

Immigration and Asylum Law and Policy in Europe

VOLUME 18

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Legal Frameworks for the Integration of Third-Country Nationals

Edited by

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MARTINUS
NIJHOFF
PUBLISHERS

LEIDEN • BOSTON
2009

Chapter 9

Political Participation for Migrants: The MIPEX Results

Dirk Jacobs, Florence Delmotte and Barbara Herman

In this contribution we will discuss the strand on political participation of the Migrant Integration Policy Index (MIPEX). After having discussed the general topic of political participation of foreigners, we will first focus our attention on the choice of indicators in MIPEX. Subsequently we will analyse some of the results of the MIPEX exercise with regard to political participation of third country nationals (TCNs). A number of remarkable results stand out. It turns out political liberties for TCNs are still not assured in all EU Member States. Furthermore, there seems to be no trade off between access to nationality and political rights for non-nationals, although this is often assumed. There does, however, seem to be a link between public opinion on diversity in politics and the openness of a state with regard to political participation of immigrants. Overall, it is safe to say there is still quite some room for improvement as far as policies towards political inclusion of TCNs are concerned.

A. Political Participation

One has a tendency to equate political participation foremost with electoral activities, more precisely with the exercise of political rights *stricto sensu*, i.e. the right to vote and the right to stand as a candidate in elections. From a sociological and political science point of view, however, every attempt towards influencing collective decision making (in government institutions) can be considered as a form of political participation (Verba, Schlozman & Brady, 1995). Strikes, manifestations and consultation activities are in this sense often equally forms of political participation. For some groups, they can even function as an alternative to electoral participation and might even coexist, for instance, with high(er) rates of abstention in 'mainstream' political activity (Gaxie, 1993). Moreover, those

non-electoral forms of participation, which express a certain level of politicisation, do not necessarily require that electoral political rights have (already) been granted (Manin, 1998). Nevertheless, access to electoral rights undoubtedly constitutes an essential instrument for political integration, given the importance of elections in democratic systems. Political liberties are furthermore an important prerequisite for forms of non electoral participation.

The boundaries between political and non-political activity are not always clear or uncontroversial, if only because some activities which were not explicitly intended to be political might *de facto* have political impact (Verba, Scholzman & Brady, 1995). Furthermore, even political violence, terrorism and corruption could equally be considered to be forms of – albeit illegal – political participation (Martiniello, 1997). Leaving these illegal categories aside, we can thus make an analytical typology of political participation in distinguishing electoral participation and non-electoral political participation.

As we already stated, electoral political participation entails participation in elections (including referenda) and participation in the system of representation linked to democratic state institutions on different political levels (local, regional, national and supra-national). Non-electoral political participation refers to trade union activities, active membership of political parties, participation in civil associations with a political agenda, advisory councils and lobby activities. These forms of non-electoral political participation are often closely linked with political liberties.

In the MIPEX exercise we want to assess to what extent EU Member States allow for and stimulate both electoral participation and non-electoral political participation of TCNs. We constructed a number of indicators to try and measure the degree of openness for political inclusion of foreigners. These will be discussed in paragraph four. Before doing so, we would like to reflect a bit more on the issue of political participation of non-nationals and the broader challenge of political participation of ethnic minorities.

B. *Political Inclusion of Foreigners*

Political inclusion of foreigners should not be taken for granted. Especially with regard to formal electoral political participation (but sometimes equally with regard to non-electoral political participation), nation-states have in the 19th and 20th century – in the process of nation-state formation – had a strong tendency to reserve access to political rights (and to political practices) to state citizens. Modern democratic ideology, however, postulates that every individual should be able to equally influence policy making which regards him/her. One can claim that the link between democratic citizenship and nationalism is historically contingent, and not conceptually necessary (Habermas, 1996;

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Fennema, 2001). The history of citizenship has furthermore been characterised by an enlarging, integrative tendency, in which rights – especially political rights – have been first reserved to wealthy men and have then gradually been expanded towards all adult men and finally to all adult nationals, regardless of gender. Since nation-states are not only comprised of nationals but equally have – increasingly in the 20th century – foreign residents among their population, the problem of political exclusion has now shifted to this group. There is hence a tension between modern democratic ideology on the one hand and the logic of nationhood on the other hand.

This tension can be resolved in two ways: foreign residents can be made nationals (through open nationality legislation) or political rights can be granted to all inhabitants regardless of their nationality (Hammar, 1990). Nationality acquisition gives citizens full access to the set of political rights and obligations in the context of a nation-state. States might also wish to grant political rights to non-nationals who cannot or do not wish to take up state citizenship of the host country. This is most often done at the local or regional level. Some supranational levels have stimulated this development. The European Union is, of course, a case in point. The creation of the notion of European citizenship in the Treaty of Maastricht, granting voting rights at the local level and for European Parliament to all foreign residents holding citizenship of another EU member state under the same conditions as nationals, has further stimulated debate on the granting of local political rights to TCNs.

C. The Challenge of Representation

Political participation is one thing – having a political impact is another. Let us discuss the difference with the help of the concept of representation. When talking about political representation, one can make a distinction between two forms: descriptive (or symbolic) representation and substantive representation. There is descriptive representation when the composition of a political body reflects the socio-demographic characteristics of the overall population it is supposed to represent. We talk about substantive representation when interests of subgroups of a population are sufficiently voiced and taken into account in political deliberation. It is often assumed that descriptive representation leads to substantive representation – but there is no guaranteed link between the two.

