



Local Voting Rights for Non-Nationals in Europe: What We Know and What We Need to Learn

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Introduction

Since the 1970s, the issue of granting voting rights in municipal elections to resident non-nationals, both European Union nationals and third-country nationals, has been on the European political agenda. Four different but related reasons have prompted the political debate.

First, many immigrants from outside the European Union have lived there for a long period but without acquiring the nationality of the host country (so-called third-country nationals). Second, the governments of EU Member States believe that granting the right to vote to European nationals living in another Member State contributes to more positive attitudes towards the European Union. These reasons have prompted debates on voting rights in all EU Member States at one time or another. Third, the governments of EU Member States wish to involve noncitizen ethnic minorities, either third-country nationals or stateless persons, in local-level decisionmaking. This argument has been relevant to recent debates in Slovenia and Estonia. Finally, the governments of some EU Member States, such as the United Kingdom and Portugal, want to provide a privileged status to immigrants from their former colonies.

This policy brief answers four questions crucial to the local voting rights debate:

1. Which European countries have extended local voting rights to resident third-country nationals and under which conditions?
2. What are the key issues in the political debate?
3. What international instruments will influence future developments?
4. What do we know about the effects of granting voting rights to non-nationals?

In addition, we will address voting rights in terms of immigrant integration policy: are they an alternative to naturalization or do they complement naturalization? The policy brief concludes with a set of policy recommendations.

The reader should be aware of the limitations of this paper. First, the right to vote in municipal elections is only one (important) part of the larger category of political rights. Second, the study is restricted to Europe, specifically the 27 EU Member States, Norway, and Switzerland. Third, the rights of resident third-country nationals are the primary focus — not EU nationals who live in another EU Member State — because third-country nationals outnumber such EU nationals by almost three to one: 18.5 million of the total non-national population of 27 million are third-country nationals (European Commission 2007: 3). According to EU law, EU nationals who live in another EU Member State have the right to vote in local elections, as well as in those for the European Parliament.

Local Voting Rights across Europe

Of the 29 European states covered in this paper, 17 allow some categories of resident non-nationals to participate in local elections (Waldrauch 2005; Geyer 2007; Oriol 2007). These states are Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Norway, Portugal, Slovakia, Slovenia, Spain, Sweden, six cantons in Switzerland, and the United Kingdom. Eight of these 17 states (Denmark, Hungary, Norway, Portugal, Slovakia, Sweden, six cantons in Switzerland, and the United Kingdom)

allow non-nationals (EU nationals and third-country nationals) to vote in elections for regional or national representative bodies. Five of these 17 states (Belgium, Estonia, Hungary, Luxembourg, and Slovenia) do not allow third-country nationals to stand as candidates in municipal elections.

The 12 states (of the total 29) that do not allow any voting in local elections are Austria, Bulgaria, Cyprus, Czech Republic, France, Germany, Greece, Italy, Latvia, Malta, Poland, and Romania. In the Czech Republic, Italy, and Malta, respective constitutional laws permit non-nationals to vote, but the required national legislation or international agreements have not been adopted. Thus, third-country nationals have never participated in local elections in these three countries.

Conditions

States that have granted voting rights to third-country nationals use four kinds of conditions to restrict that right:

- duration of residence;
- registration or application;
- a specific residence status; or
- reciprocity (meaning that nationals of country A can vote in country B only if nationals of country B can vote in country A, mostly on the basis of a bilateral agreement between the two countries).

Some states apply two conditions. For example, Belgium requires five years of residence and registration, and Portugal requires reciprocity and registration.

Duration of Residence

The duration of residence required varies between three years in Denmark, Estonia, Norway, Portugal, and Sweden and five years in Belgium, Luxembourg, and the Netherlands. Finland requires four years for third-country nationals and two years for Nordic citizens (Sweden, Norway, and Iceland). In the six relevant Swiss cantons, the residence requirement varies: five years in Appenzell, Fribourg, and Neuchâtel; eight years in Geneva; and ten years in Jura and Vaud. Ireland and the United Kingdom do not have a residence requirement.

