THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Council of Europe F – 67075 Strasbourg Cedex

Tel : +33 (0)3 88 41 20 00 Fax : +33 (0)3 88 41 27 51/ 37 47 http://www.coe.int/cplre

12th PLENARY SESSION

of the Chamber of Local Authorities

Strasbourg, 10 May 2005



CPL (12) 4 Part II

TWELFTH SESSION

(Strasbourg, 31 May - 2 June 2005)

Intercultural and inter-faith dialogue: Initiatives and responsibilities of local authorities

Rapporteurs: Mary HUNT, United Kingdom, Chamber of Local Authorities Political Group: ILDG and Brith FÄLDT, Sweden Chamber of Local Authorities Political Group: SOC

EXPLANATORY MEMORANDUM

CONTENTS

INTRODUCTION		4
1.1	Origin of the Report	4
COMPLEXITY OF SITUATIONS		5
2.1	"Old" and "new" cultural minorities	5
2.2	Cultural minorities and religious minorities	5
THE ISSUES INVOLVED IN MANAGING CULTURAL DIVERSITY		6
3.1	The preservation of cultural diversity	6
3.2	Strengthening the social bond	7
THE UNC	ERTAINTIES OF INTERCULTURAL AND INTER-FAITH DIALOGUE	7
4.1	Dialogue between local authorities and particular groups	8
4.2	Dialogue between particular groups	8
4.3	The requirements of inter-faith/intercultural dialogue	8
4.4	Intercultural dialogue and social problems	9
ANALYTICAL TOOLS		9
5.1	Law on minorities	10
5.2	The path of mutual recognition	10
5.3	The question of common values	11
5.3.1	Definition of common values	11
5.3.2	Attitude to groups that reject common values	11
	ES OF CONDUCT FOR LOCAL AUTHORITIES IN RELATION TO	
	ES OF CONDUCT FOR LOCAL AUTHORITIES IN RELATION TO IS AND CULTURAL DEMANDS	12
		12 12
RELIGIOU	'S AND CULTURAL DEMANDS	
RELIGIOU 6.1	S AND CULTURAL DEMANDS Principle of religious freedom	12
6.1 6.2	S AND CULTURAL DEMANDS Principle of religious freedom Principle of religious neutrality	12 13
6.1 6.2 6.3	S AND CULTURAL DEMANDS Principle of religious freedom Principle of religious neutrality Principle of freedom of expression	12 13 13
6.1 6.2 6.3 6.4	S AND CULTURAL DEMANDS Principle of religious freedom Principle of religious neutrality Principle of freedom of expression Principle of legality	12 13 13 13
6.1 6.2 6.3 6.4 6.5	S AND CULTURAL DEMANDS Principle of religious freedom Principle of religious neutrality Principle of freedom of expression Principle of legality Principle of proportionality	12 13 13 13 13

A FEW BASIC STEPS

8.1	Putting in place the "tools" that make it possible to know and enter into dialogue	
	with the various cultural and religious groups present in the territory	15
8.2	Creation of relationships of trust between the local authority and the	
	groups concerned	16
8.3	Development of a system for dialogue, advice, information and	
	assistance to projects	16
8.4	Organising intercultural and inter-faith meetings	16
8.5	Formation of a local inter-faith council	16
CONCLUSION		17
APPENDIC	CES	
Appendice 1 (Hearing of March 2003)		18
Appendice 2 (The experience of United Kingdom)		20

15

1. INTRODUCTION

1.1 Origin of the report

European societies are clearly becoming increasingly multicultural. This multicultural environment is an asset but may also be a source of tension and sometimes even of conflict. The tragic events of 11 September 2001 and 11 March 2004 brought these tensions into the international limelight, but they are also making themselves felt in national contexts and at local and regional level through the persistence of racist offences, anti-semitic vandalism and the radical rhetoric used in certain political speeches.

The events of 11 September shocked the world and led politicians to ask why they had happened and how it was possible to make sure they never happened again. Various sectors of the Council of Europe have sought to address this issue in their specific fields of competence. All the responses to the problems of intercultural and inter-faith tension were brought under the heading "the promotion of intercultural and inter-faith dialogue".

The Congress, for its part, wished to make its own particular contribution to this debate.

The Committee on Culture and Education of the Chamber of Local Authorities of the Congress therefore decided that the first step should be to hold a hearing on "the role of local authorities in promoting intercultural and inter-faith dialogue". This hearing, which was held on 20 March 2003 (see appended agenda), provided the opportunity to hear about some practical examples of local initiatives in the London Borough of Islington (United Kingdom), Friedrichshafen (Germany), Marseille (France), Tuzla (Bosnia and Herzegovina) and Tumen (Russian Federation).

Following the hearing, the Committee on Culture and Education continued its discussions with a view to identifying principles that might guide local authorities' activities in this field. This report takes stock of the discussions at this stage. The Committee is, however, aware that the report has set itself an extremely ambitious goal and that the discussions so far have not exhausted the debate.

This report is therefore a summary of the discussions to date, given that the Committee would like to continue its work in this field, particularly by extending the sharing of experience to other European towns and taking account of the activities being pursued in other European organisations. The Committee wishes to continue its work and is therefore requesting the support of the Congress. The rapporteurs would also like to thank the two consultants who helped them to prepare this report: Geza Tessenyi, Chair of the "Intercultural Leadership School" in Strasbourg, and Jean-Marie Woehrling, expert from Strasbourg.

