

**Institut des sciences humaines et sociales**

**Université de Liège**

**Académie Wallonie-Europe**

**Centre d'études et de recherches internationales**

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# **Political Transnationalism and the State**

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## **Co-directeurs de thèse :**

Bertrand Badie, Professeur des Universités (IEP Paris)

Marco Martiniello, Directeur de recherches au FRS-FNRS (ULg)

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Statutory Declaration

I hereby declare that I am the sole author of this thesis.

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## INTRODUCTION

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In April 2006, over one million Italians residing abroad participated in the legislative elections in their home country by mail for the first time. A few months later, in July 2006, some 32,000 Mexicans residing mainly in the United States expressed their choices in their home country's Presidential elections by mail as well. About a year later, in June 2007, around 120,000 Belgians residing abroad participated for the second time in their home country's federal elections through one of the five modalities offered by the reformed electoral law. This succession of elections including citizens abroad in the electorate would not deserve mentioning were it no a novelty for these citizens to be invited to vote after decades of unsuccessful parliamentary debates. Indeed, Mexico, Italy and Belgium, despite their very different profiles in terms of emigration or political history, have all three of them modified their constitution and electoral legislation in recent years to permit some form of external voting.

The reforms on the extension of external political citizenship in these three countries occur in a specific scientific context in which researchers in the field of migration have been trying for over a decade now to shed light on the increasing transnational dimension of contemporary migration. Scholars who have devoted their attention to this dimension have contributed to a better understanding of their research objects by emphasizing the fact that migrants' practices -be they religious, social, economic or political- can often be better understood by taking the migrant's place of origin and his place of destination into consideration. One of the major achievements of migration research on transnationalism has been to demonstrate that migrants are no uprooted citizens who cut links with the home country once they migrate. In the field of political participation, the concept of transnationalism has therefore demonstrated the continued salience of some migrant communities in the home country politics despite their physical absence from the national territory.

This extensive research has shown how the different migrant communities' activities all over the world affect power relations back home, how the concept of transnationalism has also changed the perception of the role of migrants, emphasizing the fact that they are no mere objects but rather actors in the political arena both their home and host countries (as for the



host country, this had already been emphasized by older literature on the migrants' political participation). With the active political participation of some migrants across borders being revealed by scholars working on transnationalism, a whole new debate opened on the impact of this form of participation on the nation-state model. Indeed, as citizenship rights had traditionally been attached to the exclusive membership of one (and only one) state, questionings on the impact of transnational activities on the state started to arise.

Different scholars were soon to announce the coming death or substantial loss of power of the state. These views were supported by other phenomena of the global age that were also supposed to contribute to the general weakening of the state: the increasing power of multinational corporations in the world economy or the increasing role of NGOs in international affairs.

More than a decade after the start of a massive wave of research on transnational migration, we see that the state remains a relevant actor and that the pessimistic vision of early scholars has not been confirmed. Actually, it appears actually that the state has responded to immigrant transnational practices in many different countries and through many different forms. Several countries have developed a new public discourse towards emigrants by emphasizing their inclusion as members of the nation. Many others also developed various policies, adopted legislation and conceded new rights to reach out to their population abroad.

States have been particularly active in the expansion a specific policy area: external political citizenship. Indeed, there are numerous instances where home countries enfranchising citizens residing abroad, creating consultative bodies, reserving seats for emigrant representatives in Parliament, setting up programs to allow migrants to get involved in local development projects....Today, it is observed empirically that there has been a worldwide explosion in the number of policies extending the migrants' external political citizenship. This is actually confirmed by the review of the existing literature on transnational political practices and the state model I conduct in the first part of the dissertation. What current research on political transnationalism does not say is why the state engages in such policies. In the dissertation, I propose to help answer this question by analysing three cases in which home countries have extended external political citizenship in recent years (with a special focus on external voting right).

In the methodological discussion that follows the review of the literature, I present different hypotheses on the reasons why the state is extending external political citizenship. The hypothesis I formulate, after discarding a series of variables in the literature review is that the extension of external political citizenship is the result of an interaction between different factors: the supposed or real transnationalization of immigrant practices, the extension of internal citizenship, the strategies of external actors to extend their power and/or the strategies of internal actors to preserve or extend their power.

After the development of my hypothesis, I explain how I intend to verify it through the comparative method in political science and I present the various limitations to this exercise in terms of generalisation of results. Then I justify the choice of Italy, Belgium and Mexico as appropriate cases to understand the motivations of the state for extending external political citizenship. I then develop in details the different research techniques that were used to conduct this comparative project.

The second part of the thesis contains the empirical results of the research project. It is divided in three cases studies within which a special focus is given to the role played by external actors (mostly migrant associations), internal actors (including political parties, individual politicians, institutions...) and the national socio-political context (i.e. extension of internal citizenship) in the state's decision to extend external political citizenship. For a better understanding of each case study, I start with introducing different elements of its migration history, the development of migrant associations and the evolution of citizenship and nationality legislation.

In the third part of the dissertation, I recapitulate how the different case studies verify the hypothesis, I develop the comparative dimension introduced in each case study and show how it helps answer the research question I started from (despite the limitations of this comparative project). To conclude, I discuss how these limitations should constitute a starting point for future research into the field of immigrant political transnationalism.

**PART I: POLITICAL TRANSNATIONALISM AND THE STATE  
LITERATURE REVIEW AND CONCEPTUAL DISCUSSION**

## CHAPTER I. DISCUSSION OF THE CONCEPT OF IMMIGRANT TRANSNATIONALISM

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### 1. Introduction to the concept and to the debates it creates

The interest of different social science disciplines (including economics, sociology, political science and anthropology) in the study of globalization and its impact on society has shed light on the concept of transnationalism in such a way that a variety of definitions now exist. All these definitions, however, agree that transnationalism is a way of describing cross-border exchanges.

The emergence of immigrant transnationalism as a scientific concept for studying migration is actually considerably older than the 1990s, when the term is often believed to have been coined. In fact, as early as 1916, Randolph Bourne wrote an article that cast doubt on the melting-pot hypothesis and argued instead for the creation of a “Trans-national America”.

The 1990s thus saw a reappearance of the concept in new research programmes, in the creation of new journals and in the publication of numerous books and special issues of journals. This infatuation with the term was especially visible in North America. The amount of literature produced on the topic soon revealed a major controversy about its origins, nature and pertinence. Is transnationalism a concept, a theory, a field, an approach or a discipline? Does it describe a new reality or is it just “old wine in a new bottle”? Who engages in transnational activities? These are only some of the questions that fuelled these discussions and that are summed up by Kivisto’s (2001: 550) in the following terms: *“the concept suffers from ambiguity as a result of competing definitions that fail to specify the temporal and spatial parameters of the term and to adequately locate it vis-à-vis other concepts”*.

A frequently quoted definition of immigrant transnationalism is that of Basch, Glick Schiller and Blanc-Szanton (1994: 7) who define it as:

*“the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement. We call these processes transnationalism to emphasize that many immigrants today build social fields that cross geographic, cultural, and political borders”*.

