effective tool for ensuring that the mistakes of others are not repeated or perpetuated. Therefore we see comparative analysis of models of peace and democracy building to be central to the achievement of our aims and objectives.

The Berghof Foundation

The Berghof Foundation is an independent, non-governmental and non-profit organisation dedicated to supporting conflict stakeholders and actors in their efforts to achieve sustainable peace through peacebuilding and conflict transformation.

Initiated and owned by the Zundel family as a philanthropic enterprise, it builds on the tradition of the Berghof Foundation for Conflict Studies that was established by Professor Georg Zundel in 1971. In the past decades the foundation has supported a broad spectrum of peace research, peace education and peacebuilding initiatives.

Today the Berghof Foundation unifies three previously independent institutions: the former Berghof Foundation for Conflict Studies with its operational arm, Berghof Conflict Research; Berghof Peace Support; and the former Institute for Peace Education Tübingen. The Berghof Foundation's operations are run by a dedicated and multi-national team working closely with partners around the globe. An international board of trustees with a background in research, practice, education and philanthropy supports the organisation's thematic development and strategic planning.

Kerim Yildiz

Director

Democratic Progress Institute

April 2013

Hans-Joachim Giessmann

Executive Director

Berghof Foundation

April 2013

Monday 21st October - Welcome and Introduction

With:

Pof. Dr. Dr. Hans-Joachim Giessmann,¹ Executive Director,
Berghof Foundation

Kerim Yildiz,² Director, Democratic Progress Institute

Venue: Fechhelmsaal, Art'Otel



*Kerim Yildiz, Pof. Dr. Dr. Hans-Joachim Giessmann and
Luxshi Vimalarajah welcome the delegation*

Kerim Yildiz: Good Morning and a warm welcome to you all, it is a pleasure to be with you here in Berlin. Before I start I want

1 Hans J. Giessmann is Executive Director of the Berghof Foundation. He maintains an affiliation as professor and member of the social science faculty at the University of Hamburg. Hans J. Giessmann chairs the Global Agenda Council on Terrorism at the World Economic Forum and is a member of the Advisory Board for Civilian Crisis Prevention at the German federal Foreign Office.

2 Kerim is an expert in conflict resolution, peacebuilding, international human rights law and minority rights, having worked on numerous projects in these areas over his career. He was formerly co-founder and Chief Executive of the Kurdish Human Rights Project. Kerim has received a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996.

to thank the Berghof Foundation. This comparative study visit is part of a series of previous comparative studies conducted in Dublin, Belfast, Scotland, Wales and recently South Africa. The comparative study visit to Germany will be certainly different from the previous ones but we hope it will be equally valuable. During prior comparative study visits we were talking to actors directly involved in conflict resolution issues; nonetheless this study visit in Germany will be of particular importance and relevance to the current discussion taking place in Turkey because we will look at the issue of state decentralisation.

Once more I want to welcome you and we will try to be as short as possible in this introduction so that we can make a start.

Now I will pass the floor to Professor Giessmann. I remind you that the Chatham House rule applies to all of our discussions.

Prof. Hans-Joachim Giessmann: Good Morning and welcome to Berlin, it is a real pleasure to meet you all here.

The Berghof Foundation has the pleasure of jointly conducting this visit with DPI, and with my friend Kerim Yildiz in particular. We hope the three days ahead of us will be characterised by great exchange of information, therefore let me start with one question: what can we learn from Germany?

We do not want you to copy the experiences of any other country, we want you to take lessons learned and see whether they can be

adopted in your particular case, given the diversity of the issues you are facing in Turkey. We will try to create a space for communication and discussion, but do not present template or solution for you.

I also would like to add that Germany is still a young nation, in studying its case we should look at the horizontal level, how different communities can interact, and on the vertical level how does governance function, and how these vertical and horizontal levels interplay with each other.

Now I will pass the floor to my colleague Luxshi Vimalarajah, she will explain more about the programme.

Thankyou and welcome once again.

Luxshi Vimalarajah:³ Good morning and welcome to Berlin, it is a real pleasure to meet you. To start with I want to explain a little about the four day visit. You will find the programme of the visit in your folders; in this there is a participant list and also a resource pack with all the necessary information you need to know for the trip: such as the agenda, contact details and biographies of speakers. The objective of this study is to explore the German model of governance and to learn about decentralisation in the German context. The purpose is not to ‘sell’ a model but to give you an insight

3 Luxshi Vimalarajah is co-responsible for the National Dialogue Support Programme (NDSP) in Yemen, providing process-related and conceptual support to the programme. She is also oversees some other dialogue programmes in the Arab region and coordinates practice-oriented training activities in the Resistance and Liberation Movements in Transition programme area. Key aspects of her work are training and capacity-building activities in the field of dialogue, mediation and negotiation. She is currently pursuing a Ph.D on the role of Diaspora in Conflict Transformation.

on how Germany's political system functions, the advantages and disadvantages of it. We put together a programme inviting experts on decentralisation and governance and also you will interact with Ministries, high level academics and politicians.

This is a compact and exciting programme, you probably know this is an important time for Germany because the new government is forming so politicians are very busy but at the same time they are very happy to meet with you and to discuss these issues with you.

Monday 21st October -

Roundtable meeting with Professor Hrbek, Berlin

Roundtable discussion:

The Political System of the Federal Republic of Germany and Challenges to its Federalism using the example of the Educational System

With:

Professor Hrbek,⁴ European Centre for Federal Studies, Tübingen

Moderated by Luxshi Vimalarajah

Venue: Art'Otel Mitte, Berlin

⁴ Rudolf Hrbek is a leading political scientist. His main research interests are Western European political systems with special focus on territorial structure and party systems; problems of Federalism and political parties; European integration and EC politics. He retired in fall 2006.



Prof. Hrbek answering delegates' questions during roundtable discussion

Luxshi Vimalarajah: Good afternoon and welcome. We are very happy to have Professor Hrbek with us; he is the cofounder and director of the European Centre for Research on Federalism and therefore an *expert* on federalism. We have asked him to share some insights on the key features of the German political system. One of the main statements he made is that the federal system has contributed to the stability of German political history. I am curious to hear how this came about and whether this is really the case. Professor Hrbek the floor is now yours.

Professor Hrbek: Thankyou very much for the invitation, I am happy to be with you and to talk about the German political system. Let me start by saying that the number of federal systems around the world seems to be growing. In 1994 Belgium drafted a new

constitution, Article One of this constitution stated that the Kingdom of Belgium was becoming a federal state. They have transformed from a formally Unitarian system to a federalist decentralised state which has become much more dynamic.

If we look at all the different federal systems, we will notice that they have something in common: they are all non-centralised and non-unitary political systems; nonetheless, they differ in terms of their organisation.

To be clear, in explaining the German system I am not going to try to sell this particular model to you, my aim is to explain some of its features, so that you can comprehend its specificities, and draw your own conclusions and if you wish to do so, apply it in other cases.

To start with some definitions, when we use the term ‘federalism’ we first understand it as a normative term. Federalism is an overall framework with two levels: *the state* as a whole and *Länder* (in Germany), regions or provinces (elsewhere) which are at a *lower level*. Sometime, in some federal systems, there is also a third level that plays a big role in the political system, the *local level* (or municipalities.)

The participation of all these levels in the political system implies a sharing of power between the lower and the higher level and the creation of balance of power between them. A federal arrangement

tries to combine elements of regional self-rule and shared rule at the lower level, so that the lower level can share power with the state as a whole. The deriving balance of power will never be formulated or mandated by any constitution. It has to be experienced in the political process and it will always change. This creates dynamism in the political system.

Federalism can also be understood as an organisational and structural principle fulfilling two major functions.

The first function is to bring unity in diversity at the lower level. Although diversity has to be fully recognised, it should not present a barrier in achieving a certain degree of unity; indeed federalism is about finding the balance between unity and diversity. If we look at concrete examples, in many federal systems this balance is successfully achieved. However there are other cases in which political actors have difficulties in balancing between unity and diversity.

The second aspect is to organise the political system in a way which creates a separation of powers, to avoid concentration of power in one institution. This is the very essence of the federal organisational principle, to contribute to a separation of power and to maintain a system of checks and balances in order to avoid centralisation.

Now if we look at the case of federalism in Germany there are some basic remarks I should mention in order to explain the current status of our political system.

After the Second World War, as a response to the highly centralised structure under Nazism, Germany had to construct a new form of state, the political system of which was in sharp contrast with the one under Nazism. What we should bear in mind is that Germany was never a centralised state before Nazism; it had always been a political system with different regional territorial entities, therefore the response to the Nazi centralisation was based on historical foundations.

Another remark about the German federal system is that at the lower level the *Länder* (territorial entities thus lower level) possess characteristics of a state, since each of the *Länder* has its own constitution. Although the basic feature of it has to conform to the Federal Republic's Basic Law, actually they have the same power sharing qualities as the state, thus they are not merely decentralised administrative entities. The *Länder* are very proud of their position and when they start bargaining with the Federal Government during legislative processes, they do not forget to remind the federation that they were born before the federal system was established, and that the federal system was actually created with *Länder's* representatives' help and contribution in the Assembly.

A third introductory remark is that the Basic Law lays the foundation for the political system. The Constitution guarantees the German current structure, ensuring the *impossibility* of transforming the federal system into a centralised one. The major task addressed to the Constitution is then the balance between the Federation

(Federal Government and Federal Parliament in Berlin) and the 16 *Länder*. Therefore the Constitution was regulating the relationship between self-rule for the *Länder* on one hand and shared rule between the *Länder* and the Federation on the other hand.

Now let me explain to you the constitutional design and how the federal system has been organised through our Basic Law. The first feature of this design is the divided legislative power. There are certain powers given to the Federation as exclusive competencies. The second feature is the concurrent power. With concurrent power, the *Länder* and the Federation share their powers, but are there any clear criteria in doing so? Furthermore, under which condition is the Federation authorised to take legislative action in this broad field of concurrent powers, which covers the large majority of policy fields? Under which conditions may the Federation take legislative actions?

The Constitution does not give a precise answer. It only specifies some rough criteria. One is the creation of equivalent living conditions throughout the country. If the political actors come to the conclusion that the equivalent living condition requires uniform decisions (federal legislation for the whole Federal Republic) then the Federation is authorised to take actions.

A second criterion is the implementation of federal legislations given to the *Länder*. The German system does not have a federal administration, *Länder* exclusively implement federal legislations,

and thus the executive and the administrative functions are divided.

A third criterion is *Länder* participation in the federal legislation process. Normally, proposals are initially submitted by the Federal Government but decided not only by the Federal Parliament, but also by the second chamber, the *Bundesrat*, which is composed of representatives of the 16 *Länder* that embodies the executive. Usually, outside the *Bundersrat*, they are considered as members of the *Länder* Government in which they have a legislative mandate, but in the *Bundesrat* they appear as Ministers of the respective *Länder*.

The *Bundesrat* decides on all legislations. There are two categories of law; some require the explicit consensus of the majority of the *Bundesrat's* representatives. Others do not require a specific consent by both chambers.

If we look at the first category of law, regulations require explicit consensus by the second chamber, it is not astonishing that an agreement between the chambers will not in all cases be the outcome. Whenever a conflict arises between the Federal Government and the *Länder* representatives, due to different priorities given to different topics, a consensus must be reached. Thus a special mediation procedure takes place through the Mediation Committee. This is composed of one representative of each *Länder* plus sixteen members from the first chamber (Federal Parliament) according to parties' political strengths.

The Committee meets and discusses behind closed doors, to find a common denominator, so that compromises are found. You may be surprised to know that only five legislative projects have been unsuccessful due to a failure in finding consensus between the two chambers. This means that a balance in these two levels, federation and *Länder* is possible.

In this respect let me mention another feature of federalism: the Federal Constitutional Court.

This judicial body has, among other functions, the task of settling federal disputes between the Federation and *Länder*. The Federal Constitution Court in this respect has supreme authority to settle conflicts. In order to solve disputes it authorised the creation of federal committees. All parties involved, the Federation as well as the *Länder*, have to reflect upon the concerns of the other side in conducting their affairs, so that both sides manage to come to term, with the dispute and reach a compromise.

The result of this system was a high degree of uniformity in policy solutions. This however does not mean centralisation. Uniform solutions are the result of joint efforts of both levels and we can conclude that those solution works in practice.

On the other hand, more ambitious goals (for example, big changes in Basic Law) more than often cannot be realised under these conditions. This is why all attempts to change our constitution

have failed. In order to change it, a two-third majority in both chambers is required, which is really difficult to achieve in practice. German federalism will continue to be based on a dense network of cooperation between power-sharing institutions: on the horizontal dimension between *Länder*, numerous bodies, committees and bureaucrats; on the vertical level between the Federation and *Länder*.

One major field of this cooperation is the monetary system. Here we have a system of sharing revenues between the Federation and the *Länder* and this requires cooperation and consensus on how to distribute the financial resources throughout the country. As a result, the stronger, wealthier *Länder* will ask for more competition whereas the poorer *Länder* will always demand greater solidarity among lower levels. The discussion on new rules for funding in German federalism is on the question of choosing more competition or more solidarity.

In conclusion, Germany is perceived both internally and externally as having a high level of stability. This stability is owed to the federal balance of power in our political system.

Luxshi Vimalarajah *opens the floor for questions.*



Prof. Dr. Fazıl Hüsniü Erdem and AK Party Member of Parliament Suay Alpay participating in the roundtable discussion

Participant: The federal system is based on deliberation and achieving a common ground, this sounds like an ideal model to me, how does it work in practice?

Do things in the government really work or do they sometimes get stuck? Do you think that this kind of collaboration sometimes does not work?

