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**Active Civic Participation
of Immigrants in
Luxembourg**

POLITIS – a European research project

Project information

POLITIS is short for a research project with the full title: Building Europe with New Citizens? An Inquiry into the Civic Participation of Naturalised Citizens and Foreign Residents in 25 Countries. The European Commission funds the project that mainly seeks to improve our understanding of different factors that promote or inhibit active civic participation of immigrants. A unique project construction is developed that includes workshops with foreign-born students who are recruited as discussants and interviewers. National experts in all 25 EU countries have prepared country reports on the contextual conditions and state of research concerning civic participation of immigrants. These reports can be downloaded from www.uni-oldenburg.de/politis-europe

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Abstract

In Luxembourg, with its high percentage of foreign national inhabitants, civic participation of immigrants is evidently an important issue. The issue of civic participation is even more important as the proportion of foreigners is continually growing and the Luxembourgian population is ageing. Hence, the electorate is becoming less representative of the actual active population. Against this background it is illuminating that it is nearly impossible to get information on civic active participation of immigrants in Luxembourg.

Consequently, this paper has encountered two major difficulties. First, the political discourse and policies concerning foreigners in Luxembourg focuses on the largest groups, i.e. European citizens, or more precisely, those of Portuguese nationality. Currently, about 38 % of the population in Luxembourg is of foreign nationality, mainly of EU-member states. Second, the number of citizens from non-EU countries is small and they often figure only under the category of 'other' in statistics. The economic and labour market situation is characterised by a particular feature of the labour force composition: only one third of the labour force is of Luxembourgian nationality, while one third consists of immigrant workers with a permanent residence status and one third are commuters, coming from adjacent countries and entering Luxembourg daily or weekly.

During the last three decades the debate on immigration and integration of immigrants gained little relevance in Luxembourg. Only recently immigration issues became politically more important as a consequence of the immigration of asylum seekers and refugees, mainly from Bosnia and Africa, public attempts to deport them and the protest of immigrant organizations against this. A general regularization programme in 2001 delivered a regular status to some irregular immigrants without much public attention.

The considerations of active civic participation of immigrants in public focussed on the right to vote on a communal level. However, the demands to accept immigrants in local elections which arose for the first time in the early 1980s have not been satisfied. On the contrary, the Luxembourgian government even managed – with reference to the high share of immigrants - to get a derogation of the European directive that stipulated the participation of immigrants from EU-member states in European and local elections. Thus, the government referred to this high proportion of foreigners to justify its policy of excluding immigrants. As a substitute for participation in elections Communal Consultative Committees were introduced. Only after the treaties of Maastricht, immigrants from EU-member states acquired the right to vote. Non EU citizens will be allowed to participate in local elections for the first time in 2005. However, the participation rate will be rather low due to an implementation procedure that requires that every immigrant who wants to participate in local elections has to register with the competent authorities 18 months before the election. This registration procedure for the electoral lists presents a further 'natural' obstacle. As the electoral lists for the communal elections of October 2005 have already been closed, a slight progress with regards to the numbers of registered foreigners can be noted.

The public debate on the right to vote on a communal level has been reconstructed through studies and reports and by analysing the proceedings of 138 non-Luxembourgian candidates who stood for office at the first communal elections that were open to foreign candidates from EU-member states (1999).

The participation rate of immigrants in Luxembourgian associations is rather low. The membership rate of immigrants in political parties is low and they do not hold party or public offices. Whereas the various trade unions count numerous foreigners among their members, there are only few foreign nationals registered with political parties. With a few exceptions, immigrant NGOs are not really visible for the public opinion, their political aims are not that much known. Immigrant associations are mainly concerned with the organisation of cultural events. Only a few associations deal with political issues. In particular associations of refugees from Yugoslavia and Africa organise public protest against deportation and discrimination. Hitherto, immigration remained a rather neglected subject in the academia and society in Luxembourg.

Glossary

Political parties

- Government coalition
 - CSV Christian Democrats: 25 MPs
 - LSAP Social Democrats: 13 MPs
- Opposition
 - DP Liberals: 10MPs
 - Green party: 7MPs
 - ADR party that was created a dozen years ago that fights for equal pensions in the private and in the public sector: 5 MPs
 - The Left: no MP

Trade Unions

- OGBL left wing Union, close to LSAP
- LCGB Christian Union, close to CSV
- CGFP Civil Servants UNION, close to DP

Employers association: UEL Union of the Employers of Luxembourg, umbrella organisation

Main NGOs

- ASTI composed mainly of several hundred individuals of about 25 different nationalities
- CARITAS catholic welfare organisation
- CLAE umbrella organisation of about one hundred NGOs
- SESOPI mainly a research centre linked to the Catholic Church

Official bodies

- CES social and economic council
- CNE national foreigners council
- STATEC government's statistical office
- IGSS Inspection Générale de la Sécurité Sociale

ILReS (the only) Luxembourgian Poll- institute

Table of Contents

Part I: Understanding the conditions for immigrant participation	8
1.1 Key events and demographic developments in the migration history of Luxembourg	9
1.1.1 Stock of foreign population.....	9
1.1.2 Inflow of foreign population	10
1.1.3 Employment of foreign nationals.....	12
1.1.4 Naturalisation procedure	14
1.2 Major issues discussed in relation to immigration.....	16
1.3 Institutional framework for immigrant participation.....	26
2 Part II: Active civic participation of third country (non EU) immigrants	29
2.1 Voluntary engagement in Luxembourg.....	29
2.2 Membership and participation in Luxembourgian associations....	30
2.2.1 Membership in political parties.....	30
2.2.2 Foreign candidates in the 1999 local elections:	31
2.2.3 Foreign candidates in the 2004 European election	33
2.2.4 Registration on the electoral lists for the local elections 2005	34
2.2.5 Participation in Professional Chambers	35
2.2.6 Membership in Trade Unions	36
2.3 Immigrant NGO's.....	37
2.3.1 Immigrants' media.....	37
2.3.2 Immigrant associations on national level.....	37
2.3.3 Ethnic associations	39
2.4 Most prominent examples of immigrants active in public life	41
3 Part III: Expert Assessment.....	42
3.1 Main fields of civic activities.....	42
3.2 What ethnic and national groups are particularly active and why?42	
3.3 Is the degree of civic participation high or low compared to majority population?	43
3.4 What is the relation between engagement in ethnic or migrant organizations compared to mainstream society organizations? Are there any transitions and overlaps?.....	43
3.5 What issues do you consider to be of particular interest and importance in the field?.....	44
3.6 Where do you see the major research gaps?.....	44
4 References	45
5 Appendix: Mapping of research competences	46

Part I: Understanding the conditions for immigrant participation

In 2002 the Prime Minister of Luxemburg, Jean Claude Juncker, underlined in a Parliamentary speech: “The participation of the greatest possible number of people in the process of decision making is for us a national interest.”¹ In spite of this clear declaration the issue of civic participation of immigrants does not range high on the political agenda in Luxemburg. This report on civic active participation of immigrants in Luxemburg reveals that immigrants still face a considerable level of exclusion from the realm of political decision making. But against the background of low unemployment rates and a flourishing economy the general interest in immigrant policy seems to be rather low. With a few exceptions, Luxembourgian institutions as well as associations of immigrants obviously do not see the necessity to deal with immigrant policies. Accordingly difficult was the preparation of this report on the active civic participation of immigrants in Luxemburg. This paper has furthermore encountered two major difficulties. First, the political discourse and policies concerning foreigners in Luxemburg focus on the largest groups, i.e. European citizens, or more precisely, those of Portuguese nationality. Second, the number of citizens from non-EU countries is small and they often figure only under the category of ‘other’ in statistics. In order to collect basic information the author personally approached Luxembourgian public authorities, political parties, trade unions and immigrant associations. The author wants to thank all those who supported this study and those who responded to the request for information. Unfortunately, the author remained without responses from the Ministry of Labour that did not provide information on the participation of foreigners in the elections of Professional Chambers, from the Liberal Party (DP) about foreign membership within that party and from an NGO umbrella organisation (CLAE) about membership of associations in this platform.

My particular gratitude goes to Laura Zuccoli and Jean Lichtfous who read the draft and gave me suggestions and Jens-Christian Frommen who prepared the English translation.

March 10th, 2005 S.K.

¹ Jean Claude Juncker, 2002, in: Analytical report, Chambre des Députés, May 5th, 2002

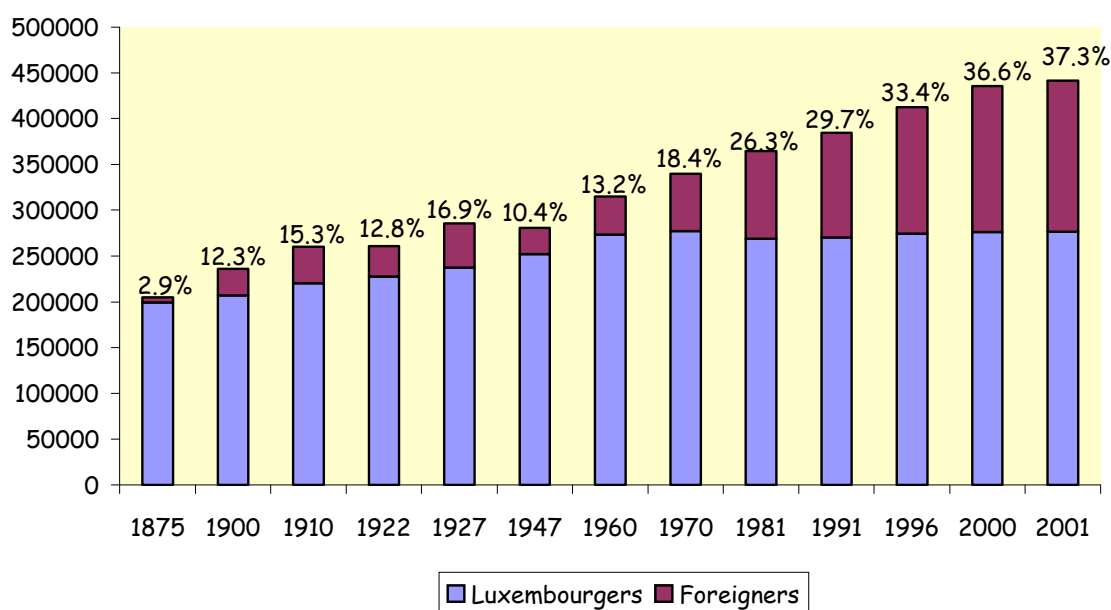
1.1 Key events and demographic developments in the migration history of Luxembourg

Immigration into Luxembourg is mainly linked with the recruitment of labour. We should note that there was no change in the economic situation in Luxembourg: each year five to six thousand of the new jobs created had to be occupied by newcomers crossing the border (commuters), or by immigrants. Thus, the Luxembourgian economy depends largely on the expertise and work force of its foreigners. This situation has developed since the end of the 19th century. Initially, individual workers were called upon for temporary engagements of between 1 and 3 years (rotation principle).

1.1.1 Stock of foreign population

Since 1960, the autochthonous population stayed constant in absolute numbers while those of foreigners have increased (see illustration 1).

Illustration 1: Development of the share of native and foreign population



Source: Statec

Luxembourg with 439 539 inhabitants counts the highest percentage of resident foreigners – including citizens of EU-member states - among all OECD countries. Altogether 162 285 foreign nationals live in Luxembourg (national census 15.02. 2001). Thus, 37.3 percent of the resident population in Luxembourg are foreign nationals. According to OECD migration statistics, about 167 000 were foreign nationals and 145 000 foreign born at the end of the year.²

² Comparable migration statistics can be found in the OECD homepage www.oecd.org

Table 1: Foreign nationals by country of citizenship as of January 1st,2003

Total ³	193 220
Portuguese	66 876
French	24 603
Italian	20 658
Belgian	15 967
Germans	11 556
Yugoslavian	8 397
British	5 690
Dutch	4 258
Spanish	3 448
Bosnian	2 718
Danish	2 352
Cape Verdian	1 938
USA	1 703
Greek	1 416
Swedish	1 472
Irish	1 313
Russian	1 086
Finish	941
Polish	885
Austrian	661
Swiss	542
Others	14 740

Source: IGSS au 1.1.2003

The statistics highlight that foreign nationals are mainly citizens of EU-member states. Most foreigners are ethnically 'white' European Catholics of which Portuguese constitute the majority. The percentage of non-EU foreigners is only about 4-5 % of the local population and is made up of numerous nationalities. The most important nationalities of non-EU immigrants are Yugoslavia, Bosnia, Cape Verde and USA. Unfortunately there are no data available concerning the length of stay of foreigners in general and concerning third country immigrants in particular.

