

COSPE
National Focal Point - Italy

**PARTICIPATION OF FOREIGNERS IN PUBLIC
LIFE AT THE LOCAL LEVEL**

Anna Meli
Udo C. Enwereuzor



Cooperazione per lo Sviluppo
dei Paesi Emergenti
www.cospe.it

DISCLAIMER: This study has been compiled by the National Focal Point of the European Monitoring Centre on Racism and Xenophobia (EUMC). The opinions expressed by the author/s do not necessarily reflect the opinion or position of the EUMC. No mention of any authority, organisation, company or individual shall imply any approval as to their standing and capability on the part of the EUMC. This study is provided by the National Focal Point as information guide only and in particular does not constitute legal advice.

Table of Contents

1.	Executive Summary	4
2.	Introduction.....	6
3.	Overview of the social and political context.....	8
3.1	Initiatives by civil society	8
3.2	Government proposal.....	10
4.	Participation of foreigners in public life at local level.....	11
4.1	Opportunities of participation in associations.....	11
4.1.1.	Trade Unions and Non-profit associations	11
4.1.2.	Migrants' associations	14
4.2.	Consultative bodies.....	17
4.2.1.	Territorial Council on Immigration	17
4.2.2.	The National Consultative Body on the problems of Immigrants and their Families	20
4.2.3.	National Coordination Body on Policies of Social Integration of Foreigners at local level - (ONC).....	20
4.2.4.	Participation of migrant women in public life	22
4.3.	Participation in public life at local level	23
4.3.1.	Elective councils	23
4.3.2.	The Consultative body on immigration – the Municipality of Padua.....	24
4.3.3.	The Consultative body for foreigners and Stateless persons - Municipality of Turin	26
5.	Good practices at local level.....	28
5.1.	The experience of the Municipality of Nonantola	29
5.2.	The experience of the Province of Ancona.....	30
5.3.	Additional Councillor for Foreigners: the case of the Municipality of Macerata....	31
6.	Conclusions.....	34
7.	Recommendations.....	36
	List of abbreviations	38
	Bibliography	39
	Annex 1 – Council of Europe - Convention on the Participation of Foreigners in Public Life at Local Level	40

1. Executive Summary

Participation of foreigners in public life in Italy does not include participation in political life except for EU nationals who are allowed to vote in elections to the European Parliament as well as in municipal elections. Existing laws on the status of non-EU foreigners uphold their right to participate in public life by guaranteeing them the right to freedom of expression, assembly and association, as well as to participating in consultative bodies on issues related to the presence of foreigners in the country. Italy has partially ratified Chapters A and B but not C of the “Convention on the Participation of Foreigners in Public Life at Local Level” put forward for signature, ratification and accession by the Council of Europe in 1992. The chapter left out in the ratification concerns the right to vote in local authority elections.

In the absence of a legal provision that allows non-EU foreigners to participate fully in political life at local level, the main ways of participation of foreigners in public life at national and regional levels have been through consultative bodies having a broad membership that includes representatives of some migrants’ organisations. The implementation of such bodies at national level have not proven to be effective fora through which the concerns of long-term resident non-EU foreigners can be channelled to policy makers and administrators. Besides, all such bodies at national level have not been operative since the mid-2001.

Migrants have been particularly active in the trade unions. The number of immigrants registered with trade unions has grown alongside the growth in their numbers in the labour market and the increased awareness of their rights; these developments have been accompanied by increased participation and a greater representation of immigrants within trade union structures. The major trade union confederations have set up ad hoc structures for the promotion of the rights of employed and unemployed migrant workers. This increased involvement of migrants in the unions is beginning to be reflected in elected positions within union structures.

Participation of foreigners in public life at local level has been dynamic in spite of the limitation on participation deriving from national law. In order to promote participation of foreigners, local authorities have not only initiated consultative bodies on immigration open to foreigners but also invented, in some cases, positive ways of involving non-EU foreigners in the political life of the local community. One such way of inclusion has been the introduction of a new member of the municipal council in addition to the number established by national law, defined as the “Additional Councillor for Foreigners”, who enjoys almost the same rights as ordinary councillors except for the right to vote.

Experiences at the local level appear to have been more successful compared to those at the national level and some of the success factors in the local experiences include: better involvement in matters affecting the

local community as a whole; provision of appropriate fora for discussion and communication between representatives of foreigners and the various communities they represent and the shift from appointed foreign community representatives to elected ones.

2. Introduction

Beginning from the mid '70s, Italy started experiencing an influx of migrants from a wide range of countries from other continents and by the end of the '80s and following the events in the former *Socialist* European countries, people from some of these Eastern European countries started arriving as well. By the early '90s, it had become clear that the phenomenon was taking on a structural dimension, with most migrants settling down rather than using the country for transit to other central and northern European countries and to North America. Family reunion has increased continuously and so has the number of children of migrant origin registered in schools. This has been a major transformation as the country had, until the early '80s, been one from which people migrated, and this as we shall see later, will have an important impact on the issue of granting voting rights at local level to non-EU foreigners. Besides, the country had been characterised, until a few years before, by a remarkable internal migration from the southern regions to those in the north.

Throughout this period, the attention of policy makers was focussed mainly on defining a legal framework to regulate the phenomenon and in a period of twelve years beginning from 1986, three key legislative measures were taken on the conditions of entry and stay of non-EU foreigners. All three laws upheld the rights of non-EU migrants to participate in public life by guaranteeing them the right to freedom of expression, assembly and association, as well as participation in consultative bodies on issues related to the presence of foreigners in the country. In particular, the 1990 Act¹ on the status of foreigners and the conditions of stay of non-EU citizens, commonly known as *Legge Martelli* (Martelli's Act), specifically provided for the setting-up of consultative bodies on immigration (*Consulte immigrazione*) acting as places of discussion of issues related to the integration of immigrants in local contexts. Such bodies were to be set up at the municipal, provincial and regional levels and were explicitly required to include representatives of migrant communities. A similar body was also set up at national level and was coordinated by the National Economic and Labour Council (CNEL).

The growth of immigration in Italy over the last few years has reached a level in terms of both quantity and quality that raises the need for public discussion of issues related to the political participation and representation of immigrants. This implies recognising the right to political participation as a component of the wider concept of rights of citizenship, which include different aspects of the social, economic and cultural life of a community as well. Analysing the political participation of immigrants in Italy means acquiring an important element that is useful in measuring the level and degree of integration of such groups in the country and this has been a frequently asked question to which various studies and researches have tried to find answers.

¹ Italy: Law no. 39, 28th February 1990 – Official Gazette no. 49, 28th February 1990.

The 1986 Act marked a turning point in the participation of migrants in such institutions as trade unions and local administrations. The legalisation exercise provided for in the law, though limited in scope, created an opportunity for many migrants to get closer to the Unions as a large proportion of the former had, until then, been without legal status and were either employed illegally or in sectors with a low level of presence of trade unions. By offering support services to enable irregular migrants to legalise their status, the Unions opened a channel of communication with many migrants which will later lead to formal registration as union members by many legalised migrant workers. The activities of the Unions in support of immigrants during the '80s were mainly in the form of indirect political representation and support services to supplement insufficient responses by public administrations (Mottura, Pinto, 1996²).

Most municipal administrations had immigration offices that dealt with internal migration of nationals and had no specific policies directed at non-nationals, whose affairs were almost entirely managed by the Police authorities. Immigration offices for non-EU migrants will be opened by large municipalities mainly after the above Act and the creation of such offices will mark a change in the relationship between the local administrations and resident migrants.

A point on definition: throughout this paper, the terms "immigrants" and "migrants" will be used interchangeably to identify citizens of third countries who have come to Italy for purposes of work, family reunion, study, religion (Catholic priests) etc. Such terms do not include refugees and asylum seekers who will be referred to by the latter terms; in a similar manner, one-time immigrants who have acquired Italian citizenship are also excluded from these categories.

² Mottura G., Pinto P.: *Immigrazione e cambiamento sociale: strategie sindacali e lavoro straniero in Italia*, Ediesse, Roma 1996; p.53 (*Immigration and social change: trade union strategies and foreign labour in Italy*).

3. Overview of the social and political context

In 1992, the Council of Europe opened up for signing, ratification or accession, the *Convention on the Participation of Foreigners in Public Life at Local Level*. This convention (Annex 1) deals with three main aspects: it guarantees foreigners the right to freedom of expression, peaceful assembly and association; provides for consultative bodies to represent foreign residents at local level and it requires that the right to vote in local authority elections is granted to foreign residents after a certain number of years. This convention was partially ratified by the Italian Parliament in 1994 by accepting chapters A and B while refusing to ratify chapter C which provides for the granting of the right to vote in local authority elections.

At the time of ratification of the above convention in 1994, there was very little public debate over the issue of granting voting rights to foreigners and as a result, the ratification of only two chapters of the convention took place without any significant opposition to it both in Parliament and public opinion. On the contrary, the occasion gave new impetus to a long standing debate over granting Italian migrants and their descendants around the world who are registered with the Consular Offices in their countries of residence, the right to vote and be voted at national elections and this debate has had an important impact on the participation of foreigners in the political life at the local level. It was considered as politically not feasible by most political parties represented in Parliament, to grant non-EU foreigners the right to vote at local level while millions of Italian migrants and their descendants living in other countries were not allowed to vote in national elections without having to return to Italy. Others have argued that most of these Italian migrants and their descendants have voting rights in the countries where they have settled. This problem has been overcome by the approval in 2001, of the law titled “*Norme per l’esercizio del diritto di voto dei cittadini italiani residenti all’estero*”³ (Provisions on the exercise of the right to vote of Italian citizens resident overseas), which makes it possible now for the above category of Italian citizens not only to vote by correspondence but also to elect a number of parliamentarians in overseas electoral colleges.

