

CHAPTER 11

Immigrants and Participation beyond the Nation-State Opportunity-Capability Rift in EU Immigration Policy Process

Saime Ozcurumez

Introduction

Efforts at Europeanizing immigration policy in the post-Maastricht era were set against a backdrop of transformations in politics and governance in the European Union (EU). Commitments to increasing openness of, and participation in, the supranational policy process aimed to alleviate the democratic deficit in the EU through imagining an “ever closer union.” Accordingly, the tiers of EU policy making proliferated, the channels of participation into the EU policy process multiplied, and the policy actors diversified. As stakeholders, non-EU migrants themselves were the most recent newcomers to the emerging policy scene. In this chapter, I aim to investigate the supranational engagement of Turkish migrant associations in France and Germany in the EU immigration policy process: what explains similarities and differences in terms of forms and levels of participation by migrant associations in different national contexts as they engage in the EU immigration policy process? In addressing this question, I analyze the forms and levels of migrants’ supranational engagement by focusing on the combined impact of macro-level (EU institutional context) and micro-level (nation-state–level actors engaged in supranational collective organization) variables.

I argue that regardless of the newly introduced supranational channels into the EU policy process, the collective organizational experience at the national level locks in a certain path dependency that holds back the new policy actors (migrant groups) from making full use of EU-level opportunities. O. Schmidke et al. (eds.), *Of States, Rights, and Social Closure*

© Oliver Schmidke and Saime Ozcurumez, eds. 2008

Consequently an incompatibility emerges between the supranational opportunities provided by the EU and the capabilities of national-level stakeholders who intend to use them. Thus there exists a supranational-level opportunity/national-level capability rift in terms of stakeholder participation in the EU policy processes. Underlying this rift are the problems intrinsic to the design of supranational opportunities that impair their potential to cater to national-level clients. At the same time, while national-level capabilities allow actors to operate in the domestic context (albeit with problems), they are not readily transposed so as to permit reaping supranational benefits. This opportunity/capability rift is further widened by the complex nature of national-level institutional arrangements of engagement in different member states, which define the policy arena for the immigrant groups, in turn shaping the parameters of collective supranational mobilization. I continue with a discussion on the openings through the EU institutions into the EU immigration policy process. I discuss how each opening through EU institutions has constrained supranational collective claims making by stakeholders in the immigration policy making. Second, I analyze a set of collective action problems underlying incentive structures, objectives, and characteristics of the issue area. I conclude by reflecting on the implications of stakeholder mobilization beyond the nation-state for the emergence of an EU immigration policy process and whether these transnational efforts challenge the centrality of the nation-state.

Setting the Scene for Stakeholder Involvement in the EU

In the aftermath of the Maastricht Treaty, scholars portrayed the EU increasingly as a multilevel governance (MLG) context.¹ Accordingly, the nation-state came to be presented as *one* among many actors whereby they share power with other groups and are far from monopolizing decision making. From this MLG perspective, the EU constitutes a unique kind of polity whereby nation-states operate within a multiactor and multitier “negotiating system.”² Such conceptualization of the EU opens up a line of inquiry emphasizing the role of nonstate actors without overlooking the impact of nation-states on governance in the EU.³ Moreover, EU governance and policy processes intersect in contributing to a heightened interest in processes of the “Europeanization” of participatory rules, institutions, and practices.⁴ In this way, therefore, a new polity engenders a new politics whereby parameters (actors, venues of participation, and channels) are Europeanized. Such processes culminate in transformations in terms of the stage, scope, and actors of governing, which constitute the point of departure for the present inquiry. Thus EU immigration politics and policy are viewed here within the

framework of an emerging system of multilevel governance. I share the fundamental premise of MLG theorists that “disperse allocation of governing authority stimulated all kinds of actors to go transnational.”⁵ However, there remains doubt whether this shift to transnationalism dispels the centrality of the nation-state.

POS and the Supranational Institutional Context in Immigration Policy

Scholars working on the political opportunity structures (POS) can be differentiated along two lines with respect to their view on whether the EU itself is a new venue, or if it is a part of a larger set of international opportunity structures. Those who claim that the EU itself constitutes a venue underline the emergence of this entity as leading to the reformulation of new opportunity structures that led to “venue shopping” by various national and transnational interest groups.⁶ For this first group, EU-level political opportunities constrain the visibility, mobility, and shape of nonstate actors by mainly removing the exclusive role for nation-states in policy processes. This genre of research maintains that EU-level social movements’ capacity to mobilize and impact policy processes depend on their ability to adapt to opportunities and constraints at the new level. Moreover, movements might benefit from EU structures to the extent that those structures are receptive or open to their demands.⁷ For those in the second group, the EU constitutes one option among a larger strategy of global venue shopping to pursue interests.⁸ Such works, in parallel to the first group, argue that transnational action provides activists and interest groups with a certain level of autonomy from the nation-states for influencing overall direction of policy.⁹ In this chapter, I adopt a broad definition of the POS as each channel that aims to facilitate participation in decision making while displaying certain similar structural features that might differ across channels.¹⁰ Therefore the EU is a venue for participation that operates through its institutions. In this context, the POS constitute the independent/macrollevel variable that shapes the ways in which migrant associations participate in the EU policy process.