Professor Hrbek: The negotiation and bargaining process is a *do ut des* mechanism. Sometimes solutions are considered suboptimal and therefore not everyone is happy or satisfied with the federal system. However overall it works. The reason why it is a successful system is that in its real principles the Federal Committee needs to take into account the concerns of the other side. The Federation needs to take into account what are the major concerns of *Länder* and try to find a compromise.

Both sides have obviously accepted and internalised that they are interdependent from each other but they, at the same time, need to cooperate. They avoid creating conflicts between themselves and instead try to work together. This is why the German federal system is called a ‘hybrid system’; it is based on shared rule.

Participant: You said the transition of Germany to the federal system was a response of German politicians to the post Nazi period. However in political history it is said that this was an imposition Germany by Western allies to avoid it getting stronger. Can you tell us more on this?

Professor Hrbek: What happened in 1945? The Second World War ended with the unconditional surrender of Germany. This means

that after the surrender there was neither a German government, nor any public authorities left in Germany. 100 per cent of the power and responsibilities connected to it rested with the allies (USSR, US, Britain, and France.)

The three Western allies occupied the Western part of Germany and decided to establish a West German state in order to stabilise it. They informed the German people of the basic requirements to create such a state. Those requirements included for instance respect for basic Human Rights, standing against any authoritarian regime and the creation of a federal system, so as to avoid centralisation of political power. If the question is, was this an imposition of the allies on German people? My answer is no, this requirement was identical to the preferences of the vast majority of West Germans; nobody in Germany wanted to recreate a highly centralised system again.

When we look at what the US associate with the federal system, there is the normative assumption that the federal system serves two goals. First, it helps to generate democratic legitimacy through participation from different levels, which increases the democratic value of the political system. Thus the allies' expectation that federalism was serving to reintroduce a democratic system in Germany was one major element. The British had the idea that the Germans, after Hitler, needed a longer period to go back to democracy, but actually we did not need such a long period.

Participant: Some journalists argue that in today's system any impediment to investments in infrastructure is due to the federal system. Is there a solution to this impediment?



CHP Member of Parliament Melda Onur and BDP Member of Parliament Ayla Akat during roundtable discussion

Professor Hrbek: To a certain extent the federal system is an impediment to bringing relatively quick and functional necessary investments. Let me give you a current example. Germany has decided in favour of changing its energy policy legislation and in doing so, the Federation, *Länder* and the local level need to find a compromise. If for example they choose to generate energy through the sea, near the coast, they would need to transport the energy from the shore to the centre of the country. This requires setting up

rules for infrastructure needed for transporting the energy, to set up other electricity plans and so on. It becomes a controversial issue, because changing the energy policies in this federal system means all levels have to agree on the change.

Participant: You talked about legislation that is specifically for *Bundesrat* and some for the *Bundestag*, can you tell us something more about the legislation of the *Bundestag*? Can you also tell us a little bit more about how you define the separate legislative functions established in this balance of power and the equal living conditions? And what are the criteria of appointment in the Federal Constitutional Court?

Professor Hrbek: About the criteria for appointing Judges in the Federal Constitutional Court, it has two Senates and eight members in each of them. There is an electoral body composed of both representatives from the *Bundesrat* and *Bundestag*; this electoral body needs to reach a two third majority in voting for judge candidates.

A lawyer needs to be brilliant in his career to be appointed, but he also needs to be impartial and moderate. If a lawyer has extremist positions and attitudes, he will be disqualified as a successful candidate.

To answer your question about the *equivalent* living conditions, I can tell you that this is a very sensitive issue. In this respect the

Constitution's text has been changed; the original wording was *uniform* living condition. Later in the '80s and '90s the term *uniform* was changed into the term *equivalent* because *equivalent* gives the reader more room for interpretation.

For example, if we think of living conditions for people living in rural, mountainous or urban areas, what can we classify as 'uniform' living conditions?

Instead, in order to address to living conditions of people living in different geographical areas, the law had to find a compromising term. The different living conditions are equivalent to each other only if we can find this compromise.

To answer your question about the *Bundesrat* and *Bundestag*. Both chambers share the legislative power. A valid vote from the *Bundesrat* requires the majority of representatives and due to parties' political composition in *Länder*, reaching the majority is very problematic. The *Bundestag* instead has a four year term; it has a variety of party groups as well. The major political function of the *Bundestag* is to exercise the executive power, though it is primarily exercised by the opposition. In fact the minority in the *Bundestag* control public accountability and force the government to explain its policies, to make it accountable to the electorate which has supreme sovereignty.

Participant: Local authority is an important leg of federal governance. If federalism is sometimes a delaying factor in

making progress or reforms in the Government, is there a way to overcome or mitigate this delaying factor through strengthening municipalities, for example?

Professor Hrbek: It is not strengthening the local level that will answer to this problem, but through avoiding a further weakening of those municipalities. For example, municipalities are given tasks from above, from *Länder* or from the Federation without the necessary financial aids. For instance, childcare has become a municipalities' responsibility but many municipalities are not provided with enough resources, so they are incapable of fulfilling all the tasks required because of the financial issues.

The main reason why this happens is the disparity between municipalities in Germany. There is a very high imbalance between rich municipalities with sufficient revenue income and poor municipalities. One of the issues on the agenda of the new federal Government will be trying to equalise this huge imbalance between rich and poor suburbs.

Luxshi Vimalarajah: Thankyou very much Professor Hrbek for joining us today and for this informative session.

Monday 21st October - Dinner Meeting with Ambassador Dr. Heinrich Kreft and Edelgard Bulmahn

With His Excellency **Ambassador Dr. Heinrich Kreft**,⁵ Special Representative for Dialogue among Civilizations and Public Diplomacy at the German Foreign Ministry.

Moderated by Professor Dr. Dr. Hans-Joachim Giessmann.

Venue: Restaurant Paris-Moskau, Berlin



Located close to the new centre of the Government, Paris-Moskau is one of the district's few longstanding buildings. The small, half-timbered building was once a level crossing point on the Paris-Moscow railway line.

⁵ Ambassador Dr. Heinrich Kreft is a career diplomat and currently Director for International Academic and Educational Relations and Dialogue among Civilizations in the German Foreign Ministry. Prior to this assignment he served as Senior Foreign Policy Advisor in the German *Bundestag*.



AK Party Member of Parliament Ziver Özdemir, AK Party Member of Parliament Suay Alpay, Hatem Ete (SETA), Prof. Dr. Fazal Hüsnü Erdem and Prof. Dr. Mithat Sancar during roundtable discussion

Professor Hans-Joachim Giessmann: Welcome all to His Excellency Ambassador Dr. Heinrich Kref't's talk. Today I have the pleasure to welcome one of my oldest friends in the Foreign Ministry. He is the Director for International Academic and Educational Relations and Dialogue among Civilizations in the German Foreign Ministry, Dr. Heinrich Kref't. He is a career diplomat and has also been a long term policy advisor in the German Parliament. He is an academic with a diplomatic background. I am very glad to leave the floor to him; it will be very interesting to listen to his experience in the German federation. Thankyou.



Dr. Heinrich Kreft speaking to the delegation

Dr. Heinrich Kreft: Thankyou very much Professor Giessman. It is a great pleasure and privilege for me to welcome you on behalf of the German Foreign Ministry tonight.

During your study you will be meeting other colleagues of mine in charge of politics, whereas today I am going to talk about intercultural dialogue.

Germany and Turkey have a special relationship which is deeply rooted and based on our historical similarities. We are both members of NATO; we have economic ties and we are connected by the migration of many Turkish people to Germany. Additionally

we share a vision of a free, tolerant and just society, where people of different cultural and religious backgrounds live together in peace and harmony.

Turkey's predominant Muslim population has never been an obstacle in pursuing full integration with the EU on the basis of common values and ideals. With the secular system and multicultural society, Turkey has the potential of becoming a symbol to prove that Islam and democracy can compatibly co-exist in the same environment. One of the most important features of the German system is the importance given to the promotion of intercultural dialogue at home and abroad. Germany today is home to sixteen million people with a migration background, those people have come from across the entire world including from Turkey. Their integration has been always a key task of all German governments. You are visiting at an interesting time for us because we are forming our new Government at the moment.

Germany is a religiously and culturally diverse country. The second largest religious group here comes from Muslim countries, from over fifty nations. Half of them, (2.5million) are Turkish and fifty per cent of them have German citizenship. We want our society to be characterised by respect, mutual trust, shared responsibilities and by a sense of community. Our Federal Government aims at strengthening social cohesion; this is why they introduced the German Islamic Conference Initiative seven years ago.

The goal of the German Islamic Conference is to improve the dialogue between the state and Muslim people living in Germany. We believe that cultural and religious differences, although a reality, are not designed to divide us, these differences should be a sign of wealth with respect and tolerance.

Due to globalisation, all societies will become even more multicultural and more multi-religious. Unfortunately the relationship between Western and Islamic countries is too often dominated by misunderstanding. This is why in 2002 the Germany Foreign Ministry initiated the Conference of Islamic dialogue, and I am in charge of it.

In doing so we became the first Western country to focus on all aspects of intercultural dialogue. In order to overcome our differences, we must foster dialogue on culture and religion; we must promote mutual understanding and help pave the way for universal appreciation of different religions, cultures and beliefs.

Experience has shown that intercultural dialogue is a learning exercise of all parties involved. It needs to be open to all and mutually respected. Cultural cooperation represents a strong pillar in Germany's Foreign Politics but such dialogue cannot be realised through political talks at a high level. Therefore we are focusing on concrete projects with civil society organisations (CSOs) and non-governmental organisations (NGOs) in order to have a strong and long term impact on the community.

Within the framework of intercultural dialogue approximately four million euros are made available yearly by the German Government for cultural exchange projects. Most of the funds are distributed through our partner's organisations. Intercultural and inter-religious dialogue is a challenging task and therefore meetings and study tours are very important to build up trust, understanding and networks. We must continue to discuss what we have in common and carefully identify where we do not agree, this is important anywhere, *between* countries and also *inside* countries.

Political consensus building is important for the stability of every society. We need to agree on how to handle different positions, because peaceful coexistence within the society and beyond must be everybody's goal.

I hope that the cultural project between Turkey and Germany will be used as an example for the international community. An initiative between our two countries is the Hans-Roiter Initiative For Intercultural Dialogue and Understanding, launched in 2006. The aim of this initiative is to enhance German-Turkey cooperation by enhancing support for ideas, for programmes designed to promote intercultural dialogue.

One of the most important tasks for all of us is to work on replacing the culture of mistrust, mutual suspicion between Western countries and the Middle East with a culture of tolerance, dialogue and mutual respect. This is an important task for our countries.

The special relationship between our two nations will be further strengthened. Thank you so much for your interest in our political system and for taking part in this comparative study visit. I hope you will have a great week.

Professor Hans-Joachim Giessmann opens the floor for questions.



Speaker Dr. Heinrich Krefl answering the delegation's questions

Participant: Germany is a symbol of intercultural dialogue; does Germany want to be seen as a symbol for Turkish access to European integration?

Dr. Heinrich Krefl: This is a very critical question in Germany but there is big consensus that the relationship between the EU and Turkey must be strengthened. Turkey is very important for both Germany and Europe. There are other Muslim dominated countries in Europe such as Albania, Kosovo and Bosnia but we

have had many discussions during the so called ‘Arab Spring’ or ‘Arab Awakening’, because you are much closer to this area. It has become clear that Turkey is a bridge to these countries. Your question about accession to the EU is a process which has started and the only thing I would like to say on this is that we need to think about crossing the bridges to get there.

Participant: How do you promote the rights of minority languages in Germany?

Dr. Heinrich Krefit: We of course are interested that our people learn as many foreign languages as possible; this is important to be successful in the German labour market, there are some companies where you can work with English or Turkish but you need to learn German here too, to be very successful.

Your children should not neglect learning German; otherwise they will not have a flourishing future. We also have small historical minorities, they speak a Slavic tongue as well as another small group of people which speaks Danish; we support their schooling in their mother tongue. They run their schools themselves but they learn German as well. We have also supported them in the government. The Danish for example have a party in Parliament. The Liberals did not accept them in Parliament because they did not reach the five per cent of the vote turnout necessary but we made an exception for them, we gave them the possibility to be represented.

Meeting with Edelgard Bulmahn, Berlin

With:

Edelgard Bulmahn,⁶ former federal Minister of Education and Research.

Moderated by Professor Hans-Joachim Giessmann.

Venue: Restaurant Paris-Moskau, Berlin



Minister of Education Edelgard Bulmahn speaking to the delegation

Professor Hans-Joachim Giessmann: It is a great pleasure for me to introduce you to Edelgard Bulmah, Minister of Education and Research. Yesterday she was nominated by her party to be her party's representative and tomorrow they will hold the elections so I would like to wish her good luck and thank her again for being

⁶ Edelgard Bulmahn is a German politician from the Social Democratic Party of Germany (SPD) whose membership she holds since 1969. She entered the German *Bundestag* after the 1987 elections. Since 2005 she has been Chairwoman of the *Bundestag* committee for economy and technology. Since 2009, she is a member of the committee on Foreign Affairs.

with us this evening. Edelgard Bulmah has also been a member of the Committee on Foreign Affairs, since 2009 and is her party's spokeswoman. Now I will leave her the floor, thank you.

Edelgard Bulmahn: Good evening everybody. I am very glad to be here and to have the chance to discuss with you. First of all I would like to give you a short introduction to German federalism.

The major principle of the German federal system is the development of education in Germany. The educational system was very weak at the beginning, practically non-existent. Through federalism *Länder* have had the possibility of discussing about improvement in the German federal system. The federalist principle which has evolved during German history is that of sharing powers. A main element in this power-sharing in the democratic state is diversity; acknowledgement of different cultural traditions and communities. In addition to this, the educational system is characterised by pluralism, but this is limited, unfortunately. To underline what I mean, I am going to quote some of our Basic Law articles:

Article 7:⁷

1. The entire school system shall be under the supervision of the state.
2. Parents and guardians shall have the right to decide whether children shall receive religious instruction.
3. Religious instruction shall form part of the regular curriculum in state schools, with the exception of non-denominational

⁷ The German Basic Law, text available at:
http://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html#p0040

schools. Teachers may not be obliged against their will to give religious instruction.

