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**POLITICAL AND SOCIAL PARTICIPATION  
OF IMMIGRANTS THROUGH CONSULTATIVE  
BODIES**

Community relations



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OF IMMIGRANTS THROUGH CONSULTATIVE  
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Directorate of Social and Economic Affairs  
Council of Europe Publishing

French Edition :

*La participation politique et sociale des immigrés  
à travers des mécanismes de consultation*

*For a full list of titles in this series, please see at the back of the book*

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## Foreword

This is one of a series of booklets designed to accompany the report **Community and ethnic relation in Europe**<sup>1</sup>, published by the Council of Europe in 1991. By community relations is meant all aspects of the relations between migrants or ethnic groups of immigrant origin and the host society, and the report sets out proposals for a comprehensive approach to community relations policy in the Organisation's member States.<sup>2</sup>

On the foundations of its original work in this field, the European Committee on Migration (CEMG) embarked on a project entitled : "The integration of immigrants : towards equal opportunities" (1991 to 1996) and "Tensions and tolerance : building better integrated communities across Europe" (since 1996). These projects aim to promote the exchange of practical experience between people who are attempting, in a variety of different ways and in different fields, to put the community relations approach into practice.

The importance of immigrant participation in European societies has been recognised many times by the Council of Europe. Finding ways

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<sup>1</sup> Available from the Council of Europe under the reference MG-CR (91) 1 final

<sup>2</sup> As of December 1996, the 40 member States of the Council of Europe were the following : Albania, Andorra, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.

to promote immigrant participation is one of the major aims of the Community Relations project, which the Council started in the mid 1980s, and which has been on its agenda since then. Participation in decision-making is one very important aspect of immigrant participation in society at large. The 6th Conference of European Ministers responsible for migration affairs, held in Warsaw on 16-18 June 1996, recommended that the subject of political participation and other participation in decision-making by immigrants should receive immediate attention. This is why the Specialist Group on Integration and Community Relations of the CDMG chose it as the theme of the 1997 annual seminar .

The present booklet is the outcome of this seminar held in November 1997 on the *Political Participation of Immigrants through Consultative Bodies*.

Even though it dealt with a variety of forms of immigrant political and social participation (including citizenship and voting rights), its main focus was on "Political and Social Participation of Immigrants through Consultative Bodies". The seminar was attended by about 60 experts, some representing their governments, and others as members of immigrant communities or consultative bodies, or coming from the academic world. The seminar was chaired by Ms Mary Coussey (United Kingdom). Professor Maria Beatriz Rocha-Trindade (Portugal) was the Co-chair.

The consultant, Professor Han Entzinger (Utrecht University), played a leading part in the preparation of the meeting and of this booklet. The full list of speakers and projects is given at the end of the booklet and this will enable readers, who so wish, to make contact with those responsible for the various initiatives.

This publication includes all papers and documents that have been prepared for the seminar. It consists of three parts. Part I includes three academic contributions on different aspects of political and social participation of immigrants. The first contribution is by

Professor Han Entzinger, the consultant to this project. It was written as a background paper and discussed at the seminar. It contains an overview of some of the relevant literature as well as the reports of short field studies carried out by Ms Marieke Blommesteijn and the consultant in six European countries : France, Italy, the Netherlands, Norway, Portugal and the United Kingdom. The other two academic contributions were presented as lectures at the seminar. They are by Dr. Yasemin Soysal (European University Institute, Florence) and by Dr. Marco Martiniello (University of Liège). Part II of this publication includes information of a more practical nature on consultative structures in a number of member States, as presented to the participants in the seminar. Part III contains the conclusions of the seminar, as discussed and adopted by the participants at the end of the third day. At the end of the publication the consultant to this project, Han Entzinger, makes some brief final remarks.

A distinction has been made between individual and group participation of immigrants. When the immigrant share in the population is increasing, the debate on naturalisation and voting rights tends to be intensified. Consultation constitutes one possible forms of group participation. Consultative mechanisms have a practical as well as a symbolic value : they can be an important signal that immigrants and minorities are taken seriously.

Finally, I should like to take this opportunity of thanking the consultant and all those, who took part in the meeting and I should like to express my special gratitude to those of the participants whose written contributions are summarised here.

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Deputy Director

Directorate of Social and Economic Affairs

N.B. The views expressed in this book are those of the authors and do not necessarily reflect those of the Council of Europe or its member States.

## **Immigrants' political and social participation in the integration process**

*Han Entzinger*

### **Democracy and immigration**

One of the basic principles of democracy implies that all members of a political community have a share in the decision-making processes that decide on that community, its governance and its future. It is often assumed that such a democracy, in order to function properly, requires a certain degree of agreement on rules and procedures. Some go even further by claiming that such agreement presupposes a minimum of shared values among the members of that political community (Etzioni 1993; Walzer 1997). Another major characteristic of democracies, and certainly of Western democracies, is respect for differences in culture between individuals and groups, and respect for their beliefs and identities (Mulder 1993, Wieviorka 1996). Equally important, but somewhat less relevant in the context of this paper, is equality of opportunity in the social and economic domain, as a third central pillar for a Western style democracy (Castles & Miller 1993, Faist 1995).

There is a potential tension between the requirement of a minimum of shared values in a political community on the one hand, and the requirement of respect for cultural difference and individual and group identities on the other (Young 1990, Taylor 1994, Crowley 1995). In the course of history, most European nation-States have come to terms with this tension, although in a variety of manners (Gellner 1983, Schnapper 1994, Brunkhorst 1994, Oommen 1997). In some cases, the

role of the State has been limited to certain areas of policy making, whilst regional or group autonomy applies in others; in other cases a relatively high degree of national unity has developed in a process that has often taken many generations. The development of a common language, a State supported educational system, a "nation wide" transport, communications and monetary system, and a "national" press, all have contributed to the legitimacy of a relatively homogeneous State, and a relatively undisputed role for public authorities at the national level. The term "nation State" reflects the coinciding of the nation as a cultural community and the State as a political community, which in broad terms has become the case in quite a few European countries. In other countries, where the two types of communities do not coincide, arrangements for the devolution of substantial political powers from the central level have been developed (Kymlicka 1995a).

The recent large scale immigration of people with a national and cultural background that differs from the mainstream values in the countries of settlement, has reactivated the debate on the potential tension between the basic requirements of a democratic political community and the respect for cultural difference (Hammar 1990). Several authors have argued that the increased mobility of the world's population as well as the growing significance of international agreements and treaties, particularly those that guarantee certain human rights to individuals and groups irrespective of their relationship with any State (e.g. human rights), has significantly limited the role of individual States as authorities that have an exclusive right to define the situation of the people who live in their territory. Over the past decades many countries in Europe, particularly the immigration countries of Western Europe, have become aware of this, and have begun to discuss, therefore, how people of immigrant origin can be given a fair share in the political debate and in decision-making processes (Withol de Wenden 1988, Brubaker 1989, Layton-Henry 1990, Bauböck 1994b, Soysal 1994). Many experiments have been set up, some more successful than others, and these have

generated a substantial experience with political and social participation of immigrants.

This paper deals with those discussions. It will point out different aspects of the political and social participation of immigrants in their integration process. It will largely focus on Western Europe, as the immigration tradition in this part of Europe is longer than in Central and Eastern Europe. The paper will highlight some of the major issues and dilemmas that the public authorities, the political community and the immigrants face, while making reference to the theoretical literature in this field. It will also describe and analyse some solutions, as well as certain consultation mechanisms. The paper is partly based on the results of field visits, carried out by Ms. Marieke Blommesteijn, in five member countries of the Council of Europe (Italy, the Netherlands, Norway, Portugal and the United Kingdom) and by myself in a sixth country (France). The reports of these visits are presented in the Appendix to this paper. The six countries were chosen because all have developed certain arrangements for immigrant participation in decision-making processes, although sometimes of very different types. The six also include some larger and some smaller countries, as well as some in the North and some in the South of Europe. At the request of the Council of Europe, the paper focuses in particular on immigrant participation at the national and - if applicable - at the regional level, without, however, completely ignoring participation at the local level, where interesting results have been achieved in many cases.

The importance of participation by immigrants in decision-making processes in society has been recognised many times by the Council of Europe. The broader theme of immigrant participation in society at large was the main subject of the *Community and Ethnic Relations in Europe* project, and its final report, published in 1991 and since then translated into 17 European languages (MG-CR (91) 1). It was touched upon in more detail by the *Specialist Group on Equality of Immigrants*, which reported to the 6th Conference of European Ministers responsible for migration affairs, held in Warsaw on 16-18

June, 1996 (MMG-6 (96) 2). The Ministers endorsed the group's recommendation that the subject of political participation and other participation in decision-making by immigrants should receive immediate attention. This is precisely the focus of this paper.

### **Immigrants' participation in decision-making**

When immigrants settle in a new society, they begin to participate in a variety of institutions in that society, such as schools, trade unions, health care or sports clubs. In addition, they may also set up new institutions that did not exist previously, such as cultural or religious associations or schools for mother tongue teaching. Some of these new institutions may have links with similar institutions in the immigrants' countries of origin. It is not so easy to distinguish political and social participation as it shall be interpreted in this paper from all other forms of participation that may develop during the integration process. For example, participation in the labour market or in education are usually seen as forms of social participation that equally encourage integration (Castles and Miller 1993, Vermeulen 1997). For the purpose of this paper, however, "immigrants' social and political participation in the integration process" will largely be limited to those forms of social participation that imply involvement in decision-making processes. Thus, an immigrant's job or schooling situation is not at stake here, but what may count here is whether that immigrant is a trade union member or a member of the school board, so that - at least potentially - he or she can influence decisions in the country of settlement. The relevance of this limitation is somewhat mitigated by the fact that this paper focuses primarily on participation at the national and regional levels. Even so, it is important to note that immigrants' participation in political life and in decision-making by public authorities is the main focus of this paper.

At this point it is useful to distinguish between political *rights* and political *participation* of immigrants. In most cases, the former are a condition for the latter. But, as we will see, political participation also occurs without full political rights. There are even situations where

immigrants have been able to have an impact on political decision-making without having any rights at all, for instance in the case of asylum seekers or undocumented migrants, who may have advocacy organisations or lobbies that influence the political process on their behalf. One of the standard works on political participation of immigrants in Western Europe lists six areas in which the discussion on political rights and political participation of immigrants can be concentrated (Layton-Henry 1990). These are : civil rights, industrial rights, immigrant associations, consultative institutions, voting rights and naturalisation. These are, roughly speaking, the areas covered in this paper. It is relevant to note that in some of these six immigrants are primarily or even exclusively seen as individuals, whilst in others they are seen as groups or communities. Equally important is the fact that European countries tend to differ in their perspectives in these matters as well as in their definitions of the actual situation. All this points at an important and highly relevant distinction, which is the one between the individual and the group approaches. This distinction will be further elaborated in the following sections. We will first discuss the individual approach, which we will later refer to as the *individual rights* model. Subsequently, when discussing group approaches, we will make a further distinction, which is between the *multi-cultural* and *corporatist* models.

### **Individual participation**

Citizenship is the most common entitlement for an individual in a democracy to exert full membership rights and to take part in the political process (Barbalet 1988, Zincone 1992). Many immigrants are not citizens of the country of settlement, and therefore may not be entitled to political participation. This does not mean that they have no rights at all. As Bauböck has pointed out in his paper for the Council of Europe, certain entitlements are linked to (legal) residence, and not to citizenship (Bauböck 1994a). This is obvious for human rights, which are universal. Also, most civil rights, such as the freedom of association, of speech, of religion, of assembly and of demonstration, apply to citizens and non-citizens alike. Most often, social and

industrial rights are also linked to residence rather than to citizenship, and therefore apply to immigrants as well as to the native population. There is a lot of research evidence, however, that the use of these rights among immigrants is substantially below the level for the population as a whole. In most countries in Western Europe, for instance, the degree of unionisation among immigrants is low, and relatively few are elected to works councils (Vranken 1990).

In contrast to what is the case for civil and social rights, most European countries see political rights - the *de facto* entitlement to full membership of the political community - as exclusive for their own citizens (Hammar 1990; Bauböck 1994b). Political rights are often limited to those immigrants who are citizens of the country of residence. By far the most important political rights are the voting rights : the right to vote in elections (and other consultations of the electorate, such as referenda) and the right to be elected. This does not imply, however, that all immigrants are excluded from voting rights. First, some immigrants may have been citizens of the country of residence from the moment of their arrival. This may be the case, for instance, for post-colonial migrants or migrants who originate in overseas territories. It is also the case for ethnic Germans (*Aussiedler*) who settle in Germany. Here, their membership of the German nation entitles these immigrants to German citizenship without any waiting period. This offers a clear example of how nationhood and State affiliation may coincide.

A second category of immigrants with full political rights are those who have become naturalised. There are important differences between the European countries in their naturalisation policies and procedures. These differences may relate to the immigrants' previous citizenship, and also to the number of years of residence. Additional requirements, such as familiarity with the new society and its language and culture also vary substantially, and so do the fees levied upon the new citizen. Obviously, countries with relatively easy naturalisation procedures have fewer foreigners among their immigrants than countries with strict procedures. As a consequence,

immigrants in the latter usually have fewer possibilities for political participation at the individual level than in the former.

A major distinction that matters here is the one between the *ius soli* and the *ius sanguinis* principle. Under the *ius soli* system, anyone born in a country is entitled to that country's passport; under the *ius sanguinis* system, the passport of the parents is decisive for the passport of their child. In the latter case, foreign citizenship may be perpetuated into the second and subsequent generations. Under *ius soli*, by contrast, children of immigrants automatically obtain the passport of the country where their parents reside. In Europe, Germany is the most outspoken example of the *ius sanguinis* system, and the United Kingdom of the *ius soli* system. Under the *ius sanguinis* system the political and the cultural community are seen as relatively similar; under the *ius soli* system it is territory, not ancestry, that is decisive for the attribution of political rights. Most countries now have a mixture of the two, with relatively easy access to their citizenship for second generation immigrants (Brubaker 1992).

When a substantial part of a country's actual population has no political rights, the legitimacy of democratic decision-making comes under pressure. This problem has now been recognised in several European countries with large foreign populations, such as Luxembourg, Switzerland and Germany. It is felt at the local level in particular, where foreign immigrants may constitute up to half of the population in certain urban districts, and yet not have a say in the governing of that district, even though some of them may have resided there for decades. Basically, there are two solutions to this problem : (i) extending voting rights to foreign immigrants, and (ii) encouraging naturalisation.

The first option, granting voting rights to foreign immigrants, has been implemented by a number of countries in Europe. In Ireland, Sweden, Iceland, Finland, Denmark, Norway, the Netherlands and the Swiss cantons of Neuchâtel and Jura all foreign residents have the right to vote and to be elected at the local level. In Norway and Sweden that

right has also been granted at the regional level, but never at the national level. There is a minimum residence requirement, usually of three to five years. In some other countries foreigners of certain nationalities also have local voting rights, usually on a basis of reciprocity. In the 1992 Maastricht Treaty the member States of the European Union decided that their citizens who reside in another member State than the one of which they hold the passport will have active and passive voting rights in the country of residence at the local level as well as for the European Parliament. Most countries with voting rights for all foreign residents introduced these in the 1980s. Later attempts in other countries, such as Belgium and France, and in several German *Länder* have failed for constitutional or political reasons. In these countries, however, the debate reopens from time to time.

The second option for guaranteeing a fuller political participation is to encourage naturalisation, either by easing the procedures, or by allowing dual citizenship. In many European countries mixed feelings prevail in this area (Çinar 1994). On the one hand, as the actual length of residence of immigrants has gone up, it is felt more widely that their integration should be promoted, and that the granting of citizenship may play a key role in this. It is a point of debate at what stage of the integration process the new passport should be granted : relatively early, so that it may encourage a smooth insertion, or relatively late, when it may be seen as the "crown" on that process? On the other hand, many consider citizenship an exclusive capacity, which should be reserved for members of the national community. It is not impossible or not unacceptable for immigrants to become a member of that community, but they should then cut all previous ties and allegiances, and give up their old citizenship. In this perspective, which currently prevails in most European States, dual citizenship is seen as an less desirable phenomenon. Recently, however, the Council of Europe has taken the initiative to develop a European Convention on Nationality, which allows for a more relaxed attitude towards this issue.

In several European countries research has been carried out on actual political participation of immigrants, whether citizens or foreign passport holders. The general picture is that immigrant participation in elections is below average, with some noticeable exceptions. In most cases the gap does not seem to narrow as the length of residence goes up (Hammar 1990, Layton-Henry 1990, Council of Europe MMG-6 (96) 1). Also, during their first period of residence the immigrants' preference for political parties at the left of the political spectrum tends to be relatively strong (Zincone 1992 : 255). The fact that many of the earlier immigrants have a migrant worker background may account for this. As time goes by, however, the immigrant vote becomes more like the voting pattern of the entire population.

In contrast to what is sometimes assumed, the role of immigrant parties is insignificant throughout Europe. Clearly, immigrant status or ethnic loyalty is not a decisive factor in the immigrant vote in Europe. Countries with a substantial immigrant share in their electorate usually have a number of elected representatives of immigrant origin in their national and regional assemblies and local councils. The vast majority of them represent mainstream political parties, but their total number is usually well below the immigrant share in the corresponding electorate. There is evidence that some immigrants have difficulty in adapting themselves to the dominant party and political culture, which makes them decide to drop out during their term, or not to stand for re-election. In several countries political parties have been discussing the pros and cons of special recruitment efforts among the immigrant population, for example through the formation of "immigrant sections" within the party.

### **Group participation**

So far, immigrant rights and immigrant participation have been discussed at the individual level only. In liberal democracies this is a common way of political participation. The traditional philosophy behind this idea is that the State is perceived as neutral, and that this neutrality enables all individuals to participate in the political process,

irrespective of their cultural origins and beliefs. This assumption, which was very commonplace in the 19th and early 20th century, gradually became questioned in many parts of Europe. More and more it was felt that the State's neutrality did not express an indifference to people's cultural identities or group loyalties, but instead reflected, in the words of Kymlicka, "a rather blatant form of ethnocentric nationalism" (Kymlicka 1995b : 6) . In this view, a liberal State that respects cultural difference and group identities should find ways to allow these groups to manifest themselves as such. Culture, by definition, is a group affair, and can only survive if its bearers find ways to express themselves, also in the political process. It is obvious that political and cultural rights are not the same. The former enable members of a political community to participate in decision-making processes that affect that community, whereas the latter allow for members of a cultural (or religious or ethnic) community to preserve, manifest and develop their specific identity. As we have seen earlier, however, the two are seen as strongly interrelated in many European democracies. How else than through political participation can a group obtain recognition and cultural rights, and how else than with an appeal on its common characteristics - whether culture, religion or national origin (or social class!) - can a group obtain a share in the political decision-making?

Most European States now recognise the need to account for cultural and group differences in their political decision-making processes and structures. They do so, however, with very different intensities and with very different justifications. Basically, there are two broad models of accommodating cultural diversity. Walzer refers to these as the integrationist and the autonomist strategies, Habermas makes a distinction between procedural and communitarian approaches, and Soysal speaks of liberal and corporatist strategies (Walzer 1995 : 152; Habermas 1996 : 23; Soysal 1994 : 37). In all three distinctions the former model acknowledges the existence of cultural pluriformity in a society, but cultural identity should neither be supported nor be penalised by public policy. Rather the expression and perpetuation of cultural identities should be left to the private sphere. This is the way

in which most European States, often after centuries of struggles, have come to terms with religious diversity and have regulated their relationship with the churches. Ethnic and cultural diversity, whether or not resulting from immigration, can be dealt with in similar ways. The members of ethnic and national groups may be protected against discrimination and prejudice, and they are free to try to maintain whatever part of their ethnic heritage or identity they wish, consistent, of course, with the rights of others. The State's responsibility is limited to the development and maintenance of procedures that guarantee a sufficient degree of social and political integration for everyone, irrespective of their ethnic and cultural orientation. In this paper we will refer to this approach as the *multi-cultural* model.

The other model goes much further and focuses more strongly on the State's role in guaranteeing group rights (Glazer 1983; Kymlicka 1995b). It involves public measures that aim at protecting and even promoting an ethno-cultural identity. These measures may include language rights, regional autonomy, representation rights, veto rights, etc.. In accordance with Soysal's terminology, this model will be referred to here as the *corporatist* model (Soysal 1994). The model requires that the government identify specific groups or communities, and perhaps even assign individuals to those groups, in order to determine who should exercise those group rights. Traditionally, this model has been used to grant a certain autonomy to *regional* minorities, that constitute a majority within a specific part of the territory of a nation State. Examples of this may be found in many European States, such as the Catalans in Spain or the Hungarians in Romania. The model is also used to grant certain rights to what Heckmann calls *national* minorities (Heckmann 1981). Numerically speaking, national minorities will not reach majority status in any sub-territory, but their ethnic origins, religion or culture may be so different from mainstream society that public measures are thought to be necessary in order to protect their position. One may think here of Roma and Sinti in several States in Central Europe, of the Sami in Nordic countries, and also of certain religious minorities (e.g. Jews, Muslims, Hindus) in many European States.

An important question here is to what extent the corporatist model should also be applied to minorities that have been formed as a result of recent *immigration*. European States hold very different views on this (Hammar 1985; Brubaker 1989; Costa-Lascoux and Weil 1992; Soysal 1994). Some claim, from a perspective of cultural relativism, that all cultures present in a territory, including immigrant cultures, must be recognised and preserved, and that the State should facilitate immigrants to do so. Some argue that recognising group rights and immigrant cultures makes immigrants feel welcome in their new country, and therefore, eventually, will smoothen their insertion process. Others emphasise that, in contrast to regional and national minorities, immigrants usually undergo a rather rapid process of integration and assimilation. The granting of special facilities would slow down this process unnecessarily. Besides, as holders of a foreign passport, immigrants often have strong loyalties to other States than the State where they actually reside. Some European States consider it a political liability to grant special facilities to citizens of another State living in their territory. Finally, the argument is also heard that immigrant cultures contain elements that are not compatible with European ideas on democracy and tolerance. In this view, no special facilities for immigrants should be created, as this potentially challenges basic European values.

In the practical governance of many European countries this contradiction of views produced a situation where immigrants, as citizens of another State or as adherents to a traditionally non-European religion or cultural group, were not at all involved in decision-making, or only marginally, even when the decisions had an immediate effect on themselves. Many European States have gradually become aware of this "democratic deficit" and its disadvantages, and have introduced certain forms of immigrant participation in decision-making processes. In what follows we will have a closer look at these.

## **Modalities of immigrant participation**

The major aim of this project of the Council of Europe is to study and analyse the modalities of different forms of immigrant participation in decision-making and their effectiveness. In the preceding sections we have introduced three models of participation which will be further elaborated here. To a large extent these models correspond with those that have been distinguished by Soysal in her study on forms of immigrant membership and participation in Europe (Soysal 1994). In order to avoid confusion about terminology, however, I have preferred to give slightly different names to the models.

The first model is the *individual rights* model. In this model immigrants, like all other residents, are seen as individuals who directly interact with the State. Public policy aims at giving individual migrants equal standing with other residents vis-à-vis the State, which means a formal assurance of access to the country's institutions, of which the labour market and education tend to be emphasised. There is little room for intermediate structures such as immigrant associations or consultative councils outside the State bureaucracy in this model. There may be two reasons for this : one is that the role of intermediate structures in society is limited anyway; the State is omnipresent and often highly centralised. The other one is that immigrants are not seen as a relevant social category in that particular society, either by the State or by the immigrants themselves or by both. A shared immigrant or ethnic origin as such is not considered a sufficient reason for making arrangements to promote collective interests. If any arrangements exist at all for this, these are more likely to be based on shared interests in other domains, for example in the labour market (e.g. trade unions) or at the local level (e.g. neighbourhood councils). In this model the granting of individual rights to immigrants is seen as the major instrument for inclusion; this may often imply a relatively generous naturalisation policy. Whether the immigrants are actually in a position to exercise their rights, is largely their own responsibility. The State sets the conditions, and immigrants should make an effort themselves to obtain the

qualifications needed to become good citizens. Of course, immigrants are free to associate as such if they wish to do so, and their associations may lobby with the public authorities or elsewhere, but they are not very likely to be seen as powerful partners, nor are they likely to be given any special, more or less permanent consultative status as a group within the government bureaucracy. In Europe, France offers the classical example of this individual rights model. Portugal and Italy also have certain elements of this approach in their policies.

The second model we have labelled the *multi-cultural* model. Here too, the individual immigrant, rather than the migrant group, is seen as the primary target of incorporation. In contrast to the individual rights model, however, it is acknowledged that immigration has also led to the development of new communities in society, that may distinguish themselves in cultural terms from those that already existed. The authorities consider these communities as relevant entities in society, but in a rather loose way, without, for instance, precisely defining their membership. In this model, the State sees it as a primary responsibility to make sure that all members of society are treated on an equal footing, irrespective of the community of which they are part. At the central government level this can be done, for instance, by introducing anti-discrimination legislation or by adapting certain rules so as to account for specific demands of newly formed cultural communities, especially when these are religiously inspired. In addition, immigrants may also associate themselves and opt for collective action. In the multi-cultural model the authorities will accept this, and see it as a relevant channel of communication with the groups concerned. It is less likely that such relatively loose arrangements will develop into formalised consultation structures with a specific mandate. In view of this, it is understandable that, at the local level, there may be important differences in the actual arrangements for political participation of immigrant or cultural communities. The classical example of this model is offered by the United Kingdom. Among the more recent immigration countries Norway also tends towards this multi-cultural model.

The third model is the *corporatist* model. In this model membership is organised around corporate groups and their functions. Corporate groups may be defined by a specific identity, such as occupational, ethnic, religious, linguistic or gender belongingness, and are then emphasised as the source of action and authority. Individuals are members of one or more corporate groups (they are often born into it), and through those groups they participate in the different spheres of society. In a liberal democracy the State should see to it that all groups have equal access to the common good, without seeing themselves obliged to abandon their specific cultural characteristics. In the corporatist model, immigrants are defined in terms of group membership, rather than as individuals. Immigrant groups are often referred to as ethnic communities or ethnic minorities. Their membership is well defined, and they may be subject to specific rights and policy measures, developed to improve their social situation or to preserve some of their cultural characteristics. Such an approach asks for a strong State with elaborate State sponsored associations and institutions, for consultation, but also for the implementation of certain measures that are specific for that particular group. Such associations and institutions are supported through a network of State subsidies, and run, wherever possible, by the ethnic groups themselves. In the corporatist model formal avenues exist that enable the immigrant communities to participate in decision-making mechanisms and to pursue their interests, both at the national and at the regional and local levels. Like the individual rights approach, the corporatist approach is top-down, in contrast to the multi-cultural model, which is bottom-up. The Netherlands comes closest to the classical example of the corporatist model in immigrant policy, although it has lost some of its rigidities in recent years. Sweden used to be another example, but significant changes have taken place there as well.

It shall be clear that all three models described here are ideal types. Understandably, reality is much more complex, and no country offers an exact specimen of any of these three. Yet, the three models account for substantial differences in the practice of immigrant participation.

These differences relate to the legitimation, the set-up, the practices, and also to the effects of immigrant consultation. The findings of the field visits in various European countries, that will be appended to this document at a later stage, clearly reflect this. It is important to note that the choice for a specific model of immigrant participation seems to be determined largely by traditions and experience of the country concerned, rather than by the nature of its immigration. Traditionally pluralist countries, for example, tend to be more sensitive for claims put forward by immigrant groups than countries that emphasise the relationship between the individual citizen and the State. By contrast, the latter countries tend to offer better opportunities than the former to individual migrants who are willing and able to integrate and to adapt themselves to the dominant cultural pattern.

One of the differences between the models relate to possible *legitimations* for immigrant participation in the political process. Basically, two arguments can be distinguished. One is that immigrants, as non-citizens, have no voting rights and therefore no way to influence the political process, particularly at the national level. This democratic "deficit" may be overcome in two ways : either by a relatively generous policy of granting citizenship rights to individual immigrants, which is the cornerstone of the individual rights model, or by creating facilities for consultation and co-determination for immigrant communities, which would be the preferred solution in the corporatist model. The multi-cultural model takes an intermediate position here : it would probably opt for a mixture of both policies.

The second argument to legitimise immigrant participation is that this enables immigrants to stress their specific identity and, on that basis, to claim certain facilities that may support the preservation and the development of that identity within the context of a culturally pluriform society. Obviously, this is not an argument to which the individual rights approach will be very sensitive, as it sees culture, religion and their expressions as private affairs. The two other models, however, are more open to this legitimation. In the multi-cultural

model the authorities will assume a more expecting attitude and await initiatives from among immigrant communities. In the corporatist model will take a more active role and set up a structure for immigrant consultation and participation in decision-making processes.

Even though the three models vary as to the degree of formalisation of immigrant consultation, it must be kept in mind that - irrespective of the model preferred - immigrants in our European democracies always have the right to organise themselves and to voice their wishes and interests to anyone, including, of course, the authorities. As immigration has been maturing, the number of immigrant organisations has gone up in all countries, and more of these organisations have found ways to make themselves heard among political decision makers. In this context, the role of the press can be very important. Most European countries now have a significant immigrant press, but their impact on political decision-making is not always very strong. A fuller access for immigrants to the major newspapers, journals and media usually guarantees that their voice is better heard, and that their interests are accounted for in a more serious manner.

While recognising the importance of such informal "lobbying" mechanisms for the functioning of a democracy, this paper focuses primarily on more formal instruments of immigrant participation. Our primary interest lies with *structures* that have been set up to facilitate immigrants and the public authorities to engage in a dialogue. Such structures now exist in most European countries, but their aims and scope vary considerably. The least far-reaching aim is simply passing on information, either in one direction or in both, so that the partners at least have a basic knowledge of views and plans of the other. This may take place on a regular basis, e.g. several times per year, or on an ad hoc basis, usually when some incident has taken place. Of course, this is not always the best climate to engage in such a dialogue.

In certain countries more permanent arrangements have been developed for discussions between immigrants and the authorities.

The status and scope of these arrangements differ and so does their impact on decision-making processes. The mere existence of institutionalised consultation mechanisms at the national level does not automatically imply that these have much influence. Views brought forward by immigrant group representatives at the national level are never binding for the government. The most far-reaching arrangements are those of permanent immigrant councils that have a consultative status with the public authorities and that are heard with regular intervals. In some cases the government is obliged - in the Netherlands even by law - to seek the immigrant council's advice on any policy measure that regards them, before that measure is submitted to Parliament for approval. The immigrant council's advice is public, but not binding. The minister has the right to ignore it, but doing so too often may be politically unwise.

Further reaching arrangements for immigrant consultation - for example consultation with a binding character or certain forms of self-government - are conceivable in theory, but, so far, have not been developed in Europe. This stands in contrast to the situation for other minorities, in particular regional and national minorities in several countries, not only in Western, but also in Central and Eastern Europe. Granting regional autonomy is not really an option in the case of immigrant groups, as they are not usually concentrated in one specific area where they form a majority.