1.1.2 Inflow of foreign population

Illustration 1 indicates that the foreign population in Luxembourg increased in the last four decades in absolute and relative terms. One factor that contributes to the increase of the foreign population in Luxembourg is the restrictive naturalisation law in a situation of higher fertility rates among immigrants. The overall number of births is slightly higher in 2000 than it was in 1950 for a population that has increased by 50% in the course of this half-century. Representing two-thirds of the resident

³ Statec bases its numbers on census of population, IGSS on Social Security data, the later being generally higher. One of the reasons is the fact that entering a new job, you will be registered by the new employer, while you may not yet been unregistered by the former one.

population in 2001, Luxembourgian nationals accounted for 2 723 births whereas the remaining one-third accounted for 13 more to total 2 736.

As a consequence of high birth rates among foreign nationals and restrictive naturalisation law (see 1.1.4) the share of foreign nationals does not decrease but increase.

The second factor that contributes to the increase of foreign population in Luxembourg is linked with immigration. In the period 1995 to 2002 the migration balance ranged between 4 719 and 2 649 persons (table 2).

Table 2: Migration balance 1995- 2002 [Registered entry into and exit from Luxembourg]

1995	1996	1997	1998	1999	2000	2001	2002
4 610	3 672	3 832	4 056	4 718	3 644	3 311	2649

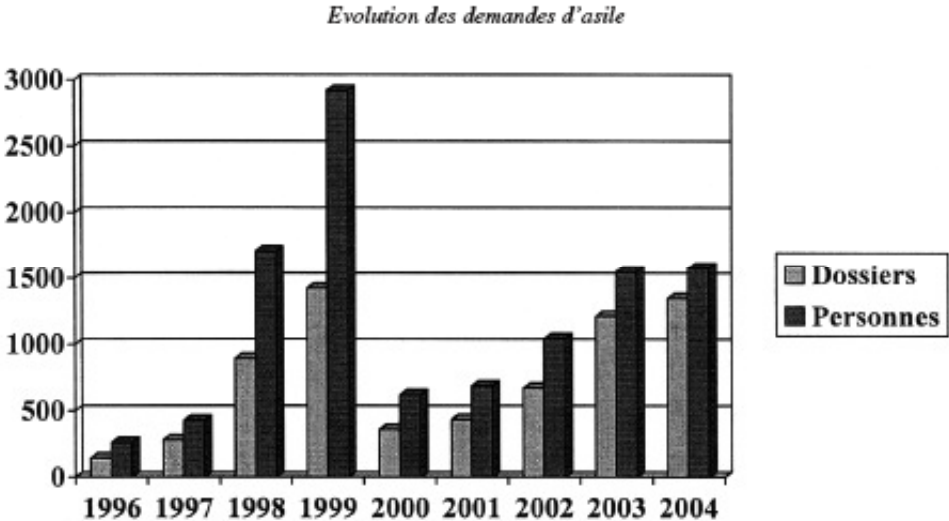
Source: Statec

Immigration takes place in different legal patterns

Family reunification: From 1960 onwards, in response to a flourishing economy and a declining birth rate, the government endorsed a policy of family immigration. Family reunification happens without any legal base but it is almost the rule, though the authorities enjoy a high level of discretion. Unfortunately no data is available.

Refugees and asylum seekers: Initially, there was no legislation concerning asylum. Asylum seekers were proposed to find a job and lodging and could stay, similar to migrants. But in the early nineties Luxembourg received a few thousand asylum seekers who tried to escape the civil war in Bosnia (see illustration 3). With the Kosovo war, a few other thousands of asylum seekers arrived.

Illustration 3: Evolution of asylum seekers 1996 – 2004



Source: Ministry of Immigration, January 2005

Only in 1996 Luxembourg introduced an asylum law.⁴ There was no more consideration concerning the integrating of asylum seekers. The asylum procedure is very strict. The recognition rate of the Geneva status in Luxembourg is only about 2 to 5 % per year. Recognised refugees get a work permit. Most asylum seekers receive a negative answer, which is the case for almost all Muslims from the Sandjak: hundreds and hundreds are required to return. Those requirements not being very successful, the government began with the forced expulsions on November 5th, 2002.

Undocumented Immigration: The notion «paperless» is basically a semantic creation in Luxembourg: During the prosperous years the «illegals» were legalised every day: in the early 1970s Portuguese immigration, most of them came illegally but were legalised almost as soon as they arrived. The economic needs obviously used to overrun the official procedure. But in spring 2001 the Luxembourgian government responded to increased undocumented immigration and the increase of the number of rejected with the launching of regularisation program. This «one-shot action» took place in the spring of 2001 and had no specific legal base. The government published merely a kind of Vademecum and referred to the immigration law of 1972: i.e. the granting of a permit depends on the economic situation. The government based its Vademecum on a Parliament resolution⁵. So the criteria of the Vademecum (date of arrival, for instance) were not necessarily decisive: the explanation for a refusal was not based on the Vademecum conditions but on the vague rules of the 1972 legislation.

The regularisation had the (officially not admitted) purpose to get a few hundred people out of the crowded and expensive asylum procedure. But a large part of asylum seekers remained excluded. In particular people from Sandjak, an area covering the south of Serbia and the North of Montenegro and mainly inhabited by a Muslim population, were concerned.

The conditions to be fulfilled were basically the following: Proving a presence in Luxembourg before July 1, 1998; or having worked illegally since January 1, 2000. People from Kosovo were entitled to this regularisation if they had arrived before January 1, 2000. People fulfilling one of these conditions were given a 6 month term to find a job.

The regularisation campaign officially concerned 2 850 people, of those 2 007 from former Yugoslavia, practically all of them asylum seekers. The regularization procedure concerned a total of 1 554 dossiers, of which 64% appeared to be successful and received a work and residence permit.

1.1.3 Employment of foreign nationals

The workforce in Luxembourg is to one-third composed of Luxembourgers. The available data (table 3) show that the Luxembourgers have taken refuge in the civil service and conceded the production and innovation sectors to others. The local

⁴ Loi du 3 avril 1996 portant création d'une procédure relative à l'examen d'une demande d'asile

⁵ Motion parlementaire du 22 mars 2001

population are civil servants (literally serving the state) while at the same time conferring upon it its legitimacy.

Table 3: Luxembourgian nationals and foreigners by economic sectors in percent

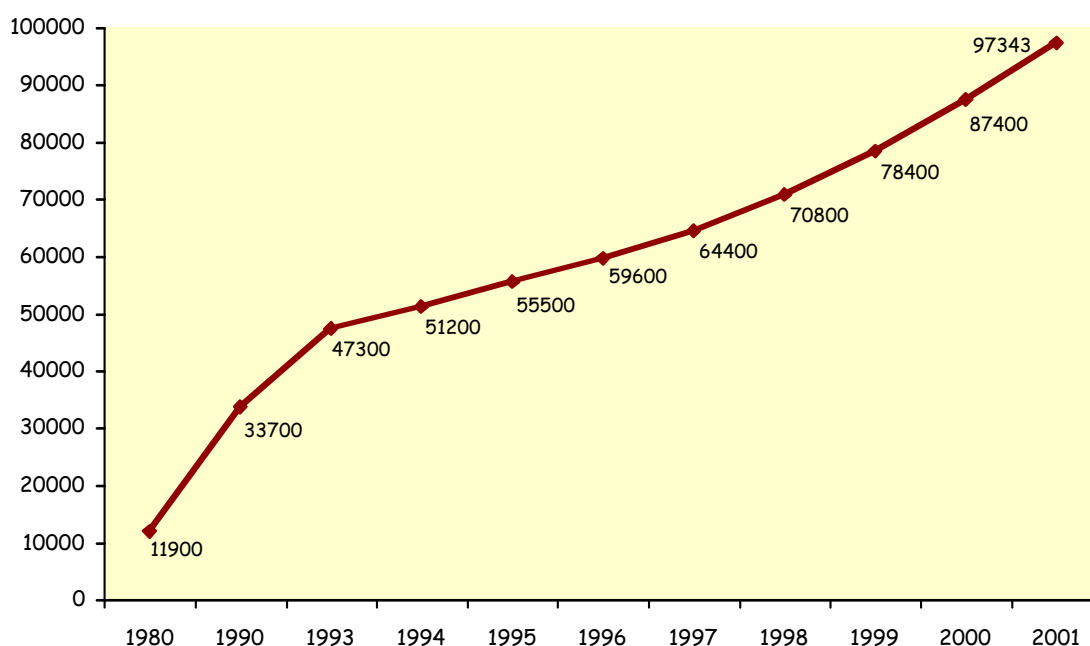
	Luxembourgian nationals	Foreigners
Public administration	27	2
Other public services (post, municipalities)	15	8
Real estate, Services to businesses	5	18
Banks and insurances	9	15
Public transportation	9	8
HORESCA	9	0,8
Commerce (beyond HORESCA)	11	15
Construction	3	16
Industry (beyond construction)	11	15,5
Agriculture	0.4	0.5

Source: IGSS March 31st, 2001

Another one-third of the labour force consists of immigrants residing in Luxembourg. The available information (table 3) indicate that the immigrant population is mainly employed in so called blue-collar branches of industrial production and construction business on the one hand and in so called white-collar jobs in the real estates and business services and bank and insurance services on the other hand. As a matter of fact, this split concentration of foreign employees concentration into white- and blue-collar segments of the labour market has to be attributed to different categories of foreign employees. The resident foreign population is concentrated in the blue-collar segments while the white-collar sector is rather occupied by commuters from adjacent countries which contribute to a further one-third of the Luxembourgian labour force.

The last third of the work force in Luxembourg consists of commuters. Commuters are not registered in Luxembourg as residents; they count only in the working force. Commuters live in the frontier region, they have been educated and trained there, and their children go there to school. For now some 15 years the workforce represented by commuters from the neighbouring countries has come to represent about 38 % of all employees (see illustration 5).

Illustration 4: Evolution of (foreign) commuters



Source: Statec

The admission of newly arriving third country nationals is based on a legislation of 1972. The employer has to prove that he did not find anyone in the EU able to do the job he is asking for. There are basically three kinds of work permits:

- A, valid for one year and one employer,
- B, valid for four years in the same economic sector,
- C, valid without time and sector limitations.

The Residence permit is valid for 5 years.

Seasonal workers programme: The only seasonal workers come to the vintage along the river Moselle. An annual average of 600 people comes from Poland. Wine growers get an “easy administrative way” to do so.

Admission of self employed: The conditions for the admission of self-employed are written down in an information sheet edited by the Ministry of Justice, without any legal base. The authorisation runs for one year: There can be another one year’s period being conceded if there was sufficient revenue. The self-employed have to prove a bank guarantee of an amount of 12 350 € per family member. The information sheet specifies in its last line that family reunification for independent workers can be realised after three years of stay.