4. The right to establish private schools shall be guaranteed. Private schools that serve as alternatives to state schools shall require the approval of the state and shall be subject to the laws of the *Länder*.
5. A private elementary school shall be approved only if the educational authority finds that it serves a special pedagogical interest or if, on the application of parents or guardians, it is to be established as a denominational or interdenominational school or as a school based on a particular philosophy and no state elementary school of that type exists in the municipality.

As you have heard, the educational system is under the direction of both the federal state and *Länder*. An important assembly in this regard is the Culture Ministers Conference. The Standing Conference of the Ministers of Education and Cultural Affairs of *Länder* in the Federal Republic of Germany unites Ministers and Senators of *Länder* responsible for education, higher education and research, as well as cultural affairs.

The Standing Conference was founded in 1948, even before the Federal Republic of Germany was constituted. It arose from the Conference of German Ministers of Education in 1948 and was attended by representatives of all the zones of occupation set up after the end of the Second World War. It is an assembly of education ministers of *Länder*, they make proposals, and sometimes

they make decisions that have no core character, which is why it is sometimes looked by people with scepticism. But it is used as a platform to exchange and discuss various issues.

In 1990, the unification treaty was adopted by both sides of Germany, which led to the adoption of the Western Germany educational system by the eastern part of Germany. When I was minister we experienced a '*school shock*' in 2001 which brought many changes to our system. The 2001 '*school shock*' was caused by findings of the first PISA (Programme for International Student Assessment) study to evaluate the German school system.

The PISA report was a disaster: the achievements of German schoolchildren were merely mediocre and the international assessment programme revealed glaring weaknesses in the school system. When data from the Programme for International Student Assessment were published for the first time in December 2001, probably no-one had envisaged Germany doing so badly. When German schools were found to rank in the lower midfield in comparison with other OECD countries, and success at school was revealed to be fatally dependent on social background, this did not fit in at all with the image Germany had of itself at the time. In fact everyone thought that the German school system was the best in the world. At that time the Germanic Federal Republic was in charge of the educational system and *Länder* were not able to participate in decision making for children aged fifteen or less. After the PISA study we experienced a highly controversial

discussion on what we were supposed to do in order to improve our federal education system. Ministers made proposals to discuss and resolve the problem; it was a long process but finally we reached a conclusion.

My office and other *Länder* Ministers' starting point was that all schools needed to have the same level of education with the same standard of competencies. It would not matter where kids were living and which school they were attending. Thus we introduced a way to evaluate our schools, known as the Competence Standard. This is a standard level of competence that students must achieve when they study in any school in Germany, their skills must be at the same level of all other kids in any part of the Country. The Competence Standard does not regulate the *content of* study; it only specifies the *results* a student has to achieve. We now regularly evaluate the quality of our school system each second year in order to make sure that we reach these standards.

After the 2001 shock, something else changed. Before this period in Germany we had different kinds of school system all over the fifteen *Länder*. This system has been changed to now mainly two school systems. Thus we are all moving together and working together, even if each *Länder* is still responsible for their own school system.

Another important skills-based regulation is Vocational Training. Vocational Training is very important for the qualification of

young people and for our economic competitiveness. This training is not the responsibility of *Länder* but of the Federal Government. In the existing vocational training code there are principles and rules to be applied. *Länder* Ministries decide on training regulation that differs for every job whereas the Federal Government develops framework curricula. In this training system the major actors are private companies who decide on the main content and skills which the vocational training needs to include. Let me give you an example.

At the end of the '90s we created a new vocational training for Information and Technology jobs. In doing so we negotiated with private companies on skills and competencies they required for that particular job. Afterwards, once all companies had agreed on the path to follow, we started to create regulations and norms for that particular job. In this area, the federal system plays a crucial role, and the process is all- party inclusive for a specific reason.

As well as the Competence Standard, the Vocational Training core value is to create a uniform preparation course, in which young professionals are able to acquire the same kind of skills, whether the private company is based in the main cities, in rural areas or in any of the German states. This is both to make sure that private companies fully recognise the training as uniformly standardised and for trainees to achieve good and broad qualifications. Through the vocational training, youth employability has consistently improved.

Since the latest constitutional reform in 2006, in order to advance cooperation between the Federal Government and *Länder* in the higher education system, major responsibilities have moved to *Länder*. Currently the Basic Law regulates that in order to bring in new education programmes, the consent of all sixteen *Länder* are needed. Therefore our Basic Law does not allow the Federal Government to change or show support to any changes in our school system. After our recent developments, many *Länder* seem to be unhappy about this system; we are therefore discussing again on our Basic Law to make the participation and support of the Federal Government in the educational system easier. This will be one of the topics to discuss in the new coalition.

In my opinion major responsibilities should not and will not move from *Länder* to the Federal Government. It is necessary to increase the cooperation between *Länder* and Communal Governments and strengthen the vertical cooperation, in order to work together to improve our educational system. *Länder* should also improve cooperation at the municipal level. Municipalities should play a more important role in the educational system because it is at this level that schools are implemented. Municipalities provide infrastructure and for us it is easier to access and focus on our priorities if we work at the local level. Therefore one of the topics we are going to face is how to make sure that municipalities have enough financial resources to assure the implementation of their schools.

To summarise, federal standards make sure that students have a good education, no matter where they live or what their backgrounds are. We need more cooperation between different levels of power; municipalities need to play a bigger role and more money needs to be invested in our educational system, from the Federal Government to the municipal level. I will always support the principle of national responsibility in the education system as it is decisive in social development, to set political and economic priorities.

Participant: You were talking about National Competencies after the 2001 PISA study results, how did you implement them?

Edelgard Bulmahn: We did it by negotiating with *Länder* for three years. The Federal Government did not define the standard competencies so we decided to create an expert group made of scientists, high level economists and the Federal Government worked together to define these competencies, aiming at giving responsibility to decide neither to the states nor to the government, but to a group of impartial experts.

Participant: Is there any kind of demand that all students in all states must take a particular course, such as German history or German language for instance?

Edelgard Bulmahn: No, this is not the case. And this is why it is important to define the competencies standards; otherwise you

cannot make sure that for example a fifteen year old student has an average knowledge about European history for example. You can now guarantee this through the standard competencies, not via the curricula; the curricula are only decided by *Länder*.

Participant: Is this an imposition, for states to teach the same things?

Edelgard Bulmahn: No, the standard competencies do not set a core, imposed set of knowledge that *Länder* schools have to teach; they only give *Länder's* direction, to make sure that students are able to understand certain texts at a certain level for example, or to speak a certain foreign language at a professional level and so on.

Participant: I want to talk about the mother tongue issue and education in mother tongue. Are there any schools in Germany that teach in languages other than German? How do you teach a foreign language to your young generation? Are there any schools where you teach Turkish or Kurdish in Germany, due to all of the immigrants from Turkey that you have?

Edelgard Bulmahn: We have some of those international schools that teach in the English language or French language; we also have some so called 'project schools', where for example young Turkish children learn Turkish since they are kids. I have always been advocating offering Turkish, Russian and so on as mother languages in schools, since the beginning. This is because as a child you should learn your mother tongue first, and then other languages. I really

support this opportunity. Where I grew up I spoke to my parents for my whole life in *Plattdeutsch*, it is a language with different structures, different grammar and different words from German, and I have never spoken in German to my parents. So I think this is very important.

Participant: When you define the limitations of plurality, you said that this is not the Federal Government but the state. What is the difference between ‘states’ and the ‘Federal Government’ in terms of plurality? If you define the limits of plurality, what does national education mean for the Federal German state?

Edelgard Bulmahn: Federalism is power-sharing whereas pluralism means in a political system there are different political opinions, which vary depending on different parties. Federalism is regional power-sharing and it is rooted in our history. Our Basic Law is a reflection of our history and our traditions and it has a lot of advantages. In addition our Basic Law also addresses that federalism needs to make sure that opportunities for people are not too different among regions, opportunities have to be similar, not the same but close to each other in all *Länder*. This is why the support for poorer areas and *Länder* is higher than the support for wealthier *Länder*.

Professor Giessman: Thank you very much all for joining us tonight. Thank you Dr. Kreft and Edelgard Bulmahn. It was a real pleasure to listen to your interesting talks and I hope all participants have appreciated your words as much as I did.

Tuesday 22nd October - Roundtable meeting with Professor Manfred Görtemaker

Roundtable discussion:

‘Unification and Integration in Historical Perspective. Which Lessons Germany has learned?’

With:

Professor Manfred Görtemaker,⁸ University of Potsdam

Moderator: Kerim Yildiz

Venue: Fechhelmsaal, Art’Otel, Berlin



*Professor Manfred Görtemaker speaking during a
roundtable discussion with participants*

⁸ Manfred Görtemaker is a Professor of Contemporary History at the University of Potsdam. He is also the Chairman of the Academic Advisory Board of the Military History Research Institute in Potsdam and of the Military History Museum of the German *Bundeswehr* in Dresden and the German Air Force Museum in Berlin. He is also a member of the Academic Advisory Board of the Point Alpha Foundation on the history of the Cold War and of the Foundation Ernst Reuter Archives in Berlin.

Kerim Yildiz: Welcome back to you all.

It is a great honour for me to introduce you to Professor Manfred Görtemaker; he is a Professor of Contemporary History at the University of Potsdam, here in Berlin. He is also the Chairman of the Academic Advisory Board of the Military History Research Institute in Potsdam. With his academic experience, he will give us an overall historical perspective on the German political system. Now I would like to pass the floor to him. Thankyou very much and I hope you will enjoy it.

Professor Manfred Görtemaker: Thankyou very much for the introduction Kerim. I am honoured to address this distinguish group today and I hope you are going to benefit from what I am going to talk about during this roundtable discussion.

When Germany was unified after the collapse of East Germany in 1990, things were of course different. There was a very powerful West Germany, and the solutions for a unified nation were multiple.

At that stage there was only one question: what kind of government should Germany have? If the main aim is to unify a country and to overcome the historical structure of the past, then it is necessary to define the framework that guides the government to deal with it. In the German case, the collapse of the Soviet Empire in Eastern Europe after 1990 and the possibility of German unification occurred in view of a long tradition of federalism in Germany in the 19th and 20th century, through which our country saw various unifications and divisions.

To really understand what happened in Germany in 1990, it is vital to consider three dimensions: the first dimension is the unification of Germany, the reason for Germany's choice of government and the German roots behind this choice. The second dimension is the European dimension: in fact, in 1990, Germany was not the only country that was reunified. After the collapse of Communist Eastern Europe, there were different perspectives in Europe as to how to reconstruct a country. The third dimension is the vision Germany had for the future for Europe.

Now, I am going to analyse all dimensions in detail. In the preamble of the 1949 West German Constitution it was clearly stated that the reunification of Germany was the final goal of international politics. The vision of a divided Germany occurred as a consequence of the Nazi period and the beginning of the Cold War, which was seen by both Germany's eastern and western populations as something provisional; unification was just a matter of time. Thus, the reunification in 1990 was a consequence of the German population's wish to be part of the same country again. Reunification would have been impossible had the Soviet Union maintained its position upon a divided Europe.

During the end of the 1980s, following the decrease of the Soviet influence in Eastern Europe, the unification of Germany became a plausible option. What was left to decide was the framework for a unified Germany; in doing so, politicians decided to refer to Germany's history, thus federalism.

Germany has never existed as a centralised state. Germany was never a centralised empire back in its faraway history; it was a country with many religions and cultures even during the Roman Empire.

This explains why Germany has different ethnic groups, languages, religions within its present territory. Those different groups are now coexisting in the same state and they differ from each other enormously. For instance, a German coming from the North had many difficulties in understanding a German coming from the South and vice versa.

These differences have been overcome during German Reunification, by three key aspects, which brought Germany together in the late 18th and early 19th century. The first is the language and cultural aspect; it began with the translation of the Holy Bible by Luther in the 16th century. Indeed the translation of the Bible *created* the German language. By the end of the 18th century, this language had evolved into the common German culture with German poets and composers writing and composing in the German language.

The second aspect was the foreign invasion by Napoleon; Napoleon was starting a war to conquer Europe and Germany, he was seen as an aggressor. Germans consolidated themselves as a nation in the face of this aggression. The third aspect was the creation of a strong political Liberal Movement which was striving in Germany for the establishment of a liberal Constitution and a common German

state. All of these historical events, in the early 19th century, eventually facilitated the Constitution of the German Federation. It consisted of various independent states that were already kept together in a confederation of states based in Frankfurt but it was neither an Empire nor a centralised state.

The creation of the German Federation served both scopes: the creation of a unified Germany and maintaining a federal system, simultaneously. This remained the case also in 1891, with the creation of a German Empire by Bismarck; indeed he gave authority to German *Länder* and local provinces, maintaining their own identities, cultures, governments and languages despite the constitution of a centralised state.

This was the case until Hitler, who tried to change the German composition of states but he did not succeed for so long. There is no tradition of a highly centralised German empire or German nation-state; on the contrary we have a long tradition of German federalism, starting in the 18th century to our present time.

In 1989-1990 when the possibility of having the two Germanies united again was real, the main idea was the constitution of a decentralised state maintaining the federal structure as it was in West Germany. Therefore on the 30th October 1990 when the new Germany was created the five East German *Länder* became part of the Western Constitution in order for them to access the already existing Western Germany. It was an enlargement of the Confederation of Western German states.

