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Direct democracy, racism and the extreme Right

How can governments encourage more of the population to get involved in the democratic process? This is the question currently on the lips of politicians and civil servants across Europe. And the solution is found in 'direct democracy'.⁽¹⁾ European politicians want to counter growing voter apathy and political cynicism by giving citizens more opportunities to vote on important issues and have their voices heard. Thus, under the European Citizens' Initiative of the Lisbon Treaty, if the signatures of one million EU citizens are gathered from a significant number of member states, then the petitioners will be able to present a legislative or treaty amendment, and invite the Commission to act upon it. (It is what is known as an 'agenda initiative'; citizens have the opportunity to present a proposal, but the legislature decides whether to act upon it.) And here in the UK, the New Labour government has placed a duty on local authorities to respond to petitions and tell residents what action will be taken. According to Communities and Local Government Secretary John Denham, this is all part of a move to give 'people power real teeth so people know it's worth taking the time to make their point and get things done'.⁽²⁾

But what if making your point is about seeking policy change that institutionalises discrimination or racism? What if those who want to make their point, represent the majority and are campaigning, for instance, to preserve traditional family values against the Gay community, or fighting, on a kind of 'natives first' ticket, for the preservation of the monocultural, mono-faith society from religious minorities, Roma or refugees? If petitioners set out with questions that are aimed at overturning the inalienable rights of minorities, guaranteed under international or constitutional law, then surely democracy can only be preserved if minority rights are respected in the way petition-questions are framed? And if we don't do more to evaluate the questions asked, isn't there a danger that 'direct democracy' will emerge as little more than the 'tyranny of the majority'?

Since the 1990s, a huge number of petition-attempts and referenda – many of which have been made in Switzerland with its unique model of plebisci-

tary democracy⁽³⁾ – have fallen under precisely this rubric of enshrining majority rights. The banning of the construction of minarets following the November 2009 referendum in Switzerland throws into stark relief the dangers ahead. As a result of the referendum, Article 72 of the Swiss Federal Constitution, regulating relations between the state and religion, was amended to include the statement: 'the construction of minarets will be forbidden'. Many in Switzerland are asking why the government allowed a people's initiative that was contrary to the values of the Swiss Constitution and international law to take place in the first place. The referendum could have been avoided if the government had made use of a legal instrument that allowed it to declare invalid a people's initiative, before a vote is held, if it violates 'peremptory norms' (ie norms which are obligatory under international law).⁽⁴⁾

Immigration and the 'people's will'

As far back as the 1970s, far-Right and populist politicians began to press for referenda on immigration. In the UK, Enoch Powell, calling for the induced repatriation of Asian and African-Caribbean immigrants, attacked politicians for their failure to consult with the British people when they encouraged immigration in the first place. Powell was not alone in whipping up racism against new arrivals. In 1970, the Swiss far-Right politician, James Schwarzenbach (also a publisher of fascist and anti-Semitic tracts) formed the Action Committee against the Foreign Domination of People and Homeland. Schwarzenbach called for a referendum on what he described as the *Überfremdung* (excess of foreigners) which, if it had been successful, would have led to the deportation of 300,000 foreign workers (mostly Italian) over a period of four years. With the largest turnout of voters for decades (75 per cent of the electorate), Schwarzenbach's 'people's initiative' was defeated, but only by a very narrow margin (45 per cent of voters were in support). Disturbingly, Schwarzenbach's secretary in those days, Ulrich Schlüer, is now an MP for the Swiss People's Party (SVP) and co-president of the Stop the Minaret movement.

The Schwarzenbach initiative, as it came to be known, was the most significant development until

1998. Then, a frightening precedent was set in the small southern Swedish town of Sjöbo. Sven Olle Olsson, the local chair (later expelled) of the mainstream Centre Party, called for a referendum on whether a small town like Sjöbo should continue to provide shelter for refugees. Some 67 per cent of the electorate voted in favour of keeping refugees out. Overnight, a little-known Swedish town with a population of just a few thousand had become the site of a symbolic victory and a rallying point for European Nazis who could now argue that its demands were not extremist, but mainstream. In the campaign to stop the referendum, anti-racist protesters drew a historical parallel: a similar question if put during the second world war would have meant asking for Jews fleeing Nazism to be sent back to the gas chambers.