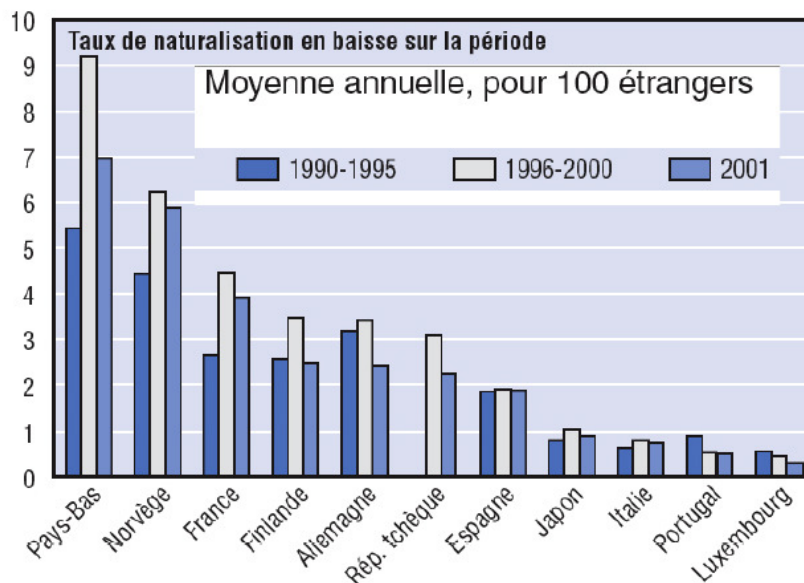
1.1.4 Naturalisation procedure

Luxembourg has the lowest naturalisation rate among OECD countries (see illustration 2), with a tendency to further decline in the percentage of naturalisation.

Illustration 2: Rate of naturalisation; annual average per 100 foreigners

Taux de naturalisation

source: SOPEMI OCDE 2004



Source: SOPEMI , OCDE 2003

The proportion of naturalisations by country of origin shows some clear trends. It is mainly citizens from non-EU countries who chose naturalisation, to become EU citizens of Luxembourgian nationality. The low naturalisation rate seems to be linked to the fact that most foreign residents are citizens of EU-member states and do not feel or see any necessity to acquire Luxembourgian citizenship due to the principal equal rights that EU-citizens enjoy apart from voting rights. Citizens from other European countries who live in Luxembourg generally chose to adopt a new nationality only if requirements to do so appeared reasonably uncomplicated and if they are allowed 'double' nationality. Therefore, rather the composition of immigrant population seems to explain the low naturalisation rate. Against this background, the low naturalisation rate is probably not as dramatic as it seems.

The law⁶ decreed in 2001 reduced the required period of residence for naturalisation from ten to five years, which de facto amounts to twelve to seven years given that a successful application takes about two years to be completed. Indeed, every application for naturalisation is subject to an official inquiry, an examination by the local council, which passes a resolution in a non-public session. From here, the application is submitted to the Privy Council, then to a parliamentary commission and then to the plenary assembly. This is not to forget the local commissioner's office, the indispensable link between government and local councils.

The last decade has in fact been marked by a lowering of the required duration of residence for naturalisation, while at the same time the language requirements have

⁶ Law about naturalisation, 2001 July 24th

been increased. It is still too early to tell what the consequences of the change made in 2002 are: the first applications which have been submitted under the new provisions have only recently been decided. There are still too few applications to be able to draw any conclusions.

1.2 Major issues discussed in relation to immigration

The Luxembourgian situation is characterised by little unemployment and an increasing work force due to immigration and thus provides a special case. But immigration did not cause much public resentments. The traditionally open minded attitude of the established political parties was not challenged by an openly right wing party which never obtained more than 3 percent of the votes (1999 general elections). There is however the ADR (Aktionskomitee fir Demokratie an Rentegerechtegkeet) which receives votes from the conservative electorate such as those people who traditionally vote for the Christian party. The populist approach of the ADR is not openly xenophobic but its restrictive views on immigration influence the other parties to some extent. After 15 years of coalition between Christians and Social Democrats, the 1999 elections brought a Christian-Liberal coalition. The Liberals succeeded because of the support they received from the civil servants and their influential coalition CGFP (Confédération Générale de la Fonction Publique) which serves as a backbone to those who wish to reserve public jobs and offices for Luxembourgian nationals. But the continuously growing share of foreigners and the traditionally good integration seem to be accompanied by a recent changing discourse. The discourse about foreigners became more uncompromising, not to say restrictive, while the foreign workforce continued to grow. In parallel, we have noted the presence of a significant number of asylum seekers in Luxembourg. Currently, the political discourse on immigration issues concentrate on issues related to immigrant policies (integration of established immigrants and language acquisition; voting rights) and immigration policies (reception of asylum seekers and refugees; return policies and deportation; security issues).

Nevertheless, the liberal immigration option is being kept alive by the government (and the Christian party). The Prime Minister continues in the traditional xenophile role, while the Minister of Justice promotes a harder line to secure law and order. In June 2004, the national elections resulted in a landslide victory for the Christian party, which opted for a coalition with the Social Democrats. The Minister of Justice himself achieved a high score in these elections. In the new government, the Social Democrats took over the department of immigration and asylum being responsible for both, while the Christian party kept control over the justice department which is no longer responsible for any topic linked with immigration or asylum except naturalisation.

Language issues

One issue in relation to immigration is the language issue. The linguistic situation in Luxembourg is intricate. The Luxembourgian language, a special language besides French and German, is not spoken by all inhabitants. But the demands for the command of the Luxembourgian language increased constantly and the tendency of

employers to require competencies in the Luxembourgian language is growing too. By this, the Luxembourgian language turns into a selecting factor, so that a lot of jobs, in public offices for example, remain with Luxembourgers.

The language issue is closely connected with problems related with education and training of youth. In the two last PISA-studies carried out by the OECD Luxembourg got a very poor result. The studies emphasised that the Luxembourgian school system neglects in particular children of modest and low economic classes, in particular children of immigrants. In the population cohort younger below 20 years age the immigrant's children count for 40%. But only 11% of high school students are foreign nationals.⁷

Naturalisation

The low rate of naturalisation does not seem to excessively inconvenience the government and the political forces in general. Any increase in naturalisations by "simple" naturalisation or by dual citizenship would increase the electorate. However, the latter has been regressing in comparison to the total population and this for a long time.

Recent statements in parliament by the justice minister (Lord Chancellor) and the president of the CSV's parliamentary group indicate that single nationality will be awarded after 5 years' permanent residency whereas a 10 year stay may lead to 'double' citizenship.

Mister Michel Wolter, head of the parliament group of CSV, remarked: "(...) as the double nationality is different from the single one, there have to be special conditions. (...) who wants to keep his nationality and acquire the Luxembourgian one has to have lived in our view ten years in Luxembourg" ⁸ The attractiveness and effects of this provision remain to be seen.

Voting rights

During the last three decades, the granting of voting rights to non- Luxembourgian nationals appeared to be the main issue in the political immigration debate. The debate on civic participation of foreigners in Luxembourg focuses on the right to vote (in communal elections). Initially, the issue of 'voting right for immigrants' concerned all foreign nationals, may they have the citizenship of an EU-member state or of a non-EU state. Several actors dealt with this particular subject and published statements or documents.

The debate traces back as to the mid-1970s. After the proposition of the European Community's Commission to confer upon migrants the full right to vote on a local level from 1980 onwards, the Home Office had asked the 'Association of Luxembourgian Cities and Communes' to voice its opinion on this issue. This association, which groups together the elected local representatives, dealt with the following questions:

⁷ Ministry of Education, 2004, Key data of schooling

⁸ Chambre des Députés, 2004 in: Compte rendu analytique, August 5th, 2004 page 27

- Can the constitution accommodate these changes in its present form?
- Are the public rights and liberties of foreigners sufficiently guaranteed?
- Are foreigners in Luxembourg in favour of these changes?
- Is it advisable to extend the influx of migrants to such an extent?

The opinion of cities and communes in 1975 was the first public stand. The association perceives it to be untimely to authorize the right to vote by 1980 and instead suggests creating consulting institutions.⁹ Consequently, the 1976 law installed a national consultative body – the *National Council for Immigration*, which since 1993 has been called the *National Council of Foreigners (CNE)*. The *National Council for Immigration* demanded that the communal forces should be concerned with all aspects of communal life. Moreover, the CNI proposed many times that the foreign members should be elected by the resident foreign population. These requirements have not been fulfilled. Here one has to highlight a unique event, which occurred in Esch/Alzette on 9th May 1982: the election of the consultative commission's members. This was the only similar election in the Grand Duchy. In Esch, as everywhere else, the communal council has since designated all the members of this commission.

The foreign members of the CNE are elected by the delegates of the foreigners associations and those acting with or in favour of foreigners, which are constituted in a non-profit association. All those delegates gather in a meeting where the election takes place. The mandate of the CNE lasts 3 years. The president is in a high position in the Ministry for Family Affairs, by whom he is designated. Even though Luxembourgian nationals and foreigners base the structure of the CNE on equal terms, it is the presidency's voice that decides in case of parity.¹⁰ The goals of the CNE are the following:

- The council is a consultative institution whose function is to study, by its own initiative or following governmental requests, the problems concerning the foreigners and their integration.
- It voices its opinion on all the legislative projects relating to the governments' policies towards foreigners as well as on those projects submitted to the CNE by the government. It has to do so within the deadlines set by the government.
- It has the right to submit to the government any proposition, which it judges useful toward the improvement of the foreigners' situation and that of their families.
- It submits an annual report on the integration of foreigners in Luxembourg to the government, which is then published.

To our knowledge the government has only consulted the CNE about a dozen times in its thirty-year history. Naturally, the CNE can autonomously submit its judgements to the government. The attempts to minimise public appearance of this organisation

⁹ Association of Luxembourgian cities and communes, 1975 Luxembourg, June 18th,

¹⁰ Law about integration, 1993 July 27th

have received very little public attention. The annual reports published by the CNE only allow an insight into the proceedings of the CNE and its numerous sub-organisations a long time after they took place. The associations that are not directly represented at the CNE by an elected representative do not receive information about the events that take place in their name.

In 1979 the 'Association in Support of Foreign Workers' (ASTI) was founded. ASTI concentrated its activities on the demand for voting rights and started to popularise this idea through debates and through a big annual celebration, the Festival of Immigration, whose slogan is 'to live, to work and to decide together'. In early 1981, ASTI submitted an *Election platform for the right to vote* for signature to the various political parties and unions (*Forum*, no 47, 11th April 1981). This text depicted the historical development of the right to vote in Luxembourg from its earliest to its final alteration on 27th January 1972 when the voting age was reduced from 21 to 18 years.

"By claiming the active and passive right to vote, which means the right for immigrants to choose representatives on a communal level, we (the undersigned political parties and Unions) continue the struggle to abolish all forms of discrimination. The organisation of both, public and political life can be improved by eliminating the new modes of exclusion and discrimination.

Over the last 100 years, numerous citizens from other nations have been called upon to insure production in key sectors of the Luxembourgian economy. Governments have more and more tended to encourage foreign families to permanently settle in Luxembourg.

Being conscious of the importance of the immigrants' role in Luxembourg's economic development, the unions have fought for the elimination discriminations. These discriminations occur on the level of economic democracy and the unions have granted immigrants the right to vote and to be elected delegate of staff and of the health insurance organisation.

In Luxembourg, immigrants have to fulfil the same duties as Luxembourgian nationals such as to pay taxes, yet they are excluded from actively taking part in politics.

It would be a step forward for democracy in Luxembourg if a further 25% of the country's population were allowed to participate in local politics."

The platform also cited certain E.C. initiatives and projects and mentioned the constitutional elements, which would require alterations. The platform was signed by all political parties of that time, i.e. CSV (Social Christian), LSAP (Social Democrats), KPL (Communist Party) and the unions OGBL and LCGB.

In response to this initiative the government commissioned six lawyers¹¹ – the 'panell of experts on the review of the constitution' - to 'elaborate propositions with respect to an eventual review of those articles in the constitution that would require modification'. During the period the commission worked several actors contributed to the debate.

A short report published in 1980 by Alphonse Huss, ¹² the honorary chief public prosecutor (Huss, 1980), draws a historic timeline of the legal situation of foreigners and points out some legal aspects, which could impede the granting of the right to vote for non-nationals. Another element is the distinction between locally elected assemblies, which are concerned with administration properly, and the political

¹¹ Ministère d'Etat, 1982 Report by the panel of experts on the review of the constitution, 1982

¹² Huss, Alphonse, 1980 Colloquium Louvain la Neuve, Belgium,

options that are dependent on the national parliament. 'Hence if the local authorities do not simply represent a diminutive of the national government, its structures are essentially of the same nature.' Mr. Huss's conclusions, as exposed below, certainly influenced the debate in the years that followed.