An alternative would be to allow immigrant groups to develop their own legislation in one or more fields, such as family law. In some cases the rules of family law that apply to immigrants are indeed different from those that apply to nationals, but such differences result from the fact that immigrants are foreign citizens, and are not related to their immigrant status as such. It should be noted that certain non-European countries (e.g. Malaysia, Nigeria, India) allow for substantial differences in the legal position of their own citizens, depending on their religion or their ethnic origin (Sowell 1990). It is a characteristic, however, of the European constitutional State model, as it has developed over centuries, that it is very reluctant in

acknowledging legal pluralism for its citizens and, therefore, in allowing different legal regimes to exist side by side in one territory. On the contrary, immigrant groups in Europe usually find a most willing ear with the public authorities in their pleas *against* discrimination, as differential treatment is often perceived. Anti-discrimination legislation has even become the cornerstone of integration policy in a number of European countries. It fits well in any model which prefers individual rights over group rights, since it advocates equal treatment of individuals irrespective of group membership.

This brings us to the *contents* of immigrant consultation. Of course, in their contacts with the public authorities, immigrant organisations may bring up any subject they wish. They are, however, more likely to be heard and to be consulted formally in matters that have a direct impact on the immigrants themselves and their communities. The field studies for this project have demonstrated that in all three models issues related to the immigrants' legal situation and to discrimination and racism are seen as relevant points for discussion.

In those models that acknowledge the relevance of immigrant communities - i.e. the multi-cultural and corporatist models - issues concerning the cultural situation of immigrants may also be discussed. One may think here in the first place of educational policies, in particular mother tongue teaching, policies regarding multi-culturalism or policies related to the development of immigrant associations, the immigrant press or the immigrant presence in the media. These are the fields where the immigrant cultural heritage can be expressed most readily. It is through immigrant associations, an immigrant press and education that cultural identity may be preserved, developed and passed on to the next generation. In some countries, public authorities subsidise these activities for immigrants, and it is considered normal to give immigrant groups a say in the way the available funds are spent. Sometimes, particularly under the corporatist model, funds are put directly at the disposal of immigrant groups, that may then decide for themselves how to spend the money,

though within the limits set by the law and by the policy makers. Depending on the national legislation, this may happen at the national, but also at the regional or local levels.

The social position of immigrants is a more delicate subject in consultation and policy making than their cultural situation. In the multi-cultural model in particular, policy instruments for the improvement of the immigrants' social situation do not reach very far. In this model migrant communities are defined in cultural terms in the first place. If there is a correlation between ethnic origin and social deprivation, this tends to be explained as stemming from legal or cultural differences or from discriminatory practices. Measures that aim at promoting more directly the immigrants' participation in the social and economic domain, where the rules of the market tend to take precedence over arguments of cultural "fairness", do not fit well in the multi-cultural model. They fit better in the corporatist model, where immigrant communities tend to be defined more outspokenly as separate entities, also in spheres such as the labour market, housing or health care (Walzer 1983, Engbersen and Gabriëls 1995).

But even in the corporatist model, public authorities tend to be reluctant in defining immigrants as groups of special concern in matters of social and economic policy, despite the fact that, on average, their position in these fields is substantially less favoured than for the population as a whole. There are only few examples in Europe, for instance, of serious discussions on the pros and cons of "affirmative action" for immigrants. Such discussions, if at all, have nearly always taken place under pressure of the immigrant groups themselves. In most cases, however, this has not led to substantial additional measures to promote immigrant participation, mainly out of fear for a non-immigrant backlash. This stands in contrast to the situation in traditional immigration countries such as the United States, Canada and Australia, where in the course of many years highly vocal debates have taken place over affirmative action and where several measures have been taken in this respect (Curry 1996). Of course, these countries are more familiar with the concept of group

rights, also for immigrants, than most European States. This may explain why, so far, consultation and special measures for immigrants in Europe, if at all, have been limited to the more immediate domains of their legal position, culture and education. An extension beyond those domains in the foreseeable future does not seem to be very likely.

### **Some points for further discussion**

In the debate on immigrants' political and social participation in the integration process several important issues can be raised that require further discussion. Some of these relate to the notion of who is an immigrant and to characteristics of immigrant group cultures, others relate more closely to the concept of the State, a concept, as we have seen, that is not understood in the same way in all European countries. In the following paragraphs we will discuss some of these issues, without, however, always providing an answer to the very fundamental questions and dilemmas that may arise in this respect.

#### *Who are the immigrants?*

The first set of questions relates to the definition of the immigrants and immigrant communities that the State recognises as such. The recognition of immigrant associations as partners in a process of consultation, let alone the granting of group rights to immigrants, requires some reflection on the nature of the collectivities that are given the opportunity to participate, and also on their membership (Lijphart 1991). This is a relevant issue in all three models, but most of all in the corporatist approach. There is a relationship between this issue and the justification for the special arrangements for immigrants. If the lack of voting rights is the major justification, the possession of *foreign citizenship* is the logical distinctive criterion for alternative forms of political participation. In that case, immigrants who are citizens of the country where they live already have a chance to participate through elections. In reality, this justification is very rare. Not only because most immigrant groups include citizens and non-

citizens alike, but also because, in practice, immigrant consultation is hardly ever seen as a mere compensation for the lack of voting rights. Voting rights, after all, are individual rights meant to involve all citizens (or residents) in the governance of a country. Immigrant consultation, by contrast, is primarily seen as a group affair, so as to account for cultural diversity in one way or another.

If citizenship is not a decisive criteria for consultative arrangements for immigrants, what other criteria should be taken then? *Immigrant status*, i.e. arrangements for immigrants in the most restrictive sense of the term? But, would this imply exclusion of the second and subsequent generations, born themselves in the country of "immigration", and for whose benefit the preservation of cultural pluriformity is precisely supposed to be? And, if later generations are included, how far should one go here?

*National origin*, i.e. a shared country of origin? It seems the most logical and acceptable criterion for group consultation in the immediate aftermath of immigration. As time passes, however, national allegiances in the home country may shift, sometimes even dramatically, as the example of former Yugoslavia may illustrate. Besides, immigrants are just like any citizen in any country, and tend to take along political divisions in the home country when they migrate to another place. These divisions may be so strong that it can be unrealistic to expect all immigrants from one country to act within the same organisation. There is also evidence that among some migrants, particularly in the second and following generations, national or ethnic loyalties quickly lose their relevance. These loyalties may be replaced by what Roosens has called "symbolic ethnicity". In such cases, the major emblems of ethnicity can no longer be traced to the country of origin, but are constructed around commonly shared experiences in the new country (e.g. discrimination, music, arts, food). The symbols chosen for that may be taken from the group's cultural heritage, but the meaning given to these symbols will be completely new. Under such circumstances ethnicity no longer serves as a link with the original roots, but rather as a binding force of

a group that feels the need to distinguish itself from other groups in the society of which they are part (Roosens 1982).

The development of symbolic ethnicity is often induced by processes of marginalisation and discrimination that youngsters of the second generation experience. This refers to their social situation, rather than to their cultural distinctiveness. In fact, the combination of an *underprivileged social situation and a non-mainstream cultural background* often constitutes a strong argument for the authorities in certain countries for the creation of special consultative arrangements for immigrants. How else can be explained that consultation mechanisms for people of Turkish or Moroccan origin in Western Europe are usually better structured than for the Japanese and the Canadians? This may seem reasonable as long as the emphasis is on overcoming social deprivation and creating better opportunities for immigrants, but in situations where preserving or facilitating cultural pluriformity is a major policy aim of its own, there is less reason for selectivity in the choice of immigrant communities that qualify for special treatment.

Perhaps in an attempt to avoid the problem that eventually, and pushed to the extreme, all nations of the world may wish to have their own consultation mechanisms in all European countries, an option that is pursued more frequently is to define immigrants in terms of their *religious affiliation*. This allows for their inclusion into the much more established systems that most European States have developed for dealing with religious diversity. Interestingly, this has led to a situation where, increasingly, the more established immigrant communities in Europe identify themselves and are referred to by their religion, rather than by their national origin. This is already the case in countries like France and the United Kingdom, particularly for Muslims; other European countries are likely to follow this pattern. Defining immigrant groups in terms of their religion also circumvents the sometimes problematic issue of shifts in ethnic and national loyalties within these groups. Emphasising religion rather than ethnicity, however, may give rise to new dilemmas, as certain

religions have fundamentally different ways of coping with issues that traditionally are delicate in many European countries, such as the relationship between church and State or the relationship between men and women.

### *Representation*

We may conclude from this that it is not always easy to decide on the nature and the membership of immigrant groups that should be allowed to participate in consultation processes. Related to this issue is the problem of representation : who speaks on behalf of whom, and with what authority? Which immigrant organisations should be invited to send their delegates to discussions with the government? And, how about organisations that may not adhere to western democratic principles, but that may still have a substantial membership among the immigrants, or that may have strong ties with undemocratic regimes in the country of origin? Should the authorities ask immigrant organisations to name their own spokespersons? And, what if these spokespersons are not democratically elected, or notoriously anti-democratic? How do public authorities know to which extent the views expressed by the spokespersons actually represent the views of the rank-and-file of the people they are said to represent? Many leaders, including immigrant and ethnic leaders, have a vested interest in perpetuating their own position, and therefore may not always be sensitive to changes that occur among the membership of their organisations, particularly among the generations born and socialised in the "new" country.

As an alternative, governments may set up their own consultative councils, to which they may appoint experts - preferably of immigrant origin - rather than individuals who directly represent the immigrant groups. Such practice may improve the efficiency, and possibly also the quality of the consultation, but it puts its legitimacy at a risk, it may easily be seen as patronising by the groups themselves and, therefore, may become counterproductive in the long run. It is interesting to note that several questions of the type formulated in the

previous paragraph may apply just as well to other consultation situations than those with immigrants, for instance with the trade unions. In many countries only a minority of the workers are unionised. Yet, it is commonly accepted that the unions speak on behalf of all workers. The same may be the case for categories such as house owners or car drivers. Thus, the presumed lack of representativity of immigrant associations and their spokespersons should not be exaggerated. Yet, at the same time, the public authorities should be constantly aware of the risk that they are listening to the wrong voices. This risk may arise under all three models that we have distinguished in this document, but less so in the individual rights model than in the other two.

#### *Cultural dynamism*

Related to the previous issue is the issue of the "contents" of immigrant cultures and their distinguishing features. As we have seen, a main justification for immigrant consultation is to enable the authorities to account for cultural diversity. At first glance, this seems less of a problem in the individual rights model as well as in the multi-cultural model. In the former model cultural diversity is seen as a private affair in which the State has no interest. In the latter, it is left to the immigrant communities themselves to decide about what they consider to be their culture. In both models the role of the State is basically neutral, though in reality that "neutrality" has its limitations, as public ruling always reflects certain values.

The third model, however, the "corporatist" model, requires a more active role from the State than the other two, as it asks for public measures to protect, and even promote, an ethno-cultural identity. In some situations this may involve difficult choices. Choices with strong political connotations, such as the choice of a "mother tongue" to be used in mother tongue teaching. Would all Turks of Kurdish origin be happy to see Turkish defined as their "mother tongue"? Is it sensible to declare Moroccan Arabic the "mother tongue" of Moroccan children living in Europe, many of whom at best speak some form of a

Berber dialect? Other choices may deny the dynamism that is so characteristic for immigrant cultures. Immigrant children, for instance, will not readily recognise their own situation in text books that are imported from the country of origin, and, accordingly, teachers or religious leaders recruited in that country may have communication problems with these children. Granting broadcasting facilities to immigrant associations often requires choosing from among a multitude of such organisations, many of which claim to represent "the community".

This is certainly not to say that cultural pluriformity is impossible, but rather that those who advocate multi-culturalism may be faced with a dilemma. On the one hand, respect for immigrant cultures is often seen as conducive for their integration. The limited capacities of the individual rights model to account for this can be seen as one of its disadvantages. On the other hand, pursuing a policy of cultural pluriformity, based on the idea that society consists of different cultural communities, and that governments have a role in acknowledging this, requires a certain codification of cultures (Schnapper 1994 : 192). Such a codification may have unexpected or unforeseeable political implications. It may also induce the risk of fixation of otherwise dynamic immigrant cultures, as several authors have pointed out (Ålund and Schierup 1991, Habermas 1994). This risk is greater under the corporatist model than under the multi-cultural one. In the latter, defining the "contents" of their culture is largely left to the communities themselves, but it still has to be endorsed by the State.

#### *Multiple loyalties*

This brings us to a next point of debate, which is the issue of immigrant loyalties, that has been touched upon already in various places in this document. Certain opponents to multi-culturalism claim that recognition of immigrant cultures by the State may discourage immigrants in their integration process. It would be less necessary for them to identify with mainstream culture. Therefore, no special group

rights should be granted to any immigrant community. At the individual level, the granting of rights should be limited to citizenship rights for those who have sufficiently assimilated and who are willing to contribute positively to their new society. Dual citizenship is excluded in this view, since an individual can only be loyal to one State at the time. In essence, this is the vision behind the individual rights model.

Advocates of dual citizenship, by contrast, claim that this reflects an old fashioned 19th century view of citizenship. An individual can identify himself or herself with more than one State at the time, and may have vested interests (e.g. property) in more than one country. As the world gets smaller, such forms of trans-nationalism will become more common. They may even lead to a better understanding between the peoples of the world, and therefore prevent international tensions and war. Proponents of dual citizenship usually, though not necessarily, think more positively about facilitating multi-culturalism as well. They recognise that modern States with highly diversified populations must account for differences in their institutional arrangements and decision-making processes, and they are more likely to advocate the multi-cultural or the corporatist model.

The question, of course, is how far one may go in these matters. Many debates about multi-culturalism are in fact debates about the *limits of* multi-culturalism. Some think that Muslim girls should not be allowed to wear headscarves at school, others think that the limit lies at not allowing polygamy. Similarly, some believe that mother tongue teaching contributes to the self-respect of immigrant children and also generates respect for them in the surrounding society. Others think that this hampers their integration process. If it occurs at all, then this ought not to be a task of the State.

The latter view brings us to a final point of discussion, which is whether group rights should be perceived as discriminatory or whether the absence of group rights is a sign of discrimination. It is an old issue, of which Aristotle has said that "there is as much injustice in the

unequal treatment of equal cases as there is in equal treatment of unequal cases" (Ethica Nicomachea, Book V, Chapter 3). In this document a number of things has been said about this issue. Basically, discrimination can be defined as unequal treatment on grounds that are not relevant in the given context. There is a world of difference, however, between *unequal* treatment on the one hand and *differential* treatment on the other, even though empirically one may refer to exactly the same conditions. What is at stake in any concrete situation often tells us more about traditions of democracy and the functioning of the State and political processes in the country concerned than about the immigrants themselves.

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**Appendix :**  
Report of the field studies carried out  
in France, Italy, the Netherlands, Norway,  
Portugal and the United Kingdom

*Marieke Blommesteijn and Han Entzinger*

**1. FRANCE**

**Political rights and individual participation**

In recent years, France has witnessed important debates on citizenship rights for residents of immigrant origin. Traditionally, France, which is possibly the oldest immigration country in Europe, has been characterised by a generous naturalisation policy, in which *ius soli* elements have dominated. The traditional French idea is that every individual has a direct relationship with the State, and that, as a matter of principle, there is no room for differentiation here. As long as immigrants are willing to accept French conditions, they are welcome to participate in public life as full members. Probably under the influence of emerging anti-immigrant tendencies in the party political spectrum, the French openness towards citizenship rights for newcomers has come under pressure since the early 1980s. Elements of *ius sanguinis* have crept into naturalisation policies, affecting the second generation in particular. Citizenship rights for foreigners now have become a major issue in political discourse, and rules tend to change each time when a new government comes to power. The latest shift (autumn 1997) is again towards more elements of *ius soli*. The major point of discussion is whether a person born in France automatically obtains French citizenship at a certain age, or whether that person has to apply for it.

The right to vote and to be elected in France is reserved for French citizens. In view of French naturalisation policy, which is still

relatively generous, there is not a strong pressure for an extension of voting rights in general elections. In France, as in all EU-member States, citizens of other EU-countries have voting rights at local and European Parliament elections. By contrast, over the years the possession of French citizenship has been abandoned as a condition to participate in elections in a whole range of other bodies and institutions, such as school councils, public housing boards and social security boards. Foreigners may also vote for labour tribunals (*conseils de prud'hommes*), but they cannot be elected to these bodies.

### **System of consultation**

The idea of group representation, whether based on nationality, ethnic origin or religion, is alien to the French notion of the State. Therefore, immigrant associations as such are only heard on an ad hoc basis. Over the years, however, a certain number of consultative bodies dealing with issues relevant to the immigrant populations, have had people of immigrant origin among their members. The most important one of these is the National Council for the Integration of Immigrant Populations (*Conseil National pour l'Intégration des Populations Immigrés*; CNIPI), which succeeded in 1993 to the National Council of Immigrant Populations (*Conseil National des Populations Immigrés*), that had been in function since 1984. CNIPI reports to the Minister charged with integration issues (currently the Minister of Employment and Solidarity), who also chairs its meetings. The minister may consult the Council on issues related to the reception and the integration of immigrants, in particular on issues that concern their living conditions, housing, work, employment, education, training, and social and cultural activities. CNIPI acts at the minister's request, but it also has the right to formulate proposals of its own. The Council has 60 members, of whom 14 are of immigrant origin and are rooted in immigrant associations ("*issus de l'immigration et appartenant au monde associatif*"). Another 14 members represent the trades unions, seven members are involved in local integration projects, and another seven are independent experts. Furthermore, there are 13 representatives of different ministries, whilst five members are

presidents of bodies active in this sector. Although less than one quarter of the membership are chosen because of their roots in immigrant associations, the actual immigrant membership is considerably larger, as most of the other groupings also tend to send people of immigrant origin as their delegates.

Over the years, CNIPI and its predecessors have released a number of reports on issues relevant for immigrants in France, such as family reunion, information policies, immigrant treatment by public services and the separation of church and school. Recently, however, the recommendations of CNIPI do not seem to have had the same impact as before.

Other consultative bodies concerned with integration issues at the national level are the National Urban Council (*Conseil National des Villes*), the National Consultative Council for Human Rights (*Conseil National Consultatif des Droits de l'Homme*) and the High Council for Integration (*Haut Conseil à l'Intégration*). The latter reports directly to the Prime Minister. Immigrants as such or their associations are not represented on any of these councils. Nevertheless, some of the experts who are members of these councils are of immigrant origin, and, therefore, can be expected to be familiar with the immigrant perspective.

### **Migrant organisations**

Although the French authorities do not generally recognise migrant organisations as partners in consultation and policy making, public funds are being provided to support the development of such organisations and their activities, particularly at the local level. It is felt that immigrant associations can play an important role in the integration process and in the promotion of the immigrants' well-being. The number of local immigrant associations in France may be estimated at 6,000. A major role in this area is played by the Fund for Social Action (*Fonds d'action sociale*), created in 1958. FAS has an annual budget of well over 1,000 million francs, and its major task is

to identify and to support migrant initiatives at the local and regional levels. Twenty members of the Board of FAS represent different ministries, nine represent trades unions and four have been delegated by employers' associations. Six members of the Board belong to immigrant communities, without however explicitly representing these.

There can be no doubt that the public authorities in France recognise the relevance of immigrant associations in the integration process, particularly at the local level. At the same time, however, immigrant organisations cannot be represented as such in consultative bodies. This makes it difficult for such organisations to put forward their claims and to make themselves heard in the process of policy making. The French authorities do recognise the relevance of immigrant populations in social and political life, but whenever their interests are to be voiced, this is done through the appointment of individuals of immigrant origin rather than through representation. Doing so, of course, always implies a risk that the views of those individuals who are most integrated tend to be taken for those of all immigrants. As a consequence, other important tendencies among immigrant communities may remain unnoticed until a very late stage.

## 2. ITALY<sup>1</sup>

### **Political rights and individual participation**

Immigrants who do not have Italian citizenship have no voting rights but they have the right to adhere to organisations such as trade unions. The Italian citizenship law is based on the principle of *ius sanguinis*. The child of an Italian father or mother is Italian. Immigrants who have no blood relations with Italians can obtain Italian citizenship after having resided in Italy for at least ten years (there are some exceptions). It is possible to have dual or multiple citizenship in Italy. A new Law on Immigration and the Status of Aliens was enacted in March 1998. An important element of this law is that it gives foreigners (who have legally resided in Italy for five years) the right to vote and stand for elections at the local administrative level. However, the Parliament expressed its objection on this point. Some hope that the introduction of local voting rights would have a positive effect on the relationship between political parties and immigrant minorities. But others are sceptical about the likelihood that more immigrants will get involved in politics.

### **System of consultation**

In Italy decisions that concern immigrants are often made on the level of the region. The regions are autonomous administrative bodies. They have certain legislative powers and can set up projects of major importance. The participation of immigrants in the political arena is not very evident on the national level, but is mainly concentrated on the levels of the regions, provinces, cities and towns. There are formal guidelines concerning the political participation of immigrants, which emphasise the importance of immigrant participation in existing bodies and institutions, such as trade unions, as well as the importance of the right to vote at the local level. For this purpose, a draft amendment to the Constitution has been submitted to the Parliament.

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<sup>1</sup> This section has been adapted to subsequent legislative changes enacted by the new Law on Immigration and the Status of Aliens (Law no. 40 of 6.3.1998; Gazzetta Ufficiale 12.3.1998).

At the national level, there used to be a formal consultative body, but it encountered a lot of criticism for the way it operated, and was then discontinued. Subsequently, the National Council of Labour set up an informal consultative body for immigrants in order to obtain information on the views of immigrant minorities. The new law provides for the setting up of a new consultative committee, replacing the previous one, as well as a territorial council at the local level.

At the local level, several municipalities have set up consultative councils for foreigners. Turin, for instance, was the first city to establish such a council in 1994. 21 representatives were elected (they must be foreign citizens, and cannot have dual citizenship). They represent either a country or a geographical area.<sup>2</sup> Foreigners can only vote for someone who represents their own country or who stems from the area from which they originate themselves. The fact that the representatives have such different backgrounds and traditions burdens the decision-making process. Also the level of participation in the Council is not very high, which seems to have to do with the fact that the Council is not consulted in the way as has been expected. Some people think that the weight of the Council may increase once local voting rights for foreigners will be introduced. This will be considered a sign that the immigrant voice is taken more seriously. Under such circumstances the immigrant vote will really count in local politics.

### **Migrant organisations**

Migrants have formed their own organisations based on criteria such as ethnic origin, religion, country of origin or the nature of their work. Most of these organisations are local; there are virtually only a few autonomous umbrella organisations representing one particular

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<sup>2</sup> Countries with more than 300 residents are entitled to one representative (800 residents means 2 representatives and 1500 residents means 3 representatives) the remaining countries are divided in geographical areas (Africa, America, Asia and Oceania, Europe outside EU).

community at the national level. Migrant organisations generally obtain no direct financial support from the public authorities and therefore have

very little resources. This is why they tend to focus on small projects like educational activities and are not generally involved in decision-making processes.

At the national level migrants' interest are usually represented by already existing organisations, such as trade unions, charitable, social work or religious organisations. Several of these organisations emphasise the need to obtain the same rights for the migrant worker as for the Italian worker. They also organise language courses for immigrants, provide places to organise meetings and give occasional financial support. An important task is seen for "intermediaries", individuals who may be Italian or of immigrant origin themselves, who serve as spokespersons or mediators for the immigrants in their contacts with the public authorities or other institutions in Italian society. Such "intermediaries" can be officially employed, for example by social work agencies or by religious organisations. They also receive a formal training.

Traditionally, religious organisations have a strong basis in the Italian society. They also work on the improvement of the living conditions of the immigrants. That is, both care and political empowerment. Furthermore, they support immigrant organisations in their activities. Several religious organisations (Muslim organisations are not involved) have set up a Reflection Group that has become a lobby group for immigrants on the national level. Migrant organisations do not participate in this group. This Reflection Group as well as the trade unions have formulated their own alternative proposals for the new immigration bill during the parliamentary discussions.

Of course, it is too early to say what the effect of an adoption of this law will be on immigrant participation in Italian public and political life. Will immigrant organisations take over this role from "Italian" organisations? Another question is whether immigrant organisations may change their

activities in favour of activities focusing on direct political participation if their resources will increase. Italy clearly stands at a crossroads, where the choice is between a prolongation of the relatively marginal position of immigrants on the one hand and an increased political participation on the other.

### 3. NETHERLANDS

#### **Political rights and individual participation**

Since 1985 foreigners who have legally resided in the Netherlands for five years or more have been entitled to vote and to stand for elections on the local level and also in the districts in cities such as Amsterdam and Rotterdam. They can also participate in referenda that in the Netherlands are only held at the local level. Furthermore, foreigners are free to participate in organisations such as trade unions, even though they have always been underrepresented there. Since the introduction of local voting rights for foreigners, several municipal councils in the Netherlands have had foreigners among their members, particular in the largest cities and in the border areas. So far, practically all foreign counsellors have been elected for the long established Dutch political parties, that increasingly put immigrants on their lists, and not for immigrant parties. All parties have also been making efforts to enlarge their membership among immigrant communities, but successes have been limited, so far. In the Second Chamber, the main chamber of Parliament, seven out of 150 members are currently of direct immigrant origin. All are Netherlands citizens; at that level voting rights are limited to nationals.

One may obtain Netherlands citizenship through naturalisation after having legally resided in the Netherlands for at least five years. The so called second generation - the first born in the Netherlands - has a right to opt for a Netherlands passport when they come of age. Their children - the third generation - automatically acquire Netherlands citizenship. The system in the Netherlands therefore is a mixture of *ius sanguinis* and *ius soli*, with *ius soli* becoming more preponderant as the length of residence goes up. Between 1992 and 1997 the obligation to give up the old passport upon acquisition of Netherlands citizenship was not implemented. In other words : dual citizenship was permitted during that period. This led to a dramatic increase in the number of naturalisations. Under parliamentary pressure, however, the government has had to discontinue this policy.

### **System of consultation**

In the Netherlands participation of ethnic minorities is officially recognised and organised in a body that, until very recently, has been called The National Advisory and Consultation Structure (LAO). LAO was set up as an experiment in 1985 and obtained a legal basis in 1997. The government had an obligation to ask LAO for advice on all policy matters regarding ethnic minorities. Recently LAO has been renamed National Consultation Structure for Minorities (LOM) and it has mainly become a forum for consultation and dialogue. The national dialogue-structure is said to serve a mutual interest. From the side of the government it is seen as facilitating a better mutual understanding and as a way of keeping informed about what is going on. The government also stresses that the dialogue-structure contributes to the emancipation of minority groups.

### **Migrant organisations**

The Netherlands recognises seven federations of minority organisations that participate in LAO/LOM. They represent the following groups : Moluccans; Surinamese, Antilleans and Arubans; Turks; Moroccans and Tunisians; South-Europeans; refugees. The government gives financial support to these seven federations. Federations may group as many as fifty organisations, or even more. Several criteria have been formulated for these federations. They should, for instance, have strong ties with their communities (each of the federations have their own ways of keeping in contact with their organisations and communities), their professional and political skills should be adequate, the participation of women and young and the representation of the second generation in these federations should be guaranteed.

The Minister of the Interior chairs the formal meetings of LAO/LOM, that are organised about three times a year. In LAO (the previous structure) policy proposals of the government were discussed, often, depending on the agenda, in the presence of members of the cabinet. Before the formal meetings the representatives of the federations used to

sit together with the vice-chairman (an administrator) to set the agenda. Critics claimed that, in reality, LAO was not consulted on all matters for which it should have been consulted, but that, in reality, consultation depended on the chairman's interest in hearing the voice of the ethnic minorities on a particular issue. If consensus between the government and the minority groups cannot be reached, the latter, of course, have the possibility to go to Parliament, which will then decide. This happened, for instance, in the decisions on the membership of LOM. At first, the South-Europeans were not included in this dialogue-structure, but then the Second Chamber decided differently.

The federations may also take part in informal and formal commissions set up by the ministries. These commissions offer another possibility to obtain information and to be heard. Participation in these commissions puts a heavy strain on the resources of the federations. Both the federations and their member organisations also communicate with members of the Chamber to elucidate their opinions. This is seen as an important way of political participation. These channels are not formalised or structured, but they depend on personal networks. From its part, the government also informally consults ethnic minority organisations and institutions that are familiar with the position of ethnic minorities in Dutch society on certain specific issues.

Even though the Dutch political scene offers many opportunities for formal and informal consultations between the authorities and the ethnic minorities, not everyone is happy with the nature of these contacts or with their outcome. A problem is that, for some immigrants, who may not always be so familiar with these practices in their home countries, such an elaborate network of consultations may keep more promises than can actually be materialised.

## **4. NORWAY**

### **Political rights and individual participation**

In Norway immigration is seen as a relatively new phenomenon. Even so, immigrants are allowed to vote for local and regional elections after having lived in Norway for three years. Norwegian citizenship can be obtained usually after seven years. The Norwegian Nationality Act is based does not allow for dual citizenship, except for some cases. Foreign residents can neither vote for national elections nor sit in Parliament. There are no formal barriers for foreigners to participate in organisations and institutions, such as trade unions. Immigrant participation in these bodies, however, is not very high. The recommendation that the workforce of the State and local government should reflect the population was voted down in the latest discussions for a white paper. Regarding the issue of participation of ethnic minorities the need is felt for a citizenship debate.

### **System of consultation**

The Contact Committee for Immigrants and Norwegian Authorities (KIM) is a formal consultative body that was established in 1984. It discusses questions regarding Norwegian immigration policy and integration. It has 30 members plus an independent chairperson, all of whom are appointed by the government. Sixteen members of KIM are people of immigrant origin, who come from all over the country, and six are representatives of five ministries : Justice; Local; Government and Labour (plus one representative from the Department of Immigration); Culture; Church, Education, and Science; and Social Affairs. The remaining eight are representatives of the political parties in Parliament. The immigrant members do not formally represent one particular organisation or community. In fact, the Norwegian authorities do not think that any organisation can justifiably claim to represent a certain community. The representatives are selected and appointed by the minister after (s)he has gathered all the names that have been put forward by the associations.

## **Migrant organisations**

There are five immigrant organisations in Norway that work on the national level. Most of these do not voice the interests of one particular group, but rather work in the general interest of all immigrant and ethnic minority communities. Only a limited number of organisations may obtain financial support from public sources. Some argue that this arrangement does not give a chance to new organisations that have emerged during the last few years. Most of these organisations are unable to raise enough money, which limits them in their participation activities (Norway has no Trustfunds). As a result of this, it is not easy for one particular ethnic community to make itself heard at the national level. Some people think that this is a disadvantage, whereas others argue that organisation or representation on an exclusively ethnic basis would not be the right way to go.

During its first years of existence, the advisory tasks of KIM were not so easy to carry out. More often, KIM was regarded as a place for dialogue between the government and the immigrants. This caused major frustrations, particularly among the immigrants. In those early days, alternative channels for exerting influence still did not exist, and the public debate on immigration did not have the momentum as yet that it has been gaining since then. All this is different today : there is a public debate on these issues in Norway, and there are various organisations that deal with migrant issues. A second reason for the initial difficulties was the lack of confidence. It took time for both parties to recognise the importance of consultation and dialogue and to understand the role of KIM in the political system. During its first years KIM was consulted generally after the decisions had already been made. Now that seems to have changed. But there still are some side-notes. Sometimes the need for strengthening the immigrant side of KIM is expressed when it comes to giving advice. At the same time, however, it is recognised that the side of the authorities is needed for the sake of dialogue. Furthermore the need is felt to think about the way representatives at both sides are being selected. KIM organises annual conferences to get additional input and ideas from persons and institutions not otherwise represented in the

Committee. The sixteen immigrant representatives are responsible for arranging regional conferences in their respective districts. The overall feeling is that over the years the functioning of KIM has improved.