The second dimension is the unification of Europe after the end of the Cold War. Looking at the bigger picture in the unification of Europe, Germany played a significant role due to its central location, not only for the implementation of the new European order but also the conceptualisation of it. It is not surprising that Germany tried to use its experiences of confederalism to implement it at the European level. Thus in 1990 the new European order, influenced by the German experience, was based on a decentralised state; it was a confederation of states that left the central authority in Brussels with a minor role in the EU.

The Eastern European states after 1990, having experienced oppression by the Soviet Union, wanted to access a larger community but at the same time free themselves from any oppressive power and maintain their national identity, cultural tradition and economic heritage. In 1990, Germany supported the European Union in negotiating with Eastern European countries in order to create an enlarged Europe. In doing so Germany guaranteed the Eastern European countries that the European Union was a federal structure. Thus what had happened in Germany already was repeated on the European level after 1990. The new Europe could not become a highly centralised authority but a community of nations with their own political identity and culture.

The issue is how to transfer authority to a higher level in order to make it possible for a community to function. This is a different issue and the EU is now dealing with it, as you know for instance,

in dealing with the Eurozone issue and so on. Germany has a strong influence and it is prepared to help solve this issue in the European framework. Thus this highlights again that German federalism is also a key factor in solving European financial and economic problems.

The third dimension is the German concept of ‘Europe’ and the vision Germany has of the future for Europe. The idea of European integration has been discussed since 1920. Many scholars before the Second World War were convinced that an integration of Europe was something certain. They have worked on and theorised on a European integration for a long time. However after the economic crisis Germany was brought into chaos which led to Hitler’s conquest of the public. After the Second World War scholars and academics theorised that both the First and Second World War were caused by Europe’s internal separation and the creation of nationalist sentiments among European populations. Accordingly, after the Second World War, the same Europeanists were able to push for integration in Europe by the creation of the European federation, avoiding a centralised system. Although Germany has always given its support for the creation of a European community based on a decentralised system, it will never support the Constitution of a centralised EU government, which would only create fear and problems among other neighbouring countries and states abroad.

This idea of a German federation, which has been so important and was used so effectively for the creation of the German federal state,

remains relevant for the future of the EU. Current politicians in Germany are still supporting the idea of the European community; they try their best to come up with ideas in order to solve problems inside the European Union. However at the same time there is reluctance, especially in certain areas of Germany, like Bavaria for instance, to transfer more authority to the government in Brussels. The problem is maintaining a balance between the integration of the EU on one hand and the relative sovereignty of nation-states on the other hand. This balance has always been considered problematic to maintain, it can move towards one side or the other but at least in the case of Germany the idea of federation has always prevailed.

The federal principle in Germany is the main factor that helps various ethnic regions to maintain their identities and gives the German state a legitimacy to rule with the aim of having a functioning government and avoiding internal conflicts. To achieve legitimacy, a central power needs to concede a certain amount of autonomy to the local level, which will increase the functionality of the whole State and bring together a lot of different groups into one state.

My conclusion is that it was necessary in the German case to bring together these different groups into a centralised state not by giving too much power to the central State but having a federal constitution to let the different states with different cultures and heritage function together.

Kerim Yildiz opens the table for questions:



Professor Manfred Görtemaker answering delegates' questions during the Roundtable

Participant: Thankyou so much for the presentation, to be honest I actually had some prejudices and questions about EU integration and you clarified things for me. In my opinion, the EU was a political project and Germany was the architect as well as the leader to a large extent. When talking about EU development you mentioned the German Empire with Bismarck and that the pan-Germany idea were very meaningful, and this process was made ready as of 1950, in an effort to bring Germany together. Now, regarding Turkey's accession to the EU there are procedures that we have all witnessed and at times had trouble understanding the approaches within them.

We think that this is a political project or we could possibly say it is a big European 'Empire', so we can also say Turkey's accession to the EU is very difficult and that it very unlikely to be part of this political project. During the accession project, Germany had said

three things were important; religion, culture, and the opportunity of a liberal political movement. When you look at Turkey from this historical perspective, it does not really fit in, so how do you see things?

You also mentioned the significance of the Bible being written in Germany in the earlier days of its unification, was it because it was a common religion or does the Bible have some transformative characters?



*DPI Senior Advisor Esra Elmas Balancar, Hatem Ete (SETA)
and AK Party MP Murtaza Yetis*

Professor Görtemaker: Let me start answering your second question. The creation of German language had nothing to do with Christianity as such, the translation of the Bible was only important for the establishment of the German language. It took 200 years, throughout the 16th and 17th century, to create a common German culture and identity that did not exist before. The other issue was that European and German history has been marked by dynasties; it was more important to belong to a certain empire rather than to a certain nation. In France and England the situation was quite different, in both countries there was a defined, unique kingdom and therefore dynasties. In Germany, instead, there were so many kingdoms that it was impossible for them to possess the same culture. Therefore the translation of the Bible created a common language and a shared identity, religion was not relevant in this case.

To answer the other question about the notion of a European ‘Empire.’ The idea of EU integration is a process that has not been finalised. Beginning in the 1950s we started with only six states, then this idea of EU was enlarged, and after 1990 we included Eastern European countries, there is no end to it.

Where does Europe begin and where does it end? Is Europe a religious or geographical or political term? This is an open question, Europe is an open process and other countries can access it. Since the 1990s many different states have become part of the EU and Germany played a significant role in the formulation of the

Maastricht Treaty in 1992, when Germans showed how much they were in favour of the European Union. After 1990, the inclusion of many states in the EU made the adaptation of all these different countries (especially from Eastern Europe) in the European project difficult. The integration of those countries in the EU was necessary to maintain stability in their territories, at that time they were very unstable and Europe was afraid of what could have happened. This situation was similar in Former Yugoslavia's countries as well. Our intention was to bring them gradually in the EU and create a super-structure of European identity to avoid conflict and ethnic differences coming from the past.

The consequence of this integration was that Europe had a hard time trying to include these countries in the EU, it was a matter of time more than a matter of principles. The pressing concern, especially in Germany, was that the EU structure might have collapsed in making a step towards enlargement. Europe in fact was unsure whether the accession of Eastern European countries was a good or bad idea. It is a matter of pragmatism, not principle to make this step in enlargement and it has nothing to do with the tradition of Christianity, European religion and so on. In this respect you need to understand that the specific situation of 1990 happened because there were so many countries that wanted to access the EU in a short period; this made things difficult to be sorted out. Therefore now, in the integration process, steps are made more carefully, so you need to be more patient.

Participant: The collapse of the USSR and the unification of Germany have had an impact on EU integration, if there was no German identity, what do you think would have happened in Europe?

Professor Görtemaker: Germany was very important in the European integration progress, but after the Second World War there was awareness in Europe that the idea of the Nation State had to be replaced with integration to avoid another war. After 1949, it was the US that put pressure on France to create an integrated Europe. Germany, after Nazism, was happy to be quickly reintegrated in the European community again. Germany is a driving force in Europe and it is true to say, more than Britain, France or Italy.

Participant: You explained both Germany and the process of EU integration in parallel, is Germany the most effective force bringing Europe together, don't you think that Germany has created competition among EU countries?

Professor Görtemaker: I agree that in light of the current Euro crisis, Germany has been a key actor in solving this crisis. Our Chancellor hardly criticises Greece or Spain, and only Germany can really solve the crisis, only Germany has the resources to do so. In Germany we do not think the same; we think that we should cooperate with others states; that you cannot solve the problem alone; and that we need the cooperation of all EU states.

Participant: After the collapse of the USSR, the unification of Germany, a nation divided by the Second World War, it sounds like an easy process. On the other hand there are still independent German linguistic communities in Europe, the German confederation in Switzerland, a minority in France and in Austria. What relationship does Germany have with these different cultures? Did Germany create policies to bring them together?

Professor Görtemaker: It is true that there are strong German speaking minorities all over Europe. Germany has no intention to absorb these minorities and this is also stated in our Constitution. The old Article 23 in our constitution stated that if other countries wanted to become part of the Federal Republic they could do so only by accepting our constitution. This article has been changed. Some people argued that Germany changed the constitution because they did not want people to integrate into Germany. This is not the case; anybody can migrate to Germany but we do not want to expand in other countries. Migration is a way to integrate German minorities living in other territories but we did not create a political solution to this.

Kerim Yildiz: Thankyou very much Professor Görtemaker for joining us today and for you explanation about the German federal system. I am sure the delegation greatly appreciated your talk. Thank you.

Tuesday 22nd October - Roundtable meeting with Dr. Hans-Dieter Lucas, federal Foreign Office, Berlin

With:

Dr. Hans-Dieter Lucas, Political Director, federal Foreign Office

Venue: German federal Foreign Office, Berlin



The delegation at Germany's federal Foreign Office

The federal Foreign Office represents Germany's foreign interests. It promotes international exchange and offers protection and assistance to Germans abroad. With headquarters in Berlin and a network of 229 missions abroad, the federal Foreign Office maintains Germany's relations with other countries as well as with international and supra-national organisations.



Participants during a roundtable discussion with Dr. Hans-Dieter Lucas

Dr. Hans-Dieter Lucas: Welcome. Thanks to all of you for being here today. I am the Political Director of this office, Germany's federal Foreign Office and I am really interested in understanding a little bit more about Turkey and to share with you the main issues my competences cover. We hope that the current process in Turkey will lead to a fruitful result.

Looking at the situation in Turkey, an issue that became relevant here in Germany is that of Gezi. This drew much interest here, and people viewed it as an expression of a vibrant society in Turkey. At the same time, it drew criticism on some aspects of the reactions of the Turkish government to these protests, for example the use of force by the police.

However there is currently a process of change in Turkey in which civil society is playing an increasingly important role, and we are following this with great interest.

Another interest of ours is the relationship between the European Union and Turkey. Developments over recent months have played an important role here. Because of reactions of the government to the protests for example, the EU did not specify a date regarding opening a new chapter for negotiations for accession with Turkey. Today Ministers in Brussels are likely to open up a new chapter on negotiations on accession with Turkey. We hope this won't be the last chapter, we hope more will follow and that a more substantial accession negotiation process with Turkey will follow. We especially would like to see Chapters 23 and 24 regarding issues of Human Rights, being addressed more closely. We would like to examine EU-Turkey relations more closely.

German-Turkey relations are vibrant and lively. Many Turks live here and many Germans travel to, and live in Turkey. Economic relations are doing great. Besides the overwhelmingly strong civil society contacts, the economic aspect is an important pillar of our relationship and especially the trade between the two countries. Politically, we work very closely together when it comes to addressing problems with regards to Turkish neighbours, for example the Arab Awakening and the conflict in Syria. We work closely with the Friends of Syria group in London. We have also made clear in the context of NATO, that Germany is ready to assist and support Turkey when Turkey's interests are threatened. That is why we took the decision to deploy patriot systems with the Netherlands and the USA. That is an expression of our strong position in NATO and we take Turkey's security interests very seriously.

Professor Hans-Joachim Giessmann opens the floor for questions

Participant: You mentioned Turkish-German relations. Last week, Angela Merkel talked about Chapter 22, Germany lit the green light on this and this will facilitate our regional development. As an activist, articles 23 and 24 are the most important chapters. The most serious consequence of EU's loss of interest on Turkish accession has been the loss of support in resolving issues regarding human rights violations. Since 2006 the European Commission has not submitted its report on Chapter 23, it is still pending. One of the impediments to submission is the Cyprus issue. What can you do about this at the German Foreign Office?

Dr. Hans-Dieter Lucas: Regarding chapter 23 and 24 it is vital for us that the EU opens up these chapters. You are right; the problem is Cyprus and overcoming Cyprus resistance. You also said the EU is not really monitoring the human rights situation. That may have been true previously, but if you read the most recent progress report published by the European Commission, that has changed. The commission clearly criticised the government's reaction to Gezi. Deficits such as freedom of press and journalists' imprisonment were identified. According to Reporters Sans Frontiers, Turkey is not in a good place regarding freedom of press. These issues are being openly addressed, at a very high level.

At the same time there have been positive developments: the Kurdish process, the democratisation package, they are positive, so

I think we have a nuanced vision, also as a result of the European Commission's report.

Participant: Until two years ago, support for accession was 75 per cent, but today only 35 per cent to 50 per cent of people support accession of Turkey to the EU. Support in Turkey has increased for accession to the EU and this has been seen as the government's work. Germany has been indecisive and has given mixed messages. People think this process will go on forever and never be resolved, that is why there are fluctuations in interest. France and Germany have been indecisive about Turkey's accession. When support of the people decreases, the government does not push the issue. Before 2005 it was a dynamic process but since then it has stagnated. What is your assessment of this issue? How can we overcome stagnation?



Participants during lunch hosted by the federal Foreign Office

Dr. Hans-Dieter Lucas: Regarding popular support of the Turkish population for EU accession, the numbers make us think. I think we need two things: if you look more generally at the view of accession negotiations, it is important that negotiations are meaningful, so that people see we are having substantial negotiations on accessions. Accession is about opening new chapters and using the process to implement further reforms in Turkey and to modernise Turkey. At the end of the day, both sides have to decide whether they will be able to make accession possible. There is controversial discussion in Turkey and also in the EU about this. On the negotiation process we have a useful tool, in order to not be obliged to give answers to questions which cannot be answered today. I think both sides can benefit from this and have an interest in coming closer and closer together.

We all have an interest in stronger strategic dialogue and cooperation regarding foreign and security policy and as we move on it will become clearer whether Turkey is able to join the EU and whether the EU is willing to take up Turkey.

This will depend on common developments and the negotiation process. You compared Germany with France, but I don't think this is a good comparison, France has blocked many chapters in the negotiation process, and we have not blocked any. In our discussions, the position of this outgoing government has always been that we want to have meaningful negotiations.