3.1 Initiatives by civil society

After the legalisation exercise in 1990 that made it possible for many immigrants to acquire legal titles to live and work in the country and following the introduction of the first ‘additional councillor for foreigners’ in the Municipality of Nonantola described below⁴, public debate on the issue of active and passive electorate for foreigners at the local level

³ Italy Law n.459/2001 “Norme per l’esercizio del diritto di voto dei cittadini italiani residenti all’estero” (*Provisions on the exercise of the right to vote of Italian citizens resident overseas*), Gazzetta Ufficiale n.4 del 5 gennaio 2002 (Italy, Law nr.459/2001, Official gazette nr. 4, 05 January 2002).

⁴ See Chapter on “Good Practices at the local level” below.

increased and in October 1995, an informal network of migrants' rights and anti-racist organisations decided to make the issue the subject of a national campaign to introduce a law that will grant foreign residents such rights. At about the same period, a legislative proposal was presented in Parliament which aimed at achieving voting rights for non-EU foreign residents by ratifying *Chapter C* of the *Convention on the Participation of Foreigners in Public Life at Local Level* (see Annex 1). In general terms, public debate of migration had widened to include the question of integration of migrants at various levels in society, including political rights at local level. The concept of "rights of citizenship" gained a prominent place in public debate on migration and as some authors have pointed out (Luciani 1999), the expression 'rights of citizenship' refer to a set of rights which is normally granted by democratically developed political systems and which do not coincide with "citizens' rights" intended as rights enjoyed only by citizens of a given country in a strict sense. Such rights of citizenship do not coincide with human rights either, as rights connected to *activae civitatis*, that is, rights linked to active citizenship, are excluded from human rights⁵.

The initiative of this network of organisations was articulated in three types of actions: encouraging and supporting local authorities to introduce an additional councillor for foreigners in their municipal and provincial councils; lobbying members of the national Parliament to promote legislation to grant foreigners the right to vote at local elections and raising awareness of public opinion in support of political participation of foreigners through public debates. Not long after the network undertook these actions, it changed strategy and decided to promote a "legislative proposal by popular petition" (*proposta di legge d'iniziativa popolare*). In other words, the network decided to submit to Parliament a proposal for a new legislation on the subject. This type of action is based on a Constitutional provision which makes it possible for a group of citizens who are not members of Parliament to put forward proposals for legislation by collecting fifty thousand signatures of citizens who are eligible to vote (all those aged eighteen years and above who enjoy full political rights)⁶.

At the beginning of 1997, the network deposited at the Court of Cassation three proposals for legislation: one was on voting rights for foreigners in local elections; a second one aimed at reforming the citizenship law in order to facilitate access to citizenship by naturalization and a third proposed to transfer competence for the management of the affairs of legally resident foreigners from the provincial head of Police to the mayor of each municipality. The text on voting rights was based on a similar proposal that was already in Parliament at the time and presented by some

⁵ Luciani M.: Il diritto di voto agli immigrati: profili costituzionali, (*The right to vote of immigrants: Constitutional profiles*) in: Commissione per le Politiche di Integrazione degli Immigrati: *Partecipazione e rappresentanza politica degli immigrati*, Atti del Convegno, 21 giugno 1999, Roma, p.23 (*Commission for the Integration policies for immigrants: Participation and political representation of migrants, Conference proceedings, 21 June 1999, Rome, p.23*).

⁶ Art. 71 "Costituzione della Repubblica italiana".
<http://www.quirinale.it/costituzione/costituzione.htm> (4/11/02).

Parliamentarians from the opposition and this text proposed to ratify Chapter C of the Strasbourg Convention on the participation of foreigners in public life at local level. After endorsement of the texts by the Court of Cassation, organisations in the network set out to collect the 50.000 signatures in a period of six months as required by law. They failed to meet this goal for all three proposals within the six months allowed by law and this brought to the end of this line of action.

3.2 Government proposal

During the time organisations in the network were trying to collect the signatures required to send their proposal to Parliament, the government put forward a proposal for a new legislation on immigration which included some articles granting voting rights at local level to foreigners who have been legally in the country for five years and have a permanent residence status. Opposition to the articles on voting rights was quite strong and even within the ruling coalition, many felt that politically, it was not yet time to push such clauses through given that the issue of voting rights for Italians who migrated to other countries and millions of their descendants had not been resolved. The debate centred on whether it was constitutional to introduce such a change using an ordinary legislative reform or not; those opposed to the idea argued that a constitutional reform was required in order to introduce a similar change while those in favour argued that no constitutional reform was necessary following the example of granting voting rights at local level to EU nationals from other member States who are resident in Italy⁷.

In the end, the government decided to remove the articles on voting rights from the legislation on immigration and re-formulate and present it to Parliament as a *Constitutional reform proposal*. At last, the immigration Act was approved with a clause saying that once a Constitutional reform granting voting rights to foreigners at local level was approved, foreigners who have permanent residence status will be allowed to vote and be voted for in local elections⁸. But the proposal to reform article 48 of the Constitution did not get into the Parliamentary agenda for discussion before the end of the last legislature. So far in this new legislature, there is no indication as to whether it will come up for discussion. Recent modifications to the old Immigration Act point to the opposite direction in terms of the status of foreigners.

⁷ Italia, D.Lgs. 12 aprile 1996, n.197 Gazzetta Ufficiale serie generale n.88 del 15 aprile 1996 (Italy, Decree nr.197 of 12 April 1996; Official Gazette, general series nr.88 of 15 April 1996.); available at <http://www.regione.fvg.it/elezioni/allegati/stat197.pdf> (4/11/2002).

⁸ Turco L.: La legge italiana sull'immigrazione e il diritto di voto, (*Italian immigration law and the right to vote*) in: Commissione per le Politiche di Integrazione degli Immigrati: Partecipazione e rappresentanza politica degli immigrati, ibid, p.5 (*Commission for the Integration Policies for immigrants: Participation and political representation of migrants, ibid, p.5*).

4. Participation of foreigners in public life at local level

Whatever meaning that is given to the term integration⁹, participation in the social and political life of the place where one lives is an essential component of this process; analysing and understanding the level of this participation is important in determining the current state of the rights of citizenship in Italy. Indeed, the free expression of personal ideas and opinions, established as an inalienable right in the Italian Constitution¹⁰, can be considered to have had full expression only by ensuring the participation of immigrants in the political life of the country, this being the affirmation of a fundamental right that should be protected and guaranteed in a democratic state.

Political participation of immigrants is concretely expressed by the right to vote, an instrument of political participation par excellence; we will focus on this aspect in order to examine the varying circumstances that make Italy one of the few European nations that still do not accord non-EU foreigners the right to vote in local elections.

There are, however, other forms of participation in public life, defined also as *intermediate forms*¹¹, through which immigrants participate in and interact with the social and political contexts in which they live. Among these are:

- the opportunities of participation in associations
- participation in the consultative boards
- active participation in political life at local level

4.1 Opportunities of participation in associations

4.1.1. Trade Unions and Non-profit associations

The growth and consolidation of the structural character of migration flows in Italy, as in other countries, has led to the needs of immigrants being spread over a wide range of aspects and fields of collective life, and the demand for participation and representation to take a variety of forms,

⁹ Zincone, G. (edited by) (2000): *First report on the integration of immigrants in Italy*, Bologna: Il Mulino, pp. 355-399. Zincone defines “integration” as being made up of two components: a) *personal integrity and good living*, and b) *positive interaction and peaceful coexistence*. The two dimensions or goals of integration are said to be interrelated in the sense that peaceful coexistence requires that no group should perceive the other as a source of attitudes and behaviour that are harmful to its own integrity and good living and interaction between groups should be positive and take place in a constructive way. The author defines this as “a model of *reasonable integration*”, characterized as “not too rigid, not too ideological, nor too pretentious”; pp. 7-9; Summary Report – *First report on the integration of immigrants in Italy*; <http://old.minwelfare.it/main/areaimmigrazione/imm-commissioneintegrazione/asp> (14/11/2002).

¹⁰ Italian Constitution – Fundamental Principles – Art. 3 “All citizens have equal social dignity and are equal before the law, without any distinction on grounds of sex, race, language, religion, political opinion, personal and social condition.. It is the duty of the Republic to remove economic and social obstacles which, by limiting the freedom and equality of citizens in practice, prevent the full development of the human being and the effective participation of all workers in the political, economic and social organisation of the Country”
<http://www.quirinale.it/costituzione/costituzione.htm> (4/11/02).

¹¹ Zincone, G. (2000), *ibid*.

touching on different social and economic realities. The increasing presence of immigrants at the workplace and the increased awareness of their rights have, for instance, led to their being better represented within trade union structures.

The three main¹² trade union confederations, CGIL, CISL and UIL, have recorded remarkable increases in the number of immigrant members in the second half of the 90s and two of them – CGIL and CISL - have created ad hoc structures for the promotion of the rights of employed and unemployed migrant workers¹³. As at December 2001, 239,662 immigrant workers were reported to be registered with the three main confederations, distributed as follows between the confederations:

Tab.1 – Non-EU citizens registered with trade union confederations
(2000/2001)

	2000	2001
CIGL	90,411	99,600
CISL	105,721	110,562
UIL	27,500	29,500
Total	223,632	239,662

Source: Caritas/Migrantes 2002 Statistical Report on Immigration¹⁴

According to a research carried out by one of the confederations¹⁵, trade union membership is estimated to have reached a high level among migrant workers, slightly lower than 45 percent of the total number of regularly employed foreign workers and most of these members are registered with federations of specific categories of workers within the unions. Regarding elected positions within union structures, CGIL is reported to have 160 migrant workers as representatives in companies, 3 national management board members and 2 general secretaries of specific sectors of work, whereas CISL has reported at least a hundred company delegates, a representative in the federal council (the highest organ of the union) and a general secretary of a specific sector of work¹⁶.