"Luxembourg occupies a special position among the countries of the EEC. This is due to its exceptionally high percentage of immigrants. (Mister Huss uses the term of immigrants as mostly in the Luxembourgian context for foreigners in general) Therefore, the problems that are encountered by this part of the population take on a relatively high degree of importance. The autochthonous population has grown accustomed to the presence of Italian immigrants of which many decide to stay in Luxembourg and who are reputed to easily assimilate the local language and customs. Immigrants from the Iberian peninsula, notably those of Portuguese origins who have come to Luxembourg more recently and in larger numbers have brought with them numerous individuals who are determined to return to their native country after several years. As opposed to the Italian language, Portuguese is not widely spoken by members of the (indigenous) public and to employ French as an intermediary does not always have the desired facilitating effect. Interaction between the Portuguese community and the autochthonous community/ies is rather limited. Generally speaking, the Luxembourgers are not enchanted by the vices and virtues usually attributed to their fellow Portuguese citizens such as a certain sluggishness in their workmanship, their behaviour in road traffic and their attitude towards social insurances, particularly health insurance. Certain customs such as the limited role accorded to women in familial and social life give rise to incomprehension. The Minister of Justice attempted to rebuke those who allege that immigrants are proportionally more often involved in criminal activities. Despite these attempts, human relations between both groups are generally marked by indifference that is sometimes broken up by tentative sympathy and more rarely by blind hostility. Hence, while Italy is a member of the E.E.C, Spain and Portugal have only applied for membership. At this stage, it is difficult to predict the public reaction in case certain rights should be attributed to citizens from other E.E.C. countries.

The idea to confer 'special' rights to immigrants from E.E.C. countries, i.e. active / passive right to vote will most certainly be received favourably by many. However, its realisation does not seem without dangers as long as Europe, the way it is being conceived, has not reached and evolved beyond a confederate system to finally become a federal entity not to say a unity that does without any nation-states"

Although this is a rather old document, it is very typical for the upcoming debate on political participation and it will influence that debate for a long time. At the beginning of 1981, the magazine *Forum*¹³ depicts the existent framework for immigrants in Luxembourg (forum, 1981). The magazine emphasized, that in 1980 26% of the population did not possess the Luxembourgian citizenship and went on to elucidate some reasons for the granting of the right to vote in some articles:

René Diederich¹⁴, a lawyer, argued that immigrant electorate might influence the ballot results in favour of those parties that guarantee the construction of more state-administered lodgings (i.e. council flats). The introduction of a new electorate would finally engage the authorities in charge of education to take into account the pupils of foreign origins to adapt its policies and to re-examine the demands of the multilingual Luxembourgian school system on those pupils. Consultation and advisory services targeted at the immigrant population and support of associations by and for foreigners were perceived to be necessity. Necessary is a guaranteed and consistent legal basis for foreign voters, which is not subject to the arbitrage of certain

¹³ *Forum*, 1981 no 47

¹⁴ Diederich, René, 1981, in: *Forum* 47

administrative decisions. He mentions certain constitutional obstacles ignored by others, only to conclude that this is more of a political than a legal issue. Finally, Diederich directed attention to certain constitutional obstacles ignored by others, only to conclude that this is more of a political than a legal issue.

The historian Michel Pauly¹⁵ depicted the evolution of the right to vote in Luxembourg. From the initial property qualification for voting right to vote introduced in the 19th century which only allowed 2.9% of the population to vote in 1841, over the right to vote for men and women, introduced in 1919, to 1981 when 58% of citizens belong to the electorate. Pauly referred to a survey¹⁶ carried out by the OGB-L union. It postulates that 67.7% of Luxembourgers are in favour of the right to vote with 32.2% against and only 0.1% of abstentions. Finally the authors attempt to counteract certain reactions such as 'they should naturalise' or 'they don't have any political tradition' or 'they will transfer the problems that exist in their home countries to us' or 'they will alter the existing power structures between the Luxembourgian political parties'(non signed article in the dossier).

In 1981 also the *Catholic Church contributed to the debate on the right to vote for foreigners*: The bishop's commission ¹⁷ based its argumentation on the diocesan synod and concludes positively on the initiation of a process that should eventually lead to a definite guarantee of the right to vote within an acceptable deadline. It recommends that immigrants as well as the autochthonous population should be duly informed and prepared in line with the deadline. In 1983, an overview of 7 years' press coverage on the right to vote appeared.¹⁸ This publication summarised the public stance from that of the cities and communes in 1975 to the press articles of 1982, the year when the 'panel of experts on the review of the constitution'¹⁹ submitted the final report: "*The majority of experts conclude that there is no need to review the constitutional disposition that reserves the local electoral rights for Luxembourgian nationals.*" On the one hand the experts hold the opinion that a constitutional review would be too close to that of 1979 (13th June) and that the right to vote for foreigners would require the complete integration of the latter into the national community by way of naturalisation. The experts believed that such a profound alteration should not take place without the consent of the Luxembourgian electorate of which many would consider this to interfere with their political freedom.

Only one member²⁰ of the panel did not share this opinion and favoured the granting of the right to vote for democratic reasons. He build on the attitude of the Luxembourgian political parties on the topic, which was explored in small survey by ASTI. This small survey had revealed that no party principally opposed the

¹⁵ Pauly, Michel, 1981, in: Forum 47

¹⁶ OGBL, 1980, in OGBL-actualités 2

¹⁷ Diocesan commission for the pastoral for migrants, April 2nd, 1981.

¹⁸ CIEMI, Paris, Press Review N° 28/29, March/June 1983

¹⁹ Ministère d'Etat, 1982 Report by the panel of experts on the review of the constitution, 1982

²⁰ Delvaux, Michel, 1982 Observations about some points of the experts' report

participation of immigrants in local politics. This member also shared the view of the *Diocesan Commission* that a process should be initiated in favour of the granting of the right to vote and the eligibility for local offices within a reasonable timeframe and according to certain criteria. As the realisation of such plans would have required legislative and constitutional changes, they would have shown effect at the local elections of 1993 at the earliest. The interim period could be used effectively to inform the immigrant communities. The political parties would thus have sufficient time to prepare for the deadline and to fulfil their role as integrators.

In a reaction to growing demands for the right to vote the government created in 1989 *Communal Consultative Commissions* as a kind of substitute. These commissions are mandatory in communes in which the proportion of foreigners amounts to more than 20%. For all others this is facultative. The Commissions have to be constituted by half of foreigners residing in the commune and by half of Luxembourgers designated by the local council. The Communal Consultative Commission has to meet once per trimester. The case given that a commission does not meet once a trimester, or not at all in the course of the year, there are not any sanctions taken.²¹ These commissions have the following objectives:

- To inform the communal administration about the foreigners' situation.
- To inform the foreigners about communal services.
- To address the difficulties that foreign children may experience at school.
- To organise language classes.
- To address problems of reception, accommodation, hygiene and health, security and social help for foreigners.
- To help the foreigners' associations the statutes of which have been recognised by the communal administration regarding the organisation of leisure activities, cultural, educational and sports events.
- To organise events that target foreigners with the aim of a cultural exchange by promoting their cultural and social life.
- To encourage the foreigners' participation in communal life.

Obviously, merely the last of the objectives cited above is the only one having a proper political connotation allowing to be involved in the decision making process on municipal level. The author has analysed the functioning of the CCE by basing himself on the verbal processes of about twenty CCE. The analysis' outcome was that most councils were dedicating their work to the preparation, the realisation and the evaluation of an annual multicultural celebration. Despite numerous critiques and suggestions the 1989 decrees have never been revised.

But the issue of granting voting rights to immigrants remained on the political agenda. In 1993, a new Law on integration came into force.²² On 10th December 1993, the government organised a national immigrants' conference that brought together some

²¹Regulation about consultative municipal commissions 1989, August 5th,

²² Law on integration, 1993 July 27th

200 people under the motto 'Participation and Integration'. The participants ought to examine and discuss the functioning of the communal consultative institutions. But in January 1994 the government sent out a circular note to the communes which literally took up as recommendations the Grand-Ducal regulations of 1989 without altering as much as a single comma. 'At the 11th Festival of Immigration on 19th March, the competent minister declared that the government was still favourably disposed towards an improvement of the current regulations'. According to the author, the CLAE had been caught up in the organisation of the 1993 conference (December), and has consequently lost its critical attitude.²³

But the issue of immigrants' voting rights remained unsettled. Of particular relevance was the EC directive 94/80²⁴ concerning the right to vote on local level. Prior to the Maastricht treaty, voting rights were exclusively reserved to Luxembourgian nationals. However, the treaty of Maastricht contains a restrictive clause that solely applies to Luxembourg.

Following the Maastricht treaties the EC directive 94 / 80 (19th December 1994) regulated the entitlement of EU-citizens to participate in local elections in the country of residence. As a general line, the directive emphasized that all EU-citizens should be granted the right to vote on local level. But the Luxembourgian government managed again to get a derogation of this directive: Article 12 of this directive stipulates that a member state with more than 20% of citizens from other EU citizens may obtain derogations as to the duration of stay, the passive right to vote, and the composition of electoral lists. So the EU citizen that will participate in a local election has to prove a stay of 6 years to be an elector and 12 to be a candidate. The Luxembourgian authorities obtained similar derogations in the field of European elections and the admission of EU nationals to these elections.

The same directive pointed out that for the December 31st, 1998 the European Commission has to submit a report on the persistence of the reasons, which justify these derogations to the European Parliament and the European Council. Since the first communal elections in which foreigners could participate took place in Luxembourg only in October 1999, this report did not explicitly mention Luxembourg, just as the rest of the world failed to comment on the persistence of these derogations.

The exceptions, which were granted to Luxembourg, were widely celebrated as important concessions. To that time, the main argument brought forward in support of these amendments was the particularly high percentage of foreigners in Luxembourg, which necessitates a respective policy. The critics pointed out the democratic incoherence engendered by this restrictive attitude because in no other country was a similarly high percentage of the population deprived of the right to vote. Furthermore, there existed a necessity to bridge the gap between the realm of the 'real' and the legal.

²³ Kollwelter Serge, 1996, Associations d'étrangers et pouvoirs publics au Luxembourg. In : Immigrés en Europe : le défi citoyen. L'Harmattan, Paris p p.104, 116

²⁴ EC directive 94/80 1994

In 1995 the Chamber of civil servants delivered a paper on the communal right to vote (20th October 1995). This consultative organ prepared a statement concerning the legislation on the communal right to vote, which derived from the relevant EU directive. The chamber of civil servants reiterated that it is in favour of the integration of non-national citizens, already present or still to arrive in Luxembourg. This implies that the advantages linked to the obtaining of the Luxembourgian nationality must be preserved. Hence, to offer the right to vote, as a present so to speak, would consequently counteract the efforts for integration, the consequences of which are elaborated upon in this document. Finally, the Chamber of Civil Servants remained opposed to the granting of the right to vote for non-Luxembourgian citizens and it reiterated its appeal to the political leaders to do all that is in their power to reverse the resolutions at the intergovernmental conference 'Maastricht II' in 1996.²⁵ In spite of such considerations since 2003 also non-EU citizens have been permitted to vote in local elections, however without the right to stand for office.²⁶ Two recent contributions published in 2004 summed up the debate and direct the further issues.