In the 1990s, the Netherlands tightened its residence conditions, requiring five years of uninterrupted lawful residence. The new requirement caused considerable problems in certain municipalities because the information from the immigration service proved to be incomplete or outdated. Hence, individual immigrants, civil-society groups, and MPs complained that the government was unlawfully excluding non-national voters from the elections.

Registration or Application

Several states require non-national voters to register with the local authorities. In Ireland and the United Kingdom, a simple registration (comparable to the registration nationals are required to perform) is sufficient. The registration process itself can become a major obstacle for non-nationals who want to exercise their voting rights. Belgium requires noncitizens to file an application for registration and to sign a declaration pledging respect to

the Belgian Constitution and legislation. In 2006, the percentage of potential non-national voters that were actually registered varied between 28 percent in the Walloon region, 16 percent in the Flemish region, and 14 percent in the Brussels region (Zibouh 2007: 145)

Type of Residence Status

Five states (Estonia, Hungary, Lithuania, Slovakia, and Slovenia) do not apply a simple residence requirement; rather they grant voting rights only to third-country nationals who have a permanent residence permit or long-term residence status. This condition may severely limit the number of third-country nationals who can vote since the national governments in these countries grant the required status infrequently or only to specific categories of immigrants (e.g., co-ethnics).

Reciprocity

The Czech Republic, Malta, Portugal, and Spain apply the reciprocity condition. In practice, this condition results in far-reaching restriction or de facto nonexistence of voting rights. The Czech Republic and Malta have no agreements with third countries. Spain has one relevant agreement, with Norway. Thus, nationals of Norway have been the only non-EU nationals who effectively have the right to vote in Spain. In 2006, the Spanish government announced that it intended to conclude voting-rights agreements with five countries in South America, but no such agreements are yet in force. Portugal has concluded agreements with many countries outside the European Union, adding ten countries alone in recent years.

Key Issues in the Political Debate

When a government grants voting rights to non-nationals, it makes a visible commitment to the public inclusion and equal treatment of immigrants. Within the different states, however, opinions vary on how much immigrant inclusion is desirable and which values are essential for the state's identity (see below).

The main arguments used in favor of extending voting rights to resident non-nationals include the following:

- *"No taxation without representation."* All members of the community who regularly pay taxes need to be represented in government bodies that decide how public funds are spent and how rules binding on all residents are made.
- *Equal treatment over time.* The longer non-nationals are resident in a community, the more difficult it is to justify excluding them from the public decision-making process.
- *More political participation of the whole society.* Granting voting rights stimulates the political participation of immigrants and thus their integration in the host society.
- *Immigrants are permanent members of society.* Providing voting rights tells the majority of the population that long-term resident immigrants are staying.
- *Pathway to citizenship.* The right to vote in local elections encourages non-nationals to become naturalized so that they can also vote in national elections and gain access to public service jobs.

The main arguments that opponents give for not allowing non-nationals to vote include the following:

- *Voting rights should be an earned privilege.* Voting rights are by definition linked to nationality; only full citizens should participate in political decisionmaking.
- *Prevent foreign influence.* Governments of the origin countries may try to influence the political process through their nationals.
- *Prevent ethnic parties.* If certain groups of immigrants establish their own political parties, others could form single-issue parties, possibly weakening existing parties.
- *Immigrants should not be allowed to disturb power relations.* Allowing non-nationals to vote upsets the current balance of power, with some parties benefiting more from the immigrant vote than others.
- *The domino effect.* Once local voting rights are granted, the argument for withholding voting rights in national elections becomes weaker (although it could be argued that national voting rights could create conflicting loyalties; the same argument is used against dual nationality).
- *Encourage naturalization instead.* Granting voting rights diminishes immigrants' interest in becoming naturalized.

Some of these arguments have a long history, and have been used to keep workers, women, and young citizens from voting.

Voting Rights for Non-Nationals and Images of the State

How someone defines a community or a state will often influence how that person views voting rights for non-nationals. Proponents tend to have a liberal view and an open image of the state. Opponents tend to have a communitarian perspective on the state: only the present members ("citizens") should decide who belongs to a given community. This perspective corresponds to a more closed or defensive image of the nation-state.