Political scientists have often analysed to what extent there is descriptive representation in different types of elected bodies. In a perfect world, about half of all members of political bodies should be women. If 20 percent of the population is of immigrant origin, then one in five politicians should be of immigrant background. When ten percent of the population is gay, one in ten politicians should equally be gay, and so on. Descriptive representation could be a goal in

any field of society: in elected bodies, on boards of associations, in schools, in the workplace, in the media, *et cetera*.

Whenever a group of people has to choose a limited number of representatives the issue can pop up as to what extent they represent the diversity of the larger group in an equitable way. Ideally, every group of leaders should be a microcosm of the larger group of people affected by decisions made by this smaller group of leaders. This is more easily said than done. When leadership is the result of democratic elections, unaccompanied by measures of affirmative action, there are no guarantees that the diversity of the group will be reflected in the end result, even if all involved normatively agree that descriptive representation is preferable. If candidates all have particular characteristics and/or voters all vote for a typical kind of representative, as is often the case, homogeneity among the leadership will be the result. Voters should make informed choices, taking into account the profile of candidates as one of the elements in decision making.

Furthermore, representation is a matter of power relations. Those in power generally want to stay in power and try to share as little as possible of it. They might like the idea of descriptive representation in theory but dislike it in practice when it means they have to give up their own seat. As a result, descriptive representation sometimes has to be enforced through formal and informal forms of quota. Mere "naming, blaming and shaming" does not automatically work, which is why positive discrimination can be a necessary last resort.

A common objection to this is that formal and informal mechanisms of positive discrimination will hinder quality. One can, however, equally turn that argument around: if availability of qualified personnel is an issue, then more should be done to ensure equal opportunities for all. Failing to do so is wasting valuable human capital. That is one of the reasons why representation of minority groups – in its sociological significance of less powerful groups – is important.

There are nevertheless an important number of normative and practical challenges related to the use of affirmative action in achieving descriptive representation. Even if everyone agrees with the general idea that diversity is important, it still has to be decided what kind of diversity should be taken into account. Then there is the issue of how to organise it in practical terms. Gender balance has become a legitimate goal in most countries, but this is not the case for all other kinds of diversity which might be just as politically relevant. Should one equally take into account ethnic origin, religion, language use, sexual preference and health situation, to name but a few? It is clear there is no easy consensus to be found for these issues. Especially since some people actually do not want to be made visible as being part of a minority group, if only because they do not want to be pinned down to just one aspect of their identity. That is why some of the most ardent critics of quota systems are to be found among minority group members themselves. At least one thing is clear across the board: affirmative action might be an instrument in achieving descriptive representation but it

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should never be a goal in itself. It is no magical solution. If it exists, its ambition should be to be abolished as quickly as possible once equal opportunities have been achieved.

Suppose descriptive representation is achieved with regard to, say, gender and ethnic origin (with or without formal or informal systems of affirmative action). Will this descriptive representation then be to the benefit of women and ethnic minorities at large? Advocates readily assume it is. This is, however, not necessarily the case. A female politician could take antifeminist political positions, just as a politician of immigrant origin might support points of view which go against the interests of (segments of) the ethnic minority population. It is not difficult to find examples which prove that being a woman or being part of an ethnic minority does not automatically result in proposals which are applauded respectively by the female part of the population or by ethnic minority groups. Numerous female politicians have in the past supported male-oriented policy proposals. Miss Ayaan Hirsi Ali, former member (of immigrant origin) of the Dutch parliament, has defended very critical points of view with regard to multicultural policy and accommodation of Islam in western societies, to give but one very well known recent example. Men can sometimes be better advocates for feminism than women, just as members of an ethnic majority group will sometimes be more considerate of wishes of ethnic minority groups.

That is why political scientists are not just interested in 'counting noses' (descriptive representation) but often also want to investigate what kind of interests are being defended by politicians with particular socio-demographic profiles. The aim is to judge whether minority group interests (substantive representation) are best secured through the presence of members of the same minority group (descriptive representation). One of the challenging methodological problems is, of course, to clearly define and measure group interests (which is not easily done, if only because groups are often difficult to clearly identify and are themselves heterogeneous with regard to profiles and interests). This being said, most studies have shown that descriptive representation indeed enhances substantive representation (Celis, 2006).

So surely the best bet for achieving substantive representation is to start off with descriptive representation. Descriptive representation can even have a value in itself: the symbolic legitimacy of decision making bodies will increase among minority groups if these institutions are more balanced in their composition. Advocates of descriptive representation should however not forget that having token representatives for minority groups can never be the ultimate goal. The final objective should always be to ensure that interests of minority groups are sufficiently voiced and taken account of. What we want is substantive representation. This might be done by anyone; you do not necessarily need minority group members – let alone formal quota – for this.

Ultimately it is the content of the message, the ideology which matters, not the characteristics of the messenger. It is, as we all know, better to listen to what someone tells you than merely judge someone by his or her looks. Merely relying on the symbolic effects of descriptive representation sooner or later backfires. Several political parties in Belgium and the Netherlands have learned this the hard way after blindly recruiting individual minority group members instead of going through the more demanding process of trying to establish links with and through minority associations (Jacobs et alii, 2006).

With this extensive discussion of the notions of descriptive and substantive representation we wanted to show it is no easy and straightforward task to measure political inclusion of minority groups, such as TCNs. As a result, we deliberately opted to limit our focus in MIPEX on the (lack of) openness of public policy in offering opportunities for political inclusion for TCNs, without claiming to be able to assess the success and degree of actual political participation. We suspect that *de jure* opportunity structures will indeed facilitate *de facto* political inclusion, but will not try to demonstrate this here. We want to be very clear about this: we are measuring 'policy input indicators', not 'output indicators' with regard to political inclusion.

