

"HUMAN RIGHTS IN MIGRANT COMMUNITIES"

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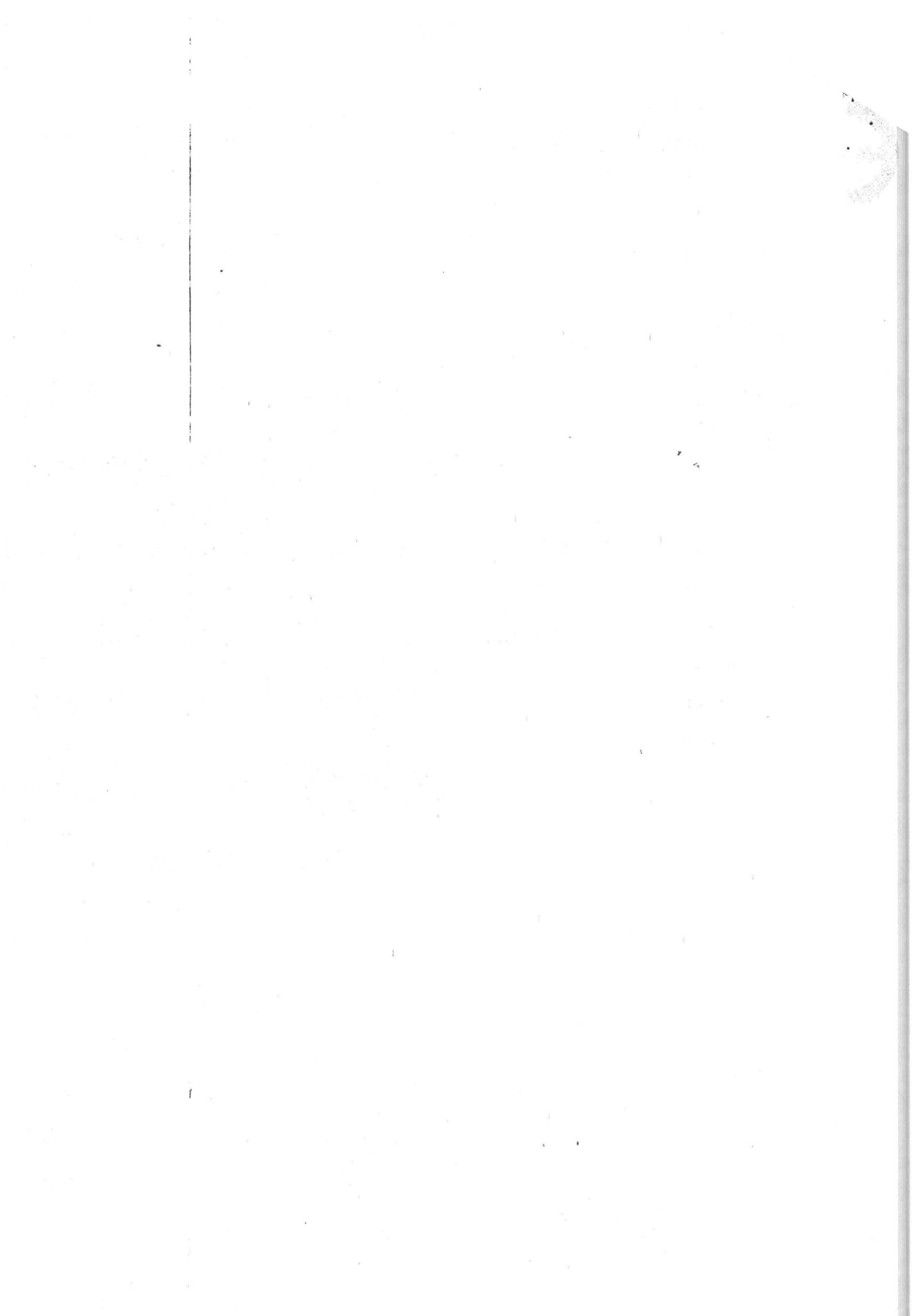
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FOR EMIGRANTS

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I am grateful to have been invited to address your Congress on "Human Rights in Migrant Communities". I appreciate an opportunity to do so because this theme is increasingly urgent in Europe, because it concerns me personally as a Commissioner, and because I believe that Europe's treatment of its many diverse migrant communities will be as significant an index of its capacity for decent survival as will its response to the economic difficulties which so directly threaten its well-being at the present time.