¹² General confederation of Italian Workers (CGIL), Confederation of Italian Workers Union (CISL) and Union of Italian Workers (UIL).

¹³ CISL has created ANOLF, National Association beyond the borders, while CGIL has set up immigrants' offices and an Immigrants' coordination group, the main assembly for participation at the central level, which was however replaced in 1996 by two organisations, the National Commission, composed of national and local officials of the immigrants' offices as well as of experts, and the Permanent Commission, made up of local and national representatives. – Data recorded by the Commission for Integration Policies of immigrants for drafting the “*First report on the integration of immigrants in Italy*”, *ibid.*

¹⁴ Caritas/Migrantes 2002: Dossier Statistico Immigrazione 2002; XII Rapporto sull'immigrazione, Nuova Anterem, Roma; (*Statistical Report on Immigration 2002; XII Report on Immigration*).

¹⁵ Ires-Cgil National Observatory (ed.) (2002) II Report on immigration: scenarios, labour market and bargaining, Rome: Ires, pp. 30-53 Full report available on www.ires.it (04/11/2002).

¹⁶ The figures refer to 1999 and have been taken from the “*First Report on the integration of immigrants in Italy*”, *ibid.*, p. 365.

In contrast to other European countries¹⁷, since the early 80s trade unions in Italy have had an open-minded attitude and shown solidarity towards foreign workers, irrespective of their regular or irregular stay status. To facilitate contacts at the initial stage, the unions promoted ad hoc offices offering useful services to migrants and encouraged voluntary registration with the union by offering free membership cards or low registration fees¹⁸. It was expected that immigrants who had received services from the union would become full members of the union as soon as they were integrated in the labour market.

Initially, trade unions were, due to their function and position in the labour market, the first contacts for migrant workers, as the latter entered the labour market to fill the shortage of labour in the industrial sector, which is traditionally more trade-union oriented¹⁹. Today, voluntary associations offering support services have become the first contact organisations for migrants, as they operate to meet the primary needs, including the knowledge of regulations and procedures necessary for obtaining residence permits and the search for accommodation²⁰. As a result, an increasing number of immigrants are participating, in various capacities and with different roles and responsibilities, in the life of voluntary associations, as well as in other non-profit organisations.

However, a distinction should be made between various levels of involvement and participation; similarly, it should be said that operating in the NGO sector does not always mean offering better opportunities of participation to immigrants. Put differently, being involved in reception services for newly arrived migrants and voluntary activities does not automatically entail the promotion of participation of migrants in the organisation; in order to promote participation, a voluntary association needs to be ideally close to immigrants and show its willingness to make their needs known and support their struggle for better living conditions.

Today, lay and Catholic organisations and trade unions actively engaged in support services for migrants and their families, are still the main channels by which requests of immigrants can reach decision-makers. In the '80s, NGOs initially engaged in language support services and only later did some of them turn to promoting civil and political rights of immigrants.

In the majority of non-governmental organisations examined, membership is mixed - Italians and immigrants -, though there is no information on the positions held by the latter within such organisations. Interestingly, a survey by the National Economic and Labour Council (CNEL) highlights

¹⁷ Vranken J. (1990) "Industrial Rights", in: Z. Layton Henry (edited by), *The Political Rights of Migrant Workers*, London: Sage.

¹⁸ Mottura, G., Pinto, P. (1996) *ibid.*

¹⁹ Vranken, (1990), *ibid.*

²⁰ CNEL (2000), "Widespread representation – the forms of participation of immigrants in the collective life" edited by Codres, Rome, <http://www.ifarm.it/cnel/immig/doc/rappresentanza.pdf> (4/11/02).

that about 42 percent of immigrants who take active part in the life of these organisations consider the strategies and measures used by NGOs to promote the interests of immigrants as positive and appropriate while the remaining 58 percent highlighted the obstacles in effectively promoting their interests through such organisations.

The same research reveals that there are, however, remarkable differences in the above opinions with regard to the type of organisation considered: NGOs are more positively rated while greater difficulties seem to be encountered in trade unions and in other service providing organisations operated directly by public institutions and local authorities. Empirical evidence shows that where there is a higher number of immigrants active in these organisations, as is the case among the non-profit / voluntary sector, the capacity of migrants to influence policy and practice and press their concerns ahead is greater, because the level of interaction, shared ideas and exchange is higher.

The positive role played by lay and Catholic organisations in promoting the interests and concerns of immigrants requires being enhanced by improving the real opportunities for access and participation by immigrant in the democratic life of such associations themselves. To this end, it is important that greater involvement and participation of immigrants is not measured only in terms of the number of immigrants operating within such structures but also in terms of the opportunities to accede to the decision / policy-making levels of same organisations.

4.1.2. Migrants' associations

The demand by immigrants for representation in Italy, as in other countries, is related to the need for better social visibility and participation in the decision-making processes, both at the workplace and in the social and cultural life of the community. Associations of immigrants, with their differing aims and models of organisation, are the direct expression of this demand for self-representation and social activism of these new citizens. However, the category commonly known as "associations of immigrants" in Italy, is not a homogenous one. Research carried out on the characteristics (composition, number and type) of associations of immigrants in Italy²¹ shows substantial differences in relation to the aims, composition (one or more national groups) and the relationship with the local community and context.

The above mentioned research shows that in about 61 percent of migrants' associations, membership is made up of a single national group, while 39 percent have a mixed composition and they include Italian citizens as well. With regard to the declared aims, there is a fair and almost equal division between associations with aims of cultural self-promotion and independent expression (meetings of nationals, celebration of events and festivities, etc.)

²¹ CNEL-Codres (2001): *ibid.*, p.49.

and those that have social and rights-oriented aims, offering a variety of services to their members. Associations made up of single national groups seem to be more widespread in the North-West and in the Centre-North of Italy, while in the North-East, the South and the Islands, there are more multi-national membership type of associations²².

These differences should be analysed on the basis of several elements, including the social contexts in which they have developed and not only in terms of the greater or lesser capacity of aggregation of the various national groupings, defined in the research as *ethnic communities*²³. Other elements that may account for the above differences include:

- the model of social and labour market integration of immigrants in the indicated areas, where the mainly seasonal and transitional character of migration in many parts of the South of Italy often impact negatively on a stable settlement of migrants; a stable presence and successful integration in the labour market appear to be at the base of the desire to set up associations with various aims, on the part of groups of migrants;
- the presence in the area of trade unions and voluntary associations already promoting activities in the local community in support of migrants, as is the case in the North-East, can lead to an active participation and membership of immigrants in these existing structures rather than setting up new associations.
- the degree of support that local authorities and institutions, as well as the private sector have offered to facilitate start-up and development of immigrants' associations.

This last point seems to be fundamental in understanding the level and degree of development and the capacity of immigrants' associations to interact with the social context in the different regions and areas of Italy. Indeed, a closer analysis of the development and evolution of migrants' associations, shows that at an initial stage, these associations usually have an informal character and tend to focus on social and cultural aggregation of their members. At a later stage, in the process of stabilisation, they differentiate themselves and develop, acting in some cases as intermediaries between their members and political institutions and non-governmental organisations of the area where they are located, by promoting specific needs of and "defending the rights of immigrants"²⁴.

Passage from one stage to the other is sometimes the natural result of the growth and stabilisation of such associations and their members in a given area; but often, it has been and still is promoted and supported by local

²² Ibid., pp. 52-53.

²³ Ibid., p. 53.

²⁴ Zincone, G., "Representation and the right to vote", in: Proceedings of the conference "Participation and political representation of immigrants", Rome, 21 June 1999, pp. 8-29. http://www.cestim.org/commissione_integrazione/convegno_partecipazione_immigrati.doc (4/11/02).

authorities in an attempt to identify leaders within ethnic minority communities who can be involved in discussions on issues related to immigration in the area. Over the past ten years, support for migrants' associations by local authorities and NGOs has gone through ambivalent phases: from the phase where there was need to identify reference persons within ethnic minority communities and hence economic and political support was provided to start-up associations, preferably of single national groups, to a phase of drastic reduction in economic and political support and further, to one of criticism of "lack of representativeness" and personality clashes within migrants' associations.

The question about the representative character of some migrants' associations with regard to the total number of immigrants from a certain country is, in fact, a problem which has been generated by those who promoted and supported the emergence of *reference persons* or *leaders* within migrant communities. An association is per se a reality which people join because they share the basic principles and aims that it pursues, and unlike a one-party political system, it cannot represent all citizens of a given country simply on the grounds that they all come from same country. Consequently, it has been a positive development that more than one association has been formed by immigrants from one given country because this is a sign of a positive dynamics and active participation within such national groups.

Apart from the question of not being "representative", a frequently raised criticism of migrants' associations in recent times is that there are excessive personality clashes and poor democratic practices within them and these are some times attributed to anthropological and cultural reasons²⁵. As to the poor *democratic practices*, we believe it is very dangerous to give such a general judgement of migrants' associations, since it tends to discredit and weaken the action of many immigrants who are activists and who have been engaged at the political level for many years, both within associations and as individuals, in the promotion of specific concerns and, more generally, in the defence of fundamental rights in the country. Moreover, it is not clear why the enquiry on democratic practices of associations should be, as it has been so far, limited only to migrants' associations, giving the impression that these are cultural differences between migrants' associations and those of the host country.