This definition contains three major elements in the apprehension of immigrant transnationalism. First, it implies that, contrary to assimilationist views, the links between the individual and the nation-state are not exclusive but multiple. Migrants involved in transnational activities develop simultaneous social, political, economic or religious involvements in the country of origin and in the country of residence. Obviously, this potentially sparks off debates about state sovereignty in the same way as the question of double (or multiple) citizenship. Second, the space within which migrants work, conduct their social, political and religious lives or even raise a family cannot be clearly divided between the home and receiving countries. Here, the work of Thomas Faist must be mentioned, for he sees transnational social spaces as “*combinations of social and symbolic ties, positions in networks and organizations that can be found in at least two geographically and internationally distinct places*” (1998: 8). Transnational spaces are thus no static entities but rather dynamic one, which can change over time. However, it is not necessary for migrants to move physically within this new space to qualify as transnational. The mere impact of the economic, social, political or religious activity can be qualified as such (Lafleur 2005a). To call a migrant’s actions as transnational does not therefore require that he or she lives in two spaces simultaneously. Few migrants, except perhaps the so-called Asian astronauts, can actually claim that they do (Faist 1998). According to this last criterion, communities such as German Kurds or Cuban Americans may conduct transnational activities even though they face difficulties moving back and forth between the host and home country. Third, this definition implies that transnationalism potentially concerns every aspect of a migrant’s life – family life, work, political involvement and associative activities can all have transnational implications. Yet, the intensity of the transnational activity may vary from one individual to another substantially. Indeed, a migrant’s life can also have no or very few transnational implications.

Basing themselves on the work of Merton (to which I’ll come back later), Portes et al. (1999: 218–9) suggest that the creation of a new scientific concept can only be justified if the activities under study happen on a stable and recurring basis, involve a significant share of the migrant community, and if other concepts fail to capture the new reality. This has several implications. Occasional transborder contacts, doing business once in a while or keeping the right to vote in the home country are insufficient in themselves (these sporadic activities may, however, reinforce existing transnational linkages). Furthermore, to mobilize the concept of

transnationalism, a significant part of the community has to be involved in these practices. The idea is that the concept “*should designate a distinct class of activities or people*” that are not covered by another concept and transnationalism therefore should aim to describe a new reality. We develop thoroughly this important question of the concept’s novelty below.

Another major debate found in the scientific literature refers to the nature of transnationalism. Long before the emergence of this literature, Sayad (in a seminal article written in 1975) repeatedly stressed the importance of studying emigration to understand immigration more fully. In other words, migrants are no citizens who cut the links with their home countries on the day of arrival in their host countries. Without naming it as such, Sayad thus introduced transnationalism as a research perspective in the study of migration (Martiniello and Lafleur 2008). Defining transnationalism as a perspective or scientific concept is the appropriate choice at this stage. Albrow (1998) supports this idea while emphasizing that transnationalism is a field to which different disciplines contribute but, by no means, a discipline in itself. Caglar (2001: 607) too perceives transnationalism as a new lens that serves to analyse these new movements stimulated by globalization. To avoid the difficulty attached to community-based comparisons (see below), I recommend that research should now focus on transnational practices rather than on transnational communities. Kivisto (2001: 561) rejects this recommendation on the grounds that “*the study of immigrants can never be simply the study of individuals and families, but must at all points take account of the corporate life within which individuals and families are embedded*”.

While I agree that the study of immigrants’ transnational activities must be connected to the social context in which they take place, I nonetheless maintain that it is scientifically dubious to essentialize transnationalism because, although all migrants can, potentially and to various extents, be involved in transnational activities, no migrant community is by nature transnational. Because community-based studies naturally tend to emphasize those factors that are specific to a community, they also tend to essentialize transnationalism, while studies focusing on practices could provide researchers with a clear object with which to conduct comparative work from a non-essentialist perspective. Facing those transnational practices, one may further distinguish a more general transnational condition that emerged in the context of globalization (Portes et al. 1999). It refers to the increasing duality that characterizes certain migrants’ lives. Speaking two languages, having two passports, owning a house in two

countries or earning money by doing business between two spaces are different characteristics of the transnational condition.

In this introduction, I have underlined the major points of discussions of the concept of transnationalism. In the subsequent sections I deepen the discussion on the most important of these points in order to answer the following questions related to the concept of transnationalism: How has this concept emerged in the study of contemporary migration phenomena? How new is the concept of transnationalism and how different is it from other concepts? Who engages in transnational activities? In what space are these activities being conducted? Once these questions are answered, we can turn to the specific form of transnational engagement we are interested in: transnational political activities.

## **2. How new is the concept of transnationalism?**

One of the recurrent questions in the literature on transnationalism concerns the innovative character of the concept. Have transnational practices existed before the era of globalization in the last two decades of the 20<sup>th</sup> century? On the contrary, have time and space compression, two phenomena often presented as a consequence of globalization, been necessary for immigrant transnational activities to arise? Or else, to paraphrase Abelmann (1998: 24), is the concept of transnationalism the “*new academic buzzword*” or does it help reveal a new reality?

The concept novelty and the way it differs from other international, postnational, supranational or diasporic practices are central questions in the literature on transnationalism (see Castles 2002; Kennedy and Roudometof 2002). Some scholars point out that migrants have always kept links with their countries of origin, even at times when communication technologies were less developed than they are today. As we have already seen with the work of Bourne (1916), the origins of transnationalism can be traced back to early works on migration. For instance, early Italian migrants to the United States were called “birds of passage” because of their frequent returns to Italy (Piore 1979). Indeed, Italian migrants to the New World “*not only maintained emotional contact by letters and imagination with their (intended) wives, but also controlled their behaviour in the new country by correspondence with other persons or by the reports of other migrants arriving*” (Pries 2001: 68).

Another famous example is the one of the *Bracero* program (1942-1947) during which thousands of Mexican workers moved to the United States temporarily while maintaining close contacts with their home country (Gasca Zamora 2002: 87). The example of Polish migrants to the United States is another proof of early transnational practices. Those migrants played a significant role in their home country politics while they were abroad by participating in war efforts or by working on the establishment of strong economic links between the country of settlement and the country of origins. (Thomas et Znaniecki 1958: 1474 and Smith 2003a). Others scholars – like Stephen Castles (2002; 2003) – go even further back in time and state that what some scholars call “transnational communities” are merely modern forms of what used to be called “diasporas”.

Those examples do not question the innovative character of transnationalism as a concept in the study of migration. Several scholars have made use of Merton’s teachings and what he calls “the fallacy of adumbration” to oppose the temptation for some scholars to look into past events to show the previous existence of transnational phenomena they claim is new (Vertovec 2004b: 4, Portes et al. 1999: 218-19 and Smith 2003a: 725). We believe that, while quasi-transnational phenomena may have existed in the past, they only show that today’s practices may have some historical background and do not disqualify the use of the concept of transnationalism.