Michel Pauly²⁷ reviewed the development of the entitlement to participate in elections: If the right to vote was historically linked to real estate, to fiscal duties, and to masculinity, in many countries the ultimate barrier is today formed by nationality. In case this last requirement is softened, economic grounds speak in favour of this policy. Given the important role of foreigners to economic development, political integration of this workforce is inevitable. Without the immigrants' contributions the social and insurance system could not persist in its current form. The ageing of the electorate has had negative effects in recent years. The political parties that advocate a conservative stance towards pension policies have had the wind behind them. Their ageing voters did not favour a rearrangement of the contributions. Only through partaking of younger (foreign) voters will there be a chance for these new policies that promise modes of financing, which are geared towards the future to find an electorate. This explains why the rather surprising proposal by the Prime Minister, who after all heads a conservative party, to introduce the double nationality. Thus, he will be able to mobilise a younger electorate whose main preoccupation does not lay with the conservation of their pension rights. By reasoning on the evolution of the right to vote, there can be but one cohesive solution: the right to vote must be bestowed upon those affected by the decisions taken by those elected. The theory behind this reasoning is that of the canonical right 'quod omnes tangit debet ab omnibus approbari' (what affects everybody must be decided upon by everybody). Today there can thus only be one requirement for the gaining of the right to vote, and this must be residency. All citizens living in a particular country must be allowed to choose their representatives in parliament. In this case the issue of nationality would lose its importance.

²⁵ Chambre des Députés, 1995 in:Parliamentary document, 20th October 1995.

²⁶ Law on local elections 2002, 18th February

²⁷ Pauly, Michel, 2004 history of democracy equals economic history, in forum 241, October 2004, pp. 44-51

The contribution of Lionel Fontagné²⁸, professor of economics, points into a similar direction. He made in his 2004 report on competitiveness, which was ordered by the Luxembourg government, among ten conclusions the following statement:

"In this regard, the situation, where the dynamic of employment is based essentially on employees who immigrate or commute (daily across national borders, sk), while voting is concentrated among the working and non-working populations of the public sphere, is a source of blockade, which could be solved by re-examining the questions of dual citizenship and political participation of foreigners in elections."²⁹

Asylum seekers and deportation procedures

The population was accustomed to a high number of foreigners who were all actively working in numerous established jobs as well as in newly created ones. The arrival of a significant number of asylum seekers may have contributed to a change in a part of public opinion, especially since the end of the 1990s. The complaints about 'lazy' foreigners were all too easily made because the government failed and still fails to explain why asylum seekers were and still are not allowed to work.

The immigration of highly qualified people is not part of the official discourse. For these immigrants it is generally easier to receive asylum and there is hardly any indication of these immigrants in the public discourse. The pragmatic approach often employed for highly qualified immigrants also functions particularly well when athletes are concerned. An example of this are non-EU basketball players which may be announced by the media on Monday and be allowed to play a league match the following Saturday. It is important to note that these procedures take place in what officially is a non-professional sector. Regularly, this procedure would take at least two to three months to complete. We have further noticed that the recent regularisation campaign was essentially a way to relieve the asylum procedure (see 1.1).

Only very few NGOs did take part in the political debate. Only in dramatic situations as for example after a foreigner committed suicide in prison on the 18th December 1999 or when an African woman set herself alight on the 12th October 2004, associations such as the 'ACOLUX' (Amitiés Congolaises au Luxembourg) took a public stance, invited to a public funeral or a public ceremony. In both cases outlined above the associative platform, of which the ACOLUX is a member, remained silent.

Security issues: Naturally, Luxembourg also felt the effects of the attacks in the USA of September 11, 2001. On the one hand, the Muslim community was on the verge of receiving greater public recognition and acceptance (as well as public funding), as do the Catholic, Protestant, Orthodox, and Jewish communities. At this point, the weekly Newspaper *Le Jeudi* published several accusations and speculations about Islamist activities in Luxembourg, which it claimed were on the verge of legality (*Le Jeudi* 10

²⁸ Fontagné, Lionel, 2004 Compétitivité du Luxembourg : une paille dans l'acier [Competitiveness of Luxembourg: a Straw in the Steel], Luxembourg, page 40

²⁹ Fontagné, Lionel, 2004 Compétitivité du Luxembourg : une paille dans l'acier [Competitiveness of Luxembourg: a Straw in the Steel], Luxembourg, page 40

October 2002). Although there were no openly anti-Islamic reactions, a general mood of mistrust could be felt. The fact that a large part of the Muslims in question are asylum seekers from Sandjak, a region which belongs to Serbia-Montenegro, contributed to confuse the situation further.

1.3 Institutional framework for immigrant participation

The constitutional framework: Article 11 states that any foreigner on Luxembourgian territory is guaranteed judicial protection of his/her person and property, apart from the exceptions established by law.

“In Luxembourg, foreigners enjoy all rights which are not explicitly refused. Unless stated otherwise they enjoy equal rights as nationals. No right can be refused to a foreigner unless the legislator has explicitly expressed this”.³⁰

Right to form associations: The 1928 law concerning non-profit associations contained a restriction which expressed that two-thirds of an association’s members had to have Luxembourgian nationality. Special permission could be granted by the ministry of justice following the necessary application. This restriction was abolished with the revised 1994 law on non-profit associations.³¹ Today, foreign nationals are free to establish associations.

Freedom of assembly: With regards to foreign nationals from EU or non-EU countries, no restrictions are imposed on this right. Public manifestations on public grounds need to be announced in advance but no further formal authorisation is required.

Right to join Unions: The right to join a trade union is not at all restricted by law. The two main Unions (OGBL, left wing; LCGB, Christian) count the highest number of foreigners among their members.

Right to vote in elections for the European Parliament: Due to the particular registration procedure, immigrants from EU-member states gain the right to vote in European elections after five years residence and the right to stand for an office after ten years.

Right to vote in communal elections: Luxembourg grants immigrants with the citizenship of an EU-member state the right to vote in communal elections after six years residence and the right to stand for office after twelve years residence. Since 2003, also non-EU citizens with a minimum residence of six years have been permitted to vote in local election, however without the right to stand for office.³²

Registration on electoral lists: Another clause however proved particularly efficient in restricting active civic participation by foreigners, notably the registration on the electoral lists. It is important to know that voting in elections is compulsory in Luxembourg. Hence, the government automatically generates electoral lists. Luxembourgian nationals do not need to register themselves on electoral list: they

³⁰ Conseil d’État 4.2.1964. Pasicrisie 19. p.266

³¹ Law about non – profit organisations, 1994, March 4th.

³² Law on local elections 2002, 18th February

are put there by the administration. Citizens can visit their local town hall in order to control whether they are on the lists. To this end, the electoral lists are open to the public during the month of April of each year. The electoral law stipulates with reference to the local and national level that citizens need to figure on these lists by the 31st March of the year preceding the elections. Luxembourgian nationals need to have reached the age of 18 by the 1st January of the election year.

Foreigners have to register 18 months before municipal elections. In the absence of any form of registration procedure, the legislator leaves it to the foreigner to assure he/she registers before the given deadline, i.e. the 31st March of the year preceding the elections. As local elections are being held on the 2nd Sunday in October the foreigner has to register 18 months prior to the election itself. This also applies to European elections, which are held in June. In order to participate it is necessary to register on a separate list prior to 28th February of the preceding year.

A further requirement to be fulfilled in order to be allowed to actively participate in the elections is a residency in the Grand Duchy of 6 years for communal elections and of 5 years for the European elections. This requirement has to be fulfilled on the day of registration. These periods correspond to the terms of office in local councils, respectively the European Parliament. Thus, in order to participate in local elections EU-nationals need to have effectively lived in Luxembourg for at least 6 years prior to a local election. Another formality that has to be taken care of is the presentation of certificates of residence proving the foreigner's presence in the country. In case s/he has lived in more than one commune, proof of residence has to be obtained from each one. These requirements have been somewhat alleviated since 2003. The described restrictive conditions produced a rather moderate number of registrations on electoral lists as we see in Part II, p)

Access to public offices: Concerning the access to public functions, one has to note that this option is unavailable to non-EU citizens. Access to public offices is quite rare for EU citizens. It took the 1996 decree ³³ from the European Court of Justice, condemning Luxembourg because of its refusal to open public offices to citizens from other European member states, to change this situation in the sectors, which have been accorded priority by the European Commission. The government opted for a minimalist solution and did only grant access to those sectors in question, namely research, education, health, ground transport, postal, and telecommunication services as well as water, gas and electricity distribution. This minimalist approach is mainly due to the influence of civil servants who are an important part of the electorate. Nevertheless the Chamber of Civil Servants, dominated by the CGFP – Union pretended: *'...as could not be expected otherwise, the government has eventually decided to model its reform on the much less restrictive approach which prevails in Belgium and Germany...'* ³⁴

³³ ECJ 1996 access to public functions July 2, 1996

³⁴ Chambre des Fonctionnaires, 1997 official statement about access to public functions,

Membership in political parties: Theoretically, there is no restriction for migrants to join political parties. The latter are subject to private law and are not framed by any legal or constitutional decrees.

Membership in professional Chambers: These consultative structures are unique in Europe. Outside Luxembourg these can only be found in Austria and the German states of Bremen and Saarland. They date from the 1920s and are conceived as social organisations, which are constituted of various corporations. In Luxembourg, one counts three professional chambers for employees (workers, employees and civil servants) and three for employers (industrial, handicrafts, and agricultural). Everybody, employee or self-employed, is automatically a member of the respective professional chamber. The annual contributions are mandatory. These institutions of public law are called upon to express their views on legislative projects, which are submitted to them by the government. Moreover, they participate in professional training for young people and they organise training classes for their members. Furthermore, they possess the right to take indirect legislative initiative by submitting bills to the prime minister, which the latter in turn submits to the parliament. At the time of their creation, they served to canalise the various unions' impulses while today they serve to support them. While both, Luxembourgian and foreign nationals had to pay contributions, only Luxembourgian citizens had the right to elect the representatives.

By refusing to pay the contributions of three of its employees (members of the Chamber of private employees), the ASTI (Association de soutien aux travailleurs immigrés) in support of immigrant workers managed to have its case put in front of the European Court of Justice.

The decree issued by this court on 4th July 1991 obliged the government to modify its legislation and to allow all foreign contributors, EU or not to elect their representatives.³⁵

The Communal Consultative Commissions: Since 1989 communal consultative commissions are mandatory in communes in which the proportion of foreigners amounts to more than 20%. For all others this is facultative. The commissions have to be constituted by half of foreigners residing in the commune and by half of Luxembourgers designated by the local council. The immigrant members are appointed by the representatives of immigrant associations and Luxembourgian associations concerned with immigration.

The National Council of Foreigners (CNE): The 1976 law installed a national consultative body, which since 1993 has been called the National Council of Foreigners. The council members are elected by the delegates of the foreigners associations and those acting with or in favour of foreigners, which are constituted in a non-profit association. All those delegates gather in a meeting where the election takes place. The mandate of the CNE lasts 3 years. The president is in a high position in the Ministry for Family Affairs, by whom he is designated. Even though Luxembourgian nationals and foreigners base the structure of the CNE on equal

³⁵ ECJ, 1991, ASTI/CEP July 4,1991

terms, it is the presidency's voice that decides in case of parity.³⁶ The CNE can autonomously submit its judgements to the government.

Naturalisation procedure: The law³⁷ decreed in 2001 reduced the required period of residence for naturalisation from ten to five years, which de facto amounts to twelve to seven years given that a successful application takes about two years to be completed. Indeed, every application for naturalisation is subject to an official inquiry, an examination by the local council, which passes a resolution in a non-public session. From here, the application is submitted to the Privy Council, then to a parliamentary commission and then to the plenary assembly. This is not to forget the local commissioner's office, the indispensable link between government and local councils.

2 Part II: Active civic participation of third country (non EU) immigrants

This paper has encountered two major difficulties. First, the political discourse and policies concerning foreigners in Luxembourg focus on the largest groups, i.e. European citizens, or more precisely, those of Portuguese nationality. Second restriction: The number of citizens from non-EU countries being too small, the latter often only figures under the category of 'other' in statistics.

2.1 Voluntary engagement in Luxembourg

A recent study on voluntary engagement - commissioned by the Bishop's Commission for Justice and Peace – offers a first insight into the civic participation of foreign nationals in Luxembourg.³⁸ This examination depicts the population's level of involvement in voluntary work for various organisations and covers also immigrants. The study reveals that 34% of Luxembourgers are not members of any organisation - apart from the statutory membership in the chambers - whereas the relevant numbers for foreigners show that this is true for 55% of foreigners and 62% of Portuguese nationals.