The rapporteurs and the Committee felt it was important that the report should give local authorities practical assistance in drawing up their policies and identifying appropriate activities in this field. The report therefore seeks to provide a framework for discussion, which in their opinion will be more useful than a compilation of examples of good practice.

The concepts of inter-faith dialogue and intercultural dialogue are used a great deal, but often without any concrete, practical implications for local authorities¹. Despite their success, far from

¹ See, for example, the Declaration on Intercultural Dialogue and Conflict Prevention adopted by European Ministers responsible for Cultural Affairs on 20 October 2003 (Council of Europe DGIV/CULT/PREV(2004) 1, 16 February ^{2004,}

referring to a concrete method of ensuring European cultural diversity, they are more an acknowledgement of the increasing difficulty of managing complex and sometimes conflictual relationships between different cultural groups.

Such difficulties are illustrated by the problems local authorities have in managing cultural and religious diversity. There are many examples of initiatives at local level that are hard to transpose and which enable only tentative recommendations to be made.

2. COMPLEXITY OF SITUATIONS

The term "cultural and religious diversity" may give the impression that the expression of cultural and religious particularities is a single, homogeneous phenomenon.

In fact, the term covers a range of widely differing situations whose essential differences need to be noted from the outset, since very varying issues are involved in the "management" of the various types of cultural and religious groups.

2.1. "Old" and "new" cultural minorities

Many European regions have long-standing population groups linked by a specific culture (often original populations). Such minorities are usually distinguished by linguistic as well as historical, religious and other specific characteristics. Sometimes referred to as "national minorities" (because their members have the nationality of the country or because they have a feeling of national identity), these groups do not generally have particular social integration problems but claim special status for the management of their cultural particularities and sometimes political autonomy. Even when they are dispersed, such groups often also form a significant minority, or even the majority, of the local population in certain areas.

In addition to such traditional minorities, most European countries also have population groups resulting from recent immigration which are generally found in cities and are affected by significant social problems (unemployment, integration, standard of living), some of which have kept a different nationality and display cultural characteristics perceived as foreign. While such new minorities are sometimes concentrated in particular neighbourhoods, they are usually dispersed throughout the territory. The younger generation of such populations has particular problems (lack of integration, delinquency, etc).

These two types of minority raise very different issues. While in many countries the situation of old minorities is tending to be settled, either by their disappearance or the recognition of special status, the problems connected with new minorities are perceived as growing, at least with respect to some of them. In fact the question of cultural diversity is arousing the attention of the authorities because the management of some immigrant populations is a growing problem.

The coexistence of the two types of minority may render such management more difficult. It is not unusual for political power or the *de facto* situation (particularly demography) to place them in competition with each other. Sometimes, however, the existence of traditional minorities is an "experience" that can facilitate the accommodation of new minorities.

and the International Conference on Intercultural Dialogue held by the European Commission DG EAC/Jean Monnet Project, 20-21 March 2002.

In any case, the difference is important² since the two types can seldom be treated in the same way³. Only a few minorities have intermediate characteristics⁴.

2.2 Cultural minorities and religious minorities

In many respects the expression of religious belief includes features similar to that of cultural specificity (traditions, cultural references, behaviours, values, etc). Taking a sociological approach, one might be tempted to consider that the religious is simply a variant of the cultural. A distinction needs to be drawn between these two types of social phenomena, however.

First, for legal and political reasons: religious convictions are given special treatment in European countries characterised by special protection at the level of individual rights. The authorities also have a special duty of "restraint" in this field. There is a generally accepted principle that the authorities should be neutral vis-à-vis religious convictions. Conversely, in the cultural field, government intervention is not only perceived as legitimate, but even necessary. There are "cultural policies", including at local level, everywhere: protecting national/regional languages and cultures is considered a public duty. Individual cultural rights are often legally protected only within the framework of a special status.

Furthermore, as far as substance is concerned, religion and culture have quite distinct contexts. Strictly cultural requirements are usually less rigid and more diffuse than requirements of a religious nature.

This difference sometimes tends to be erased when ethnic or cultural claims are supported by religious traditions in order to give them more weight⁵. Here, religious traditions are used to express ethnic or cultural identity. Moreover, in many cases religious traditions have virtually lost their spiritual dimension and been transformed into cultural traditions. Nevertheless, for the management of such situations it is important to draw the distinction.

3. THE ISSUES INVOLVED IN MANAGING CULTURAL DIVERSITY

The authorities, local authorities in particular, are faced with a dual objective that can be seen as contradictory in some respects.

3.1. The preservation of cultural diversity

The "monolithic" or "unitary" conceptions of the community once dominant are increasingly giving way to the conviction that cultural pluralism is now both inevitable and beneficial. This view is based on two considerations:

The idea of the right to cultural difference

Groups with a distinct culture should be able to preserve and even develop it. In particular, it is considered that persons belonging to national minorities should be able to preserve and

² This is why Council of Europe instruments (the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities) clearly distinguish between the two types of minority. ³ This distinction is frequently presented as unjustified discrimination, but this is an intellectual confusion connected

with the fact that the term "minorities" is used to refer to both.

⁴ The Roma are an example of one that does.

⁵ In some respects, a situation of this type can be seen in the wearing of the Islamic headscarf.

develop their culture and the essential elements of their identity and not be assimilated against their will⁶.

- <u>The idea that cultural diversity enriches the whole population</u> Such diversity enables every particular culture to become aware of its specificity and benefit from what other cultures have to offer. Populations benefit from cultural multiplicity, while the cultural levelling connected with globalisation is considered an impoverishment. Local authorities should therefore maintain and foster cultural diversity in their territories by enabling the various groups present to develop their culture and identity⁷.