As we have just seen, most of these early examples are found in the United States (Kivisto 2001: 555-6 ; Pries 2001 : 68 ; Grillo 2001 : 8 ; Nagel 2002 : 973-4). Nonetheless, after World War II, one of the most interesting introductions to the concept was that of Algerian sociologist Abdelmalek Sayad. Even though Sayad never used the word, he stressed, like the scholars who now use the concept of transnationalism, the necessity of understanding migration as a phenomenon that concerns both the home and the host countries:

*“Similarly to the two sides of a medal, as complementary aspects and joint dimensions of the same phenomenon, emigration and immigration both inter-relate and the knowledge of one benefits necessarily from the knowledge of the other. To interrogate fully the question of immigration leads one unavoidably to question the conditions of production and reproduction of the emigrants beforehand and, after that, to question the social mechanisms that led to their transformation from aliens to natives. Similarly interrogating emigration fully leads unavoidably to investigating*



*on the effects of emigration and of the emigrants on the home society and what they become to others” (Sayad 1981:377)<sup>1</sup>.*

While it is clear that contemporary immigrant transnational practices have some similarities with the old activities presented above, globalization and technologies have added two new characteristics to diasporic practices. These are intensity and sustainability. Thanks to globalization, indeed, these old diasporic practices of maintaining links with the country of origin offer potential for concerning larger parts of a migrant community and being sustained through time (Smith and Guarnizo 1998; Pries 2001). Among the major changes brought about by globalization are the development of communication technologies and the greater affordability of transport, that facilitate both the movements and the various exchanges between the country of residence and the country of origin (Vertovec 2004a). This nuance to the novel character of transnationalism does not answer the concerns of Waldinger and Fitzgerald because it insists “*on a qualitative distinction between an ill-defined and unperiodized now and then. [By] claiming discontinuity, the students of immigrant transnationalism have effectively dehistoricized the present*” (2004: 1187).

Another question developed by Smith (2002: 72) is that of the use of today’s concept of transnationalism to reinterpret phenomena that happened before the existence of the nation-state model. Kennedy and Roudometof go in that direction by referring to commercial and religious practices to support their point (2002: 2-3). Similarly, Castles (2002) refuses to consider transnational practices as new. He rather considers that diasporas from the Antiquity were already transnational and that transnationalism therefore covers an old reality. What has changed today, says Castles, is the political, social and technological context within which those practices happen today. The new context allows these contacts to intensify. There are obvious comparisons to be made in terms of mobility of persons and goods between these old practices and current transnational activities. However, it seems abusive to mention the existence of transnational practices before the very creation of the nation-state and most

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<sup>1</sup> Translation mine. Original quote : « *Telles les deux faces d’une même médaille, aspects complémentaires et dimensions solidaires d’un même phénomène, l’émigration et l’immigration (...) renvoient mutuellement l’une à l’autre et la connaissance de l’une gagne nécessairement à la connaissance de l’autre. Interroger de manière complète l’immigration conduit inévitablement à s’interroger, en amont, (...) sur les conditions de production et de reproduction des émigrés et, en aval, sur (...) les mécanismes sociaux qui président à leur transformation d’allogènes en indigènes; de même, interroger complètement l’émigration conduit aussi, et inévitablement, à s’interroger sur les effets (...), c’est-à-dire sur ce que l’émigration et les émigrés font à la société d’émigration et sur ce qu’ils deviennent chez les autres* ».

importantly, it would totally disqualify any attempt to create a new tool to study migrant activities in the age of globalization since it would imply that globalisation has necessarily brought about marginal changes.

Kivisto argues that a majority among social scientists estimates that the transnational practices of the global age do bring some new elements and therefore recognizes the need for a new tool to assess the impact of those practices on host and home societies (2001: 550). However, he continues, the great variety of definitions of transnationalism has blurred the limits of the concept instead of clarifying its use. The consequence today is that transnationalism covers a great deal of migrant activities while there is no real consensus as to when it is appropriate to use such concept. Accordingly, our contribution to clarify the scientific added-value of the concept of transnationalism consists in two tasks:

1. Examining the possibility of differentiating the concept of transnationalism from other concepts such as diaspora and cosmopolitanism.
2. Identifying exactly the changes that globalization has created in the way migrants conduct their social, economic and political life.

### **3. Differentiating transnationalism from other concepts**

#### **3.1. Transnationalism and diaspora**

##### *3.1.1. Defining diaspora*

Diaspora is a recurring term in the study of migration. Just like the concept of transnational communities, it has been overused in the scientific literature and has thus created some confusion with regard to its meaning. In this section, we attempt to define its meaning and then examine the links between diaspora and transnationalism.

Originally, diaspora referred to the Jewish communities that settled outside Palestine (and later outside the state of Israel). The meaning of the term later evolved to include geographically dispersed populations that keep a form of unity and solidarity in spite of their dispersion (Schnapper 2001: 9). Since 1968, there has been a boom in the use of the concept of diaspora. It is thus used to describe the dispersion of a people or of an ethnic group throughout the world and the impossibility of this people to go back to its own country for

political reasons (Østergaard-Nielsen 2003: 13; Cohen 1997). The extension of the concept goes even further than that. It is not rare to see in the literature that the term of diaspora is used to refer to any ethnic group without any further clarification<sup>2</sup>. The problem with this sort of extension is that the characteristics of dispersion through the world and the links between the members are being neglected (Shain 1999). For example, it is sometimes referred to the Cuban diaspora when naming the Cuban American community. This practice complicates the scientific use of the term as it creates a relative confusion. If the concept of diaspora is to keep some scientific added-value, large and vague definitions must be set aside.

Among all the contemporary definitions, several contributions must be mentioned for they correspond to what we consider a diaspora is. Shain and Barth (2003: 452), for instance, consider that diaspora is:

*“(...) a people with a common origin who reside, more or less on a permanent basis, outside the borders of their ethnic or religious homeland – whether that homeland is real or symbolic, independent or under foreign control. Diaspora members identify themselves, or are identified by others – inside and outside their homeland- as part of the homeland’s national community, and as such are often called upon to participate, or are entangled, in homeland-related affairs”.*

Another definition is that of Sanjek (2003: 323) for whom:

*“The process of diaspora (...) occurs when people voluntarily leave their home area for distant regions within or beyond the state in which they reside, and continue to remain in contact in various ways with their point of origin.”*

When the scientific journal *Diaspora* was founded in 1991, the geographical dispersion characteristic was stressed along with the idea that all the members of the diaspora share the myth that they are united in a single community. Cohen (1997:180) considers that a diaspora normally share several of the following features:

- 1) Dispersion from the homeland (often following a traumatic event)
- 2) Or, expansion of a country looking for opportunities (commercial or not)
- 3) A collective memory and a myth on the homeland
- 4) The idealisation of the ancestral homeland
- 5) The existence of a movement in favour of the return to the homeland
- 6) The existence over a long period of time of a sense of belonging to an ethnic group
- 7) Ambiguous relations with the host country.
- 8) Solidarity between the members of the community across countries.
- 9) The possibility to live a satisfactory life in a tolerant host country

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<sup>2</sup> The best example of this trend is probably Harcourt (2003: 76) who considers that diaspora are: “ethnic groups living in countries where they or their parents arrived as immigrants”.