Immigrant organisations not only participate in the consultation process through KIM. They establish their own contacts with the different ministries, departments and institutions, although these contacts are not formalised and usually take place on specific issues and on a haphazard basis. Some feel the need for more institutionalisation. At present, for instance, a discussion is going on whether the dialogue with religious organisations should be co-ordinated at the governmental level. In the past, the Department of Reception and Integration (UDI) of the Directorate of Immigration, which reports to the Ministry of Local Government and Labour, also had a consultative body. More recently, this Ministry has set up six regional offices that maintain contacts with regional and local immigrant organisations. These contacts are on an ad-hoc basis, but there are plans to formalise them

Critics point out that participation of immigrant communities in political life is not always easy, as these communities as such are hardly an object of public policy. There is, for instance, no co-ordinated, holistic policy to promote equal opportunities for immigrant minorities. Immigrant circles in particular believe that this would be a condition for a successful participation policy for immigrants : it would provide them with an identifiable target that they could unite behind. A good example of a holistic and a very successful approach was the policy on equal opportunities for women.

"Norway is a corporatist society" was expressed in several interviews. KIM is an example of a corporatist approach that links up the government and the immigrant minorities. Such an approach is not always regarded as positive. Some organisations claim that they can achieve more when they are more independent. Others, however, argue that over the last few years conditions for participation of immigrants have improved. One reason is that policy makers and the government are more aware of the problems immigrant minorities face. This gives the

latter a fairer chance to talk to them and to participate in decision-making. This development may also explain why the functioning of KIM has improved over the years. Both objectives of KIM, giving advice and providing a place for dialogue, can be better realised than in earlier years. Still, it remains to be seen whether these two objectives can be combined under all circumstances. There are situations where they tend to become mutually exclusive.

## **5. PORTUGAL**

### **Political rights and individual participation**

There is a great variation in the political rights of immigrants in Portugal, depending on their country of origin. On the basis of reciprocity residents from Portuguese language countries now have voting rights on both the national and the local level. Cape Verdians and Brasilians for instance may vote for national elections in Portugal after two years, and stand for elections after four years. Until 1997 only Brasilians had local voting rights, on the basis of a bilateral agreement. Since 1997, however, this right has been extended to other foreigners get this right, but also on the basis of reciprocity. Citizens of countries such as Argentina, Israel, Norway, Peru and Uruguay now have local voting rights after three years of residence. Ironically, immigrants from Guinea-Bissau cannot vote in Portugal, because there are no local elections in their home country. In spite of these newly acquired rights, political participation of immigrants in Portugal is not very high. It is assumed, however, that political interest and participation will increase as time goes by.

Foreigners may obtain Portuguese citizenship through naturalisation after having legally lived in Portugal for at least ten years, or six years in the case of nationals of countries whose official language is Portuguese. One of the proposals of the New Aliens Bill of 1997 is to strengthen the rights of foreign citizens resident in Portugal, by acknowledging an independent right of residence to the children of foreign residents who were born in Portugal.

### **System of consultation**

Participation and consultation of immigrants was not institutionalised or structured until the establishment of a High Commissioner for Immigrants and Ethnic Minorities in 1995. The High Commissioner is there to consult immigrant organisations before government proposals go to Parliament. He also consults the immigrants about the implementation of laws that have a direct impact on them, such as laws

on voting and naturalisation. The High Commissioner organises meetings which can be attended not only by immigrant organisations, but also by organisations such as trade unions and churches or agencies related to the church. So far, such meetings have always taken place on an ad hoc basis, but there are plans to institutionalise them in future. The High Commissioner considers establishing a good dialogue between the majority population and the minorities to be his most important task. He also tries to encourage immigrant organisations in their work. One example is that he makes sure that these organisations are properly informed about elections. There are no criteria for joining the meetings of the High Commissioner. Every group can contact him.

### **Migrant organisations**

There are numerous immigrant associations on both the national and the local level, organised in very diverse ways. Some associations work together, for example in the community of Portuguese and Spanish speaking countries and the Portuguese language association. There are so-called umbrella organisations, but these do not play a role in the discussions with the High Commissioner. There is a relatively rapid turnover in the patchwork of immigrant organisations : many of them disappear fairly quickly, whilst new ones are founded. This may have to do with the fact that the people who work for the associations all work on a voluntary basis. Some organisations have more resources than others. The large number of organisations and the rapid changes constitute a major reason why the High Commissioner finds it difficult to institutionalise his meetings.

Consultation via the High Commissioner is the most important channel for immigrant participation. But consultation also finds place in other ways. Associations may contact political parties and Members of Parliament to discuss relevant issues. At times, political parties invite immigrant organisations to discuss legislative and other projects. In the case of the regularisation process, the government consulted immigrant organisations before the proposal was discussed in Parliament.

When the present government took office in 1997 the Department of Foreigners and Borders started to organise regular meetings with representatives of eight immigrant associations. In these meetings other organisations, such as trade unions, are present. The Department feels that these meetings have contributed to a climate of better mutual understanding.

In 1997 a major regularisation programme was launched in order to legalise immigrants. This is seen as an important starting point for the integration process of immigrants. In the regularisation programme the High Commissioner, immigrant organisations and trade unions all were involved. A National Committee was set up to study all requests for regularisation. This Committee also includes a representative from immigrant minority organisations, along with representatives of the Departments of Foreign Affairs, Employment, Justice, Immigration, Solidarity and Social Welfare, and the High Commissioner. The immigrant representative was selected by the immigrant associations. Furthermore, the government subsidised immigrant organisations in order to set up an information campaign on this programme for their own membership.

On the municipal level, contacts with migrant organisations have also been established, for example in Lisbon, the Algarve region and Porto. So far, only Lisbon has set up a special ethnic minority council - the "Municipal Council of the Communities of Immigrants and Ethnic Minorities" - established in 1993. Approximately ten immigrant associations plus three individuals were selected for this Council, which meets at least four times a year. The Council has its own Action Programme, which it attempts to implement. It has no formal consultative status with the local authorities, but for obvious reasons the authorities are interested in the views of the Council.

Much has changed in Portugal over the last years. With the establishment of a High Commissioner immigrant organisations have acquired new possibilities for participation. The number of people

actually supportive of immigrant consultation and participation is growing. Critics, however, point at the fact that this is mainly a moral support, since there is too little money for immigrant associations.

## 6. UNITED KINGDOM

### **Political rights and individual participation**

In the United Kingdom many immigrants who arrived after the Second World War came from the Commonwealth countries. Most of them either were British citizens upon arrival or later became British citizens. Citizens from Commonwealth countries and Irish citizens who live in Britain are entitled to full participation in the United Kingdom political life. They can vote and stand for national as well as local elections. Other immigrants do not have these rights unless they have become naturalised, which may take place after five years of legal residence in the United Kingdom. British citizenship is based on a combination of *ius sanguinis* and *ius soli*. A child born in the United Kingdom will be a British citizen if one of the parents is a British citizen or is settled in the United Kingdom. Dual and multiple nationality is generally permitted.

Ethnic minorities vote approximately as frequently as the population as a whole. Traditionally, ethnic minorities have shown a relatively strong - though not exclusive - preference for the Labour Party. This party used to have special "black" sections, but this practice was stopped in the early nineties with the argument that all members should be treated equally. At present, there is less room than before in the Labour Party for group representation in any form. Critics argue that because of this change ethnic minorities have become somewhat less visible in the Labour Party.

The United Kingdom parliamentary system does not allow for any special group, including ethnic minorities, to be represented as such. Ethnic minority participation in political parties, in Parliament and in the cabinet is not very high, but has been growing steadily. The key difficulty for representation of ethnic minorities may be the system of "first past the post", which is common practice in many areas of social and political life in the United Kingdom. This may change if proportional representation will be introduced in the British electoral system. Some people would argue that, irrespective of the system used,

members of ethnic minorities should be encouraged more strongly to participate in boards, councils and other statutory bodies, and that political parties might have a task here.

### **System of consultation**

The Commission for Racial Equality (CRE) is the major agency dealing with immigrants and ethnic minorities. The CRE was founded in 1976 under the Race Relations Act and is charged to work towards the elimination of racial discrimination, to promote equality of opportunity and good relations between persons of different racial backgrounds and to recommend ways in which the Race Relations Act can be improved. The CRE, most of whose members are from an ethnic minority background, reports directly to the Home Office. The CRE is 90% funded by the government; its Board is appointed by the Home Secretary. The CRE is non-governmental in status but has close links with the government. The CRE is a major consultative body for the government. It advises the government, but it does not represent any particular group. The government or the departments may ask the CRE for advice, but they never do so formally. More often it is the Commission that takes the initiative in counselling the government. The CRE's advice is never binding. Furthermore, the CRE keeps MPs and political parties informed. It gives financial assistance to organisations that are concerned with the promotion of equality of opportunity and good relations between persons of different ethnic groups. The dominant strategy of the CRE has long been to emphasise the talents of the ethnic minority population, rather than to point at their "disadvantaged" position. Since the new Labour government has taken office, the CRE has slightly changed its approach towards the latter strategy.

### **Migrant organisations**

The way ethnic minorities are organised determines the CRE's working methods. In the United Kingdom any group of people can constitute an organisation. They do not have to be registered for the State. There are no subsidies or tax advantages for organisations. Some organisations are

grouped along the lines of national origin, e.g. the Indian Workers Association, the Pakistan Refugee Organisation or the West-Indian Standing Conference. Other organisations are based on race or religion. Most ethnic minority organisations are local. It often requires a major effort to become organised at a national level, where lobbying with the government can be more effective. As a result of this very rich and complex pattern of organisations the CRE has to consult numerous groupings in order to obtain an insight into the needs and viewpoints of ethnic minorities. The Commission also seeks support from others than ethnic minority organisations for its consultative activities.

The Home Office, which is responsible for the race relations policy, has appointed a "Race Relations Consultant to the Home Office". The consultant has contacts with many ethnic minority organisations and has direct access to policy makers and ministers. He informs them about issues that affect minorities. He can advise them on his own initiative but his advice may also be solicited. The consultations take place in all stages of the decision-making process but are not binding. This is not the only way in which the government tries to be informed about views and opinions in ethnic minority circles. It also uses focus groups and public opinion surveys to gather information. In the House of Commons, Select Committees (e.g. those on drugs policy or on race relations) may hold inquiries. The Select Committee reports can be valuable tools in exposing bad (and good!) practise.

Within the Department of Education and Employment there is a Race Relations Advisory Group (RRAG). This is a forum of the Social Partners and for people from ethnic minorities which advises the government on employment and training matters that affect ethnic minorities and on equal opportunity policies. The Group is chaired by the Minister, who also appoints the members. Approximately ten of them are of ethnic minority origin. They do not represent particular communities, but are appointed for their individual capacities. Like the CRE, the RRAG used to emphasise the need to make use of the talents of ethnic minority members. Now, under the new government, the RRAG is boarding a new strategy, that puts more stress on providing

research based information on the actual position of immigrants and ethnic minorities.

Yet another opportunity for political participation for ethnic minorities is offered through the National Advisory Council for Ethnic Minorities. They come together once or twice a year and advise the Home Secretary on issues of race relations and immigration. Grassroots groups are not involved in this Council. The impact of this Council, however, is not uncontradicted.

As has been said before, ethnic minorities tend to organise themselves at the local level. Political participation at this level seems to be easier and is usually better organised. Many cities and towns, for instance, have neighbourhood councils in which ethnic minorities take an active part. There is also a network of Racial Equality Councils. These councils bring together organisations like trade unions, political parties, social, church and migrant organisations. In many instances they have good consultative links with local authorities. The Inner City Religious Council is another body set up by the government on the local level. The Council deals with themes such as deprivation and housing, and involves the people through their religious organisations, that are locally based and locally responsible.

As we have seen, under the new government the strategies of both the CRE and the RRAG have slightly changed. This may initiate a different approach of the authorities towards ethnic minority participation. In general terms, the new government has promised to open up the system, for instance by encouraging more discussions in the public arena, and by being more active in initiating new policies. This could also accelerate ethnic minority involvement and representation. At present, the consultative system is not functioning according to everyone's satisfaction. The strongest criticism is expressed by those who claim that the consultation process turns out to be token, and that it does not have any real impact. Furthermore, some people think there is more need for a multi-level dialogue, which involves policy makers, national NGOs and grass-roots groups.

## **Participation of immigrants in European public spheres : models and reflections**

*Yasemin Soysal*

The political participation of immigrants in Europe has gained much importance in recent years. We observe an intensified talk on "democratic deficit" in Western European countries, in response to the introduction of a supranational European citizenship and the continuing presence of a large number of third-country nationals, who do not hold the same rights as European citizens.

Curiously, much of the discussion on political and social participation of immigrants focuses on immigrants' own cultural and religious backgrounds. The scholarly and political debates do not pay enough attention to the institutions of the host society itself, which play an important role in shaping the participation of immigrants. The general assumption is that immigrants' own situation and culture predict how they participate in and interact with host societies. So, for example, because of the assumed "value differences" between Islam and the western principles of democracy, Muslim immigrant communities are not expected to participate in or integrate into European public spheres.

In my previous work (*Limits of Citizenship*, University of Chicago Press, 1994), I tried to reverse this proposition by emphasising the institutional opportunities that the host country political systems provide. My argument is that it is not only the social networks or the organisational skills of immigrants that determine their participation in host countries. More important are the participatory mechanisms and resources that the European countries themselves afford. Not surprisingly, the participation

of immigrant groups in specific host countries does conform to the existing patterns and models of participation. My research, for example, showed that Turks in Sweden are organised differently than Turks in France or Switzerland, in ways that they reproduce the predominant participatory structures of each host country.

I would like to review briefly some of the participatory patterns in European host countries. No doubt, one of the most significant means of political participation is the right to vote. Several countries allow immigrants to vote in local, communal, or regional elections. In Denmark, Ireland, the Netherlands, Norway, Spain, Sweden, and the Swiss cantons of Jura and Neuchatel, local voting rights are extended to all immigrants, whether EU citizens or not. (In the case of European citizens, the right to participate in communal and European elections is established through a European Union directive.) Still, one of the main avenues of political participation for immigrants, especially for third-country nationals, remains to be consultative bodies, along with trade unions and work councils in the work place. Almost every European country have some form of consultative arrangement for immigrants. The role, functioning, perception, and effectiveness of such arrangements, however, vary across countries. Most countries, with the notable exception of Germany, have established these consultative arrangements at both national and local levels. In some cases, the representatives are appointed by the government, and in others, they are nominated by immigrant organisations themselves.

In his background paper, Professor Entzinger provides an excellent summary of the consultative participatory patterns and models. Rather than repeating his contribution, I would like to point to some recent developments, which should help to reorient and expand our thinking about immigrants' participation in decision-making and, in general, their participation in the public sphere.

In my presentation, I will not directly address the particular functioning or effectiveness of consultative participation. The existing national and local consultative arrangements, I believe, continue to play a significant

role in focusing strategic policy debates and in giving, albeit limited, voice to immigrant organisations and their interests in the public sphere. We should note, however, that immigrants participate, mobilise, and advance claims both within and outside these existing consultative mechanisms. Indeed, immigrant participation in European public spheres increasingly displays new patterns and new discourses beyond those afforded by the formalised consultative channels.

In the remaining of my presentation, I would like to draw your attention to some recent changes in the patterns of immigrants' claims-making the ways in which they advance claims and mobilise in European public spheres. Let me note that the background to these changes are a series of interlocking legal, institutional, and ideological shifts in the post-war European State system. Particularly important are the growing emphasis on the discourse and institutions of individual rights at the transnational level; the increasing legitimacy of the right to "one's own culture and identity" as expressed in legal, scientific and popular conventions; the devolution and recasting of the welfare State by the ideologies of free market and trade; and the diffusion and sharing of sovereignty among local, national, and transnational political institutions.

All these developments have significant consequences for collective claims-making and participation in the public sphere. They effectively change the nature and locus of struggles for social equality and rights. New forms of mobilising and advancing claims, contestation, and participation shape beyond the bounds of national political communities. I will argue that we need to take two critical dimensions into account to understand the emerging dynamics of immigrant participation. The first one relates to the nature of the discourse immigrant groups utilise in formulating and legitimating their claims; and the second one concerns the forms and levels of their mobilisation. These new dynamics suggest that when considering immigrant participation, we need to focus not only on formal consultative mechanisms, but also on the ways that immigrant groups formulate and legitimate their claims, and the levels at which they operate.

I would like to elaborate two specific trends as regards the participation of immigrants in European public spheres by citing empirical evidence from Muslim immigrant communities and their mobilisation. I do not want to imply that we can observe these trends only in the case of Muslim immigrants. I think these are broader tendencies, but I focus on Muslim groups, since these communities have been visibly the focus of contention in European countries.

First, the nature of claims and the discourse. Islamic groups in Europe increasingly mobilise around claims for particularistic provisions and highlight their group identities. Their claims, however, are not simply supported by particularistic religious teachings or traditions. On the contrary, they appeal to the universalistic principles and dominant discourses of equality, emancipation, and individual rights. When making claims, they do not categorically oppose religious demands and universalistic principles, they interpret and construe their claims through universalistic principles.

Let me give examples. In 1989, the issue of Islamic *foulard* erupted into a national crisis and debate in France, when three North African students were expelled from school for insisting on wearing their veils in class. The affair revived concerns about the "laicism principle" of the French State, the definition of the freedom of religion, and the integration of immigrant communities. During the debates, the head of the Great Mosque of Paris declared the rules preventing wearing scarves in school to be discriminatory on the grounds of individual rights. His emphasis was on personal rights, rather than religious traditions or duties. He said : "If a girl asks to have her hair covered, I believe it is her most basic right." [Washington Post, date unknown] In this case, Muslim identity, while symbolically represented by the headscarf, nonetheless was claimed through the very categories and language of the host society; that is through a discourse that accentuates individual rights.

Similarly, when Islamic immigrant associations advocate the rights and the needs of Muslim children in schools (the demands for mother-tongue instruction, single-sex classes, and halal food), they employ a discourse

that appropriates the rights of the individual as its central theme. During the national elections, the Islamic associations in Britain demanded Islamic instruction in public schools, by asserting the "natural" right of individuals to their own cultures to justify their demands. In their election program, they directly invoked the international instruments and conventions on Human Rights to frame their position. As such, theirs is a claim for difference affirmed by universalistic and homogenising ideologies of human rights. And by so doing, they evoked the host country and European discourses to claim particularistic provisions in schools.

Let me insert a caveat here : Muslim groups in European countries, obviously, do not speak in a uniform discursive framework. The examples that I just gave by no means exhaust the range of narratives employed by Islamic groups. Again, speaking for the Islamic veil, a Turkish imam in Nantua declared the practice as "God's law," and pressured the Turkish families to withdraw their daughters from school. This led to serious divisions among Turkish immigrant community and to his eventual deportation from France. It is also possible to find Islamic positions which base their claims on religiously codified family laws that conflict with the principles of gender equality. These proclamations obviously point to the alternative legitimating discourses and scripts. They also point to the existence of alternative leadership among Muslim communities. By highlighting the universalistic discourses and claims advanced by Muslim groups, I do not intend to suggest a conflict-free public sphere. My point here is not to deny the possibility of conflict but to underline the prevalent universalistic forms of making claims by Muslim groups, which we, as scholars, politicians, and administrators, tend to overlook.

So, to reiterate my main point here : Islamic organisations I study do not justify their demands by simply reaching back to religious teachings or traditions, but through a language of rights, thus, citizenship. By using the "rights" language they exercise civic projects and link themselves to broader public spheres. The projects of citizenship in which they engage

however are not necessarily nationally bounded; their membership is both spatially and symbolically multi-referential.

When Islamic associations make demands about veiling in schools, theirs is not a claim for belonging to an existing "French collectivity" but to the educational system itself, which they behold as their most natural right. This, I argue, is not necessarily disengagement from the collective life but the collective is no longer bounded by a preordained national community. Indeed, they try to redefine the very nature of the national community.

Let me now turn to the second feature of the emerging forms of participation. That is, the organisational strategies employed by immigrant groups increasingly acquire a transnational and subnational character. Their participation extends beyond the limits of national political arenas, cover multiple localities, and transnationally connect communities. Thus, they diversify the political and participatory spaces. In the case of immigrant groups, for example, we find political parties, mosque organisations, and community associations which operate at local levels but also assume transnational forms, and develop organisational fields between places of origin and destination. They carry back and forth institutional forms, bridging a diverse set of public spaces. For example, based on their experience in, and borrowing models from the German education system, some Muslim groups (to be more specific, Alevites), organised both in Turkey and Germany, have recently started to press for the recognition of denominational schools in Turkey, which do not have a legal standing in the current system. In a similar vein, during the 1995 local elections in Berlin, Turkish immigrant groups pushed for their local voting rights, while at the same time, put pressure on the Turkish government to facilitate their rights to vote in Turkish national elections. We observe similar claims being made by Mexican and the Central American immigrant communities in the United States. They demand dual citizenship and dual voting rights in their countries of origin and residence; and, Mexican and Costa Rican presidential candidates bring their election campaigns to Los Angeles and Houston.

In pursuing their claims, the mobilisation of Muslim groups entails multiple States and political agencies, and they target trans- and subnational institutions. Again, for example, the Islamic *foulard* issue was not simply a matter confined to the discretion of a local school board, but has traversed the realms of local, national, transnational jurisdictions from local educational authorities to the European Court of Human Rights. Similarly, in 1990, when the local authorities refused to permit the opening of another Islamic primary school, the Islamic Foundation in London decided to take the issue to the European Court of Human Rights. So, not only we see an increasing connection between home and host country, and local and transnational political spheres, but also an increasing activity at the European level.

Immigrant organisations in Europe, over time, have adopted new strategies of participation. Partly thanks to the increasing interconnectedness of the world, immigrants have developed networks and constructed transnational communities between home and receiving countries. Turkish immigrants in European host countries no longer need broadcasting stations of their own. They can simply watch the international channels of Turkish television; or read the European editions of Turkish newspapers, which bring news from their local communities in Berlin, Paris, or London. But, more importantly, immigrant groups, and immigrant advocacy organisations in general, increasingly assert immigrant identities and claims at the European level as a way of making space for themselves within the emerging categories of the European Community.

As supranational political structures have expanded their scope of jurisdiction and action at the European level, immigrant activity and interests have also got linked to these wider structures. Once authority over issues of immigration has partly moved to the supranational level, then it has become a more "rational strategy" for migrant organisations to address and lobby supranational political structures to influence decision-making. So, more and more, migrant associations have elevated their operations to the European level, establishing umbrella

organisations and forums to co-ordinate their activities and to pursue a Europe-wide agenda.

Again, to give an example, Turkish Muslim organisations, in the last decade, have established rather broad-based and trans-State networks in Europe. The State-sponsored Directorate of the Religious Affairs, the European National Vision Organisation, the Federation of Alevite Unions in Europe, and various other informal networks of Mosque Organisations connect sizable immigrant populations throughout Europe and operate as lobbying groups at the European level. The case of the Alevite Federation is telling in this regard. Founded recently in 1989, the Federation now has 140 member organisations in several European States. The Federation's membership reaches to 120,000, which implies that one in eight Alevite living in Europe is organised under their umbrella. What is more striking is that about 25 major Alevite associations from Turkey have applied to become members of the Federation, which virtually incorporates them into a European network. For the president of the Federation, the strength of the organisation lies in its representative role and its connections at the European level - connections such as to the European Parliament. There are certainly other examples of nationally or religiously based European immigrant networks, as is the case with Moroccans, Italians, Portuguese and Spanish.

Other examples of the expansion of immigrant organising and activity at the European level include, for example,

- the formation of common platform and programs of action by organisations such as the European Immigrant Women's Organisation or the Black and Immigrant Women's Association, whose goals and activities focus around similar interests;
- the emergence of supranational organisations with the explicit goal of redefining the identity and status of immigrants within the European Union, and expanding their socio-economic, legal, political, and cultural rights. Here, we can cite the activities of the Migrant Forum, which was formally launched in 1991 with a budget from the

Commission of the European Union, bringing together over 100 associations from 12 EU States.

Let me now move toward a conclusion. In the last decade, immigrant organisations in Europe have reformulated their goals, developed new forms of mobilisation, and adopted new strategies of participation in host societies. They have redefined their discourses in line with the intensification of pluralistic concepts of identity and rights at the European and global levels. What were once simply defined as "guest-worker problems" have been recast as issues of rights and belonging, justified by universalistic ideologies of personhood and human rights and respect for cultural difference. Immigrants' organisational practices now connect Europe-wide communities to each other, to their home countries, and to the unfolding political entity of Europe.

These new trends in immigrant participation undermine the individualist, assimilationist models, which were dominant modes of thinking about integration and participation of immigrants at the turn of the century. It is no longer possible to think immigrants as isolated individuals to be integrated into their new societies, simply by naturalising them or simply by extending legal rights and opportunities to them. Immigrants' participation and integration take place through an interlocking web of communal ties at different levels and by bridging several public spheres. This does not necessarily mean that we now face an isolationist ethnic/religious minority formation, immigrant groups holding on to their particularistic ways and posing a threat to the functioning of European civil societies.

As I tried to show through my examples, while the claims and mobilisation of Muslim groups aim to further particularistic identities and solidarities, paradoxically, they make appeals to the universalistic principles of human rights and connect themselves to a diverse set of public spheres. As such, their mobilisation is not simply a reinvention of cultural particularisms. Drawing upon universalistic repertoires of making claims, they participate in and reproduce host society and global discourses.

Nevertheless, we still need to acknowledge that the emerging forms of immigrant mobilisation and claims-making do pose dilemmas and present paradoxical outcomes for the conceptions of participation and integration in European democracies. Consider the following issues :

- On what grounds, for instance, the European States can deny the demands for equality in cultural and religious matters (demands such as for veiling or Islamic instruction in public schools) when these very demands are advanced within the framework of individualistic, universalistic human rights? Or within the framework of host country institutional systems? What happens when individually based, universalistic right of cultural or religious equality clashes with gender equality (as it is possible in the case of female circumcision or abortion)?
- Should we consider group-based claims-making and mobilisation as a means to expand immigrant participation - even when such claims and mobilisation call for group specific practices or generate conflict among the members of immigrant groups from the same nationality or religion? As in the case of secular and more religiously oriented Turkish immigrants, for example?
- How effective could be the Europe-wide immigrant organising and lobbying, when the very idea and political structures of Europe themselves are not visibly tangible?

Despite such potential for conflict or paradoxical outcomes, the new forms of mobilisation and claims-making still offer possibilities for productive participation of immigrants. The efforts of Migrant Forum may not be very effective in bringing about immediate legislative change on matters of immigration control or the freedom of movement of the third-country nationals. However their efforts with respect to action against racism and xenophobia are more successful. There is more space for international political activity regarding racism and discrimination than issues that relate to immigration control; and, the organisations like Migrant Forum undoubtedly help to expand the scope of such action.

The consultations of the Alevite Federation with the European Parliament may not translate into policy shifts regarding cultural rights or dual citizenship. On the other hand, when considered along with the efforts of other immigrant organisations and the NGOs, their activities bring immigrant issues into the public arena, make them visible, and expand the boundaries of immigrant demands. The Year-Against-Racism, sponsored by the European Union, may seem distant from the lives of immigrants and ineffective in eliminating racism. But, the mere number of projects (the EU sponsors 295 projects from a variety of communities and institutions) and the range of organisations involved (from local associations to national trade unions and from broadcasting companies to the European Union) facilitate interaction and dialogue among a diverse set of agencies and organisations. Altogether, these initiatives significantly contribute to the expansion of means and spaces of participation, and they promote a climate of interaction between local, national, and European level governmental agencies and extra-governmental actors. They re-focus political activity to take account of European level developments. In other words, in actual ways, they link local immigrant organising to the host country public spheres and the supranational EU institutions, and the seemingly particularistic claims to the universalistic rights of persons.

Let me finish with brief suggestive remarks on the potential of consultative arrangements and the emerging forms of claims-making and mobilisation that I have emphasised in my comments. No doubt, the consultative mechanisms will continue to provide the means for immigrants to convey ideas and focus policy issues at local and national levels. Any enhancement to their operational capacity, however, should take into consideration the changing nature of immigrant mobilisation and claims-making. As immigrants and immigrant advocacy groups shift their efforts to the European level, and more and more locate their claims at European forums and connect themselves as transnational communities, we need to think of ways to couple the existing consultative arrangements with these transnational modes of organising. We need to exploit the potential of European level mobilisation and the interactions between host and sending country public spheres to

reinforce the consultative channels for local and national decision-making.

The intensification of transnational immigrant organising significantly enlarges the visibility of immigrant issues and agendas and expands immigrant participatory forms and practices. And the incorporation of such diverse and multi-level organisational practices into our policy tool-kits will surely contribute to the capacity of participatory channels, old and new.

## **The limits of consultative politics for migrants and ethnic immigrant minorities**

*Marco Martiniello*

Nowadays, political debate on the phenomenon of migration and its consequences mostly focuses on how to control migration flows and, more particularly, on illegal or clandestine migration and the issue of asylum. Furthermore, any discussion about the place of migrants in their "host" societies is often part of a broader discussion of the different mechanisms of social and economic exclusion which result in increased poverty and insecurity, especially in urban areas.

Moreover, the main political approaches to international migration are increasingly defensive, restrictive and security-oriented. Immigration is seen as a threat to international security, and migrants and their descendants are often considered to represent a danger for the security and internal order of the "host" countries because of the crime rates attributed to them (Martiniello, 1997b).

This essentially negative approach to the real issues of migration is rather simplistic. Immigration is a comprehensive social phenomenon, as pointed out by Marcel Mauss (1996), and one which calls into question the very foundations of societies - those societies that migrants leave behind, as well as the host societies - and hence the institutions of these societies. The issue of immigration therefore requires us to question the functioning of the political system and institutions, as well as the traditional links between residents, citizens and a rapidly changing state (Dunn, 1995).

Europe is, and will continue to be, a de facto continent of immigration, although there is little official political recognition of this reality (Thränhardt, 1992). International migration will almost certainly be an important aspect of the 21st century in Europe, as in the rest of the world. Furthermore, the situation in Europe for the last few decades has been one of post-migration : populations resulting from past waves of migration have definitively settled in the different European countries, without always enjoying full citizenship or total equality in the way they are treated and the opportunities available to them concerning all aspects of life in society, particularly political participation. It is therefore necessary to rethink the links between residents, citizens and changing political institutions. The fact that individuals and groups find themselves excluded or cut off from the political institutions and places where political decisions are made and implemented raises fundamental problems for democracy, both in theory and in practice. The question of the political participation and inclusion/exclusion of immigrants and their descendants seems just as important for the strengthening of democracy as that of their economic or social inclusion/exclusion, even though the latter may seem more dramatic and more urgent. If democracy is to be strengthened and adapted to the increasingly rapid changes in the social, economic and political environment, theoretical and practical ways of addressing these issues - as well as those of the diversity of cultures and identities - need to be found (Martiniello, 1997a). The social and political sciences seem to have grasped the importance of this challenge, as can be seen from the way the issues of citizenship and multiculturalism are being thoroughly rethought, and the considerable amount of work being done regarding the forms of participation and political mobilisation of ethnic minorities of immigrant origin.

However, although the academic interest in the political participation of immigrants and their descendants, as well as the move towards making them "citizens", is to be welcomed (even though much remains to be done), the renewed political interest in forms of consultative political participation by immigrants - whether at local, regional, national or supranational level - raises legitimate questions.