Migrant Mobilization, POS, and Institutionalist Accounts

Within the current research on examining the mobilization of nonstate actors, several studies have centered on the questions pertaining to the role of migration and migrant mobilization from a range of perspectives and emphasizing a variety of levels. The initial focus was on Europeanization of ethnic and racial relations,¹¹ the changes in cultural pluralism and diversity,¹² successful

transnational mobilization,¹³ and migrant political organizations.¹⁴ Diverse viewpoints and a multitude of explanations surfaced on themes such as mobilization and representation of ethnic minorities and migrants in a cross-national perspective, limits of multicultural Europe, and the dynamics of the shifts in ethnic identities and claims making.¹⁵ Most have conveniently, fashionably, and to a certain extent convincingly emphasized more the problem of democratic deficit in the EU, “limits” of European citizenship, and the agenda on antiracism. However, despite versatile and varied conclusions in terms of the impact of these factors, all remained limited with respect to analyzing the underlying institutional dynamics of these processes. Comparative studies inspired by variants of new institutionalism(s) have been utilized in other studies.¹⁶ A more recent set of works aimed to focus exclusively on EU-level mobilization on migrant-related policies.¹⁷ These works were also partially institutionalist and focused on supranational opportunity structures and on activities of promigrant lobby groups, and various supranational institutions such as the directorate generals (DGs), which opened up on issues concerning immigration and minorities in Europe. The partial novelty of this line of study was the reference made to the former European Union Migrants’ Forum (EUMF), and its challenges so as to draw attention to the issues concerning its effectiveness as a supranational intermediary body between national migrant groups and the supranational level. They also established a set of criteria such as transparency and accessibility¹⁸ of the POS in general through which I assess supranational participation.

Macrolevel Variables: POS and Immigration Policy Involvement

The emergence of the multilevel, multi-actor EU makes possible a systematic analysis of EU-level POS use by nationally organized groups. This study differs from previous work, first, as it explains how and why a similar ethnic group situated in two EU member states with considerably different immigrant incorporation regimes differed very little in terms of their participation in the EU policy process. In this study, my focus is on the supranational dimension using a comparative case study of the same migrant group in two sufficiently contrasting European countries. Second, I do not aim to assess policy influence but rather mainly evaluate participatory efforts. Third, my research draws on existing studies to combine the examination of both the supranational and the national level to define and explain the supranational opportunity/national capability rift in EU immigration policy from the standpoint of nonstate actor/stakeholder involvement.

Microlevel Variables: Collective Action Problems

Nationally organized migrant associations encounter classic problems of collective action as they engage in supranational policy participation. Drawing on the literature on collective action, I emphasize incentives for collective action, characteristics of collaboration with other groups (national and supranational level), and the nature of the policy area. The instrument offered in the literature to overcome the collective action dilemma is the provision of an *incentive structure* within which exclusive goods are available only to group members. The availability of incentives allow for the “rational actors” to re-evaluate the costs and benefits to be incurred by engaging in collective action. Accordingly those groups that aim at influencing public policy outcome form coalitions to reach desired goals. Hence the presence of strategic, policy oriented, and material incentives increases the likelihood of collective action for supranational participation by nationally organized migrant associations.

Moreover, two factors come into play in shaping collective action. First, the possibility to collaborate with other groups that pursue similar interests increases the likelihood of supranational collective action. In the case of migrant associations at the national level that aim at pursuing migrants’ interests at the EU level, their main partners were the former umbrella organizations, EUMF (European Union Migrants’ Forum) and ECAS (European Citizen Action Service). It is significant to observe whether collaboration with these strategic partners is fully operational for the nationally organized migrant groups. Second, complexity of issue area increases the likelihood of collaboration. The contributing factors to success are not only the numerical advantage but also the enhanced capacity to disseminate clear, concise information that in turn improves understanding and deliberate action for both the public and policy makers.¹⁹ Therefore, in theory, the complexity of the EU immigration policy area would lead to increased transnational collective action by migrant groups. In this section, I have briefly introduced the microlevel variables that frame my empirical analysis in the cases of Turkish immigrant associations in France and Germany. Now I turn to my findings regarding the supranational opportunity/national capability rift with respect to my first proposition on the relationship between the POS and supranational participation.

Prospects and Problems of Supranational Participation

The EU has taken concrete steps, an earlier one of which was the introduction of EU citizenship, with a view to construct a polity closer to its peoples and to enhance its legitimacy before its citizens. Such efforts are

encapsulated in attempts to promote increased *access* to information, to enforce transparency, and to simplify decision-making processes. The access points for formal participatory channels are identified in this study as different European Community institutions—the European Commission, the European Parliament, and the European Court of Justice.²⁰ Despite a common concern for promoting an idealized participatory democracy, they differ in levels and scope of opportunities offered to stakeholders such as nationally organized migrant associations.

The Commission

With the goal of enhancing its transparency and accessibility, the Commission identified multiple channels that are in principle open to use by the legally resident individuals as they intend to voice their claims at the “agenda-setting” phase of policy process. The question for this study is whether stakeholders represented by nationally organized migrant associations have been able to use these structures, and the extent to which they have successfully affected forms and levels of participation of stakeholders in the area of EU immigration policy.

First, the citizens can write letters to the Commission in three different categories under its competence: complaints about nonimplementation of EC law, requests for information and documents, and general statements. The significance of this POS for immigration policy and migrant associations is that it presents an opportunity to advance demands in a complex policy field by reacting in a fairly unregulated manner. My interviews revealed that the Commission has not been addressed by Turkish migrant associations directly through this POS. Such apparent lack of deployment of this channel suggests problems with each of the two criteria I put forth for understanding the use (hence suitability) of EU-level POS for supranational claims making.

Second, through Green and White Papers, the Commission aims to involve all groups concerned by giving them the opportunity to present their opinions. Accordingly, it identifies the initiatives with wide implications from its annual working program. Those groups that might be interested in shaping the decisions are informed about the initiatives and are expected to participate in consultations. In terms of immigration policy, input into Green and White paper formulations are limited to expert groups rather than migrant associations. The Commission also organizes conferences, hearings, and information seminars as another tool to initiate deliberations for policy projects. One of the examples for a hearing is the Green Paper on a Community Return Policy on Illegal Residents, which has been called in June

2002 encouraging oral statements and written contributions by nongovernmental organizations along with nation-states and international organizations. My findings confirmed that most of the participants were from expert communities. Among the contributions, ENAR (European Network Against Racism)—mostly focusing on antidiscrimination and racism—served as a conduit for nationally organized migrant associations from Germany since some were its members while none of the Turkish migrant associations from France were directly involved with it. Moreover, my findings suggest that the notification and invitations to meetings were irregular and also lacking follow-up mechanisms.