Thomas Faist stresses one of these points set by Cohen. He believes dispersion has to take place to different countries without blatant disproportions. For instance, the Turkish migrant community cannot be considered as a diaspora, he says, because it is overwhelmingly concentrated in Germany compared with other European countries (1998: 25).

From a normative point of view, Schnapper (2001: 31) argues that three essential rules must be respected if one is to use the concept of diaspora. First, diaspora must not be presented as the *Fifth column*, that is, a group totally foreign to the host country and representing foreign interests that would go against the interest of the host state. Second, particularism should be avoided, thus scholars should not intent to “diasporize” all ethnic groups. Third, diaspora must be used scientifically in a objective way; that is, one should not link it to the oldness or the prestige of the dispersed population<sup>3</sup>.

### 3.1.2. *Diaspora and transnationalism*

Studies of transnationalism and diaspora are naturally close, for they both are interested in populations that have a special link with a country or a nation where they do not (principally) reside. Yet, scholars working of these issues disagree about whether transnationalism being a continuity of diaspora or, on the contrary, a clearly distinct concept.

Stephen Castles (2003, 2002) argues that transnational communities are modern diasporas. According to his argument, ancient diasporas are taking new forms in the context of globalization. Diasporic phenomena would be more and more frequent for two reasons. First, because technological evolution enables the member of the community to keep in contact with the homeland and with the members of the diaspora dispersed throughout the world. Second, globalization has created deeper changes in the social and cultural structures. Castles thus agrees with Appadurai’s (1996) work that replaces migration in the context of globalization characterised by the reduction of the state’s role and the reorganization of social interests. To these scholars, migrant communities that conduct transnational activities are thus diasporas of the global age.

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<sup>3</sup> In other words, the use of the term diaspora cannot be reserved to the Jewish community exclusively.

Van Amersfoort and Doornik (2002: 55) also use the term of modern diaspora when referring to transnational communities. Modern diasporas, they say, are different from traditional migrant communities in the sense that their cultural orientation does not change after they settled in the host country. These new migrants thus remain culturally focused on the homeland. This vision adds to the confusion mentioned above as it potentially considers all current migration flows are diasporas. Such a vision does not seem to provide any added value in terms of scientific utility because it implies that older migrant communities totally cut the links with the homeland when arriving in the host country.

Using the Haitian example, Laguerre (1999: 635) introduces a third type of links between diaspora and transnationalism. The Haitian diaspora is composed of two kinds of members. First, it naturally includes Haitians who live abroad. Second, it integrates former migrants who returned to the island. This conception implies that the diaspora does not exclusively concern the relations between the emigrants and the homeland. The diaspora is also part of the homeland (materialized by the former migrants). This situation led to the creation of a “Tenth department” in the Haitian state. This new department, without any kind of territorial basis, covers in reality all the members of the diaspora. It is actually a formal recognition of the transnational linkages that unite the island to its emigrants.

Opposing these scholars, Faist (1998: 17-18) defends the idea that transnationalism and diaspora are different concepts. Transnational communities, he says, lay at the centre of a moving structure that is made of social links uniting the homeland and the host country. Faist agrees with Castles and Appadurai that the changes in migrants’ organization are to be related with global social changes. Yet, he argues that diasporas, unlike transnational communities, do not need contemporary social links to survive. In other words, a diaspora can survive thanks to symbolic ties with the homeland and the myth of the ancestral homeland (while transnational communities rely on contemporary linkages).

It is not the purpose of this study to get into further details in the debate on the similarities and differences between transnationalism and diaspora. Looking at a purely historic definition of diaspora, it can be argued that transnational migration is an evolution of the concept of diaspora that integrates global social changes. Like Castles, one may thus consider that diaspora is a concept whose meaning changes over time and, accordingly, diaspora and

transnational groups are now interchangeable. Yet, Schnapper (2001: 33) brings the soundest conclusion to this debate when arguing that debating is useless if the concept of diaspora is being adapted to the analysis of contemporary migrations:

*“To render the concept of diaspora useful for research, its use must be reserved to populations that maintain objective or symbolic institutionalized linkages, beyond the borders of nation-states. Its use thus permits one to interrogate -through the analysis of the positive value attached to the diaspora- numerous phenomena that epitomize the end of this century: weakening of nation-states, increased transnationality of exchanges of all sorts, creation of new forms of political organization, increased dissociation between the political order, the economic order and the identification to historical communities that are not organized in a State”.*<sup>4</sup>

### **3.2. Transnationalism and cosmopolitanism**

Cosmopolitanism is another concept whose proximity with that of transnationalism has been questioned in the literature. Cosmopolitanism is –like Robinson notes (2001: 175)- commonly referred to as the practice of an elite epitomized by its high level of education and its hyper-mobility. At the same time, scholars working on transnationalism like Vertovec (2004a: 219) refer to transnational activities as the transborder practices of non-elite social groups. Considering that the two concepts also describe the link between the individual and the state as non-exclusive, we might wonder whether these two concepts can only be differentiated by the social status of the individual who engages in these activities.

To compare the two concepts more thoroughly, it is first necessary to give a definition of what cosmopolitanism precisely is. Here, the difficulty is similar to that of defining transnationalism or diaspora; a variety of definition exists. If, like Waldron (2000), one tries to define it starting from the Scruton’s Dictionary of Political Thought (1983: 100), cosmopolitanism is:

*“The belief in, and pursuit of, a style of life which...[shows] acquaintance with, and an ability to incorporate, the manners, habits, languages, and*

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<sup>4</sup> Translation mine. Original quote : « Pour rendre opératoire le concept de diaspora dans la recherche, il faut le réserver aux populations qui maintiennent des liens institutionnalisés, objectifs ou symboliques, par-delà les frontières des Etats-nations. Son utilisation permet alors de s’interroger, à travers l’analyse de la valeur positive désormais accordée à la diaspora, sur nombre des phénomènes qui caractérisent la fin de notre siècle : l’affaiblissement des Etats-nations, la transnationalité accrue des échanges de toute nature, l’élaboration des nouvelles formes d’organisation politique, la dissociation accrue entre les ordres politique, économique et les identifications à des collectivités historiques qui ne sont pas organisées en Etat. »

*social customs of cities throughout the world...In this sense, the cosmopolitan is often seen as a kind of parasite, who depends upon the quotidian lives of others to create the various local flavours and identities in which he dabbles”.*

This definition underlines the traditionally individualistic and liberal character of cosmopolitanism. Most scholars working on cosmopolitanism neglect the social linkages and use the individual as their main analysis unit (Calhoun 2003: 5). Transnationalism, on the other hand, relies mostly on networks and group solidarity. Migrants who “go transnational” are only able to do so through the connections they create with other individuals in the host and home country.