The dominant view may change over time. In the politically insecure decade before and after World War II, governments considered the political activity of non-nationals to be dangerous and, in some cases, unlawful. The 1950 European Convention on Human Rights contains a clause providing that nothing in the articles on the freedom of expression, the freedom of association, and the nondiscrimination clause "shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens" (Article 16). Since then, different states have taken a more open view of statehood. The extension of voting rights described above, the international instruments discussed below, and the development of EU citizenship in 1992 all indicate that the "political activity of aliens" has gradually become acceptable over the past five decades.

Political Debate and Constitutional Obstacles

In several European states, the political debate on local voting rights often resulted in those rights not being granted (Geyer 2007). Constitutional provisions granting voting rights to "the people" or to nationals of the country only proved to be serious obstacles in most cases.

In Germany, the debate continued during most of the 1980s (Sieveking et al. 1989), effectively ending in 1990 when the German Constitutional Court declared the local voting-rights legislation of certain German federal states (Länder) to be unconstitutional. The court argued that the constitutional clause granting voting rights to the German people had to be interpreted as covering only persons with German nationality (Judgment of 13 October 1990. BVerfGE 8 3: 37). The Constitutional Court of Austria handed down a similar judgment in 2004 (Verfassungsgerichtshof 30 June 2004. C 218/03). In the 1980s, then French President François Mitterrand repeatedly promised during election campaigns to introduce local voting rights, but he never put forward any proposal for the required constitutional amendment. In 1992, the Constitutional Council held that it would be contrary to the French Constitution to extend voting rights to non-nationals.

In Italy, a provision granting local voting rights to permanent resident non-nationals was included in the 1998 Immigration Act, but the required amendment to the Italian Constitution was never adopted (Pastore 2001; Grosso 2007). Proposals for local voting rights in Switzerland have been supported by a majority of the electorate in some cantons, but clear majorities rejected such proposals in more than ten cantons between 1993 and 2007 (Giugni 2007).

In Belgium, the debate over voting rights for immigrants started in the early 1970s (Jacobs 1998, 1999). However, Belgium amended its constitution to allow resident EU and third-country nationals to vote only after a ruling in 1998 of a court of justice of the European Community. The court found that Belgium had violated a 1994 Council Directive because it had not yet introduced municipal voting rights for resident EU nationals (Judgment of 8 July 1998, Case C-323/97). Third-country nationals participated in Belgian local elections for the first time in 2006 (Teney and Jacobs 2007; Zibouh 2007).

Alternatives to Extending the Franchise

In several European states (e.g., Germany, Belgium, and the Netherlands), the debate on local voting rights has been linked to the debate on naturalization. The German Constitutional Court, in a ruling in 1990, explicitly hinted that the government should make it easier for immigrants to become naturalized instead of giving them the right to vote in local elections. One could view the German Nationality Act, which came into effect in 2000, as a belated realization of the court's suggestion: it introduced *jus soli* acquisition of Germany nationality by the children of settled immigrants and allowed dual nationality for some immigrants (e.g., nationals of other EU Member States).

Belgium and the Netherlands made similar trade-offs between nationality law and voting rights. After the Belgian government liberalized naturalization rules in 2001, the debate on local voting rights abated (Jacobs 2007). In the Netherlands, the Social Democrats (PvdA) and the Christian Democrats (CDA), coalition partners in Parliament, reached a political compromise in the early 1990s. They decided to liberalize naturalization rules, which meant accepting dual citizenship, instead of granting non-nationals the right to vote in provincial and national elections, a policy favored the Social Democrats but strongly opposed by the Christian Democrats.

Examining the Arguments

Ideology-based arguments for and against local voting rights can only be tested in debates. However, one can examine evidence for and against the desired or feared effects of granting such rights.

One observation requires no further research: none of the 17 states that granted local voting rights to non-national residents have abolished this right because of its negative effects, presumed or real. The Swiss canton Neuchâtel introduced voting rights for non-nationals in 1849. Some years later, that right was revoked and then reintroduced in 1875. It still exists today. Since 1988, the anti-immigrant Danish Peoples Party has pleaded repeatedly for restricting the existing voting rights which were granted to non-national residents in Denmark in 1981. But the party has never received support from any other political party (Ostergaard-Nielsen 2007).