The idea of political participation through consultation was fashionable in the 1960s and 1970s in some European countries which set up various specific institutions and mechanisms for the consultation of immigrants, especially at local level, but its appeal wore off in the following years (Martiniello, 1992). It had been bitterly criticised by researchers and members of militant immigrant associations alike. It was acknowledged that its two main goals had not been achieved : increasing the real involvement of immigrants in the decision-making process in the areas that particularly concerned them, and paving the way for the subsequent extension of universal suffrage to immigrants in local elections in their country of residence. This being the case, the renewed interest in political participation through consultation can only have a positive effect on strengthening democracy if the mistakes of the past are avoided. In particular, care should be taken to ensure that debate on consultative bodies does not become a substitute for more searching debate on all the possible ways of reducing the effective political powerlessness of immigrants and their descendants (Martiniello, 1993). In other words, past experience of consultation shows that we must take care to ensure that the philosophy, rhetoric and practice of consultation do not have the undesirable effect of reproducing the exclusion and political powerlessness of ethnic minorities, regardless of the good intentions of the social and political players involved.

One way to avoid this pitfall is perhaps to set the debate on political participation through consultation in the context of a wider debate on the political participation of "new" citizens and on the distribution of political power in today's democracies. The political powerlessness of immigrants is traditionally characterised by their inability to control the outcome of matters affecting their objective interests (Martiniello, 1992). Whether they have limited voting rights, for example the right to vote in local elections (Netherlands, Sweden, etc), or no voting rights at all (le Cour Grandmaison and Withol de Wenden, 1993), immigrants have very little say in setting the political agenda. As for being involved in the decision-making process, their under-representation - or complete lack of representation - in elected bodies

(town councils, parliamentary assemblies, etc) - makes this even more difficult.

It is true that other means of political participation are available to immigrants, such as associations, involvement in political parties, and lobbying. However, these activities tend to exclude them from the circles of power. This being the case, the real question to be addressed is whether any forms of consultation can be devised which would significantly reduce the political powerlessness of immigrants and their descendants, and under what conditions?

Different notions of what consultation entails, and different institutions for implementing this process, have existed in the different countries and cities of Europe, at the various stages of their migratory history, such as the *Conseils Consultatifs Communaux des Immigrés* in Belgium, and the Community Relations Councils in the United Kingdom. A detailed and comprehensive study of all these initiatives and bodies would need to be carried out for all the member states of the Council of Europe, in order to appraise them critically. In the absence of a study of this kind, the limits and problems of consultation as a principle of political participation can only be discussed in a very general manner.

Consultation in a post-migratory situation can be considered as a form of token acknowledgement of the presence, or rather of the legitimacy of the presence, of immigrants and their descendants in society. For if one person consults another, and agrees to be consulted by that person, he or she acknowledges that the other is a legitimate and credible talking-partner. By providing for the consultation of immigrants, the political authorities enable them to take part in public life. However, at this stage the outcome of the consultation process is unclear : when the local authorities of a particular town have consulted immigrants in connection with the school curriculum, for example, or when associations representing immigrants have advised the local authorities of their opinion concerning the organisation of local-authority housing, what will the result be in terms of public

policies in these areas, and in terms of the results of these policies? Will consultation lead to the opening up of a new field of public intervention? Will it result in existing policies being reoriented to better serve the interests of immigrants and their descendants? If this were the case, then yes, consultation would reduce the political powerlessness of immigrants.

However, there is nothing to suggest that this is what generally happens. One could even argue that experience has shown that the practice of consultation has very rarely resulted in public policies being changed to better serve the interests of ethnic minorities of immigrant origin, thereby reducing their political powerlessness. It could also be argued that this is even more true in cases where immigrants and their descendants have no other reliable means of exerting influence and bringing political pressure to bear, to ensure that their message is heard and acted upon. One important means of exerting influence and bringing pressure to bear is participation in elections; it is also a means of exercising some form of control over elected political bodies, especially at local level.

It would therefore seem that the issue of political participation through consultation, and that of political participation through granting immigrants the right to vote and stand for election, must not be dissociated. However, neither should the connection between these two issues be presented as it has been in the past. In my view, consultation can no longer be considered as a substitute for the granting of the right to vote and stand for election to immigrants and their descendants, or as a first step towards this extension of universal suffrage. On the contrary, consultation can be considered as an adjunct to fundamental political rights, designed to improve the democratic functioning of society by facilitating the political participation of citizens between elections, and by improving both the process of direct democratic control and the receptiveness of the political élite to citizens' demands and aspirations.

In a political system in which immigrants, like other citizens, have the right to vote and the right to stand for election, the principle of consultation can become a tool for the empowerment not only of immigrants but also of all other sections of the population who are under-represented in political institutions and/or who do not have any direct political spokesperson in those institutions. On the other hand, in a political system in which immigrants do not have the right to vote and to stand for election, the principle of consultation can much more easily contribute to reproducing the political exclusion, powerlessness and marginalisation of immigrants - the undesirable effect I mentioned earlier - at the same time giving them the illusion of participating in the structures of power and conveying the deceptive image of a political system which is more open to the inclusion of new citizens than it really is.

A distinction thus needs to be drawn between political participation and political power. All forms of political participation - of which one is consultation - do not necessarily, and not always, increase the political power of those sections of the population lacking this power. Thus, if consultation takes place within a system in which immigrants and their descendants do not have the right to vote or stand for election, this consultation may well open up an avenue of political participation for immigrants but will not necessarily result in their increased political power. Since the right to vote and the right to stand for election continue to be - whatever people say - the basic pillars of democratic political participation, and the principal means of access to political power, limiting participation to a consultative process requires that consideration be given at the same time to extending universal suffrage to immigrants and their descendants, where necessary.

This being said, even in a political system in which immigrants and their descendants have the right to vote or stand for election, the principle of consultation, and its implementation, raise certain questions, the answers to which highlight the limits, the risks of abuse

and the undesirable effects of this type of political participation. Who consults whom? How? Why? When?

### **Who consults whom?**

Should the consultation of immigrants be organised - or initiated - by local, regional, national, or transnational political authorities? Historically, the consultation of immigrants was first organised at municipal level, for example with the councils for consulting immigrants (*Conseils Consultatifs Communaux des Immigrés*) in Belgium. Today, bodies for consulting immigrants exist at transnational level, for example the European Union Migrants' Forum. Given that the daily lives of citizens - whether immigrants or not - today depend on what goes on in a host of political decision-making structures, ranging from local council meetings to the United Nations Organisation, it would be inappropriate to limit the scope of the debate to the consultation of immigrants at municipal level, especially since immigration is becoming an increasingly global phenomenon. Study should ideally be focused on the extent to which it is possible to conceive of different kinds of consultation between immigrants and all the decision-making bodies which significantly influence the opportunities available to them.

Moreover, in answering the question "who do we consult?", political authorities at all levels (from the most local to transnational) play a part, intentionally or otherwise, in actually creating "problematic" immigrant communities. Secondly, they recognise certain representatives of immigrant communities as legitimate and credible talking-partners. Lastly, they facilitate the emergence of officially recognised élites and leaders of ethnic minorities. In all three cases, serious problems are likely to arise, which we will now consider.

First, experience of migration in Europe shows that authorities often consider consultation with "problem" immigrant groups to be useful. In this way they risk reinforcing the negative perception of these

groups by society, thereby adding to their stigmatisation when the intended goal is to improve their integration.

In other words, the decision to consult one group and not another creates a risk of legitimising the dubious distinction made between "problematic" and "non-problematic" immigrants. This line of reasoning can be illustrated by the example of the creation of the European Union Migrants' Forum. By deciding not to include in the forum immigrants who were citizens of an EU member state, the European authorities excluded these persons from the issue of immigration in Europe - adopting the attitude that EU citizens did not count - thereby helping to reinforce the notion that "immigration" concerned the numbers and migration flows of non-EU nationals only, who were considered to be the cause of many social, economic, cultural and political problems. By the same token, nowhere in Europe are there any official, transparent arrangements for consulting Japanese citizens, relatively large numbers of whom are often concentrated in certain areas of cities, for example in Amsterdam. The presence of these "high-class" immigrants is not considered to present any particular problems.

Second, setting up consultative bodies means recognising representatives of immigrant communities - whether individuals or groups - as legitimate and credible talking-partners, while at the same time excluding individuals and groups not considered as credible talking-partners. The question is not an easy one : should immigrant groups defending extreme political or religious positions be included in consultation bodies? At least two reasons could be put forward for saying yes : first, including them in a consultative body might help to control them, and second, it could be argued that frustration resulting from exclusion could make them more radical and encourage them to conduct the entire consultation process from the outside. On the other hand, those arguing that "extremists" should not be included in consultative bodies would point out the possibility of their undermining, from within, the very principle of consultation. It can therefore be seen that the choice of consultation partners can pose

specific, complex problems, which are sometimes difficult to foresee and may have a negative effect on the proper implementation of the consultation process.

Third, the choice of consultation partners can lead to conflict within the community being consulted, in that it facilitates the emergence of recognised élites and community leaders. It is clear that potential leaders will try to raise their profile in order to improve their chances of being selected by the authorities. There is often a considerable risk of choosing the wrong partner, and of confusing the "true" representatives of the communities to be consulted with those presenting themselves as such, who are not necessarily acknowledged as leaders by their own groups.

To conclude this point, it can be said that if consultation is to have a chance of succeeding, one must have an accurate picture of the communities one wishes to consult. The real-life situation for ethnic minorities, whether of immigrant origin or not, is in constant flux. Immigrants do not necessarily constitute problematic, static groups with rigidly defined boundaries, led by easily identifiable leaders. Yet only too often, the practice of consultation seems to be implicitly based on this misleading image.

### **How should consultation be organised?**

Two important criteria need to be taken into account here : the degree of formalisation of the consultative process and the degree of integration of the consultation partners.

The process of consulting immigrants can vary extremely in terms of the degree of formalisation, depending on the context and the period, ranging from very informal to very formal, with everything between the two. In some cases, for instance, no new body is set up; consultation takes place within a framework of personal relationships, between the mayor of a city and one or more community leaders, for instance. In other cases, new bodies are set up with the specific task of

preparing this consultation, like the councils for consulting immigrants (*Conseils Consultatifs Communaux des Immigrés*) in Belgium mentioned earlier.

The extent to which consultation partners are integrated also varies a great deal. In some cases, there is very little integration. The *Conseils Consultatifs Communaux des Immigrés* in Belgium were separate consultative councils (*Conseils Consultatifs*), the formal structure of which was based on the model of the town council (*Conseil Communal*) for cities and municipalities - a kind of local parliament. However, the only political representatives on these consultative councils were immigrants; the councils sometimes included a local official, but this official did not have any voting rights and served merely as an interface between the local authorities and the *Conseils Consultatifs des Immigrés*. In other cases, consultation takes place in joint, integrated bodies, where local elected officials, immigrants and local government are represented. This is the case with the Joint Committee for the consultation of persons of foreign origin resident in Brussels (*Commission mixte de concertation avec les Bruxellois d'origine étrangère*).

It is difficult to choose the degree of formalisation and degree of integration likely to bring about the most effective consultation. And yet this question must at all costs be addressed. On the one hand, immigrants may quite legitimately wish to have a specific forum in which to formulate and discuss their demands. On the other hand, it seems important to provide for the possibility of forums for exchange between immigrants, local authorities and other parties. What needs to be done therefore is perhaps to consider arrangements which meet these two requirements and are appropriate for all levels of power - from the local to the supranational.

### **Why consult?**

It is commonly assumed that immigrants can only be consulted on the issues which specifically concern them. This restrictive approach to

what should be covered in the consultation process creates problems. In many cases, after all, it is not easy to decide what constitutes an issue which specifically concerns immigrants. Furthermore, even if it were possible to isolate these issues, surely consulting immigrants on these questions alone would amount to considering them as partial citizens, whom the general issues of society at large do not concern. Yet immigrants living in a society are, like other citizens, directly affected by the way this society develops. In Belgium, for example, immigrants are rarely consulted on the subject of the conflict between the Flemish and the Walloons, which calls into question the very existence of the Belgian state. However, their future, just like that of non-immigrant Belgian citizens, depends a great deal on the outcome of this conflict. Is it possible to imagine leaving them out of this vital issue (Martiniello, 1996)?

#### **When to consult?**

Often, the decision to implement some form of consultation is taken during a period of acute social crisis, or in the period immediately following such a crisis. Again, this approach to consultation can cause problems, in that it does not consider consultation as a usual form of government but rather as a short-term political response to a crisis or temporary problem. In these circumstances, consultation is liable to be seen as a way of reducing tension in crisis situations.

It is clear, then, that it would be dangerous to present the political participation of immigrants through consultation as a universal remedy for the democratic deficit of European societies. The principle of consultation is potentially a useful tool for strengthening democracy. It could have a positive effect on democracy, as long as the most suitable forms are devised and implemented as part of a long-term plan to build a multi-cultural democracy. The building of such a democracy presupposes the creation of a body of active citizens having the same rights and responsibilities and sharing the same public space and a common democratic project which is fully compatible with the law and with legal and political procedures.

Furthermore, these citizens may have various identities and cultural practices - as they choose - in public and in private. These cultural and identity choices - which may change - do not determine their position in the social, economic and political order, however. It is true that this notion is largely utopian, but some of its basic elements are already present in our everyday lives (Martiniello, 1997a : 117-118). Set in this general framework, the practice of the consultation of citizens - immigrants or otherwise - could contribute to the necessary strengthening of democracy in Europe.

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## **Checklist of decisions to be taken into account for a dialogue structure with minorities**

*Walter Palm*

In situations of confrontation there will be only losers. With co-operation there can be a "win-win-situation" for governments as well as for minority groups. For the national administration, co-operation with minority groups may mean a well-informed government serving the public interest. For the minority groups, co-operation with government may contribute towards recognition and emancipation of the group.

"Clearness and completeness" are, however, key-words for a successful dialogue structure with minorities. If this dialogue structure becomes a "spinning wheel" that does not lead to concrete results, it might however backfire and prove to be counter-productive. In order to avoid the wheel being invented all over again, lessons may be learnt from the fifteen-year Dutch experience with dialogue.

The following checklist of decisions may serve as a model :

### ***Clear decision about the aims of a dialogue structure with minorities***

In order to avoid wrong expectations about a dialogue structure with minorities it is of vital importance that its aims are clear from the very beginning.

In the Netherlands the dialogue structure with minorities on the national level has the following four aims :

- *Quality of the minorities policy :*

In the dialogue structure minorities have the opportunity to exchange views with the government about the minorities policy and to put forward suggestions for a more effective minorities policy.

- *Consensus about minorities policy :*

Effectiveness of policy is quality multiplied by consensus. It is very important to reach consensus with minorities about sensitive issues like registration.

- *Emancipation of minorities :*

In the Netherlands it is regarded as a major step forward for minorities that they are entitled to participate in the decision-making process on minorities policies.

- *Canalisation :*

In moments of great stress, such as the Rushdie affair or the Gulf Crisis, the dialogue structure has proved to be very useful in canalising certain tensions in society.

***Clear decision about the financial and legal framework of the dialogue structure***

In order to have professional and serious partners in the dialogue structure it is essential that the government provides minorities organisations being involved in the dialogue structure with sufficient financial means for high quality staffing. A legal framework is also essential, if only to express the serious commitment on the part of government to the dialogue structure. A mere legal framework, without financial means and without mutual agreement on the aims of the dialogue structure is void.

***Clear decision on the dialogue partners***

From the very beginning, it must be clear that the dialogue structure can neither replace nor compete with the national parliament.

The dialogue structure with minorities cannot be a "minorities parliament". It is solely there to provide a platform for a dialogue between government and minority groups. Its objective is not to take decisions but to create conditions in order to achieve that the executive branch is well informed about the consequences of certain decisions for minority groups and about the express wishes of the minorities involved.

The dialogue partners on behalf of the minorities are persons who know what is going on in the minority communities and who are able to translate feelings into political wishes. They should not be elected, because, if they were, they would somehow be considered members of parliament. Preferably they should be appointed by umbrella organisations of minorities.

#### ***Clear role of the legislative body***

In a parliamentary democracy the parliament has the last word and in this way the parliament can act as an arbitrator in case the government and minority groups disagree on vital issues. If one chooses this role for the legislative body, membership of parliament is incompatible with membership of the dialogue structure.

#### ***Clear role of civil servants***

In certain cases civil servants are also members of the dialogue structure. This can lead to confusion and conflict of interests.

A dialogue structure is a platform for political dialogue between politicians and members of minority groups. Civil servants represent neither a political party nor a specific minority group and for this reason should not be involved in a dialogue structure with minorities. A civil servant's membership in a dialogue structure may also lead to

a conflict of interests. This occurs when a civil servant, as a member of the dialogue structure, agrees with a recommendation of the dialogue structure but as an advisor of the Minister disagrees with e.g. the financial consequences of this very same recommendation. Therefore it is not advisable for civil servants to be members of a dialogue structure with minorities.

***Clear distinction between advisory and representative councils***

There must be a clear distinction between advisory and representative councils. An advisory council consists of experts who do not voice the needs and wishes of minority groups. Their task is to advise the government on a scientific basis on the policy it should follow. As an advisory council consists of experts who do not represent minority groups they cannot negotiate with the government.

As the dialogue structure with minorities has a political character, persons of minority groups who voice the political wishes of minorities should participate in this dialogue structure and experts should not.

***Clear decision on whether the dialogue structure should be attached to the President, to the Parliament or to the Executive Branch***

In a period of transition it seems logical to attach the dialogue structure to the President, who is the most stable factor in a turbulent period. Moreover, attachment to the Presidency gives prestige to the dialogue structure. The great disadvantage of being attached to the Presidency is that the dialogue structure is too far from the executive branch and in this way lacks concrete results and funds. Estonia is such a case.

The dialogue structure could also be attached to the Parliament, which is the case in Macedonia. Article 78 of the Macedonian Constitution provides for the setting up of a Council for Inter-Ethnic Relations.

Here the problems are related to the representation of the various minority groups and the balance between larger and smaller groups.

The third possibility is that the dialogue structure with minorities is attached to the Executive Branch. This is the case in Romania. The advantage is that in this scenario the dialogue structure has funds and can exercise influence on the Executive Branch. But, of course, it does not have the prestige of a dialogue structure which is attached to the Presidency nor does it have a firm base in the Constitution.

One may also choose for a more flexible affiliation in a sense that in more turbulent times or in a period of transition the dialogue structure is attached to the Presidency and in more stable periods it is attached to the Executive Branch or the Parliament.

It would also be possible to let the choice of the affiliation at the discretion of the President or the President of the Parliament.

Finally, one could opt for the dialogue structure being a non-governmental organisation (NGO) which is the case in Kyrgyzstan.

***Clear decision in which stage of the policy making process the consultation will take place***

There are four stages in the policy making process. The *first stage* is the recognition that there is a problem. In this first stage there is a variety of ideas/policy options how to solve or at least tackle this problem. From the very beginning, figures play an important role in the sense of how large this problem is (quantity).

In the *second stage* a political decision is taken and discussed in parliament where it will be approved or disapproved. Also in this stage figures are important. Certain policy goals will be formulated in figures.

The policy implementation is the *third stage*. In this stage the political solution is implemented. In this stage monitoring must take place from the very start.

The *last stage* in the policy making cycle is an evaluation of what has been achieved in terms of the policy goals. This last stage can lead to a new start in formulating policy.

Regarding these four stages, the best moment for dialogue is the borderline between the first and the second stage, this means before a political decision has been taken. The best result is being obtained, if prior to the formal dialogue, both parties (government and minorities) point out in which direction they intend to deal with the problem.

It is essential that the formal political decision takes place after the dialogue. First the dialogue then the decision!

It is interesting to notice that one of the world's largest multinationals, i.e. Shell, has recently been considering following the same rule. In large investment decisions Shell applies the "Triple D"-model i.e. "Dialogue-Decide-Deliver". Dialogue in this model means dialogue with governments, NGOs and other institutes to reach consensus or at least a broader public support for their decisions. Before the "Triple D"-model Shell used the "DAD"-model i.e. "Decide-Announce-Defend" in their decision-making process. This "DAD"-model is now being considered outdated.

## **Experiences of the Croatian National Association in the participation of immigrants in Sweden**

*Diana Vukusic*

The Croatian National Association was formally acknowledged by the Government Office for Immigrants in 1978 as the sole representative of Croatian immigrants residing in Sweden. Gaining the formal acceptance for our own national organisation was a great step forward for all our local organisations, some of which had been existing since the early 1960s. Having the opportunity to represent ourselves and our points of view on all the various questions, which are continuously being discussed at meetings with government and department representatives, actually means that the fundamental condition of equal rights among all the immigrant groups is being fulfilled.

Throughout these years we have participated and attended the meetings and gatherings organised by either the Government Office for Immigrants or the Consultative Council of Immigrants set up by the Government. It has been extremely important to us to have the opportunity of presenting the specific problems and views of Croatians in Sweden.

There has been and still exists a certain degree of generalising and labelling some issues as "immigrant problems" instead of social problems or, even worse, an expectation that all immigrants have the same opinion in most (or all) matters. This view can be found among the officials in the governmental institutions, but is expressed even more often by some immigrant organisations and their spokesmen who are advocating a common standpoint in all matters and a shift of

the representation and contact with governmental institutions to an umbrella organisation of already existing national organisations. We find these aspirations to be in striking contrast to the general idea of the role and the purpose of the consultative body.

We think that it has been and still is possible to choose the extent of one's own organisational activity within the consultative body. When it comes to the fact that only national immigration organisations are invited to participate and become members of the consultative council, we considered it a minimal and highly justified demand. Only those organisations which have shown a certain degree of stability and seriousness should be regarded as useful and productive members.

Organisations which express demands on behalf of their women and youth, but do not carry out any activities within their own framework for those groups are sometimes lacking seriousness. No governmental control exists when it comes to the obligation of each delegate to distribute information within his or her organisation. But through the work and the discussions in meetings it is assumed that the delegates express the opinion of their organisation and do not act as individual experts.

Since the very beginning of our participation in the work of the consultative bodies we have indeed made an effort to express the diverse views of our members on the local level. During this time the council has changed its name, procedures and system of work. In September 1997, the Governmental Council for Ethnic Equality and Integration was installed and all national immigrant organisations were asked to renew their nominations of their delegates.

This had, among others, two positive aspects : each organisation was asked to nominate two representatives; one male and one female. One of these nominees was then selected as a delegate into the council. This procedure has been used in order to ensure an equal gender representation.

Promoting equality and encouraging the immigrant organisations to include their women and youth representatives is absolutely necessary. In this renewed consultative council representatives from Swedish voluntary organisations and the parties of the labour market were invited to participate as well.

This broadening of the consultative forum is received with great expectation within our organisation, because we deem it to be the only way to start a serious and constructive debate on integration. We believe that it is very important to see and recognise differences among immigrants and not consider them being a homogeneous group. This requires the governmental organisations to act accordingly instead of searching for a standard procedure which will be applied in all cases.

But now the time has come to undertake this inevitable step and move on from immigration to integration policy. The degree of participation in the various consultative bodies, as the interaction within the Swedish society as a whole, are based on some crucial factors. The characteristics of the Croatian immigrant group are among others that the majority of first-generation immigrants and the founders of our organisation did not consider their stay in Sweden temporary as many other groups did.

This has to do with the fact that many of our immigrants did not only come for economical reasons, but also political ones. They did not consider themselves to be guest workers and therefore had no intention to return to their home country after just a couple of years. This meant that planning for a future in Sweden and taking part in society through involvement in political organisations was not prevented by the demand of being a Swedish citizen. We were not obstructed at all by any nostalgic reasons of abandoning the current citizenship. Contact with our homeland or our country of origin occurred for the first time after the beginning of the democratisation process in Croatia.

Through our co-operation on an international basis with Croatian national or regional organisations in other countries and within the frames of the Croatian World Congress we have had the opportunity to compare the conditions and interaction with governmental institutions all over the world. It is our understanding that State funding to immigrant organisations and the occurrence of so many national immigrant organisations are characteristic for Swedish immigration policy. The Swedish tradition of people creating and joining organisations dealing with matters of their interest is something that has had a profoundly positive impact on immigrant organisations as well.

## **Political and social participation of immigrants in Sweden**

*Eva Lotta Johansson*

The political and social participation of immigrants has been an important issue in Sweden for the last twenty years. The increasing number of immigrants, many of whom opted not to become Swedish citizens, spurred a change in the election laws. In 1976, immigrants who had resided in Sweden more than three years were given the right to vote and be elected in local and regional elections. However, the right to vote has not been exercised to the extent that was expected. Only 40 percent of those who were entitled to vote participated in the elections of 1994 as compared to 60 percent in the 1970s. The necessity to attend to the special needs and interests of the immigrants and their children thus became obvious during the same decade.

At a governmental level different models for immigrant consultation have been tried. In the 1980s a special body, the Immigrant Council, was created. The Council was chaired by the minister in charge of immigrant policy and consisted of a number of immigrant and refugee organisations represented by a delegate from each organisation. The Council met two to three times a year. Every third year there was a congress; the participants spent a few days together discussing topics of common concern.

Parallel with the Immigrant Council the minister met with religious leaders from various congregations every year. A third council consisted of Swedish voluntary agencies dealing with questions

regarding asylum and refugees. This third council was also chaired by the minister and met four to five times a year.

### **Government's Council on Immigrants and Refugees**

Having three different councils on questions concerning immigrants and their children did, however, not appear to be an optimal solution. In 1995, therefore, it was decided to reorganise the different councils and integrate them into one, the Government's Council on Immigrants and Refugee Policy. The Council consisted of more than 50 delegates. As the number of delegates was fairly large, the Council met four times a year in consultation groups chaired by the Under-Secretary of State. Each consultation group related to a particular ministry, i.e. Ministry of Labour, Ministry of Education, etc.. Twice a year the Council met in plenary session chaired by the Minister of Immigration and Immigrant Policy.

In the spring of 1996 the Government was reshuffled and questions regarding refugee and immigration policy were transferred to the Ministry of the Exterior. The former Minister of Immigration and Immigrant Policy became Minister of Immigrant Integration Policy as well as Minister of Questions Regarding Sport, Consumers' Rights and Youth Issues. Since all these areas are interrelated in the integration process, it was felt that they should also be represented in the Council.

### **Government's Council on Ethnic Equality and Integration**

During the last few years, the discussions on immigrant policy have taken a new turn. The immigrant groups are no longer seen as objects of an immigrant policy, but as integral parts of society. Integration is not a matter exclusively concerning immigrants and refugees but concerns everybody in our society. It became logical to change the composition of the organisations in the Government's Council and further extend the representation of different agencies that represent the pluralistic society or are engaged in matters related to ethnic equality or integration. The new Council would include not only immigrants' organisations,

religious congregations and voluntary agencies dealing with questions regarding refugees, but also other popular movements such as the National Tenants' Association, the Swedish Association of Local Authorities, the National Association of Athletics, the Swedish Employers' Confederation, different trade unions, etc..

The Council should also constitute a forum where the Government and organisations that represent our pluralistic society may exchange experiences and ideas. There is a governmental practice to refer matters to a number of national immigrant associations for consideration, for example the recent Government inquiry into the future integration policy including the reception of newly arrived refugees. This proceeding has proven to be valuable and will continue to be used.

The organisations which were invited to take part in the Council were in principle immigrants' associations at a national level. Most of these associations are entitled to economic support from the State. Each association was invited to nominate two candidates, a man and a woman, one of whom was appointed delegate by the Government. As a matter of policy, all State committees, etc... should have an equal gender representation. The Council, therefore, consists of an equal number of men and women.

### **Council's mandate**

Over the years, misunderstandings have occasionally occurred as to the mandate of the Council. Delegates have at times felt that the Council should be able to make decisions which are to be adopted by the Government. This misconception is based on a lack of understanding of the Swedish political culture being based on constant dialogue with interest groups and popular movements prior to the decision-making. The Council is, however, merely a consultative body and has no such power in regard to the Government.

### **Representativeness**

Generally speaking there is an absence of equal representation of women in most organisations. In consequence women are seldom elected as members of the board. This particularly is the case among immigrant associations. A general matter of concern, which does not relate uniquely to the immigrant organisations but to practically all associations, is the representativeness of the associations and their delegates. Even the largest national associations in the Council represent only a fraction of their potential members. There is also a tendency to nominate the same candidates to the Council, which may lead to stagnation and redundancy. If there was no governmental policy that insisted on candidates of both sexes, there would doubtless be very few female delegates. Quite a number of associations have claimed that there is not one female candidate to be found, which in fact has turned out to be untrue.

### **Practicalities**

In the present council, 62 delegates represent some 35 immigrant associations, eleven religious congregations, eight voluntary agencies and popular movements and various trade unions and regional authorities. It held its first conference last September. The topical issues were the Government's Bill to the Parliament on the future integration policy including the reception of newly arrived refugees as well as the work of the Swedish Co-ordinating Committee on the European Union's "European Year against Racism".

The Council has no secretariat of its own. Nor are there any economic funds specially allocated to the Council. The administrative procedures are handled by the Ministry of the Interior. The Council is scheduled to meet in one-day conferences during which current topics and policy questions may be discussed. The next conference will, among other issues, discuss the Committee of Inquiry into Ethnic Discrimination in Working Life.

## **Role of immigrant organisations on the national level in Norway**

*Quintino da Fonseca*

### **Introduction**

Norwegians are often described as a homogeneous people in relation to immigrants, a viewpoint which gives rise to lively debate among experts. This homogeneity is used as an argument to establish a mythical inequality between the immigrant population and those who are Norwegian by blood, thus justifying the discrimination against minorities by the majority, in which particular emphasis is placed on "cultural differences". However, one only needs to go as far as the village of Hov i Land to see that Norwegians are not as homogeneous as some would like to think.

Despite these assertions, and the problems they raise, it is important to stress that Norway does have a "collective consciousness" regarding the Scandinavian, or even Nordic, identity. Norway's geographical location - far away in the cold regions of the North - has meant that it has not experienced large-scale immigration. The issue of immigration is often considered as a problem other countries have. This has helped engender a number of myths about immigrants and their organisations, which are often characterised as isolated and closed to the outside world.

These ideas about immigrants have fuelled tension and suspicion with regard to immigrant organisations. These organisations often have limited contact with Norwegian organisations in terms of meetings

and help provided. They are frequently used as sources of information. The authorities, and Norwegians in general, demand that immigrants understand the system, but do not see themselves as having a reciprocal obligation with regard to the needs of immigrants and the conditions for their integration. This is a shortcoming that needs to be remedied.

A great deal of work has been carried out to find ways and means of facilitating the integration of immigrants in Norwegian society. The policy of providing assistance while at the same time encouraging people to take responsibility for themselves, which is firmly rooted in the Norwegian soul, often plays a part in solving problems of integration.

Information work concerning integration policy is based to a large extent on the requirement that immigrants adapt to Norwegian society.

"Oslo is increasingly picturesque and colourful. Oslo is - more than anything - a city of immigration, and in the capital, one resident out of ten is a foreigner" (Aftenposten, morning edition of 14/6/1994).

### **Overview of the existing situation**

Like the authors of the research project "Integration and Information", we think that organisations such as the Contact Committee for Immigrants and Norwegian Authorities (KIM), which is a forum for exchange and communication between immigrants and the Norwegian authorities, must focus on work of a practical nature, such as improving skills, dialogue and communication, and gaining a better understanding of each other's mode of organisation. Norway is a country of voluntary associations : all information activities and all sources of information are to be found within the voluntary sector, which itself provides the framework and conditions for the setting up of networks of associations. Not having a culture of associations or organisational structures, immigrant organisations are often marginalised, and have no real possibility of exerting any influence on or benefiting from democratic

processes. Because they do not have the funding to carry out large-scale projects to promote integration, immigrant organisations often limit their work to minor projects not involving any contact with the rest of the population.