There are two major handicaps encountered by the Portuguese community: First, many Portuguese nationals still belong to the first generation of immigrants, a fact that explains their lesser degree of integration in the Luxembourgian social arena. A second handicap is the relatively low level of education of many Portuguese immigrants when compared to other large immigrant communities.

For many Portuguese immigrants the integration into the social arena is still dependent on the achieved level of education. The more education one has received the better one is integrated. This realisation is not only valid for those organisations where one could assume that education could be an important factor, but it also

³⁶ Law about integration, 1993 July 27th

³⁷ Law about naturalisation, 2001 July 24th

³⁸ Diocesan Commission for Justice and Peace, 2001

applies to those organisations of which one would think that everybody can participate without any restrictions. As an example one can cite membership in sports clubs, which gradually increases with the level of education (11% for those with primary school education to 29% among those with A-levels). However, the level of Portuguese members always remains below that of Luxembourgers. This correlation leads us to the assumption that non-participation by Portuguese nationals is linked to their level of education.

Among those Luxembourgers who are not members of an organisation, 55% think that it is important that foreigners join Luxembourgian associations rather than establish their own associations.

The rates of voluntary engagement are higher among the Luxembourgian nationals. There are huge discrepancies in cultural organisations and health organisations, which remain firmly in the hands of the autochthonous population. It is only in associations that actively champion integration of immigrants where the rate of voluntary participation is significantly higher among foreigners.

The world of social life is widely considered one of the keys to successful integration of foreigners into the Luxembourgian society. The authorities add to this statement by claiming that it is necessary that such organisations be multicultural to prevent reclusion on the sole identity of their home country. As to the question whether foreigners should join Luxembourgian associations or establish their own organisations, suffice to say that the social implications are very different depending on whether one considers it from the point of view of a Luxembourger or an immigrant.

2.2 Membership and participation in Luxembourgian associations

In this section the available information of membership and active civic participation of immigrants in associations and institutions of the majority society will be presented.

2.2.1 Membership in political parties

Theoretically speaking, all political parties present in Parliament accept non-Luxembourgian nationals as members. It is however impossible to know how many nor to what percentage. It is important to notice that some parties such as the CSV (Social-Christian), LSAP (Social-Democrats) and the Green Party have specific internal structures for foreigners. This is notably the case for the LSAP's 'Group for Political Integration', which however does little to publicly promote its proceedings.

This information has been obtained through a mail-survey aimed at the political parties and the unions during November 2004.

- The CSV (Social Christian) counts 250 foreigners among 9800 members.
- The LSAP (Social Democrats) counts 5.69% of non-nationals, which are split up as follows: Portuguese (24.31%), Italians (22.15%), French (13.54%), Belgians (10.46%), Germans (15.38%) and others (14.16%).
- No reply was received from the DP (liberals).

- The Green Party does not classify its members by their nationality, but estimate them to make up about 10% of their members.
- The ADR does not distinguish nationalities, but our correspondent refers to the level of 5.18% of foreign-nationals on the communal electoral lists of 1999, as opposed to 4.6% for the LSAP, 4.3% for the CSV and 3.1% for the DP.
- No reply was received from the left wing parties.

There is no further information available on the activities of non-Luxembourgian members in the political parties.

2.2.2 Foreign candidates in the 1999 local elections³⁹:

As third-country-nationals are not allowed to vote, the analysis of EU-citizen participation in communal elections may give an indication on the features and level of participation of foreign nationals in Luxembourg. Of 3 226 candidates standing for election at the 1999 communal elections were 138 foreigners, which equals 4.3%. This stands in contrast to the figures for EU citizens resident in Luxembourg, which make up about a third of the the population. The foreign voters account for 5.9% of the electorate. The level for foreigners inscribed for the local elections was 13.1%. There are foreign candidates in 42 communes which amount to 35.6% of communes.

One has to distinguish between communes with a proportional election system and those with a majority vote system. The former count communes with more than 3500 inhabitants and the latter less than 3500. Among the 'large' communes, foreigners represent 6.1% of all candidates and 1.4% in the 'small' communes. The 138 foreign candidates are split up as follows: 31.2% Portuguese, 26.1% Italian, 10.9% Dutch, 9.4% German, 8.7% Belgian, 2.9% Spanish, 1.4% British, and 0.7% Danish.

Table 4: Partition of candidates for municipal elections 1999 by political affiliation.

	ADR	CSV	Déi Gréng	Déi Lenk	DP	LSAP	others
Foreigners	11,7%	15,0%	24,2%	18,3%	10,8%	15,8%	4,2%
Luxembourgiers	12,8%	21,8%	12,4%	5,9%	21,1%	21,2%	3,9%
Total	12,7%	21,4	13,1	6,6%	21,%4	20,8%	3.9

Source : SeSoPi

Professional characteristics: The majority of the 3226 candidates (73%, foreigners and Luxembourgian nationals) carry out professions that position them to the upper or middle upper class. The majority of these professions are over-represented if compared to their importance in the active population. Workers are under-represented among the candidates in general, but even more so among the foreign candidates when compared to the part of the active population they represent. Among the foreign candidates not practising a profession, many are housewives

³⁹ SESOPI 2001, in: RED N°6

particularly among 26 to 45-years. Among the Belgian, German and Dutch candidates the majority has completed university level studies and has carried out intermediary professions or has been active in the private sector. Pensioners form a significant part of the 3226 candidates but are less strongly represented among the foreign-national candidates.

Gender features: Among the male foreign candidates upper management, independents, workers, liberal professions, pensioners and students are predominant. Among the female foreign candidates educational and intermediary professions as well as employees and those not carry out a profession. Female candidates of foreign origin have generally achieved higher levels of education than their male counterparts.

Nationality features: Portuguese candidates are mostly workers whereas Italian candidates are mostly independent or active in the private sector. French candidates are mostly independent whereas Belgians belong mostly to upper management. Dutch candidates also mostly carry out upper management tasks as well as intermediary tasks. The majority of students are Portuguese. Dutch and Belgian candidates have an educational advantage as far as university qualifications are concerned. French and German candidates mostly have a medium level of education (A-levels). Candidates of Portuguese origin often have basic levels of education (primary school, junior grades). Nonetheless, a significant part of Portuguese candidates hold university degrees.

Foreign candidates are generally well trained and qualified. Their level of training appears to be higher than the average, not only of the immigrant population, but also of the Luxembourgian population. The level of education of the candidates' partners is at least equal if not higher than that of the candidates. The high level of education among foreign candidates indicates that the latter are relatively well integrated into the social structures of the host country.

Let's go to a rough outline of the SeSoPi study⁴⁰. It shows us that few immigrants are registered on the electoral lists (13.1%). We find few foreign candidates: they are really under-represented being only 4.3% of all candidates. Portuguese and French nationals are more under-represented than Dutch and Italian nationals.

Age aspects: With respect to the profile of the foreign candidates the study states the overall rejuvenation of the candidateship by the foreign candidates. Dominant age group across all nationalities, Luxembourgers included, are the 36 to 55 year olds. Among foreign candidates, notably among Italian and Portuguese nationals, we find a certain predominance of young applicants. The 'older generation' of Italian nationals registers on the lists whereas the middle aged Italians register as candidates. The oldest and youngest represent the lowest number of candidates across all nationalities. Age groups vary strongly from one nationality to another.

Gender aspects: Women are proportionately much stronger represented among foreign nationals than among Luxembourgers. Predominantly Dutch, Belgian,

⁴⁰ SESOPI 2001, in: RED N°6

French, and German women are among candidates and registered voters. Male voters dominate among Portuguese and Italians.

Political orientation: Foreign national candidates are predominantly present in the two small left-wing parties, *Lénk* and *Gréng*.

Spatial distribution: In 64% of communes, there are no foreign national candidates at all. Regarding the distribution there is an under-representation of foreign candidates in all communes, even those with high proportions of foreigners from other EU countries. There are even less foreign candidates and less female candidates in communes with a majority vote system. An under-representation of foreign candidates takes place in the 'Minette' region (southern region of the country) and in the North, 'la grande couronne', and Luxembourg-City. There is no direct link between the proportion of foreign nationals in a commune and the number of foreign-national candidates.

In a few words: EU citizens are underrepresented, while Non EU citizens are not represented at all in local decision making processes. Generally, local political activists with EU citizenship tend to be younger and better qualified than the average Luxembourg and foreign population, which we could also expect for active citizens in general including Third country nationals. Other characteristics differ largely by EU-country of origin.

2.2.3 Foreign candidates in the 2004 European election⁴¹

Since the 1994 European elections non-Luxembourgian citizens can elect and be elected through the Grand-Duchy's lists for the European Parliament. In 1994 eight foreign candidates stood for office, in 1999 six and in 2004 eight.

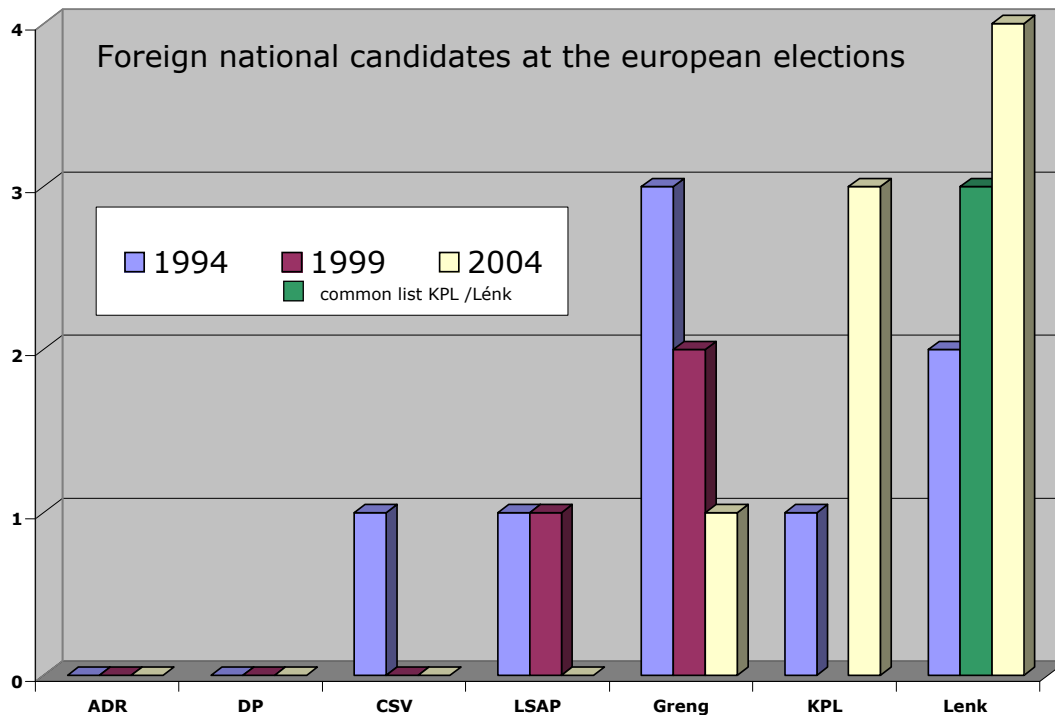
The 1994 eight were spread out on five different lists, the 2004 eight on three. In 2004, none of the 'big' parties was represented by a non-Luxembourgian national (see illustration 8).

ADR and DP have not changed their opinion: never has a non-Luxembourgian national been allowed to figure on their European lists. CSV and LSAP did not permanently adhere to the concept with only one candidate for the CSV and two successive candidates for the Socialist party to date. The Green Party appear to follow this tendency, even though in 2004 there is still one candidate left. The left wing party usually carried 2 to 4 candidates, with only one candidate once.

The 'big' parties seem to never really have believed in the concept of participation by non-nationals, which explains why they hardly put any effort into the campaigns to promote registration on the electoral lists and why their attempts to alter the existing conditions have been all but non-existent.

