Rule of Law vs Rule of the People?

... or: what means integration?
Outline

- General Overview
- Path to Integration
- Disputing Integration (and Multiculturalism)
- Effects of Federalism
- Conclusion
General Overview

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- According to FOS:
  - 23.7% of 7.4 Mio Population is foreign born
  - 20.5% are foreigners (1.5 Mio)
- No immigrant integration policy until the 1990s
- Contentious topic since the 1960s
Path to Integration

- Path to the new Foreigner’s Law
  - Before WW I, immigration was the responsibility of the cantons to conform to bilateral agreements

  - 1931: Law on Residence and Settlement (ANAG) > Federal Aliens Police could implement immigration policy at discretion

  - Concern on the degree of “over-foreignization”

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Path to Integration

- Post-war Labour Migration starts 1946
  - 1950: 6% of Tot Pop;
  - 1960: 10.8%;
  - 1970: 17.2%;
  - 1980: 14.8%;
  - 1990: 18.1%;
  - 2000: 22.4%

- To ensure no permanent residence: rotation model (did not work until 1973)

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Path to Integration

- 1990s: Economic recession, no rotation possible, high rates of unemployment to be handled by cantons and municipalities
- Discussion of a new migration regime: combine needs of new economy with migration control
- Concept of integration won acceptance in the 90s, rotation and assimilation was seen as not adequate
- Integration connected with urban development (city guidelines) > new buzz word to shape immigrant policy
Path to Integration

- Dualization of Admission and Labour Policy as a new migration strategy
  - Bilateral Agreements with EU / new Alien Law (AUG) for third country nationals
  - No preference for nationals with regard to EU, no regional and sectoral labour policy
  - Coordination of Migration policies within the administration
Disputing Integration

- Concept of Integration wins acceptance, particularly in urban areas

- Swiss alien policy adapted and considered integration as prerequisite for achieving a politically and socially sustainable immigration policy

- But: implementation is a cantonal affair. Still low degree of coordination. A lot of space for manoeuvre in Cantons.
Disputing Integration

- Contention persists
  - Liberals: Integration as a means to encourage participation
  - Conservatives: need of mandatory and coercive measures, fighting abuses, demanding a specific set of behaviours

- 1st phase (2001): Support of integration projects, 12 Mio CHF per year for language and integration courses, training for community leaders
  - Cantons and larger municipalities have own integration programmes and responsible offices
  - Involvement of civic organizations and actors from immigrant communities
  - Emphasis on encouragement to integrate

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Disputing Integration

- 2nd phase (New Immigration Law 2008):
  - Migrants have to fulfill certain criteria to facilitate their integration
  - Permanent residents required to integrate professionally and socially
  - Those who fail can be deported
  > related to low skilled migrants

  - Level of education and qualification interpreted to improve integration
  - Avoiding errors of the past
  - Immigrant’s duty to make every effort necessary to facilitate their integration
  - Integration has undergone politicization in public discourse. Dismantling of obstacles do not play role in public discourse:

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Effects of Federalism

- Succeeded in accommodating traditional linguistic and religious diversity

- But it means also different implementations of common policies (see education, naturalization)
  - Discrepancies in formative approaches with different results
  - Some promote, other do less to promote and expect assimilation.
Effects of Federalism

- Political Devide:
  - Innovations dependant of the political culture.
    - Western Part: system referring to political rights (citizenship)
    - Eastern and Southern Part: system referring to belonging
  - Contention of a liberal orientations
    - Federalism (Cantons can influence Decision making process, Securing loyalty important)
    - Direct Democracy (Veto power of strong mobilizing groups)
Conclusions

- Cantons and political actors have high degree of organizational and political autonomy
- Cantons can use autonomy to experiment with various approaches influencing decision making at federal level
- If perceptions in cantons change, federal level has to accommodate.
- Cantons have enough space to manoeuvre and do not have need to share common approach
- It has to be researched, if change in discourses mean changes in practices
Conclusions

- Integration policies have not proceeded evenly in Switzerland:
  - Transnational Nation in the French part, “republican” in the German and Italian part
  - Future conflicts between partisans of Rule of Law and supporters of popular sovereignty (Citizenship, Religious Freedom)
    - Ongoing struggle of those who wish unlimited sovereignty of the people
    - Unbound form of Majority Rule?
Conclusions

- Creation of horizontal and vertical coordinative institutions at federal and cantonal levels
- Each canton and municipality disposes of delegates
  - Systematic comparison of integration activities, their insertion in the institutional structures
  - Coordination of the integration policies
  - Evaluation of steering instruments
- Whereas the political discourse converges in more restrictive demands, many practitioners in cantons and cities are valorizing the achieved and well working instruments
Yesterdays voting

- What is the political meaning?