The Contact Committee for Immigrants and Norwegian Authorities (KIM) has in recent years deliberately carried out a range of activities with the aim of motivating immigrant organisations to acquire the necessary skills and take advantage of the different projects proposed by the authorities.

The Ministry of Local Government and Labour has set up a working group to monitor the Action Plan adopted in August 1994 with a view to promoting better use of immigrants' skills.

*"The aim of the Action Plan to promote better use of immigrants' skills is first to create a framework to ensure real equality of opportunity between immigrants and the indigenous population. The measures of the Action Plan are designed to help all immigrants to take responsibility for themselves in Norwegian society.*

*The essential conditions for promoting better use of immigrants' skills are set out in the Action Plan. What is required is the validation of educational and vocational qualifications, sufficient knowledge of the Norwegian language to enable immigrants to function normally in training and at work, a qualification to enable immigrants to compete on the labour market, and real possibilities for recruitment and promotion. In other words, the Action Plan is ambitious : it contains 53 measures to fulfil the conditions set."*

## **Results**

At present immigrant organisations do not have any specific means available to them for strengthening their own structures or improving their knowledge of associations and how they work. They have very

little scope for initiating actions likely to facilitate integration or increase awareness of opportunities that exist in society.

Immigrant organisations have insufficient knowledge of the social structures and administrative culture in Norway. For them, associations are often a place for having fun and reminiscing about their home countries, thus reinforcing their negative experiences in the host country.

Born of an awareness of the situation described above, the Contact Committee for Immigrants and Norwegian Authorities (KIM) was set up with the aim of fostering integration in the host society.

#### **Different categories of organisations**

- *centre* : Norwegian organisations;
- *near the centre* : Scandinavian and Nordic organisations;
- *near the fringe* : west European and some Pakistani organisations;
- *on the fringe* : Asian and east European organisations.

The nearer an organisation is to the centre, the more able it is to benefit from democratic processes (access to funding, stable organisational links, influence). This approach provides a clear picture of the way immigrants are currently organised : there are a large number of associations, but these are small and locally based; they lack skills and organisational structures, which reduces the amount of work they can do and the amount of funding they can obtain. The high rate of unemployment among immigrants has a negative effect on the activities of associations. Discussion and debate are often focused on the subject of discrimination and problems of social integration. The reactions of immigrants can to some extent be interpreted as a result of the discrimination encountered on the labour market.

## **Contact Committee for Immigrants and Norwegian Authorities (KIM)**

### **a. What is KIM?**

KIM is a consultative body appointed by the government, and consists of representatives of immigrant organisations, political parties and the competent authorities.

### **b. Background to the setting-up of KIM**

During the parliamentary debate on a Bill on Norwegian immigration policy in 1980 (Bill No. 74 (1980/811)), parliament met a number of delegations from immigrant organisations. These delegations stressed the need for a public forum in which discussions could be held between the immigrant population and the Norwegian authorities. The parliamentary report on the Bill included the following paragraph :

*"a practical measure for reinforcing contact with the Norwegian authorities would be to set up a contact body in which the organisations would be represented, in order to co-ordinate the points of view of immigrants on matters of concern to them. An improvement in the contact and co-operation between the authorities and immigrant organisations appears to be essential in many areas in order to guarantee immigrants a certain amount of influence in matters of concern to them and to ensure that suitable solutions are found to resolve existing problems, thus preventing misunderstandings caused by lack of information."*

Following a series of talks between immigrant organisations and the authorities between 1981 and 1983, different types of structures and terms of reference were envisaged. The Ministry wanted to set up a council consisting exclusively of immigrants, while the organisations wanted a tripartite committee, consisting of representatives of immigrant organisations, politicians and the competent authorities.

The result was a provisional arrangement, with representatives of immigrant organisations, the authorities and associations. Since 1984 political parties represented in parliament also have seats on KIM.

**c. Structure**

KIM consists of :

- a **Chair**
- **representatives** of regional immigrant associations.

Each of the 13 regions is represented by a member and a deputy, with the exception of Oslo, which has four members and deputies. Five of the deputies have permanent seats.

**d. Terms of reference**

The government, on taking office, lays down KIM's terms of reference. The key features of the current terms of reference are as follows :

- KIM is to be a consultative body for the political and administrative authorities and may discuss the principles of Norwegian immigration policy and practice. KIM deals with matters selected by the committee itself or referred to it by immigrant organisations, the competent authorities, or institutions, etc.. KIM may not deal with individual cases save as a basis for discussion of the principles of Norwegian immigration policy and practice.
- The committee submits recommendations and requests to the relevant political authorities, institutions, organisations, etc.
- The committee may, on its own initiative, propose meetings, seminars and suchlike to the authorities, institutions, parties, media, etc, in order to discuss certain aspects of Norwegian integration policy.

- In order to ensure widespread representation of immigrants in the committee, and communication between immigrant representatives and their organisations, the committee is responsible for organising regional conferences on immigration, as well as a national conference once a year.

### **Recent work by KIM**

- a. In the area of health**
  - **HIV and Aids**

KIM has devoted a great deal of its time to interviews and discussions with the Health and Safety Department and immigrant organisations on ways of ensuring dialogue and co-operation between health authorities and minorities, in important areas such as the fight against HIV Aids epidemic.

- **Preliminary medical examination for refugees (consultation)**

In its consultation report KIM stressed how important it was for local health authorities to extend their health services to minority population groups.

- **Blood donors**

The Health and Safety Department has signalled its intention to study this matter closely with KIM.

- **Social security and retirement of immigrants**

KIM has asked the Ministry of Health and Social Affairs to study the main issues concerning immigrants and social security, and to consult KIM in connection with this work. The Ministry agreed to this request.

**b. The law**

**Minorities and the police**

KIM has been working on this issue since 1990. In 1995, KIM met the head of the Oslo police force and suggested that the police and immigrant organisations work closely together to combat discrimination. Proposals originally submitted by KIM are now an integral part of the document on police strategy regarding ethnic minorities.

- **Changes to regulations concerning foreign nationals**

The Ministry of Justice has submitted to KIM a series of proposals aimed at changing the regulations concerning foreign nationals. Many of these represented improvements to the existing legislation. One of the proposals, however, meant that it would be impossible for religious leaders to be given a long-term residence permit. KIM pointed this out, and the Ministry of Justice withdrew the proposal.

- **Changes to interview procedures for asylum seekers**

KIM agreed to a proposal by the Ministry of Justice to transfer the responsibility for interviews from the Police to the Directorate of Immigration.

**c. Media**

- **NRK (state-owned channels)**

KIM took action when NRK reduced the number of programmes for minorities in their native languages; it met with the management board of NRK in 1996 and pointed out that minorities were under-represented, both in terms of staffing and programmes. KIM then monitored the restructuring of the department responsible for

programmes for immigrants and the setting up of the new programming schedule, but a number of problems remain.

- **Media seminar**

KIM organised a seminar on minorities and the mass media in February 1997, which was attended by representatives of press trade unions and a number of media companies. The seminar concentrated on four topics :

- the way minorities are portrayed in the mass media;
- minorities as media users;
- recruitment of minorities to media-related jobs;
- programmes on offer in minority languages.

The seminar resulted in KIM drawing up a media action plan and a report which was ratified at the committee's September meeting. KIM then met several times with the political directorate of the Ministry of Culture in order to consider appropriate measures, and gave its opinion on the expediency of providing financial support for the immigrant press.

**d. Education and training**

- **New religious instruction**

KIM has worked on the different aspects of this issue since 1995, when a report on extending Christian religious instruction was presented. KIM was in principle in favour of the idea of a compulsory school subject dealing with life values from a non-denominational perspective, but pointed out that if it were to work, the different religious communities present in Norwegian schools would all have to take part. KIM submitted its recommendations to the Ministry and to parliament. One of the things KIM pointed out was that if all the religious minorities were unhappy this was clearly a sign that the requirements which needed to be met in order for a general class on

religious values to be acceptable to all groups had not been taken into account, and therefore suggested that the project be postponed.

KIM's point of view and proposals were not taken into account, however, and the moral and religious education classes started this year. This has caused frustration and uncertainty in many families, with respect to both the content of the school subject, the teaching resources and the right to be excused from the classes in question.

- **Bill No. 17 1996/97 on immigration and a multicultural Norway**

KIM spent a large part of this period working on a Bill concerning the relationship between minorities and the majority in Norwegian society. For reasons of time, description of KIM's work must be limited to the following main points :

The previous KIM completed its term with a recommendation highlighting the need for a public policy on the minority/majority relationship. Throughout 1996 KIM did its utmost to have its opinions taken into account in the preparatory phase of the Bill. The Ministry of Labour was also actively involved in evaluating the central issues with KIM.

In November 1996 KIM held the conference on minorities and the majority in Asker. On this occasion too, the main views expressed at the conference were submitted to the Ministry. After the Bill was presented in February 1997, KIM submitted to parliament a series of comments, some of which were taken into account.

KIM then worked on monitoring the different aspects of this Bill.

- **Other proposals**

KIM submitted to the Ministry a number of proposals concerning schools and education :

- reducing the size of primary school classes in Oslo (fewer pupils/more teachers; better teaching/improved co-operation with parents);
- children's' right to be taught in their mother tongue confirmed in law;
- teaching of Norwegian based on aptitude levels;
- higher-education recruitment to be more "aware".

**d. Anti-discriminatory measures**

The fight against racism and discrimination remains a central theme in KIM's work.

In 1996, KIM drew the attention of the Ministry to the following facts :

- Discrimination in the areas of work and housing, as well as in leisure activities, is a growing problem in society.
- The judicial system lacks means and strategies to combat racism and discrimination.
- As minorities who are victims of discrimination have little confidence in the judicial system to protect them, they do not report the cases of discrimination they are subjected to or witness.
- Society therefore needs a public body to combat all forms of discrimination (racial, ethnic, on grounds of national origin, etc.)

KIM's *proposals* to the Ministry :

- **long-term proposals**

A state body for monitoring and preventing discrimination, responsible for :

- registering complaints;
- centralising knowledge in a systematic manner;
- proposing measures;
- offering advice and assistance to people who suffer discrimination.

- **short-term proposals**

- studying possible structures for supervisory bodies;
- launching local initiatives;
- setting up an inspection body to check for discrimination on the labour market.

The Ministry incorporated these suggestions into its own Bill, and appointed a working group to formulate proposals for combating discrimination.

**f. Active recruitment, but no quotas**

For a long time KIM has been looking closely at three issues concerning the integration of minorities into the public sector :

- **Recruitment of teachers who are more "aware"**

The Bill announces that the Ministry will be easing the requirement that everybody sitting the recruitment competition for primary school teachers must master the Norwegian language. The proposal is based on the positive impact of the active recruitment of minorities in the police force.

- **Clear equality targets at central and local government level**

Parliament rejected two proposals :

- one aimed at consolidating the equality of ethnic minorities in law
- the other aimed at introducing into public administration the official objective of having the same proportion of ethnic minorities on the staff as that found in society at large.

However, a number of local authorities and state bodies have set equality targets of their own accord.

- **Validation of foreign diplomas**

In its Bill No. 17, parliament calls on the Ministry to resolve the problems related to the recognition of qualifications acquired abroad.

### **Conclusion**

In conclusion, it is important to point out that KIM is involved in an ongoing process of development and structuring. One of the major challenges facing the organisation is to promote better use of immigrants' skills. Furthermore, consultation with immigrant organisations is a new process, which presents a serious challenge for KIM. Immigrant organisations, as we saw in the introduction, play only a marginal role in society : they therefore need to be restructured in terms of both their methods and their level of activity.

*Political and social participation of*  
**immigrants in Norway**

**Lise Grette**

I am speaking from the position of a member of the "Contact Committee for Immigrants and Norwegian Authorities", named "KIM", where I am representing the Norwegian Ministry of Children and Family Affairs. This ministry is one of six ministries being represented. KIM is a co-management committee with an equal proportion of governmental and non-governmental bodies. The selection process of its members is of particular importance for the immigrants. Therefore I will give you further information on this issues as is already provided in the background discussion paper drawn up by the consultant. In the chapter "The system of consultation" the explanation that it is at the discretion of the Minister to freely appoint members from a list of candidates nominated by the associations is somehow misleading. The selection process is much more complex. Nominations of candidates are put forward by the organisations within the regions, 13 all together. Each region has one member and one substitute, except for Oslo which has four members and four substitutes. Members represent all minority groups in their regions. The Minister will only secure a broad immigrant representation and a gender balance in the Committee as a whole.

It is up to the Secretariat to arrange for the implementation of the decisions taken by the Committee. Our Secretariat is small, but is composed of experienced staff. The relation between the Committee and the Secretariat is very good, and this is of course extremely important as you all know from your own work in different bodies. Confidence is the key word.

Apart from the Secretariat, the Chairperson plays a very important role in setting standards of tolerance by:

- encouraging people to speak up;
- drawing common lines for the future work;
- taking decisions.

The Committee is an advisory body for the political and executive authorities, and may address all aspects of Norwegian immigration policy and practice. KIM shall not address individual cases unless they form the background for a discussion on principles. The Committee shall forward suggestions and address recommendations to the political authorities, institutions, organisations, *etc.* The Committee may also take initiatives for meetings and seminars with the authorities, various institutions, political parties, mass media, *etc.* in order to discuss particular aspects of Norwegian immigration policy. From the authorities' point of view, the Committee is an important channel for discussions and contacts with highly experienced representatives from immigrant organisations.

I have called our group a co-management committee. In our work we are more a triangle consisting of representatives of immigrant organisations, political parties and governmental authorities. Our common duty is to actively take part in the discussions, to confront the different opinions in the meeting-room, not after the meeting or "in the corridor", to be in dialogue and bring the discussions back to "our own homeland" and to work for understanding of different viewpoints and opinions.

There is one weak point I would like to draw your attention to, which is the other side of improvements we have made in our work. We are very satisfied with the way we have changed our role from discussing

decisions, which had already been taken beforehand, to being an active hearing partner often delivering premises at an early stage. But in the course of this process, these questions are very often simultaneously dealt with in the ministries and political parties which have not yet clarified their positions. Consequently, representatives of the authorities tend not to vote in favour of the proposal but rather to abstain from voting.

I have heard from the Secretariat in Norway that this model is unique. It is a model for common discussions and for stimulating a dialogue. Whatever model one may choose for the setting up of a consultative body at national level, it is important to be aware that this is only one of the channels. The Committee needs active partners in the society as a whole. The worst that could happen is a situation where the organisations are that pleased with the Committee's work so that they reduce their own work or stop being opinion makers and discussion partners in the public area outside the committee-room.

Maybe our model is working because we are rather new as immigrant country and because the population is so small. In my opinion, we have lately achieved some of our main goals. In any case - this model will only exist as long as the immigrant organisations find it interesting.

## **Work in the field of the political and social participation of immigrants through consultative bodies in France**

**Gaye Petek-Salom**

I originally came from Turkey and have worked for 25 years with various bodies responsible for integrating immigrant populations, in particular those of Turkish origin, in France.

My first position was as a mediator with a large French charitable organisation, providing welfare services for immigrants. I was responsible for:

- welcoming newly-arrived workers to France (before the borders were closed to foreign labour);
- welcoming and assisting Turkish families who came to France under the family reunification policy.

I represented them in firms, schools and local communities and helped them to express their needs, difficulties and expectations of French society. Between 1980 and 1982, I also worked to help Turkish refugees settle in France and to defend their rights. I then had an 18-month temporary contract with the Branch Office of UNHCR in Paris. I worked as a Protection Officer on behalf of refugees and asylum-seekers from Iran, Iraq, Zaire and Afghanistan.

In 1984, I set up the "Elele" association, which I still run. "Elele" is an association under the 1901 Act and was set up to defend the rights of Turkish immigrants and offer psychological support and assistance in

legal, social and cultural matters to help them to integrate and be readily accepted into French society.

"Elele" has grown and now employs ten people, of whom six are full-time workers. It operates nation-wide and offers:

- support, advice and assistance on social and legal matters;
- mediation in disputes;
- mediation in local communities and schools so as to resolve difficulties of integration;
- advice and assistance in setting up socio-cultural projects targeting Turks and the French host community;
- educational and extracurricular schemes for children, young new arrivals and women (offering advice and training for the job market);
- cultural activities promoting a better knowledge and understanding of Turkish culture and the Turkish identity among French people and, in particular, among young people from immigrant communities;
- training and awareness-raising programmes on Turkish migration and culture, and the problems of social integration facing the Turkish community, aimed at French people working in the social and educational fields;
- a resource centre and observatory for Turkish integration and immigration in France.

I have led or participated in the following research activities:

- action research on the Turkish community in France (ADRI, 1983);
- "Turkish women in France: their daily life, aspirations and future", with Hamit Bozarслан (Elele, 1992);
- effects of the arrival of new Turkish immigrant families in four locations (Elele, 1997).

I have written many articles for specialist publications and books on immigration. The main subjects covered have been:

- developments in Turkish immigration to France;
- community structures;
- women;
- young girls.

For approximately 6 years, I have been active on various consultative bodies, in particular as:

- substitute then full member of the Administrative Council of the FAS (Social Action Fund), with responsibility for immigrant populations (second term);
- member then Vice-Chair of the CNIPI (National Council for the Integration of Immigrant Populations) until the end of its final term in March 1996;
- member from 1994 until 1997 (term of office ends in December 1997) of the CNV (National Council for Towns), as Vice-Chair of the CNIPI;
- member of the CSIS (Senior Council for Sex Education).

Finally, my association is recognised by the authorities as one of the most important centres for resources and initiatives on the integration of Turkish populations. As such, Elele receives public grants from various sources, like the FAS (*Fonds d'Action Sociale*).

**Joint Committee for Consultation between Regional Institutions and Immigrant Communities in the Brussels-Capital Region** (*Commission mixte de concertation entre les institutions régionales et les populations d'origine étrangère de la région de Bruxelles-capitale*)

**Bruno Ducoli**

The Joint Committee, set up on 9 July 1997 by the parliament of the *Brussels-Capital* region, has 36 members: 18 elected regional representatives and 18 representatives of immigrant communities. Members of both groups have deputies to replace them as necessary. The 18 elected regional representatives are chosen to reflect the representation of the different parties in parliament, and the 18 representatives of immigrant communities are chosen to ensure a balance of languages, a gender balance, and pluralistic representation of the various nationalities.

The representatives of immigrant communities are appointed in accordance with a three-stage procedure:

- nomination by the respective associations;
- pre-selection by the Assembly bureaus;
- appointment: a single list is proposed to the four Assemblies, who vote by secret ballot.

The representatives of immigrant communities must be:

- teachers, cultural workers, or workers from other socio-economic groups;

- active members of associations which, according to their statutes, work towards the integration of immigrant communities;
- individuals with recognised expertise in immigration issues. The representatives must also meet the following conditions:
- they, or their parents, must be foreign nationals;
- they must be at least 21 years old;
- they must live in a municipality forming part of the *Brussels-Capital* region, and must therefore be registered in the population register for that municipality or in the register of foreign nationals;
- they must not be barred under Articles 6 to 9 bis of the Electoral Code;
- they must not be civil servants working for the diplomatic, commercial or cultural mission of a foreign country;
- they must speak one of the two languages used in the *Brussels-Capital* region;
- they must have been legally resident for a continuous period of at least five years;
- they must adhere to the Charter of rights and duties for peaceful co-existence (*Chartre des droits et devoirs pour une cohabitation harmonieuse*).

### **Voting methods**

The voting method used is double qualified majority voting by those present. Where an opinion is to be given on a proposal or a draft regulation or resolution tabled before a single-community assembly, only those members of the Joint Committee belonging to that community's linguistic group take part in the voting.

### **Powers of the Joint Committee**

Any draft order, regulation or resolution, or proposal for an order, regulation or resolution, relating wholly or partly to a "matter for consultation" must be transmitted to the Joint Committee, which, if it deems necessary, may give an opinion on the text in question.

Draft orders, regulations and resolutions must be submitted to the Joint Committee when they are tabled by one of the Executives in one of the Assemblies of the *Brussels-Capital* region; proposals for an order, regulation or resolution must be transmitted to the Joint Committee when they are being considered by one of the Assemblies.

The Assemblies of the *Brussels-Capital* region may ask the Joint Committee for its opinion on draft orders, regulations or resolutions, or proposals for an order, regulation or resolution. The Joint Committee must give this opinion within the time set by the Chair of the Assembly according to the degree of urgency.

A Commission may request the opinion of the Joint Committee on the whole text, or part of the text, of the draft or proposal. The Joint Committee may give own-initiative opinions on matters which fall within its sphere of competence and submit them to the Assembly bureaux. The documents of the four Assemblies of the *Brussels-Capital* region are sent to the members of the Joint Committee for information.

### **Procedure**

When an opinion has been requested by one of the Assemblies or a Commission, the Chair of the Joint Committee submits the opinion - if it is favourable - to the Chair of the Assembly or Commission concerned. If the opinion is unfavourable - or favourable but accompanied by observations or reservations - a report is drawn up and transmitted to the Chair and members of the Assembly or Commission concerned.

### **Structure of the Joint Committee**

The Bureau of the Joint Committee is composed of twelve members: eight elected representatives of the Brussels region - five French-speaking and three Flemish-speaking - and four representatives of immigrant communities, one at least of whom must be from the smallest linguistic group.

The Chair and three Vice-Chairs of the Bureau are elected representatives of the Brussels region. A fourth post of Vice-Chair is allocated to a representative of immigrant communities, who may not be a working group leader.

The Joint Committee has three working groups, each of which deals with one of the Joint Committee's working procedures: request for an opinion; own-initiative opinion on draft orders, regulations or resolutions, or proposals for an order, regulation or resolution; and own-initiative opinion on one of the issues that fall within its sphere of competence. Each working group is led by an elected representative of the Brussels region and by a representative of immigrant communities, both of whom are members of the Bureau. The Bureau has two rapporteurs and two secretaries, all of whom are elected representatives of the Brussels region.

The matters for consultation include: education; employment; housing; the environment; relations with the police; incorrect application of laws; teaching of the Islamic religion; women's issues; reception and integration of political refugees; illegal immigration; and municipal affairs.

*Regional Centres for the integration centres for  
the integration of foreigners and persons of foreign origin in the  
Walloon Region : an institutional model for structured  
participation in Belgium*

**Patricia Tarcosz**

A historic decree for a coherent policy on the integration of immigrants and persons of immigrant origin

On 4 July 1996, the Walloon government adopted the decree "for the integration of foreigners and persons of foreign origin". The aim of the decree is to formulate a coherent policy on the integration of immigrants and persons of immigrant origin. It seeks to encourage equal opportunities and promote a society which respects cultural diversity and strives to improve the objective and subjective conditions for peaceful co-existence.

This decree is actually the concrete result of a project that dates back to the mid 1980s. At the time, a number of organisations were calling for recognition and funding for regional centres for the integration of immigrants, and it was the Council for Consultation between Immigrants and the French-speaking Community (*Conseil consultatif des personnes étrangères auprès de la Communauté française*) which passed on their demands to the successive ministers with responsibility for this issue. The federal Royal Commission for Immigration Policy (*Commissariat Royal à la Politique des Immigrés*) included these demands in a proposal contained in its first report submitted to the federal government in September 1989.

The French-speaking Community's inter-ministerial unit for social integration subsequently took up this proposal and included it in its

report to the government of the French-speaking Community in March 1993. Over this period, several projects were outlined, but none got through to a first reading by the Executive of the French-speaking Community.

In 1994, in connection with the transfer of powers in the area of social welfare and health from the French-speaking Community to the Regions, work on the regional centres project was resumed in the Walloon government.

On the initiative of the Minister for Social Welfare, Housing and Health, the current Walloon government finally submitted the decree on the integration of foreigners and persons of foreign origin to the Regional Council, which adopted it with the unanimous approval of all democratic parties.

In order to ensure a coherent policy on immigration in the Walloon region, the decree provides for:

- a transsectoral approach via positive discrimination measures;
- analysis, co-ordination, evaluation, training and information, through the setting-up of Regional Centres for the Integration of foreigners and persons of foreign origin (CRIs) in the six urban areas of Wallonia with the largest immigrant populations (Charleroi, Mons, La Louvière, Namur, Liège and Verviers);
- a local dimension, with funding for local social development initiatives in the following areas: social or intercultural mediation; helping people to exercise their rights and responsibilities in all areas; elimination of illiteracy, occupational training and integration; and improving understanding between nationals and immigrants.

The decree and its implementing order of 6 March 1997 specify the area covered by each. Each centre covers a number of municipalities, one at least of which includes a Priority Action Zone (ZAP). Priority

Action Zones are designated by the interministerial conference on Belgian migration policy and its main instrument, the Immigration Policy Support Fund (*Fonds d'Impulsion à la Politique de l'Immigration - FIPI*). The ZAPs are generally socially and economically deprived areas, which are home to a large number of immigrants and persons of immigrant origin.

The regional centres have a wide remit, their main functions being to:

- promote efforts to improve integration in the social, occupational, housing and health fields;
- encourage the training of immigrants and persons of immigrant origin, and the staff of organisations working with these persons;
- collect and process statistics, provide indicators to gauge progress, and disseminate information aimed at facilitating integration;
- accompany or guide people in their efforts to further their integration;
- evaluate local initiatives in the area of social development;
- encourage the participation of immigrants and persons of immigrant origin in cultural, social and economic life;
- promote intercultural exchange and respect for difference.

## **Representative councils in Wallonia: participation in local and regional management of immigration policy**

The management bodies of each centre - management board (*conseil d'administration*) and executive bureau (*bureau exécutif*) - comprise equal numbers of representatives of the public sector and the voluntary sector. This parity is seen as a basis for greater involvement of the different social players in the formulation and implementation of a local policy for the integration of immigrants and persons of

immigrant origin. It presupposes a local partnership based on co-operation and synergy.

Alongside the usual management bodies, each of the regional centres has set up a representative council (*conseil représentatif*) to increase local participation (public or private sector, institutions or individuals).

A single, but very important, article in the decree is given over to the representative councils of the Regional Centres for Integration and a description of their functions. This article states, in essence, that "*the centres shall set up a representative council [representing] associations and authorities working towards the integration of immigrants and persons of immigrant origin who fall within their jurisdiction, in order to create a forum for discussion, co-operation, consultation and the submission of proposals*". This text thus introduces a key player of the regional centres' policies on immigration issues.

Those in charge of the regional centres immediately realised that there was only one way to view the role of the representative councils: although they could vary in form from one centre to another, their role is clearly defined in the decree: they serve to identify the centres' main areas of activity.

In concrete terms, it might be said that in each centres' organisation chart the representative council constitutes a consultative body working along side the traditional management and administration bodies - a "parliament" with a say in the formulation, promotion and evaluation of the integration policy implemented within the area covered by the regional centre.

The five regional centres that are currently operational in Wallonia (Charleroi, La Louvière, Mons, Namur and Verviers) were careful when recently setting up their representative councils to ensure that local players involved in the integration of immigrants and persons of immigrant origin were as fully represented as possible.

A Chair of the representative council has been appointed in each regional centre, where he/she sits in an advisory capacity on the centre's management board. The Chair is responsible for preparing the meetings of the representative council and leading the discussions, which usually take place within working groups dealing with specific subjects. Members of these groups tend to voice common concerns in the areas of housing, employment, citizenship and voting rights.

The representative councils are therefore an integral part of the Regional Centres for the Integration of immigrants and persons of immigrant origin. The term "parliament" is used to describe them. They are also referred to as the driving force behind the centres, as it is the work of the representative councils - their observations, ideas, discussion, advice, co-operation, and opinions - that enables the regional centres to thrive: the work of the centres is based on the results of the representative councils' work and the guidance they provide as to the future direction of work.

The representative council can help the regional centre to achieve its aims by participating in the evaluation of its activities and making regular proposals on behalf of associations and other grass-roots level bodies.

### **How can immigrants and persons of immigrant origin participate in society?**

One of the functions of the regional centres is to promote the participation of immigrants in cultural, social and economic life. It would therefore be useful to indicate those places which exist at present for collective "societal" participation, where immigrants and persons of immigrant origin are directly or indirectly involved in non-political activities.

As in the political field, participation in social, cultural and economic life is based on the principles of freedom of expression and association, and functions via the appointment of representatives to

bodies of various kinds (decision-making, consultative, etc) operating at different levels (federal, regional, local, etc) and in a range of fields.

In addition to specific, immigration-related structures,<sup>3</sup> there are bodies dealing with particular topics<sup>4</sup> (education, housing, economic activities, etc) within which immigrants and persons of immigrant origin are placed on the same footing as Belgian nationals.

As for the forms and operating modes of these forums for participation, different processes are involved: opinion and consultation; decision-making; expressing and/or defending collective and individual interests; acting as a platform for demands, etc. Representation is therefore a means of organising the interests of all citizens or of a particular group, in order to play a legitimate role in the management of public or private issues.

In the majority of cases, and most of the time, it is the principles of democracy which are defended (representation via a system of

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<sup>3</sup> At present in the Walloon region, in addition to the regional centres and their representative councils, there is the *Conseil Economique et Social* (economic and social council) which deals with immigration issues in a committee for the consultation of immigrants. At federal level, the *Centre pour l'Égalité des Chances et la Lutte contre le Racisme* (centre for equal opportunities and action against racism) has been set up. The *Exécutif des Musulmans de Belgique* (Muslim Executive of Belgium) is consulted on religious questions.

<sup>4</sup> Such as the *conseils cultural régionaux* (regional cultural councils), *conseils consultative communaux* (municipal consultative councils), *commissions consultatives pour l'aménagement du territoire* (town-planning consultative committees), *conseils de quartiers* (area councils), etc.

More generally, there are trade unions which, depending on their particular ideology, sometimes have specific arrangements for immigrants. There are also all the movements promoting life-long education, youth movements, mutual associations, etc.

"Les organisations syndicales et l'immigration en Europe" by A. Bastenier and P. Targosz, collection Sybidi-Papers No. 11, Ed. Académia, Louvain-La-Neuve, Belgium.

election, existence of mandates, constituent or deliberative assemblies, management bodies, etc).

Although in both cases the representation may not always be effective, it is especially important that immigrants have access to it in public forums in the event of possible discriminatory behaviour based on their nationality.

As for the terms "representation" and its corollary "representativeness", these are relative concepts which must be used discerningly. What does it mean to "represent" or "be representative" when talking of immigration, or for that matter when talking of indigenous communities<sup>5</sup>. The answer is complex, as the outcome of a process of representation is only partial and cannot include all aspects of real life. This is why it is important to realise that immigration is not a homogeneous issue: it is composed of different nationalities, and within each community different sensibilities exist, depending on the region of the country of origin, religion, political tendencies, etc. It must be remembered, too, that several generations coexist, which have different ways of thinking and acting. It would therefore be wise to think of representation in terms of the process itself rather than in terms of membership.

As regards types of participation, Meister<sup>6</sup> lists the following four types: de facto participation, planned or organised participation, spontaneous participation, and participation which is encouraged or brought about.

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<sup>5</sup> When talking of issues relating to the representativeness of immigrant populations and the emergence of leaders in their communities or their lack of practice of democracy in their country of origin, surely it would be wise to apply the same analysis to all those excluded from society?

<sup>6</sup> "La participation dans les associations" by Albert Meister, collection "Initiation Sociologique", Ed. Economie et Humanisme, Les Editions Ouvrières, Paris 1974.