D. The MIPEX Indicators for the Strand on Political Participation

The degree of political integration and the effectiveness of political participation – in terms of impact on policy – is, as we have discussed, difficult to assess. Adequately comparing substantive representation on a large scale is simply unfeasible without a tremendous research investment. Even verifying to what extent there is descriptive representation is a huge task and furthermore resembles to a methodological minefield. It is not an easy endeavour to correctly classify political actors to particular groups, if only because third party identification and self identification need not overlap. In addition, characteristics of available data vary widely across Europe. MIPEX, hence, cannot possible have the ambition to measure effectiveness of political participation or the degree of actual political inclusion. MIPEX can only assess the extent to which policy is favourable in creating opportunities for political participation and inclusion.

In the political participation strand of MIPEX we want to measure the degree to which EU Member States formally facilitate (or do not hinder) political inclusion of TCNs. We have chosen not to only focus on electoral rights and political liberties, but to equally take a look at advisory and consultative bodies and implementation policies. Taking into account challenges related to data gathering (relative ease of access to information, attempt to limiting problems of interpretation, *et cetera*) we opted for a relatively short list of thirteen indicators (see annexe 1). As we have already stressed, these indicators focus on policy not

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on outcomes. We did not try to measure the actual degree of political participation of TCNs.

Our main normative source of inspiration was the convention on the participation of foreigners in public life at local level, which was opened for signature by the Member States of the Council of Europe on February 5, 1992. This convention hopes to stimulate states to allow foreign residents to participate in the affairs of their local community. One could, however, argue for the need to improve political inclusion of foreign residents beyond the local level and equally stimulate political integration on the supra-local level (the regional level) or even the nation-state level, in addition to improvement of access to state citizenship. For the purpose of MIPEX, we therefore have decided to not limit ourselves to the local level.

The convention on the participation of foreigners in public life at local level of the Council of Europe has not been very popular, one must admit. Only Cyprus, the Czech Republic, Denmark, Finland, Italy,¹ the Netherlands, Sweden and the United Kingdom have signed it among the EU Member States. Other signatories are Norway and Albania. In preparation of the convention different categories of measures have been put forward forming part of a step-by-step approach towards political inclusion of foreign residents on the local level. These include provisions of full information about civic rights and duties, mechanisms such as consultative committees to represent the views of foreign residents at the level of local authorities and the granting of voting rights to non-nationals.

Earlier recommendations of the Council of Europe for encouragement of participation of local life by foreign residents include (a) providing specific and active information policy, (b) ensuring account is taken as far as possible of their needs and wishes, (c) promoting the creation of local representative bodies for foreign residents to be consulted whenever appropriate, (d) taking steps to promote equal opportunities and good relation between all residents, whatever their nationality and (e) considering granting of voting rights.

The convention as such has three chapters. The first chapter (chapter A) deals with rights of freedom of expression, assembly and association. The second chapter (chapter B) deals with the creation of consultative bodies. The third chapter (chapter C) deals with the right to vote and stand as candidate in local elections. Moreover, the convention has the possibility built in of partial acceptance. States can decide to just accede to particular chapters. The focus of the convention is clearly on the local level. In the explanatory report it is stated:

The convention concerns the participation of foreign residents at local level. For those living in a local community, numerous aspects of their daily life – such as housing, education, local amenities, public transport, cultural and sport facilities

¹ Italy did not sign chapter C which foresees in the right to vote in local authority elections.

– are influenced by decisions taken by the local authority. Moreover, foreign residents participate actively in the life and prosperity of the local community. Therefore, for countries espousing the democratic principles of the Council of Europe it is fair to examine how a sometimes sizeable group of long-term local residents can contribute to the local decision-making process on matters which affect them.

Similar considerations could be applied to some aspects of decision-making at central government level. Nevertheless, it is arguable that there is a closer link between possession of citizenship and participation in procedures for determining what may be conceived of as the 'national will', which would exclude participation of foreigners in national political life.²

With regard to voting rights, another justification can, however, equally be put forward for a limitation to the local and regional level (Jacobs, 1998). Political rights on the local and regional level are most often based on a logic of residence: one has the right to vote and to stand as a candidate because one lives in a particular location. For the national level, the rights are rather based on a logic of membership: being part of the 'club', constituting the national political community (or not being part of the 'club').

This being said, for the purpose of the citizenship index, we believe we should not limit the focus to the local or regional level but equally take into consideration possibilities for political integration on the national level. Interests of TCNs are, indeed, at stake on all political levels.

We constructed a set of indicators which can be grouped along four dimensions: electoral rights, political liberties, consultative bodies and implementation policies. Electoral rights are fairly straightforward: to what extent are TCNs given the right to vote and to stand as a candidate? With political liberties we refer to basic civic and political right such as the right to assembly and the right to association. The dimension related to consultative bodies assess to what extent immigrant representatives and/or immigrant organisations are consulted with regard to policy that directly concerns them and whether this is done in a structural, systematic way or on an *ad hoc* basis. Such forms of consultation are put forward as good practice by the Convention of the Council of Europe. The convention equally stresses the importance of foreigners being informed about their rights, an indicator which is part of our dimension focussing on "implementation policies." Under the umbrella of "implementation policies," we equally included the issue whether immigrant organisations are being funded to be able and play their part in consultative and advisory bodies. This is not part of the recommendations of the convention. We think, however, immigrant organisations should be allowed to develop the necessary skills and expertise in order to effectively be able to function in advisory and consultative bodies. In our opinion, weak and unprepared spokespersons of organisations can condemn

² See <http://conventions.coe.int>.

³ See htt
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advisory bodies to be merely token institutions. In order to have substantive representation, governments can stimulate expertise building through financial support or support in kind. We therefore proposed to include this as an indicator.