According to this first definition, cosmopolitanism also defines a capacity of the individual for appropriating practices and customs of a place he is not a native from. On the contrary, transnationalism refers to the capacity for maintaining links between several geographical locations. Accordingly, cosmopolitanism is a capacity for adaptation to unknown practices, while transnationalism is the capacity of the individual to capitalize on pre-existing linkages. Cosmopolitanism does not have the recurring and stable features of transnationalism either. The cosmopolitan citizen can adapt to living conditions in New York or Jakarta but he does not seek to create a persisting link between these locations and his country of origin.

Pries (2001) brings forward another major difference between the two concepts. Cosmopolitans travel freely and without restrictions through various spaces according to the opportunities that are made available to them. Migrants are not free to define the conditions of their actions. Their transnational opportunities are not exclusively determined by the host or the home countries but also by the space of action these two countries form and the international context in which these relations takes place. This creates a set of constraints and opportunities that determine transnational activities (see below).

Three other elements can be used to differentiate transnationalism from cosmopolitanism. First, the cosmopolitans’ and transnational migrants’ legal statuses often differ greatly. The former, while generally a temporary resident, is unlikely to be barred from adopting the cultural practices of the host country. The migrant, on the other hand, may see the scope of its transnational activities limited by a series of legal restrictions (i.e. restrictions to dual

citizenship, control of migrants' investments and remittances to the home country, etc...). Second, the individual is entirely free to adopt or not to adopt cosmopolitan practices (it is a question of choice). Migrants may be constrained to engage in transnational practices because of the limited opportunities available to them in the host country or to make up for the lack of social recognition attached to their position in the host country. Other elements like the pressure from the family members who remained in the home country may interfere with the the migrant's free will. The last difference is probably the most relevant. The space within which the cosmopolitan and transnational activities take place may indeed differ greatly. We will see that the space occupied by migrants involved in transnational activities potentially challenges the traditional features of the nation-state model. On the contrary, the cosmopolitan acknowledges the existence of different (yet separated) nation-states. The cosmopolitan's capacity to adopt different customs from different locations is no argument for contesting the existence of these locations.

These observations help us identify the characteristics of the individuals involved in transnational or cosmopolitan practices. The cosmopolitan's identity is necessarily transethnic and post-national. The cosmopolitan way of life is an explicit rejection of a state-centred identity as he refuses to fully embrace a single culture but prefers to opt for those practices and traditions that belong to different nations. The cosmopolitans' identity is also transethnic because they do not consider themselves and are not considered by others as members of a group that is culturally unique. On the contrary, they are identifiable by the absence of a unique culture and their capacity to move across ethnic practices without exclusively adopting those of one group. The migrant's identity, on the other hand, is rooted in strong national and ethnic ties. It relies on a sense of belonging to a national community while emphasizing the specificity of the migration experience which is at the origin of their transnational activity. As we said before, not all migrants may engage in transnational activities and thus do not necessarily define their identity as transnational. For instance, Baumgarten (1991) has shown how a different timing in emigration has led to different senses of belonging to the homeland and different transnational political involvements from the Palestinian community in Kuwait. Yet, all these migrants have a clear attachment to a specific homeland that makes them unlikely to be called cosmopolitans.



The distinction between cosmopolitanism and transnationalism cannot however be solely made based on the standard definition of cosmopolitanism given above. In his discussion on the new ways to conduct international politics, Badie (2002) deals with the concept of cosmopolitan democracy. The context of increased transnational contacts<sup>5</sup> and technological progress fosters new aspirations to political participation. One of these new forms of participation is the social movements who coordinate at the global level to promote humanitarian causes or to contest the liberal economic order. These cosmopolitan practices are a challenge to the quasi-monopoly of the state in the conduct of international politics.

Another way of approaching the transnational-cosmopolitan debate is through the opposition between Kymlicka's and Waldron's views. The discussion that takes place between these two authors is closer to studies of cultural diversity and migration than Badie's work. This debate also supports the idea that there is not one single definition of cosmopolitanism. Waldron (1995) argues that today's cultures do not serve people's basic needs anymore (feed, shelter...). He accordingly defines cosmopolitanism as the opportunity to live in a kaleidoscope of cultures. The individual is granted this capacity every day when he eats Chinese food, listens to Brazilian music or reads a British novel for example. These practices, he says, differ greatly from those of the individuals who are exclusively confronted with their culture of origin. Waldron deduces that the nation-state does not need to support minority cultures because it does not address a fundamental need of those individuals who share this culture. Furthermore, each individual has access to the various cultures that are part of the kaleidoscope. This vision of cosmopolitanism is strongly contested by Kymlicka (1995). For him, the kaleidoscope of cultures has nothing to do with cosmopolitanism but is rather related to an individual's capacity to seize the opportunities given by modern societies. The individual does not move along cultures so easily. The integration into another culture necessarily has a cost, he continues, but it does not mean that the individual loses the strong links that unite him with his home country's culture. Accordingly, the state cannot stop supporting minority cultures as this would mean that it denies certain individuals a legitimate right (Kymlicka 1995: 84-86). The debate between Kymlicka and Waldron, though only briefly overviewed here, features some similarities with the debate around transnationalism.

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<sup>5</sup> Badie refers to « transnational relations » as a synonym to transborder exchanges.

First, the definition of cosmopolitanism seems to be as ambiguous as that of transnationalism. At least two views seem to be quite clearly opposed. On the one hand, there are those, like Kymlicka, who have a restrictive vision of the concept. On the other hand, we find those, including Waldron, who support an extensive view of cosmopolitanism. The same line of division opposes scholars in the field of transnationalism between those promoting an extensive and a restrictive view of the concept.

Second, the Kymlicka-Waldron debate teaches us that the role of the nation-state is equally controversial in the study of cosmopolitanism and transnationalism. For Waldron, the cosmopolitan culture is available to everybody and each culture may find its place in the mosaic of cultures. The nation-state should accordingly take no active part in the protection or diffusion of minority cultures (e.g. immigrant culture). For Kymlicka, cultures must be defended because they are a constitutive part of any individual. The individual cannot therefore change his/her culture nor make it cohabit with another one without difficulties. The state must thus support cultural diversity to help the individual's integration into the society. In the case of transnationalism, the controversy around the state and its role with regard to immigrant transnational activities poses a question at different levels. The question is first whether the state is an object submitted to migrants' transnational activities or an actor interacting with immigrant transnational actors. In this dissertation, I have selected the latter option because several studies have underscored the role of the state as a promoter/supporter of transnational activities (e.g. PCME in Mexico) (Roberts, Frank and Lozano-Ascensio 1999; Laguerre 1999) or as an actor trying to restrain those activities which it considers are harmful to its interests (Østergaard-Nielsen: 2003). At the normative level, as we will see in the dissertation, there are also divergences on the attitudes that states should adopt towards these activities and on the fairness of state policies promoting transnational linkages with the emigrant population towards other states.