Following Sjöbo, the organising of petitions and calls for referenda became more and more a tactical feature of far-Right campaigning, helping to create a climate of fear and intimidation, particularly towards asylum seekers and refugees. For citizens' initiatives that start from a basis of hate (whether it be against immigrants, Roma or Muslims) result in more hate. As Stefano Allievi argues in his important documentation of conflicts over mosques in Europe, such citizens' initiatives are not simply rhetorical exercises, without consequences. The same forces that sponsor referenda are also behind the threats, and directly or indirectly encourage acts of violence.⁽⁵⁾

Thus, in the 1990s, Switzerland and Sweden in particular, where the People's Will Against Mass Immigration was formed, were susceptible to the petitioning of small locally based anti-immigration movements and citizens' initiatives. In other European countries, strong anti-immigration electoral parties, some of which were linked to the extreme Right, were capitalising on the electorate's fears about immigration – from the Northern League and the Alleanza Nazionale in Italy, to the Danish People's Party, the List Pim Fortuyn (Netherlands), the Freedom Party (Austria), Front National (France) and the Progress Party (Norway). Governments, whether of the centre-Left or centre-Right, became frightened that they would be swept out of power by the populist drive against immigrants and asylum seekers – and the argument grew that the only way to stop the extreme Right was to steal their electoral clothes, by taking a hardline approach to immigration and asylum issues. In the process, many politicians seemed to imbibe far-Right arguments – to the extent that in France analysts began to talk about the

LePenisation of the immigration debate.

In the summer of 1992, for example, in Hautmont, a small town in the Nord Pas de Calais region of France, with a declining manufacturing base and rampant levels of unemployment, it was the local mayor, Joël Wilmotte, a former Socialist running on an independent ticket, who initiated a referendum. Wilmotte sent out an information pack to residents which implied that the commune's problems – housing shortages, crime, high levels of social welfare – were due to the large number of North African families who had taken advantage of family reunification policies (18 per cent of Hautmont's residents were of North African origin). He then put to referendum the question: 'Your mayor has decided to highlight before the public authorities the problems that have been observed in the territory of Hautmont. Do you agree with this decision?' There was a high turnout for the referendum, with 87.1 per cent of voters supporting Joël Wilmotte. But when the administrative court in Lille later declared the referendum invalid on technical grounds (the question had been asked in the wrong way), voters expressed feelings of betrayal.⁽⁶⁾

The use of referenda and petitions against asylum seekers and refugees

While the tactic of using petitioning, or citizens' initiatives referenda (see footnote three) to stop the permanent settlement of post-war immigrants or restrict their rights was to continue (see p 4-5), from the mid-1990s onwards there was a concerted attempt by the extreme-Right parties to shift ground to the more fertile territory of the asylum system. The Sjöbo referendum had shown that, at a local level, asylum was a very potent issue indeed, and with national governments increasingly following a policy of dispersal, asylum seekers became the primary victims of citizens' initiatives and the violence and hatred such initiatives generated.

From the late 1990s, with asylum seekers being dispersed to special accommodation centres throughout Europe, racist attacks against asylum seekers were to escalate in direct proportion to the number of citizens' initiatives and petitions launched to drive the asylum seekers out of local communities. Citizens' initiatives and hate campaigns were particularly prevalent in more rural areas (the traditional focus of such campaigns had previously been the Gypsy and Traveller communities). No more so than in the Netherlands, where local anti-asylum committees were the forerunners of the anti-immigration and Islamophobic parties which were later

to emerge around the maverick politicians Pim Fortuyn and Geert Wilders. For instance, in 1999, as soon as local authority plans to build a reception centre for 400 asylum seekers on a nature reserve became known, the Oostzaan action committee was formed, with 2,000 of the 8,700 local residents immediately signing the petition against the centre. The campaign also involved threats to town councillors.(7)

Like the Netherlands, Ireland also saw an outpouring of hate following the announcement in 2000 that the government would meet the accommodation needs of asylum seekers by introducing a national dispersal system. There was instant opposition, the circulation of petitions and angry scenes at protest meetings around the country, with one proposed centre being the subject of an arson attack. No unified extreme-Right movement emerged in Ireland out of the myriad of locally-based anti-asylum campaigns. The pattern in Ireland was that hostility against refugees became overlaid on an older fabric of rural racism, previously vented at traditional outsiders, or socially excluded groups like Gypsies and Travellers.

But in other countries it was the extreme Right that took the lead.

■ At the end of 1992, Jörg Haider's Freedom Party launched a 12-point 'Austria First' petition demanding that Austria's borders be immediately closed to political asylum seekers and immigrants and that Austria's constitution be amended to state that 'Austria is not a country for immigrants'. By February 1993, it had been signed by 417,000 people, triggering a parliamentary debate.(8)

Likewise, in Switzerland, it was the far Right which, until the 1990s, sought to manipulate people's initiatives against asylum seekers and immigrants. But in 1995, the federal government decided to put a stop to far-Right mischief-making by preventing a people's initiative from being put to referendum. In that year the Council of States, a chamber of the Swiss federal parliament, rejected a people's initiative 'For a reasonable immigration policy', submitted by the far-Right Swiss Democrats, on the ground that it would contravene international law, in particular the *non-refoulement* principle, whereby asylum seekers cannot be returned to countries where they would be in danger.

