

SESSION IV
STATUS PROBLEMS OF THE TURKISH
COMMUNITY IN GERMANY

CHAIRMAN (Mr. Karl Kaiser): I would like to introduce Prof. Tankut Centel from Istanbul University who will present his views.

MR. CENTEL: Mr. Chairman and distinguished guests, since my English is not good enough, unfortunately, I have to speak to you in German. Employment of foreign laborers is the most significant phenomenon of the history of the Federal Republic of Germany even though we can witness the employment of foreign laborers within the borders of the German land before the foundation of the Federal Republic of Germany. This fact has reached to the highest dimensions both quantitatively and qualitatively after the foundation of Germany. The rate of the number of the Turkish laborers, both male and female, are the highest among foreign laborers working in Germany since the year 1972 and thus, they form the largest social community.

Let us take a look at the social status of these Turkish laborers. A survey conducted by the German Employment and Laborers Organization presents us an interesting scene on the origins from which these Turkish laborers come. According to this survey, the great majority of these laborers are rooted from Central Anatolia, that is to say, from the second poorest area in Turkey. Because the employment of laborers from foreign countries in Germany stopped, only families of Turkish laborers can come to Germany. This scene is still a reality.

The guest Turkish laborers of the 50s and 60s used to lead a modest life in Germany and send most of their earnings to their country. These once guest laborers have changed their way of living to a great extent in the course of time. Within the framework of the Unification of Families law passed in 1974, the families came to Germany and started to adapt their lives accordingly. In 1990, of the 1.7 million Turks, the percentage of those who wanted to return to their homeland was only 17%. In this way, Germany has come to be a second homeland for the guest Turkish laborers.

Demographic Structure: a minimum of 2 million Turks live in Germany. More than half of the adult population is under the age 30. Two thirds of the Turks in Germany have been living in this country for over 15 years. The rate of Turks with net earnings of 2000 DM is 49%, while this rate for Germans is around the level of 36%. The rate of unemployed Turks is 11%. The same rate is 16% for Germans.

Now, let us take a look at the consumption rate of these Turks. Turks form a large and young community and have secured income. They are interested in consuming more than the Germans. The number of children Turks have is also higher than Germans. This fact clearly demonstrate itself in the example of consumption of baby food and etc. The German economy considers Turks as customers with an increasing trend.

A number of surveys were made, in particular, on the consumption behavior of Turks living in Germany in 1990. According to a study made by the Center for Türkeistudien for Turks in 1992, the rate of Germans who have private cars and own Mercedes is 7.6%. This rate is 20,4% for Turks. This is an undeniable proof for trademark consciousness. The manufacturers of Mercedes desire to take advantage of this situation to a large extent. Mercedes Benz advertises in the Turkish *Bulvar* and *Hürriyet* newspapers and other mass media since April 1994. Just like the sausage and can manufacturer *Maggies-Koch-Studio* firm did, computer software firms *Microsoft* and *Edeb-Bau An Daskette Pobbies* also publish their advertisements in Turkish. They produce and present to this target population, that is to say, the Turks living in Germany, a variety of food suitable for their diet such as mince balls without pork and computer programmes in Turkish. In addition to Turkish newspapers, other means of advertisement are the TRT-INT television channel which is watched by 86% of the Turkish families in Germany. TRT-INT is the international programme of the public television corporation in Turkey. It broadcasts from Turkey and is watched in the greatest amount in Germany. In other words, with an explicitly high rate of difference and it is also the only Turkish program that can be watched from any part of Germany. TRT means a bridge for Turks extending to their native land.

Now, let us address the situation of Turks working independently in Germany. The number of entrepreneurs was below 150 thousand in 1990. This increased to 213 thousands in 1993 according to a data by the Institute of

Statistics of the North Rhein Westphalia State. The number of independent Turkish businessmen who have their own enterprises has increased more than three-fold as of 1983 and an annual increase of nearly 1500 new enterprises is added to this amount. Prof. Şen foresees the future development as follows: the number of Turkish enterprises in Germany will go up to 45 thousands from 37 thousands (this is the number of the enterprises in the year 1994) by the year 2000 while the volume of investment will reach 15 billion DM from 8 billion DM and the annual trade volume will increase to 53 DM billion from 30 billion DM.

The significance of the foreign enterprises shows a continuous increase in the German labor market. Presently, the number of people employed by Turkish employers is 135 thousands alone. It is predicted that this number will increase up to 210 thousands in 2000. The North Rhine Westphalia State shows efforts to actively support this trend by establishing information centers to serve foreign entrepreneurs. Foreign entrepreneurs, at the same time, create occupational fields of training. In spite of this development, in a number of situations, the required permission for occupational training cannot be obtained and the Law on German Tradesmen and Craftsmen make it extremely difficult to obtain such permission. Nevertheless, the possibility of issuing permission for occupational training can be supported as has been experienced and proved in the model project of Foreign Entrepreneurs Conduct Occupational Training Program in Dortmund, Duisburg and Mannheim.