Third, the Commission is viewed to be accessible to activities of interest groups by acting as a transnational forum for migrant associations through their advisory committees, expert groups or ad hoc contacts.²¹ In the immigration policy field, the social partners, in other words, the ETUC (European Trade Union Confederation), UNICE (Union of Industrial Employers' Confederations of Europe, current Business Europe), and CEEP (Center of Enterprises with Public Participation and Enterprises of General Economic Interest) are considered as the clear candidates for analysis of stakeholder participation since they were also the first to be addressed in the Communication on the Community Immigration Policy. In addition to the social partners, the EUMF stands out as the significant platform for migrants' interests. Although UNICE was an active partner to the Commission, UNICE's sole partner remains to be TÜSİAD (Turkish Industrialists' and Businessmen Association)—the voice of business interests in Turkey, and not migrants' businessmen associations' interests in France and Germany. Second, ETUC, with its mandate for representing workers' interests within the EU, could have constituted a partner to Turkish migrant associations in their efforts at influencing the Commission in formulating EU immigration policy. None of the migrant associations interviewed, however, seemed to have used ETUC as a strategic partner for accessing the Commission. Although migrant associations in both France and Germany were actively involved with trade unions at the national level, such lack of partnership with the supranational trade union confederation in pursuing EU immigration policy input per se raises questions about the significance of the supranational level.

In terms of the EUMF's role as a prospective bridge for migrant associations in their efforts at influencing EU immigration policy through the Commission, the EUMF as "ambassadors of multiculturalism and diversity" presents itself as another critical access point for migrants. The EUMF itself in the period leading to the Amsterdam Treaty had consistently raised

concerns about the transparency and clarity of the Commission's proposals. The EUMF ceased to exist as of mid-2002, resulting in the closing of an institutionalized channel, however problematic, for participation of nationally organized migrants.

In the case of the Commission, therefore, the channels available for participation do not meet a threshold of accessibility and transparency, which facilitates participation by nationally organized migrant associations. The Commission itself views the migrants as constituting a complicated group of stakeholders, and it raised concerns with not being able to devise an effective advisory body for this group. The experience with interest articulation at the supranational level through the Commission from 1992 onward points to the lack of use of any channels through the Commission into the EU policy process by migrant associations, save for the limited role of the EUMF in the earlier years.

The European Parliament

In the context of the legislation concerning EU immigration policy, since the 1999 Tampere European Council, the European Parliament (EP) has been involved in a variety of issues and items involving common immigration policy. Despite its perception among interest groups as an open and inclusive channel into EU policy making, the EP's role in formulating EU immigration policy has remained limited, though there are various channels to be characterized as the EU-level POS for the migrant associations.

First, political rights, particularly voting rights for the EP, are a significant EU-POS for individual migrants with citizenship status. Recognition of voting rights as a significant venue for participation has initiated several proposals to be put forward in order to facilitate access to voting rights through European citizenship, access to which remains through member state citizenship. Among the Members of European Parliament (MEPs) of the fifth term (1999–2004), two MEPs were of Turkish origin and both were elected from Germany (Ozan Ceyhun within the Group of the Party of European Socialists, and Cem Özdemir was in the Green Group). MEPs of Turkish origin have been active members in the Committee on Civil Liberties, Justice, and Home Affairs where the issues concerning immigration policy are mostly discussed. As suggested by the representatives of migrant associations, the MEPs of Turkish origin have been their "single critical access to the EP policy processes" and mainly for migrant associations in Germany. In one newspaper by migrant associations, the EP is portrayed as "the voice of Europe's conscience" and as gaining prominence in the EU policy process as likely to

affect "European Turks." The article also draws the attention of migrant associations to this "evolving" institution.²²

Second, two forms of nonjudicial means of redress associated with EU citizenship of the union come to the fore as possible channels of participation. First, with the Treaty on European Union (TEU) the right to petition the legislature has been formally granted to the European citizens, resident non-nationals as individuals or in association with others. However, reports of the EP indicate that most petitions are inadmissible, which indicates substantial problem of accessibility. Evidence supports this finding in that none of the representatives of the migrant associations interviewed have mentioned this form of participation as a mechanism they have used, or even heard of. Second, any physical or legal person (including migrants) has the right to apply to the European Ombudsman. Created by the TEU, and reinforced by the European Charter of Fundamental Rights, the Ombudsman is identified as a mechanism that will improve democratic accountability and transparency in the EU while protecting the citizens in instances of maladministration. An overwhelmingly high proportion (varying between 65 percent in 1996 to 75 percent in 2003) of the complaints are deemed outside the mandate of the Ombudsman, or inadmissible. Since complaints about lack of transparency and accessibility have been consistently voiced in the interviews, the finding that *none* of the migrant associations resorted to the Ombudsman as a channel indicates that this channel for supranational participation remained indeed remote to stakeholders.

Third, committees of the EP occasionally organize hearings or conferences with experts. Such deliberations, however, are not accessible as a supranational POS for migrant associations. Evidence indicates that despite the official discourse addressing the involvement of all stakeholders, these deliberations overwhelmingly favor members of "epistemic communities." In the case of immigration policy, the main expert group accredited to the EP, for example, is the Migration Policy Group (MPG). Moreover, there are different committees consisting of MEPs that hold meetings concerning immigration issues such as the EP Committee on Citizens' Freedoms and Rights, Justice, and Home Affairs, the Committee on Legal Affairs and the Internal Market, and the EP Committee on Employment and Social Affairs. These committees arrange "hearings" on an ad hoc basis whose schedule could be obtained from the EP Web site. My interviews indicated that the migrant associations were aware of these hearings but found it extremely difficult to follow them. They also maintained that following these procedures would require the recruitment of a separate staff member assigned for this task, which they lacked and did not have funds for. Another form of consulting stakeholders takes the form of "public conferences" and workshops. There is

no evidence as to whether stakeholders are consistently admitted or invited. In terms of the hearings, conferences, and the workshops, a closer examination of the rules of procedure suggests that limits on written as well as oral contributions restrict participation in the actual policy process. Therefore, although they appear open and accessible, using hearings and conferences as a POS is fraught with various constraints originating from the problems with the procedures to participate and the lack of staff, resources, and time.