Taking all the indicators together, one could formulate a best case scenario for political inclusion. This is a composite of the best policy practices from the MIPEX normative framework. Each of these practices was found, as of March 1, 2007, in at least one of the 28 countries. The best case scenario would look like this:

A migrant has opportunities to participate in public life which conform to Europe's highest democratic principles. The state guarantees her political liberties to form an association, even a political one, to join political parties, and thus participate in civil society. As a legal resident, she can vote and stand for local elections, just like EU-nationals. She can also vote at the regional level. At local, regional, and national levels, migrants or migrant associations independently elect representatives to structural consultative bodies that discuss the policies that most affect them. The state implements policies that actively inform her of her political rights and offer migrant associations funding or in-kind support under the same conditions as other associations" (Niessen, Huddleston et alii, 2007).

In contrast, there is of course also the worst case scenario. This is a composite of the worst policy practices that MIPEX found, as of March 1, 2007, in at least one of the 28 countries. It looks like this:

A migrant cannot contribute to the political decisions that affect his daily life. The state does not guarantee his political liberties to form an association or join and participate in a political party. As a resident, he may face more obligations than EU citizens living abroad in the same country, but he does not benefit from the same voting rights. Regardless of how long he lives there, he can never vote or stand for election to serve his community. Cities with the largest migrant populations have no consultative body to confer with them. Likewise, a migrant is excluded from contributing to decisions at regional and national levels. The state does nothing to implement policies to promote his political participation such as informing him of the opportunities that exist, or supporting migrant organisations (Niessen, Huddleston et alii, 2007).

We will refrain from commenting on the MIPEX results for political participation for all individual countries. Detailed information can be found in the MIPEX study and all the data can be checked on the website.³ We would like to stress that this also gives the possibility to others to use the MIPEX data (and even add or drop certain indicators).⁴ Let us just state that policies in Western Europe are on average slightly favourable, while those in Greece and Central and

³ See <http://www.integrationindex.eu>.

⁴ If one, for instance, does not agree with our choice to include funding for immigrant organisations, one can simply drop it. We now have simply calculated a non-weighted additive score

Eastern Europe are rather unfavourable. The 28 MIPEX countries diverge greatly on whether or not to grant electoral rights to non-EU residents. Five countries achieve best practice (the Nordic countries and Ireland), whilst 11 others grant no electoral rights; few fall between. Although full political liberties are granted to migrants in Western Europe, some are denied in the Czech Republic, Estonia, Latvia, Lithuania, Slovakia and Slovenia. The highest scores on consultative bodies belong to the Nordic countries, the Benelux, the Iberian Peninsula and Ireland. Critically unfavourable policies are found in ten countries.

In the upcoming paragraphs we will examine a number of general tendencies in the MIPEX results for political participation. In the next paragraph we will first look into the link between the scores for political participation in MIPEX and the scores on the strand for nationality acquisition.

E. *The Link Between the Scores on Political Participation and Nationality Acquisition*

Nationality acquisition is one path towards full political rights. One could hence assume, as is often done in political debate (Jacobs, 1998), that there is a trade off between openness with regard to political rights for foreigners and openness with regard to nationality acquisition. If nationality has been acquired, one normally has full political rights. In systems with a liberal nationality legislation, this might be a reason not to grant political rights to foreigners, since they can make the choice to obtain national citizenship and, hence, political rights. In contrast, countries with a strict nationality legislation might want to compensate in extending political rights to non-nationals. Can we find such a pattern in our MIPEX data, comparing the strand scores for nationality acquisition⁵ and the strand score for political participation?

There is no statistically significant correlation for the EU-25 between the overall policy score on nationality acquisition and the overall policy score for political participation (Spearman's $\rho=0.338$, $\text{sign.}=0.099$).⁶ Although the relationship is not significant from a statistical point of view,⁷ the results seem to suggest there is a positive relation: the higher the score for nationality acquisition, the higher the score for political participation. Sweden and Portugal seem to be

for all indicators. One might consider developing a weight (for instance by letting immigrant groups evaluate the importance of each of the indicators).

⁵ An additive score based on 28 indicators for access to nationality.

⁶ Bulgaria and Romania are not included in the analysis since they only joined the EU in 2007.

⁷ It should be noted that with only 25 cases, it is difficult to get statistically significant results. This could, in other words, be just a method effect.

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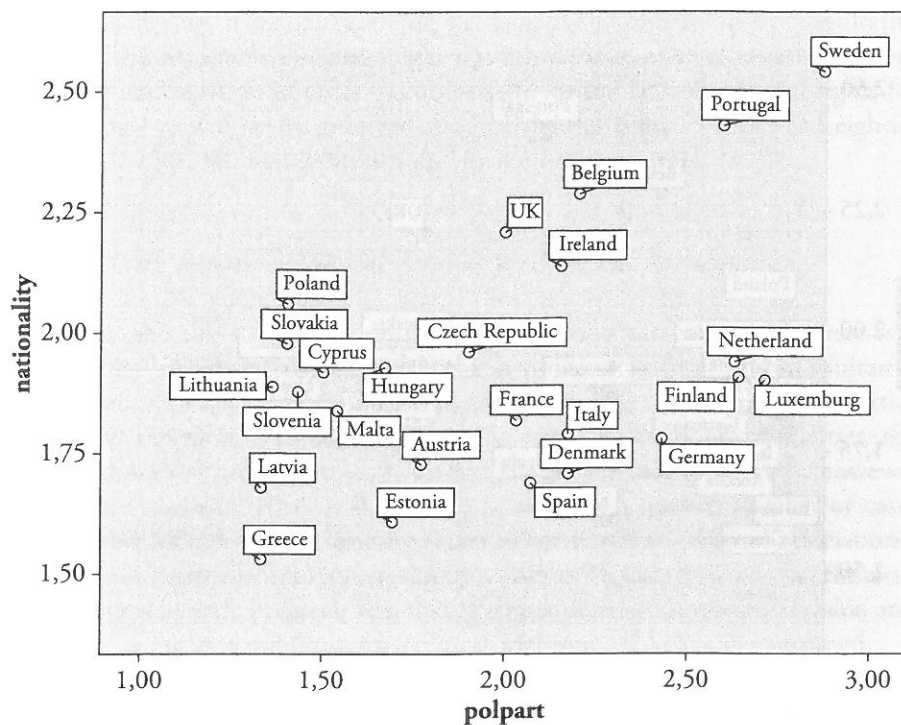