Now, we are going to deal with issues relating to the Law on Foreigners and see the differences in the legal status of Turks and other foreigners. In principle, it is necessary to differentiate citizens of the European Union and those coming from the so-called third countries. While the citizens of the European Union benefit from the arrangements concerning resident permits, which is valid and more suitable within the Union, people from third countries are under the coverage of provisions of the Law on Foreigners. It can be argued that the Law on Residence based on the European Union Legislation, provides much more security than the German one.

The Union's legislation insures a number of special rights for the Turks in Germany. Such special rights have resulted in arranging resident permits for Turkish laborers and at the same time it is in accordance with the ruling of the European Court of Law. Therefore, the legal status of Turks has to be placed

somewhere between the citizens from third countries and of the European Union.

Now, let us take the matter of legal status in hand within the framework of the foreigners who are Turkish citizens. In terms of the Resolution on the Permission of Employment by the Commission of the European Union Nr. 1/80, the Turkish laborers enjoy a special position. According to the view that status alone would be insufficient based on the arrangement for special permit of employment, the European Court of Law has ruled that access into the labor market will automatically cover the right of residence. In other words, the right of access into the labor market foreseen by the resolution of the Commission of the European Union brings along, in principle, the right of residence.

There are still a number of questions waiting to be answered in terms of how the details in the special legal status related to residence of Turks will be applied between Turkey and the European Union and, in particular, which segments will be covered by such an application based on the Union's Law. Nevertheless, the following main points have, in principle, emerged:

1. A Turkish laborer can request renewal of residence permit and employment upon not being employed for one year by an employer.
2. Following a period of four years employment, Turkish laborers will have the right of access into the labor market and the right of residence does not depend on the condition of being employed by a certain employer.
3. Some indicators point out that those who benefit from the privileges through judiciary organs will enjoy the same protection, in essence, against deportation as citizens of the European Union.

Therefore, it is necessary to settle the legal status matter of the Turkish laborers in Germany in a binding way as soon as possible within the framework of the above mentioned fundamentals.

Now, I am going to discuss a little bit the subject of citizenship law, which we spoke about at the dinner yesterday. At present time, millions of people work and live in countries other than their own, that is to say, outside the borders of their native land to which they are linked with ties of citizenship. Within the last

20-30 years, Turkey has become one of the countries that has a high rate of citizens who work and live abroad. With a rough estimate, today one out of 20 Turkish citizens live abroad for either short or long periods of time and more than half this population is in Germany.

When looked from the Turkish point of view, Turkish citizens have a characteristic feature which is very pleasing. They have never broken off their ties with their homeland although they have been living abroad for a very long time. But this situation brings along a great burden to the judiciary and administration of the home state and certain issues have to be settled. When we apply this issue to the position of the Turkish laborers in Germany, the subject to obtain dual citizenship will be equivalent to the solution of the indicated problems. Dual citizenship, as everybody knows means to be a citizen of two different countries. In practice, a person who has dual citizenship will have a hard time whenever there is a dispute between those two countries and will have to choose one of the two. When looked from a different viewpoint, depending on the conditions, he will be able to get away with some obligations that are to be met in one country, benefiting from the citizenship of the other country. Consequently, there is the possibility that both countries will impose on the dual citizen a number of obligations and this individual will feel pressured under such load. As an example we can mention the military service.

The new German law on foreigners grants certain advantages interms of citizenship for people who have been living uninterruptedly in Germany for a long time. But an important prerequisite has existed to be able to be a German citizen. Before becoming a German citizen, it is necessary to give up Turkish citizenship. In accordance with both the Law on Citizenship and the Law on Foreigners, becoming a citizen, in principle, depends on losing or abdication of the previous citizenship. When thought of singly or defined narrowly in meaning, in some cases, this principle may not apply as an exception. This situation has been contrary to the interest of a great number of Turks who want to become German citizens and, at the same time, who do not want to give up Turkish citizenship. This development has become a legal impasse. In order to make the situation clear, the Turkish Law on Citizenship has been modified.

This modification of law foresees the protection of all the rights for those who apply to the Turkish authorities to become a citizen of another country and obtain the permission from the Board of Ministers. Among the facilities granted

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for Turkish citizens are the right of property, right of residence, right of inheritance, permission for employment, exemption from military service and etc. It is not yet known whether this modification of law will be considered positive by those who want to become a German citizen and at the same time wish to keep their Turkish citizenship. Consequently, I deem it necessary to call for further development of relations as concerning the arrangement of status between Turkey and Germany.