But by the late 1990s, a new, and seemingly more respectable, anti-immigration electoral party had emerged in the form of the SVP. Traditionally a party rep-

resenting the interests of farmers, the SVP merged with the Swiss Democrat Party in the 1970s. But it was only in 1999 that it really made its mark, winning 23 per cent of the total vote and so tying with its Conservative rivals, the Radical Democrats. Its electoral breakthrough had been fashioned on the successful manipulation of people's initiatives against immigration, asylum seekers and foreigners. Prior to September 2001, there were at least six attempts to restrict immigration, most made with the SVP's backing. While all failed (sometimes by the narrowest of margins), they were not without influence: no mainstream political party could afford to overlook the potency amongst the electorate of the immigration issue.

■ The SVP spent millions of Swiss francs on its people's initiative to bar those who arrived without documents from seeking asylum (in contravention of Article 31 of the Geneva Convention) and to bar asylum seekers from working. The referendum, held on 1 December 1996, was narrowly rejected, with 53 per cent of voters and twelve out of twenty-three cantons voting against the proposal on a low turnout (45 per cent). Federal justice minister Koller claimed that the tight result showed that 'many citizens feel the number of foreigners is too high' and promised to continue to reduce them.(9)

■ In the autumn of 1999 the SVP launched a petition for a package of urgent measures in the asylum area. A committee of NGOs was formed to oppose the referendum. In the subsequent Swiss general election of October 1999 the SVP, which had few local organisers and a highly centralised campaign, made its most significant electoral breakthrough, and declared that the 'people have rewarded us for our policy, namely fighting the abuse of asylum law and reforming state finances with tax cuts'.(10)

■ On 24 November 2002, yet another national referendum inspired by the SVP, aimed at drastically tightening the asylum law, produced one of the closest results on record in Swiss history – 50.1 per cent of voters said 'no' to the referendum that, if passed, would have meant that anyone who entered the country from a so-called 'safe country' would have been summarily expelled without the right to an asylum hearing. (This would breach Article 14 of the Universal Declaration of Human Rights, which guarantees the right to seek asylum.) The Federal Commission Against Racism said that the run-up to the referendum corresponded with an increase in obviously racist articles in the smaller regional newspa-

pers, with African asylum seekers typecast as drug dealers.(11)

Another country where immigration has been a potent issue, and where 'people's power' has been mobilised by the extreme Right, is Italy. Under the Italian system of direct democracy, at least 500,000 signatures must be collected within a three-month period to force a referendum on a particular law. Furthermore there is a very high turnout quorum (around 50 per cent), which means few referenda are successful. Nevertheless, the Northern League and the Alleanza Nazionale, although not ultimately successful, were not averse to using this tactic throughout the 1990s to campaign against asylum seekers and migrants, leading to an increase in hate crime. Today the extreme Right's principal targets are mosques, minarets and Muslims.

Citizenship and residence rights: secret ballots and referenda

The success of campaigns against asylum seekers was not enough for the extreme Right. For central to post-war extreme-Right politics in Europe was the policy goal of induced repatriation of non-white post-war migrants. So while crude campaigns against non-white migrant workers increasingly became socially unacceptable, the extreme Right began to think of different ways in which to campaign against the 'foreign migrant worker'. If it were not possible to ensure that the Moroccan, Algerian, Turkish or other *gastarbeiter* were to remain without status and rights (the situation in the UK was different as the new migrants generally had citizenship rights), then the extreme Right would guarantee the privilege of 'natives' over newcomers by promoting citizenship initiatives aimed at restricting foreigners' access to citizenship status or welfare rights. No more so than in Switzerland, whose unique form of direct democracy lent itself precisely to this form of nativist politics.

Until the late 1990s, another unchallenged feature of the Swiss model of 'direct democracy' was the practice whereby applicants for naturalisation were approved by a secret ballot of local citizens. Already in 1994, the Swiss Free Democrat Party and the Swiss Democrats had launched a people's initiative to limit the number of foreigners allowed residence permits to the number of people emigrating from Switzerland. And in June 1994, as the problem of the lack of status of second- and third-generation migrant youths came to the fore, the Swiss voted against a federal people's initiative which was aimed at easing the passage to naturalisation

for young foreigners under the age of 24 who had lived in Switzerland for a minimum of six years. (Some cantons, such as Neuchâtel and Jura, sought to get round this negative vote by introducing 'facilitated naturalisation' into the cantonal law.)

Backed by people's power, the Swiss restrictive approach rolled on until 1997. It was the highly controversial and unmistakably racist decision of the inhabitants of Emmen to reject en masse all naturalisation requests from applicants from the former Yugoslavia that was to force the government to review and set limits to the secret ballot aspect of direct democracy. For the Emmen vote not only attracted the attention of the UN, which attacked it as a violation of the UN Convention Against Racial Discrimination, but there was compelling evidence that unless the government acted decisively, overt discrimination, as in Emmen, would become the norm across Switzerland. Research by the Federal Commission indicated that Muslim applicants for naturalisation from the Balkans and Africa were the most likely to be rejected.