Fourth, citizens may contact their MEPs directly to call for EU-wide attention to a policy problem. When addressed personally, MEPs may attempt to amend the EP agenda or formulate a written or oral question to the Commission or the Council. To this extent, stakeholders may influence the agenda of not only the EP but also of the other institutions as well. Second, they may actively participate in the EP's committees. Empirical evidence indicates that this opportunity to contact has been utilized by nationally organized Turkish migrant associations as they contacted MEPs of Turkish origin. For example, Ozan Ceyhun performed as an active participant for the report on the proposal for a Council Directive on the right to family reunification. The representatives of migrant associations in Germany have indicated that they have established informal networks with Mr. Ceyhun so as to facilitate their understanding of and participation through the EP. None of the associations in France mentioned any formal or informal contact with the MEPs.

This overview of various channels of participation through the EP suggests that the EU-level POS via the EP is far from being accessible and transparent. The evidence indicates that voting rights are far from operational; however, there exist substantial attempts on the part of migrant associations to highlight the significance of acquisition of political rights to be able to vote for the EP elections, and there are successful attempts to nominate as well as elect a few MEPs of Turkish origin. Although the numbers are certainly disproportionate to the population of Turks in Europe in general, in France and Germany in particular, these MEPs seem to constitute the most suitable channel in the eyes of the migrant associations at the present time. The activities of collective consultations through conferences and hearings remain to be developed for the initial attempts, indicating that only a limited number of associations do participate, if at all, and the structure of participation, the timing, and the resources available still bring the suitability of this EU-level participatory channel into question. The recourse to nonjudicial remedies is not utilized nor does there exist a substantial awareness of these remedies. Therefore, the EP still needs to develop these channels in order to sustain its image of maintaining close links with nationally organized stakeholders, in this case, migrants.

European Court of Justice

Proceedings before the European Court of Justice (ECJ) constitute an EU-level POS to the extent that the ECJ operates similar to a typical constitutional court.²³ The task of the ECJ is to ensure lawful interpretation and application of the treaty provisions. Moreover, it guarantees that if the decisions or measures of either the member states or the EU institutions do not correspond to EU law, then the decisions of the ECJ oblige them to change their policy and practice. It is possible to cite many examples where actions raised by citizens have had a direct impact on Member States' and Community policies. Moreover, the doctrine of direct effect and supremacy of EC law empower the individuals for recourse to judicial review, however, there remain some difficulties with respect to the ways in which national judges' might prefer to proceed with the interpretation of different directives.²⁴ In response to these optimistic suggestions on behalf of the role of the ECJ in enhancing channels into the EU policy process, a closer analysis of how citizens may utilize the ECJ and the extent to which the ECJ contributes to the dimensions of democratic accountability concludes that the ECJ's role is at best marginal in terms of remedying the democratic deficit.²⁵ The scholarly claim is that "the length, costs and risks of direct action" impede individuals from resorting to the ECJ except for big business groups and powerful lobby groups.²⁶

In terms of immigration policy, the ECJ's role has evolved and expanded from the TEU onward. In the case of migrants of Turkish origin and their associations, the role of the ECJ takes a slightly different turn. The court has acted to a certain extent as interpreting the decisions of the Association Council established by the Association Agreement between Turkey and the EC, and it has supremacy over national law in accordance with Articles 228 and 238 of the Treaty of Rome. The ECJ stated that "those provisions [arising from the Association Agreement] merely clarify the obligations of Member States to take such administrative provisions, without empowering the Member States to make conditional or restrict the application of the precise unconditional rights which the decision grants Turkish workers."²⁷ Among the core members of the migrant associations such as that of Türkische Gemeinde in Deutschland (TGD) were lawyers; however, they have not indicated the use of ECJ as a resort for their members. Similarly, none of the associations in France have mentioned using the ECJ for rights expansion.

Accordingly, the limits of ECJ as an EU-level POS are twofold. First, the process of litigation requires specialization, is costly, and takes time. These resources are scarce in the case of migrant associations. Although Article 76 of the Rules of Procedure of the Court provides for legal aid allowing for the

application of any time albeit with a limited budget, none of the migrant associations resort to such means. Second, the jurisdiction of the court in the field of immigration policy is subject to limitations that make the court an unsuitable venue for seeking judicial remedy for enhancing effective and democratic governance in this field. Therefore, the ECJ, too, fails to act as a fairly accessible and transparent EU-POS for immigrant participation through national associations. This is not to de-emphasize the role of the ECJ in the expansion of rights for legal resident migrants in general or Turkish nationals in particular. To the contrary, the ECJ is most progressive in interpreting the EU law to the advantage of Turkish nationals, especially within the framework of the EC-Turkey Association Agreement.

Comparing Collective Action Problems of Turkish Migrant Associations in France and Germany

A review of the brief history of the associational activity of Turkish migrants in France and Germany reveals that Turkish migrants have established hundreds or even thousands of associations with varying aims and structures. For this study, I have selected those associations that have among their objectives the explicit goal of participation at the EU level. Therefore, in this section I review the proposition provided by the literature on collective action and assess how these propositions fare in migrants' supranational participation.