3.2. Strengthening the social bond

Contemporary European societies are facing the fundamental issue of "social cohesion", in other words the presence in society of structural elements that enable its members to feel they are part of the community. This issue of the "social bond" is particularly important at local level since it is here that people experience in concrete terms situations that strengthen or, conversely, weaken this bond. Local authorities, whatever their powers in other respects have this essential mission: to make the local population a mutually supportive local community.

This task is becoming increasingly important and difficult because European countries are facing transformations that are changing the context in which this issue can be dealt with:

- increasing diversity within populations: population movements are diversifying ethnic, cultural, religious and linguistic groups; the social aspirations, ways of life and philosophical and religious convictions of the majority are crumbling as a result of changing mentalities and the role of the media;

- at the same time, traditional frameworks (church, family, school, army, unions, parties, etc) are being weakened or finding it more difficult to function: the new economic context, the high degree of geographic mobility and increasing individualisation are weakening social cohesion;

- parallel to these changes, the analytical and conceptual tools that would enable the population and its leaders to understand and control the changes under way are lacking: how can the unity of a culturally plural society be understood?

In these circumstances there is great tension between conceptions favourable to promoting cultural pluralism and those concerned about cultural cohesion. The debate about "multiculturalism" is an illustration of this.

The issue of social cohesion on the basis of common core cultural references concerns especially immigrant groups, which may be marginalised as a result of the precarious economic situation.

4. THE UNCERTAINTIES OF INTERCULTURAL AND INTER-FAITH DIALOGUE

The importance of developing dialogue between cultural/religious groups is incontestable. This notion of dialogue covers significantly different issues, however.

⁶ Article 5 of the Framework Convention for the Protection of Minorities.

⁷ Some "traditional" minorities are disappearing because their particular characteristics (religion, traditions etc) are no longer being transmitted from generation to generation. This process of disintegration calls for support measures from the wider society.

4.1. Dialogue between local authorities and particular groups

The development of contacts by local authorities with the religious groups present in their territory is particularly appropriate since:

- Such groups are part of local society and cannot be ignored. They can help to strengthen the social bond and the cohesion of the wider community⁸.

- Such groups should not be set apart from the wider community, even though they may be tempted to distance themselves from it. In order to make contact with people who are difficult of access it is often appropriate to go through the group to which they belong.

- This relationship is necessary in order to define the needs of such groups and determine with them to what extent those needs can be accommodated.

- Only diversified contacts with all groups in the community will enable local authorities to play their role as neutral authorities concerned to give equal weight to the interests of all the inhabitants.

It is important that, in their general policiy, Local Authorities promote this dialogue and that they recognise in their public statements the reality and the legitimacy of the cultural and religious diversity existing within the Local Authority.

4.2. Dialogue between particular groups

Furthermore, dialogue between different groups guarantees greater mutual knowledge and understanding. It facilitates acceptance of the specific cultural characteristics of immigrant populations and helps to defuse lack of understanding, fear and hostility.

Well-managed intercultural contact enables each group to become aware of its identity and open up to the particular characteristics of other groups. Intercultural communication guarantees that groups pay attention to each other and that each is concerned about the collective interest of the wider society.

One must be aware however, that true intercultural dialogue goes beyond simply exchanging information or satisfying mutual curiosity.

Nor should intercultural dialogue be confused with intercultural "mingling" under the auspices of a form of globalisation in which a facade of diversity results in mixing everything together and, in the final analysis, arriving at uniformity. Dialogue means taking difference seriously at the same time as overcoming divisive tendencies.

4.3. The requirements of inter-faith/intercultural dialogue

Many intercultural contacts are not real dialogues but " juxtaposed monologues" with each party merely seeking to state its point of view. True dialogue is an exchange in which one places oneself in the right frame of mind to evolve conceptually through receptiveness to the other party. This exchange can therefore transform the conceptions and values of the parties to the dialogue.

Certain groups, notably religious, do not want true dialogue understood as such a transformation:

⁸ Religious groups usually have an altruistic dimension. Local authorities can exploit this disposition to serve others, in particular by directing it towards objectives that go beyond the group concerned

- such groups want above all to remain as they are and not to expose themselves to outside influences⁹,

- they consider their values superior to those of the wider community and other groups,

- they want to affirm their rights without reaching a compromise with the rights claimed by other groups.

Intercultural/inter-faith dialogue therefore requires the adoption a position of openness and mobility that is not accepted by every culture. A climate of trust therefore needs to be created: minorities will take part in dialogue only if they do not fear that they will be submerged in an amorphous mingling of beliefs and cultures. Intercultural dialogue is not "cultural mixing".

4.4. Intercultural dialogue and social problems

In many regions attention is focused on immigrant populations. They are a cause of growing concern, particularly those with a Moslem tradition. These groups are affected by a number of problems:

- economic problems (instability, lack of vocational training, employment discrimination, etc),

- rapid demographic growth (large families, family reunification problems, etc),

- "ghettoisation" (voluntary or involuntary concentration in the same neighbourhoods),

- integration problems of the younger generation (academic failure, marginal behaviour, delinquency),

- growing religious demands at a time when the rest of the population is often turning away from religious practices.

Because of this, the issue of intercultural and inter-faith dialogue therefore often tends to be restricted to concern for the best possible integration of such populations, a debatable approach since it waters down the meaning of dialogue and may even favour the "stigmatisation" of a particular population.