Regarding stagnation: some states are blocking chapters; however there are also problems from the Turkish side, for example application of the Ankara protocol. This is something that could help in a negotiation process. It takes two to tango!

Participant: I am curious about how the Gezi protests were perceived. In particular, in the German government, were these protests seen to be the equivalent to the Arab Spring?

Dr. Hans-Dieter Lucas: On the Gezi protests. Some people here linked Gezi to the Arab Awakening, but I think it is very different. It would be interesting to get your view. From the outside we saw huge differences, for example, despite some criticisms; Turkey is a democracy, unlike certain Arab states. That is a big difference. Also the people participating in the protests came from all sectors of society, it was less specific and more about an uneasiness about the way politics are being pursued in Turkey: to have more transparency, ownership and so on. The situation in Egypt, Tunisia, Syria and so on is very different.

Participant: You talked about imprisoned journalists and hesitation by the EU regarding freedom of expression. Which journalists are you talking about? Do you have information regarding charges, evidence and so on? Do you actually have information on this? After the protests, our Prime Minister went on a trip to North Africa. When he returned he met with representatives from the protests. This resulted in the issuing of a press statement, which read more like a memorandum of a revolutionary movement, which stated

that the Gezi project would not be realised, for example the third bridge and third airport, as well as saying that the nuclear centre would not be built. It also stated that all those imprisoned would be released and that the police chief would be reappointed. This was similar to all of the demands of revolutionary groups. Why are you evaluating the situation simply from the side of dissatisfaction with the government?

Dr. Hans-Dieter Lucas: Regarding imprisonment of journalists, I was not speaking about specific journalists but talking more about reports by the European Union, Reporters Without Border and so on. I am not going into detail. On the handling of the protests: we are not taking sides and that is not our job. This is an issue for Turkey. But, what we have seen, including German Parliamentarians and international observers, is that there was an excessive use of force. The fact that the government is looking into this reconfirms our assessment that not everything went well. The government has now opened up investigations against police officers, which shows not everything was satisfactory (regarding the reaction of the security forces). That has been openly discussed here in the Parliament in Germany and will continue to be followed closely.

There was also a question regarding the Constitutional process and the new process being different, yes, it has a new feel about it. If the Constitutional reform turns to a Presidential system, that would be very different. Resolution of the Kurdish question would also be huge for the whole region.

Participant: Thankyou for your presentation. You are following our revolution process and supporting us, you said. Previous attempts were made for change, Turkeys will to resolve this issue continues. Do you and other countries see this new attempt at change as new, or as different in some way, or the same as previously?

Participant: I have two questions. Firstly, as the Foreign Office you must know that the government and main opposition party in Turkey are all involved in paranoia about conspiracy theories. These focus on German foundations, seeing them as actors in conspiracies. These are sources of hesitance in conservative circles, who see them as foreigners interfering in our domestic affairs. Have you heard of this in other countries, and how do you overcome this perception? There are conspiracy theories about Gezi and Germany's role in the protests. These are parties that resort to this paranoia.



*The delegation with the federal Foreign Office's staff enjoying lunch
at the federal Foreign Office*

Secondly, since Turkey made it clear that it is not interested in joining the EU; you know that Turkey has directed its effort towards the Shanghai 5 and this could be an alternative to EU accession. How do you see this, is it a bluff or a real alternative? There is a democratic tradition in countries that have gained experience in protesting, but all political movements exaggerate themselves. In Germany and France these revolutionary statements are dismissed and seen to be exaggerated. In Turkey, which is authoritarian, they are taken more seriously. How do you see this, do you see Turkey as an authoritarian regime?

Dr. Hans-Dieter Lucas: Regarding conspiracy theories, we know about theories of Germany funding PKK projects and so on. This has been discussed with Ahmet Davutoğlu. We are doing civil society work but not taking sides. Our foundations are working well. It is important that they can continue to do so. This is being followed closely here. In Russia, for instance, some months ago, two foundations were investigated by the authorities in Russia which led to huge problems in Russian-German relations. We have also seen this in Egypt, some gulf countries and Sri Lanka. So there are some countries wherein our foundations have problems but I hope that those problems in Turkey have been resolved for good. Regarding EU accession, there are many arguments in favour of Turkey joining, geography, history, values, economic interests. Where is Turkey's main market? The EU. In that respect it speaks for EU being a key partner. Turkey is a key partner in the region. We recognise it is a difficult regional neighbourhood. Turkey has to

play a strong role in the region, economically it is doing well and is a stabilising force.

Personally I do not think the Shanghai Corporation Organisation is a real alternative, it is a heterogeneous organisation bringing together countries such as China and Russia with strong militaries, and weaker countries. They may have common interests such as regional stability, fighting extremism, but it is a totally different quantity from the EU. While Turkey has good relations with and plays a special role in Central Asia, I still think the relationship with the EU, in terms of benefits, goes far beyond this.

Participants: I will offer you an answer, and a small correction. I am an MP from Istanbul and the region where Gezi took place. I have followed this. The committee mentioned was a pre-existing committee, an NGO resisting urban development policies. So in the first four days the issue was about the development of the park and the shopping mall, it was resistance to this. But, the protests began six months before that! The disproportionate use of force angered people. People who were ordinary, apolitical citizens took to the streets to protest against that use of force. This is about the victims of these urban development policies. They are grassroots NGOs, resisting municipal development, as always. For example an old movie theatre, and an old hospital being transformed. This has been going on for a while. However, the big urban development processes such as the third bridge, had been taken without asking the view of the people - this is something else that triggered people

taking to the streets.

The memorandum was not written after the meeting with the Prime Minister but was written by the solidarity group of Gezi before they could reach the Prime Minister. So it was written after they met Deputy Prime Minister Bülent Arınç's Agent. There was no resolution after the meeting with the Prime Minister as the meeting was cut short. I want to present these facts.

Participant: Many thanks. I am an MP from the Peace and Democracy Party. The peace process is important but we are running into impediments and need to evaluate the Constitution drafting process too. Both processes are facing the same problems. This process began by involving other actors such as regional actors, the EU, civil society actors. However it did not involve them fully. Turkey did not share its plans. Do you think the EU felt uncomfortable that it was not involved in the process?

Secondly, regarding imprisoned journalists. How does the freedom of expression issue affect our accession to the EU? Anyone, including activists and students, governors, and so on can be imprisoned under the label of terrorism. There is an impediment on civil society movements. When you look at this from Europe, do you see that there is a process politicising civil society movements, leading to arrests and so on?

You also have a Kurdish issue in Germany. Resolution in Turkey

would mean resolution in Germany too. When our process began, three Kurdish representatives were assassinated in Paris. What role do you think you can play in the process?

Dr. Hans-Dieter Lucas: Regarding the relevance of the Kurdish issue in Germany, you are right, there is a large population of Kurds in Germany and we have self interest in solving the issue in Turkey. That is why we strongly support ongoing efforts to find a resolution to this issue without any caveat. Whatever Germany and the EU can do, we will do. But firstly it is an internal affair of Turkey. But we will support where we can.

Regarding Kurdish citizens in Germany, there are many people of Kurdish origin living and working here in Germany without problems. We are not putting anyone on a ‘terrorist list’ who is not a ‘terrorist’. As others, we have prohibited the PKK and others considered to be a terrorist organisation. That has nothing to do with actions against Kurdish citizens but rather our assessment of a problematic organisation.

Participants: As you may observe, our negotiation process is still ongoing. We have a ceasefire and a kind of disarmament. Based on personal experience, last May, *Die Spiegel* requested an article from me about this subject and I wrote it. It included criticism of the design of the process and lack of third party involvement. It was published in *Die Spiegel* and the English translation said that I thought the process was at a “dead end”. This is not what

I said. It made the headlines in Turkey. It showed too that people in Germany do not want resolution. Can you tell me what the German government's policy is on the resolution of the Kurdish problem? Do you place Kurdish migrants on terrorist lists and so on?

Dr. Hans-Dieter Lucas: Just to clarify, this conversation is under Chatham House rule. Regarding involving as many groups as possible in the Constitutional process, this has to be organised by Turkey. The more inclusive a process, the better. We see it as a good sign that political parties are participating. How to expand it to other groups has to be decided by Turkey and the Turkish Parliament.

Freedom of expression and human rights are important regarding the relationship with the EU and other countries, in particular regarding accession. Accession would mean taking on EU principles. That is not only relevant regarding trade, investment, finance issues, but also regarding political values. The EU is based on the idea of democracy, and respect for human rights and the rule of law. They are at the top of the Copenhagen criteria. Only countries respecting the values of the EU can accede. This will continue to play a role in the relationship between the EU and Turkey and in accession negotiations.

Participants: Turkey is in the process of signing a project regarding its air territory. NATO has heavily criticised the possibility of this

treaty as it was not compatible with NATO. But over the last weeks these criticisms have stopped. What do you think about the possibility of Turkey signing this agreement with China, what is your view on this?

Dr. Hans-Dieter Lucas: On China, I can tell you that the discussion in NATO is not over, it continues. There are many questions, one is on interoperability. This is a restriction of, when Turkey would acquire such a system, would it be interoperable with the anti-missile systems we already have in NATO? I understand a final decision has not been taken and that these are ongoing talks, we will see what the outcome is.

Professor Giessman: Many thanks to Dr. Hans-Dieter Lucas for being with us today. Many thanks to all of you for participating in this interesting roundtable discussion.

Tuesday 22nd October - Historical Berlin Tour

Participants enjoyed an historical political tour of the city of Berlin, with in depth explanations of the key moments in German political history.



The German Cathedral in Berlin, the tour included visit of the German Cathedral, which is in one of the most beautiful squares in Berlin. The German Cathedral is also a museum for German Parliamentary history.



The old Chancellery main office during the first German Republic. After Nazi dictatorship came to power and Hitler became chancellor, he took this office as his own.



Former location of Hitler's Bunker, Hitler spent here his final weeks in 1945 here, before he poisoned himself inside the Bunker. It was demolished in 1988.



The Holocaust memorial in Berlin is a modern abstract memorial to commemorate the victims of The Holocaust. It comprises 2711 concrete blocks. The memorial is interactive as people can walk inside it.



The Brandenburg Gate in Berlin surrounded Berlin in 1791; it was a national symbol firstly of Prussia, then of Germany as a whole. Also a powerful symbol of the Cold War and of the German division, as it is on the border strip which separated East and West Berlin. Neither eastern nor western Berliners could access the Gate. Now it became a symbol of reunification, and is featured on some euro coins.



The new German Chancellery in Berlin includes Angela Merkel's office. The Government buildings were built on the 'federal belt', designed to link old East and West Berlin along the river bend.



The Reichstag building in Berlin was rebuilt after 1992 and transformed after 1995 with a new dome by Norman Foster.



Victory Column



Soviet War Memorial



Participants at the Berlin Wall



The conclusive part of the Political tour was at the German Bundesrat. The German Bundesrat is a legislative body representing Länder (federal states) of Germany at the national level. It performs three main functions including defending the interests of Länder vis-à-vis, the Federation and indirectly vis-à-vis the European Union.



The Bundesrat ensures that the political and administrative experience of Länder is incorporated in the Federation's legislation, administration and in European Union affairs.

Lastly, the Bundesrat also shares overall responsibility for the Federation of Germany. It functions similarly to that of an upper house, although the German Constitution does not declare the Bundestag and Bundesrat to form houses of a bicameral Parliament. Rather it is considered a Constitutional body alongside the Bundestag.



Delegation walking towards the Berlin-Brandenburg

Tuesday 22nd October - Roundtable meeting with Dr. Helmuth Markov, Representative of Berlin - Brandenburg in Berlin

Roundtable discussion:

'Relevance and practice of balancing interests at different levels and amongst different actors in a federal community'

With:

Dr. Helmuth Markov,⁹ Deputy Prime Minister and Minister of Finance, and Member of the federal State Council, State of Brandenburg

Moderated by Professor Hans-Joachim Giessmann

Venue: Representation of Berlin-Brandenburg, Berlin

⁹ Dr. Helmuth Markov is Deputy Prime Minister and Minister of Finance, and Member of the federal State Council of the State of Brandenburg since 2009. Since 1973 he has been a member of the Socialist Unity Party of Germany (SED), of the Party of Democratic Socialism (PDS) (since 1990), and of DIE LINKE (the Left Party) (since 2007). Since 2007, he has been the Director of the Centre for International Dialogue and Cooperation of the Rosa-Luxemburg Foundation.



Dr. Helmuth Markov speaking to the delegation during a roundtable meeting

Professor Hans-Joachim Giessmann: Welcome back. I have the pleasure and honour to introduce the delegation to Dr Helmuth Markov. Dr. Markov is Deputy Prime Minister and Minister of Finance, and has been a Member of the Federal State Council of the State of Brandenburg since 2009 and is also the Director of the Centre for International Dialogue and Cooperation of the Rosa-Luxemburg Foundation. I will now leave the floor to him.



Yılmaz Ensaroğlu, AK Party Member of Parliament Suay Alpay and Prof. Dr. Fazıl Hüsnü Erdem during roundtable discussion

Dr. Helmuth Markov: Germany's current federal system depends a lot on things that occurred during the Fascism experience in the past. Our regional and cultural pasts have influenced our choice for the structure of the new federal system. In the design of this new system, we have tried to bring together the interests of different areas. This is what brought our new system into being. The 17 million people that joined the new federal structure also had the right to participate in politics and we have considered their interests. We have tried to provide Eastern Germany citizens with what they were in need of; for instance resources for infrastructure. The West Germany citizens were ready to pay the cost for unification, but then they started to question whether it was worth it. Conflict between the two sides began to arise. I would like to explain this with a particular example. Had there been a centralised government at the time, only the interest of the majority of the people would have mattered and as a result the interests of the 17 million people that had joined the federation would have been neglected. But the federal system allowed Eastern Germany citizens to have a voice in the country's politics.