Heterogeneity of Group Overshadows Power of Numbers

According to recent statistics, around two hundred thousand people of Turkish origin live and work in France, and they have founded around four hundred immigrant associations based on estimates provided by their representatives. As far as strategic incentives are concerned, what brought together Turkish immigrant associations in France around Conseil Français des Associations d'Immigrés de Turquie (CFAIT), Associations Travailleur de Turquie (ATT), and A Ta Turquie is the perceived weakness, if not absence, of dialogue among associations. Despite forming confederations, various factors such as "human nature," "lack of communication," and heterogeneity of the migrant population are seen as major impediments to collective action at the national as well as at the supranational level.²⁸ Therefore, the power of numbers is undermined both by irreconcilable intragroup ideological differences dating back to associational and immigration history, and by lack of coordination and exchange of information within the group as a whole. As a result, for example, the major federative structure in France for Turkish migrants, CFAIT, is criticized for not having realized its goals of unity and representation. Such challenges are magnified especially at the supranational

level since finding a goal oriented lowest common denominator at the EU level was even more difficult.

Exact numbers of Turkish migrant associations in Germany are difficult to verify as well although my research shows that there exist more than a thousand with membership ranging from three to hundreds of people, with a scope from hometown associations to sports clubs to advocacy organizations. The rationale provided for the formation of a Turkish Community in Germany (TGD) was the absence of an “effective and respectable” representative organization for two million migrants in Germany.²⁹ It has been repeatedly emphasized that “the most important aspect is to be strong. In order to do so, unification is inevitable. What is needed is few and strong associations and not many associations.”³⁰ In terms of strategic incentives, immigrant associations in Germany seem to have united in the form of federations for mainly two reasons. First, migrant groups have come to realize that there was a need for taking care of their own problems especially in the absence of an entity attending to “migrant problems.” Second, these groups perceived the need to “overcome internal differences” that had hindered previous efforts at organizing, mobilizing, and “acting on behalf of migrants by migrants.” In addition to protracted internal political fragmentation that characterizes the composition of associations, the prevailing mindset of “owning a small association rather than being assimilated into a larger one” surfaces as an impediment for collaborating under an umbrella organization.

Moreover, for example, the frequent turnover in terms of the executive within associations has caused a lack of expertise and sustained relations especially with the German authorities. Additionally, the success and participation of the associations were seen as occurring in their incipient stages because of financial and personnel problems. A challenge similar to the French case was noted as serious problems concerning the relations with the grassroots. Another challenge was stated as that until the umbrella organizations have been set, most associations would limit scope and form of participation to the local problems or just exist for socialization purposes, and not be interested in immigration policy issues unless it immediately affected them. Therefore in the German context the mere larger numbers of Turkish population—almost eight times that in France—did not necessarily translate into an immediate and consistent federative structure and or collective organization encouraging supranational participation.

Policy-Oriented Incentives: Too Complex To Handle

In terms of the nature of EU immigration policy area and its implications for collective action, my findings reveal that the immigrant associations in both France and Germany are divided in terms of purpose and ways in which they

need to mobilize. Some representatives of migrant associations have suggested that various groups, hinting at mostly the mosque associations, refrained from even recognizing a “question of immigration” for themselves in France since their perception of problems experienced by immigrants in France was limited to whether they were able to perform their religious practices without any intervention by state authorities.³¹ Moreover, representatives of all associations, especially CFAIT, have noted that all migrant groups find it daunting to initiate and engage in collective action on any topic related to immigration policy. One of the most significant instances has been experienced in early 2000s with the *j'y vis donc j'y vote* (I live there, therefore I vote there) campaign when migrant groups engaged in collective action for granting of political rights to non-EU nationals in France.

Alternatively, on topics such as family reunification, the Turkish migrant associations have not been able to organize any effective collective action for the national or the EU level. One representative suggested that lack of professionalization on immigration matters with experts within the association impeded their efforts to participate at the supranational level. Alternatively, ELELE has produced an information guide in Turkish and French on family reunification in France as depicted by the French constitution, funded partly by DPM and *Ministre de l'Aménagement du Territoire de la Ville et de L'Intégration* (French Ministry of Country and City Planning and Integration). Accordingly, the migrants’ activities were confined to the national- or the city-level consultative mechanisms, limiting their horizon of activity in terms of a central item in immigration policy, that is, family reunification.

In the case of Germany, some migrant associations have suggested that they have engaged in European-level activities since their inception in 1989 whereby they have been able to secure funding from the Commission for various projects addressing the youth, education, and antidiscrimination. Föderation Türkischer Elternvereine Deutschland (FöTED) also cited that they did participate in the projects at the EU level, and actively in EUMF along with Föderation der Volksvereine Türkischer Sozialdemokratene. In contrast to the French context, in Germany a research center founded and run by Turks, the ZfT (*Zentrum für Turkeistudien* [Center for Turkish Studies]), has various research activities, reports, and initiatives that are aimed at influencing the direction of policy in Germany and also engaging in activities at the European level.

The problem, similar to the French context, persists referring to the issue of the perception of a certain level of weakness in terms of the capacity of associations to realize policy goals. Several executives have stated that Germany remains a “closed box” for the Turks and that Europe remains

outside the Turkish immigrants' perception of levels to utilize for participation. Nevertheless the associational leaders displayed the perception that the problems of Turks in Europe would be solved with Turkey in the EU, and not before that. Along these lines, a group of elites founded BATI (the Initiative of European Turks in Berlin) in 2003. Though not as explicitly as they would have liked, the suggestion was that even if not directly, the goal was also to signal that the Turkish community might unite around a common objective.

In the German case, most representatives have cited the local and the *Länder* level as being the most proximate and pertinent for their needs. They have identified the *Arbeiterwohlfahrt* (AWO) or CARITAS as helpful in service provision. Moreover, the intercultural councils have been seen as useful although limited. They have been referred to as "only for consultation and not for real participation," or as "token" participatory efforts. Moreover, except for providing informative brochures, the efforts for immigration policy advocacy at the European level, including the area of family reunification, remained almost nonexistent. Despite this negative attitude with respect to European-level activity, the leader of FÖTED stated, "The Turkish minority is much better organized than the other immigrants in Germany. However, at the same time, none other is as fragmented as the Turkish community. The sheer numbers of organizations reach thousands, however, when it comes to collective action, there are serious ideological divisions."³² The most successful campaign, the one around dual citizenship that brought TGD on the agenda of German and Turkish politics, nonetheless has not transposed to the EU level.