■ The depressed Lucerne industrial suburb of Emmen set an alarming precedent when it rejected the applications of 48 out of 56 people requesting naturalisation, despite a recommendation from the local authority that all should be accepted. All applicants from the former Yugoslavia were refused. The SVP – which was the inspiration for the 'people's ballot' – pressed for the Emmen initiative to be repeated across the country, but after much deliberation the State Council eventually rejected the Emmen referendum on the ground of its wholesale rejection of the citizenship applications of Balkan applicants.

■ The Federal Commission Against Racism and the Foundation for the Future of Swiss Travellers responded with dismay to the results of a referendum held in Versoix, an area in the Sarine. The local authority planned to rehouse 300 Gypsies and Travellers, many of whom had worked in the fairground industry since the 1970s and had lived for thirty years on a caravan site situated on land, without sanitation, bordering the river. But the local community voted against the rehousing of Gypsies and Travellers, leading the Federal Commission Against Racism to issue a strong statement pointing out that the outcome of the referendum was to institutionalise discrimination. The Commission said that in Versoix, as in Emmen, the issue should never have been put to the public vote.(12)

■ Prior to a secret ballot on naturalisation applicants in Schwytz, anonymous tracts were circulated alleging that standards for naturalisation were being lowered and attacking all naturalisation candidates who were not Christians.(13)

By 1997, the Swiss federal government had agreed to end the secret ballot system. And in 2003 the Federal Court upheld the new government approach, also introducing a right of appeal against a negative decision in a bid to avoid arbitrary decision-making. The SVP immediately sought to mobilise against the decision by launching the 'people's initiative for democratic naturalisations', arguing that it is the inherent democratic right of Swiss communities to decide who can and cannot be Swiss.(14)

While the Swiss system of secret ballots was unique, Switzerland was not the only country that resorted to the referendum tactic in a bid to restrict citizenship. In Italy, the Northern League sought to collect signatures to force a referendum to repeal legislation that increased non-EU citizens' residence rights and access to social services.

But in Ireland and Germany, it was the centre-Right parties that took the lead in gathering signatures and attempting to force referenda on citizenship issues, though in both countries it was more a question of setting limits or dismantling progressive citizenship policy.

■ In Germany, in February 1999, the Christian Democrats (CDU) and the Christian Social Union (CSU) launched a national petition campaign against the Social Democrat government's proposed citizenship reform, which would have granted automatic citizenship rights to all children born in Germany as long as one parent was German-born, and would have allowed for dual citizenship. The CDU and CSU argued that the proposed citizenship reform was a violation of the German Constitution and that the Federal Republic was not a country of immigration. They gathered one million signatures in just one month. In February, largely due to the success of the petition campaign, the Social Democrats and Greens lost control of Hesse, and the subsequent loss of its majority in the Bundesrat (the upper house which represents Germany's 16 federal states) meant it was forced to water down the proposed citizenship reform.(15)

■ In Ireland all constitutional amendments are subject to mandatory referendum. Thus in June 2004, the government initiated a referendum to approve its plan to

remove the automatic right of citizenship of children born in Ireland or the neighbouring British territory of Northern Ireland, that had been written into the Irish Constitution as part of the 1998 Good Friday Agreement. Sixty per cent of voters in the referendum (held on the same day as local and European elections) approved the government policy on an 80 per cent turnout. NGOs formed the Campaign Against the Racist Referendum, and criticised the government for an 'ill-conceived referendum' that had only served to generate racism. Prior to the referendum, Ireland had been the only EU country to grant citizenship to anyone born in the country regardless of where their parents came from. The government had insisted the change was necessary, arguing that Ireland had become a destination for pregnant mothers who migrated there in order to give birth to their children so that they would be entitled to EU residence and welfare benefits. The Irish referendum was criticised for the speed at which it was held, resulting in the bypassing of processes that allowed for consultation and analysis of issues prior to legislative change. A particular criticism was that not enough thought was given to political considerations to ensure that the referendum did not generate racism.(16)

Now, following the success of the Swiss referendum on minarets, we will undoubtedly see a return of petitions and referenda on the question of immigration and/or citizenship rights.