Problems of the unification were not only between the east and the west but also between north and south. There were underdeveloped and developed regions both in the north and the south. To give an example, areas near northern Saxon were not very developed. For this reason, what we needed to balance were the interests of regions with different interests, economic resources and needs.

Federal Government or the *Bundestag* can initiate a legislative process, but often the federal parliament is responsible for preparing most of the legislative proposals. Whether the *Bundestag* or the *Bundesrat* initiates a legislative process, the important issue is that each legislative process has to consider the economic and regional differences between *Länder*. Whether you agree or not, my personal opinion is that federal system is the *sine qua non* of any democratic system. It is imperative that any disagreement between parties be resolved via deliberation.

Federal Government system of course does not come free of conflict. Conflict is inherent to this system, however, the federal system functions to direct all conflict towards a common path of resolution. In Germany there is a five per cent election threshold for seats in the parliament. However, the Danish minority were given the right to have seats in the parliament even though they do not reach the threshold, otherwise they would not have been able to participate in politics.

Moreover there are two types of constitutions; federal and state constitutions. The state constitutions can adopt articles from the federal constitution. For instance, federal minimum voting age is eighteen whereas the Brandenburg minimum voting age is sixteen. This means that *Länder* can have different approaches to democratic processes.

There are issues that only the Federal Government can decide on,

there are issues that have to be concurrent, and there are issues that can be decided by *Länder* only.

The Federal Government has the exclusive authority to deal with foreign relations. Law enforcement or education systems are one of the issues that the Federal Government cannot intervene in the states functioning. Since I am the Minister of Economics, I will give an example from that field. For instance, the distribution of taxes is important to realise the citizens' political demands. The problem is this: states do not have any power over taxes. The only tax states can decide on is real estate taxes. States cannot decide on the functioning of taxes in any other way. Local governance has some power to tax, but the rest of the taxation responsibilities belong to the Federal Government.

There is a reason for this. If taxation depended on states alone, development of business would be isolated to certain areas. Companies would not be encouraged to operate in one state and have factories in others. Some states would be more developed than others. To ensure a fair distributive system and to achieve equivalent living standards in different states, a federal taxation system is imperative. All states pool their money, and they withdraw money according to their needs. For instance Bayern has always been a net receiver state. Right now Bayern has developed and has become a net payer. Bayern is not happy to have become a net payer and is suing the Federal Government taxation system in the Constitutional Court.

Clearly equivalent living standards do not mean equal income, but rather equal access to public services. To conclude, yes a federal system is time consuming and it is controversial. Nevertheless, a federal system is better than any centralised governmental system. This is not to say that federal governmental systems are always good and that centralised systems always fail. There are some good examples from both sides that confirm or weaken these statements.

Professor Hans-Joachim Giessmann opens the floor for questions.



BDP Member of Parliament Nazmi Gür and AK Party Member of Parliament Murtaza Yetis during roundtable discussion

Participant: I have two questions, are there no disadvantages to federal systems compared to centralised system? I mean, if you want to criticise centralised systems, you can find many things wrong with them. But what about the federal system? Are there any factors that do not represent the interest of all citizens? Reflecting on your last point, do you think that one system or another work, better in different types of societies?

Dr. Helmuth Markov: Regarding the impact of the federal system on society; this is a hard question. Of course, a federal system can reinforce differences between states because each state is free to prioritise their budget differently. If sports are one of the most important issues in a state, then policies focus on that and as a result, this means that sports shape society.

Participant: You said that states had the power in social and education policy areas. On the other hand, you talked about equity versus equality. As far as I know you do not have a minimum wage in Germany. I don't know if you have military income policies. Do you think these policies can be designed in some way, according to the principle of equality? Also, do you think the taxation tiers can differ in states?

Dr. Helmuth Markov: True, Germany does not have a policy of minimum wage. Although it has been discussed many times, we will see what happens after the next elections next week. Although there is no federal minimum wage policy, there is a state federal minimum wage. Since we cannot force other states to have the same policies, our policy applies only to public servants and to jobs that the state government contracts out.

A good example of what state governments can do is this: Brandenburg Government (since states regulate their own law enforcement issues) refused to send out police officers to Afghanistan. Another example is the restrictions imposed on

refugees waiting for their asylum papers to be finalised. Most states do not allow refugees to have freedom of movement while they are waiting for their papers, but in Brandenburg we respect refugees' right to free movement.



Bejan Matur and Prof. Dr Havva Kök during roundtable discussion

Participant: What are some of the ideological differences that create conflict among states? And how are such conflicts arising out of ideological differences resolved?

Dr. Helmuth Markov: The last question was about ideologies. So let me tell you, I defend a socialist ideology, and clearly we have conflict with other states who are not socialists. But that does not mean we do not resolve them.

Clearly federalism brings certain difficulties and disadvantages. In a federal system things take longer and fail more often. States have freedom to determine their own education systems. However

students in some states go to gymnasiums after fourth grade, in others after sixth grade. Therefore they never receive a standard education. I actually prefer a centralised education system. Because then students from different states can have a fair chance at the university. Clearly federalism comes with its own set of disadvantages.

Participant: Thank you very much for all the information you provided. We have only just now understood how this whole thing works. My question is this, how do you determine the borders of *Länder*? Were they dictated by the federal state? Also the second question is; do ethnic differences cause more conflict than economic differences?

Dr. Helmuth Markov: The states' borders are more regional and historical than they are ethnic. The borders are as they were determined in history. There are some articles protecting minority rights in the land.

Participant: First question, we did not discuss citizenship and the duties of citizenship on both federal and state levels. Of course, Germany is a member of a greater political formation. How do EU regulations impact German laws or German citizens?

Dr. Helmuth Markov: As for the question about the European Union, if you ask an ordinary citizen a question about the European Union, he will probably respond that the European Union is actually a

bureaucratic institution. In reality, even the water that comes from our tap is within the European Union's legislative jurisdiction, just like electricity. The time truck drivers can stay behind the wheel, or the ingredients of cosmetic products are all determined by the European Union. The European Union has even determined the degree of the curve of the bananas that are produced. When the European Union issues resolutions, all member countries are obliged to implement them. There are some exceptions, for instance the Schengen visa. Even if one has a Schengen visa, the UK requires a different visa.

Participant: You stated that you have controversial debates both in the *Bundestag* and *Bundesrat*. Do you think Eastern or Western German identities play any role in conflicts that arise in among the states, or between the federal state and the states? Clearly, the East and West distinction has been a part of German citizens' identity for a long time. Were citizens able to leave that distinction behind? If you think this identification remains, where do you think it manifests itself? What if one of these federal states wants to secede?

Dr. Helmuth Markov: I am afraid of only have time to answer the question on secession, no, they cannot secede. However, a few states can come together and make their own federation.

Professor Hans-Joachim Giessmann: Thank you very much Dr. Markov for your excellent talk, I really enjoyed it, as I am sure we all did. Thank you very much to the delegation for all of their interesting and stimulating questions.

Wednesday 23rd October - Roundtable Meeting with Professor Arthur Benz and Dr. Tove Hansen Malloy

Roundtable discussion:

'Political Integration in Germany and the Contemporary Accommodation of Minority Groups'

With:

Professor Arthur Benz,¹⁰ Technical University of Darmstadt

Dr. Tove Hansen Malloy,¹¹ Director at the European Centre for Minority Issues (ECMI, Flensburg)

Moderated by Professor Hans-Joachim Giessman

Venue: Venue: Fechhelmsaal, Art'Otel, Berlin



Professor Arthur Benz speaking to the delegation during a roundtable on political integration in Germany

10 Arthur Benz is a German political scientist teaching at the Technical University of Darmstadt. From 1984 until 1993, he worked at the German University of Administrative Sciences in Speyer. Since 1993, he has held professorships at Konstanz, Halle and Hagen, before he accepted the call to Darmstadt in 2010. He has published several books and articles on Federalism, state theory, public policy and public administration.

11 Dr. Malloy is a political theorist specializing in the political and legal aspects of national and ethnic minority rights in international law and international relations, especially in the European context. Her areas of expertise cover the major international organizations and the European level.

Professor Hans-Joachim Giessman: Good morning everybody, I hope you are enjoying our discussion so far. I have only one sentence to say about Professor Benz: he is one of the greatest governance experts; he will be able to answer all of your questions. You have the floor, Professor Benz.

Prof. Arthur Benz: Good morning, I am very happy to speak in front of such a distinguished audience. Today I would like to focus on one important aspect of Federalism: on the integration of different interests, organised at the central and regional level.

The German state is considered a strong state, but the problem has always been the integration of particular territories and German federalism has been important to solving this problem partially. To give you an historical background, we have a history of a long fragmentation of the political system. The old federation that resulted from the previous order was hold together by a weak central level, developed by the Empire. Whereas state building in Germany was developed at the level of *Länder*, they came together and compromised in the Council of Governance. From this institution, emerged a culture of compromise.

Let me show you a map of the post war situation in Germany: German states developed as modern, with the Westphalia order, changed to state building after the first German unification in 1871. On this occasion the strength of *Länder* led to negotiation of a compromised shared power between the central state and *Länder*.

German history was shaped into two forces. Diversity during the 19th century was reinforced by reformation when different territories developed different religions, languages and culture and also economic structures. At the same time, industrialised and rural areas created different political interests.

In this period uniformity was also created by a German uniform language after the translation of the Bible; a uniform legal order. We can see the development of the idea of the German nation and nationalism and the rise of parties at national level as well as union associations of employees formed at the central level. This meant the decentralisation of a political system in a centralised society. How has German federalism contributed to integrating uniformity and diversity?

We have particular institutions, balancing the power of central and lower level. The Basic Law regulates at the federal level and at *Länder* level.

There are many debates taking place on the balance of power and integration. We also have debates on whether there is too much centralisation, as for example our *Länder* have no autonomy in the area of raising taxes.

The federal systems latest reforms are decentralisation in legislation and fiscal equalisation (on both the agenda.) This is to say that the process is always dynamic and never stable. Germany has a

unique history and therefore unique institutions have been created. In general, federalism is a search for balance of power, never fixed but always focused on reconciliation, balance and the rebalance of power and policies.

In order to maintain balance and unity we have 'safe cards' to play. Against centralisation we have *Länder* Parliament and the *Bundesrat* to maintain the dynamic balance of power in the federalist model.

Dr. Tove Hansen Malloy



Dr. Tove Hansen Malloy during roundtable discussion

Dr. Tove Hansen Malloy: Thank you very much for inviting me to be with you here today, it is an honour for me to speak in front such a distinguished audience.

When I talk about minorities, I usually refer to non-dominant groups that have lived in the same geographic area for a long time;

they are not considered new immigrants. I am going to talk about two models of integration of minority groups, in two different geographical areas.

First of all there is an important distinction to be made between categories of international and individual rights. At the international level we talk of individual right whereas at the national level we should also include community rights such as, for instance, equality, recognition, inclusion and participation.

Recognition in states that have practised slavery is problematic. A state needs to recognise past suffering and the right of its population in terms of culture, language ethnicity and so on. Governments implement these principles through different models.

Models of minority protection:

Human rights protection: there is a huge difference between the human rights protection applied in different states. It depends on public policies and how governments decide on which model to choose but broadly we can state there are two models of protection:

- Weak models that are cheap not only financially but also on the level of legislation implemented.
- Strong models are that expensive in terms of money and the legislations provided.

European Consultative bodies:

- Through the reserved seats method, in cases where small minorities are not able to enter the political process because of their limited number, but resources are provided in order for them to access the political scene through assemblies.
- Through reduced thresholds, minorities can actually participate thanks to a reduction of the threshold specifically addressed to them. In this way they can compete for parliamentary seats.
- Through non-territorial institutions. Those institutions are specific to minorities and focused on issues relative to protection of cultural, education, religious rights and all rights concern private life.

Minority self-government:

Minorities have the right to consent or dissent at the local level through for example the veto right, whereby the local authority is not allowed to implement regulations against minorities.

Territorial autonomy:

These are areas of unity often holding autonomy. In some countries, for instance Finland, a whole region has territorial autonomy.

First case study: *Schleswing-Holstein*

Schleswing-Holstein case study: In 1920, after Germany had lost the First World War, Schleswing-Holstein through a referendum was divided into two parts; the northern part was given to Denmark and southern part to Germany. In terms of numbers, the Danish

minority was only two per cent but they were fully bilingual. The model implemented in this region was created after the Second World War. In that time, Germany was going to apply for NATO membership; therefore it asked Denmark to support its candidacy; the Danish government in exchange asked for a declaration of a moral intent for the Schleswing-Holstein region in 1955. The Danish minority was then recognised in the constitution; they participated in political life and started having representation through the Danish party. German is still the common spoken language in government offices and public administration. Nevertheless minorities have the right to speak their mother tongue in schools. From elementary to high school, students can choose to attend either Danish or German language schools.

Danish schools are recognised as public schools, with the same functions and schools diplomas that are recognised both in Germany and Denmark. Lately a bilingualism movement started to grow, in order to introduce the use of both languages in public offices. Minorities also have sports, youth, music and elderly care institutions, access to the media, the right to cross-border activities and cooperation. Looking at the financial aspect, this model of autonomy is funded by subsidies, split between Germany and Denmark. It is a model of cooperation in terms of financial work because all the money is equally divided between German students and Danish students. This model is called Functional Cultural Autonomy.

Second case study: *South Tyrol in Italy (Trentino Alto Adige)*

After the First and the Second World Wars a settlement sanctioned by the UN gave minority rights to Germans living in South Tyrol (Italy, Trentino Alto Adige). It is now a bilingual region; before 1972 it was divided between Trentino and Alto Adige. Today there are two levels of competencies in this territory. The primary competencies are given to the regional level; these include agriculture, professional education, and tourism. Whereas the secondary competencies are part of the national level; these comprise for example police, commerce, employment, industry, primary and secondary education, water and public health. The specific competencies are shared between the national and regional level, as for instance, public policies on immigration, religious matters, currency, electoral laws, public order and security.