Regarding the excessive *personality clashes* identified as a peculiar problem of migrants' associations, it is possible to identify some factors that offer a more articulate and not entirely negative understanding of the underlying causes. First of all, this problem could be analysed within the

²⁵ Conclusions of this kind can be found in the report by CNEL on a survey of migrants' associations, in which the organisational and structural fragility of such associations is pointed out; the report goes on further to conclude that "it is essential that migrants work alongside the natives in order to acquire a more advanced culture of representation and organisation of associations", CNEL (2000), *ibid.*, p. 16.

general context of the processes that lead to the creation of many such associations in Italy. Often, the move to set up an association is initiated by a single person, a *leader* or at best, a limited group of people, who later succeed in bringing other people around a common goal which can be either social or of another kind. With regard to the specific activity and the role attributed to migrants' associations as intermediaries between local institutions and their members, it should be highlighted that the activity of representation and active participation in the decision-making processes (whenever possible) is, in terms of the time, competence and human resources required, viewed as a job and most migrants' associations can hardly afford paid representatives charged with promoting their interests.

It is not surprising then that the most active representatives of migrants' associations, at both the local and national levels, are largely people with some sort of secure occupation and jobs in immigration related areas (for instance, cultural and linguistic mediators; minority language interpreters, information desk operators with trade unions etc.), who can afford to combine working time and political activity. The lack of security in employment and the precarious jobs and income of many of these *leaders* increase the risk of loss of autonomy as well as opportunistic behaviour aimed at maintaining positions already attained. Alongside this, it should be highlighted though that the experience some representatives of migrants' associations gain by participating in such organisations later turn out to be valuable political assets, as some of them participating in consultative bodies set up by local authorities have pointed out. This is because in the process, they get to know better the administrative machinery and the dynamics of mainstream politics and how best to interact effectively with policy makers.

4.2. Consultative bodies

In this section, we will examine some of the consultative bodies that have been set up at various levels on the subject of immigration.

4.2.1. Territorial Council on Immigration

The Territorial Council on Immigration is a consultative body that operates at the provincial level, in accordance with article 57 of Presidential Decree No. 394/99²⁶. The Prefect – who represents the national government in every Province and responds directly to the minister of the Interior -, is charged with the setting-up and running of the Council. The task of the Council, as outlined in the above decree, is to analyse issues related to immigration and promote policies for the integration of immigrants within the local social context. The Council works in cooperation with Regional and Local Administrations in order to promote integrated public policies,

²⁶ Regulation on the implementation of the Consolidated Act on the provisions concerning immigration and regulations on the condition of foreigners, Legislative Decree No. 286 of 25th July, 1998.

based on a spirit of cooperation between the various institutions. The Council, chaired by the Prefect, is composed of the representatives of the following public and private institutions and social categories:

- the President of the Provincial Administration;
- a representative of the Regional Government;
- the mayor or a delegate, of the city where the Headquarters of the Province is located and the mayor or a delegate, of the municipality in the Province that is directly affected by the issues on the agenda;
- representatives of peripheral offices of the central Government;
- the President or a delegate of the Chamber of Commerce, industry, crafts and agriculture;
- at least two representatives of trade unions and employers' organisations;
- at least two representatives of non-EU foreigners chosen from the main migrants' associations active in the area;
- at least two representatives of local groups and associations active in assisting and supporting immigrants.

Furthermore, representatives of the Local Health Units, public or private bodies and associations that have direct interest in the issues on the agenda can be invited to take part in the meetings of the Council. Regarding the participation of non-EU foreigners in this body, the above mentioned law does not indicate how migrants' representatives should be chosen and on the question of which foreigners should be called to represent migrant communities in each province, the terms "main migrants' associations" seem so vague that they can be interpreted in the sense of associations representing the "most numerous" migrant groups or the "most politically active" in each area. While there is no limit on the maximum number of migrants' representatives who can be invited to participate in the Territorial Council, their number, as we will see later, tends to be limited to the minimum indicated above. This leaves unresolved, the question of how groups that are not directly represented in the Council could make their concerns known to such a body as there is no provision for supporting whoever represents foreign communities on the Council to communicate with those he/she is meant to represent.

According to the Ministry of the Interior, all Prefectures in the country had declared to have set up the Territorial Councils on Immigration by December 2000 and many of them were already operative. The latest legislation on immigration²⁷ – the so-called *Bossi-Fini Law* – which has modified the different aspects of the Consolidated Act of 1998 on the

²⁷ Legge 30 luglio 2002, n.189 "Modifica alla normativa in materia di immigrazione e di asilo"; Gazzetta Ufficiale n.199 del 26 agosto 2002 (*Law of 30th July 2002, nr.189 – Modifications of provisions on immigration and asylum, Official Gazette nr.199 of 26th August 2002*). Legge n. 189 del 30 Luglio 2002 [Bossi-Fini]

condition of foreigners, does not question the existence of Territorial Councils on Immigration nor does it modify their functions.

An initial analysis of the work of the Territorial Councils²⁸ shows that though they are similar in structure and functions, they actually are different not only in their composition, but also in their internal organisation as well as in the priorities identified. This type of differentiation is positive if it is connected to the need to reflect the realities in the various territories and interact with them; so far, it does not seem to be based on common criteria or guidelines.

From case studies carried out in three provinces for the *Commission for the Integration Policies for Immigrants*, it remains doubtful whether Territorial Councils can be effective opportunities of participation for immigrants in the public decision making process. Migrants' associations seem once again to be at a "disadvantage", both in terms of the number of representatives accorded to them with reference to the composition of the Territorial Councils, and in terms of an effective will to guarantee their participation. A recent survey carried out by CENSIS for the Ministry of the Interior²⁹ scheduled for publication later in the year shows that the number of migrants' associations invited to be part of the Territorial Councils is, on the average, indeed low: as many as 45 Territorial Councils out of 103, do not have even one migrants' association as a member; 18 Councils have only one migrants' association each and only 25 such Councils have two migrants' associations represented, the minimum prescribed by law; 15 Councils have between three and 9 migrants' associations represented.

On the whole, the level of participation of migrants in these bodies is low and the survey identifies various causes, among which the following are considered as most outstanding:

- low number of migrants' associations in some provinces;
- the statutory clause that requires migrants' associations to be formally registered associations in order to be part of the Territorial Councils;
- the criteria used by some Prefectures to decide on the "eligibility" of associations.

On the basis of what we have seen in the preceding paragraphs, it can be concluded that, due to the way in which Territorial Councils are structured and function, they do not offer significant opportunities of participation for representatives of migrants, contrary to what would seem to have been the intention of the legislators who introduced them in the Consolidated Act of 1998. Behind the various possible causes of low migrants' participation seems to be a lack of political will, both at the local and national levels, to

²⁸ Commission for the Integration policies for immigrants, "*Second Report on the Integration of immigrants in Italy*", edited by G. Zincone, Bologna: Il Mulino, 2001; pp. 314-315.

²⁹ Censis (2002): Preliminary figures from "Action - Research on a standard monitoring procedure of the activity of Territorial Councils on Immigration", November 2002. – 1 Territorial Council has 9 migrants' associations and another has 8 such associations; two Councils have 5 migrants' associations and two others have 4 while nine Councils have 3 migrants' associations.

make them function properly and we think that a shift of responsibility for coordination of these Councils from the Prefectures to the Provincial Administrations may help to raise the level of involvement of migrants' representatives in them by focusing more on various aspects of political representation.

4.2.2. The National Consultative Body on the problems of Immigrants and their Families

This body was set up in accordance with art. 42 (4) of the Consolidated Act on immigration of 1998, within the Presidency of the Council of Ministers (PCM), and it was meant to collect all relevant information concerning the implementation of the above Act, with the aim of identifying difficulties and/or negligence and at the same time propose innovative solutions to such obstacles. The Council was also supposed to work as a channel for the dissemination of the positive experiences recorded in the implementation of the above Act, both in terms of procedures and integration practices. The Council included representatives of the central and local administrations, associations operating in favour of immigrants (lay, religious and voluntary organisations and trade unions) and of migrants' associations. The latter were appointed from among some of the most numerous migrant communities at the national level.

One of the initiatives co-promoted by this body during its short life span was a national conference on participation and political representation of immigrants, the proceedings of which is referred to several times in this paper. Like other consultative bodies set up under the 1998 Act, the new immigration legislation that came into effect in July 2002, does not abrogate this body but it has not been re-constituted either; the old body ceased to exist at the end of the legislature in mid-2001 and though the constitutive clause is still in force, new members have not been appointed yet.

4.2.3. National Coordination Body on Policies of Social Integration of Foreigners at local level - (ONC³⁰).

The coordination body, provided for in art. 42(3) of the Consolidated Act was set up within the National Economic and Labour Council (CNEL) in December 1998. Its tasks, as clarified in the regulation on the implementation of the above Act, are:

- to follow and support the development of the local processes of reception and integration of foreigners, their representation and participation in public life;
- to promote exchange between institutions and social organisations at the local level, as well as with significant experiences from other European countries, for a continuous exchange of experiences, in order

³⁰ Organismo Nazionale di Coordinamento delle Politiche di Integrazione Sociale dei cittadini Stranieri a livello locale.

to identify and evaluate models and practices that have been shown to be effective.

In terms of membership, it is composed of representatives of such institutions as Regional, Provincial and Municipal administrations, as well as the network of major social services, provincial education authorities, provincial labour offices and INPS – the National Institute for Social Welfare -, local health units etc., while at a social level, it includes representatives of trade unions and employers' and migrants' associations. The representatives of foreigners on the ONC have been appointed from among some of the most numerous migrant communities at the national level, taking into account also the migrant population per region.