Third, transnationalism and cosmopolitanism are similar in the way they question the legitimacy of the migrant's link with his home country's culture. Waldron and Kymlicka disagree on the migrant's capacity to forget about his home country culture to fully embrace the host country's. Kymlicka for instance, argues that migrants seek to maintain their home country's culture because it is a non-dissociable part of their identities. With regard to transnationalism, the question of the temporary character of transnational activities is being

asked in a similar fashion. Do transnational practices belong exclusively to first generation migrants? Underlying this question is also the broader issue of transnational activities as identity phenomena independent from the act of migration.

To conclude this section, what does the comparison between transnationalism and cosmopolitanism teach us? The basic definition we started this discussion with clearly distinguishes between transnationalism and cosmopolitanism due to the elitist and individualistic character of the latter. The approaches developed by Waldron and Kymlicka associate the concept of cosmopolitanism with migrant integration. This perspective provides the study of transnationalism and cosmopolitanism with a common ground. From this viewpoint, cosmopolitanism may be a useful concept to refer to when working on transnationalism. Indeed, the emphasis put by cosmopolitanism on mobility and diffusion of culture may help situate transnationalism in the larger context of globalization. Indeed, both transnational and cosmopolitan practices participate in the debate on the redefinition of the state's role.

#### **4. The global context in which transnational practices have emerged**

Having clarified the difference between transnationalism and other concepts, I can turn to the specific context that makes transnationalism a relevant concept in the study of current migration phenomena: globalization. The contemporary rise of migrants' transnational practices can be assessed by looking at the change in the contexts in which migrants conduct their social activities. Indeed, the changes brought about by globalisation help us understand how transnational activities have developed (Itzigsohn 2000: 1142 ; Schmidtke 2001: 6). In this section, we will focus on the importance of the technological factor in the era of globalization as well as on the political and subsequent cultural changes this has induced.

Before turning to these elements, it may first be necessary to define globalization. This is obviously no easy task considering the abundance of available definitions. Our purpose, however, is not to discuss this concept. By defining the concept our only ambition is to give

an introduction to the context in which transnational practices have emerged. Accordingly, we will refer to Rizvi's definition, which echoes that of major scholars in the field:

*“Globalization is the name that is given to the social, economic and political processes that have, taken together, produced the characteristic conditions of contemporary existence. In particular, globalization refers to the ways in which previously distant parts of the world have become connected in an historically unprecedented manner, such that development in one part of the world are now able to rapidly produce effects on geographically distant localities. This in turn has made it possible to begin to imagine the world as a single, global space linked by a wide array of technological, economic, social and cultural forces”* (Rizvi 2007: 258).

The first manifestation of this changing context is the technological factor. Authors like Portes, Pries, Guarnizo and Vertovec refer to the effects of globalization in terms of increased intensity, regularity and durability of transnational contacts. The development of commercial aviation, the availability and decreasing costs of telecommunications (fax, phone, mobile phone, e-mail) have allowed migrants to keep in touch with their relatives (or take care of business, keep informed of the political situation etc...) much more closely than ever before. We mentioned above that, before these technological development, quasi-transnational phenomena might have existed but with different intensity. Apart from the Mexican *braceros*, Italian migrants to the United States in the early 19<sup>th</sup> century were also known to keep strong ties with the home country (e.g. by giving advices to relatives on how to run their farm). Yet, those ties being maintained by mail, they were far from being as immediate and regular as they can be today. For this reason, migrant communities of the 21<sup>st</sup> century are in a much better position to keep in close contact with their home country (Vertovec 2004a: 219-23 ; Walton-Roberts, 2004: 85). Badie's work on immediate communication underlines the political consequences of the new information technologies. He refers to the concept of dual immediacy to stress, on the one hand, the quick access to information granted by technology and, on the other hand, the declining role of the state in playing the role of a political mediator. It is thus a part of the state's control onto citizens that has been taken away from it by technology (Badie 2002).

The second relevant manifestation of globalisation for the development of immigrant transnationalism is the progressive opening of national economies and its political consequences. Since the end of World War II, protectionism and other barriers to foreign investment have slowly been lifted. This process, however, has not led to a total opening of borders nor has it concerned all parts of the world equally. Europe is obviously the best

example of such a process. Indeed, European integration and its Single market have allowed goods, capital and services to move freely in a defined European space. Transborder economic exchanges have greatly benefited from this process. Entrepreneurs have really been able to conduct their activities across countries thanks to these measures.

The consequences of such an opening process for individuals and especially migrants are less clear. For citizens of the European community – or more precisely workers from this area-free movement originated as “*a functional right related to the economic purposes of building the common market*” (Geddes 2000: 44). Only later was this right extended to other categories of EU citizens. Yet, Geddes shows that the extension of free movement was achieved at the expense of other categories of migrants: third country nationals (2000: 72). Indeed, the political rationale that prevailed among European leaders was that the efficient implementation of free movement within the EC territory implied a strengthening of the EC’s external borders. Looking at the reality of EU legislation, we notice that the privileges of EU citizenship have long been kept away from non EU nationals which means that its benefits are not accessible to migrants proceeding from third countries (Martiniello 2000a and 2000b). This apparent contradiction is best explained by the redefinition of the state’s role in different areas. In his market control’s function, the state has indeed let some power go to other actors such as the EU or the private companies themselves. On the contrary, European states have been struggling to keep their prerogatives (and have for the large part managed to do so) in areas of high symbolic value such as border control or access to citizenship (Nagel 2002: 975-76 and Badie 1995: 183). We’ll see below how transnational practices are perceived to threaten some constitutive elements of the nation-state model.

In the Western hemisphere, a different process has occurred with the North American Free Trade Agreement (NAFTA). The impact of NAFTA on immigrant transnationalism is even more difficult to assess as the only provisions on free movement concern goods and services but barely address the case of citizens’ movement. A different kind of impact, however, is possibly found with NAFTA. Some scholars argue that the need for Mexican business to enter the US market forced them to establish close ties with Mexican communities in the United States (Roberts et al. 1999: 245-46). Besides, as we will see in our Mexican case study, the very prospect of entering a free-trade area with the United States and Canada has encouraged the Mexican state to launch new policies towards its emigrants in the hope that these would act as a lobby in favour of Mexican interests.

As we could see in the North American and European examples, the reform of the international economic system has had an ambivalent impact on the nation-state's power in the economic sphere. With regard to the regulation of the economy, the decline in power benefited several international institutions -such as the IMF, the WTO, the World Bank, the European Union- on which traditional social actors have little impact. For Appadurai, those changes have led to a redefinition of the way social movements are being organized (1996). Those movements are now organized transnationally around specific characteristics such as gender, religion, ethnicity or any specific interest (e.g. environment). Taking those elements into consideration, migrants' transnational practices are only one form of action in the context of larger social changes.

Globalization, in addition to its influence on the distribution of power between different actors has also induced two major cultural changes, which have proved powerful stimulants to the development of immigrant transnational activities. Castles (2002: 1157-1158) stresses the idea that, in the age of globalization, it has become more common for an individual to express attachment to various cultures, nation-states or places of residence. Here again, the increasing mobility of the citizen (or the ability to keep close ties with the homeland through communications) is used as a factor that justifies transnationalism. The difference is that the consciousness of living in an open space (where distances seem smaller) rather than the actual mobility explains the development of transnational practices. The multiplicity of attachments is best exemplified by the development of dual nationality in many parts of the world and by the fact that from being a status to eradicate it has become something to praise, because the capacity to move between different spaces is perceived as an asset in the era of globalization.