In the area of immigration, the idea of organised participation seems to constitute a means whereby individuals can see their concerns acknowledged and take an interest in public or private issues. It implies a conscious, active, personal and/or collective and structured approach. However, people need to be aware that this participation exists and is available to them.

The Regional Centres for the Integration of foreigners and persons of foreign origin therefore have a key role as an intermediary for these communities and as a partner on which they can rely, thereby promoting their full participation in our society.

## **Political and social participation of immigrants in Germany**

**Gabriele Erpenbeck**

Before trying to give a short survey on the political and social participation of immigrants in Germany I have to make a short note on German colloquial usage. We ordinarily do not speak of immigrants but rather use the term "migrants". That includes all groups of foreign citizens irrespective of their status and length of stay in the country. This indicates that in Germany we still have not reached a consensus that immigration has taken place.

A short survey on the situation in Germany makes it necessary to discuss first the existing rights of immigrants to participation within the political and social fields. In 1990, the Federal Constitutional Court held that foreign citizens cannot have the right to vote. This decision came about because the States of Hamburg and Schleswig-Holstein had passed a law on the active and passive right to vote and to be elected on the communal level. The Constitutional Court stressed in its decision that the Federal Parliament could pass legislation to alleviate naturalisation. It accepted the right to vote regarding elections to the European Parliament and the communal bodies for citizens of the European Union. In the meantime, the Federal Parliament has implemented the privileges for EU citizens by

changing the Constitution. The Federal States have changed their legislation accordingly. Apart from this exception, this fundamental civil right depends on German citizenship. In the present discussion this leads to the following demand: either to adapt the naturalisation regulations or try again to extend the right to vote to all foreign citizens after a certain period of residence.

The right to compete in the labour market is another prerogative for participation because that gives the necessary financial means. Living on welfare makes it very difficult to participate equally. In Germany there are groups of immigrants who will get a working permit only after a certain period of residence. It seems - least to say - unwise to keep away someone by law from the labour market who has a right to join his or her family. The same applies to some groups of refugees. Since May 1997 they do not get a working permit at all irrespective of their perspective of stay.

In Germany we find these two fundamental structural barriers to political and social participation. There is a wide-spread lack of understanding among the majority for the need of modernising naturalisation regulations. The legal barrier to get a job concerns a growing number of people living at subsistence level and being dependent on social welfare. Besides, migrants with working permits endure a much higher unemployment rate than the rest. It tends to be roughly double the total rate.

These severe impediments to social and political participation concern a growing number of migrants. Obviously this dilemma can only be reduced by revising the respective legislation, by qualifying them for jobs to the extent possible and by introducing anti-discrimination regulations especially in all sectors of the labour-market.

Below the level of the right to vote and to be elected, there are certain domains for political participation. Foreign citizenship is no hindrance to become member of a political party, but it forbids to take part in the nomination of candidates for elections. This again sets severe limitations to work within the framework of political parties. All together this leads migrants to work in the way as NGOs usually do. They create or join associations or organisations that pursue the

specific aims and interests of migrants. These associations might be self-organised or founded by Germans. Migrants tend to form their own associations - sometimes excluding natives - when they feel, that a mixed association is disposed to be paternalistic or does not accept their view of requests at all.

The trade unions understood this dynamic development at the earliest stage. They tried to integrate foreign workers from the very beginning. Unions in Germany had an exceptional interest in this because foreign workers in Germany have the constitutional right to form their own trade unions.

The consequent integration has led to rather high membership rate. Migrants enjoy all rights of participation and can reach all positions within the unions as well as all positions within the setting of the worker's council.

Coming back to the NGOs, it must be said that there is a wide scope of activities ranging from political to social and cultural matters. To my knowledge, there is no profound survey on the associations' efficiency in lobbying their goals.

In the State of Niedersachsen we have three different State-wide migrant organisations of that try to be accepted as partners by the different bodies on the State level.

Firstly, there is the Association of Communal Advisory Boards of Foreign Citizens (*Arbeitsgemeinschaft Kommunale Ausländerververtretungen in Niedersachsen*). It represents 20 communal advisory boards, whose members are foreign citizens, naturalised persons and members of the communal councils. The association delegates members - which have to be migrants - into the Commission on Migrants' Affairs of the State parliament and into the Advisory Council of the *Norddeutsche Rundfunk* (North-German Radio and Television, broadcast under public law). Furthermore, the Association is invited to hearings by ministries or the State parliament when they discuss regulations concerning migrants, though this does not happen systematically. The members of the Association work without remuneration. The State finances a full-time secretary as well as travelling and administrative expenses. Actually these subsidies

amount to DM 110,000 per year. There is a broad consensus that participation on the local level has to be organised through an official body that is linked to the town-council. The actual nature and competence of the communal advisory boards of foreign citizens, though, are diverse and almost permanently under discussion.

Secondly, there is the Regional Refugee Council. The members are Germans and non-Germans. It defines itself as a political lobby. The question of whether it is a proxy or a self-organisation is hotly discussed from time to time. The Refugee Council delegates members into the Commission on Migrants' Affairs of the State parliament. It is financed by the State like the first association.

The third organisation on the State level is the Association of Migrants and Refugees in Niedersachsen. It was founded three years ago. Members are self-organisations of migrants and refugees as well as individuals. It started with meetings that excluded the participation of Germans but was financed by the State. In the meantime, the yearly conferences have been opened to German participants. Membership, however, is exclusively limited to migrants. For the next term of the State parliament they hope to delegate members into the Commission on Migrants' Affairs. They also want to be financed like those organisations mentioned before. They receive some financial support only for their yearly conferences.

As long as a political majority defines Germany as a country where immigration has not taken place and should not take place, it will be difficult to discuss and then set up a framework that enables migrants to participate formally according to their needs and aims. Collective as well as individual social participation has to be institutionally guaranteed in all fields. In Germany we are still far away it.

## **Social and political participation of immigrants in Finland**

**Daryl Taylor**

One tends to think of Finland as a country with a relatively low immigrant population, as a far-flung outpost of European civilisation, so far from the main highways that few foreigners even know of its existence and even fewer, knowing anything about it, would deliberately choose it as a destination. Finland has primarily been a point of departure for migrants. There are more than a million people of recent Finnish descent living outside the country, a figure which far outweighs even the most generous estimates of the number of immigrants and their descendants in Finland.

In spite of this, there are and always have been immigrants in Finland. From the very fact that the government once saw fit to impose Draconian restrictions on the influence of foreigners resident in the country, we may safely conclude that such an influence has indeed been felt at some stage in the nation's history. Indeed there were considerably more foreigners in Finland before the Second World War than there are at present and one may justifiably refer to a bygone "golden age" for immigrants in the country.

The Finnish commercial community contains clues to this golden age in the names of some of the country's largest business enterprises. Enso-Gutzeit wood and paper products, Fazer confectionery, Finlayson textiles, Paulig coffee and Sinebrychoff alcoholic beverages are all very well-known in Finland and all over the Nordic Countries. These businesses were founded by immigrants and still bear the names of the founders.

However, we are more interested in the recent history of immigrants in Finland, beginning in the cold war period. Initially the number of non-citizens living in Finland was very small. Immigration as an issue was not on the political agenda and regulation of the entry, residence and employment of foreigners did not even warrant an Act of Parliament. Instead, this very marginal aspect of the nation's life was mainly governed by the 1958 Aliens Decree.

The most important aspect of the system based on the 1958 Decree was, in my opinion, its extraordinarily low expulsion threshold. Under the regulations at this time it was quite possible to expel an alien for unspecified and even manifestly unproven "undesirability". More seriously, residence permits were routinely issued for only very short periods and their renewal was not subject to any kind of guarantees. Anyone interested in the details should read the description given by Professor Matti Pellonpèè in his 1984 study "Expulsion in International Law".

Pellonpèè gives one example of the pre-1984 situation in Finland illustrating the point which I wish to make here. The residence permit of a foreign woman was not extended, despite a job offer and excellent testimonials, after she had had "temporary relations with some men". There was no question of prostitution involved. In fact on two occasions the male companions of the foreign woman had stolen money from her.

This example is of interest because of the assumptions which lie behind it. The job offer and testimonial referred to were merely a statement from the employer that an already existing employment relationship would continue. Work permits were issued only for a single employer and withdrawal of the work permit at the critical time of renewal would commonly result in the expulsion of the foreigner. The threat of not providing such statements was therefore used by employers as a tool in employment relationships. Employers could and did on occasion try to use this tool to discourage their foreign employees from claiming their rights at work.

This, then, was the situation of foreigners in Finland during the cold war period. The foreigner was forced into a relationship of dependence and could be expelled from the country as a result of any disturbance in this relationship.

The effects of a low expulsion threshold are similar to those of a low dismissal threshold in employment relationships. Workers with no significant protection against arbitrary dismissal have, in practice, virtually no other rights at work, regardless of any rights which they may enjoy in theory. Similarly foreigners with no protection against arbitrary expulsion have, in practice, virtually no other rights. Although Article 6 of the Paris Peace Treaty guaranteed the rights of freedom of expression and freedom of association to everyone within Finnish jurisdiction, it was illegal for a foreigner to organise a demonstration or to establish an association without prior permission and very few foreigners possessed the moral courage to object to this. This state of affairs continued until Finland joined the Council of Europe in 1989 and amended several anti-foreigner statutes in order to ratify the European Convention on Human Rights and Fundamental Freedoms.

The actual situation in Finland prior to this was that foreigners enjoyed rights "in practice". As the Guide for Aliens Resident in Finland put it: "In practice, aliens are generally guaranteed the same rights as are guaranteed to Finns".

The meaning of this rather odd proposition was shown in an incident in 1988, when a small group of foreigners from my association held an illegal demonstration in Helsinki to mark the 40th anniversary of the Universal Declaration of Human Rights. Two uniformed police officers observed the illegal demonstration and told the press that they saw no reason to intervene in a peaceful demonstration. The demonstrators went home and the press reported on the event. There were no repercussions for those involved.

The 1988 demonstration was possible because Finland had got its first Aliens Act in 1984, introducing the right to appeal against a deportation order. What the new law really did was to open channels for the social

and political participation of foreigners without fear of arbitrary reprisals. Even in Finland today, the attitude of foreigners towards such participation often still depends on whether they arrived before or after 1984.

One of the tasks of the Association for Foreigners in Finland has been to exemplify that the social and political participation of immigrants is both possible and desirable.

The Association for Foreigners in Finland was established in 1984 and formally registered in April 1986 after obtaining special permission from the Council of State. The terms of this permission were that the new association had to supply a list of its members to the Ministry of the Interior once a year and give an undertaking not to involve itself in State affairs. This latter undertaking was given, but quickly began to look ridiculous as the expertise of the new association was consulted by a wide range of government agencies which invited it to comment on the preparation of legislation affecting foreigners in Finland. Nevertheless, the artificial obstacles to registration caused distortions in the association which have needed time and volunteer energy to rectify.

Another association was also quietly established in August 1984 by some foreign language teachers. This organisation was never registered, but operated as an autonomous section of the Union of Technical and Specialised Professionals. Ninety per cent of the members of this association, Tekerri Language Teachers, were of foreign origin. For two years the impact of the new union was noticed mainly by employers as it worked to eliminate the illegal practices which were widespread in language schools. As an unregistered association sheltered within a mainstream trade union, Tekerri Language Teachers was hampered neither by the obligations which accompany legal identity nor by the active opposition of the State. This meant that it was free to become active in spheres of public administration affecting its members, especially those of access to unemployment benefit and work permit policy.

To the best knowledge of this writer, the earliest example of significant collective action by an organised group of immigrants took place in autumn 1986, when representatives of Tekerri Language Teachers met with civil servants from the Ministry of Social Affairs and Health to negotiate a change in conditions of eligibility for earnings-related unemployment benefit.

Something far more astonishing happened in June 1988, following a change in unemployment benefit regulations affecting more than half of the members of the union. A very public fight developed between certain civil servants and the foreign leadership of the union section, which was resolved by the personal intervention of the Minister of Labour. The union used this opportunity not only to reverse the offending regulation but also to gain access to the discussions on work permit policy prior to Finland's second Aliens Act in 1991.

The Association for Foreigners in Finland became a resource point for immigrant experts and other activists, lobbying for such improvements as the right to vote in local elections. This was granted to all immigrants even before Finnish accession to the European Union. In 1992, the Association was invited to send a representative to the Advisory Board for Refugee and Migration Affairs, a body in which it has been involved ever since. It has lobbied for the right of business establishment and has worked with the Ministry of Trade and Industry to provide basic training for immigrant entrepreneurs. It has sustained informed criticism of the inefficient and occasionally incompetent manner in which the administrative functions of the Ministry of the Interior have been discharged, leading to the removal of these functions from the police bureau and their gradual separation into a specialist agency of their own. It has worked with the Council of Europe to organise civil rights training in Finland for the first time and has successfully referred individual examples of abuse of powers to the Supreme Administrative Court, to the Parliamentary Ombudsman, to the Attorney General and to the European Commission of Human Rights.

A national Commission on Immigration and Refugee Policy was appointed in 1995 to take the first steps in drafting a comprehensive

immigration policy for Finland. This Commission, which sat for the whole of 1996, included representatives of the principal political parties, government departments and expert agencies, but no immigrants. Before the Commission was appointed, the Association for Foreigners in Finland received a written refusal from the Minister of the Interior to its suggestion that the immigrant voice should be represented in a commission established for such a purpose.

The Commission was roundly criticised from almost all quarters outside the Interior Affairs Administration for its lack of immigrant representation. The Association for Foreigners in Finland identified areas in the Commission's interim report which were clearly distorted by the lack of immigrant viewpoint, while it criticised the Commission's final report for its failure to tackle, or even to understand the philosophical shortcomings of the immigration system. The Association was given a hearing by one of the sub-committees of the Commission dealing with measures to integrate immigrants, and in this area the final report is more satisfactory, including measures to encourage active social participation by immigrants.

At one point, however, the Association was pleasantly surprised by the outcome of the Commission's work. In an extraordinary display of "do as I say, not as I do", the Commission recommended a very substantial increase in immigrant participation on the Advisory Board for Refugee and Migration Affairs. The new arrangement will include at least 18 new immigrant community representatives working within the ambit of a consultative organ covering all aspects of immigration, immigrant integration and community relations. Judged by earlier standards, this proposal is quite revolutionary. It has now been adopted as government policy. The new Advisory Board will be appointed in February 1998.

The outcome in terms of future policy proposals will probably be equally surprising. Civil servants and politicians have so far been quite unable to predict the content of immigrant concerns. Teker Language Teachers sought to make the work permit system more rather than less restrictive. The Association for Foreigners in Finland has argued that the narrow tribalism of Finnish returnee policy is both racist and

contrary to the national interest. It was the first to go beyond the view that immigrants are static individuals to be served and suggest that they are, and should be treated as communities allowed to develop and express their dynamic identities. Certainly the inclusion of the immigrant viewpoint for the first time should give new vigour to the planning of public policy.

## **Political and social participation of immigrants in Italy**

*Vaifra Palanca*

I am working with the Ministry of Social Solidarity, a ministry without portfolio responsible for the co-ordination of social policies, among which migration policy plays a prominent role. I wish to thank the Council of Europe for this seminar on one of the issues related to migration that all countries, whatever they are, new or old migration countries, must cope with.

I agree to what was said yesterday about the adaptation of immigrant representation systems to the democratic structures of the host country and, I would say, even of the regions and the municipalities where immigrants are living. That is notably the case in Italy, where we have experienced different models of participation of immigrants over the last years.

The reason can be easily found in the central role played by the local administrations in the implementation of integration measures, while at national level most attention is paid to migration flows and to the setting up of general guidelines on integration policies.

Before describing various models in more detail, I should say that each of them has its roots in the general notion of integration adopted at national and local level, based mainly on two considerations:

- We believe that all immigrants should fully integrate into host society, which will gradually change due to their contribution. This means that they will also participate in the public life of

our country. They are able to participate in existing democratic institutions aimed at the protection of their interests (trade unions, local councils of citizens at district level, school councils of parents, professional associations, charitable associations, etc.);

- In Italy there are thousands of associations, based on cultural interests, ethnic or religious background, gender, etc. All of them are lawful and play a central role in the preservation and promotion of specific values, traditions, cultural aspects of the home country, etc. They are often supported by public funds of national and local authorities.

The existing consultative bodies are mainly devoted to migration and integration issues. Not all the existing associations are represented as partners of institutions. Currently, the following democratic structures are working :

*At national level.* The first consultative body of immigrants was set up with the Ministry of Labour in 1986, with the implementation of the first Law on Migration. This body is still working, but never took off properly, due to problems in the administration and also in the representation of immigrants. The same law provided for the setting up of consultative bodies at regional level (20 regions). Some of them, contrary to the one at national level, are still working effectively. This experience shows that:

- a legal basis is very important but not sufficient;
- any institution requires a favourable social context in order to work properly;
- in Italy the dimension of territoriality is one of the key elements in migration and integration issues.

*Due to the lack of efficiency of the previous models, the National Council of Economics and Labour (CNEL), the most important institution working as consultative body for the parliament and the government, set up a new consultative body for migration and integration*

*in 1995. It is based on a system of mixed representation of institutions, local authorities, trade unions, experts, associations and immigrants, etc. It is still working quite effectively at the national level probably due to the fact that all actors involved, including immigrants, are more aware of this institution. The participation of immigrants in this body is based on a co-optation system: they have been invited to participate in this institution, considering their involvement in immigrant communities, their leadership in some sectors and their knowledge of the Italian institutions. This body played a great role during the preparation and the discussion of the new Law on Migration. It acted, mostly supported by voluntary associations, as a lobbyist group, presenting amendments to the government and to members of parliament. Up to now, they have achieved considerable results.*

At the *local level* there are two forms of representation :

- *consultative body at regional (see above) and municipal level.* Contrary to the regions, also some municipalities established consultative bodies for immigrants elected according to their nationality. They are responsible for the setting up of proposals on migration policies for the local administrations and give opinions on local programmes on this issue.
- *additional counsellor to the municipal and district council.* This means that one or two persons, depending on the size of the city and the immigrant community, are elected by immigrants lawfully resident in the municipality. The additional counsellor can participate in the local council established with the same rights as the others, except for the right to vote.

There is a third concept, so far only applied in one city (Modena), where the president of the existing consultant body can participate as

an additional counsellor to the municipal council. Interesting is the experience of Bologna, where all the services concerning immigrants are gathered in one institution (ISI), and the problem of representation is faced inside this framework.

The Minister for Social Solidarity and the Minister of the Interior regularly organise informal meetings with local authorities and the most important voluntary and immigrant associations to discuss and decide on particular items.

The role of the voluntary associations, having either a religious or political background, in the promotion of the integration of immigrants, and particularly in the selection of leaders among the immigrant communities should be further analysed.

According to previous discussions, we strongly believe that political participation should be the appropriate complement to the consultative structures. The right to vote at local level, after five years of legal residence, is one of the most important elements of the new law, which is currently under debate in the parliament. It will be implemented soon after the necessary amendment to the Constitution.

There is a close link between participation and citizenship. The work done on the new migration law stressed the importance of territoriality and integration at local level. It also raises the problem of how to cope with the present Law on Citizenship still based on the *ius sanguinis*.

## Political and social participation of immigrants in Switzerland

Francisco Ruiz and Georges Assima

The Swiss constitutional system is a federal one. The sharing of sovereignty between the Confederation and 26 cantonal states encourages diversity of experience and the emergence of initiatives at local level, which are reflected in the procedures for the participation of immigrants. The integration of immigrants in the decision-making processes of public life is therefore an issue addressed at cantonal level rather than that of the Confederation as a whole, and in each case the solution adopted takes specific form.

This is true of several cantons and many municipalities, to which the cantonal constitutions usually grant a fairly large degree of autonomy. Another area where cantons and municipalities share powers with the Confederation is that of naturalisation - a much broader issue which will not be dealt with here.

There are two main forms of immigrant participation in public affairs at the different levels of government: the exercise of direct voting rights and consultative assemblies. These two forms are not mutually exclusive: on the contrary, there may be both, or neither. We will come across them at different stages of this paper.

The *first part* of the paper provides general information on the main forms of participation at federal level. An independent consultative body, the Federal Commission for Foreigners (*Commission fédérale des étrangers* - CFE) was appointed by the government to serve as an intermediary between immigrant associations and the Confederation.

Its specific role in the representation of immigrants at national level will therefore be examined. However, the discussion of different proposals submitted to the federal parliament in the area of civic rights will give a broader view of the situation, even if they have not yet yielded any concrete results.

The *second part* gives an overview of the work planned or already carried out at cantonal and municipal level. Two things should be said immediately, with respect to the powers granted to the cantons by the federal constitution.

The forms of participation existing in a number of cantons and municipalities vary considerably, ranging from consultative committees to - less commonly - the exercise of the right to vote. Such institutional mechanisms do not exist everywhere, and there is no federal legislation making it obligatory to introduce them.

Part I: Current arrangements for the participation of foreign nationals in Switzerland, and proposals by members of the federal parliament

**A. The role of immigrant associations in the integration process**

The role played by the basic associations for each nationality is very important. They are the instruments for contact with the Swiss population, and are responsible for acting as a link, whether at local or federal level. When organisations for specific nationalities - in the case of Italy, Spain or Portugal for example - are well organised, the work is made easier. When they are not the work is made very difficult - or indeed impossible. This is one of the main areas in which the federal authorities are waiting for proposals in the report on integration commissioned from the CFE.

## **B. Role of the Federal Commission for Foreigners (CFE)**

In 1970 the Federal Council set up a standing consultative committee of experts - the CFE - to advise it in the area of social integration. By making this one of the three pillars of federal immigration policy - along with immigration restrictions and labour market policy - the quality of life of immigrants, and their harmonious relationship with the Swiss, was recognised as a matter of general policy. In concrete terms, foreign nationals now account for 19% of Switzerland's permanent residents and about a quarter of its workforce.

When the CFE was restructured in 1981, an important step was taken towards greater involvement at grass-roots level, including closer links with immigrant organisations, with a view to implementing its proposals. In 1995, the Federal Council updated the remit of the Federal Commission for Foreigners (CFE) and the Federal Commission for Refugees, at the same time setting up the Federal Commission against Racism. In defining the arrangements for co-operation between these bodies and their respective functions, the Federal Council expanded the role of the CFE, making it the sole body responsible - systematically and comprehensively - for matters concerning the integration of all foreigners resident in Switzerland. In addition, the CFE co-ordinates other ad hoc integration activities carried out by the federal government.

The terms of reference of the CFE clearly specify its general co-ordination and mediation functions and define its relationship with its partners in the country, mentioning immigrant associations in particular.

*Paragraph 3: "The Commission shall act as an intermediary between organisations working with immigrants and the federal authorities in matters relating to integration: it shall organise regular meetings with - in particular - representative immigrant organisations at national level and with immigrant welfare organisations and Commissions for Foreigners operating at cantonal, regional and municipal level."*

In concrete terms, the role of immigrant communities in the activity of the CFE can be viewed from several angles: representativeness of the CFE - role of immigrants in its management bodies - specific relations with immigrants - role of immigrants in the CFE secretariat.

### **Representativeness of the CFE**

The functioning of the CFE today can be compared to that of a small representative chamber of 28 members appointed by the Federal Council and bringing together all the main organisations working with immigrants in Switzerland: associations of towns, municipalities and local citizens; employers' organisations and trade unions; educational and vocational training organisations; the immigration department; the labour market authorities; churches; immigrant and refugee welfare organisations; women's organisations; and, of course, immigrant associations.

However, it was only after the restructuring of 1981 that the CFE became truly representative, with the decision of the Federal Council to appoint person of immigrant origin to sit on it. These currently make up a quarter of the CFE's membership, despite the absence of rules as to what proportion they should constitute. At present these members are from Spain, Croatia, Italy, Kosovo, Portugal and Turkey.

### **Role of immigrants in CFE management bodies**

The foreign members are ex officio members of the plenary committee, the CFE's supreme body. They are represented in the executive bureau and take part in the working groups. In this way, they are able to express an opinion on all the important issues on which the CFE is consulted concerning immigration laws, on the annual activity report and work programme, and on the reports of the working groups. In all its publications, recommendations and appeals to authorities,

employers' organisations and trade unions, training organisations and other social players, the CFE stresses the need to involve immigrants in the management of the issues that concern them, and makes proposals on how this can be done.

The most significant publication is "*Les étrangers dans la commune*" (foreigners in local authorities). Published in 1990 in conjunction with associations of towns, municipalities and local citizens, it is a tool (more than 300 pages) for use by Swiss and non-Swiss public and private bodies working in the field of integration. In addition, the publication contains proposals for setting up local committees for the consultation of immigrants.

#### **Specific relations between the CFE and immigrant organisations**

Since 1974 the CFE has organised a series of conferences attended by delegates from the umbrella organisations for immigrants in Switzerland. Organisations nominate their representatives, who are then officially appointed by the Commission for an indefinite period. These conferences currently bring together representatives of the immigrant communities of Mediterranean countries. The appointment of delegates from each community takes into account, wherever possible, the different components of each community.

The proportion of immigrants thus represented accounted for three-quarters of the foreign population of Switzerland at the end of 1996. The remaining quarter essentially consisted of immigrants from "Northern" countries; their organisations have also been approached, but they have chosen to deal with the problems experienced by their communities without the Commission's help.

At the start of the 1990s, the CFE decided to bring together in joint conferences immigrant organisations, consultative committees and other immigrant welfare organisations, which up until then it had met

separately. In this way, all parties can overcome the problem of working in relative isolation, and synergy is promoted.

The participants in these meetings may suggest items for inclusion on the agenda. In 1993, immigrant organisations and immigrant welfare organisations, acting on their own initiative, drew up a petition addressed to the Federal Council at one of these joint meetings, which was attended by members of the federal parliament. The petition called for the issue of integration to be given greater prominence in Switzerland, and was submitted in this form by the CFE to the government.

Through their delegates, immigrant organisations have regular access to a permanent flow of legal, statistical and scientific information concerning the foreign population. They are systematically asked for their opinion on amendments to federal legislation concerning immigrants on which the Commission is consulted, and this opinion is reflected in the position adopted by the Commission. This applies, for example, to amendments to the Order limiting the number of foreigners authorised to come and work each year in Switzerland (*Ordonnance limitant le nombre des étrangers - OLE*).

More recently, the CFE has been working in close co-operation with immigrant organisations in the areas of the media and adult education, and in connection with the free movement of persons in the European Union.

### **Role of immigrants in the secretariat of the CFE**

One of the CFE's ongoing objectives has always been to constantly improve its relations with the immigrant communities and their representative organisations. The CFE thus took advantage of a recent decision by the Federal Council to enlarge its secretariat, giving priority to the recruitment of staff from Mediterranean countries. In this way, direct dialogue with immigrants from these regions has been considerably stepped up and improved.

## **C. Prospects at federal level of exercising political rights**

### **The point of view of the CFE**

As early as 1976, the CFE drafted a report on the situation of foreigners in Swiss political life ("*la situation des étrangers dans la vie politique suisse*"). Holders of residence permits (73% of foreigners) have practically the same rights as Swiss nationals, save the right to vote. This document analysed the various possibilities made available to immigrants of participating in political decision-making: freedom of expression and of association, freedom to belong to Swiss political parties, to trade unions and expert committees, participation in consultation procedures, and the signing of petitions. The CFE also stated its view that the political integration of immigrants was desirable, particularly those of the second generation.

In 1996 the CFE published a report - "*Esquisse pour un concept d'intégration*" - (outline of an integration strategy) - which viewed the participation of immigrants in the following terms:

*"Two things need to be done: immigrants must be encouraged to make better use of the possibilities for participation currently available to them, and ways and means of allowing them to exercise greater political influence must be explored. Politicians must commit themselves further, and immigrant associations must show that they are strong and open to dialogue. The Confederation must provide optimal general conditions for such co-operation."*

### **Parliamentary prospects**

Under the Constitution, only Swiss citizens can exercise political rights at federal level. However, there is nothing to prevent cantons and municipalities from granting immigrants the right to vote and to stand for election at cantonal and/or municipal level, in matters for which they have exclusive responsibility. Furthermore, immigrants

may become members of Swiss political parties, provided that the parties' statutes allow for this, which is usually the case.

Various federal initiatives to promote political rights for immigrants illustrate the topicality of the issue, even though these initiatives have not yet yielded any concrete results.

Part II: Main mechanisms for participation at cantonal and municipal level
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**A. The exercise of political rights by immigrants in the cantons of Jura and Neuchâtel**

There are many lessons to be learnt from the experience of the cantons of Neuchâtel and Jura, where the direct exercise of civic rights by immigrants, according to fairly similar procedures, already has a long history. Immigrants, the authorities and large sections of the population consider this to be an effective way of ensuring integration. This positive situation has not led to any upheavals in local political life, according to various objective assessments. Nor has it stopped the simultaneous appearance, in both cantons, of other structures for dialogue, such as consultative committees.

1. In 1849, after Prussia had renounced sovereignty in favour of Switzerland, **Neuchâtel** granted both Swiss and foreign nationals the right to vote and stand for office in elections to municipal executive and legislative bodies. At the end of the 19th century, the right to stand for election was withdrawn, save for election to a number of committees such as the education committee, but the right to vote at local level has existed uninterruptedly for 150 years. At present this right is granted, under the cantonal law on political rights (*loi cantonale sur les droits politiques*), to all immigrants holding a residence permit (5 or 10 years' residence in Switzerland) who have lived in the canton for at least one year.

A proposal to reintroduce the right to stand in elections to municipal legislatures, which was supported by the Government and the cantonal

parliament, was put to a referendum in 1990 and rejected by 56% of Swiss voters. Despite this rejection, there was no opposition in 1996 when parliament granted immigrants the right to stand for election to regional industrial tribunals.

2. Similarly, in 1979, when **Jura** seceded from the canton of Bern and became a canton in its own right, it granted immigrants the right to vote in municipal and cantonal matters, except for constitutional affairs. In Jura, it is the Constitution and the law on political rights which grant this right to all immigrants who have been resident for at least ten years. They also have a limited right to stand for election to municipal expert committees, and as judges on industrial tribunals and land tribunals.

A recent cantonal draft law proposed that immigrants should be given the right to stand for office in elections to municipal legislatures, and that municipalities should be able to extend this right to elections to executive bodies. However, in 1996 this proposal was rejected in a referendum by 53% of voters. The high abstention rate among immigrants was probably one reason why the proposal was rejected.

## **B. Attempts to introduce voting rights in other cantons**

Between 1992 and 1997 there were attempts in as many as 11 cantons out of 26 to introduce the exercise of civic rights for immigrants, which were put to popular vote in ten of these. These 11 cantons account for approximately 60% of the Swiss population and over 70% of the total immigrant population. In the canton of Ticino two proposals (a popular initiative and a proposal for an amendment to the constitution) were dismissed before being put to the voters.

The overall result is therefore negative, with proposals being rejected by majorities of between 61 and 85%. The least unfavourable majority (61%) concerned a moderate proposal by the government and parliament of the canton of Bern to authorise municipalities to

introduce voting rights, following a complete revision of the constitution.

In conclusion, the introduction of civic rights for immigrants must, in accordance with the law, be approved by Swiss citizens, a large proportion of whom still equate these rights with ordinary naturalisation. The Confederation recently made a positive gesture in this connection by accepting dual nationality. The various rejections of proposals have therefore not definitively excluded the possibility of extending the exercise of political rights to immigrants, but perhaps indicate that it is best to opt for a stepwise approach.