It was also stipulated that once Territorial Councils on Immigration (see par. 3.2.1) and Regional Observatories on discrimination on grounds of racial or ethnic origin had been set up, representatives of these two bodies would be invited to sit on the coordination body. To date, there is no information on the level and degree of cooperation between the National Coordination Body (ONC) and the Territorial Councils, while, given that Regional Observatories on discrimination on grounds of racial or ethnic origin have not yet been established in any of the regions, four years after the law went into force, they have not indeed been considered as members of the coordination body so far.

The coordination body is structured in thematic working groups and it promotes initiatives articulated into seminars, local events and hearings of public and private stakeholders and key actors from different sectors of public life. Looking at the work it has done and the coordination mechanism, some elements can be singled out for further reflection. First of all, this body has a large membership and there is a clear majority of institutions among them, to the detriment of a larger representation of immigrants³¹ and, generally speaking, of civil society organisations. A second element concerns the way its functions were interpreted and some of the materials it produced (research and position papers): we have found that in some cases, there is a duplication and overlapping of the work done by the *Commission for the Integration Policies for Immigrants*³² during the years 1999-2000.

As highlighted above, the coordination body based within CNEL, is required to pay particular attention to policies and practices developed at the local and European levels, while the task of the *Commission for the Integration Policies for Immigrants* is to supervise and analyse events at national level. Reviewing the research carried out and the reports produced

³¹ For details of the composition of ONC within CNEL, see www.cnel.it/immigrazione/composizione.asp. (20/11/02).

³² The Commission for the integration policies for immigrants was established in July 1998, in compliance with art.46 of the Single Act. Based at the Department for Social Affairs of the Presidency of the Council of Ministers, the Commission has played a consulting role for the government on the issues of integration of foreigners and had the task of drafting an annual report on the subject. The Commission was composed of representatives of the involved administrations and experts in the field.

by the coordination body, the main element that links the body to the local level seems to be the massive representation of institutions operating at the local level; this however, does not seem to have been matched by an in-depth analysis of specific territorial contexts. Regarding the issue of participation of foreigners in public life, the coordination body seems to give only general recommendations directed at the Territorial Councils³³, without proposing a reference model that has been tried at the national or European level. The coordination body's recommendation on which institution should have responsibility for organising and running the Territorial Councils³⁴, appears to be more interesting: it argues that the Councils are better (in the sense of being more effective) presided over by the President of the Provincial Administration rather than the Prefect, as is still the case now³⁵, because of the very important coordinating function, at a sub-regional level, carried out by the Provinces and their close links to the Municipalities.

This recommendation has not only an operative value but also a strong political implication, in that it acknowledges the need to handle immigration related issues in a perspective that is different from the "public security" approach which seems to dominate public policies on the subject and which is somewhat implicit in having the Prefect preside over the Territorial Councils, as the latter is also charged with "public security" at provincial level as his main task. Put differently, this recommendation seems to suggest that political and administrative authorities should be more involved in the management of immigration than they have been until now and at the same time, public security agencies should play a less central role than they have done so far.

As has been pointed out in the case of the National Consultative body, the new immigration legislation that came into effect in July 2002, did not abrogate the Coordination body but like the former, it has not been re-convened either; the old body ceased to exist at the end of the legislature and though the constitutive clause is still in force.

4.2.4. Participation of migrant women in public life

Within the National Commission for Equal Opportunities which deals only with gender related equality issues, under the previous government, a working group on the specific condition of migrant women was established in response to requests by associations of migrant women channelled through the "Native and Migrant Women's Forum", with the aim of examining the specific needs and demands of migrant women and their associations through exchange and dialogue. This decision was taken by the

³³ See the document of the Working Group on the "*Promotion of representation and participation*" of the National Coordination Body for the Policies of Social Integration of foreigners titled "*The Territorial Councils for immigration. Promotion of representation and participation*" – at www.cnel.it/immigrazione/documentazione.asp (18/11/02).

³⁴ Ibid.

³⁵ Decree of the President of the Council of Ministers.

Commission's President at the time because there was no legal provision stipulating that migrant women be represented in this body. Indeed, migrant women's associations have pushed for direct participation in the Commission, and not through ad hoc arrangements whose discussions and reflections are hardly integrated into the over-all policies of the establishment. After the renewal of the Commission following the general elections a year and a half ago, the previous working group was not confirmed. The only reference to migrant women in the set-up of the Commission at the moment, is a working group named 'Trafficking – Migrant Women – Civil Rights'³⁶.

4.3. Participation in public life at local level

4.3.1. Elective councils

As we have seen in the introduction, the three main legislative measures on immigration enacted beginning from 1986, all had provisions for the establishment of consultative bodies on the problems of immigrants and their families both at the national, regional, provincial as well as municipal levels. The setting -up of these bodies at the regional, provincial and municipal levels met with difficulties in relation to their composition and more specifically the criteria for choosing migrants' representatives. This type problem led to considerable delay in the activities of these bodies. By the early nineties, regional consultative bodies on immigration came under strong criticisms because of the way they were structured and the perception by many that they lacked effectiveness as a forum for getting across to policy makers the concerns of migrant communities.

As a result of these criticisms, attempts were made to re-define such bodies and one of the outcomes was the decision by some provincial and municipal administrations to set up elective consultative bodies on immigration, or in some cases, introduce a new type of representative called the "additional councillor for foreigners", within the councils and this was done through a reform of the Statute of the Provincial or Municipal Councils that implemented such a new form of representation. The elective character of some consultative bodies on immigration refers only to the way representatives of migrants are chosen because the other members of these same bodies (local institutions, agencies and service providers, voluntary organisations and social partners) are appointed by their respective organisations. Strictly speaking, the elective character should be used only when discussing consultative bodies meant for foreigners only.

Table 2 – Places where new forms of representation of immigrants have been tried in Italy³⁷

³⁶ <http://www.palazzochigi.it/cmparita/>

³⁷ Zincone, G. (1999): *ibid.*, p.11. This list is not exhaustive of all such experiences, rather it highlights the most significant ones because, besides being among the first such experiments, they are the most stable over

Elective Consultative body	Municipality ○ MODENA ○ PADOVA ○ TORINO
Additional Councillor for Foreigners	PROVINCE OF ANCONA Municipality: ○ ANCONA ○ MACERATA ○ NONANTOLA

An elective consultative body on immigration was set up in Turin in 1995 and was followed in 1996 by those of Modena and Padua. The shift from a body whose members representing migrant communities were appointed to an elective one was in response to concerns and criticisms by some migrants' and native organisations of the way membership of the former type of body was decided; appointed members were seen by many as not being representative of the migrant groups they were meant to represent. The change in how such bodies were formed was not accompanied by a change in their functions and powers: as we will see in the next section, the role of these bodies remained confined to giving their views on issues related to immigration, with limited power and little independence.

With reference to the composition of the consultative bodies and the electoral regulations, there are some interesting differences between the various Municipalities. In some cases, these bodies are made up of migrants only while in others, the latter represent a small part of the entire membership. Particularly interesting is the different ways the seats on the consultative bodies are distributed among the various migrant communities in a given territory. In some cases, distribution is based on strictly national or macro-regional grounds and voters are required to vote only for people from the same country or region of origin and in others, participation in elections to the consultative body and distribution of seats are on the basis of political groupings that cut across national groups.

The electoral regulations adopted initially in Turin were controversial and much debated, because they assigned few seats to some nationalities and "too many" to others, to the extent that the largest migrant national group was close to having an absolute majority of votes, thus causing high tensions between migrant communities.

4.3.2. The Consultative body on immigration – the Municipality of Padua

The procedure and regulations adopted by the Municipality of Padua have been more controversial: participation of migrants in the municipal consultative body on immigration passes through another body, the Council

time. In some provinces and municipalities, consultative bodies were set up but they ceased to function after one or two years.

of Foreign Communities (*Consigli delle Comunità Straniere*), organised on a national or macro-regional basis. These are defined (article 1 of Regulations³⁸) as “institutional instruments of information, aggregation and exchange on themes relating to foreigners legally resident in the territory of Padua”. According to the above regulation, these councils “represent immigrants legally resident in Padua who come from the same geographical areas in which single ethnic or national groups are characterized by at least some common cultural elements”. The regulation further identifies such areas under the following geographical groupings: Eastern Europe, North Africa, Near and Middle East, Latina and Central America, Sub-Saharan Africa, Asia and the Far East; each area is entitled to a maximum of 7 representatives in the respective foreign community council.

The Presidents of the above described Councils of foreign communities act as members of the municipality’s consultative body on immigration (*Consulta cittadina dell’immigrazione*), together with the representatives of other institutions and non-profit organisations³⁹. This consultative body is charged with making proposals to the Municipal Administration on the following aspects:

- a) health and social initiatives for foreigners;
- b) public housing or other public infrastructures meant for foreigners resident in Padova;
- c) initiatives in support of employment for foreigners;
- d) measures promoting public security in the city;
- e) initiatives meant to reduce marginalization and social disadvantage of foreigners in Padova.

Besides, the *Consulta* is required to draw up an annual report on immigration in the area. Duration in office of members of the consultative body is the same as that of municipal council members and participation in both bodies does not carry with it any economic compensation.