In this region cultural autonomy is guaranteed, there is also a bilingual system in public office; access to jobs and public sector requires bilingualism as well. Any citizen aged eighteen or over has to go to the public office and declare in which language he or she chooses to work in and this choice can be changed every five years. These policies were achieved in 1992 and since then they have been working well.

Decisions are taken on a two third majority base. The assembly consists of thirty-five representatives in total, of which nine are Italians; one is Latin and the rest German speakers. If the two third majority is not achieved in voting for a bill then they go the court. This system is very expensive; eighty per cent of funds come from

Italian taxes, ten per cent come from VAT revenues, and ten per cent from the German government.

Those two case studies are very different; the first is an example of a weak federal system, whereas the second is a strong model. One has created a protection scheme at the national level, the other at the regional level; both have recognised the right to be different, the first as a national issue, and the second as an issue of language recognition. At the political level the system in South Tyrol, is a political kind of system whilst the German case is an administrative kind of system. They both protect language and minority rights. The strength of federal system is irrelevant in these cases and everything can be questioned and changed or modified; federalism is an on-going process and minorities need to be included in this process at least.

Professor Hans-Joachim Giessman opens the floor for questions.



Participants during roundtable discussion

Participant: Thankyou very much for this presentation. I have two questions for you. During the first presentation you said that the EU had had a centralising effect on the German federal system. On the other hand there are claims that the EU had an effect on Italy, Spain and the UK on issues such as territorial autonomy, do you think it has had the same effect on Germany?

Also regarding in the EU and regional system, it is clear that whether a country is in the EU or not in the EU, there is a distinction between having more or less resources, the redistribution of revenues among less resourced countries, and so on; do you think there is the same kind of issue in Germany?

Dr Benz: The EU is a cooperative federal system; this creates problems when it comes to *Länder* participation in EU affairs. We found some procedures to avoid this problem but still there is a difficult issue in the balance between maintaining the federal order in the European context and maintaining democracy.

The EU has strengthened the regional level for two main causes: one is political, a region reacted to integration, they organised and worked together in order to raise their voices; the other cause is that the EU realised that in economic terms it is much more regionalised, therefore as a response to the regionalisation of economic policies we created a certain decentralisation of *Länder*. In the economic imbalance, the fiscal equalisation is quite important; the structural scheme makes a very limited attempt

to introduce fiscal equalisation, the EU does not have enough resources to do so and this is one of the reasons why the EU is now in a crisis period. There are two alternatives to solving this problem. We need a real fiscal equalised scheme, but can the EU create legitimacy for it? The EU could transfer back to member states some policy areas; allowing diversity can create more stability and integration. The EU could also seek balance between more integration and regionalisation. There must be more negotiations to achieve a compromise.

Participant: When you were talking about territorial arrangements, you said the cost is high, so what do you think is the cost to minorities?

Dr Malloy: In both the German and the Italian cases the costs are committed by the nations, because in modern Europe there is a huge consensus about protecting minorities. If the question is, if for Italy there was another cost beside the financial one, I would say that this is perhaps an emotional debate. The UN resolution dictated this model; Italy had no choice but to endorse it.

Participant: You made some very interesting points, you said that from the outside the German system might be perceived as centralised, what is important to me is that German politicians said federalism is a 'process' and not an 'end', this brings into question other criticisms. Can you give me some comparisons between the semi-presidential and the federal systems?

Dr Benz: The US is a federal and presidential system; there are two divides in the system, the first between the executive and legislative and the second, between different levels. In contrast, the German system raises a problem: the government is always responsible for majorities in parliament; that is a parties' majority. Therefore, there is always the tendency that party' confrontations inside parliament influence negotiations, which have created problems in Germany. In old federal Germany, the *Bundesrat* and *Bundestag*, have had different majorities that cause problems in legislating. This issue has been modified and now, through cooperation and negotiation, it is easier to rule.

Participant: You mentioned that Danish minorities have been granted seats in the Parliament even though they did not reach the threshold, and you mentioned that minorities correspond to a small percentage of the country. Do you think your model can also be applied to bigger minorities in different countries?

Dr Malloy: In Canada and Belgium for instance, there are larger groups of minorities that are accommodated through territorial arrangements. With regard to rights granted by states, autonomy created a slope that eventually developed into independence. Most minority groups are not interested in independence; autonomy is adequate for them to control their own affairs. In Kosovo and Denmark, autonomy is not viable. However, Greenland is an autonomous region but does not have sufficient resources to sustain independence.

Participant: We always talk about the state, the transition of the state to grant or not grant certain rights, but I think this has something to do with the structure of the minority group itself. The state perceives threats when granting minorities their rights, and sometimes there is a threat of violence with minorities' demands. Do you think we can generalise when it becomes easier to grant minorities their rights? Is it when they are a small group, committed to democracy or is it the state loyalty to a national border? What are the features of the situation?

Dr. Benz: Regarding issues of local governance, you are right, we have problems making local governments work, on a legal and economic level. In Germany many cities are bankrupt, which now are under the *Länder* umbrella. This should be solved at the federal level in Germany, considering the different problems *Länder* have, if you go down to the local level, they have different economic and social situations, so if you want to solve the problem you need to discuss social policies, which are issues that cannot be decided at the EU level but the local level.

Participant: The economic crisis has precipitated the discussion about doing away with local governments because of fiscal restraints; do you think the EU supports and encourages the strengthening of local governments to overcome the state struggle because of fiscal restraints?

Dr Malloy: Regarding the economic crisis, in countries like Scotland, Cataluña, and South Tyrol, there are discussions about possibilities

for independence. I think the national government should get the budget balance clear in order to deter minorities from thinking about independence.

Participant: What do you think was the biggest challenge in maintaining the distribution of power and what was the biggest battle to overcome between the *Bundesrat* and *Bundestag*. Moreover you have discussed the strongest model of protection, can you elaborate on this?

Dr Benz: In Germany, when we look at policies, the most contested issue is education, which is always connected with money and values. In this context there are many conflicts between federal power, the *Bundesrat* and parties' political conflicts as well.

Participant: Is there a country case study that evaluates the satisfaction of minority groups with each of these models? The studies of the US, Turkey and Russia have not been included in your model; do they fit in this model? How do Turkish minorities fit into these models?

Dr Malloy: There is a huge amount of literature reviewing these models. They do not always work, if you examine Russia, some of these models have been implemented there. There is no motivation to do this kind of case studies in the US. In Turkey there is no existing example in practise of the model, which is why a case study on the country was not mentioned.

Professor Hans-Joachim Giessman: Thanks very much to both Professor Benz and Dr. Malloy for today's insights.

Wednesday 23rd October - Historical tour: Rathaus Schöneberg with Angelika Schöttler¹², Mayor of Schöneberg/ Tempelhof District

Venue: Schöneberg/ Tempelhof

Tempelhof is a modern industrial and residential district that is home to more than 20,000 commercial businesses, among them a number of well-known international corporations. Schöneberg is a centre for the services industry with a colourful and diverse range of institutions.



The delegation during Schöneberg/ Tempelhof district's private tour

12 Angelika Schöttler has been the Mayor of the district Tempelhof-Schöneberg in Berlin since November 2011. Since 1982 she has been member of the Social Democrat Party (SPD). Throughout her career she held several positions in the Social Democrat Party and District of Schöneberg-Tempelhof. Since 2011 she is the Mayor of the district.



*Mayor Angelika Schöttler welcoming the delegation in
Schöneberg/Tempelhof's district*

Angelika Schöttler: I would like to warmly welcome all of you to our town. I hope you have enjoyed your tour of our municipal building. You are witnessing a century long history between these walls. This building survived two World Wars as well as the Nazi regime. During the Nazi regime most officials who worked in this building were purged, they were ousted from their posts. I say ousted because that is the only word to explain the process. After Berlin was divided, this building became an important factor in the struggle towards democracy. As you have heard, with the liberty bell which was gifted from the United States, Philadelphia became a beacon of democracy. There is an inscription on the bell, which states 'With God freedom will emerge'. One of the interesting periods this building witnessed was between 1949 and 1989.

We have hosted many other guests in this building other than John F. Kennedy. These included Indira Gandhi, the astronauts of Apollo 13, Queen Elizabeth and many more. The square in front of the town hall has always been the scene of protests and public mobilisations. As you have heard, the town hall has become the main building of the Temple Schöneberg state. Berlin consists of twelve districts. It has a population of 300,000 people from diverse immigrant backgrounds. Without the diversity of immigrant citizens, we would not have had such a rich culture. We know that diversity gives rise to many conflicts, but in the long run diversity always serves as the gateway for achieving different perspectives. We know we have differences. It takes time for people to get to know each other, and once they do, prejudices disappear. I wish you all the best here in Berlin and hope we will have the chance to work together in the future.

Wednesday 23rd October - Roundtable Meeting with Gün Tank and Remzi Uyguner

Venue: Baba restaurant, Berlin

Roundtable discussion:

'Implications of Decentralisation for the Integration of Minorities'

With:

Gün Tank,¹³ Commissioner for Integration of District Schöneberg/
Tempelhof

Remzi Uyguner,¹⁴ Quartiers Neighborhood Management (QM)

Moderated by Luxshi Vimalarajah



Commissioner for Integration, Gün Tank speaking to the delegation

13 Gabriele Gün Tank is the Commissioner for Integration of the Tempelhof-Schöneberg district in Berlin. She worked for several state-owned German and Turkish media partners. Her main interests are multiculturalism, youth empowerment, anti-discrimination and antiracism, and the linkage of culture and integration as well as migration.

14 Remzi Uyguner is Quartiers Manager in Schöneberger-Norden, a socially disadvantaged area in the north of the district Tempelhof-Schöneberg of Berlin. Since 2007 he has worked for the AG SPAS e. V. as member of Team Quartiers Management Schöneberger-Norden, responsible for supporting neighborhoods and promoting the social and ethnical integration.

Luxshi Vimalarajah: Thank you very much to all of you for participating with such interest in these roundtable talks. Today, we have two representatives- at the local level, Gabriele Gün Tank, the Commissioner for Integration in the Tempelhof-Schöneberg district in Berlin and Remzi Uyguner, the Quartiers Manager in Schöneberger-Norden, a socially disadvantaged area in the northern part of Tempelhof-Schöneberg district in Berlin. I leave the floor to them.

Gün Tank: Precisely one million immigrants in Germany are Turkish. From 1955 to 1973 there were many foreigners in Germany, referred to as '*guestworkers*'. In the beginning, the foreign workers' agreement stated that workers were to leave Germany on completion of their contract, but in reality they never left. Immigrants had a five year temporary work assignment with equal legal rights as Germany citizens. The difference was that the government could cancel their permit to stay quite easily.

Previously, only family members were allowed to immigrate, until the first political conception promoting equality for second generation immigrants was brought in. Previously, the government tried to push people to leave Germany through the returned assistance act which occurred following debates on the Silom abuse of foreigners and so on. All of these policies brought in focused on the application of laws to control immigration. One example is the asylum law. This law states that if asylum seekers came from a country that Germany considered 'safe', the government was not going to concede them.

Nowadays the discussion about migrants has moved from talking about foreigners in general to talking about ‘good’ and ‘bad’ migrants, about Muslims and non-Muslims. This happened after 9/11 in particular. This categorisation has also been used by people working in official environments. This kind of discrimination is exceedingly being felt by Germany’s immigrants. If we look at social media for instance, many third generation immigrants discuss democracy changes in Germany. In Berlin, 25 per cent of the population have a migrant background. Berlin is a city that respects diversity: we had the First federal Senator for integration as well as first federal law for integration and participation.

The aim is to increase the role of young migrants in public administration, which is only an important step because now all laws take into consideration people’s migration background. We can start from here to change the concept of diversity in current and future laws.

In the district where I work we are trying to give jobs to migrants, we provide services for migration organisations and so on. We have initiated a project called ‘*Cosmopolita*’ that looks at migrant women’s rights. The issue is that white women think they know what is best for migrant women. Through the project we can show that migrant women are strong themselves. Another project we have in place is a brochure made for all German migrants in Germany before general elections. It is an information flyer to explain to people from migrant backgrounds how to cast their

votes. The last project I want to mention is called ‘*Cross-Culture*’, through which we try to show how the demography of Germany has changed and how people’s faces in our countries changed as well, through exhibitions, music and cultural events. We provide a platform to people through our work for migrants’ organisations, public administration and those that work in these districts.

Two quotes from people who are participants in the ‘*Cross-culture*’ project are worth mentioning:

The first quote: *‘I feel here a piece of home and part of society.’*

The second quote: *‘I am glad something like this occurred, it makes cultures more accessible, you get to see diversity and you also get to know and benefit from each other, and the press learns about diversity and the image of the migrants.’*

Thankyou very much for your attention.

Luxshi Vimalarajah opens the floor for questions.



Gün Tank and Remzi Uyguner answering delegates' questions during the roundtable meeting

Participant: Can you please elaborate on the structure of this formation? To what extent can you impact the decision making process?

Participant: I want to ask both of our speakers, how influential are Turkish political changes on the division/mobilisation of Turkish immigrants here?

Participant: Comparing different immigrant groups in Germany, do you think there are certain groups that integrate easier than other groups?

Gün Tank: I would like to talk about integration of the white Germans rather than integration of immigrants. It is difficult to say who is more accepted and who is more marginalised, but I would

have to say those who appear different in terms of the colour of skin and their religious preferences are more marginalised.

Gün Tank: Previously, Turkish migrants supported the social democrat parties even if they were more conservative in their own political views, because they were perceived as the party that protected the rights of immigrants the most. This has changed. Now there are different parties that try to look at the protection of minorities.