To conclude, in order to carry out its work of promoting intercultural/inter-faith dialogue satisfactorily, local authorities should define their identity, and create a feeling of belonging and solidarity among their members. This implies, outside all the legitimate differences, the definition of common interests¹⁰.

5. ANALYTICAL TOOLS

The presence in a population of groups with particular identities needs to be placed in an analytical framework that enables action to be managed.

Only brief mention will be made here of the analytical framework based on a monolithic conception of society. In this conception, the objective is the disappearance of particular cultures in the

⁹ Integrity, permanence and preservation of identity are legitimate concerns for any group, but they must be combined with integration in society as a whole.

¹⁰ This expression has many variants: general interest, common good, common values, etc. See also the item 5.3.1.

dominant culture through assimilation, dialogue with particular groups simply being a means of dissolving them. Without entering into a critique of this approach, it is sufficient to observe that it no longer corresponds to the reality of European societies.

The concepts proposed for "approaching cultural and religious diversity" are "minority", "recognition" and "common values". These notions deserve to be further explained below.

5.1. Law on minorities

A great many cultural groups may be understood as minorities in the sense in which the word is used by instruments for the legal protection of minorities¹¹. Local authorities therefore need to examine the protection to which minorities are legally entitled.

This approach is in many respects insufficient however:

- Local authority management of cultural and religious diversity goes beyond what is regulated by the legal framework, which is often imprecise and incomplete.

- Cultural and religious issues do not all fall neatly under the heading "minority" since, for example, they may also concern majorities or situations which cannot be linked with specific groups.

- This approach should be combined with another, namely the promotion of the interests of the community as a whole and relations between the various elements of which it is composed.

While it is important for the authorities that particular cultural and religious groups are protected, it is equally important that they should fit into the wider society of which they are a part.

5.2. The path of mutual recognition

The integration of minorities is based on the principle of the virtuous circle "loyalty-generosity" or "giving and receiving": the majority¹² recognises the minority and gives it advantages; in return, the minority recognises the majority and respects the rules it lays down. The more loyal the minority is, the more generous the majority will be: the majority is concerned that the minority's position should be comfortable, while the minority is concerned about the interests of the community¹³.

The virtuous circle principle requires far more than simply giving the minority minimal rights and the minority respecting the legal framework. Mutual "recognition" is required and therefore an inclusive¹⁴ conception of society: the two sides (majority/minority) regarding the minority as part of the community in every sense of the term.

Successful management of the virtuous circle minority/majority implies an always unstable balance between "distinguishing" and "exchanging":

- the minority wants to safeguard its specificity,
- but it must also want to exchange with the community and other minorities.

¹¹A group smaller than the majority with a distinctive cultural, religious, linguistic or other characteristic that it wishes to preserve.

 $^{^{12}}$ Î should say "the wider community" but will use here the simpler term "majority" since minority groups generally perceive relations as concerning the majority. The interests of the community are in fact often those of the majority.

¹³If not, the "vicious circle" of provocation-repression will start to operate, leading to mutual rejection and a break between the community and the minority.

¹⁴ A term preferable to unitary.

Intercultural and inter-faith dialogue are therefore a very important test of whether the delicate balance majority/minority has been safeguarded.

These are questions for national and European society as a whole, but it is only at local authority level that principles can be fine tuned. It is only at local authority level that individuals can experience the reality of a broad community to which everyone belongs and on the coherence of which the interests of both individuals and the smaller communities that have their legitimacy in this framework depend.

5.3. The question of common values

Many local officials believe that the integration of cultural and religious groups in the wider society and inter-faith and intercultural dialogue are only possible on the basis of a set of common values. This would seem to be a matter of common sense but is not always easy to implement.

5.3.1 Definition of common values

- ✓ The common values generally considered indispensable for European societies are the following: acceptance that all particular groups belong to the wider society (the principle of belonging),
- ✓ recognition of the freedom of every individual to belong or not to belong to a particular group (the principle of autonomy),
- ✓ recognition of the fundamental equality of all members of society (the principle of nondiscrimination).

These values are not necessarily accepted by every group, however. Some groups see themselves as forming a distinct, separate society. Moreover, some particular groups believe they can legitimately discourage their members from leaving them. Some groups also have a precise conception of social roles (in particular between the sexes) which may compromise effective equality between their members.

These last conceptions are not aberrations since minority groups can only safeguard their existence and specificity in relation to the wider society.

More generally, it needs to be pointed out that, although the values of freedom and autonomy are perceived as universal, they are not. Alongside integrative conceptions of society (universal, individualistic views based on abstract values), there are cultural, separatist conceptions (organisation on the basis of specific beliefs and cultures whose preservation takes precedence over the freedom of members of the group).

It has to be observed that the principle of religious or philosophical neutrality on which European societies generally pride themselves only covers neutrality in relation to the conceptions and philosophies that fit in with common values and not general neutrality with respect to all conceptions of whatever kind.

5.3.2 Attitude to groups that reject common values

What attitude should be adopted towards groups that reject common values? (Some groups may formally bow to the rules but nonetheless consider them illegitimate for themselves, ask to be exempted or try to overturn them.).

The authorities may have to make a difficult choice:

- Adopting too flexible a position may compromise the collective interests of the ider society and damage social cohesion.

- Adopting a repressive position would contradict the liberal pluralistic principles of the wider society.

A more complex position therefore needs to be adopted:

- Certain behaviours should necessarily be suppressed (for example, violence perpetrated by groups upon their members in order to force them to comply with group discipline).

- Incentive rather than repressive attitudes may encourage "separatist" groups to opt to comply with the values of the wider society (financial advantages or material support may be subject to such compliance).