Figure 1: Scatterplot of index score for nationality acquisition and score for political participation

the two outliers⁸ combining both a high score on nationality acquisition and a high score on political participation. For the other countries, there is quite some variation in combining either moderate scores on both or a high score on one indicator and a low score on another indicator (but this manifests itself in different combinations). There is clearly no negative relationship between political participation scores and access to nationality scores. There is, in other words, in any event no trade off effect, as can be seen in the scatter plot represented in figure 1.

But perhaps we should not focus on the overall score for political participation but just limit our attention to the issue of electoral rights. One could indeed argue that political liberties, for instance, are – at least should be – independent of access to nationality. The correlation between the policy score for nationality acquisition and the score for electoral rights comes very close to being statistically

⁸ Indeed, if we leave Sweden and Portugal out of the analysis, the correlation becomes very clearly non significant (Spearman's $\rho=0.177$, $\text{sign.}=0.419$).

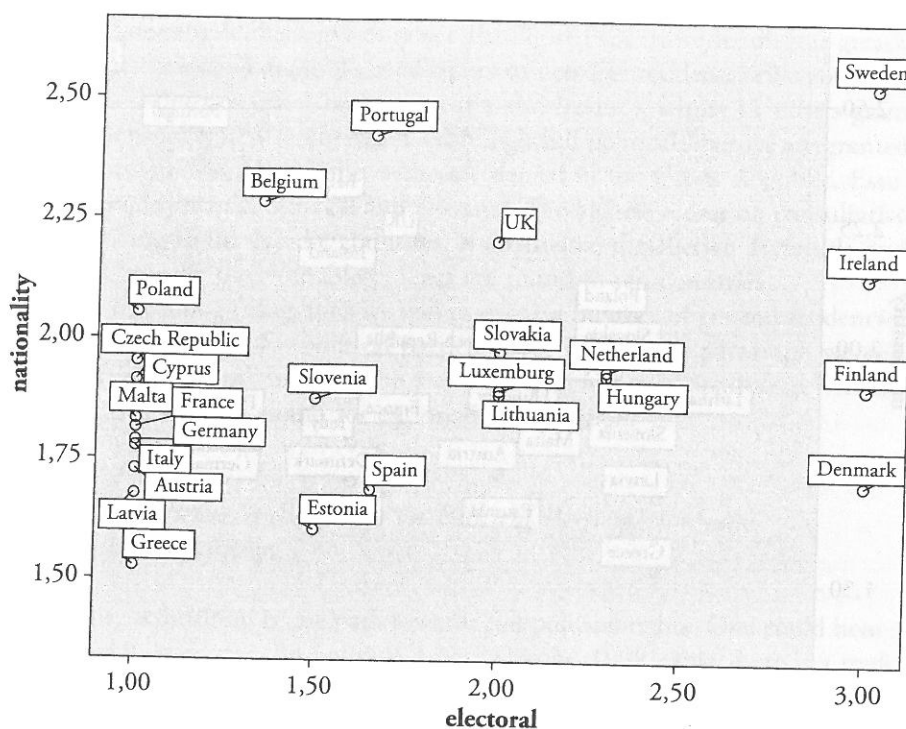


Figure 2: Scatterplot of index score for nationality acquisition and score for electoral rights

significant (Spearman's $\rho=0.391$, $\text{sign.}=0.054$).⁹ The relation is once more positive: the higher the score for nationality acquisition, the higher the score for electoral rights. Obviously, there is certainly no trade off between the two, as can be seen in the scatter plot in figure 2. It hence does not seem to be the case that either electoral rights are granted to TCNs "or" naturalisation is being facilitated in a mutually exclusive manner. We cannot claim either that both go hand in hand. The most valid interpretation seems to be that the two are unrelated. That in itself is an interesting finding since it is often argued in political debates that the enfranchisement of foreigners and easier access to nationality are contradictory and mutually exclusionary steps. This claim does in the EU not hold as an empirical fact.

Let us now focus on potential correlations between the different dimensions of the strand on political participation: electoral participation, political liberties, consultative bodies and implementation policies. We expect all four dimensions

⁹ When we once again take Portugal and Sweden out of the calculation, the correlation becomes weaker in terms of strength and statistical significance: Spearman's $\rho=0.316$, $\text{sign.}=0.141$.

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to be co-varying, with the exception perhaps of the dimension of consultative bodies. The consultative bodies might possibly be used as an alternative form of political participation in order to compensate for the lack of electoral rights for foreigners – as was for instance the case in Belgium in the seventies and eighties (Jacobs, 1998). We will look into this in the next paragraph.