Material Incentives: Funding Does Not Suffice for Mobilization

The European level becomes most relevant in the aftermath of the TEU as a prospective funding source. According to unofficial statistics on forty-six nationally organized associations examined in late 1998, the major source of funding for the associations was membership dues, second was Fonds d'action sociale (FAS). The financial contributions of the governorships and the embassies followed. Most of the associations, although aware of some sources of public funding, found it very challenging to participate for the national level. Similar assessments have been made for EU-level funding and how it is provided. Even substantial sums of bids do not render the EU level as an attractive source for many of the organizations. Although some of them seem to have used them for various infrastructure activities, and continue to engage in European wide network activities with European-level funding, they still expressed challenges with respect to finding partners in other countries or logging into networks. Additional skepticism of the EU level resonated in

remarks with respect to how the projects were being distributed. The themes for which immigrants apply also relate at best to integration projects and not necessarily projects on enhancing decision making for participation by stakeholders in EU immigration policy items.

As an incentive to rally around CFAIT and Association de Travailleur de Turquie en France (ATTF [l'ACORT since 2002]), “resource saving and sharing” has been emphasized as one of the major reasons. However, such a prospect does not necessarily qualify as facilitating European-level collaboration nor does it signal a sustainable material incentive for national-level collective action. Finding building facilities did not seem to constitute an issue for any of the organizations, as most of them had their own space and staff for their activities and meetings. Some were puzzled more by the fact that they owned infrastructure such as offices; however, they were still unable to engage effectively in collective action. Almost none complained vehemently about financial resources and suggested FAS as being significant for their continuity as associations, while some raised their concerns, and even the most conventional means of attracting groups, in other words, the offering of funds, did not seem to magnify the EU level as a suitable sponsor or partner.

Various reasons have been put forth regarding the attempts to unify the associations in Germany, and among the reasons were “pooling resources and power” and “forming a strong lobby.” The representatives also referred to sharing resources or staff as major reasons for their collaboration. All the associations had their own building facilities with meeting rooms, auditoriums, staff offices, and computer equipment. However, the funding issues have come to the fore regularly as membership dues or support from the government agencies were limited for the scale of the operations that the associations aimed to pursue. A creative solution in 2000 formed a for-profit organization to generate income for the association that would be titled TurkCOM Communication in Europa in collaboration with the company ALOVATAN. Moreover, they would increase project-funding applications with the Federal Ministry for the Family, Youth, and Seniors as well as the EU bids, and various foundations such as the *Konrad-Adenauer* or the *Friedrich Ebert Stiftung*. All the material incentives concerning positive effects of being able to reap financial benefits from the EU-level activities have not translated as a sufficiently persuasive incentives for the associations to unite and apply for funding.

Collaboration with Other Groups at the EU Level

In terms of the relationship between possible partners and collaboration, it is hypothesized that the associations might participate in the policy process

through collaboration with other groups that pursue similar interests. At the national level, there is, albeit not extensive, evidence that smaller Turkish migrant associations found it beneficial to join national-level umbrella organizations. However, none of representatives of associations suggested that joining EU-level trade union federations, for example, ETUC, or employee associations' federations, for example UNICE, was advantageous for their supranational-level policy advocacy. The main concern for these associations was lack of any EU-level network on migration that was accessible and clear for them. One organization, ELELE, was more visible in most European-level cooperation efforts and participatory arrangements, including the EUMF. Membership to the former EUMF would qualify as one evident attempt to become an active participant in the EU policy process. Turkish migrants in France were represented in the EUMF through six member associations: ATTF, Conseil de la Jeunesse Pluriculturelle (COJEP), CFAIT, Fédération des Associations Turques (FAT), Horizon Turcs (HT), and ELELE. As for one other federation, which considered the EU level as less than useful, the EUMF was problematic since its inception. However, membership to the EUMF does not seem to have been substantiated by any form of sustained activity at this level. Moreover, some representatives did not even mention EUMF until they were specifically asked whether they would be able to think of an EU-level association or institution "by migrants and for migrants." Most had also suggested that the EUMF was bound to have problems, as the structure and the flow of information throughout was problematic after a few years.

The EUMF, though, began its EU-level efforts with a clear objective of influencing immigration policy. The goals concerning the involvement of national-level organizations is stated as aiming to secure support from grass-roots associations and promoting participatory democracy. However, the far-reaching objectives seem to have evaporated before they reached the local addressees of the messages. One representative even suggested that they were not informed or invited to EUMF; this was interpreted as a sign that the very organization that was for migrants was itself being exclusive in the first place. The associations had found the founding of EUMF as a constructive gesture and suggested that they would indeed take this effort seriously. However, their trust in EUMF was already shaken by that time. Decisions such as enforcing transparency in the political and administrative management of the forum, emphasis on elected bodies, and the curbing of activities due to crises generated in the organization vis-à-vis certain member associations indicate the initial signs of problems. Other possible strategic partners—such as ETUC, MPG, ECAS, UNICE, or Social Platform for NGOs—have also not been used or mentioned as EU-level partners for prospective cooperation or

sources of information. However, two trends have been visible when the interviewees have expressed their views on partners. First, they emphasized the importance of collaboration with other associations of migrants of Turkish origin in France. Second, they have emphasized the significance of and attempts to collaborate with Turkish migrant associations in other European countries and North America. Although in the German case, one interviewee had suggested that because the language used by most migrants in the EUMF and EU institutions was French, they had felt that the Turkish migrant associations in France had better access to and were more actively involved at the EU level. However, none of the interviewees addressed this as an advantage nor suggested any observation to this effect for EU-level participation.