Our society is experiencing a period of headlong change. We know that new technologies are transforming the way we live, and we are trying to adapt in time. Do we also know that another mechanism of change, a mechanism of migration and demography, is transforming our society in a similarly fundamental way, by creating in many of the great European cities a multi-racial population? And are we prepared to adapt to that transformation, which is as dramatic in its way as the change wrought by new technology?

In the new Commission I have responsibility for Competition Policy and Social Affairs. These two assignments are closely involved with the processes of transformation I have tried to indicate. Competition Policy is a crucial instrument for the liberation of the European market, and hence for the creation of a genuinely integrated European economy. Social Affairs is the portfolio which seeks to ensure that prosperity co-exists with a caring and effective social policy. It proceeds from the assumption that the great European market is not worth having

unless its social character is securely founded upon the great achievements of the last forty years in the field of social protection and human rights. It is no secret that some of these achievements are now under pressure.

In this connection the situation of migrant workers and their families is of central concern. On the one hand the free movement of labour within the Community, and into the Community from outside, produces substantial economic advantages for employers and migrants alike. On the other hand, these migratory flows can be the source of considerable personal suffering. The suffering tends to get worse, both for the migrants and for the sections of the host population which must accommodate them, in periods of harsh economic conditions such as we are now experiencing.

So it was that when I became Commissioner for Social Affairs three months ago I found the file on Migration near the top of my in-tray. It was not, of course, a new file. President Hillery, during his term as Commissioner from 1973 to 1976, had already defined the Community's basic policy, and produced an action programme in favour of migrant workers and members of their families. But the economic circumstances of recent years made it necessary to re-examine some of the assumptions which President Hillery and his colleagues were able to make in the early Seventies, and to seek ways of adapting their Programme to present realities.

No Irishman who finds himself facing this responsibility can feel otherwise than greatly honoured and greatly intimidated.

Emigration is something we know too much about in Ireland, to our perhaps eternal cost. No country in Europe has the same scar-tissue to show from massive and ruinous emigration sustained almost without interruption over two centuries. It is still an open question whether our society has recovered from post-famine depopulation. It has surely not recovered from the annual haemorrhage of some 50.000 young people which still continued in the memory of most of us here. And we are now painfully aware that the haemorrhage has resumed, though at a slower rate.

So if there are any Europeans who should know about migration problems and care about solving them, it is ourselves. I would even say that in this regard we owe some debt to the international community. If there is anything that makes the modern Irish social experience bearable in retrospect it is the realization that two "host populations" - the Americans and the British - accommodated our diaspora so that the children of migrants, if not always the migrants themselves, were able to achieve conditions of decency and fulfilment. We should hope for nothing less in the case of the Moroccan shop-keeper in a shanty town outside Paris, or the Anatolian labourer in Hamburg.

I would like this morning to address three particular current aspects of migration: the situation of the Irish, the general Community policy on migration, and the position of non-Community migrants in our Member States.

But let me first say one other thing about my personal first impressions as the responsible Commissioner: I would like to say how impressed I have been to discover the vast number of organizations and of individuals throughout the Member States who concern themselves with the plight of migrants, and who are dedicated to its remedy. I recognise that many of you participating here today are in the "frontline" of this activity, and I want to take this opportunity of expressing my admiration for your commitment. No one can succeed in isolation. No one has a monopoly of responsibility. Churches, trade unions, voluntary organisations, governments, the European Commission and international organisations, all have their parts to play. I speak as the representative of one of these elements. Naturally, I have no illusions that its efforts can in any way be sufficient in themselves.