⁴¹ Kollwelter, Serge, 2004, Foreign candidates for european elections 2004, in: *Le Jeudi*, May 27th, 2004

Illustration 5: Foreign candidates at the European elections 2004



Source: electoral lists for the European elections

2.2.4 Registration on the electoral lists for the local elections 2005 ⁴²

'As of March 31st, 2004 – this is the deadline for the registration on the electoral lists for the local elections of October 2005 – 23 937 foreigners had registered of which 22 706 were EU citizens and 1 251 were from third-party countries. This represents an increase of 73% over 1999. The highest increase was among Portuguese nationals (+117%), followed by the Italian nationals (+82%), British nationals (+60%) and French nationals (+52%). Overall, the rate of registration for the communal elections is 15%. Among EU citizens the rate is 17% and for non-EU citizens it amounts to 6%. Among the nationalities most strongly represented are Italian (21%), Portuguese (20%) and Dutch (19%). Citizens from those countries that joined the EU in 2004 are only represented by 3%.

Among non-EU citizens, citizens of Bosnia-Herzegovina are strongly represented (13%, 243 registrations), as are of Switzerland (13%, 62 registrations), as are of the Cape-Verdians (8%, 115 registrations) and citizens from former Yugoslavia (7%, 380 registrations). The low rate of inscriptions among non-EU citizens can partly be explained by the requirements for residence, which are not always fulfilled as some of the migrations have only occurred recently (see chapter 1.1).

⁴² SeSoPi 2004, (not yet published document)

In certain communes the electoral weight of foreigners is above average. Larochette has the highest ratio with 33% of non-Luxembourgian nationals, followed by Medernach (18%) and Sandweiler (18%). The growing number of registrations on the communal electoral lists has direct consequences on the proportion of foreign voters in relation to the overall electorate. In 1999, out of 100 voters 6 were foreign and 94 Luxembourgian. Today the ratio is 10 foreigners to 90 Luxembourgers. Thus, the foreign electorate is a potential that cannot be ignored.

A few positions and conclusions on this developments conclusions by the author: The debate on the apparent ignorance of politicians to tackle the issue must be revitalised. The overall increase of registrations across all social strata and geographical regions shows the positive impact of a well-targeted information campaign.

A mobilisation campaign bears its fruits only if there is sufficient political engagement, targeted proceedings and adequate sensitisation campaigns. The efforts aiming at the Portuguese community must be continued and widened to include for example the Cape Verdian community whose registration rate is very low for a community that has been present in Luxembourg for three decades.

The work that has been carried out so far must be continued and the activities and meeting points should be used to their best extent as these have been proved efficient means.

2.2.5 Participation in Professional Chambers⁴³

Since all foreigners – citizens of the Union or of third countries – are allowed to participate in elections for the Professional Chambers, it would have been interesting to analyze the participation of both groups in the elections of 1993, 1998 and of 2003.

In 1998, 75.5% of the electors of the *Chambre du Travail* [Chamber of Employment] (C.T.), and 57.2% of the nationals of the *Chambre des Employés Privés* [Chamber of Private Employees] (C.E.P.) were foreign nationals. The electorate of the foreign workers reflects their majority presence as workers and as private employees in the labour market of Luxembourg. It also demonstrates the heterogeneity of the different foreign communities, which is based on socio-professional status.

The decrease in participation between 1988 and 1993, and then 1998, is primarily due to massive non-participation of foreigners. In 1988, when the electorate consisted only of Luxembourgian workers, the rate of participation for the Chambers of Employment (C.T.) was 79.1%. This rate dropped to 46.6% in 1993 and to 31.9% in 1998. The rate of participation for the Chambers of Private Employees (C.E.P.) fell from 72.9% in 1988 to 51.4% in 1993 and to 38.9% in 1998.

However, the rate of participation of Luxembourgers also regressed considerably in 10 years with about 16.8% for the C.T. and about 14.2% for the C.E.P.

While Luxembourgers constitute one fourth of the electorate of the Chambers of Employment (C.T.) in 1998, they make up 62.3% of the voters. Similarly, they

⁴³ SeSoPi, 1999, in *Ensemble* 53, 1999 pages 13, 14

account, on the one hand, for 43.3% of the electorate of the Chambers of Private Employment (C.E.P.), and, on the other hand, for 58.7% of the voters. These rates contrast sharply with those of foreigners, which are particularly low: 22% and 24%, respectively. In each case, the participation of non-community persons is the lowest (18.1% for the C.T. and 16.3% for the C.E.P.). One should also note the very low participation of Portuguese nationals, compared to the greater participation of the Italian nationals.

“While it is true that one cannot compare voting in professional elections, which is not mandatory, to voting in national elections, one can nevertheless wonder how many Luxembourgers would actually participate in political elections if voting were not mandatory. The low rate of participation of foreigners and the drop in the participation of Luxembourgers seem to confirm the general crisis of representative democracies throughout all Western democracies. One should also ask whether the potential electors are really aware of the role that the Professional Chambers play in the institutional life of Luxembourg, and, secondly, whether they ask themselves any questions about, or question, the importance and the usefulness of these institutions.”⁴⁴

Concerning the elections for the Chambers of Employees of 2003, the author asked the Ministry of Employment on December 3, 2004 for information concerning the share of foreign nationals. On December 29, 2004, the Minister responded that his statistics were not available in the desired form.⁴⁵

2.2.6 Membership in Trade Unions

The information on trade union membership of foreign nationals has been obtained through a mail-survey during November 2004. The OGBL counts some 45% of foreigners among its 57 000 members. The LCGB counts some 37.41% of non-Luxembourgian nationals among its 40 000 members. The foreign members split up as follows (Table 5):

⁴⁴ *ibidem* page 14

⁴⁵ “Since this is a research project which originates from the European Commission, the latter normally pays for expenses associated with the research projects, consequently I ask you kindly to provide me with information on the budget available to the University of Oldenburg for the research project, in general, and the Luxembourgian part, in particular. As soon as I receive your response, I will determine whether the expenses incurred will be covered by the financial participation of the European Commission.” On January 5, 2005, I informed the Minister of the sum which will be allocated to me by the University of Oldenburg. I asked what amount the Ministry wanted and how I could pay it. No response. I mailed a reminder on February 14, 2005. No means to get a share of the mandates won by immigrants.

Table 5: Nationalities in LCGB membership in percent

American	0.05	Former Yugoslavia	0.99	Portuguese	9.83
Angolan	0.01	French	7.21	Romanian	0.02
Austrian	0.05	German	3.29	Russian	0.03
Belgian	12.81	Greek	0.01	Swedish	0.00
British	0.14	Hungarian	0.02	Swiss	0.01
Bulgarian	0.02	Icelandic	0.01	Thai	0.01
Chilean	0.01	Indian	0.02	Tunisian	0.04
Columbian	0.01	Irish	0.03	Turkish	0.01
Czech	0.01	Italian	2.01	Ukrainian	0.01
Danish	0.03	Moroccan	0.07	Vietnamese	0.03
Dutch	0.25	Philippine	0.01	Zairian	0.33
		Polish	0.10		

Source: LCGB

The information indicate that the foreign members of the trade union LCGB are mainly citizens from the EU-member states Belgium (12.81 %), Portugal (9.83 %), France (7.21 %), Germany (3.39 %) and Italy (2.01 %). There is no information available on activities of foreign trade union members beyond the membership. Only the OGBL has one foreign trade union secretary.

2.3 Immigrant NGO's

There are several hundred immigrant associations in Luxembourg. In July 2004, 140 associations fulfil the requirements to take part in the voting for the CNE of which 40 made use their right to vote. The political spokesperson for these associations is the 'Comité de Liaison et d'Action des Etrangers' (CLAE). The CLAE acts as spokesperson for these associations and was created in 1985 by the Association de Soutien aux Travailleurs Immigrés (ASTI).

2.3.1 Immigrants' media

In Luxembourg, three press organs appear in Portuguese language. Additionally, Radio Latina and the two weekly newspapers Contacto and Correio make great efforts to depict the realities of Luxembourgian life and to incite their audiences to actively participate in Luxembourgian social life.

2.3.2 Immigrant associations on national level

ASTI: The ASTI (Association de Soutien aux Travailleurs Immigrés) is a NGO with some 700 members of 25 different nationalities. The characteristic features of ASTI

are its mixed composition of Luxembourgian and foreign members, the work it carries out in the northern parts of Luxembourg City and its wish for independent political activity.

CLAE: The CLAE is a confederation of immigrant associations and generally holds a moderate public profile in terms of its political engagement. Its objectives are the following:

- To promote integration of foreigners into the Luxembourgian society, and to aim to gain citizenship for every foreigner residing in Luxembourg.
- To defend the rights and interests of foreigners and to valorise cultural diversity in Luxembourg.
- To facilitate contact between associations and institution in Luxembourg, to encourage intercultural exchanges and to support and promote associative (social) life.
- To fight against any form of racism and xenophobia as well as all other forms of discrimination and exclusion.
- To promote the creation of a Europe in which the rights of migrants and minorities are respected.' (Excerpt from the CLAE's statutes)

This platform has signed a convention with the Ministry for Family. This agreement has allowed it to employ five permanent staff for its political, cultural, and social activities. Until 2003, the CLAE organised training and information seminars for members of communal CCEs. The CLAE did not reply to our request for information. I estimate that some 120 associations are members of the CLAE. The civic and political activities of the remaining associations are generally monopolized by the CLAE to a high extent.

The public perception of the CLAE is primarily shaped by the Festival of Immigration, inaugurated by the ASTI in 1981 with the aim to popularise the claim for the right to vote. This event has been organised conjointly by the ASTI and the CLAE until 1995 since when the CLAE has taken over the organisation. The political aims are no longer the main aspect of the event and have been put into the background in order to stress the cultural element, which goes hand in hand with the book festival that is held simultaneously.

Internal differences prevented the participation of the one hundred or so associations that form the basis of the organisation, which has turned into a sort of superstructure.

The CLAE is present to the public eye mainly through its annual 'festival of cultures of immigration and of citizenship' (formerly Festival of Immigration), through its congress of associations that takes place every three years, through press releases and its bulletin HORIZON which comes out eight times a year with a print run of 5000. One of the CLAE's handicaps is its limitation or hesitation to nominate Luxembourgian-speaking spokespeople for televised debates. It sometimes appears that the CLAE succumbs to a tendency to have a preference for EU-citizens, something it usually reproaches to the CCPL.

Thus, the CLAE has refused to participate in a programme entitled 'Pool for a democratic education' that brought together the federation of Parent-teacher

associations, the teachers' union, the ASTI and the CCPL. Moreover, it refused to take part in the campaign 'Migrations: the stakes', which was supported by the press and numerous NGOs. Again, the organisation failed to take a common stand with the unions OGB-L and LCGB on the debate on the parliamentary committee of spring 2004.

Some consider the ASTI's activism as rivalling that of the CLAE as the viewpoints of both organisations are reported in the press. Below is a summary on articles by the monthly magazine HORIZON- revue de presse that is published by the CLAE. We took on account here political statements or activities of political character

Table 6: Articles relating the activities and initiatives of the ASTI and CLAE from January to October 2004 in Luxembourgian print media:

Month of 2004	ASTI	CLAE
January	7	0
February	7	6
March	8	6
April	5	2
May	5	2
June	9	4
July	10	4
August	0	0
September	6	0
October	9	1
Total	66	25

Source: Own research by the author

2.3.3 Ethnic associations

Besides CLAE and ASTI several ethnic immigrant associations exist in Luxembourg. The most active nationalities receiving some visibility in the Luxembourg are Portuguese, Italian, Spanish,

CCPL: Most Portuguese associations are grouped in the CCPL, the Confederation of the Portuguese community in Luxembourg that holds a biannual conference. The following information has been provided by the CCPL. The CCPL counts 10 associations for Portuguese parents of schoolchildren and 14 Portuguese folklore associations. Overall, 84 associations of all kinds belong to the membership of the CCPL. The Confederation regularly speaks out in public, notably during its congresses and in the Portuguese press in Luxembourg. Other interventions mainly take place within the communities, aimed directly at Portuguese authorities. The CLAE has often reproached to the he CCPL to be segregative ('communautariste'), but the relationship seems to have normalised for some time now, the current president of the CCPL being employed by the CLAE.

