



Japan Local Government Centre, London

Monthly Report February 2010 (Germany) – Elections to Local Residents' Councils in NRW on 7 February 2010

There is already a long-standing tradition in German cities to establish a voluntary panel representing foreign residents – the first sprang up in the 1970s. In those days they were mainly established as a forum for the so-called 'guest workers', immigrants invited to work in industries such as steel making and manufacturing, who were predominantly from Turkey and Italy, and where the assumption was that most would return to their country of origin after a period of time. These panels were meant to represent foreign residents' interests and inform the local authority of their needs. In the 1990s a number of states introduced legal rules for the establishment of such panels or bodies. In North-Rhine Westphalia, when the local government law was substantially revised in 1994 a paragraph was introduced which regulated the establishment of advisory councils representing foreign residents, called 'Ausländerbeirat'.

Following a decision by the EU Council of Ministers in 1994, residents from EU member states gained voting rights in local elections. This has been incorporated into the local government laws of each German state, and it has to be noted that since that time, the interest in foreign residents' panels has declined, as increasingly low turnout demonstrates. However, turnout among EU citizens in the normal local elections tends to be very low as well, mostly below 10%. De facto, EU citizens enjoy double representation at the local level: they have the ordinary vote as well as being able to vote for the councils representing foreign residents – however this is not regarded as problematic, because foreign residents' councils have an advisory and not a decision-making role.

North-Rhine Westphalia, which has a high proportion of foreign residents of 10.8% (2004; of a total population of nearly 18 million), due to the former labour-intensive mining and steel-producing industries, augmented by more recent migration from EU countries as well as from people with German ancestry from the former Soviet republics. Some time ago it has been recognised that the foreign residents' panels have lost in appeal and have a very low profile. In order to revitalise them and increase their visibility, in 2004 a number of cities decided to change their name and role, making use of the 'freedom to experiment' clause which was introduced into the local government law in 1998. Changing the name from 'foreign residents' advisory council' to 'integration council' (Integrationsrat) aimed to signify an increase in importance. Following amendment of the local government law in June 2009,

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Paragraph 27 now makes the establishment of such an elected integration council in every municipality which has a minimum of 5000 foreign residents mandatory, while in a municipality with a minimum of 2000 foreign residents an integration council must be established if more than 200 of those eligible to vote for it submit a demand. All other municipalities can choose (by vote of the full council) to establish an integration council or not; it is also possible to establish a slightly different 'integration committee'. The difference between an 'integration council' and an 'integration committee' is that in the integration council, the majority of members have to be directly elected representatives with only the minority being members designated by the city council, while for the 'integration committee' (which is regarded as being closer in nature to a council committee) the majority of members must be designated council members, with the remainder chosen in direct elections. Each municipality can decide on the exact composition of its integration council or integration committee, as well as the date on which the election takes place. It is also possible to have both an integration council and an integration committee, which is regarded by some activists as the most effective solution to promote the interests of residents with a migratory background.

Every foreign resident who has been in Germany legally for more than a year and has his or her main residence in the municipality for a minimum of 16 days before the election date, and also people who have become German citizens up to five years ago, can vote. The minimum age is 16. Foreign residents who are members of overseas forces posted in Germany, embassy and consular staff as well as asylum seekers are excluded from the vote.

Everyone can stand for election – this is not confined to non-German residents.

Since the early years of the new millennium, the representative body of all the municipal foreign residents' advisory councils in NRW (LAGA – Landesarbeitsgemeinschaft der kommunalen Migrantenvertretungen in NRW) has promoted the legal requirement of establishing an integration council and to unify the elections on one date. The elections in 2010 were the first after the introduction of the legal requirement for integration councils and had therefore an increased importance and visibility, and on recommendation of the representative local government organisations, LAGA and the Land government, the municipalities were strongly advised to have the elections on the same date, the 7th of February. By having such a unified election date, the visibility of the elections is much higher. Although the majority of municipalities with integration councils conducted elections on this day, there are some where the elections will take place on later dates.

Turnout in these elections was on average 11.6%; however turnout varied considerably between locations. Highest turnout was recorded in Harsewinkel (a small town of ca. 24.000 inhabitants in the Münster region) with 33.93%, while large cities had a lower turnout. The state capital of Düsseldorf (pop. 584.000) only recorded a turnout of 4.67%.

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