- Different values can be accepted if they do not compromise public order and if the particular group accepts dialogue.

Intercultural and inter-faith dialogue may be particularly useful for the implementation of the last two strategies. But the complexity of the problem should not be underestimated.

6. PRINCIPLES OF CONDUCT FOR LOCAL AUTHORITIES IN RELATION TO RELIGIOUS AND CULTURAL DEMANDS

Local authorities are facing an increasingly diverse range of demands and questions from religious and cultural groups. It may be difficult for them to decide how to manage these demands in view of considerations of cost, complexity, the issue of equality and concern to safeguard the cohesion and interests common to the whole community.

A few examples of the demands particular groups may make:

- opening of places of worship,
- organisation of education in a foreign language,
- taking cultural and religious traditions into account in school or
- public cafeterias,
- women-only periods in public swimming-pools,
- the wearing of traditional or religious garments in schools and
- government offices,
- the creation of confessional sectors in cemeteries,
- access of particular groups to the local media (radio and
- television broadcasts,
- ritual slaughter of animals, particularly on the occasion of major feasts,
- religious education in schools,
- taking into account the traditional religious feasts specific to certain groups,
- provision of hospital services according to religious or cultural traditions.

In order to find their way through such delicate choices local authorities should take certain principles into account.

6.1. Principle of religious freedom

This principle involves not only tolerance of religious convictions but also a duty to establish the positive conditions necessary for the effective exercise of religious freedom. This means in particular that the authorities should do everything in their power to enable religious groups to live

out their convictions in satisfactory conditions, have suitable premises, and express and transmit their convictions. The exact extent of this duty may be interpreted according to national traditions and legislation.

6.2. Principle of religious neutrality

Under this principle the authorities keep their distance from religious convictions by not entering into questions of faith either positively or negatively.

This principle is understood differently in different countries, however. No public authority can in fact stand back completely because:

• It may have to intervene negatively against religious groups regarded as presenting a threat to public order (although the concept of threat is difficult to assess objectively).

• Supporting religious freedom may make positive intervention necessary. Furthermore, a public authority may have legitimate common interests with some religious groups. These interests may be cultural if the religious culture and the public culture are the same (eg many religious monuments are also cultural monuments emblematic of a region). The interest may also be social if a religious group works for social integration and can in this way help to resolve social problems.

The principle of neutrality does not therefore exclude local authorities taking different positions with respect to different religious groups. These attitudes must be objectively and rationally justified, however.

6.3. Principle of freedom of expression

In any case, local authority management of cultural diversity falls within the legal framework of fundamental freedoms. It should therefore respect the principles of:

- freedom of expression and communication,
- freedom of assembly and association.

The exercise of these freedoms excludes measures to hamper them, unless they are justified by serious public order considerations, but also involves positive action to render them effective. Local authorities therefore have a duty to take adequate measures within the scope of their legal competence to facilitate, for example, the access of all cultural groups to the media.

6.4. Principle of legality

Local authorities must, of course, apply the law, which may contain precise regulations on the rights and duties of cultural and religious groups. Even if the law is contested, it must be faithfully applied since it constitutes a common, objective benchmark, in particular where there are different conceptions. The law is not always clear, however. It may contain contradictory provisions. This situation is not anomalous since the principle of legality is not the same as a set of instructions: it is a process of integration nurtured by common thought and debate.

6.5. Principle of proportionality

When examining the requests of cultural and religious groups, it is legitimate to take into account both the importance of the measure requested and its cost (financial, social or other) to the community. If it involves little or no cost or trouble, there is no reason to refuse; if it has serious drawbacks, the group must show that it represents an essential or very important need for the group. This rule of proportionality is expressed in the concept of "reasonable accommodation" developed in the case-law of some countries with respect to religious practices: even where a request cannot be based on a right, it should be accommodated if it involves a serious concern and this can be done without too much difficulty.

In any case, it would be unwarranted to refuse a religious or cultural group something that does not create significant problems.

6.6. Principle of transparency

Reasons must be given for whatever position local authorities take with respect to requests by cultural or religious groups: local authorities should clearly and honestly explain the position they are taking, particularly if they are using a "discretionary" power of appreciation with regard to requests addressed to them. This rule of explaining the reasons for decisions on cultural and religious issues may be difficult and demanding, but it is necessary to a full and fair debate.

6.7. Principle of non-discrimination

This principle is recognised by all European countries but is nonetheless particularly tricky to implement. This is because, firstly, equality does not mean uniform application of the same measure to every situation, but adapting a rule to particular situations in such a way as to arrive at equal prospects of cultural or religious development. Secondly, differences in treatment may be justified by public interest considerations. Non-discrimination does not therefore mean identical treatment, but ensuring that particular measures are appropriate and justified.

Thus true equality may involve specific positive measures in favour of certain cultural or religious groups. This is the case where there are reasons for accommodating a particular cultural characteristic (for example, adapting the school education system to enable transmission of the language, culture, history, etc of a particular community).

7. GUIDELINES

It is difficult to lay down general guidelines for action because of the diversity of local situations. A number of elements may be suggested, however:

A good criterion for determining whether or not a specific measure in favour of a minority is appropriate may lie in its integrating effects: a measure that fosters the integration of a minority group in the wider community is in principle a useful one, even if it constitutes an exemption from the general rule.
 Example: Should Sikhs who want to join the Canadian Mounted Police be allowed to wear a turban instead of the hat that is normally part of the uniform? The response of the Canadian authorities was in the affirmative since the exemption facilitates the participation of Sikhs in public duties. Conversely, caution is required if the requested measure would tend to marginalise or isolate a community.