In this setting, Foreign Communities’ Councils represent some sort of “small parliaments”, where people from vast and heterogeneous areas are grouped together as “ethnic or national groups with at least common cultural traits”. It is this explicit creation of fictitious “ethnic communities” under which foreigners are forced to organise themselves for political representation that has brought much criticisms of this model. This has partly led to low participation in these structures as many do not accept to organise, compete and participate under an umbrella defined as above. In conclusion, it seems to us that problems of organisation and participation of foreigners in political life at the local level cannot be solved only by

³⁸ www.padovanet.it/regolamento/pdf/rapppstraniere.pdf

³⁹ The composition of the Municipality Consultative Body on Immigration of the city of Padua is as follows: the Mayor or the Councillor responsible for social affairs; Presidents of the Councils of Foreign Communities (a total of 7 communities); a representative of the Departments of Labour of the Municipal and Provincial Administrations of Padua; 3 representatives of employers associations; 3 trade union representatives; 5 representatives of private non-profit organisations working on immigration related issues; 2 experts on immigration; 3 representatives of the Municipal Council among whom at least 1 representing the minority

designing new electoral formulas. There is need to take into account new ways of disseminating information and raising awareness, in order to strengthen communication between the local authority, representatives of foreign communities and those they represent. Equally, there is need to design specific measures to support the process of formation of a credible political class within migrant communities.

4.3.3. The Consultative body for foreigners and Stateless persons - Municipality of Turin

The Municipality of Turin was one of the first to set up an elected consultative body for foreigners in 1995; membership of all other such bodies were, at the time, by appointment. The Statute defines the *Consulta Comunale Elettiva per i Cittadini Stranieri e Apolidi residenti a Torino* (Consultative Body for foreigners and Stateless persons resident in Turin) as “a consultative body of the Municipal Council and Administration” and its’ mandate includes:

- present recommendations to both the Council and the Administration on policy issues that affect the conditions of foreigners in Turin;
- serve as a point of information, reference and interaction for groups and individuals interested in the challenges and opportunities deriving from the presence of migrants, with particular attention to intercultural dialogue and prevention of all forms of racism and xenophobia;
- collect information in sectors such as health, employment, services etc. either through independent research or through the facilities of the Municipal Administration; promote debates and public meetings;
- provide information and support through its’ secretariat to all foreigners as groups or individuals, in order to enable them to exercise their rights to participate in public life at local level;
- provide support to foreigners’ associations in drawing up projects for which financial assistance may be requested from the city council.

The Consultative body is made up of the following organs: a general assembly, an office of the Presidency (the president, vice and three elected members) and work groups; the number of members of the assembly is not fixed but vary according to the population of resident foreigners. All legally resident foreigners aged 18 years and above are eligible to vote and this applies to EU citizens as well.

Election into the Assembly is organised strictly on grounds of nationality: prospective candidates stand for election within their national community and are voted for only by people from the same country and every 300 eligible voters elect a representative to the assembly; national groups that number less than 300 persons are merged into larger units (Africa, America, Asia and the Pacific, EU and Stateless persons and rest of Europe). This way of determining the electoral colleges, which will be later

adopted by Padova as well, has been criticised for being too rigid and for explicitly ethnicising the participation of foreigners in political life. This may account for the low turn-out of voters in the elections; only 20 percent of eligible voters took part in the first elections in 1995.

5. Good practices at local level

We have earlier highlighted how the experience of the Municipality of Nonantola paved the way for other local authorities to find some form of participation in the political life at local level for foreigners, in the face of a national legislation that does not recognize such a right to foreigners. The forms of participation chosen by different local authorities can be classified into two broad models: a consultative body on immigration which includes a group of local actors ranging from representatives of migrants to social partners, religious organisations, NGOs and some key services within the local administration and a second model characterized by the inclusion of migrants' representatives in the local council in the form of an "additional councillor".

We have also seen that while consultative bodies are provided for at different levels by national legislation, participation of representatives of foreigners in the council is based on the initiatives of single local authorities. Put differently, the first type of structure (consultative bodies) respond to a legal obligation by local authorities while the second model (Additional Councillor for Foreigners) depend on the political will of the local authority. Consequently, the decision to include representatives of foreigners in the local council is seen by many as being politically more significant, because even though such representatives do not vote in the council, their participation in the discussions on issues treated is considered as an important step towards the recognition of same rights to foreigners as those enjoyed by citizens. Besides, it has been used and still continues to be used as a powerful means of putting pressure on the national government by local administrations to grant legally resident foreigners full rights of participation in public life, including the political sphere, at local level.

A note on definition: the phrase "local level" is used in the Italian context with different meanings by different people. In the government proposal on active and passive electorate for foreigners discussed earlier, local level was used to refer to the two administrative levels represented by the municipal and province councils. On the other hand, the initiative by a network of organisations described earlier as well used the phrase to indicate the municipal, provincial and regional levels. Those who are against considering the regional level as included in "local level" for purposes of granting voting rights to foreigners (government position in 1997), argue that regions do carry out at times some "acts of sovereignty" (Luciani, 1999)⁴⁰ are broadly agreed to be reserved for citizens only. Others have argued that though the regions do carry out such acts, foreigners can be allowed to vote at that level without infringing on the principle that acts of sovereignty are reserved for citizens; to safeguard such principle, it should be enough to specify the cases where foreigners are allowed to vote at the regional level.

⁴⁰ Luciani M.: *ibid*; p. Acts of sovereignty are those general policy measures that determine the national politics, for example exercising legislative power; approval or abrogation of laws.

The scope of activity and rights of additional councillors for foreigners as members of the municipal or provincial councils differ from one context to another: in some, they are the same as those of ordinary councillors (the right to be convened to meetings of the Council, to be informed in advance of the issues on the agenda, to take the floor as well as participate in the activities of the Council's Commissions); in others, these rights are limited to situations related to immigration. In this latter situation, the aim of the whole exercise seems to be to offer foreigners an opportunity to express their views on issues that are recognized as being related to immigration while in the former situation, there is an acknowledgement of foreigners as residents with the same rights as citizens, to give their views on all issues of concern and / or interest to the local community.

5.1. The experience of the Municipality of Nonantola

The experience of this small municipality in the Province of Modena is remarkable in more than one way: it was the first to include an elected representative of migrants in the management board of the reception centre for migrants resident in the municipality; the board, presided over by the mayor of the town, was also responsible for defining and coordinating reception and integration measures within the community⁴¹. Four years after the above development, in 1994, the municipal council unanimously approved and instituted the "Additional Councillor for Foreigners" (*Consigliere aggiunto straniero*), a member of the municipal council elected by legally resident foreigners in the municipality. The council is the elected organ that represents the local community and until then, had been elected only by citizens. Though, as we shall see later, this representative of foreigners in the municipal council did (and still does) not have all the rights as the other councillors representing Italian citizens, it remained an important development because it had set a precedent which will be later followed by other municipalities and partly because it gave strength and visibility to the issue in public debates on migration. As one of the two migrants to be elected to this function for the first time put it, "this important initiative made our presence visible and formally acknowledged that foreign migrants have rights and duties as nationals"⁴². Besides, it should be noted that it was in the same year, as we have seen earlier, that Parliament will ratify the *Convention on the Participation of Foreigners in Public Life at Local Level*, leaving out the chapter on the right to active and passive electorate for legally resident foreigners.

The additional councillor for foreigners so instituted has all the rights of councillors except one: the right to vote. In other words, the additional

⁴¹ Ausu P.: Il Consigliere Aggiunto del Comune di Nonantola, (*Foreigners' representative in the municipal assembly of Nonantola*) in: Commissione per le Politiche di Integrazione degli Immigrati: Partecipazione e rappresentanza politica degli immigrati, Atti del Convegno, 21 giugno 1999, Roma, p.94 (*Commission for the Integration Policies for immigrants: Participation and political representation of migrants, Conference proceedings, 21 June 1999, Rome, p.94*).

⁴² Ausu P.: *ibid.* p.95.

councillor representing foreigners has the right to be convened to the meetings of the municipal council, to be informed in advance of the topics to be treated at the meetings and the right to take the floor; the right to vote during the deliberations of the Council could not (and still can not) be granted as national law reserves such right for citizens only. The Municipality of Nonantola made provision for two additional councillors for foreigners and on 12 June 1994, while the election to the European Parliament was going on, foreigners resident in the town were called, for the first time, to elect two representatives to the town Council. This was repeated again almost a year later in April 1995 during the administrative elections to renew the entire town Council and elect the mayor.

While the above is still short of full voting rights, it remained innovative in that it managed to maximize the use of existing legal opportunities to increase the involvement of foreign residents in the political life of the local community, while awaiting for the necessary reform at the national level in order to grant full rights of active and passive electorate at same level. It is reported that in the first five years of this experience, more than 200 local administrations, political parties and NGOs contacted the reception centre for information on the experience and some of these later moved on to institute the post of additional councillor for foreigners.

As further development of this experience of participation of foreigners in public life, the Municipality of Nonantola moved on to set up, in 1999, an elected consultative body of foreigners only (*la Consulta delle Comunità straniere*), with the aim of providing the political base and support for the two additional councillor for foreigners. The president and vice-president of the *Consulta*, elected each year, take on the functions and duties of additional councillor for foreigners in the municipal council. All nine members of this new body sit also on the management board of the reception centre. In other words, beginning from 1999, the two representatives of foreigners in the municipal council are elected by the nine members of the consultative body of foreigners, which in turn, is elected by the legally resident foreign population⁴³. This arrangement has been put in place to ensure that the issues raised and views expressed by the two representatives of foreigners in the municipal council are shared and debated in a wider group of foreign residents; in other words, it is meant to strengthen participation and their duration in office of one year as councillors is also aimed at facilitating participation by offering different members of the consultative body the opportunity to stand for such posts.