■ At the beginning of January 2010, Jean-Marie Le Pen called for a nationwide referendum on curbing immigration, which he described as France's number one problem, causing a massive 'burden on France's lifestyle, its finances, its security, its unemployment and schools'.(17)

Citizens' initiatives against mosques and minarets

The extreme Right had repeatedly tried to restrict the rights of Europe's new minority ethnic communities. But after the events of September 11, and the subsequent rise of Islamophobia, it turned towards a new strategy that it believed guaranteed ultimate success, shifting the goalposts from attacking ethnic minorities per se to attacking Muslims and Islam. From 2000 onwards, the extreme Right began to manipulate and promote citizens' initiatives that were aimed at preventing the building of mosques and minarets in local communities. By so doing, it sought to establish once and for all that the civil rights of Europe's ethnic minorities (and the right to practise one's religion is a civil right) had limits. John

Dalhuisen, a researcher on discrimination in Europe for Amnesty International, is examining these trends. He told us that 'popular initiatives aimed at minorities' enjoyment of human rights – such as the freedom of religion or expression – effectively transform these rights into privileges. Once subjected to a popular vote, the minority's enjoyment of a supposedly inalienable right becomes conditional on the consent – on the largesse, if you like – of the majority.' Dalhuisen's concern is reiterated by Stefano Allievi, who argues that the growing opposition to mosques is a material sign of the majority's dominance and power over territory. (18)

To date, the Swiss referendum banning the construction of minarets is the only case where the constitution of a country has been changed to restrict the religious rights of a religious minority. But at a local level, citizen pressure has had much the same effect. It is used as a means to convince Muslims not to ask for too much in terms of visibility and space. And once again there is a palpable link between these citizens' initiatives, hate campaigns and racist violence. Citizens' initiatives against mosques have been on the rise in Germany since at least 2007.

■ In 2007, a particularly vicious campaign against a proposed new mosque was launched by Pro Cologne, an extreme-Right group with five seats on the local council.(19) Pro Cologne's campaign, which was led by former members of far-Right and neo-Nazi parties, was to lead to ugly demonstrations that attracted the extreme Right from across Europe. There were also spin-offs to similar campaigns formed in at least a dozen other cities, with the launch of a new political party, Pro North-Rhine Westphalia. Neo-Nazis were involved in some of these campaigns, and in Hessen the Republikaner launched a petition calling for a referendum to consider whether minarets should be banned.(20)

■ In Frankfurt in 2007, even before a building application was submitted, an action group was formed to oppose the Turkish-Pakistani Hazrat Fatima Community's plan to build a mosque in a commercial complex in the Hausen district of Frankfurt. The neo-Nazi NPD then got involved, leading the Römerberg Alliance (comprising representatives of the Catholic and Protestant churches, the Jewish community, trades unions etc) to denounce neo-Nazi attempts to hijack the dispute about the mosque. After the local authority gave the go-ahead for the mosque, the action group, now calling itself Hausener Citizens' Concern (BFF), continued

its campaign, also highlighting the high proportion of migrants at a local school. A xenophobic and anti-Semitic online hate campaign was launched against a Green councillor of Iranian origin and her Jewish husband, who had spoken out against the BFF. The couple were bombarded with threatening emails, some calling the Green councillor a 'bitch' and 'whore' and others asking her to 'return to your Mullah country, where they will stuff your mouth with the headscarf'. She was threatened with being 'stoned in her garden'. Articles appeared online emphasising that her husband 'is a Jew', adding that 'psychoanalysis is a typical Jewish profession'. A touched-up photo showed her husband with a hooked nose.(21)

Another country that has seen a huge increase in the number of citizens' initiatives against mosques is Italy. Stefano Allievi has shown how the Northern League had made the attack on Islam its leitmotif. The epicentre of its anti-Islamic campaigns is the Veneto region, particularly Treviso, where the Northern League mayor has gained an international reputation for policies that restrict the civil rights of Muslims.(22) Northern League campaigns are linked to an increase in threats and violence and discrimination against Muslims.

■ In September 2000, in Lodi, near Milan, a fierce and controversial anti-Islamic campaign was provoked by the decision of the Catholic Popular Party mayor to grant land owned by the city, for a symbolic rent, for the construction of a building to be used as a mosque. The opposition campaign was conducted by the Northern League and, in addition to offensive slogans, it included the sprinkling of 'Padanian pig urine' over the land.(23)

■ At the end of 2006, residents of Colle Val d'Elsa, a town of 14,000 inhabitants near Siena, Tuscany, opposed the construction of a mosque by launching a 4,300-strong petition, which was rejected by the local authority. In one incident a severed pig's head was thrown at the entrance to the building site. The Northern League MEP Mario Borghezio also visited the area dangling pork sausages.(24)

Since the general election of March 2008 the Northern League has controlled the interior ministry from where it 'issues guidelines to local authorities in favour of referenda, for instance, in the case of the construction of Islamic places of worship, or proposing moratoria on mosques and minarets.'(25) At a local level there is no obligation to accept such guidelines, as they are not legislation, but it is clear that in municipalities

where the Northern League party is in local government they are promoted and supported.

Another country where Muslims' civil rights are under threat is Austria, where citizens' initiatives are being manipulated by the extreme-Right Freedom Party (FPÖ). The FPÖ is campaigning for a change to the constitution to stop the construction of mosques and minarets and has already successfully altered the law in Carinthia, the region of its deepest support.(26) Its support for anti-mosque citizens' initiatives has led to substantial alteration of plans to build mosques, to make them less visibly Islamic.