### **C. Participation through consultative committees**

The fact that immigrants do not have full civic rights does not mean they cannot take any part in municipal and cantonal affairs. Three cantons (Geneva, Neuchâtel and Jura) and 18 towns, including Bern, Lausanne, Sankt Gallen and Zurich - some of the largest in the country - have set up consultative committees for immigrants. In addition to these committees, Switzerland has about fifty immigrant welfare organisations - both public and private - which work at cantonal, regional and local level. They are not representative bodies, but provide a range of services for foreign workers and their families: information, guidance, social/family consultation, language classes, leisure facilities, etc.

The 21 consultative committees set up by the cantons or municipalities are all public institutions supported by the authorities, whose members usually include representatives of the executive and the department most directly concerned. Representatives of local immigrant organisations, private immigrant welfare organisations, employers' organisations and trade unions, churches, schools, and political parties also take part in these committees.

Practically all consultative committees have both Swiss and foreign members, and are often chaired by a local political figure. The way

they work varies a great deal, in some cases replicating democratic structures.

However, their power is always exclusively consultative, and their effectiveness largely depends on their staffing and financial resources, which are often fairly modest. These committees can only work properly if they have a permanent paid secretariat answerable to the public authorities, and if there is a legal basis for their work.

Part III: The participation of immigrants in political and community life in the canton of Vaud
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**A. The city of Lausanne - a model: setting up of a consultative body to deal with issues concerning immigrants in the municipality of Lausanne**

**Historical background**

As early as 1974, the consultation and participation of immigrants was the subject of a study by the *Commission d'accueil de la main-d'oeuvre étrangère* (committee for welcoming foreign workers). The conclusion of this study was that in order for this work to be continued in a productive manner, a broadly representative extra-parliamentary committee needed to be set up.

The "extra-parliamentary committee for the participation of immigrants in the public life of Lausanne" sat between March 1976 and June 1977. Its remit was to study the different forms of participation (from consultation to voting rights) and if possible propose a solution for Lausanne. All political parties represented in the municipal council (*Conseil Communal*) took part, as did representatives of trade unions; business, social and religious organisations; and members of immigrant organisations (representing the Spanish, Italian, minority and refugee communities).

On the basis of the report of the extra-parliamentary committee for the participation of immigrants in the public life of Lausanne, the municipality was convinced not only that the participation of

immigrants in municipal life was necessary, but also that Lausanne should grant immigrants a particular social, educational and cultural status.

In order to achieve this goal, in other words give concrete expression to the principles of participation and consultation, and in an effort to ascertain the real needs of immigrants, which they themselves are best placed to express, the municipality decided to submit to the municipal council (*Conseil Communal*) notice No. 204 of 18 November 1977, whereby it proposed to set up a consultative body for issues concerning immigrants. This proposal was accepted by the municipal council on 11 April 1978.

The consultative chamber of immigrants of Lausanne (*Chambre consultative des immigrés de Lausanne - CCIL*) was formed. It sat for the first time on 26 January 1979.

#### **The consultative body for issues concerning immigrants**

This body is composed of the following:

- a. The extra-parliamentary committee for the integration of immigrants (*Commission extra-parlementaire Suisse-étranger*)

The remit of this committee, also known as the consultative chamber of immigrants (*Chambre consultative des immigrés*), is to study all problems experienced by immigrants in their relations with the various parties concerned. The committee includes delegations from the municipal council (*Conseil Communal*) and the municipality (*Municipalité*); trade unions; business, social, religious and cultural organisations; and representatives of immigrant communities. When it was set up in 1978 it had a total of 35 members.

The committee plays an important role in all matters concerning life in a community such as Lausanne. Its aim is to establish a permanent, close relationship between all the groups it represents. It gives them

the opportunity to participate - as effectively as possible - in resolving the problems of co-existence between Swiss nationals and immigrants. This consultative chamber of immigrants ensures that public opinion is better informed and that issues are discussed more objectively.

Its functions are essentially to:

- promote better integration of immigrants;
  - help safeguard the specific culture of each immigrant community;
  - ensure an exchange of information between Swiss nationals and immigrants;
  - draw the attention of the cantonal and federal authorities to specific matters;
  - study general problems such as the elimination of adult illiteracy; continuing education and vocational training; housing conditions; the education and bilingualism of immigrant children; and political rights at municipal level;
  - propose measures and specific projects in order to solve these problems.
- b. The municipal consultative committee for issues concerning immigrants\_(*Commission communale consultative pour les problèmes des étrangers*)

This committee supplements the first. It meets about ten times a year, and its aim is to involve immigrants directly in the concerns and work of municipal elected officials, so that they can offer their opinions, suggestions, and possible solutions to problems relating to local government.

Its functions are in particular to:

- study all municipal proposals and obtain opinions and suggestions from immigrant communities;
- ensure a proper exchange of opinions concerning municipal policy between the authorities and the immigrant population;
- study the difficulties affecting relations between immigrants and the local authorities and see how they can be reduced, or resolved.

The two committees both aim - in different ways - to propose measures designed to resolve problems specific to immigrants, while involving immigrants themselves in this process. The Lausanne office for immigrants (*Bureau Lausannois pour les Immigrés* - BLI), a body answerable to the municipal authorities, provides the secretariat for the two committees.

#### **Work carried out by the consultative body**

The 1970s saw xenophobic movements project their anxieties and demands with regard to the growing immigrant population; it was at this time that the Swiss authorities and other social partners started to give greater attention to the phenomenon of immigration, and to devise new forms of participation for migrant workers.

The Consultative Chamber of Immigrants meets this requirement, and gives immigrants the opportunity of being recognised as partners, even if only at a consultative level, as is currently the case. The fact that it involves immigrants in political, trade union, economic, social, religious and cultural affairs, and that it meets the need for understanding, dialogue and regular contact between the local authorities and immigrant communities, in order to improve co-existence, is in itself a very positive thing.

#### **Election of immigrants to the CCIL**

Initially, the foreign delegates to the CCIL were appointed by immigrant associations in accordance with their nationality. We quickly noted the discrepancy between the universal suffrage system by which the municipal councillors were elected and the appointment of foreign delegates by the relevant associations.

To ensure equal representation within the CCIL, we have proposed that the foreign delegates be elected - on the basis of universal suffrage - by all foreign nationals resident in the municipality of Lausanne. This will mean that all the members of the CCIL are elected in the same manner since, on the one hand, the eight Swiss representatives of political parties are - as members of the Municipal Council - already elected by the people, and, on the other, the entire immigrant community will be able to directly elect the 13 members who represent them.

#### **Current composition of the CCIL**

The CCIL currently has 42 members:

- 2 members representing the Municipality (municipal authorities)
- 8 members representing the Municipal Council, chosen according to the number of seats held by the different parties
- 13 members representing immigrants, elected by the entire immigrant community
- 7 members appointed by trade unions
- 4 members appointed by business organisations
- 3 members appointed by social organisations
- 3 members appointed by religious organisations
- 2 representatives appointed by women's organisations

#### **Conclusion: what purpose does the CCIL serve?**

The CCIL, as its name suggests, is consulted by the authorities in connection with any project to be debated by the Municipal Council, and in particular on all subjects concerning immigration issues. The

CCIL may propose amendments to municipal regulations or laws; it can also quite simply influence local practices.

The terms "consulting" and "proposing" indicate that in the last analysis it will always be the Swiss people themselves who have the last word, even on subjects which directly concern immigrants. Setting up the CCIL was the means by which the authorities and the political world in general acknowledged the existence of residents of other nationalities who had something to say, even if for the time being it is only on a consultative level.

For the city of Lausanne, the CCIL also constituted a means of acknowledging the range of associations present in the municipality, which represents a mosaic of some 120 nationalities.

The creation of the CCIL therefore constitutes a first step towards the true political participation of immigrants in the city's affairs. It is only a first step: others must follow. The real solution for the participation of immigrants in municipal life does not lie solely in the existence of the CCIL, but rather in the direct exercise of voting rights in the same manner as Swiss citizens.

<p style="text-align: center;"><b>General conclusion: the future of integration is through participation</b></p>
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#### **The integration message**

The Protestant Social Centre wrote in 1974: "*It is possible for Swiss nationals and immigrants to live together but at the same time ignore each other. Two societies therefore develop in parallel, with all the risks of misunderstanding and disagreement this entails. At the other extreme, it is inconceivable to oblige immigrants to become 'good Swiss citizens' - perfectly assimilated residents, who have lost their specific characteristics, retaining only a foreign-sounding family name.*"

Between these two extremes, the CFE - in its "outline of an integration strategy" - speaks of a third way: integration which respects individual characteristics, ways of thinking and sensibilities: "*The participation of immigrants in society; equal opportunities; equal treatment in all areas; and sharing in responsibilities and decisions - these are the key features of any integration policy.*"

It is by taking up the cause of integration that we will manage to change mentalities in Switzerland, and make it a more open country. The immigration of the last few decades has made it an increasingly multicultural society: we must therefore all do our utmost to make it work. Each and every one of us must take this to heart. The Confederation, cantons and municipalities have a very important role to play. So do the social partners and immigrant organisations, which must draw up active, clear measures to promote the individual and collective integration of immigrants as soon as they arrive in Switzerland.

### **The current state of participation**

Experience at local level has shown that the participation of immigrants in public life helps their integration in society. Furthermore, immigrants make up one-fifth of the Swiss population and do not want a two-speed society. In a federal state, arrangements for the political representation of immigrants and the participation of their associations can vary a great deal from one region to another.

In Switzerland, the direct exercise of civic rights by immigrants is in keeping with a long-established legal tradition and local political experience, for example in the cantons of Neuchâtel and Jura. However, in all other cantons, the exercise of political rights by immigrants is dependent - in one way or another - on a decision by Swiss nationals, and work therefore needs to be done to persuade the Swiss of the benefits of such a measure.

The CFE has always encouraged - and put into practice - the participation of immigrants and their associations in the matters that concern them. The consultative committees already open up channels

at all levels for the representation of immigrants' specific interests and particular needs. The cantons of Neuchâtel and Jura provide a more advanced model. For the future, it is important that those sectors working to promote the integration of immigrants, and the authorities concerned, draw on the existing models to create outward-looking forms of participation that are in keeping with their traditions.

## **Political and social participation of immigrants in Denmark**

*Bashy Quraishy*

### **A brief history of migration to Denmark**

Before I come to the subject of ethnic minorities self-organisation and participation in political and social decision-making in Denmark, I would like to briefly describe the history of migration to Denmark. Denmark is a small country with 5.2 million people. Despite its small size it has been a sizeable colonial power. Let us sum up Danish colonial history without going all the way back to Viking times. In 1600 Danes were the first white people who came to India. They had colonies on the Westcoast of Africa and in the Caribbeans. Until recently Greenland, Faroe Islands and Iceland were under the Danish colonial rule. Despite this contact to the outside world, Danes managed to keep their population homogeneous. This concept of one country, one language, one religion and one kingdom is deeply rooted in the Danish consciousness. After the second world war, Denmark like other European countries experienced a huge industrial boom. That resulted in shortage of labour. First women entered the labour market and then in the late sixties, unskilled labour force was imported from Yugoslavia, Turkey, Morocco, Pakistan and other countries. In the eighties, Denmark also received refugees from Vietnam, South America, Iran, Sri Lanka, Palestine and later from Somalia and Iraq.

According to the latest survey, done on 1 January 1997, there are 344,741 people with a foreign background living in Denmark. There are 237,695 people with non-Danish citizenship and 107,046

foreigners with Danish passports. There are 72,298 from Scandinavia, the EU and North America. In 1993-94, Denmark received about 20,000 refugees from the former Yugoslavia. The ethnic minorities from three country nationals make up only 3.8% of the total population. These small numbers are spread over 166 nationalities.

In the beginning they were called guest-workers, then foreign workers and later immigrants. Most of them came from villages and their primary motive was to work hard, save some money and return to their families. They did not have much education, did not know their rights, did not demand anything - thus were not politically organised, though they had their small gathering places, unions for cultural activities and small cafés. But this was basically done on a national and ethnic level.

A serious problem in the ethnic minority work has always been the Danish expectations that the immigrants spoke with one voice. Though Danes have always been allowed to have many different opinions and political attitudes, they never seemed to think that it was necessary to take immigrant representatives seriously, when they did not all say the same thing. And even when they were speaking with one voice, Danes seldom listened.

### **A land of organisations**

Denmark is a very organised society, both politically and socially. There are nearly 16 political parties spanning from ultra-right wing to Marxist orientation. Denmark also has over 300,000 organisations which cater to every taste and interest Danes have in their spare time. Ethnic minorities have also been effected by the Danish culture of organising. On the political front, ethnic minorities have become quite active in the recent years. They are joining mainstream political parties and are contesting local elections. In recently held local elections, many have been elected for local councils. We still do not have any member of parliament with an ethnic minority background. The political influence of ethnic minorities in the political parties is very limited, and they often have to toe the party line. There is no

national political platform representing all ethnic minorities on a political level.

The Ministry of the Interior set up a Board of Ethnic Minorities composed of ethnic minorities organisations from all parts of the country. There are nearly 300 registered organisations representing many ethnic groups. The Board advises the various ministers, comments on laws, takes part in public debate and tries to inform the ethnic minorities about the development concerning their socio-political, economical, cultural and religious rights. For the last six years the parliament has also established a Commission for Ethnic Equality whose main task is to keep an eye on all spheres of life in the society and point out to the inequality wherever it is noticed. The Commission does not have any legal power to take action on its own authority. Half of the Commission's members are from ethnic minorities. On grassroots level, ethnic minorities are organised in their national and ethnic groups where they have their own clubs, meeting places, sports clubs and cultural unions.

Today there are many umbrella organisations working for ethnic minorities. IND-sam is the oldest and the largest with nearly 40 organisations. UNG-sam is for minority youth and has nearly 70 members. POEM has about 12 organisations mostly for youth and women. CEMEC is a part of the European Youth Organisation. All these organisations give advise to their members, hold conferences, seminars, disseminate information material and try to politically organise their members. They also keep an eye on the developments taking place in the society, do lobby work with the parliament, political parties and the government.

### **Social participation**

On this front ethnic minorities are very diverse and their participation depends on their groups' resources, willingness, education and the length of their stay in Denmark. At the moment high unemployment is forcing ethnic minorities towards the margins of society. The only remedy in sight are their increasing efforts to open businesses as a

means to survive. Social participation often depends on the economical status of a community. That is why it will take another 20-25 years for a social participation to succeed. Most of the ethnic minorities today are, without real opportunities in the labour market and in an unequal position in the society. Even the qualified ethnic youth find themselves at the back of the line, when it comes to jobs, housing, education and trainee positions.

### **What are the options?**

If experience is a guidance, then it is to be said that the ethnic minorities' socio-economical conditions will worsen in the future. To counter these problems, a sustained campaign work should be undertaken among the ethnic minorities. It is very important that they understand what they are up against in Denmark. They should individually know the problems and the underlying root causes. The political organisation of ethnic minorities in my country is an important and necessary step, and we believe that time is ripe for it. We see all around us people organising themselves. Yesterday's enemies are today's partners in the EU. The Europeans are very good at co-ordinating their policies, especially when it comes to ethnic minorities. Minorities should face this challenge by organising themselves, not only on local and national level, but also on a pan-European level.

In each European country there are many active grassroots organisations fighting for the rights of ethnic minorities. We must realise that maybe it is time to change our campaign tactics. Until now all our efforts and focus have been to inform the European public, so that they will accept us as equal citizens. In this struggle we probably and unintentionally neglected the most important factor in the play, namely the ethnic minorities themselves. The man and woman on the street, who bear the brunt of discrimination, who have nowhere to turn to and whose voice nobody hears. Today we must focus on these people.

The biggest responsibility for minority organisations today is to inform their own members about their legal rights and the political situation in the countries they live in and in Europe as a whole. In order to survive as a marginalised group or as an individual in a society where power structures are well-established, it is vital to maintain one's self-respect, cultural roots and family ties. Grassroots organisations can influence the institutions but not the States. In the past, there were many meetings and conferences in Europe to discuss issues such as the European anti-discrimination directive campaign SCORE, an anti-racist youth campaign by ARA.

Strategies for a European wide campaign should be worked out both on national and a pan-european level. On a national level, grassroots organisations can work with educational institutions, solidarity organisations, human rights organisations, and well-meaning members of the European Parliament. Get written pledges from the national and members of the European Parliament! Do not give your vote to those who do not listen to your needs! Local public opinions can also be mobilised through media and political lobbying. A good example of this strategy is the anti-EU campaigns launched by small political organisations in Denmark and Norway. We made contacts with them and through them, we succeeded in raising our own issues. You can do the same in the United Kingdom! During my visits to this country, I have noticed that a lot of work have been done on race relation issue. You have laws against discrimination and instruments to implement them. But sadly, not a united political voice to speak fearlessly for the rights of black and ethnic minorities. It would be desirable that ethnic minorities rise to the challenge and provide an alternative political platform.

Through factual and detailed information, it would be possible for the ethnic minorities to fight for their equal rights and to have a quality life in Europe. An effective campaign should be co-ordinated. Unless the ethnic minorities themselves raise the matter of discrimination, nothing will be done. When we found out that there was no written material on the EU in any ethnic language, we published a booklet in five major ethnic languages with texts easy to understand and

distributed it for free. The result is that most minorities in Denmark now know the issue.

By creating a common front minorities will be able to get the influence which they need and should have. It is important for these organisations to start a constructive international dialogue with each other. I also want to take the liberty to suggest that grassroots ethnic minorities organisations in Europe should form an European Ethnic Minority Council as a lobby and pressure group. This should be independent of EU institutions and chosen by the minorities themselves. We in Scandinavia have already taken this initiative and set in motion a working group whose job would be to search, discuss and involve organisations, individuals and interested parties in their respective countries and establish support groups. In order to achieve this, a permanent secretariat can be established where different active grassroots anti-racist and ethnic minorities organisations from different EU countries can pool their resources and information, exchange experiences, give out literature, contact media and politicians. Fax machines, Internet and E-mail can be used very effectively.

Most of you are already engaged on the local and national level. You know your area, your people, their problems and most certainly the solutions. All you need is unity, discipline and co-operation, across ethnic, national and religious lines. If you want to survive within the European Union you must be united.

There is already a network established by European Parliament under the name of Migrant Forum and Commission which is working along the same lines. After 1997 the year against racism comes to an end, there will be a network of anti-racist organisations on a European level. There is a great need to establish an independent, transparent, all-inclusive, and democratically elected organ.

### **Barriers are crumbling**

Though the ethnic minorities only make up 3.8% of the Danish population, they get a lot of attention in the Danish media. The debate is often emotional and depends on the waves of the public feeling, lacking objectivity and balance. The discussions and the political decisions in the Danish society take place without the involvement of the minorities.

However, in spite of the negative situation, there are positive developments. The organisations and representatives of the ethnic minorities are becoming actively involved in the debate. They have achieved more influence in the area, and they are now often involved in the initiatives concerning minorities.

The Documentation and Counselling Centre about Racism (DRC), which was founded on a voluntary basis in 1993 and works on the grassroots level, plays an important role in the documentation of and fighting against discrimination in the Danish society. After many years of pressure from the minority organisations, the Commission for Ethnic Equality has been established by the parliament, and though full ethnic equality will not be achieved in the nearest future, it is a major step in the right direction.

The discussion of using the anti-racism paragraph 266b more frequently, the Prime Minister's anti-racism speech at the opening of the parliament in 1996, the labour unions campaign "Room for everyone" and the general rise in political consciousness among the minorities are all positive signs. The barriers in the dialogue between minorities and majority are coming down. The conference on media and minorities as well as the conference on the relationship between police and minorities are good examples of minority involvement from the beginning.

Also structural changes in the Governmental Advisory Board for Ethnic Minorities are steps in the right direction. Minority organisations have played a very important role in this development,

especially in organising the minorities, so that their voice is heard in Denmark. In the future they must work even more dynamically and get better organised on all levels, in order to get real influence on the setting of the political agenda and the decisions concerning ethnic minorities. Although this work has not been appreciated by the Danish society, it had great influence on the steps that had been taken in order to improve the situation. It was possible due to sacrifices and energetic. It has often been totally unselfish. With the support of ethnic minorities one can succeed where others failed.

In order to influence a political system, it is a condition that you understand how it works. Something that can only be learned through experience. Therefore ethnic minorities must demand the right to be represented by themselves and not by surrogates. We have to protest publicly through the media and through the political system. In the end a just word of caution. Influence will not be served on a silver plate, it has to be gained through political struggle, based on a clear analysis, doing away with wishful thinking and with a close co-operation of those Europeans who still believe in human rights, pluralistic development and most of all in keeping Europe democratic. We in Denmark extend our co-operation to do everything in our capacity to achieve this objective. To the ethnic minorities, the message on the wall is written very clearly in capital letters.

It reads:

"Those of you who want to live here, be prepared to live like second-class citizens, without equal rights and without equal opportunities. Otherwise, pack your bags and leave. And those who plan to come here, stay wherever you are!

But, like Martin Luther King and Malcom X, ethnic minorities have a dream! And to fulfil this dream, they have to be optimistic and believe in the goodness of human beings. They sincerely believe that there are people, movements and forces in Europe who are concerned about their beautiful continent, its great human values, its international reputation, its freedom-loving spirit, and its humanism. A Europe of

true peace and prosperity for all its inhabitants. Here, they want to feel safe when they walk down the street. Here, they want to be able to move inside and outside airports without being stopped just because of their colour. They want to go wherever they want to without having their identity card checked by the police. They certainly want to be respected as fellow human being. They want their colour, religion, accent, cultural and ethnic background not to be seen and experienced as a hindrance, but instead, as a positive and enhancing contribution to the society we live in.

The ethnic minorities and the progressive forces must join hands, and this co-operation must be above party politics, political ideology and human pity. To build a Europe - a Europe free of prejudices, a Europe bubbling with tolerance and heart-felt openness is the task ahead. This can happen if European rational spirit mingles with the eastern philosophical soul, paving the way for a true understanding. In the end I want to quote a great writer, Susan Sontag who has said:

"Some people claim that Europe is dead. Maybe, it will be right to say, that Europe is yet to be born. A Europe that takes care of its defenceless minorities is badly needed. It is necessary that Europe is multi-cultural, otherwise it will cease to exist".

Well, who can disagree with this?

## **Conclusions**

*These conclusions were prepared by **Professor Han Entzinger** (Utrecht University), consultant for this project. They were discussed and adopted by the participants in the Seminar on "Political and Social Participation of Immigrants through Consultative Bodies", which was held in Strasbourg on 26-28 November 1997.*

### **Terminology**

The participants in the Seminar wished to stress that the term "immigrants" is often too narrow to cover those members of the population and those ethnic, national or minority communities for whom special consultative arrangements may be developed. There are significant differences within Europe in the way immigrant and minority issues are perceived and defined, and these differences are reflected in the consultation structures and mechanisms. The Seminar discussed such differences and realised that special consultative arrangements may be justified not only on the basis of immigrant status or immigrant origin, but also on the basis of national or ethnic origin, religion, culture, language, race, foreign citizenship, refugee status or any combination of these.

The Seminar noted that all European societies are becoming increasingly intercultural. In the light of this it has been welcomed that virtually all countries of Europe now practice certain forms of consultation of this type, which is seen as an element in the democratic process.

### **Forms of participation and consultation**

A distinction has been made between individual and group participation of immigrants. The former includes naturalisation as well as the granting of voting rights to non-citizens.

In situations where the immigrant share in the population is increasing, the debate on naturalisation and voting rights tends to be intensified. The divisions, however, on these matters are quite strong. Most participants in the Seminar felt that the granting of local voting rights as well as of voting rights for the European Parliament in the EU-member States was particularly urgent. The same holds for better facilities for dual citizenship, which also facilitate political participation of individual immigrants.

Consultation is typically seen as a form of group participation. It may take place in a formalised and well-structured manner, although informal consultation can also be quite effective. Both forms do not exclude each another, but they can be complementary. Similarly, consultation should never serve as a substitute for granting to immigrants the same rights that the majority population enjoys.

### **Tasks and modalities of consultative bodies**

It was generally agreed that consultation mechanisms should not be set up in times of crisis, but at a much earlier stage, precisely to help avoid such crises. It was also agreed that consultative bodies should have a formal basis, and that there should be agreement on their tasks and aims. Consultative bodies should be equipped with sufficient staff and funding, so as to enable them to be professional and serious partners in the debate.

Consultative bodies have a practical as well as an important symbolic value: they can be an important signal that immigrants and minorities are taken seriously. This is particularly so if such bodies have direct access to high level politicians and to the media. The need of consultation at an early stage of the decision-making process was

equally stressed. This will make consultative bodies into real participants in such processes, and it will reduce the chance that they serve as a legitimisation for decisions already taken, or simply as an alibi.

There was agreement that consultation mechanisms for immigrants and minorities should primarily express themselves on issues that are of direct relevance for the people and the communities involved. It was recognised, however, that this will still include a broad range of policy areas.

Views differed among the participants as to the set-up and membership of consultative bodies. A majority felt that consultative bodies would be most effective if their membership would include not only immigrants, but also representatives of political or administrative bodies and other relevant institutions (e.g. trade unions), who could then co-operate within that body. A smaller number of the participants, however, felt that the membership should be reserved for immigrants and/or their associations, who could then engage in a dialogue as equal partners with the authorities. The effectiveness of either approach seems to be largely dependent on national habits and traditions. No matter what approach is preferred, consultative bodies for immigrants should always be seen as supplementary to normal parliamentary procedures, and never as an alternative.

### **Membership issues**

Significant differences exist between the European countries regarding membership and recruitment practices for consultative bodies. In some cases immigrant members of these bodies are 'well connected' individuals who only represent themselves. In other cases the immigrant members may be representatives of one particular (national) group, in again other cases immigrant members may represent the entire immigrant community. In the latter two cases immigrant members are sometimes elected, *e.g.* from among immigrant associations. There are other situations where immigrant

members of consultative bodies are appointed, usually by the government.

The Seminar did not express a preference for one form or another, but emphasised that it should be very important for members of consultative bodies to act as bridges between immigrant communities and the authorities, and, therefore, to have the confidence of both sides. This implies that the members should have a good knowledge of the specialities of immigrant situations. Furthermore, the diversity between as well as within immigrant groups should be sufficiently reflected in their representation. The Seminar also discussed the risk that immigrant representatives tend to be drawn into the "majority" system rather easily. When this happens, they may easily lose touch with the group(s) they are supposed to represent.

#### **Special versus integrated arrangements**

The Seminar acknowledged the delicate balance between difference and similarity in immigrant societies. Putting too much emphasis on what separates immigrants and minorities from the other members of a society may limit the possibilities for a full participation of all and for a better mutual understanding. Too little emphasis on the special nature of the situation of immigrants and minorities may force them to participate in "mainstream" institutions that may offer insufficient opportunities to deploy and to develop their talents. All participants agreed on the continuing need to promote immigrant and minority participation in all sectors of society, irrespective of the existence of consultative bodies and of their impact. At the same time, immigrants and minorities should also be enabled to set up their own institutions if they wish to do so, and, more particularly, to set up their own associations without any restrictions.

## **Concluding remarks and trends for the future**

*Han Entzinger*

Most countries in Europe have significant numbers of people living in their territories who are either immigrants themselves or who are of immigrant origin. Many of these people are not citizens of the country where they reside, and therefore do not have all social and political rights that full citizens have. This can be considered a problem, because it challenges the democratic legitimation of the State. Most experts now agree that immigration is likely to continue. This makes it all the more urgent to seek solutions that reconcile the particularities of the nation-State with the facts of immigration.

Much can be learned here from experiences in a number of European countries that have recognised this problem and have been trying to solve it at an early stage. In this project, as well as at the Seminar, a variety of solutions have been presented and discussed. There is a general feeling that the granting of voting rights to immigrants as well as a relatively generous naturalisation policy are adequate and effective instruments to promote immigrant participation in politics. It is quite important therefore, that those countries that find it difficult to grant voting and citizenship rights to immigrants and their offspring - even after long periods of up to several decades - reconsider their views on this matter, and become more realistic. This may avoid long term cleavages between first and second class citizens in those countries. Allowing dual citizenship may be a helpful instrument. The Council of Europe's current activities in promoting this are to be welcomed.

As long as full voting and citizenship rights have not been granted to immigrants, special forms of consultation may serve as a substitute,

but only to a certain extent. Special forms of consultation may be considered by the authorities as a source of information on what actually is felt by immigrant communities. Likewise, consultation mechanisms may also serve as a discussion forum and as an opportunity for the exchange of views and ideas between the authorities and the immigrants, who cannot express themselves through the normal political channels. One might expect, therefore, that consultation mechanisms would be set up particularly in situations where citizenship and voting rights policies are less developed. The opposite seems to be the case. Even though almost all countries studied at the Seminar practice some form of immigrant consultation at the national (or regional) level, the most sophisticated and systematic forms can be found in countries with well-developed integration policies for immigrants in all areas.

Consultation, apparently, is seen as an important additional element in the integration process, rather than as a "second best" where voting and citizenship rights are lacking. Countries with well developed consultation mechanisms see immigrants not only as (potential) fellow citizens, but also as groups of people with special interests and demands, that should be voiced to the authorities in a systematic rather than a haphazard manner. Nevertheless, even these countries sometimes have difficulty in determining the right moment for consultation. Immigrants often complain that they are consulted after the major decisions have been taken, and that they are only allowed to give their views on details. But, perhaps, this is a general problem with consultation by public authorities. This is one reason why some claim that it is better not to have any formalised consultation structures for immigrants at all. In that case, the public authorities would be obliged to involve the immigrant communities more directly in the political debate, and their views would not be "filtered" by any institutionalised body. This view, however, was not shared by the majority of the participants in the Seminar.

Two important formulas of immigrant consultation can be distinguished. One formula implies that consultative bodies on immigrant matters have an exclusive membership of immigrants.

Examples of this may be found in the United Kingdom, the Netherlands, Denmark, Italy and in certain German *Länder*. The leading idea here is that immigrants themselves know best what is good for them. The outcome of the consultation process will be presented as "the immigrants' view" to the public authorities, who may then weigh this view as such in their further decision-making.

The other formula opts for including immigrants *inter alia* into consultative bodies for specific policy areas, such as urban development, human rights, education or immigrant integration as such. Apart from immigrants or their associations, other organisations and institutions may be represented as well, like trades unions, employers confederations or tenants associations. The weighing of views then takes place within the consultative body itself before it produces its advice. This is the formula currently practised in Sweden, which used to have consultative bodies for immigrants only. Very often, the public authorities themselves are also represented on "mixed" consultative bodies. Sometimes the ministries most involved have the right to appoint a certain number of members (as in France), sometimes there are parliamentarians on these bodies (as in the Brussels region), sometimes both government and parliament alike send their delegates (as in Norway).

There is also a third form of communication between immigrants and the public authorities which cannot be labelled as immigrant consultation, but which can nevertheless be helpful in promoting a better mutual understanding. Several countries in Europe, such as Germany, Portugal and Finland, have appointed special commissioners (or "ombudsmen"), usually with a substantial degree of autonomy, whose task it is to serve as intermediaries between the authorities and the immigrant communities. They may act in individual cases, but also on behalf of specific groups. As a general rule, these commissioners tend not to be of immigrant origin themselves.