In Germany, in terms of the relationship between possible partners and collaboration, it is hypothesized that they have an opportunity to participate in the policy process through collaboration with other groups that pursue similar interests. Therefore, smaller national-level organizations of Turkish migrants preferred to join national-level organizations. Moreover, the umbrella organizations themselves have promoted the founding of branches in various *länder*. However, these associations did not demonstrate that the relations with the local, *länder*, and federal level facilitated their supranational-level participation. Smaller associations have always referred to the umbrella association as being their main intermediary organization with EU-level activities. In the interviews, both HDF and FÖTED referred to the EUMF, yet neither cited it as an effective body.

These associations did not mention the audit procedures for the EUMF, unlike in France. The HDF representative suggested that the administration of the EUMF was completely unprofessional, and the flow of information was very sporadic as was also observed by the FÖTED representative. Most of the other associations had heard of EUMF; however the consensus was that the EUMF did not constitute a valid and effective platform. Some association representatives also found it exclusive similar to observations made in France. Most associations have mentioned the importance of collaboration with other Turkish migrant associations in Germany, and also other European countries. Most associations, except for HDF, seemed to have only sporadically been in contact with the Turkish migrant associations across borders.

Similar to the French case, the importance of collaboration with other Turkish migrant associations in other European countries came to the forefront. Moreover, associations from France were thought to be using the Brussels institutions more frequently. All associations have identified the Turkish government as a strategic partner for realizing their objectives, and some insisted on the foundation of a “Ministry for Turks Abroad” in Turkey, with substantially more policy-making powers than an advisory council. The

perception among the migrant associations in Germany as in France with respect to partners at the national and the supranational level could be summarized as cautious and skeptical.

Conclusions

This chapter highlighted the problems intrinsic to the various EU-POS in terms of assessing the participation of nationally organized Turkish migrant groups. It constituted a discussion of the macro-level explanatory variables and micro-level variables for understanding forms and levels of participation by stakeholders. Overall the conclusion is that despite channels available for participation in principle, at closer examination, the institutional structure itself is problematic for facilitating engagement by nationally organized stakeholders. Each institution, and in turn, each channel within the institution, presents different constraints with respect to accessibility and transparency. However, this review only explains part of the puzzle about forms and levels of participation by affected stakeholders. Part of the supranational opportunity/national capability rift, therefore, is caused by the characteristics of the EU-level POS, and the ways in which they define actions of nationally organized stakeholders.

My findings with respect to the case of Turkish migrant associations in France suggest several conclusions in terms of their implications for supranational participation. The federations or umbrella organizations seemingly have glazed over the differences that were fundamental and unavoidable during the past thirty-five years of associational activity of Turkish migrants in France. As far as the incentive structures and objectives are concerned, the associations seem to have realized the power of numbers for claims-making, and this is why they have come together forming federations in the 1990s. However, whether they have been able to go beyond gathering under one roof organization is questionable. The associations seem to have used the federations for access to information on immigration policy matters. The nature of their activities seems to confirm the elitist nature of supranational participation as it was the elite of these groups, and not the grass roots, that have been active at the EU level. The existence of the possibility of collaboration with EU-level NGOs did not necessarily imply that the associations perceived them as strategic partners for policy collaboration. Their limited collaboration with the EUMF seemed to have discouraged them about the EU level rather than closing the gap. The complexity of the EU immigration policy domain seemed to have initially motivated them to engage in collective action, however, they have cited limited resources and difficulty with having access to pertinent information regarding items on the policy agenda and how to address them. Moreover, their experience at the national and

subnational levels seemed to have reinforced their belief in the relevance and centrality of these levels rather than the EU level.

The findings in the case of Turkish migrant associations in France suggest various conclusions with respect to the impact of collective action problems. The federations and umbrella organizations were formed with great expectations for collaborative effort. The associations were very aware of the power of numbers, and they united due to this reason. The collaboration effort has not been a smooth one, nonetheless. The most significant difference is that the organizations are present in parallel patterns in each *länder* and local level. They collaborate with similar institutions in the *länder*. In contrast to the French case, they have a consistent and grand claim to become a part of the political establishment through membership in municipal councils, political parties, or becoming members of parliament. The transnational level seems less relevant in comparison to the associations in France. They seem to have collaborated with the EUMF, although in a very limited form, and they found it very problematic for transnational collaboration or enhancing trust. They do not perceive the immigration policy area as accessible except for their informal relations with the MEPs. Consequently, supranational efforts to enhance inclusiveness so as to engage novel policy actors is fraught with problems and fairly far from the cries of new forms of democratic governance that the EU promises to design and implement.

Notes

1. Hooghe, L., and G. Marks. 1996. "Contending models of governance in the EU." In *Europe's Ambiguous Unity*, ed. A. Cafruny and C. Lankowski. Boulder, CO: Lynne Rienner.
2. Christiansen, T. 1997. "Reconstructing European Space: From territorial Politics to multilevel Governance." In *Reflective Approaches to European Governance*, ed. K. E. Jørgensen. Basingstoke, UK: Macmillan.
3. Eberlein, B., and D. Kerwer. 2002. "Theorising the New Modes of European Union Governance." *European Integration online Papers*, (EIoP) 6 (5). <http://eionet.europa.eu/eiop/texte/2002-005a.htm>.
4. Risse, T., M. Green Cowles, and J. Caporaso. 2001. "Europeanisation and Domestic Change: Introduction." In *Transforming Europe: Europeanization and Domestic Change*, ed. M. Green Cowles, J. Caporaso and T. Risse. Ithaca, NY: Cornell University Press; Héritier, A. et al. 2001. *Differential Europe—New Opportunities and Restrictions for Policy Making in Member States*. Lanham, MD: Rowman and Littlefield.
5. Jachtenfuchs, M., and B. Kohler-Koch. 2004. "Governance and Institutional Development." In *European Integration Theory*, ed. T. Diez and A. Wiener. Oxford: Oxford University Press, 104.