- 2. Measures likely to destabilise a minority group should not be looked upon with favour since they might radicalise the group and make it intolerant. Conversely, measures enabling it to take greater advantage of community institutions and loyally develop its interests are of a kind to strengthen its trust in institutions and accept greater integration without having to fear dissolution.
- 3. Any accommodation allowed to a minority should as far as possible be agreed in a <u>transactional context</u> in which the minority group is given certain advantages at the same time as it commits itself to measures beneficial to the wider community or favourable to its integration in that community.

Example: Local authorities take measures to foster knowledge of the language of origin at the same time as members of the minority group commit themselves to fostering knowledge of the common (national or regional) language. This gives practical expression to the principle of reciprocity between recognition of the minority and recognition of the wider community.

It is therefore advisable to use the technique of "agreements" between the local authority and particular groups in order to formalise reciprocal commitments.

4. The different cultural and religious minorities can be invited to take part in the drafting of a Charter of Common Values of the wider community consisting of:

- definition of the common objectives of the whole community,

- agreement on the behaviour desirable between cultural and religious groups in a spirit of mutual tolerance and respect,

- participation in dialogue and mediation structures.

- 5. With respect to granting financial assistance and subsidies, it is desirable to put in place a general framework setting out the general conditions for intervention by local authorities with respect to cultural and religious groups in order to guarantee an objective impartial approach.
- 6. One of the "techniques" that have proved effective in improving the integration of traditional minorities in the wider community that can be recommended is the formation of representative bodies able to express constructively the group's needs, act as a consultative body, enter into dialogue with the authorities and take on responsibilities with respect to the wider community.¹⁵

8. A FEW BASIC STEPS

The first stages in initiating dialogue between groups and local authorities are similar whatever the exact situation.

8.1. Putting in place the "tools" that make it possible to know and enter into dialogue with the various cultural and religious groups present in the territory

This requires two elementary measures:

- A study and serious analysis of the situation of every local authority with respect to the religious and cultural diversity in its territory (information about the

¹⁵ See Manual on Local Consultative bodies for foreign residents, ISBN 92-871-5455-4. See also Convention on the participation of foreigners in Public Life at Local Level (Treaty n° 144).

different groups, their characteristics and expectations, the capacities of the persons with responsibilities within groups, etc, analysis of the situation in order to determine the nature of their principal problems, definition of desirable action and the necessary means).

- Organising the administrative services of the local authority in such a way as to have available within those services persons responsible for this activity with the appropriate skills and resources.

8.2. Creation of relationships of trust between the local authority and the groups concerned

Local authority officials should show that they are open to dialogue by making contact with the various groups in the territory:

- This involves, first, finding out who the leaders of such groups are and creating the conditions of fruitful communication with them.

- Next, it involves examining together the group's situation and expectations.

8.3. Development of a system for dialogue, advice, information and assistance to projects

One possibility here is to prepare a joint publication presenting the groups concerned, for example.

It may be wise at this stage to appoint prominent personalities to lead the action. More often than not, success depends on people able to act as "intercultural mediators" to whom responsibility for conducting dialogue may be entrusted¹⁶.

In addition, local authority action might usefully be summarised in a "local intercultural cooperation programme" intended as an overall local authority action plan in this field.

8.4. Organising intercultural and inter-faith meetings

Enabling groups to meet, get to know each other and take joint action. Such meetings could be a preliminary to the establishment of a more formal framework of inter-faith collaboration.

8.5. Formation of a local inter-faith council¹⁷ (see also appendix 2)

Such a body should not be established hastily. Care should be taken to:

- ensure that the religious groups invited to take part correspond to the actual local religious landscape,
- see that the representatives of the religious groups concerned are truly representative,
- make the body genuinely independent of the local authority that sets it up,
- see that these religious groups accept each other within the body and feel correctly represented in relation to their respective weight,

¹⁶ Cf, for example, the dialogue between Jews and Muslims organised in the Baarsjes district of Amsterdam under the aegis of Erwin Brugmans and Mustapha Laboui.

¹⁷ Attention is drawn to the publication in 2002 in the United Kingdom of « good practices guidelines – interfaith structures and local government » by the Local Government Association ISBN 1 84049 2783. In the United Kingdom 130 local interfaith groups of similar structures were active in 2003.

- create a climate of trust that will ensure that the participants want to work with the authorities,

- propose activities to the body in accordance with the concerns of all the groups represented.

This is a delicate set of conditions. It may initially be appropriate to organise the inter-faith council on an informal basis and to formalise it only gradually as it gains experience.

Missions that could be entrusted to the council:

- giving the local authority opinions on the management of religious and cultural diversity;

- examining requests from groups;

- adapting common principles and rules of conduct on the expression of religious and cultural diversity.

CONCLUSION

At present, cultural diversity is invoked on every side. Yet certain forms of superficial diversity are detrimental to the preservation of genuine diversity. Care must be taken not to aid in debasing this term to denote globalised forms of cultural communication and consumption. Everyone being able to choose which values he means to identify with constitutes an advance, but there is the risk that this freedom, under the assumed name of cultural diversity, may encourage a jumble of cultural modes which although diversified in their make-up are more and more uniform at the worldwide level. To guard against this trend, the management of cultural heritages must be addressed rigorously and with a commitment to authenticity. Local authorities are well placed to do this.