Once governments grant local voting rights, these rights never appear as a source of serious conflict. Apparently, most politicians in the countries concerned find that the advantages outweigh any disadvantages. After all, extending voting rights is a low-cost measure. Sharing political power with an additional group may be symbolically painful, but in reality power-sharing only marginally reduces the political power of old voters.

The Influence of International Instruments on Future Developments

We have focused on the national legislation of 27 European states. Now we turn to three sets of European rules regarding the right to vote or other political rights of non-nationals:

1. Local voting rights for EU nationals;
2. the 2007 Lisbon Reform Treaty;
3. the 1992 Council of Europe Convention on the Participation of Foreigners in Public Life at the Local Level.

It is useful to first look at the Nordic Union, which offers an early regional consensus on this issue. Denmark, Norway, and Sweden formed the Nordic Passport Union in the 1950s and allowed Nordic nationals to freely work and live in any Nordic country. Finland and Iceland joined in 1965. In 1972, Finland raised the issue of voting rights for Nordic nationals living in another Nordic state. Three years later, official bodies in Denmark and Sweden advised their governments to introduce voting rights in municipal elections for non-national residents; the Nordic Union published an informative document on this issue. In 1977, the Nordic Council reached an informal consensus and adopted a recommendation stating that Nordic citizens residing in other Nordic states should be able to vote. They did not sign a formal treaty.¹

The consensus proved effective. In 1977, Sweden granted local voting rights to all non-nationals with three years of residence. Denmark and Finland followed suit the same year, with Denmark extending local voting rights to all non-national residents in 1981 and Finland

¹ Based on information kindly provided by Jens Vested Hansen, Eva Ersbøll, and Eeva-Riikka Nykänen.

doing the same in 1991. Norway granted local voting rights to Nordic nationals in 1978 and to all non-nationals in 1985.

In the long run, granting voting rights only to Nordic citizens led to voting rights for all non-nationals. The Nordic experience has also shown that harmonizing voting rights does not require states to adopt binding laws; informal consensus can work. This lesson could inform the current debates within EU bodies.

Rules on Local Voting Rights of EU Nationals

In the mid-1970s, several European institutions began considering granting local voting rights to nationals from one Member State who are residing in another Member State. Driving these discussions were the idea of a European citizenship and Italy's desire to reinforce the position of its nationals working and living in other Member States.² In 1992, Member States agreed in the Maastricht Treaty to add the current Article 19(1) to the Treaty on the European Union. This article grants EU citizens resident in another Member State the right to vote and stand for election under the same conditions as the nationals of the country of residence.

In 1994, the Council of the European Union adopted a directive providing that Member States apply to Member State nationals the same residence requirements for voting and standing for elections as for nationals of their own country.³ The Member States were expected to implement the provisions of the directive before 1996. The Council granted an exception to Member States in which, in 1996, the proportion of voting-age, non-national EU citizens exceeded 20 percent. Only Luxembourg uses this exception; it requires five years of both for the right to vote and to stand for election. The European Commission (EC) considered the use to be justified because the proportion of nationals living in Luxembourg who are from other Member States and of voting age is more than 35 percent (European Commission 2005).

The Lisbon Reform Treaty of 2007

The Constitutional Treaty of 2004, which voters in France and the Netherlands refused to ratify and the European Union has since abandoned, contained two provisions relevant to local voting rights. Article I-10(2)(b) would have copied the right to vote in municipal elections from the current Article 19(1) EC Treaty. Secondly, it contained a new article, Article III-267(4), which would have provided funding for national-level immigrant integration measures.⁴

Both provisions were included in the Reform Treaty that Member States signed in Lisbon in December 2007; the Reform Treaty, also known as the Treaty of Lisbon, essentially replaced efforts to pass a European constitution. Article 17(2) provides that citizens of the Union shall enjoy "(b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same

² See the report of the European Parliament of 25 October 1977, PE 45.833 def, written mainly by MEP Scelba and the European Commission Bulletin supplement 7/75 "To a European citizenship."