Irish emigrants have always gone in the main to Britain, when they could not go to the U.S. That is still the case. Half a million of our own people are living and working in the U.K. May I remark in passing that, despite the considerable reduction in emigration over the past quarter-century, this figure remains, as a proportion of the total population of the country of origin, by far the largest migrant community from one Western European state living in another at the present time? Only the Portuguese population currently resident in France begins to approach the relative level of the Irish population in Britain, and then not very closely.

This picture of overwhelming Irish migrant concentration on the U.K. has begun to be varied by movements to other destinations in mainland Europe. We now have some two thousand migrant workers in both the Federal Republic and in the Netherlands, and there is a smaller but still significant presence in both Belgium and France.

This has come about because when Ireland joined the Community on 1st January 1973, the legal status of our citizens in other Member States changed over-night. From that date they were entitled to be present as of right, guaranteed and protected by a whole range of Community legislation, and no longer reliant on bilateral agreements or understandings.

Community terminology calls this the right of free movement of workers. In practice it means that Irish citizens can go to any other Member State, seek work and accept it, and receive equal treatment in regard to working and living conditions on exactly the same basis as the indigenous population. Their social security rights are also protected. What is more, this Community legislation is directly applicable in the Member States and since 1968 has been strengthened by a number of important rulings of the European Court of Justice.

Of course, there are still some gaps to be filled, but by and large the Community legislative framework is comprehensive and effective. In the case of Irish citizens in the UK, it gives Community legal recognition and status to a situation which existed previously, by virtue of our Common Travel Area and our

historic links with Britain. In the case of Irish citizens seeking work in other Member States of the Community it opens doors which previously were shut.

I hope I shall not be misunderstood if I say that we should think a good deal about those doors, and how we can exploit the openings they give. We have become so accustomed by miserable historic experience to regarding emigration as a curse to be avoided if at all possible that we are in danger of closing our eyes to the qualitatively different versions of emigration which are now beginning to beckon from mainland Europe. It would be quite absurd to allow the possibility of well-paid skilled employment for some of our young people in Germany, France or the Benelux to be set aside because of folk memories of the "American wake" or the coffin-ships, especially when such useful work experience could be very beneficial to Ireland when these people return home. There is already a substantial and comfortably-off Irish migrant population in pockets of Northern Europe. Particularly in Brussels: I form part of it myself! It can only be good, for the homeland and for the individuals concerned, as well as for the expansion of our contacts with the rest of Europe, if that population continues to grow.

My second theme this morning is Community policy on migration. What does it seek? How does it work?

The Treaty of Rome is intended to facilitate the right of free movement of workers, but on the basis that this movement should be a voluntary act. Where economic and social conditions are

such that emigration becomes necessary to survival it might seem cynical to describe this imposition as a "right". However, it is also true that the normal ebb and flow of economic activity will necessitate some dislocation in the labour force.

The Community seeks to mitigate the prevailing economic climate by such instruments as the European Social Fund, the Regional Development Fund, FEOGA Guidance and loans and investments financed by the E.I.B. These have undoubtedly helped to alleviate a situation which could otherwise have become even more discouraging over the past decade and more. But this does not stem the emigration flow; it merely contributes to making the burden easier to bear.

For example, 75% of the European Social Fund for which I am responsible, is aimed at people under 25. However, extended training, either for entry to the labour market or for return to the country of origin, will be useless unless jobs are there to go to. We certainly do not wish to have the best trained dole queues in the world.

The Commission is working closely with the Governments of the Member States to produce more jobs, especially for young people under 25 years of age. We are committed to a relaunch of the European economy through closer integration which will, we believe, generate new employment opportunities. But I have to tell you that the European Commission alone cannot solve the

problem. It will also require a great effort on the part of Member State Governments, the Social Partners and at the level of each individual concerned.