F. *The Link Between Different Strands for Political Participation*

As far as the sub-strands for political participation are concerned, there is a statistically significant correlation between political liberties and consultative provisions (Spearman's $\rho=0.417$, $\text{sign.}=0.038$). The more political liberties there are, the more consultative provisions (and the less political liberties, the less consultation provisions), so it seems. The scatter plot in figure 3, however, shows the statistical effect is due to the position of a limited number of cases (those new Member States limiting access of foreigners to political associations) and should hence not lead to over-interpretation. We can, however, say the situation is problematic in Czech Republic, Estonia, Latvia, Lithuania, Slovakia and Slovenia as far as possibilities for political inclusion of TCNs is concerned.

A much clearer link is the very strong correlation between consultative provisions and implementation policies: the higher the score for consultative practices, the higher the score for implementation policies, mainly operationalised through state support for immigrant associations (Spearman's $\rho=0.738$, $\text{sign.}<0.001$). It can be noted that outlier Denmark, a country with a high score on consultative bodies but a low score on implementation policies, used to have relatively generous subsidies for immigrant organisations not so long ago. In the early nineties the Danish government, however, decided to abolish most of this support for immigrant organisations (Goli & Shahamak, 2005).

Apart from the links highlighted above, there are no significant relations between the other sub strands for political participation. Contrary to our expectations, they do not seem to co-vary in a straightforward way. Furthermore, and substantially of more importance, there is no negative correlation between electoral rights and consultative policies. Advisory and consultative bodies do not seem to function systematically as alternative solutions for the lack of electoral rights for TCNs, across the board. There is no positive correlation either. Some countries with electoral rights for TCNs have well developed advisory and consultative bodies, while others have not.

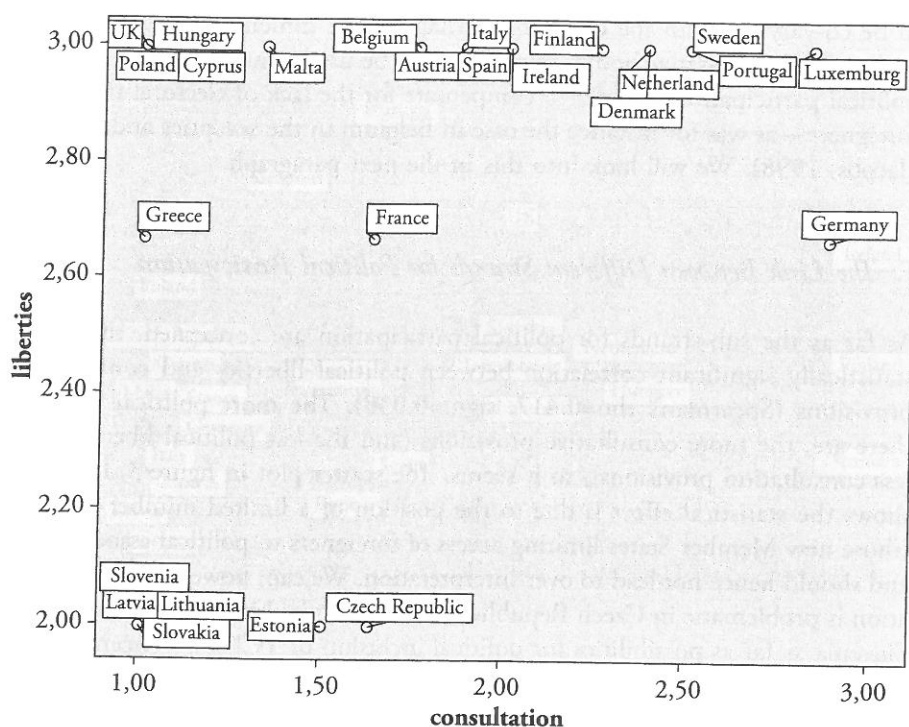


Figure 3: Scatterplot of index score for political liberties and consultative bodies

G. The Support for More Ethnic Minority Politicians

Unfortunately we have very limited cross European data with regard to the topic of public support for political inclusion of TCNs. Public opinion might function as an important trigger for the inclusion or non-inclusion of migrants in the political sphere. There is, however, one data source which might serve as a proxy for the measurement of public opinion with regard to this topic. Indeed, in the Special Eurobarometer on discrimination of 2006 one question surveyed support for descriptive representation on the basis of ethnicity: "Would you say that we need more members of parliament (MPs) of a different ethnic origin than the rest of the population?" Clearly, this question does not measure in a direct way the support for political inclusion of TCNs. Indeed, members of parliament in all countries have to be state citizens and can, hence, by definition not be TCNs. The question does survey, however, the degree of support for ethnic diversity in political representation in general.

In any event, there is a very clear association between the public support for more MPs of ethnic minority groups on the one hand and the openness of policy with regard to political inclusion of TCNs according to MIPEX on the