³ Council Directive of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, EC Official Journal 1994 L 368, p. 38–47.

⁴ EC Official Journal 2004 C 310, p. 13 and 116.

conditions as nationals of that State.” Moreover, Article 63a(4) of the new treaty provides that the European Parliament and the Council may establish “measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States.”

The European Union has the power to make rules on voting rights for EU nationals and on migration, residence, and asylum of third-country nationals in Member States. However, it has no legal authority to make binding rules on the voting rights of third-country nationals residing in the Member States, as noted in the last phrase of Article 63a(4).

In 2003, the Council of Ministers adopted a directive on the status of long-term, third-country-national residents.⁵ This directive codifies denizen status — a status in which long-term resident non-nationals have some but not all of the rights granted to citizens — in EC law. It grants a secure residence right, equal treatment, and limited mobility within the European Union to third-country nationals after five years of lawful residence in a Member State. The directive enumerates a long catalogue of matters in which long-term residents shall enjoy equal treatment with nationals, but it does not deal with voting rights. This illustrates that the EC Treaty does not provide a legal basis for obliging Member States to grant voting rights or other political rights to resident third-country nationals. The wording of the directive also shows that certain Member States (e.g., Germany and Austria) are unwilling to grant the European Union authority in this field.

The local voting rights in Article 19(1) of the EC Treaty are explicitly restricted to EU nationals only. However, this does not prevent EU institutions from stimulating legislation that will introduce or extend such rights to third-country nationals. The new provision for funding integration measures could even be used to that end. The European Union can encourage, but not legally oblige, Member States to amend their national laws regarding voting rights for third-country nationals.

The Lisbon Treaty incorporates the EU Charter of Fundamental Rights, which the heads of all EU institutions signed in 2000, into EU law. Articles 11 and 12 of the Charter, like the European Court of Human Rights (ECHR), grant political rights (such as freedom of expression and information, freedom of association and freedom of assembly) to “everyone” — hence to all residents of the Member States, irrespective of their nationality. This language may provide a basis for EU bodies to informally discuss the way certain political rights are structured in the national laws of the Member States. Such discussions could result in recommendations, not in binding EU rules.

The Council of Europe Convention on the Participation of Foreigners in Public Life at the Local Level

On 5 February 1992, the Committee of Ministers of the Council of Europe adopted the “Convention on the Participation of Foreigners in Public Life at the Local Level.” All Member States of the Council of Europe, hence also non-EU Member States, may ratify this Convention (Council of Europe Treaty Series No. 144). The Convention deals with several

⁵ Council Directive of 25 November 2003 concerning the status of third-country nationals who are long-term residents, EC Official Journal 2004 L 16, p. 44–53.

political rights of resident non-nationals, such as the freedoms of expression, assembly, and association and the right to vote. States which have ratified this convention undertake to encourage and facilitate the establishment of consultative bodies representing foreign residents at the local level. The Convention is an implicit amendment of ECHR Article 16, which allows Member States to restrict the political rights of non-nationals. One crucial aspect is that parties to the Convention agree to Article 6, which grants all lawfully resident non-nationals the following: “The right to vote and to stand for elections in local authority elections, provided that he fulfills the same legal requirements as apply to nationals and furthermore has been a lawful and habitual resident in the State concerned for the five years preceding the elections.”

States may extend only the right to vote and not the right to stand for elections. Article 7 allows states to opt for a shorter residence requirement.

The Convention came into force in 1995. Eight European states have ratified it, including all five Nordic states, the Netherlands, Italy, and Albania. Italy and Albania, however, excluded the provisions on voting rights from their ratifications. Four states (Cyprus, the Czech Republic, Slovenia, and the United Kingdom) have signed but not ratified the Convention.

The Effects of Granting Voting Rights to Non-Nationals

Crossing the Symbolic Line

In the Nordic countries and the three Benelux countries, the introduction of voting rights for a privileged category of non-nationals (Nordic citizens or EU citizens) resulted in extending these rights to other resident non-nationals, irrespective of their nationality, either at the same time (Sweden and the Netherlands) or some years later (the other five states). Once a state broke the symbolic link between voting rights and nationality, the extension proved politically less problematic.