5.2. The experience of the Province of Ancona

After the attempt by the national government to grant voting rights at local level to non-EU foreigners failed in 1998, various local authorities decided to take measures to guarantee as much participation of foreigners in political life at local level as possible. The Province of Ancona was one

⁴³

Ausu P.: *ibid*; p.96.

such local authority and in 2000, its Statute was modified and provision made in it for two additional councillor for foreigners (*Consiglieri Stranieri Aggiunti*). In particular, article 9⁴⁴ of the new Provincial Statute stipulates that:

- a) the post of Additional Councillor for Foreigners is instituted and the right of foreign citizens resident in the Province to elect their own representatives is acknowledged; the additional councillor for foreigners will participate in the activities of the Provincial Council and has the right to be convened to the meetings of the Council, to be informed in advance of the issues to be treated at the meetings and the right to take the floor.
- b) participates in the activities of both the Council's Permanent and special Commissions, with the same modalities as in provided for in letter (1).
- c) The election of the additional councillor for foreigners is governed by a specific Council regulation and will take place on same day as the elections for the renewal of the entire Provincial Council. The additional councillor for foreigners remains in office for the duration of the mandate of the Council.
- d) The Province will provide the best working conditions for the additional councillor for foreigners to exercise the mandate.

The experience of this province is important for various reasons: it is the first and only Province so far to have introduced *Additional Councillor for Foreigners* at this level of local government. All other cases of introduction of foreigners' representatives at council level have been by municipal councils. Secondly, as the Statute indicates, the two Councillors representing foreigners enjoy the same rights as the ordinary councillors, including their duration in office; the only difference remains the right to vote. The electoral system and rules are the same as those used to elect ordinary councillors and prospective candidates are required to register with one of two electoral groupings; the Provincial Council provides the resources for candidates to make their views known to the electorate, by among others, organising public meetings in different parts of the Province during which candidates have the opportunity to present the work programmes of their respective groups.

Additional Councillors for Foreigners have given a positive evaluation of their experience as council members so far. In particular, the experience is believed to have created a greater sense of inclusion in the local context by making the concerns of foreigners in the area known at the highest political level. This knowledge of problems encountered by migrants has led in some cases to closer cooperation with some municipal authorities in order to resolve some of the problems highlighted.

5.3. Additional Councillor for Foreigners: the case of the Municipality of Macerata

⁴⁴

Available at www.provincia.ancona.it (22/10/02).

The Municipality of Macerata was one of the first to follow the example of Nonantola in defining a local model of participation of foreigners in political life. With a total population of little above 41.000 inhabitants, migrants account for 3.2 percent of residents and this is above both the national and regional averages, 2.5 and 2.8 percent respectively. It has also a significant percentage of foreign students. The Municipality is defined as active in terms of integration measures for migrants and among the support services highlighted is an information and orientation service run jointly with some NGOs and migrants' associations, an intermediation scheme that seeks to facilitate access to private housing for migrants, support of cultural activities and promotion of participation in public life through formal arrangements, including some for delivering services⁴⁵.

After a change in the Municipal Statute to introduce the post of Additional Councillor⁴⁶, in September 1997 a formal council regulation on the election of a representative of immigrants as Council member was approved. According to this regulation, one representative of foreigners is to be elected by migrants who are at 18 years of age and above, are not citizens of member States of the EU nor have Italian citizenship and have been legally resident in the municipality for at least six months. The duration in office of this representative is same as that of the entire municipal council. Unlike what we saw earlier for Nonantola and the Province of Ancona, election for the additional councillor for foreigners here is held separately from the elections of the ordinary councillors. Indeed, elections for foreigners' representative are convened by the Mayor of the city within 90 days of taking office. The electoral process is governed by the national law on election of ordinary councillors and there is one electoral college for all foreigners.

A remarkable difference from the previous two experiences reviewed is that the representative of foreigners in the council has the same rights as the ordinary councillors only when dealing with matters related to immigration. Article 46(1) of the Regulation governing the activities of the Municipal Council, in accordance with article 9(6) of the Statute, stipulates that the councillor representing foreigners:

1. participates in the meetings of the Council and can intervene, following the same modalities as other councillors, in the debate and ask questions on issues related to immigration and the conditions of immigrants in the territory of the municipality;
2. takes part in the activities of Council Commissions under the same terms as in letter (a);

⁴⁵ Cancellieri A., Fava Atlante T. (a cura di) (2002): *Atlante Sociale delle Marche. Mappa Regionale delle Politiche Urbane di Integrazione degli Immigrati: una ricerca sulle politiche locali nei comuni marchigiani (A social Atlas of Marche Region. Regional map of integration policies for mmigrants in urban areas: a research on local policies in municipalities in Marche region)*; available at www.regione.marche.it/consiglio/ricerche (04/11/2002).

⁴⁶ Article 9(6) of *Statute*; available at www.comune.macerata.it/organi/ (05/11/2002).

3. can propose a motion in the same situations as in letter (a)⁴⁷.

Even with the limitation described above, the experience of this municipality is considered as positive by migrant organisations in the area and cooperation with various sections of the local administration is said to have improved as a result of better communication.

⁴⁷ Artiche 46 of *Regulation on the functioning of the Municipal Council*; available at www.comune.macerata.it/organi/

6. Conclusions

Participation of foreigners in public life in Italy does not include participation in political life except for EU nationals who are allowed to vote in elections to the European Parliament as well as in municipal elections. Attempts have been made by both government and civil society in the nineties to introduce active and passive electorate at local level for non-EU long-term residents, without attaining the objective. In the same period, EU nationals were accorded the right to vote in European and municipal elections. In recent times, a long-standing political dispute on whether Italian citizens who residing in other countries should be allowed to vote in national elections has been overcome by the approval of a law⁴⁸ which makes it possible for the above category of Italian citizens not only to vote by correspondence but also to elect a number of parliamentarians in overseas electoral colleges.

In the absence of a legislative reform that will make it possible for non-EU foreigners to participate fully in political life at local level, attention has been focussed on participation in other spheres of public life other than the political one. The main ways of participation of foreigners in public life at national and regional levels have been through consultative bodies having a broad membership that includes representatives of some migrants' organisations. Key legislative measures on immigration since 1986 have all made provisions for one or more forms of consultative bodies on immigration. The implementation of such bodies at national level have not proven to be effective fora through which the concerns of long-term resident non-EU foreigners can be channelled to policy makers and administrators.

Another area of public life where migrants have been active is in the trade unions. The increase in the number of immigrants in the workplace and the increased awareness of their rights have been accompanied by increased participation and a greater representation of immigrants within trade union structures. The major trade union confederations have tried to meet some of the specific needs of immigrants by setting up ad hoc structures for the promotion of the rights of employed and unemployed migrant workers. This increased involvement of migrants in the unions is being reflected also in elected positions within union structures; two of the three major unions have migrant workers in their highest governing bodies.

Migrants have also organised on their own in order to represent themselves directly and collectively promote their rights. Organisations of this type are quite diverse both in their aims and models of organisation: recent research⁴⁹ shows that in a large number of migrants' associations (61%), membership is made up of people from a single national group, while 39% have a mixed composition and in some cases, they include Italian citizens

⁴⁸ Italia: Legge n.459/2001: *ibid.* (Italy, Law nr.459/2001: *ibid.*).

⁴⁹ CNEL-Codres (2001): *ibid.*, p.49.

as well. The same research suggests that these organisations are not functioning at their full potential partly because of lack of resources which makes them to be predominantly voluntary organisations, unable to pay even a limited number of people working within them in order to pursue their objectives in a professional way.

At the local level (provincial and municipal), other forms of participation of foreigners have been designed and implemented alongside consultative bodies modelled after the national and/or regional ones. One such form of participation has been the introduction of a new member of the municipal council in addition to the number established by national law. This new member of the council defined as the additional councillor for foreigners, has been introduced by first modifying the municipal statute thereby providing a legal basis for such change.

Experiences at the local level appear to have been more successful compared to those at the national level and one of the success factors seems to be that the more foreigners are involved (allowed to have a say) in matters affecting the local community where they live, the more and better they participate. Another success factor of local experiences has been that in such contexts, a channel of communication between representatives of foreigners and the various communities they represent have been successfully established. Besides, the shift from appointed representatives of foreign communities to elective ones has contributed positively to the success. It must be highlighted though that the elective character in itself is not sufficient to stimulate participation of foreigners in consultative bodies, as the experiences of Padua and Turin described in the report have shown.

The contribution of local authorities to promote the participation of foreigners in the political life at local level has been quite significant in the light of the legal obstacles that have so far made it impossible for non-EU foreigners to participate in the political life at the national level. The reforms carried out at the local level and described above have been implemented within the limited autonomy these local authorities have and those local authorities that have introduced the position of “additional councillor for foreigners” have achieved the maximum that can be attained at such levels under the present circumstances. This makes a general legislative reform an imperative in order to build on the positive practice developed at the local level and reinforce the message of integration which local initiatives have so far conveyed to non-EU foreigners.

7. Recommendations

Efforts should be resumed at the national level to carry out the legislative reforms required to enable non-EU foreigners to participate fully in political life at local level. A practical measure to bring about this change should include the ratification of Chapter C of the “Convention on the Participation of Foreigners in Public Life at Local Level” and within the framework of this convention, introduce active and passive electorate for non-EU foreigners through ordinary legislation. The process initiated in 1997 to introduce the above legislative change through a Constitutional reform law has not proven to be effective.

One of the major findings of this paper is that all the bodies through which various segments of society interact with policy makers on the conditions of immigrants – the Commission on the Integration of Immigrants, the National Consultative Body on the problems of Immigrants and their Families and the National Coordination Body (ONC) – have not been operative since the middle of the year 2001. The competent national authorities should re-activate such bodies and where necessary, re-structure them to improve on the participation of foreigners in these bodies.

Participation of foreigners in consultative bodies at all levels should be strengthened: the various types of bodies tried so far should be used in a complementary rather than alternative way. Efforts should be made to ensure that membership of these bodies is developed through a fair and transparent process which gives the various foreign communities the opportunity to elect who should represent them. Territorial Councils should strive to apply the existing laws on the participation of non-EU foreigners in its activities.