APPENDICE 1



Congrès des Pouvoirs Locaux et Régionaux de l'Europe CHAMBRE DES POUVOIRS LOCAUX Congress of Local and Regional Authorities of Europe CHAMBER OF LOCAL AUTHORITIES

Council of Europe/Conseil de l'Europe F – 67075 Strasbourg Cedex Tel : +33 (0)3 88 41 20 00 Fax : +33 (0)3 88 41 27 51 / +33 (0) 3 88 41 37 47 http://www.coe.fr/cplre/

Strasbourg, 14 March 2003 CPL/SP (9) OJ 1

SPRING SESSION OF THE CHAMBER OF LOCAL AUTHORITIES

(Joint meeting of the Culture and Education Committee and the Standing Committee)

DRAFT AGENDA

of the meeting to be held on

20 March 2003

9h 30 - 11h 30 (Room 3)

I. OPENING OF THE MEETING BY THE PRESIDENT OF THE CHAMBER OF LOCAL AUTHORITIES

Mr Halvdan SKARD (Norway), President of the Chamber, will open the Session.

II. ADOPTION OF THE DRAFT AGENDA [CPL/SP (9) OJ 1] For adoption.

III.ADOPTION OF THE DRAFT REPORT OF THE LAST MINI-SESSION OF THE
CHAMBER, 14 NOVEMBER 2002[MS/CPL (9) PV 1]

For adoption.

IV. ACTIVITIES OF THE CHAMBER SINCE THE AUTUMN SESSION 2002

Information by the President and Secretariat.

V. INTRODUCTION TO THE HEARING BY Mrs HELENE LUND (DENMARK), PRESIDENT OF THE CULTURE AND EDUCATION COMMITTEE OF THE CHAMBER AND INFORMATION ON THE OTHER ACTIVITIES OF THE COMMITTEE OF THE CHAMBER

VI. HEARING ON "THE ROLE AND INITIATIVES OF LOCAL AUTHORITIES IN THE PROMOTION OF INTERCULTURAL AND INTER-FAITH DIALOGUE" (organised with the support of Integrated Project N° 2 of the Council of Europe¹⁸)

VI.1. Statements by:

1. Councillor Laura Willoughby, Chair of the Local Government Association Equalities Executive, Executive member for Communities, London Borough of Islington - presentation of the publication: "Faith and communities: a good practice guide for local authorities".

2. Ms Margarita Kaufmann, Mayor of Friedrichshafen, Germany and former staff member of UNESCO.

3. Dr Michel Bourgat, Deputy to the Mayor for questions on youth citizenship, Local educative contracts, Local council for the prevention of delinquency, City of Marseille, France

4. Ms Maria Hadjipavlou, Lecturer, Department of Social and Political Sciences, University of Cyprus, Co-founder of the Center of International Conflict Resolution

5. Mr Jasmin Imamovic, Mayor of Tuzla, Bosnia and Herzegovina

6. Mr Stepan Kirichuk, Mayor of the city of Tumen, Federation of Russia

VI.2. General debate with members of the Standing Committee and the Culture and Education Committee of the Chamber of Local Authorities

VI.3. Concluding remarks by the General Rapporteur, Mr Geza Tessenyi, President of the Intercultural Leadership School, Strasbourg

VII. ANY OTHER BUSINESS

VIII. CLOSING OF THE SPRING SESSION OF THE CHAMBER OF LOCAL AUTHORITIES BY MR SKARD, PRESIDENT

¹⁸ Integrated Project N° 2 "Responses to violence in everyday life in a democratic society"

APPENDICE 2

Inter Faith Dialogue The experience of United Kingdom

Study prepared by Peter Smith, Expert (Local Government Association, United Kingdom)

1. Faith Communities in the UK

1.1 The 2001 National Census Survey revealed that some 75% of people in Britain identify themselves as having a religious faith. Although 70% identify themselves as Christian there is a wide spread of other religious beliefs across the UK, including 1.5million Muslims, half a million Hindus, over 300,000 Sikhs, 250,000 Jews and 150,000 Buddhists, in addition to smaller numbers of Baha'is, Jains and Zoroastrians.

1.2 This rich diversity of different faith communities is increasingly engaged in inter faith dialogue and in developing inter faith structures and networks. The Inter Faith Network for the UK was founded in 1987 to act as an umbrella organisation for local inter faith structures. It works closely with the LGA in encouraging local authorities to facilitate the development of inter faith networks at local level and in advising local authorities on engaging with different faith groups. There are now over 130 local inter faith groups, councils and forums across the UK, half of which have been established in the past four years - see 'Local Inter Faith Activity in the UK: A Survey' (Inter Faith Network for the UK, October 2003).

2. Local Government and Faith Communities

2.1 In November 2003, the LGA circulated a good practice guide to all member authorities. '*Partnership for the Common Good: inter faith structures and local government*' (Inter Faith Network for the UK, October 2003) highlighted examples of the various initiatives that have developed as a result of dialogue between local authorities and faith communities. These examples were drawn from the Inter Faith Network's survey of local authorities and faith groups and ranged from initiatives to defuse tensions to the establishment of consultation mechanisms with multi faith forums.

2.2 The results of the Inter Faith Network survey demonstrate the very varied picture of local government engagement with faith communities across the UK. It also reveals the very different ways in which such engagement has developed, depending upon numerous local factors such as the strength and capacity of community and voluntary sector activity in the area, the strength of local political and community/religious leadership and the extent to which inter faith activity has developed at local level.