However, other EU Member States (e.g., Germany, France, Spain, and Italy) amended their constitutions to give voting rights only to EU nationals rather than to all resident non-nationals because they had agreed to this provision and nothing more in the 1992 Treaty of Maastricht. In contrast, Ireland and the United Kingdom have long allowed local (and national) voting rights for certain non-nationals, and these practices have provoked little theoretical debate or political opposition.

Actual Use of Voting Rights

Empirical data on the number of non-national or immigrant voters who exercise their voting rights are available for five countries (Denmark, Finland, the Netherlands, Sweden, and Switzerland). Data on the number of registered non-national voters are available for three other countries (Belgium, Ireland, and Luxembourg). From these data it appears that, generally, non-national voters have lower participation rates in local elections than citizens.

Participation rates vary over time, between cities, and between immigrant groups. At times, certain immigrants groups have turned out in proportionally higher numbers than the general population. For instance, Turkish immigrants in Denmark, the Netherlands, and

Switzerland have had generally higher participation rates than other immigrant groups. It appears that local political circumstances influence the participation rates and voting patterns of non-national voters. Table 1 illustrates both the differences between migrant groups and the effect of local circumstances.

In the table below, naturalized migrants are included in very small numbers in 1994, but in ever larger percentages in the later years. In 2006, probably the large majority of the voters of Turkish and Moroccan origin were Dutch nationals. These data are the only available long-term data on the voting behavior of immigrant groups that did not have the nationality of the host country at the time of immigration and, hence, at first could not participate in elections because of their nationality.

Table 1. Turnout of Migrant Voters in Three Dutch Cities, 1994 to 2002
(percentage of all eligible)

| Origin Country | Amsterdam | | | | Rotterdam | | | | Arnhem | | |
|----------------|-----------|------|------|------|-----------|------|------|------|--------|------|------|
| | 1994 | 1998 | 2002 | 2006 | 1994 | 1998 | 2002 | 2006 | 1994 | 1998 | 2006 |
| Turkey | 67 | 39 | 30 | 51 | 28 | 42 | 54 | 56 | 56 | 50 | 54 |
| Morocco | 49 | 23 | 22 | 37 | 23 | 33 | 40 | 58 | 51 | 18 | 52 |
| All voters | 57 | 46 | 48 | 51 | 57 | 48 | 55 | 58 | 57 | 52 | 50 |

Source: Michon, Tillie, and van Heelsum 2007.

Generally, the number of non-national or immigrant municipal councilors elected increases over time according to data from countries that compile this information. In Denmark, the number of councilors with third-country backgrounds increased from three in 1981 to 51 in 2001. In Luxembourg, 189 (i.e., 6 percent) of the candidates in the 2005 elections were non-nationals; 14 were elected (Dubajic 2007). More than 300 non-Dutch councilors (4 percent of the total) were elected in the Netherlands' municipal elections in 2006, including 157 of Turkish origin and 66 of Moroccan origin. In Sweden, the foreign born (either naturalized or non-nationals) held 7 percent of the municipal council seats in 2002, twice as many as ten years earlier (Soininen 2007).

Three factors can explain these increases: larger numbers of immigrant voters, the willingness of political parties to place more candidates of immigrant origin on their lists, and a clear preference among immigrant voters for candidates of their own ethnic group.

Voting Rights and Integration

Whether granting voting rights helps immigrants become integrated largely depends on how integration is defined. If integration means the level of participation of immigrants in the central institutions of the host society (e.g., the labor market; schools; religious, military, or political institutions), then extending voting rights to immigrants enhances their integration. Large numbers of immigrants have used their voting rights. Parties across the political spectrum now actively look for suitable candidates from immigrant groups in order to attract the immigrant vote. The numbers of municipal councilors who are non-nationals or of immigrant origin have clearly increased over time. In the Netherlands, even the openly anti-

Islam party of Pim Fortuyn made sure it had candidates of immigrant origin on its list for the 2002 national elections.