APL - the 'Amitiés Portugal – Luxembourg': The APLs hold a particular position among the numerous friendship-organisations. Created by catholic institutions at the beginning of Portuguese immigration to Luxembourg in the 1970s, this association

has taken up an important civic role and has recently taken on a leading role in promoting the registration on the electoral lists by Portuguese residents.

The Portuguese ex-servicemen: Over the last years, the committee for Portuguese ex-servicemen has organized numerous public activities. This committee wants military service carried out in Portugal to be taken into account for the calculation of pensions. Several demonstrations outside the Portuguese Consulate have brought this element into the political limelight.

The CCP: The 'Conseil des Communautés Portugaises' is a consultative organ of the Portuguese government. It represents Portuguese NGOs abroad. This council also counts among its members one elected representative of the Portuguese population in Luxembourg, elected on the 31st March 2003. This post was open to all Portuguese over 18 years of age residing in Luxembourg and being registered with their consulate. Over 700 Portuguese citizens voted at these elections, whereas only 520 voted at the Portuguese presidential elections.

The 'Comites' of Italian nationals: This is the consultative organ for Italians in contact with the Italian government. It does not carry out any open political activities as it serves as an intermediary to the Italian authorities (embassy and government in Rome).

The Spanish CRE: The consultative organ for the Spanish government is the CRE (Consejo de Residentes en el Exterior). The Spanish residents elect its seven delegates for a three-year mandate.

ACOUX: The Congolese who joined in the association "ACOLUX": On two –dramatic – occasions, they challenged public opinion and political officials. After the suicide of one of their compatriots in detention, on December 18, 1999, ACOLUX appeared at a press conference on January 27, 2000 (Le Républicain Lorrain, January 29, 2000). This action and its media coverage launched a debate on a detention centre separate from the prison. On several occasions, the Committee for the Prevention of Torture of the Council of Europe and the Commissioner for Human Rights of the same institution criticized the government for not having a detention centre other than the prison. For the time being, a grand-ducal order⁴⁶ has set up a special section within the prison. The new government is planning to construct a separate detention centre. The other dramatic incident was the self-immolation of a woman of Congolese origin on a central square in the capital on October 5, 2004 (Le Quotidien, October 6, 2004). The reason for the desperate action was that the authorization process for her husband, who was properly qualified to open a mechanical repair shop, had been dragging on for one year and a half. In face of the administrative slowness and the treatment she had experienced she set fire to herself out of despair. Several days later, on October 13, 2004, the Congolese community met in a silent and dignified protest on the square where the self-immolation had taken place. Hardly any political events are being organised by member organisations of CLAE.

The asylum seekers from the Balkans: essentially from the former Yugoslavia, namely from Montenegro and from Kosovo. At the time when the Luxembourg

⁴⁶ Regulation about detention center, 2002

government started to repatriate asylum seekers whose cases had been dismissed to Montenegro, it was shown that a large number of them had been living in Luxembourg for three or four and even five years, and that their children were, in general, well integrated in Luxembourgian schools. On May 17, 2003, to influence the government, the persons whose cases had been dismissed, organized, jointly with ASTI, a human chain of 2000 persons, which linked the Ministry of Employment to the Ministry of Justice, and they demanded that the status of those individuals who had been in Luxembourg for 30 months (30 months equals legal) be regularized.

Three weeks later, the Prime Minister received a delegation of the protesters, and confirmed that the government would indeed carry out the “assisted” repatriations in the summer of 2003. To apply pressure to those persons whose claims had been dismissed, and to make them leave ‘voluntarily’, the government cut off their food supplies. In protest, the persons concerned met six times on consecutive Fridays in front of the offices of the Prime Minister, at a time when he held his weekly press conference. Media coverage was guaranteed. After six weeks, food supplies were restored.

The asylum seekers from Africa, an example for informal self organisation: It turned out that some of the African asylum seekers had engaged in drug trafficking. This resulted in a stigmatization, which was promoted by some statements made by Ministers on the radio. Public opinion was raised against all African asylum seekers. To react, the Africans took to the streets on two occasions: on November 9, 2004 (La Voix, 2004, “Racism denounced on the public street,” November 1, 2004), and on October 22, 2004.

2.4 *Most prominent examples of immigrants active in public life*

With respect to prominent immigrants it is not exaggerated to state that not any single immigrant from a third-country is known to a wider public in Luxembourg.

The most known foreigner is for sure: Claude Frisoni, French, Director of the ‘Centre Culturel de Rencontre Neumunster’ after having coordinated the activities in 1995 when Luxembourg was the European capital of culture.

With an official responsibility: Walter de Toffol, Italian, engineer, and president of the independent national commission for audiovisual programs.

The following people are mostly known in their community or in the field of integration in general: Delfina Beirao, Portuguese, journalist and author of *Les Portugais du Luxembourg* L’Harmattan, Paris, 1999, in charge of the North-South pedagogical animation. Anita Petersheim, French, exiting vice-president of the CNE, vice-president of the CLAE, former chair of ENAR – Luxembourg. Franco Barillozzi, Italian, secretary general of the CLAE. Having actively supported the Italian associative movement of the communist branch, he now has been secretary and spokesperson of the CLAE for nearly 20 years. Eduardo Dias, Portuguese, union secretary of the OGBL. A trained lawyer he plays a leading role in the immigrants’ department of the union to whose development he has made important contributions. He is the OGBL’s representative in the CNE, member of the decision-making committee of the CLAE, in charge of the Portuguese ex-militaries and elected member for Luxembourg at the CCP. Toni Montserrat, Spanish, civil servant with the EU, president of the “Centre

Catala”, he is the president of the CLAE. Pablo Sanchez, Spanish, entrepreneur and vice-president of the CNE. José Coimbra Matos, Portuguese, chair of CCPL. Luis Barreira, Portuguese, director of radio Latina

3 Part III: Expert Assessment

Remark : The fact that very few studies exist on this matter results in short answers of this concluding part.

3.1 Main fields of civic activities

Trade union: Foreigners are most strongly represented in the unions. As the numbers show, among the OGBL’s 57 000 members, some 45% are foreigners, in LCGB 37 % are foreigners. This membership rate seems to be pretty high, but we have to remember that two thirds of labour force employed in the Grand Duchy is foreigners. Nonetheless, within these organisations they are often relegated to specialised (sub-) structures such as the department for immigrants. They figure only rarely among the higher spheres of decision-making in the Unions.

Political parties: In the political parties the presence of non – Luxembourgers is very modest.

Churches: Foreign presence in the churches is significant: Unfortunately no figures are available. The many Portuguese catholic Sunday offices and half a dozen catholic priests who administer the services in Portuguese language underline this presence. Portuguese testimonials of Jehovah are very visible.

There are specific Parent-Teachers-Associations such as the association of Portuguese pupils’ parents which only groups Portuguese members. Language barriers are often a hindrance within ‘regular’ PTAs, although some attempt to facilitate integration by organising bilingual meetings. Social differences are a further handicap. PTAs are often led by parents from the (upper) middle class whereas workers (particularly those of immigrant origins) often find it difficult to fit in.

NGO’s: Most ethnic NGOs have no explicit civic and political activities, nevertheless we find some foreigners in mixed NGOs with explicit political aims like APL (Portuguese- Luxembourg Friendship association, ASTI or ASTM (Solidarity with the Third World)

3.2 What ethnic and national groups are particularly active and why?

Once more we have to notice the absence of studies. According to the author’s opinion there is of course a certain degree of civic activity among Portuguese citizens in Luxembourg, because they are so numerous. Being an immigration of only the past 30 years, they have brought nevertheless a first Member of Parliament – of Portuguese descendant – Mr Felix Braz. It will be interesting to see what the progress will be according the number of candidates running for the upcoming municipal elections of October 2005.

We have seen that most NGOs have no visible civic activity, except for the Congolese in dramatic situations. We have seen the civic appearances of asylum seekers.

3.3 Is the degree of civic participation high or low compared to majority population?

The study about Professional Chambers shows that in this field the degree of participation is lower for immigrants compared to majority population. The lowest participation rate is found with third country nationals

The study of inscription to electoral lists shows a lower rate for non-EU nationals than for EU-nationals.

3.4 What is the relation between engagement in ethnic or migrant organizations compared to mainstream society organizations? Are there any transitions and overlaps?

Ethnic organizations are often somewhat marginalized when compared to other mainstream organizations. Examples are the dozen or so associations for Portuguese parents of schoolchildren, which mostly have no connection to the 'Luxembourgian' PTA associations from the same area. Often this is due to language barriers, although this does not in itself explain this situation. Luxembourg, as opposed to its neighbouring countries, does not find itself in a homogenous linguistic situation. In Luxembourg the three languages Luxembourgian, German and French, not to forget other mother tongues like Portuguese are spoken all at once. Sometimes, as is the case for Portuguese, one language may suffice to live and communicate well in certain agglomerations.

To organize a public meeting in one language only automatically excludes an important part of the foreign residents. On the other hand, if it was organized in French, some Luxembourgers might be reluctant to attend and often they are held in two bilingually although this is not always possible.

Those associations not explicitly mentioned in this study are often solely engaged on a cultural level and are classified by the receiving society as exotic or folkloristic and only rarely do ethnic organizations achieve mainstream status.

At this stage the generation issue becomes an important factor. Later generations of immigrant origins find it increasingly easy to integrate themselves into mainstream organizations.

The various national consultative structures (CNE) or local structures (CCE) to a certain extent limit foreigners, who generally find themselves in a minority position, to tackle issues that are specifically relevant to foreigners as though these issues were by their nature a problem of the immigrants rather than of the host country even though the issues might revolve around areas of general interest such as national politics, which concern all citizens.

3.5 What issues do you consider to be of particular interest and importance in the field?

The effective and active opening up of political parties to accommodate foreigners will be a key element in the acceptance of political rights for foreign nationals. Should they manage to create a space for foreigners and to linguistically communicate with them, then they will have the possibility to follow a mode of integration to which they currently only do lip service.

The unions will play an important role. They accommodate many foreigners who find themselves largely in the company of fellow immigrants, as is the case for the building trade union or the hotel business union or even in structures specifically designed to accommodate them such as the department for immigrants.

Local sections that group members do not carry the same importance they did in the past in bringing together Union members of the same geographical area.

New ways to bring together Union members beyond their professional belonging should be promoted.

3.6 Where do you see the major research gaps?

1. The interests, foreigners hold in the Luxembourgian society and their adhesion to its democratic values.
2. Education as a factor assuring social cohesion and as an instrument against social inequalities.
3. The interest of political parties and of its militants in political integration of foreigners. What would the situation be like if foreigners were not considered as opponents in the political patronage?

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5 Appendix: Mapping of research competences

Luxembourg hosts only a limited number of research centers which are active in the three fields mentioned, namely active civic participation of immigrants, civic participation in general and immigration in general.

Université du Luxembourg

162a, avenue de la Faïencerie, Luxembourg

Chancellor: Rolf Tarrach

Researchers: Philippe Poirier, political scientist; Fernand Fehlen, sociologist; Michel Pauly, historian; Denis Scuto, historian; Romain Martin, psychologist.

Centre Intercommunautaire

Centre for social research linked to the Catholic Church

5, avenue Marie-Thérèse, Luxembourg

Author and editor of 'European Value Study – Luxembourg'

Analysis of registration on the electoral lists

President: Mathias Schiltz

Research team: Michel Legrand, director; Sylvain Besch, Nénad Dubajic, Paul Estgen

CEPS: Centre d'Etudes de Population, de Pauvreté et de Politiques Socio-économiques

44, rue Emile Mark, L-4501 Luxembourg

Director: Pierre Hausmann

Research: Claudia Hartmann, socio-linguist

STATEC: Service d'études statistiques et économiques du gouvernement

L-1468 Luxembourg

Director: Serge Allegrezza

Research: Jean Langers, demographer; Paul Zahlen, historian