The theme of this Congress is "Human Rights in Migrant Communities" and, as I have already indicated, I do believe that our Community migrants, including our compatriots, are in a privileged position when compared to that of the non-Community migrants. Of the 12,5 million migrants (this means workers and families) in the Community of 10 countries, some 9 million come from outside the EC. Turks, Yugoslavs, Algerians, Moroccans and Tunisians form the biggest national groups, to which can be added over 1,5 million Spaniards and Portuguese. When we become a Community of 12 countries, the effect will be to change the percentage of Community migrants from a quarter of the total to well over a third. In short, after the accession of Spain and Portugal some 5 million migrants of Community origin within the EC will have that legislative umbrella to which I referred at the beginning of my speech.

So the non-Community migrants still make by far the biggest group in our European migrant community. Those people have little protection from the European Community. It is true that there are certain obligations concerning working and living conditions arising from the EEC/Turkey Association Agreement, the agreements with the Magreb countries, Portugal and Yugoslavia. But these rights in no way correspond to the European Community legal framework

which exists for the protection of our own people. The non-Community migrant relies solely on the privileges bestowed by bilateral agreements. So when I look at the migrant population within the European Community, I see two classes of migrants.

While we recognise that migrants from Member States have a special status under the Treaties, the Commission believes that the creation of too great a distinction in policy terms between Community and non-Community migrants would be a serious mistake. Many of the problems they face are the same, especially in relation to discrimination and racial prejudice, and, since the thrust of our policy is to encourage greater integration, we must necessarily address the difficulties faced by all migrants regardless of their origin.

This is where I would like to take up the chance you have given me to focus upon what I see as aspects of Community migration policy which are germane to your conference theme.

I told you earlier that the Commission has just produced guidelines for a Community policy on migration. These guidelines have been sent to the Council of Ministers and the European Parliament. They constitute a wide-ranging review of the position of the migrant population in the European community in the mid-80's and their aim is to re-open the debate on this difficult topic.

Our broad conclusion is that, whilst things remain to be done for Community citizens, the really pressing problem is the non-Community migrant population.

What are the priorities as we see them? (Here I want to stress that these actions will be urgent for both Community and non-Community migrants.)

First of all we are greatly concerned at the re-emergence of racism and xenophobia. In my first appearance before the European Parliament's Plenary session, I had to deal with a debate on this very subject.

Racism is a very difficult concept to define but we all know it when we see it and not least when we are victims of it. In any multi-racial society, a certain amount of ethnic caricature is inevitable and forms part of human nature. The best Jewish jokes are often told with relish by Jews themselves. We can even manage a little smile at a really good Irish joke, especially if we can recycle it as a Kerry joke. But we also know when this kind of healthy banter becomes tinged with venom and crosses the boundary of humour into the realm of scorn or even hatred.

Unfortunately, both national Parliaments and the European Parliament contain a vocal minority of democratically elected representatives who are taking an increasingly racist line on migration matters. A climate of unemployment and uncertainty

fuels the fears which lead to this racism. But we must also face the fact that these elected representatives do voice opinions and views held by some sections of our society.

What will the Commission do about it? First we shall continue to pronounce against it, from wherever it arises, on all public occasions such as this. Our guide-lines are clear. We intend to press, at Community level, for the adoption of a declaration on the fight against racism and xenophobia, along the lines of the Inter-Institutional Joint Declaration on Fundamental Rights.

Further, we shall hope to back this by proposals for experimental schemes for free legal assistance to enable migrants to defend their rights, before the Courts if necessary. We shall also endeavour to bring the migrant population together, to allow better collective expression of their concerns. There is much to be done. But you will know, from your own experience, that legislation, however important, will not achieve everything. What is also required is that all of us engaged in public debate do our utmost to maintain a climate of opinion which is inhospitable to racist utterances. We must also seek to generate a public sensitivity to the issue.

Secondly, I believe that we shall have to deal with the matter of civil and political rights. Here, again, I would point to the vastly different position of our compatriots in the UK, for example, and non-Community migrants in the European Community.