■ In 2006, the FPÖ supported a local initiative to stop the construction of what was to be the second mosque on Austrian soil, in Telfs in the Tyrol, and threatened to take the issue to the administrative court. After lengthy negotiations that dragged on for years, it was agreed that the building would not be higher than 15 metres and there would be no call to prayer.(27)

■ In Vienna, the Citizens' Initiative/Goodbye Mosque was launched in 2009 to oppose any extension of the Turkish-Islamic Community centre to include a mosque, on the grounds of 'noise pollution'. The FPÖ strongly supported the campaign, and at an anti-mosque march held in Vienna's city centre, FPÖ leader Heinz-Christian Strache brandished a cross during his speech in which he reiterated the Freedom Party's electoral promise of 'The West in Christian hands'.(28)

There is, to date, no comparable situation in the UK. But with the British National Party (BNP) on the rise electorally, there is much to fear. Already, the BNP (as well as the UK Independence Party (UKIP) and the Christian People's Alliance in east London) has been in the forefront of anti-mosque campaigns.

■ In Dudley, in northern England, from late 2006 to early 2007, there was a sustained public campaign to stop the Muslim community building a mosque and community centre on derelict land. After more than 22,000 people signed a petition, councillors from both political parties joined forces to overrule the advice of planning officers that the mosque should be allowed. A year later, in 2008, the Council's decision was overturned on appeal.

The history of the campaign against the mosque shows evidence of sustained campaigning by individuals from two rival right-wing parties, UKIP and the BNP, which succeeded in galvanising the initially low-level opposition (only ten people had written to the Council to

object to the plan in 2005). The BNP had been active in Dudley and in the 2006 general election it made the fight against plans for a new Dudley mosque central to its campaign, as did UKIP, which actually organised the petition against the construction of the mosque.(29)

■ In late July 2008, a petition, initiated by the Christian People's Alliance, against a 'mega-mosque' next to the 2012 London Olympics site was posted on the Prime Minister's website and attracted more than 275,000 signatures before it was taken down.

Preserving a monocultural Christian Europe

As *ERA Briefing Paper No. 1* (launched with this report) demonstrates, the results of the Swiss referendum have left European extreme-Right and anti-immigration parties ecstatic. That they are well aware of what the Swiss vote signifies is shown by the comments of Marine Le Pen, who is pressing for a ban on the construction of minarets in France 'on account of their visual impact' and believes that if only citizens in other countries were given the chance to vote on the banning of minarets, the Swiss precedent would be repeated across Europe.

All previous attempts to unite the European extreme Right have foundered on bickering and divisions over national questions. But 'direct democracy', aka the European Citizens' Initiative of the Lisbon Treaty, could provide the extreme Right with a unique opportunity to unite on a common issue, while preserving national differences. Already, the movement 'Stop the Islamisation of Europe' (SIOE), founded by the Belgian Vlaams Belang (VB), has been mobilising against the construction of mosques in cities such as London, Copenhagen, Cologne and Brussels (as well as supporting demonstrations in the US, Canada and Australia). And Christian-Zionist and Christian Evangelical movements, such as Pax Europa, the Evangelical Alliance (an umbrella organisation for 1.3 million evangelical Christians) and in Germany the anti-Muslim hate website 'politically correct' (run by Catholic primary school teacher Stefan Herre), are playing a complementary role.

Not content with organising petitions to stop the construction of mosques and minarets, extreme-Right political parties and Christian fundamentalist movements want to go further, to provoke a referendum to prevent the official recognition of non-Christian religions, as well as the wearing of Islamic forms of religious dress.

■ In November 2004, 64 per cent of voters in the canton of Zurich voted 'no' to a new law that would have led to the official recognition of non-Christian faiths, including

Islam. The rejected proposal would have meant recognising faiths other than the three official religions in the canton (Protestant, Roman Catholic and other older Catholic churches) which had been active in Switzerland for thirty years, were organised democratically, recognised the Swiss legal system and exercised religious tolerance. During the run-up to the referendum, the SVP claimed that cantonal contributions – which are given to all recognised religions – would be used by Muslims for fundamentalist religious teaching. Party literature showed a montage of the Zurich Münster with its tower replaced by a minaret, with the words ‘It’s a question of time’. Switzerland’s twenty-six cantons differ greatly in their recognition of religions.(30)

■ In the run-up to the 2007 general election in Belgium, a petition was circulated calling for a ban on the wearing of ostentatious, visible signs of religious affiliation in schools, and against religious interference in the educational curriculum and school administration. One of the petition’s initiators, Nadia Geerts, argued that political cowardice had allowed a situation to develop whereby the decision on whether pupils could wear the Islamic headscarf was left to school principals.(31)

Against Turkish entry into the EU

Another issue that the extreme Right is seeking to exploit in a bid to preserve a mono-faith, monocultural Christian Europe, is Turkish entry into the EU. Here extreme-Right concerns merge with those of the Conservative and Christian Democrat parties of Europe.