Remzi Uyguner: I will try to answer your questions. The Quartiers Management does not have official standing in the bureaucratic structure. However, because the constitution has an article that states that the government has the responsibility to ensure participation of local groups, we practice under this article. Berlin states that the implementation of the constitution requires groups like ours to ensure the participation of each neighbourhood in the decision making process.

The Quartiers Management do not have any influence on decision making. The group creates influence through lobbying, convincing and persuading civil society. Participation is really difficult here as in the region of 17,000 people will produce only 120 voters. This does not mean that they are a disconnected neighbourhood. When there is a community activity, different segments of the community join together, both religious and the non-religious Turkish population.

Participant: As far as I understand, the German government allows ‘sender countries’ to provide religious services to immigrants in Germany but they do not like it. This would be unthinkable in Turkey. Are the officials who are sent to facilitate the religious needs of immigrants seen as an impediment to integration of them?

Remzi Uyguner: Well in the past there were no education programme systems that trained the clergy but now there are training programmes that produce imams. This is the reason for the discontent, not the fact that there are clergy sent from different countries.

Luxshi Vimalarajah: Thank you very much so both the speakers for your insight on the inclusion of migrants and migrants issue. I really appreciated your points of view as people working directing with these issues.

Wednesday 23rd October - Private visit to Turkish Embassy with H.E. Ambassador Hüseyin Avni Karslioglu

Venue: Turkish Embassy, Berlin



Delegation during a private tour of the Turkish Embassy



BDP Member of Parliament Nazmi Gür, DPI Director Kerim Yildiz, Prof. Dr. Fazıl Hüsnü Erdem and AK Party Member of Parliament Suay Alpay at the Turkish Embassy in Berlin



Meeting with H.E. Ambassador Hüseyin Avni Karslıoglu at the Turkish Embassy with Yılmaz Ensarođlu (SETA), BDP Member of Parliament Ayla Akat and H.E. Ambassador Hüseyin Avni Karslıoglu

Wednesday 23rd October - Dinner hosted at Private Residence of H.E. Ambassador Hüseyin Avni Karslıoglu, Turkey Ambassador to Germany, Berlin

Hosted by

H.E. Ambassador Hüseyin Avni Karslıoglu¹⁵

Venue: H.E. Ambassador Hüseyin Avni Karslıoglu's Private Residence

¹⁵ **H.E. Ambassador Hüseyin Avni Karslıoglu** has held several positions as Deputy Consul in Tehran (1984-1986) and Sydney (1986-1990), First Secretary and Counselor to the Permanent Mission of Turkey to the United Nations in New York (1992-1996), Head of Section at the Department for America, Pacific and Far East and at the Department for Central Europe (196-1997), Counselor at the Embassy of Turkey in Oslo (1998-2001).



The delegation at H.E. Ambassador Hüseyin Avni Karşlıođlu's private residence

H.E. Ambassador Hüseyin Avni Karşlıođlu: Warm regards to all of you and welcome to Germany. I am glad we have been able to meet each other and that have been given the chance to discuss the issue of minority in Germany. I am sure that understanding the German Federal Republic is complex and difficult even for German citizens; it is really useful for all of us to comprehend the situation but it can take longer to fully understand how it works in practice.

As you know, after the Second World War the Americans imposed the four D's on Germany: Democratisation, Demobilisation, Disarmament and Decentralisation. Therefore, the German system is based on each *Länder* having their own President and constitution.

Many Turkish immigrants have faced discrimination and unemployment in Germany. My father himself was a 'guestworker'.

But at present, 'brain drain' in Germany means we will be more vigilant in not allowing the mobility of third generation citizens. There is also discrimination when people look for jobs because of names on their CVs for example. Another important issue is discrimination against women wearing headscarves.

To give a practical example, one Turkish columnist conducted an experiment: he looked for an apartment and applied to rental ads both using his own name and a German name. When using his own Turkish name, he got two out of ten email responses whereas through using a German name he got eight out of ten responses. In Germany no affirmative action laws are in place. This kind of law would give special rights of hiring ethnic minorities to make up for past discrimination against them. The Turkish President suggested that a volunteer force might be a solution to this discrimination, but Turkish young people complained that they are not even given the opportunity to volunteer because of discrimination. A *Länder* Prime Minister, the leader of the voluntary fire squad, said he would assist with integration by providing halal food and no alcohol, as often pork and alcohol being served, prevents the integration of Turks into German society.



*Participants at H.E. Ambassador Hüseyin Avni Karslıoglu's
private residence in Berlin:*

*AK Party Member of Parliament Suay Alpay,
AK Party Member of Parliament Ziver Özdemir, H.E. Ambassador
Hüseyin Avni Karslıoglu, AK Party Member of Parliament Murtaza Yetis,
DPI Director Kerim Yıldız and BDP Member of Parliament Nazmi Gür*

Participant: What is the percentage of second generation Turks who get higher education in Germany?

H.E. Ambassador Hüseyin Avni Karslıoglu: Unfortunately it is a very low percentage. Most of them go to vocational school. There is a new system in place in Germany that allows students to move from vocational schools into higher education schools and University. The problem here is that they need to speak German well. Mostly Turkish immigrants do not speak German on a high level, in fact many Turkish families want to move to areas with more 'biologically German' people, to improve their language skills and also they presume that these schools work better.

Until very recently the idea of Turkish women marrying German men was unthinkable. Recently it has become more acceptable. However, Turkish men marrying German woman is still seen as more acceptable.



H.E. Ambassador Hüseyin Avni Karşlıoğlu greeting participants before dinner at his private residence

Thankyou very much for organising this meeting. I am very grateful I have had the pleasure to host this distinguished delegation.

Democracy and human rights are crucial, whether Turkey becomes a Member of the European Union or not, these principles are important and cooperation between countries must continue.



Delegates enjoying their dinner at H.E. Ambassador Hüseyin Avni Karslioglu's private residence with Turkish Embassy staff



H.E. Ambassador Hüseyin Avni Karslioglu with AK Party Member of Parliament Murtaza Yetis, CHP Member of Parliament Melda Onur, AK Party Member of Parliament Ziver Özdemir and Hatem Ete (SETA) at H.E. Ambassador Hüseyin Avni Karslioglu's private residence following a dinner reception hosted by the Ambassador

Thursday 24th October – Evaluation roundtable meeting

Venue: Art'Otel, Berlin



Kerim Yildiz and Hans Joachim Giessmann thank the delegation for joining the comparative visit in Berlin during an internal roundtable evaluation the learning of the visit

Thank you for joining us during this visit and for sharing your insights with us. It has been an inspiring week, during which we have had the opportunity to meet with and learn from high level experts of the German federal system. We very much hope that you have found the visit valuable.

Participants from Turkey

- Bejan Matur - Author, poet, columnist
- Nazmi Gür - Peace and Democracy Party Member of Parliament, Member of EU-Turkey Joint Parliamentary Committee
- Ayla Akat Ata - Batman Peace and Democracy Party Member of Parliament
- Sezgin Tanrıkulu - Republican People's Party Member of Parliament
- Ziver Özdemir - Justice and Development Party Member of Parliament
- Murtaza Yetis - Justice and Development Party Member of Parliament
- Suay Alpay - Justice and Development Party Member of Parliament
- Melda Onur - İstanbul Republican People's Party Member of Parliament
- Mithat Sancar - University Professor of Law, Ankara University
- Ahmet İnel - University Head of the Department of Economy, Galatasaray University, Istanbul. Author and Managing Editor of editing house İletisim
- Yılmaz Ensaroğlu - Foundation for Political, Economic, and Social Research, SETA, Policy advisor
- Hatem Ete - Foundation for Political, Economic, and Social Research, SETA, Think tank / Policy advisor

- Fazıl Hüsnü - Erdem Professor of Law at Dicle University
- Havva Kök Arslan - Associate Professor, Conflict Resolution at Hacettepe University
- Esra Elmas Balancar - Senior Advisor, Democratic Progress Institute

Participants from Germany

- Professor Hrbek, European Center for federal Studies, Tübingen
- His Excellency Ambassador Dr. Heinrich Kreft, Special Representative for Dialogue among Civilizations and Public Diplomacy at the German Foreign Ministry
- Edelgard Bulmahn, Former federal Minister of Education and Research
- Professor Manfred Görtemaker, University of Potsdam
- Dr. Hans-Dieter Lucas, Political Director, German federal Foreign Office
- Dr. Helmuth Markov, Deputy Prime Minister and Minister of Finance, and Member of the federal State Council, State of Brandenburg
- Professor Arthur Benz, Technical University of Darmstadt
- Dr. Tove Hansen Malloy, Director at the European Centre for Minority Issues (ECMI, Flensburg)
- Angelika Schöttler, Mayor of District Schöneberg/ Tempelhof (German Social Democrat Party, SPD)
- Gün Tank, Commissioner for Integration of District Schöneberg/ Tempelhof
- Remzi Uyguner, Quartiers Neighborhood Management (QM)
- His Excellency Ambassador Hüseyin Avni Karşlıoğlu, Turkey Ambassador to Germany

Glossary of Terms

Länder:

Germany is made up of 16 **Länder** (singular *Land*, colloquially called **Bundesland**, for ‘federated state’), which are the partly sovereign constituent states of the federal Republic of Germany.

Although the term *Land* applies to all states, each of the states of Bavaria, Saxony, and Thuringia describes itself as a *Freistaat* (free state), which has no Constitutional significance. Berlin and Hamburg are frequently called *Stadtstaaten* (city-states), as is the Free Hanseatic City of Bremen, which includes both the city of Bremen and Bremerhaven. The remaining 13 states are called *FlächenLänder* (literally: area states).

Bundesrat:

The *German Bundesrat* is a legislative body that represents the 16 *Länder* of Germany at the national level. The *Bundesrat* meets at the former Prussian House of Lords in Berlin. The *Bundesrat* participates in legislation, alongside the *Bundestag*, the directly elected representation of the people of Germany, with laws affecting state competences and all Constitutional changes requiring the consent of the body. Functioning similarly, it is often described as an upper house along the lines of US Senate, the Australian Senate or the British House of Lords, although the German Constitution does not declare the *Bundestag* and *Bundesrat* to form houses of a bicameral parliament. Officially, it is generally referred to as a ‘Constitutional body’ alongside the *Bundestag*, the federal President, the federal Cabinet and the federal Constitutional Court.

Bundestag:

The *Bundestag* is a Constitutional and legislative body in Germany. In practice, the country is governed by a bicameral legislature, but not a bicameral Parliament. While the *Bundestag* is sometimes viewed as the lower house and the *Bundesrat* the upper house both do not form a common Parliament and do not have powers in the same policies. The *Bundesrat* generally gets involved in the federal legislative process, only if the competences of the *Länder* (the states of Germany) are being affected by a proposed law; most laws tend to originate in *Bundestag*, but the *Bundesrat* may initiate and pass legislation onto the *Bundestag* as well. The *Bundestag* and the *Bundesrat*, like the other federal Constitutional bodies, both meet in Berlin, with the *Bundestag* occupying the former *Reichstag* building.

DPI Board and Council of Experts

Director:

Kerim Yildiz

Kerim Yildiz is Director of DPI. He is an expert in international human rights law and minority rights, and is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011. Kerim has written extensively on human rights and international law, and his work has been published internationally.

DPI Board Members:

Nicholas Stewart QC (Chair)

Barrister and Deputy High Court Judge (Chancery and Queen's Bench Divisions), United Kingdom . Former Chair of the Bar Human Rights Committee of England and Wales and Former President of Union Internationale des Avocats.

Professor Penny Green (Secretary)

Head of Research and Director of the School of Law's Research Programme at King's College London and Director of the International State Crime Initiative (ICSI), United Kingdom (a collaborative enterprise with the Harvard Humanitarian Initiative and the University of Hull, led by King's College London).

Priscilla Hayner

Co-founder of the International Centre for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organisations.

Arild Humlen

Lawyer and Director of the Norwegian Bar Association's Legal Committee. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.

Jacki Muirhead

Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

Professor David Petrasek

Professor of International Political Affairs at the University of Ottawa, Canada. Expert and author on human rights, humanitarian law and conflict resolution issues, former Special Adviser to the Secretary-General of Amnesty International, consultant to United Nations.

Antonia Potter Prentice

Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, Mediator, and Terre des Hommes.

DPI Council of Experts

Dermot Ahern

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.

Dr Mehmet Asutay

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at the School of Government and International Affairs (SGIA), Durham University, UK. He researches, teaches and supervises research on Middle Eastern economic development, the political economy of Middle East including Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format. He has been involved in human rights issues in various levels for many years, and has a close interest in transitional justice, conflict resolution and development issues at academic and policy levels.

Christine Bell

Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.

Cengiz Çandar

Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.

Yilmaz Ensaroğlu

SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.

Dr. Salomón Lerner Febres

Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Centre for Democracy and Human Rights of the Pontifical Catholic University of Perú.

Professor Mervyn Frost

Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.

Martin Griffiths

Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN

Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.

Dr. Edel Hughes

Senior Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.

Avila Kilmurray

A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.

Professor Ram Manikkalingam

Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.

Bejan Matur

Renowned Turkey based Author and Poet. Columnist, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).

Professor Monica McWilliams

Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005-2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.

Jonathan Powell

British diplomat, Downing Street Chief of Staff under Prime Minister Tony Blair between 1997- 2007. Chief negotiator in Northern Ireland peace talks, leading to the Good Friday Agreement in 1998. Currently CEO of Inter Mediate, a United Kingdom-based non-state mediation organization.

Sir Kieran Prendergast

Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.

Rajesh Rai

Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He also lectures on a wide variety of legal issues, both for the Bar Human Rights Committee and internationally.

Professor Naomi Roht Arriaza

Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.

Professor Dr. Mithat Sancar

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