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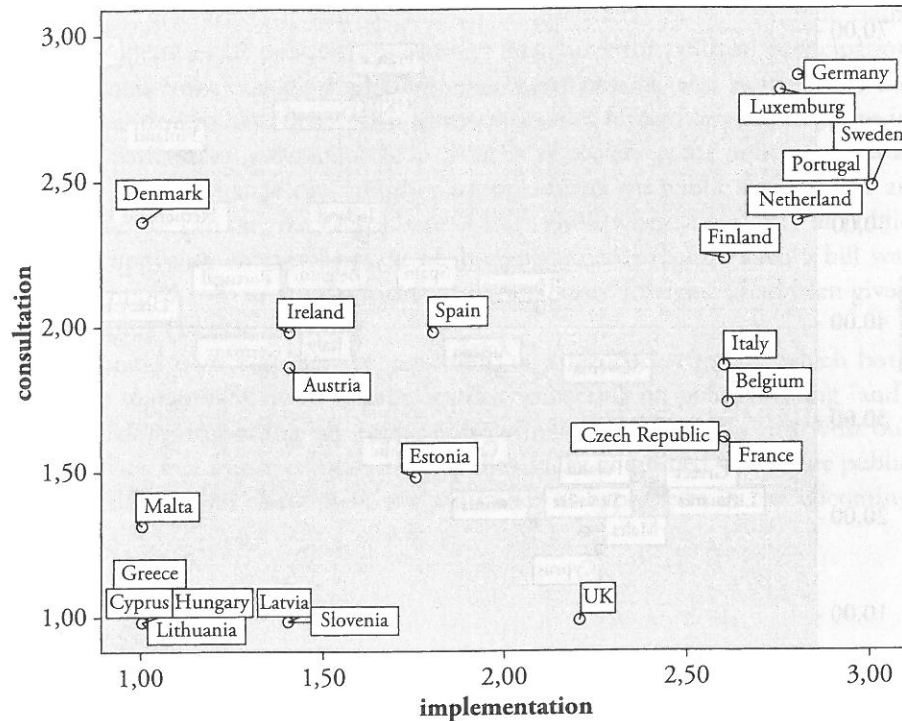


Figure 4: Scatterplot of index score for consultative bodies and implementation policies

other hand. Indeed, the proportion of inhabitants answering "yes, definitely" or "yes, probably" in the 25 EU Member States and all of the MIPEx indicators for political participation are highly correlated in positive way.¹⁰ The opener the political opportunity structures for political inclusion of TCNs, the higher the support for the idea that there should be more MPs of a different ethnic origin.

The scatter plot in figure 5 shows the results for the overall political participation score. As one can notice, there is a strong positive relationship.

Apparently the existence of policies enabling political participation of TCNs (non-EU origin immigrants not holding state citizenship) does not have a negative

¹⁰ Spearman's $\rho=0.752$, $\text{sign.}<0.001$ for Political Participation, Spearman's $\rho=0.577$, $\text{sign.}<0.005$ for Electoral Rights, Spearman's $\rho=0.464$, $\text{sign.}<0.05$ for Political Liberties, Spearman's $\rho=0.605$, $\text{sign.}<0.005$ for Consultative Bodies and Spearman's $\rho=0.592$, $\text{sign.}<0.005$ for Implementation policies. All of these correlations remain significant after controlling for the percentage of foreigners in the country. The value of Spearman's $\rho=0.317$, $\text{sign.}=0.122$ for Nationality Acquisition also seems to suggest a link with the wish to have more foreign origin MPs, although the result is strictly speaking not statistically significant.

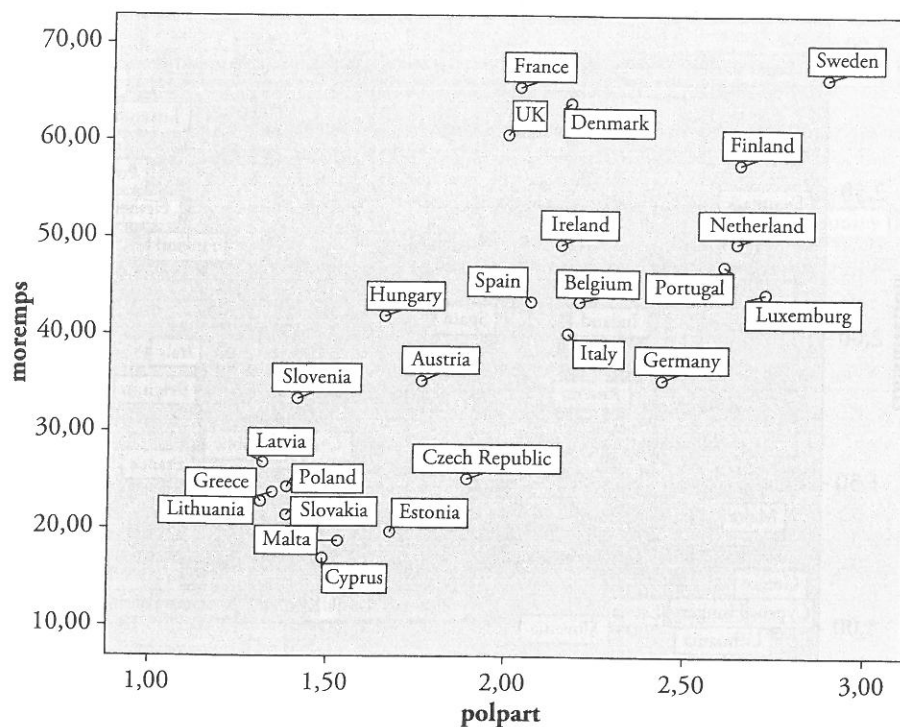


Figure 5: Scatterplot of index score political participation and the assessment that the country needs more MPs of a different ethnic origin (Eurobarometer 2006)

impact on the assessment whether there should be more foreign origin MPs in parliament, quite on the contrary. Remarkably, the effect holds after controlling for the number of foreign nationals living in the country.

We are not sure how to interpret this finding. One readily tends to assume that public opinion is a causal factor for policy change. Contrary to Freeman (1995), who thinks elite interests are the driving forces, authors like Lahav (2004) explicitly state that immigration and migrants' rights are policy areas in which public opinion matters. Political elites are heavily influenced by attitudes of the general public, she claims; "while national patterns vary, elites and the general publics embrace similar priorities and are driven by fears that converge considerably."¹¹ We could hence interpret the correlation in the following way; support by the public opinion for the idea of more ethnic diversity in the political arena is the motor behind more open political opportunity structures for TCNs. Resistance by the general public leads to a restrictive policy.