The French system of direct democracy allows the directly elected president to appeal to the people by referendum for support of major decisions.

■ In 2004, the Turkish prime minister, Recep Tayyip Erdogan, reacted angrily to an announcement by President Chirac that he would call a referendum on future enlargement of the EU. It was clear that the proposal for a referendum was made with an eye to the Turkish application to enter the EU. Erdogan accused the French government of double standards, saying that there was a clear procedure for countries to join the EU and a referendum just for Turkey was evidence of double standards.(32)

■ In 2005, the Northern League announced that it would launch a campaign to demand a referendum on Turkey’s bid to join the EU.(33)

■ In Austria in 2009, the FPÖ renewed calls for a halt to negotiations on Turkey’s accession to the EU, claiming that 40,000 people had signed its petition against

Turkish accession. FPÖ MEP Andreas Mølzer said that MPs from eight EU member states supported the FPÖ’s efforts to stop EU accession negotiations, adding that ‘Turkey would be indigestible for Europe in terms of politics and population’.(34)

■ In Bulgaria, the far-Right and ultra-nationalist Ataka (Attack) party made a breakthrough in the July 2009 European parliamentary elections where it gained two seats on the back of its campaign ‘No to Turkey in the EU’. Campaign literature carried an image of the EU stars of Europe, in the centre of which lay a Trojan horse sporting the Islamic crescent.(35)

Representative democracy versus direct democracy

The dictionary definition of ‘direct democracy’ is ‘a government in which people vote to make their own rules and laws’, while ‘representative democracy’ is defined as one in which people vote for representatives, who make rules and laws that govern themselves and the people. Much of today’s debate about how to involve more citizens in decision-making is motivated by a desire to preserve representative democracy by strengthening modern direct democracy, and to make modern democracies more responsible and representative. Organisations like the Initiative and Referendum Institute Europe believe this is necessary to counter growing cynicism about representative democracy (where politicians are seen as either ineffective or corrupt), and to increase voter participation in society, at a time when the numbers of citizens actually voting is declining.

Nevertheless, in the whole debate about invigorating democracy through petitions and referenda, not enough time is given over to discussing the relationship between direct democracy and human rights, as well as the dangers posed to minority groups or electorally-disfranchised communities, by petitions and referenda that start out from the baseline of restricting minority rights. The Swiss model of direct democracy is often held out as the model to follow. Yet today, few remember that Swiss women were only granted the right to vote in 1971 (the Swiss Constitution was changed in the same year) as Swiss men consistently voted down any attempt by the Social Democratic Party to enshrine equal rights at referendum after referendum.

Lessons from the US

In fact, a closer look at the US demonstrates some of the pitfalls ahead in seeing direct democracy as a way of

solving the problems of representative democracies. A recent review in the *Economist* of US voters' initiatives found that 'direct democracy overrules, and often undermines, representative democracies' (36). It cited the example of the California State Governor Arnold Schwarzenegger, who uses voters' initiatives as a way of bypassing the legislature. The *Economist* convincingly argued that voter initiatives in the US have now become 'a fourth branch of government, an industry and a circus', citing the 'bounty hunters' paid by the sponsors of new propositions that are going before two dozen states in 2010. California was also cited as proof of the *Economist's* second argument against US models of direct democracy, namely that by 'letting majorities of those voting – who are often a minority of the state's residents – circumscribe the rights of minorities ... direct democracy can threaten individual freedom'. In 2008, a voters' initiative in California (Proposition 8, sponsored by religious groups known as Project Marriage), led to the banning of gay marriage (the referendum is now subject to legal Supreme Court challenge on the basis of the constitutional guarantees of equal protection against the power of the majority to discriminate on the grounds of tradition and morality). Another voters' initiative passed at the same time regulated how fowls should be kept in booths, leading Ronald George, the chief justice of California's Supreme Court to remark that 'chickens gained valuable rights in California on the same day that gay men and lesbians lost them'.

What we need to ask is that those in power and those in liberal pressure groups advocating more local democracy study carefully these US cases, as well as all the European cases documented here, and that government departments review the risks inherent in the specific forms of direct democracy they are encouraging. In particular, they need to note the ways in which the extreme-Right and anti-immigrant electoral parties have manipulated people's power to bring about xenophobic outcomes and institutionalise racism and discrimination – and the consequences of this process in terms of the rise of 'hate crimes'.

Endnotes

1 For a useful introduction to different forms of direct democracy as practiced in Europe see Theo Schiller, 'Direct Democracy in Europe' in 2009: Global Forum on Modern Direct Democracy (www.iri-europe.org/fileadmin/user_upload/media/Booklet-Dok.pdf). Schiller identifies four distinct forms of direct democracy in Europe: mandatory referendum; government-initiated referendum; citizens' initiative with referendum, and agenda initiative.