I feel that the focus must be, for all migrants, upon the right of assembly, publication and expression of political views, and protection against unjustified expulsion on account of the exercise of these freedoms. This is a very delicate area, in which aspects of public order and security must also have a say.

After the achievement of these essential preliminary rights, the first important measure must be the grant of the right to vote at local level, as a first step, for all migrants legally resident in the European Community. The Member States have already made moves to this end as long ago as 1976, but progress has been slow, and I can only hope that the current moves towards a Citizens' Europe will sharpen the efforts of Governments to grant these fundamental rights.

Of course, this right already exists in some of our Member States. In the UK for Irish nationals, in Denmark for all foreigners, and there is a draft Bill before the Netherland's Assembly at the present moment.

I would select as a final priority the question of return migration. I have already touched on this from the Irish viewpoint. I would now like to look at it through Community eyes.

Since the onset in 1974 of the current economic difficulties, there has been a return to their countries of origin by some half million of non-Community migrants. This figure is not as high as might have been expected, and has been more than compensated for

by family re-unification and demographic factors. Today the 12,5 million migrant population has plateaued, and is slightly higher than the figure for 1974 (12 millions).

Schemes so far tried, have been founded on financial incentives or the re-funding of acquired social rights but most efforts to encourage return, by the host countries be it noted, have not met with a significant response. The European Commission does not agree with enforced return, any more than it accepts that emigration is the only answer to unemployment.

Furthermore, we believe that such policies of voluntary return must be agreed between the countries of emigration and the host countries, backed with adequate educational and vocational training programmes and leading to real jobs in the countries of origin.

But it is clear that the many immigrant workers and their families are not going to leave in any significant number and nor should we want them to. We must remember that most of these people came of Europe at our invitation and have contributed substantially to our economic well being. Common decency requires that they cannot be abandoned when times become difficult and it is, therefore, a fact of life that the future European society will be multi-racial in the fullest sense of the word with substantial communities of non-European origin. This will be so not least because the birth rate amongst the migrant communities is significantly higher than the European average (which has been declining in recent years). This development will have many positive aspects. We have only to look to the American example to see the benefits which can flow

from a melting pot of different cultures: receptivity to new ideas, a freshness of outlook, a new enthusiasm and sense of potential. All of these can result from a healthy climate of racial diversity provided that people open their minds. However, if they approach the issue with closed or bigoted minds, then tensions will mount, as can be seen clearly at the present time. I have to state here very clearly that the policy of the European Commission is totally to oppose any racist thinking which may surface in this context. It is our job to ensure the full social political and economic integration of these people within our society.

Integration should not, of course, mean homogenisation. It is only natural that first, second or third generation migrants will want to maintain a high level of ethnic identity (whether in the form of culture, social practice or religion) as well as links with their country of origin. This is something which the host population must respect, though there is also a responsibility on the migrants themselves to ensure that the maintenance of such a separate identity does not also become a barrier to integration. Tolerance is needed on both sides.

There is so much more to be said and much more to be done. The main basis of our efforts will be the process of information and consultation between the Member States and the Commission, leading to the application of policies which will deal with all the problems mentioned in our Guidelines Communication, and particularly with the priorities I have mentioned today. In the past, the response of the Member States to Commission initiatives

has not been very good but the matter is assuming a new urgency and I hope that this time the debate will be re-opened in earnest with a real willingness to make progress.

I do not consider it an exaggeration to say that this is an issue of historic importance and, when history makes its judgment on the question of how we tackled the need for social justice for the migrant communities of Europe, I hope it will be said that we had the wisdom and foresight to learn from the mistakes of the past and to follow open-minded policies of integration and tolerance rather than going down the discredited road of prejudice, segregation and hatred.

It is perhaps appropriate that we are thinking of these things during this Congress and at a time of solemn reflection throughout our Community upon events which helped to change the face of our society two thousand years ago.

May the spirit of sacrifice, dedication and respect for the humanity of our fellow beings be sufficiently strong for us to ensure that we achieve those human rights in migrant communities which all of us here would want to see.