The second cultural change introduced by globalization concerns less developed countries and the modifications brought about by global capitalism there. For Portes (1997), international migration movements are intimately linked to the logic of capitalism. Insisting on the push and pull factors, Portes underlines the motivation of contemporary migrants. Globalisation has encouraged the transfer of multinational companies to developing countries to benefit from cheap labour. Those companies, says Portes, encourage developing countries' citizens to opt for consumer behaviours that are close the developed countries'. This process, he says, *“simultaneously pre-socializes future immigrants in what to expect of their lives abroad, and*

*increase the drive to move through the growing gap between local realities and imported consumption aspirations”* (1997: 6). Our purpose is not to launch a debate on the theories that explain international migration. However, it is important to keep in mind that the exportation of consumption standards to developing countries may not only create incentives for people to migrate but also expectations for those who stay and therefore hope that the migrants will keep strong ties with the home country (through remittances, transnational business...). As shown by Harles (1993: 195), pre-socialization also happens at the political level. Indeed, the migrants’ home country politics at the time of departure create a set of expectations regarding the host country’s politics. In Harles’ example, the fact that politics meant corruption and deceit for many Laotian refugees made these reluctant to get involved in American politics.

To conclude this section, several lessons ought to be taken from the literature dealing with the innovative character of transnationalism. First, nobody but pioneer researchers in transnationalism argues that transnationalism is a totally new concept. Early American experiences of the 20<sup>th</sup> century are often referred to for contesting this assertion. Less frequently and with less success, parallels with Antique diasporas are made. The links between diaspora, cosmopolitanism and transnationalism have been clarified and we have thus been able to reject the idea that transnationalism is solely a cosmetic change to old practices described by other concepts. We however acknowledged that quasi-transnational practices may have existed in the past but, through the discussion on the role of globalization, we proved that current phenomena have given immediacy, stability and permanence to contacts that used to be rather exceptional in the past. Cheap long-distance telephone calls or affordable airfares are nonetheless not enough to justify a new approach to migrant practices. This is why we also briefly overviewed the much deeper societal changes brought about by globalization. Therefore, one should be aware that migrants’ transnational practices relate to those much larger changes that concern the way social, political and economic relations operate in the modern world.

##### **5. The actors of immigrant transnationalism: Why engage in transnational activities?**

As the very concept of transnationalism is clarified, I can now turn to the central actors involved in transnational practices: migrants. A central question in the study of immigrant

transnationalism addresses the motivation of these actors. In this section, two views will be confronted. On the one hand, we will examine the possibility that transnational practices embody the migrants' reactions towards discrimination faced in the host country. Through the transnational activity, migrants would be seeking in the home country a complementary income or a social status that is unavailable to them in the host country. On the other hand, we will question the idea that transnational activities (especially in their political dimension) require belonging to an immigrant elite group because of the constraints related to the involvement in two states. It means that transnational actors have to be familiar with the various legal, institutional or commercial mechanisms of the home country but most importantly, of the host country where the activities are often set up. This discussion will also lead us to discuss the relations between transnationalism and integration from a normative viewpoint by confronting these practices to the various modes of cultural diversity management that Martiniello (1997) separates between assimilationist approaches and pluralist approaches. To introduce these different discussions, however, it is necessary to first see how the existing theories on migration and integration relate to the concept of transnationalism.

### **5.1. Theories of migration and transnationalism**

Migrant's marginalisation in the host country may be perceived in a different way according to the theoretical viewpoint one adopts. Through this brief review of some of the major theories, one realizes that not all theories integrate the transnational dimension.

Looking at the so-called dual labour market theory, migrants from the South move to the North where they can only take jobs from the second market. This market offers weaker wages and lower social status. The jobs offered on this market are generally despised by native workers and thus fuel the demand for migrant labour (Piore 1979). Following this argument, one can hypothesize that this theory supports the idea that migrant marginalization in the host country encourages migrants to conduct transnational activities in order to increase their revenues and/or their social statuses.

The enclave economy theory developed by Portes and Stepick (1993) suggests that the use of ethnic links among migrant communities gives them an opportunity to avoid these jobs from



the secondary market. This is made possible by the internal connections within the community that give rise to an ethnic economy favouring –by definition- co-ethnics. This theory has been used by Portes to explain the success of the Cuban American community in Florida. If this theory explains how certain communities are economically successful and others not; it does not provide much information on the perpetuation of the link between the migrant and the homeland that Portes has studied later on.

Cumulative causation and path dependence theories show some similarities with the network theories when arguing that new comers to a host state generally pave the way for further migration from the same country. The act of migration becomes “*self-perpetuating because each act of migration creates the social structure needed to sustain it*” (Massey 1998: 46). Cumulative causation, path dependence processes and network theories -while giving some clues to the economic success of some communities (by reducing the cost of migration)- do not provide an explanation as to why economically successful communities would still engage in transnational activities (except for the perpetuation of linkages between host and home countries through the migration of newcomers).

On the contrary, the new economics of migration seems to integrate some elements of transnationalism. According to this theory, the motivation to migrate increases when a household’s sense of relative deprivation increases. The sense of relative deprivation may increase when one household compares its standards of living with those households who have a member abroad sending remittances (Stark 1991). In this case, transnational practices are taken into account in the act of migration.

The world systems theory is probably one of the theories that most acknowledges the influence of globalization and transborder exchanges on migration flows. Indeed, this theory links the expansion of capitalism with peripheral regions as being a factor which, among its various consequences, drives many small agrarian workers out of business and creates a large labour force displaced from the countryside. It is the insertion of the land, raw material and labour force in the world economy that creates the necessary conditions for migration to occur.

After this brief overview, one realizes that integration is as central for these theories as it is for transnationalism. Whether integration (and marginalization) is a dimension that should be

included in the study of transnational phenomenon remains unclear though. Two opposite directions are possible. They can be phrased in two clear questions: Are transnational practices a consequence of the marginalization migrants suffer from in the host country? On the contrary, are transnational practices anterior to marginalization and therefore a hurdle on the road to migrants' integration? A last possibility is that marginalization and transnational practices are independent from each other. In other words, are transnational practices a cause, a consequence or independent from migrants' marginalization in the host state?

## **5.2. Marginalization as a cause of transnationalism**

In the previous section on the innovative character of transnationalism, it is argued that transnational practices are not new but that they find their roots in older phenomena whose fundamental characteristics have changed with globalization. Have those activities increased because of a further degradation of the migrant's status in Western societies? This is certainly no easy question to answer. Besides, the perception of the transnational actors regarding their own integration is more relevant than any other objective indicator. According to this perception, are transnational practices a strategy to counter marginalization?