The positive experiences of some local authorities should be built upon by other similar authorities right across the country: more Provinces and Municipal Administrations should promote the election of representatives of Foreigners in the Provincial and Municipal Councils in the form of “Additional Councillors”. This can be done through their national umbrella organisations (*Unione Province Italiane [UPI]*; *Associazione Nazionale Comuni Italiani [ANCI]*) which have always played important roles in raising awareness both of administrators and councillors and the general public on issues of concern to local authorities. It is important that consultative bodies are not organised along ethnic lines rather participation of foreigners should be organised following other groupings that bring together people from different countries who share common views on how things can be improved at the local level.

Over and above all these recommendations, there remains the need to introduce the right to active and positive electorate for all legally resident foreigners after a certain number of years. Consultative bodies and “additional councillor for foreigners” are not alternatives to full

participation by non-EU migrants in the political life of the communities where they live. The right to vote and be voted for at local level should be affirmed as an important expression of integration of foreigners into local contexts.

List of abbreviations

TU – Testo Unico (*Consolidated Act*)

ONC – Organismo Nazionale di Coordinamento (*National Coordination Body*)

CT – Consiglio Territoriale sull’immigrazione (*Territorial Councils on immigration*)

CISL – Confederazione Italiana Sindacati Lavoratori (*Italian Confederation of Workers’ Unions*)

CGIL – Confederazione Generale Italiana dei Lavoratori (*General Confederation of Italian Workers*)

CNEL – Consiglio Nazionale sull’Economia e il Lavoro (*National Economic and Labour Council*)

UIL – Unione Italiana Lavoratori (*Union of Italian Workers*)

Bibliography

Camis Dagui –Intervento alla tavola rotonda “*Le più significative esperienze di partecipazione e di rappresentanza politica degli immigrati realizzate in Italia*” in atti del convegno “*Partecipazione e rappresentanza politica degli immigrati*”, Roma, 21 giugno 1999

CARITAS – Dossier Statistico Immigrazione 2002 – ed.

IRES-CGIL - II Rapporto sull’immigrazione: scenari, mercato del lavoro e contrattazione; Roma, Giugno 2002; available on the website <http://www.cgil.it/> (18/11/2002)

CNEL - Organismo Nazionale di Coordinamento per le Politiche di Integrazione Sociale degli stranieri –“*I Consigli territoriali per l’immigrazione. Promozione della rappresentanza e partecipazione*” – Gruppo di lavoro “Promozione della rappresentanza e partecipazione” - documento presente sul sito internet del CNEL – www.cnel.it/immigrazione/documentazione.asp

CNEL- Codres (2001): “*Le associazioni dei cittadini stranieri in Italia*”, Roma, Luglio 2001

CNEL (2000): “*La rappresentanza diffusa – le forme di partecipazione degli immigrati alla vita collettiva*” a cura della Codres, Roma, aprile 2000

Commissione per le Politiche di Integrazione degli immigrati (2002): - “*Primo rapporto sull’integrazione degli immigrati in Italia politica*”, Il Mulino, 2000 –

Commissione per le Politiche di Integrazione degli immigrati (2001): “*Secondo Rapporto sull’Integrazione degli Immigrati in Italia*” a cura di G.Zincone, Il Mulino, 2001

Mottura, G. e Pinto, P. (1996): “*Immigrazione e cambiamento sociale. Strategie sindacali*”, Roma, Ediesse, 1996.

Vranken, J. “*Industrial Rights*” in Z. Layton Henry (a cura di), *The Political Rights of Migrant Workers*, London, Sage, 1990

Zincone, G., (1999): “*Rappresentanza e diritto di voto*”, paper presentato al convegno “*Partecipazione e rappresentanza politica degli immigrati*”, Roma, 21 giugno 1999.

Annex 1



European Treaty Series - No. 144

CONVENTION ON THE PARTICIPATION OF FOREIGNERS IN PUBLIC LIFE AT LOCAL LEVEL

Strasbourg, 5.II.1992

Preamble

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress while respecting human rights and fundamental freedoms;

Reaffirming their commitment to the universal and indivisible nature of human rights and fundamental freedoms based on the dignity of all human beings;

Having regard to Articles 10, 11, 16 and 60 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Considering that the residence of foreigners on the national territory is now a permanent feature of European societies;

Considering that foreign residents generally have the same duties as citizens at local level;

Aware of the active participation of foreign residents in the life of the local community and the development of its prosperity, and convinced of the need to improve their integration into the local community, especially by enhancing the possibilities for them to participate in local public affairs,

Have agreed as follows:

Part I

Article 1

- 1 Each Party shall apply the provisions of Chapters A, B, and C.

However, any Contracting State may declare, when depositing its instrument of ratification, acceptance, approval or accession, that it reserves the right not to apply the provisions of either Chapter B or Chapter C or both.

- 2 Each Party which has declared that it will apply one or two chapters only may, at any subsequent time, notify the Secretary General that it agrees to apply the provisions of the chapter or chapters which it had not accepted at the moment of depositing its instrument of ratification, acceptance, approval or accession.

Article 2

For the purposes of this Convention, the term “foreign residents” means persons who are not nationals of the State and who are lawfully resident on its territory.

Chapter A – Freedoms of expression, assembly and association

Article 3

Each Party undertakes, subject to the provisions of Article 9, to guarantee to foreign residents, on the same terms as to its own nationals:

- a the right to freedom of expression; this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises;

- b the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of their interests. In particular, the right to freedom of association shall imply the right of foreign residents to form local associations of their own for purposes of mutual assistance, maintenance and expression of their cultural identity or defence of their interests in relation to matters falling within the province of the local authority, as well as the right to join any association.

Article 4

Each Party shall endeavour to ensure that reasonable efforts are made to involve foreign residents in public inquiries, planning procedures and other processes of consultation on local matters.

Chapter B – Consultative bodies to represent foreign residents at local level

Article 5

- 1 Each Party undertakes, subject to the provisions of Article 9, paragraph 1 :
 - a to ensure that there are no legal or other obstacles to prevent local authorities in whose area there is a significant number of foreign residents from setting up consultative bodies or making other appropriate institutional arrangements designed:
 - i to form a link between themselves and such residents,
 - ii to provide a forum for the discussion and formulation of the opinions, wishes and concerns of foreign residents on matters which particularly affect them in relation to local public life, including the activities and responsibilities of the local authority concerned, and
 - iii to foster their general integration into the life of the community;
 - b to encourage and facilitate the establishment of such consultative bodies or the making of other appropriate institutional arrangements for the representation of foreign residents by local authorities in whose area there is a significant number of foreign residents.
- 2 Each Party shall ensure that representatives of foreign residents participating in the consultative bodies or other institutional arrangements referred to in paragraph 1 can be elected by the foreign residents in the local authority area or appointed by individual associations of foreign residents.

Chapter C – Right to vote in local authority elections

Article 6

- 1 Each Party undertakes, subject to the provisions of Article 9, paragraph 1, to grant to every foreign resident the right to vote and to stand for election in local authority elections, provided that he fulfils the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the 5 years preceding the elections.
- 2 However, a Contracting State may declare, when depositing its instrument of ratification, acceptance, approval or accession, that it intends to confine the application of paragraph 1 to the right to vote only.

Article 7

Each Party may, either unilaterally or by bilateral or multilateral agreement, stipulate that the residence requirements laid down in Article 6 are satisfied by a shorter period of residence.

Part II

Article 8

Each Party shall endeavour to ensure that information is available to foreign residents concerning their rights and obligations in relation to local public life.

Article 9

- 1 In time of war or other public emergency threatening the life of the nation, the rights accorded to foreign residents under Part I may be subjected to further restrictions to the extent strictly required by the exigencies of the situation, provided that such restrictions are not inconsistent with the Party's other obligations under international law.
- 2 As the right recognised by Article 3.a carries with it duties and responsibilities, it may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 3 The right recognised by Article 3.b may not be subject to any restrictions other than such as are prescribed by law and are necessary in a democratic society, in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- 4 Any measure taken in accordance with the present article must be notified to the Secretary General of the Council of Europe, who shall inform the other Parties. The same procedure shall apply when such measures are revoked.
- 5 Nothing in this Convention shall be construed as limiting or derogating from any of the rights which may be guaranteed under the laws of any Party or under any other treaty to which it is a party.

Article 10

Each Party shall inform the Secretary General of the Council of Europe of any legislative provision or other measure adopted by the competent authorities on its territory which relates to its undertakings under the terms of this Convention.

Part III

Article 11

This Convention shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 12

- 1 This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 11.
- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 13

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and by the unanimous vote of the representatives of the Contracting States entitled to sit on the Committee.

- 2 In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 14

Undertakings subsequently given by Parties to the Convention in accordance with Article 1, paragraph 2, shall be deemed to be an integral part of the ratification, acceptance, approval or accession of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.

Article 15

The provisions of this Convention shall apply to all the categories of local authorities existing within the territory of each Party. However, each Contracting State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the categories of territorial authorities to which it intends to confine the scope of this Convention or which it intends to exclude from its scope.

Article 16

- 1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

Article 17

No reservation may be made in respect of the provisions of this Convention, other than that mentioned in Article 1, paragraph 1.

Article 18

- 1 Any Party may at any time denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 19

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Convention in accordance with Articles 12, 13 and 16;
- d any notification received in application of the provisions of Article 1, paragraph 2;
- e any notification received in application of the provisions of Article 9, paragraph 4;
- f any other act, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg, this 5th day of February 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Convention.