2.3 Part of the UK delegation to the EU Inter-ministerial Conference in Rome last October were struck by the differing views of EU governments as to what inter faith dialogue is about. Some governments saw it as about dialogue between government and different faith communities, whereas others were talking about dialogue between and across different faith communities. Both of these processes are important at both national and local level but we need to be aware of the distinction and seek to facilitate both.

Dialogue with faith communities

2.4 Consultation and community engagement has been placed at the heart of local government modernisation in the UK since the late 90s. This has required local authorities to develop inclusive and far reaching consultation mechanisms to engage the wider community in debates about future policy and community strategies. There has been an increasing recognition within local government that faith communities can contribute much to these debates. The 'Faith and Community' guidance of 2002 provided local authorities with advice on engaging with different faith groups and there are now many authorities with dedicated faith officers or officers with a faith brief, with responsibility for liaising with faith groups and engaging with inter faith networks.

2.5 Local strategic partnerships (LSPs) are now established in most local authority areas as the overarching mechanism for co-ordinating policy across the public, private and community sectors. These are invariably brought together by local authorities, which have a duty under the Local Government Act 2000 to formulate community strategies. LSPs are the recommended vehicle for developing such strategies. Faith groups and, in particular, inter faith structures are, in some areas, a key community sector component of such partnerships. The Bradford LSP (**Bradford Vision**) has appointed a Faiths Forum Development Worker to assist with the development of a broad based faiths forum for the Bradford district.

2.6 The development of inter faith groups and forums at local level can serve to strengthen the contribution of faith communities to the development of local policies and community strategies. Where different faith communities can come together to present a consensus of opinion on policy matters they will clearly have a greater impact than they would as disparate groups presenting differing views.

Facilitating inter faith dialogue

2.7 In some areas multi faith forums and inter faith networks have been developed without the direct involvement or support of local authorities. In other areas, however, local authorities have played a crucial role in bringing different faith groups together and facilitating the development of inter faith networks. This is a demonstration of local authorities exercising their 'community leadership' role, as defined by the Local Government Act 2000.

2.8 As long ago as 1986 the Leicester Council of Faiths (LCF) was formed when members of different faith communities met at the town hall at the initiative of the Lord Mayor. The Council provides funding to cover the costs of rented premises, some running costs and the salary of a part time co-ordinator. The LCF is seen as a valuable consultative resource by the Council and a wide range of other public agencies.

2.9 The first **Wandsworth Faith Communities** meeting was held in February 2002, as a result of an initiative by the local authority, which brought different faith leaders together for a meeting with the Council Leader and Chief Executive. The group includes

representation from Christian, Muslim, Sikh, Hindu, Buddhist, Jewish and Baha'i faiths and has now become formally established as a sub-group of the Wandsworth LSP.

2.10 The **Kensington and Chelsea Forum of Faiths** was set up in early 2002, developing out of the local authority's Chief Executive's meetings with Borough Deans. The Forum has become a multi faith body that is regularly used as a forum for consultation by various different council departments and by other local agencies such as the police.

Developing community cohesion

2.11 The existence of inter faith and multi faith forums in an area can be an important factor in developing and maintaining a cohesive community. Where inter faith dialogue is lacking, different faith communities can become wary and mistrustful of one another and it can become difficult to defuse tensions where these arise – whether it be a result of a local planning or funding decision or a military conflict half way round the world.

2.12 In response to the terrorist attacks in the USA on 11 September 2001 and the concerns that they may lead to abuse and violence directed at Muslim and other communities by ignorant and misguided people, the **Wolverhampton Inter Faith Group** organised a series of public meetings involving the City Council, the police and local media to dispel myths and give voice to minority communities that might otherwise have been misrepresented. Positive relations between different ethnic and religious communities in Wolverhampton were maintained and there was no significant increase in tensions or racist assaults.

3. Central Government Action

3.1 In October 2003 the LGA hosted a seminar to look at ongoing issues affecting local government engagement with different faith communities. Fiona MacTaggart, the Government Minister responsible for faith issues, accepted that central Government has much to learn from the work that local government has done in engaging with faith communities. Later the same month she spoke to the EU Inter-ministerial Conference on Inter Faith Dialogue in Rome and in November she chaired the first meeting of a Government review of its patterns of engagement with faith communities in England. The steering group that has overseen the review consisted of relevant Government Ministers, national religious leaders, the LGA and the Inter Faith Network for the UK. The review was completed in February 2004 and a report making recommendations for action by all Government departments has been produced by the Home Office.

3.2 The recommendations of the report cover national, regional and local consultation by Government departments and events and celebrations. It also includes advice to faith communities for use in their dealings with central Government.

3.3 One of the main problems that emerged during the review, in relation to consultation with faith communities, was the lack of capacity that many faith groups have to deal with the mountain of consultation documents that come out of central and local government. The recommendation to Government departments is to be selective in consulting different faith groups on different issues. One religious leader on the steering group complained that he

had been consulted on proposed changes to North Sea fishing quotas. Others had not been consulted on matters they considered were of importance to their communities.

4. Recommendations for Local Government

4.1 On the basis of the work that the LGA and partners have undertaken in the UK, the following recommendations are made to local government colleagues in other EU member states:

- Issue guidance to local authorities on engaging with different faith communities. This guidance should be informed by consultation with different faith groups and should help authorities to understand the varying structures of different faith communities and the issues that most affect them.
- Encourage local authorities to facilitate the development of inter faith networks where these do not already exist.
- Where central government is failing to engage with different faith leaders at national level, local government can set an example. LGAs should seek to engage national government in discussions with religious leaders across the various faith communities within the country.