However, the answer is less clear if one defines integration in normative or emotional terms and cares more about immigrant attitudes than immigrant behavior. If the decisive question is “Have immigrants have become more like us?” then those who vote for candidates of their own immigrant group may not be considered sufficiently integrated. Of course, this voting behavior may perfectly express an essential element of democracy: every individual can vote for the representative that in his or her personal view will best understand and represent the interests of all voters.

Are immigrants with local voting rights more likely to join political parties, trade unions, and other (community) associations than immigrants without voting rights? Cross-country comparative research can best answer this question. Although this type of research is not yet available, a recent Swiss study has compared the political activities of immigrants in Neuchâtel (where they have voting rights) with immigrants in Zürich (where they have none). The first results indicate that having voting rights encourages immigrants to get involved in other political activities (Giugni 2007).

Immigrants who have the right to vote and use it will probably be more active in political parties and other associations; this is similar to the correlation between voting and active citizenship among nationals. The observation of an Irish expert that “the experiences of those who stood for election, as well as those of the electorate which voted for them [was] an invaluable learning experience and a preparation for national politics” (Éinrí 2007), may apply to other European states as well.

In some EU Member States, third-country nationals do not have the right to vote, but they have the right to form associations, establish political parties, or become members of an existing party; this is possible in France, Germany, Greece, Italy, Poland, and Spain. On the other hand, in Lithuania and Slovenia, long-term resident non-nationals have the right to vote in local elections but not the right to join a political party. Such restrictions will not enhance active citizenship.

Immigrant Political Parties?

The fear that immigrants would establish their own parties has turned out to be largely unfounded. In the Netherlands, some immigrant parties participate in each municipal election, but they rarely obtain enough votes for a seat in the municipal council. Most immigrant politicians and voters apparently see a path to political power through participating in traditional (Dutch) parties or voting for those parties. Ireland presents a striking example: a group of 60 asylum seekers founded a local branch of Fianna Fáil, Ireland’s largest political party (Éinrí 2007).

In most countries, immigrants have different homelands and religions, and not all belong to the same social class. This heterogeneity severely reduces the chances of immigrant parties, even in countries with a system of proportional representation. Countries with an electoral system less favorable to small parties (countries in which the candidate with the most votes wins or countries that require a party to have a minimum percentage of all votes), provide an

even greater incentive for immigrant voters to vote for and participate in existing political parties. Special immigrant parties under such systems only rarely win a seat in the municipal council.

Influence of Foreign Governments?

Governments of immigrant-origin countries have rarely tried to openly influence the way their nationals or co-ethnics vote. Exceptions to this rule have received quite critical press attention, for example in 1986, when King Hassan of Morocco attempted to influence Moroccan nationals in the Netherlands. The king advised them to abstain from voting in the first municipal elections of the Netherlands in which non-nationals were allowed to participate (“You cannot walk behind two flags”). It was also the first time that a large number of Moroccan nationals could vote in a European country. The king’s appeal contributed to a low turnout of Moroccan voters. In later elections, however, King Hassan advised Moroccan immigrants in Europe to use their democratic rights.

Voting Rights and Naturalization

None of the countries with local voting rights have seen naturalization numbers decline. In the Netherlands, the annual number of naturalizations quadrupled from 20,000 in 1986 to 80,000 in 1996, in the decade after the country had granted municipal voting rights. Most probably, other variables determine the decision to become naturalized. These include the loss or the obligation to give up the original nationality, high fees, difficult language and integration tests, emotional ties to the country of origin, or the loss of property and inheritance rights in that country. Immigrants weigh such barriers and disadvantages of citizenship against its perceived advantages, such as visa-free travel, free movement in the European Union, full voting rights, and access to public-service jobs reserved for nationals.

In an early 1990s study on why immigrants in the Netherlands decided to become naturalized, two-thirds of those interviewed said that secure legal status and full voting rights were important factors in their decision. Only visa-free travel was mentioned more often (Vanden Bedem 1993). Local voting rights, apparently, are not a barrier, but rather function as an incentive to become naturalized. Therefore, policymakers should see local voting rights and naturalization as complementary measures.