¹¹ Galya Lahav, *Immigration and politics in the New Europe. Reinventing borders*, 208 (Cambridge University Press, 2004).

There is, nevertheless, also an alternative interpretation. One might claim that the openness of political opportunity structures for political participation of foreigners from outside the EU increases awareness of (and support for) the normative ideal to have descriptive representation of foreign origin politicians in national parliament, reflecting ethnic diversity of society in the political arena at all levels. Policy change can, in other words, impact on public opinion. As an illustration we can cite the Dutch case of the 1980s, where a majority of public opinion opposing enfranchisement of foreign residents (before such a bill was passed) flipped over to a majority of supporters, once foreigners had been given voting rights (Jacobs, 1998b).

We should even consider the possibility of a feedback-effect in which both processes sequentially occur (public opinion impacting on policy making "and" policy making impacting on public opinion). We cannot assess this with our current data, but future editions of the policy index combined with more public opinion data might allow us to test a number of hypotheses in the upcoming years.

H. Conclusion

In this contribution we looked at the results of the MIPEX for the strand on political participation. Overall, it is safe to say there is still quite some room for improvement as far as policies towards political inclusion of TCNs are concerned. Most alarming is the conclusion that basic political liberties (for instance the right to association) for TCNs are still not assured in all EU Member States. Countries like the Czech Republic, Estonia, Latvia, Lithuania, Slovakia and Slovenia seriously lag behind on this point. Other countries not only assure political liberties but equally actively stimulate political inclusion through consultative bodies and electoral rights. Interestingly, there is no trade off between access to nationality and political rights for non-nationals, although this is often assumed. Even when nationality acquisition – a guarantee for full electoral rights on all levels – is facilitated in a considerable way, a number of countries still stimulate political inclusion of foreign residents, regardless of citizenship. Strikingly, there is a link between public opinion on diversity in politics and the openness of a state with regard to political participation of immigrants. Those countries which have a better score on the MIPEX strand for political participation have a larger part of public opinion which endorses the idea of more ethnic diversity among their political representatives. Probably it is public opinion which pushes policy in a certain direction (either more inclusive or less inclusive), but we cannot exclude it are changing political opportunity structures which have an impact on public attitudes. In fact, we suspect both processes are interlinked in a feedback process.

Annex 1: The Mipex Indicators for the Political Inclusion Strand

Dimension One: Access to Formal Political Rights for TCNs

Right to vote in national elections

- a. equal rights as non-nationals after certain period of residence
- b. reciprocity or other special conditions
- c. no right

Right to vote in regional elections (sub-state entity or provincial level if not a federal state)

- a. equal rights as non-nationals after certain period of residence
- b. reciprocity, other special conditions, special registration procedure or only in some regions
- c. no right

Right to vote in local elections

- a. equal rights as EU-nationals
- b. reciprocity, residence requirement, other special conditions or special registration procedure
- c. no right

Right to stand for elections at local level

- a. Unrestricted (as for EU-nationals)
- b. Restricted to certain posts
- c. No right or other restrictions apply

Dimension Two: Political Liberties

Right to association for foreign residents

- a. No restrictions on creation of associations by foreigners, no restrictions regarding the composition of the board of such associations
- b. A minimal number of national citizens should be on board
- c. Other restrictions to associations for foreign residents apply

Membership of and participation to political parties

- a. Equal access with nationals (no restrictions imposed by government)
- b. Restricted access to internal elected positions
- c. Other restrictions apply

Dimension Three: Consultation And Advice Bodies For TCN Groups

Consultation of foreign residents on national level

- a. structural consultation through representative body (elected by foreign residents or members appointed by associations of foreign residents without special state intervention)
- b. ad hoc consultation of immigrant organisations or token consultation (through non-representative state cooptation)
- c. no consultation

Consultation of foreign residents on regional (sub-state entity or provincial) level

- a. structural consultation through representative body (elected by foreign residents or members appointed by associations of foreign residents without state intervention)
- b. ad hoc consultation of immigrant organisations, token consultation (through non-representative state cooptation), or structural consultation only present in some regional entities
- c. no consultation

Consultation of foreign residents on local level

- a. structural consultation through representative body (elected by foreign residents or members appointed by associations of foreign residents without state intervention) in local entities with significant numbers of foreign residents
- b. ad hoc consultation of immigrant organisations, token consultation (through non-representative state cooptation) or structural consultation only present in some of the local entities with significant numbers of foreign residents
- c. no consultation

Dimension Four: Implementation Policies

Active policy of information on political rights by national level (or by regional level in federal states)

- a. policy of information targeted at foreign residents (or targeted at all) on individual basis
- b. information campaigns (on a non-individual basis) towards foreign residents (or only individual campaigns in certain regions)
- c. no active policy of information (or no political rights at any level to be informed about)

Funding of immigrant organisations on national level (or regional level in federal states)

- a. support (in kind) or funding for immigrant organisations involved in consultation and advice at national or regional level without further conditions than being a partner in talks (or similar conditions as for non-immigrant organisations)
- b. support or funding dependent on criteria set by the state (beyond being a partner in consultation and different than for non-immigrant groups), or only in some regions
- c. no support or funding

Funding of immigrant organisations on local level

- a. support (in kind) or funding for immigrant organisations involved in consultation and advice at local level without further conditions than being a partner in talks (or similar conditions as for non-immigrant organisations)
- b. support or funding dependent on criteria set by the state (beyond being a partner in consultation and different than for non-immigrant groups), or only in some localities
- c. no support or funding

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