It is impossible to say which of these models produces the best results, as this is largely determined by the institutional set-up and the political traditions of each country. It is interesting to note, for

instance, that particular concerns of individual countries can be found back in the way they shape their consultative bodies. Sweden, for instance, insists on gender parity, also in immigrant representation, whilst in Belgium quota for Dutch and French speaking immigrants have been set for consultative bodies. What is most important, however, is that immigrants have a fair chance to bring their views forward, and that these views are taken seriously in the public debate. A condition for this is that immigrants also have sufficient access to the press and the media. The public authorities have a task in facilitating this, without, however, trying to influence the contents of the debate, as is customary in European democracies.

Perhaps the most delicate point raised and discussed in this project, as well as in the Seminar, is the issue of representativity. Who represents the immigrants? Even though electing one's representatives seems the most obvious way to proceed in the European democratic tradition, we have only found a limited number of cases where this actually happens. There may be technical reasons for this, such as the difficulty in determining who are the electorate, but there may also be reasons of a more political nature. Asking immigrant communities or immigrant organisations to elect their representatives is often perceived as risky by the public authorities. Elections may bring strong disagreements within immigrant populations to the surface. Authorities may also fear that, in certain cases, elections may produce immigrant representatives who are not inclined to co-operate with them, nor to accept the terms of their mandate. Instead, such representatives may prefer to maintain strong ties with the country of origin and, for that matter, hamper, rather than promote integration in the country of actual residence.

Often such fears are totally ungrounded, but, nevertheless, and in order to avoid painful situations, immigrant members of consultative bodies are frequently appointed by the authorities, rather than elected. The risk here, of course, is that such key positions go to members of an immigrant elite who may be insufficiently familiar with what is actually occurring in the immigrant communities at large. Therefore it is very important to make sure that immigrant members appointed to

consultative bodies are able and willing to act as intermediaries between immigrant communities, the surrounding society at large, and the authorities in particular. This requires very special skills, that, fortunately, are quite well represented in immigrant circles all over Europe.

Finally, with a look at the future, the question came up repeatedly for how long immigrant consultation will be needed. There will be a time, it was felt by some at the Seminar, when it is no longer sensible to distinguish immigrants and their offspring from the rest of the population. This question can be approached from different angles. Looking at it from the immigration angle, one may claim that, even though individual immigrants may become integrated or even assimilated as time goes by, immigration as such will continue. Therefore, consultative arrangements for immigrants will remain needed, even though, over the years, they may cater for different immigrant populations.

Considered from the integration perspective, it must be noted that, even as immigrants and immigrant communities gradually become full members of the new society, there may continue to be a need for special facilities. Immigrants may wish, for instance, to preserve and develop certain elements of their culture that distinguish them from the surrounding society, such as language or religion. It would be wise to facilitate a dialogue with the public authorities on such issues, and consultation mechanisms may continue to play a role here. As time goes by, such consultation mechanisms and related facilities may begin to look like comparable arrangements for indigenous minority populations, with which many countries in both Western and Eastern Europe are familiar. Only if people of immigrant origin, also in their own views, no longer distinguish themselves from the surrounding society in any way, special consultation mechanisms do not make sense any more.

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**LA PARTICIPATION POLITIQUE ET SOCIALE  
DES IMMIGRES A TRAVERS DES  
MECANISMES DE CONSULTATION**

**Addendum**

Community relations



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N.B. The views expressed in this booklet are those of the authors and do not necessarily reflect those of the Council of Europe or its member States.



## **Immigrants' political and social participation in Italy: a personal experience**

Maria Marta Farfan<sup>1</sup>

In this brief report, I would like to review some of the legal issues concerning immigrants' political and social participation and naturalisation in Italy, intertwining them with references to my personal experience as an immigrant.

When I first arrived in Italy, in 1978, the status of foreigners in Italy was governed by regulations concerning public security and by a number of ministerial rulings, most of which controlled the job market for household help. In 1981, Italy ratified (together with a small number of other countries) Convention no. 143 of the International Labour Organisation on illegal migration in abusive conditions and the promotion of equal opportunity and treatment of migrant workers.

In 1986, the Italian Parliament incorporated this Convention into its own legislation, passing Italy's first law on immigration (1), a measure which introduced a fundamental principle: that workers from outside the European Community who legally reside in Italy are to be treated in the same way - and with fully equal rights - as Italian workers. The law introduced the elements to be used to establish the immigrant participation on advisory bodies. A National Advisory Board was formed under the auspices of the Ministry of Labour. The members were public and private professionals active in the sector, and the goal was to promote initiatives reaffirming the rights

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established in the law. Also sitting on the Board were representatives of workers from outside the European Community, elected by their associations.

It was during these years that I directed my attention to legal issues involving immigration. Since the 1980's, Italian unions and associations have been working in favour of immigrants on both the national and local level, demanding full recognition of their fundamental rights, together with equal treatment and opportunity. I began my working relationship with the Cisl Union (one of Italy's three labour confederations), and specifically with Inas, the branch of the union involved with welfare. I was chosen to take part in the work of the National Advisory Board on Immigration, whose efforts revealed the problems generated by the application of the new law. After only a few meetings, however, the Board's activities were suspended.

Beginning in 1986, each Italian region laid the groundwork for its own laws on immigration (2). Regional advisory boards were established with the participation of immigrants, at times elected by their fellow immigrants, or, on other occasions, appointed directly by the regional bodies. In fact, it is the regional governments which allocate the financing for immigrant associations, accepting many of the projects presented by the various associations and unions. Public programs prove to be highly diversified from one region to the other: northern Italy provides more support to these than the south.

In the meantime, my work with the union focused on the first legalisation of illegal workers in Italy, a possibility offered by the 1986 law (3).

Four years later, in 1990, the so-called "Martelli law" was approved (4), introducing a renewed version of the rules governing entry, stays and expulsion, but without contemplating any additional forms of social or political participation for the further integration of immigrants. The law did establish a tie between the legal residence in Italy and the granting of numerous rights. It also called for the second legalisation, which covered both salaried and self-employed workers (including professionals) (5) .

In 1992, a new law was approved in Italy on Italian citizenship (6). This law confirmed the "*ius sanguinis*", or the criterion of birth, as the principle for the granting of Italian citizenship: in fact, the offspring of an Italian father or mother is an Italian citizen no matter where the child is born, and this is why today there are millions of Italian citizens spread throughout the world. On

the other hand, a child born of foreign parents in Italy is not automatically an Italian citizen (the legislation applies the criterion of a territorial right to citizenship, "*ius soli*", only in the case of stateless individuals), though he or she can obtain Italian citizenship by legally residing in the country until the age of eighteen. Minors who are children of a naturalised Italian and who live with that parent, automatically become Italians as well.

Any eventual reform of the law should grant citizenship to minors born in Italy of foreign parents and reduce the requirements for long-term immigrants seeking Italian citizenship.

Though I had an Italian grandmother, I was not granted Italian citizenship (it was not until 1983 that Italian women were able to hand on their citizenship to their children), and so, I became a naturalised Italian on the basis of residency (7). The granting of naturalised citizenship is not a right but a concession, based on the prerequisite of legal residence (3 years for those with Italian ancestors, 5 years for citizens of the European Community and refugees, and 10 years for those from outside the European Community). It is determined by an evaluation of many aspects of the candidate's life, chief among them is his or her economic status: citizenship is not granted to candidates lacking sufficient income. What is more, the option of double citizenship, recently introduced under the new law, is not a possibility for foreigners who become naturalised Italians on the basis of residence, given that they are asked, by administrative request, to abandon their citizenship of origin. Therefore, the chief features of the process of becoming a naturalised Italian are the difficulties involved and the impossibility of obtaining double citizenship. But a multiple set of problems arises, given that double citizenship depends on the parallel effects of the legal systems of each country. Immigrants who intend to become naturalised Italians should be aware of whether or not the legislation of their home countries permits double citizenship, since, in many cases, immigrants who obtain citizenship in their country of residence automatically lose their citizenship of origin. The status of double citizenship, therefore, is affected by both domestic and foreign law, in addition to decisions made on the international level. The Strasbourg Convention on the reduction of cases of multiple nationality of 1963, signed by a large number of European Community countries, excludes the possibility of double citizenship. Recently, a new Convention on Nationality has been adopted to make it easier for people residing permanently in one of the member countries to acquire citizenship in that country, without losing citizenship of their country of origin.

I am convinced that naturalisation should be a personal choice, and one which should be encouraged, by eliminations overly rigid requirements from national procedures, as well as all forms of discrimination on the international level.

I have left the issue of the political rights of immigrants and their participation in the political process for the end of this overview. In Italy, only those who are Italian citizens (either by birth or through naturalisation) are granted full political rights and allowed to vote in both national and local elections. Political rights have not yet been granted to immigrants from outside the European Community who legally reside in Italy. In 1994, Italy ratified the Strasbourg Convention on the participation of foreigners in public life at local level<sup>1</sup>, but only with regard to chapters a) and b). As a result, foreigners are given the right of free expression, the right of assembly and association and the right to participate in advisory bodies, but they are not granted the right to vote or to run for office in local elections. In recent years, a number of proposed amendments to the Constitution have been formulated in order to extend the right to vote and to stand for election to foreigners. These proposals have been supported by associations and unions. These proposals have also been received positively by the government, particularly by the Ministry of Social Solidarity, who has proposed a new immigration law, that originally included the right to vote. However, unfortunately, heated opposition in Parliament made it necessary to remove this point from the bill and present it once again as part of a new law on constitutional reform. And so, at least in the near future, foreigners will still not be able to vote or run for office in local elections, even though the new law will grant them the right to do so (once it is introduced into Italian legislation) on condition that they are holders of permanent – stay permits and have been legally residing in Italy for five years or more.

In short, today Italy is faced with the following situation: given that immigrants have no political rights, their participation in political affairs is scarce, occurring only on the local level. As for naturalisation, it entails rigid procedures, while double citizenship is not permitted for foreigners who become Italian on the basis of residency. The new immigration law, on the other hand, though it addresses neither political rights nor naturalisation,

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<sup>1</sup> Appendix I: see text of the Convention on the participation of foreigners in public life at local level.

facilitates the process leading to citizenship by guaranteeing equality, in terms of civil and social rights, through the specific instrument of the "carta di soggiorno", a permanent - stay permit. I believe that it is both important and useful for immigrants if they are eventually to take part in public life, to learn about legislative measures, to become familiar with administrative mechanisms, to learn the relevant rules and regulations, and to push their claims to their rights.

## Notes

- (1) Law n. 943/1986. A number of fundamental principles became a part of the Italian legislation on the subject, including: the establishment of equal treatment – as compared to Italian to Italian workers – for workers from outside the European Community. But legally residing in Italy, in terms of jobs, professional qualifications, social security, union and welfare rights and individual and collective rights for both themselves and their families; the reunification of the families of immigrants legally residing in Italy was also promoted.
- (2) The regional laws became important tools for the management of immigration on the local level; in most cases these laws called for thorough efforts involving social and assistance services and the care of new arrivals, but they did not neglect issues such as housing, integration into the work world, professional training, the right to education, and measures favouring immigrants associations.
- (3) The number of individuals legalised totalled 118.300.
- (4) Law n. 39/1990.
- (5) Approximately 250.000 individuals legalised their status.
- (6) Law n. 91/1992.
- (7) One can become a naturalised Italian through marriage or through residency.

*The participation of immigrants in consultative bodies in France*

Gaye Petek-Salom, Director of the ELELE Association<sup>7</sup>

According to M. Entziger's participation models, France fits the "individual rights" model. It is relatively easy to obtain French nationality and, consequently, the right to vote and stand at elections.

France is therefore an advocate of full and complete integration through citizenship, but because it respects the rights of foreigners who wish to remain in France, it has devised ways in which they may participate in society. French immigration policy has thus led to a number of structures and consultative bodies being set up.

Some of these structures are dormant, such as the CNIPI (*Conseil National pour l'Intégration des Populations Immigrées* – National Council for the Integration of Immigrant Populations), whose three-year mandate expired one and a half years ago, and the CNV (*Conseil National des Villes* – National Urban Council), whose mandate expired a month ago at the time of writing.

I was personally a member of the CNV (made up of 25 MP-Mayors, 13 qualified persons and a General Secretary) where, as Vice President of the CNIPI until its mandate expired, I represented immigrant populations.

I am still an Administrator at the National Administrative Council (*Conseil d'Administration Nationale*) of the FAS (*Fonds d'Action Sociale* – Social Action Fund) as a qualified representative of immigrant populations and am also a member of the CSIS (*Conseil Supérieur de l'Information Sexuelle* – National Council for Sex Education).

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The mandate of the CNIPI, which is a joint council whose members are ministers, trade unionists, experts and immigration personalities and of which I was Vice President, was not renewed when it expired in February 1996.

During its last term, various working groups studied and gave opinions on the following subjects:

- The personal status of foreign residents,
- Family reunification,
- Information and communication,
- Public service counselling,
- Secularism in the education system.

On the initiative of the minister at the time, Ms Simone Veil, the CNIPI also held *ad hoc* sessions on integration policy. The results of this work were later used by the minister to draw up the “Integration Measures” (“*Mesures pour l’Intégration*”).

Ms Simone Veil, then Secretary of State, was the only minister who actually consulted the CNIPI when preparing projects such as the circular on family reunification or the “Integration Measures”. This was the type of consultation that gave meaning to the CNIPI.

When the CNV’s mandate expired, I informed the minister, Ms Martine Aubry, of my feelings on my participation in this body. As the CNIPI had ceased to function in 1996, it seemed to me that there had been no reason for me to represent immigrants in the CNV for over a year and I therefore let it be known that I considered my participation to be pointless since I no longer had any connection with a body whose task was to study immigration policy. There is no room for personal opinions in such a body as the Urban Council; one needs rather to be able to draw on the discussions of a body specialising in migratory questions .

The composition of the FAS National Administrative Council is much the same as that of CNIPI but its discussions are more technical and concern FAS priorities: policy on action to be taken to promote integration rather than discussions on specific texts and policies.

It is also a place where decisions are made and votes are taken on aid to be awarded to associations and structures carrying out activities to further

integration. However, it should be noted that when ballots are held, the total votes cast by the trade unions and the immigrant populations combined can never attain a majority if all the institutions representing the state are present or vote by proxy.

Finally, it should be noted that none of the “wise persons” on the HCI (*Haut Conseil à l’Intégration* – High Council for Integration), of which Ms Simone Veil is the president-in-office, have an immigrant background. On the other hand, the CNCDH (*Conseil National Consultatif des Droits de l’Homme* – National Consultative Council for Human Rights) does comprise qualified people with immigrant backgrounds.

French immigration policy remains much the same whichever government is in power and is based on the control of migratory flows, the combat against illegal immigration and illegal employment on the one hand, and a policy for integrating populations who wish to settle on French territory on the other. The tools of integration are the residence card (valid for ten years), family reunification, and acquisition of French citizenship by being born in France or by naturalisation.

These measures are reinforced by a refusal to recognise specific ethnic communities as such: France is opposed to a multi-ethnic and multicultural model of society where the various communities express their separate identity. This position can be a defence against communities turning in on themselves and thus becoming objects of exclusion and racism.

But I think that, in practice, communities do express themselves, their individuality and that the representation of cultural “sensitivities” in the above-mentioned bodies, even if the representatives concerned are called “qualified persons”, is a roundabout way of recognising France’s pluralism.

I think that a multicultural society in which all the members identify with a number of common, shared values while preserving and expressing their cultural diversity forms a sort of consensus, which is the proof of successful integration. A two-way integration where people are integrated into each other’s communities, not just one group into another.

The expression of culture, of a group or community’s specific needs, seems to me to be unavoidable if we do not want these populations to withdraw into isolation, while demanding that their identities be recognised.

It was with this aim in mind that I founded ELELE, an association of immigrants which helps people of Turkish origin and co-operates with the social and cultural agencies who deal with them. ELELE works to achieve the integration of Turks in France, but also to achieve what the Turks expect of the French. Finally, ELELE tries to bridge the generation gaps and tone down the family and cultural difficulties experienced by this population. ELELE is classified as a “community association” and cannot be considered as a social welfare centre.

At present, the association is subsidised by the FAS, the Ministry of Labour Population and Migrations Directorate and the City of Paris “Solidarity” fund.

As well as striving to achieve the social integration of Turkish people in France, we at ELELE also want, through training, mediation, cultural and educational activities, to make Turkish culture and particularities known in France. And we aim to do all this without resorting to using “officialese” and by making our observations known, no matter whether they are pleasant to hear or offend the self-esteem of politicians or Turks themselves.

We also militate for immigrants to be recognised in state policy.

To give an example, the recent Urban Renewal Pact (*Pacte de Relance pour la Ville*), a political project for urban development launched by the previous government, contained in a document over 100 pages long, does not make one single mention of immigrant families.

This political outlook hardly changes, whichever government is in power. In France, it is thought that immigrants must not be stigmatised and that the less one talks about them, the less one runs the risk of increasing the popularity of the National Front. However, the end result is that only the National Front talks about immigrants, in other words, immigrants are nevertheless talked about, but in simplistic, fallacious or racist terms.

While helping certain associations to develop, the way the state talks about them can also sometimes be surprising. If an association is expanding, there is a tendency to consider its growth as “exponential” and accuse it of overshadowing other associations. Yet if an association’s work is of high

quality, the aim should be to optimise it rather than levelling down the capacity of expression of what are known as “community” associations.

In my opinion, it is more important to consider how successful experiments and actions in the field of integration can be perpetuated. It would therefore be wiser to use the know-how and skills acquired by some associations to raise the level of the others. It is also with this end in mind that account should be taken of the existing Spanish and Portuguese associations, which are at present excluded from consultation because they are classed as “community” associations. Their experience is, however, very valuable to all of us who represent populations that have more recently arrived in France.

One might also question the capacity of governments and public institutions to admit failure in the field of integration. Any criticism that is felt to be too strong, any negative comment, is frowned upon. And yet it is important to be in close touch with reality in the field and offer a forward-looking vision of the aspirations, needs and difficulties of immigrant populations.

The political representativeness afforded to immigrants in consultative bodies, to which I myself belong, is somewhat haphazard. One sometimes gets the impression that one is being used as an alibi and a means of giving politicians a clear conscience. May I point out in passing that although trade unions are represented on these bodies, political parties are not (except for the CNV).

As long as a few immigrants have seats on public bodies or national councils and an effort has even been made to make sure some of them are women, governments consider that they have done their duty: giving immigrants the democratic right of expression.

It must, however, be recognised that immigrants themselves do not always make proper use of these consultative bodies. The voluntary sector is fragmented, communities are divided, and some association leaders use these councils to voice their own opinions or those of political pressure groups and in doing so, bring down the level of debate to a statement of sometimes too partisan opinions. It is also true that many immigrants who have been invited to sit on these consultative councils only attend when they can meet a minister or a director of a central administrative department and rarely take part in the routine meetings which, however, do far more to defend immigrants’ rights and bring about their successful integration.

Certainly, one can feel honoured by being appointed, but these bodies are only consultative; they seem to be equally balanced but the voices of immigrant populations are always in the minority.

Finally, the individuals who are appointed by virtue of their personal experience or their work in associations do not always have as much information and time at their disposal as, for example, the trade unions, which moreover appoint salaried employees as representatives on these bodies.

The problem of representation by associations that have been elected to these bodies or appointed by the state is a sensitive one. Which associations can be considered to be representative? Taking Turkish associations as an example, 10% of them are non-confessional, democratic and intent on promoting republican and progressive values. Others are Islamic with a moderate or more or less fundamentalist outlook. In a situation such as this, either one accepts full representation which goes against democracy or one puts the emphasis on a certain idea of democracy and refuses to admit associations that reject republican values.

I therefore think that the only way to achieve genuine participation is to get involved in politics and stand as a candidate at an election.

But political parties could already play a greater part, for once they are in power, they only consider immigrants to be “consultants”, to be given advisory positions in a minister's private office, as a private alibi.

As far as I am concerned, I try to use my position to get ideas accepted, I fight for certain causes, and I sometimes have the feeling that nobody listens to what I say; but I also sometimes have the satisfaction of seeing that, as the years go by, a number of comments or suggestions are eventually accepted. My personal understanding of the idea of integration is an ambitious policy for immigrants and their families.

I think that there is a duty to intervene in immigrants' countries of origin as well as in host countries whenever another culture flouts the right to life and progress. Wherever traditional practices are retro-gressive and disregard women's determination to emancipate themselves or young people's desire to lead independent lives, they must be resolutely combated (these include

excision, arranged marriages, the obligation for Islamic women to wear veils, young girls being denied schooling, etc).

The participation of immigrants in political decision-making bodies serves that purpose, too. It can influence policies to a certain degree and infuse government decisions with political determination.

The political participation of immigrants must not be systematically used to decry state policy. Immigrant representatives can of course indulge in criticising and fighting for equal opportunities, but they must also take part in a constructive debate which will enable individual rights to progress. There should be no disgrace in sharing some of the government's points of view.

Immigrant association activists must stop portraying their members as victims, for their children's future as citizens will not benefit from it.

In France today, it seems to me to be urgent to re-establish political consultative bodies for immigrants. At local level, by expanding immigrants' councils at municipal level and making them truly credible, and at national level, by setting up a new, more effective CNIPI.

Such effectiveness depends, in my opinion, on a few specific criteria:

- **A wiser choice of the immigrant members.** More should be done to improve the representation of the various shades of opinion within a given community, to further equal representation of men and women, to include people who have local experience in the field. Political scheming and opportunism, of the sort: "such and such an association leader is in it, so such and such another leader with opposing views absolutely has to be in it as well", should be avoided when drawing up council membership. I believe that we must emphasise experience, clear-sightedness, the will to participate, the ability to step back and see things from a distance and a genuine interest in the daily life and future of immigrant populations in France. For there are other places and bodies where demands and grievances can be expressed, such as the CNCDH (National Consultative Council for Human Rights (*Commission Consultative des Droits de l'Homme*)) or quite simply the media or the streets.

- **A real desire by the state to listen to what people have to say.** The authorities must follow up these councils' proposals. If people feel that the work being done will not lead to concrete results, they will inevitably be

discouraged. Ministers or their representatives must keep the council informed, tell it what has been considered important and what has been taken into account. These bodies must be recognised in the national media. They are never invited to take part in political debates on radio or television. So what purpose do these bodies serve? What notice is taken of what they have to say ?

- **Real consideration should be given to immigrants' potential as observers and contributors.** If the public figures and politicians who sit on these various bodies think they know all the answers and do not have a minimum of modesty, if they do not genuinely listen to what members of the immigrant communities have to say, it would be better for them not to invite the latter to their meetings. There must be no sham democracy. Very often, MP-Mayors are only interested in their own prerogatives and attach only the very slightest degree of importance to the words of immigrants.

Perhaps the balance should be changed and instead of putting "alibi" immigrants among politicians, politicians should be made to sit on the consultative bodies of immigrant populations.

In conclusion, I would say that one object of immigrants' political and social participation is to help them become citizens and an integral part of society. Another is to do away with official rhetoric on the part of immigrant representatives and state institutions alike. Above all, it is a commitment to a chosen, ambitious and common cause: the success of immigrants' social and political integration, the recognition and consideration of their cultural identity and their traditions by society in their host country.

The essential aim is for everyone to live together in harmony and in genuine mutual understanding and acceptance.

## *APPENDIX*

### **General Hearing of representatives of immigrants' organisations**

When setting the selection criteria for the participation of immigrants in consultative bodies, special attention should be paid to:

- ensuring equal representation of men and women;
- the presence of all migrant communities living in the country and the sensitivities of the different generations;
- the presence of representatives of refugees as, apart from the specific legal and regulatory aspects concerning them, refugees also have to face exactly the same problems as other immigrants;
- involvement in immigration in the field. Representatives must have practical knowledge and experience of the problems encountered by those immigrants on whose behalf they speak.

Regarding the reality of the opinions expressed and whether they correspond with those of the group.

It must be kept in mind that the representation of associations is an extremely difficult task (there is a risk of representatives of political or cultural associations forming a majority and of endless debates being held between associations with different leanings). The simplest method seems, therefore, to be to appoint representatives, but those appointed must be given the means to enable them to work (secretariat, facilities, representative function officially announced in the media, etc) so that:

- they can effectively inform and communicate with the whole of the immigrant community;
- political parties, parliament, the general public and the media are aware of the consultative body and listen to what it has to say.

Thought must also be given to establishing links between the representatives of communities from a given country with that country's members of the

Forum and the European Parliament. The setting up of structures to examine Europe-wide questions, in which there would be representatives from all European countries, must be encouraged.

The establishment of links between the immigrant communities represented on the consultative bodies in the various European host countries with the persons politically responsible for the same issues in the respective countries of origin must also be provided for.

Such links are necessary because many of the problems encountered by immigrant populations in Europe are related to problems connected with their countries of origin (language, nationality, religion, national service, transferring funds, reintegration, etc).

As regards questions 7 and 8, I shall simply try to express the subject matter differently.

Instead of “encouraging the development of the cultural identity of immigrant communities”, public authorities should help, defend and support the preservation and promotion of cultural identity by:

- giving it a high public profile;
- providing financial aid.

Cultural identity will express itself without state help, but it will either be exacerbated or fall prey to groups that will finance it but will try to use it to deviate cultural expression towards retrograde or partisan values. The sort of identity that we must try to encourage is made up of crossbreeding, interaction and fraternal complementarity.

I do not think that immigrants have to be simultaneously “loyal” to both their country of residence and their country of origin, as that would mean that they inevitably betray one or the other. I believe rather that one can belong to two countries, satisfy or displease both or either of them, treat them on an equal footing. In short, one can be both of impartial and critical and equally attached to such and such an aspect of both cultures or their values without these necessarily being the same.

To be honest, I believe that one should not feel that one has to choose one side or the other, but rather that one can forge one's own composite identity.

APPENDIX I

**CONVENTION ON THE PARTICIPATION OF FOREIGNERS  
IN PUBLIC LIFE AT LOCAL LEVEL**  
Strasbourg, 5.II.1992



**CONVENTION ON  
THE PARTICIPATION OF FOREIGNERS  
IN PUBLIC LIFE AT LOCAL LEVEL**  
Strasbourg, 5.II.1992

**Preamble**

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress while respecting human rights and fundamental freedoms;

Reaffirming their commitment to the universal and indivisible nature of human rights and fundamental freedoms based on the dignity of all human beings;

Having regard to Articles 10, 11, 16 and 60 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Considering that the residence of foreigners on the national territory is now a permanent feature of European societies;

Considering that foreign residents generally have the same duties as citizens at local level;

Aware of the active participation of foreign residents in the life of the local community and the development of its prosperity, and convinced of the need to improve their integration into the local community, especially by enhancing the possibilities for them to participate in local public affairs,

Have agreed as follows:

**Part I**

**Article 1**

1 Each Party shall apply the provisions of Chapters A, B, and C.

However, any Contracting State may declare, when depositing its instrument of ratification, acceptance, approval or accession, that it reserves the right not to apply the provisions of either Chapter B or Chapter C or both.

2 Each Party which has declared that it will apply one or two chapters only may, at any subsequent time, notify the Secretary General that it agrees to apply the provisions of the chapter or chapters which it had not accepted at the moment of depositing its instrument of ratification, acceptance, approval or accession.

**Article 2**

For the purposes of this Convention, the term “foreign residents” means persons who are not nationals of the State and who are lawfully resident on its territory.

**Chapter A - Freedoms of expression, assembly and association**

**Article 3**

Each Party undertakes, subject to the provisions of Article 9, to guarantee to foreign residents, on the same terms as to its own nationals:

- a the right to freedom of expression; this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises;
- b the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests. In particular, the right to freedom of association shall imply the right of foreign residents to form local associations of their own for purposes of mutual assistance,

maintenance and expression of their cultural identity or defence of their interests in relation to matters falling within the province of the local authority, as well as the right to join any association.

#### **Article 4**

Each Party shall endeavour to ensure that reasonable efforts are made to involve foreign residents in public inquiries, planning procedures and other processes of consultation on local matters.

#### **Chapter B - Consultative bodies to represent foreign residents at local level**

#### **Article 5**

1 Each Party undertakes, subject to the provisions of Article 9, paragraph 1 :

a to ensure that there are no legal or other obstacles to prevent local authorities in whose area there is a significant number of foreign residents from setting up consultative bodies or making other appropriate institutional arrangements designed:

- i to form a link between themselves and such residents,
  - ii to provide a forum for the discussion and formulation of the opinions, wishes and concerns of foreign residents on matters which particularly affect them in relation to local public life, including the activities and responsibilities of the local authority concerned, and
  - iii to foster their general integration into the life of the community;
- b to encourage and facilitate the establishment of such consultative bodies or the making of other appropriate institutional arrangements for the representation of foreign residents by local authorities in whose area there is a significant number of foreign residents.

2 Each Party shall ensure that representatives of foreign residents participating in the consultative bodies or other institutional arrangements

referred to in paragraph 1 can be elected by the foreign residents in the local authority area or appointed by individual associations of foreign residents.

### **Chapter C - Right to vote in local authority elections**

#### **Article 6**

1 Each Party undertakes, subject to the provisions of Article 9, paragraph 1, to grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that he fulfils the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the 5 years preceding the elections.

2 However, a Contracting State may declare, when depositing its instrument of ratification, acceptance, approval or accession, that it intends to confine the application of paragraph 1 to the right to vote only.

#### **Article 7**

Each Party may, either unilaterally or by bilateral or multilateral agreement, stipulate that the residence requirements laid down in Article 6 are satisfied by a shorter period of residence.

### **Part II**

#### **Article 8**

Each Party shall endeavour to ensure that information is available to foreign residents concerning their rights and obligations in relation to local public life.

#### **Article 9**

1 In time of war or other public emergency threatening the life of the nation, the rights accorded to foreign residents under Part I may be subjected to further restrictions to the extent strictly required by the exigencies of the situation, provided that such restrictions are not inconsistent with the Party's other obligations under international law.

2 As the right recognised by Article 3.a carries with it duties and responsibilities, it may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

3 The right recognised by Article 3.b may not be subject to any restrictions other than such as are prescribed by law and are necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

4 Any measure taken in accordance with the present article must be notified to the Secretary General of the Council of Europe, who shall inform the other Parties. The same procedure shall apply when such measures are revoked.

5 Nothing in this Convention shall be construed as limiting or derogating from any of the rights which may be guaranteed under the laws of any Party or under any other treaty to which it is a party.

#### **Article 10**

Each Party shall inform the Secretary General of the Council of Europe of any legislative provision or other measure adopted by the competent authorities on its territory which relates to its undertakings under the terms of this Convention.

### **Part III**

#### **Article 11**

This Convention shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

**Article 12**

1 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 11.

2 In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

**Article 13**

1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

**Article 14**

Undertakings subsequently given by Parties to the Convention in accordance with Article 1, paragraph 2, shall be deemed to be an integral part of the ratification, acceptance, approval or accession of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.

**Article 15**

The provisions of this Convention shall apply to all the categories of local authorities existing within the territory of each Party. However, each Contracting State may, when depositing its instrument of ratification,

acceptance, approval or accession, specify the categories of territorial authorities to which it intends to confine the scope of this Convention or which it intends to exclude from its scope.

#### **Article 16**

1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

#### **Article 17**

No reservation may be made in respect of the provisions of this Convention, other than that mentioned in Article 1, paragraph 1.

#### **Article 18**

1 Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

**Article 19**

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 12, 13 and 16;
- d any notification received in application of the provisions of Article 1, paragraph 2;
- e any notification received in application of the provisions of Article 9, paragraph 4;
- f any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 5th day of February 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Convention.