Immigrant Political Power Becomes Visible

During the Dutch municipal elections of March 2006, immigrant voters turned out in large numbers to express their discontent with the anti-immigrant politics (personified by then Immigration and Integration Minister Rita Verdonk) of the center-right government. Press reports and empirical research indicate that the Social Democratic Party won the local elections in Amsterdam and Rotterdam mainly because of immigrant voters, both naturalized and long-term residents. Another consequence: the openly anti-immigrant party in Rotterdam lost its councilors.

The immigrant vote also affected the elections of January 2008 in the German federal state of Hesse. The Christian Democrat leader Roland Koch (CDU) openly played on anti-immigrant sentiments in the final phase of his campaign. His party lost 12 percent of the votes and their overall majority, beating the Social Democratic Party (SPD) by a margin of only 3,500 votes. The eligible Turkish-German electorate in Hesse, estimated at 70,000,

could well have decided the outcome in such a close election (*Süddeutsche Zeitung*, 29 January 2008 and *Migration und Bevölkerung*, February/March 2008: 2).

In both countries, leaders of traditional parties became aware that while anti-immigrant agendas will attract some voters, they cannot discount the importance of immigrant voters either. In the Netherlands, immigrants make up between ten and 15 percent of the electorate; the percentage may be even higher in major cities. In cases where the major parties are almost of the same size, the immigrant vote may decide elections. The outcome of the Dutch municipal elections in 2006 could be considered as proof that granting local voting rights has contributed to immigrants' political integration. For those who worry about including immigrants in society, this development may well confirm their worst fears.

Policy Recommendations

1. The European Union should not aim to formally harmonize national voting-rights laws through binding EU law. The European Union has no legal competence with respect to voting rights of third-country nationals. Moreover, any EU action on this issue should respect the cultural, demographic, historical, constitutional, and political diversity of the Member States.
2. Harmonization on this issue can only succeed through "soft" methods of coordination, namely through consultations between Member State representatives on the issues of political rights and nationality law, and through the exchange of experiences and recommendations. The issue of nationality law, if only because of its relationship to free movement law, will inevitably appear on the EU agenda. It was already the case at the European Council in Tampere. The Nordic Union model offers a way to reach a consensus.
3. A systematic survey of the available empirical evidence on local voting rights and their effects on the 17 European countries that have already granted these rights could serve as a basis for rational discussion in Europe and elsewhere, including North America.
4. States that do not allow immigrants to vote in local elections would probably need to amend their constitutions to permit such rights. This is a difficult process. States could pass this type of amendment more easily if they package it with more general changes in the constitution.
5. Starting a structured debate on voting and other political rights for immigrants, irrespective of their nationality, could shift the restrictive tone of "integration policy" toward the inclusive principles that have governed the (E)EC since 1957. Secure residence rights and equal treatment encourage immigrants to integrate.
6. States should be discouraged from using reciprocity requirements or agreements because reciprocity places non-nationals' democratic involvement in the hands of (possibly undemocratic) governments in the countries of origin. Moreover, reciprocity results in unequal treatment of resident third-country nationals that is politically hard to justify and that makes states vulnerable to charges of discrimination based on nationality.
7. Restricting voting rights to those with permanent residence status should be avoided, because several countries severely restrict access to permanent resident status

- through strict language and integration tests or grant the status only to certain ethnic groups.
8. States should base voting rights on length of residence in the country and not on the decisions of immigration authorities. Long lawful residence (three to five years) has proved to be an acceptable and easy-to-administer condition; this approach avoids administrative burdens and obstacles as well. Residence is the sole condition, beyond what is required from nationals, which the 1992 Council of Europe convention provides for.
 9. Consultations in EU bodies should not be restricted to voting rights, but also cover other political rights of resident third-country nationals, such as the right to join or establish political parties or other associations, trade union rights, access to public service, etc.
 10. The EU Council of Ministers should encourage Member States to ratify the 1992 Convention on the Participation of Foreigners in Public Life at the Local Level.

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