6. Mazey, S. 1998. "The European Union and Women's Rights: From Europeanization of National Agendas to the Nationalization of a European Agenda." *Journal of European Public Policy* 5 (1): 131–52; Guiraudon, V. 2001. "Weak Weapons of the Weak? Mobilizing around Migration at the EU-level." In *Contentious Europeans: Protest and Politics in an Emerging Polity*, ed. S. Tarrow and D. McAdam. New York: Rowman and Littlefield, 163–83; Favell, A., and A. Geddes. 2000. "Immigration and European integration: New opportunities for transnational political mobilisation?" In *Challenging Ethnic Relations Politics in Europe: Comparative and Transnational Perspectives*, ed. R. Koopmans and P. Statham. Oxford: Oxford University Press.
7. Marks, G., and D. McAdam. 1996. "Social Movements and the Changing Structure of Political Opportunities in the EU." *West European Politics* 19 (2): 249–78.
8. Keck, M. E., and K. Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Ithaca, NY: Cornell University Press.
9. See among others, Smith, J. 1998. "Global Civil Society? Transnational Social Movement Organizations and Social Capital." *American Behavioral Scientist* 42 (1): 93–107; Della Porta, D., H. Kriesi, and D. Rucht. 1999. *Social Movements in a Globalizing World*. New York: St. Martin's; Passy, F. 1999. "Supranational political opportunities as a channel of globalization of political conflicts. The case of the rights of indigenous peoples." In *Social Movements in a globalizing world*, ed. D. della Porta, H. Kriesi, and D. Rucht. New York: St. Martin's, 148–69.
10. Nentwich, M. 1998. "Opportunity Structures for Citizens' Participation: The Case of the European Union." In *Political Theory and the European Union: Legitimacy, Constitutional Choice and Citizenship*, ed. M. Nentwich and A. Weale. London: Routledge.
11. R. Miles and D. Thränhardt (eds) (1995), *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, London: Pinter.
12. Favell A. 1998. *Philosophies of Integration: Immigration and the Idea of Citizenship in Britain and France*. London: Macmillan.
13. Blom, A. 1999. "Is there such a thing as transnational belonging." In *The Politics of Belonging: Migrants and Minorities in Contemporary Europe*, ed. A. Geddes and A. Favell. Aldershot, UK: Ashgate.
14. Amiraux, V. 1998. "Transnationalism as a Resource for Turkish Islamic Associations in Germany." Seminar Paper MIG/25. Florence: European University Institute; ögelman, N. 2003. *Transnational Politics: Turks and Kurds in Germany*. London: Routledge.
15. Martinello, M. 1995. *Migration, Citizenship and Ethno-national Identities in the European Union*. Aldershot, UK: Avebury; Kastoryano, R. 1998. *Quelle identité pour l'Europe? Le multiculturalisme à l'épreuve*. Paris: Presses de Sciences Po.
16. Ireland, P. 2000. "Reaping What They Sow: Institutions and Immigrant Political Participation in Western Europe." In *Challenging Immigration and Ethnic Relations Politics*, ed. R. Koopmans and R. Statham. Oxford: Oxford University Press, 233–82; Soysal, Y. 1994. *Limits of Citizenship: Migrants and post-national*

- membership in Europe.* Chicago: University of Chicago Press; Freeman, G. 1995. "Modes of Immigration Politics in Liberal Democratic States." *International Migration Review* 29 (112): 881–902; Guiraudon, V. 1997. "Policy Change Behind Gilded Doors: Explaining the Evolution of Aliens' Rights in Contemporary Western Europe." PhD thesis, Cambridge, MA: Harvard University; Joppke C. 1998. *Challenge to the Nation-state, Immigration in Western Europe and the United States.* Oxford: Oxford University Press.
17. Favell, A., and A. Geddes. 2000. "Immigration and European integration: New opportunities for transnational political mobilisation?" In *Challenging Ethnic Relations Politics in Europe: Comparative and Transnational Perspectives*, ed. R. Koopmans and P. Statham. Oxford: Oxford University Press.
 18. Marks, G., and D. McAdam. 1996. "Social Movements and the changing structure of political opportunity in the European Union." In *Governance in the European Union*, ed. G. Marks, F. Scharpf, P. Schmitter, and W. Streeck. London: Sage, 95–120; Deckmyn, V. 2002. *Increasing Transparency in the European Union.* Maastricht, Netherlands: European Institute of Public Administration.
 19. Geddes, A., and Guiraudon, V. 2004. "Britain, France, and EU Anti-Discrimination Policy: The Emergence of an EU Policy Paradigm," *West European Politics* 27 (2): 334–53.
 20. Loomis, B. A. 1986. "Coalitions of Interest: Building Bridges in Balkanized State." In *Interest Group Politics*, ed. A. J. Cigler and B. A. Loomis. 4th ed. Washington, D.C.: Congressional Quarterly Press, 268.
 21. Greenwood, J., and M. Aspinwall. 1998. *Collective Action in the European Union.* Routledge: New York.
 22. *Anadolu*, September–October, 1998, no. 10.
 23. Costa, O. 2003. "The European Court of Justice and democratic control in the European Union." *Journal of European Public Policy* 10 (5): 740–61.
 24. Mattli and Slaughter 1998; Guiraudon 2003.
 25. Costa, O. 2003. "The European Court of Justice and democratic control in the European Union." *Journal of European Public Policy* 10 (5): 740–61.
 26. Ibid., 748.
 27. Guild, E. 1998. "Competence, discretion and third country nationals: The European Union's legal struggle with migration." *Journal of Ethnic and Migration Studies* 24 (4): 613–25.
 28. Gözlem/l'Observateur 1998.
 29. *Ruhr Postası*, January 11, 1995.
 30. *Hürriyet*, March 12, 1995.
 31. Gözlem/Observateur, no. 10.
 32. Interview with Dr. Ertekin Ozcan, FÖTED leader.