2 Communities and Local Government, press release, 2 December 2009. <www.communities.gov.uk/news/corporate/1400317>

3 The Swiss model of citizens' initiatives means that a people's initiative can force a federal referendum on a particular issue as long as it amasses over 100,000 signatures. (There is also provision for citizens' initiatives referenda at cantonal level.) Most acts of the federal parliament and all changes to the Constitution are also voted on by the public. Other countries that allow for national or federal citizens' initiatives include Italy (*referendum abrogativo*), Latvia, Lithuania, Slovakia, Hungary and Slovenia. Other countries, notably Germany, allow for regional or local citizens' initiatives. See Theo Schiller, 'Direct Democracy in Europe', op cit.

4 Two years ago, Daniel Vischer (Green Party) submitted a parliamentary motion to make popular initiatives invalid if they violated fundamental rights. This proposal is currently making its way through parliament.

5 Stefano Allievi, 'Conflicts over mosques in Europe: policy issues and trends', Network of European Foundations Initiative on Religion and Democracy in Europe, 2009.

6 See *CARF* September/October 1992. Some ten years later, in 2003, Willemotte, still mayor of Hautmont, was convicted of racial discrimination and given an eight-month suspended sentence and a fine of 1,500 euros. Willemotte was found guilty of instituting processes that ensured that people of a Maghrebine background could not register for marriages on Saturday afternoons - these were reserved for people of Christian faith or those getting married in a church after registering. See *Libération* 13 March 2003.

7 *European Race Bulletin* no 31, November 1999. The following cases (unless otherwise cited) are drawn from the IRR *European Race Bulletin*. We cite the number and date of the relevant Bulletin, but those who want to delve deeper should consult the referenced Bulletin for further citations, including original newspaper articles.

8 *European Race Bulletin's* no 1, 2 & 3, 1992-1993.

9 *European Race Bulletin* no. 22, March 1997.

10 *European Race Bulletin* no. 32, March 2000.

11 *European Race Bulletin* no. 42, 2002; *European Race Bulletin* no. 44, 2003.

12 *European Race Bulletin* no. 35, December 2000-February 2001.

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- 13 *European Race Bulletin* no. 39, January 2002.
- 14 'Cultural cleansing?' *European Race Bulletin* no. 62, Winter 2008.
- 15 *European Race Bulletin* no. 30, July 1999.
- 16 *European Race Bulletin* no. 48, Summer 2004.
- 17 Agence France Presse 6 January 2010.
- 18 Stefano Allievi, op. cit (footnote 5 above).
- 19 In Cologne there was dispute as to whether the 23,000 signatures collected by Pro Cologne were genuine; the city council said that up to 5,000 could have been forged.
- 20 'Cultural cleansing?' *European Race Bulletin* no 62, Winter 2008.
- 21 *ibid.*
- 22 In Treviso, Muslims are forced to pray outdoors or in car parks, because of the ban on Muslim places of worship. They are continually insulted by the Northern League mayor of the city. In another Northern League-controlled town, Rovato, in the province of Brescia, the mayor signed an illegal order which banned non-Christians from approaching within 15 metres of the walls of local churches. Cited in Stefano Allievi, op. cit.
- 23 Stefano Allievi, op. cit.
- 24 'Cultural cleansing?' *European Race Bulletin* no. 62, Winter 2008.
- 25 The observation is made by Stefano Allievi, 'Conflicts over

mosques in Europe', op. cit.

- 26 In 2008, Carinthia, one of the Austrian regions with the lowest Islamic presence, was the first to approve (along with Vorarlberg, a region that has a higher percentage of Muslims, nearly double the national average) a law banning minarets. (Requests for copies of these regional laws then came from other regions of Switzerland and from certain German Länder.) The law provides that in residential areas, busy places such as mosques, cinemas and nightclubs need a special permit.
- 27 Swissinfo, 11 October 2009.
- 28 *European Race Bulletin* no. 68.
- 29 Frank Reeves, Tahir Abbas and Dulce Pedroso, 'The "Dudley Mosque Project": a case of Islamophobia and local politics' in *The Political Quarterly*, Vol. 80 no. 4, October-December 2009.
- 30 *European Race Bulletin* no. 45/46, Autumn 2003-Winter 2004.
- 31 *European Race Bulletin* no. 62, Summer 2007.
- 32 *European Race Bulletin* no. 49, Autumn 2004.
- 33 *European Race Bulletin* no. 50, Winter 2004.
- 34 *European Race Bulletin* no. 69, Autumn 2009.
- 35 *European Race Bulletin* no. 68, Summer 2009.
- 36 'Direct democracy. The tyranny of the majority', *Economist*, 19 December 2009.

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