Current research on the topic has come to different answers. In a special issue of *Ethnic and Racial Studies* Roberts et al. (1999: 247) suggest that transnational practices are a reaction to a double marginalization that migrants are confronted to. They take the Mexican case to illustrate this phenomenon. On the one hand, the economic situation in Mexico gives little hope for improving their social status and constitutes a push factor to migration. On the other hand, a series of factors (including the legal status) prevent migrants from putting down roots in the United States. According to those scholars, transnational practices are an answer to social stratification and inaccessible opportunities to individuals in the host and home countries respectively.

For Basch, Glick Schiller and Szanton Blanc (1994: 23-27), transnational practices are also an answer to the growing precariousness of the migrant's status and a result of the changes globalization has brought about in the functioning of capitalism in developed and less developed countries. On the one hand, the decline of industry in developed societies has shut down an important source of employment for migrant workers. Consequently, a part of these

workers now occupy positions in the precarious informal economy. On the other hand, foreign investments in less developed countries have caused massive internal migration from the countryside to the cities. The unstable and temporary character of some of these investments has often left many workers jobless after a little while. This in turn increased the pressure on international migration. The authors conclude that this economic vulnerability, associated with the vulnerability of the migrant's status and racial discrimination, may encourage migrants to lead a transnational life.

In later research on transnational political practices in Colombian, Dominican and Salvadoran communities in the United States, Guarnizo, Portes and Haller draw a different picture of Latino transnational activism. It shows that *“that transnational political activities are not the refuge of marginalized or poorly educated immigrants”* and that, contrary to assimilationist views, the *“length of residence in the United States does not reduce interest or involvement in home country politics but actually increases it”* (Guarnizo et al. 2003: 1238). More recently, in an article comparing the involvement of Colombian, Dominican and Mexican immigrant transnational organizations in development projects in the country of origin, Portes, Escobar and Radford (2007) have underlined how the socio-economic profile of the migrants involved in these activities, their level of politicization or the implication of the sending state may vary between these communities. While these comparative efforts contribute to a better comprehension of the reasons why different communities living in the same receiving area develop different practices, they do not answer one of Waldinger and Fitzgerald's (2004: 1191) concerns about the influence of the receiving country's political culture (what I called *“the methodological gap”* in the methodological part of the dissertation), for which they recommend *“within-group comparisons across different national incorporation systems”*.

### **5.3. Marginalization as a consequence of transnationalism**

In this section I examine the possibility that transnational practices exist prior to migrant's marginalization and I rely on the existing normative literature to discuss the concept of transnationalism by using the traditional pluralist/assimilationist divide.

Nagel (2002: 974) sums up the compatibility between assimilation and transnationalism as follows:

*“To its advocates, the transnational approach represents a repudiation of traditional assimilation models, most often applied to the US case, which posit that immigrants over time tend to lose their distinctiveness and to become more like the ‘mainstream’, as measured by rates of intermarriage, language use, residential location, and so on. But transnationalism advocates do not reject the assimilation model altogether. Rather, they suggest more or less explicitly that assimilation no longer describes the social trajectories of present-day immigrants, and that assimilation is no longer an appropriate concept for interpreting the lives which are not contained within national borders.”*

For Schmidkte (2001: 6), migrants who belong to transnational networks do not perceive anymore the need to learn the host country’s language nor to establish social contacts with the host society. Because of this absence of interaction, Schmidkte argues, a common sense of belonging cannot be established between different populations sharing the same space. Several authors further conclude that transnationalism is necessarily opposed to assimilation. In addition, some defend the idea that transnational activities harm the host state’s national identity and hence threaten the nation-state (this question is examined in further details below). Among these authors, Samuel Huntington (2004: 29-30) presents transnational links as the ultimate of the four challenges that threaten the Anglo-Protestant character of the American culture. Other authors like Brimelow (2000) or Tony Smith (2000) also see a danger for the unity of the American people in the rejection of the assimilationist model. Without naming it so, Schlesinger is opposing transnationalism that he describes as the cult of ethnicity (1992: 112): *The cult of ethnicity has reversed the movement of American history, producing a nation of minorities (...). The ethnic ideology inculcates the illusion that membership in one or another ethnic group is the basic American experience.*” In a way, the debate on ethnicity and the legitimacy to affirm a different identity than that of the mainstream group has paved the way for the debate on transnationalism. Transnationalism and ethnicity constitute similar challenges to the nation-state model. For the partisans of migrants’ assimilation, transnational and ethnic claims alike create artificial divisions by refusing to adopt fully the mainstream culture.

The partisans of a pluralist approach to integration have a far less clear-cut vision of transnationalism (particularly when it comes to transnational political activities). Guarnizo, Portes et Haller (2003: 1238-39) clearly oppose the assimilationist approach. They have two major elements supporting their viewpoint. First, they show that transnational political activities of Dominican, Columbian and Salvadoran migrants in the United States is stable over time. This contradicts a major assumption by the assimilationists that links with the

home country decrease over time. On the other hand, Guarnizo et al. (2003: 1239) stress the integrative function of transnational practices:

*“By and large, transnational activism is a constructive phenomenon through which people respond to long-distance social obligations and belonging and seek to transform political practices in their sending countries. By the same token, it endows immigrants with a renewed sense of efficacy and self-worth that facilitates their integration into the political institutions of their new country.”*

Østergaard-Nielsen also underlines the potential benefits of transnational political activities. They give migrants a voice that they do not have elsewhere and make the migrants aware of their own value and of their capacity to mobilize (2001: 21). Shain brings forward two other factors supporting the idea that political transnationalism is beneficial to migrants' integration in the host society (1999: 203). First, the community's public activities contribute to making it a legitimate actor in the host society, whose interest must be taken into account in the multicultural society. Second, in the case of communities that fled undemocratic governments, their fights support the community's attachment to democratic principles in the host country.

To counterbalance these arguments, it is worth looking at the work of some scholars who, while defending the idea of a multicultural society, underline the risks associated with transnational practices. Glick Schiller and Fouron (1999) suggest that transnational practices may actually disempower an immigrant community. This is generally the case when the transnational activity towards the home country is conducted at the expense of efforts for a better status in the host country. Østergaard-Nielsen (2003) also shows that the transfer of homeland cleavages (political, religious, ethnic...) may be prejudicial to the community's cohesion and thus to its capacity to mobilize in favour of its integration. Steven Vertovec (2004b: 13) also warns against the risks of marginalization at the family level. Transnational practices may create in children a feeling of being torn between two nations, with the potential consequence of being on the margins of both. Transnational-friendly technologies (phone, air transportation, internet...) may also create the illusion that a family life can be preserved even when the members are separated by thousands of kilometres. Mahler (2001), however, has underscored the supplementary constraint that absence may add to the difficult process of integration, while Levitt (2001, 2002) has demonstrated the limits of some families developing education strategies across borders for their children.

#### **5.4. Durkheim and the debate on transnationalism and integration**

Why is it so difficult to assess the link between transnationalism and integration? First, because the lack of comparative research makes it very difficult to make cross-community conclusions (cf. methodological gap of the research on transnationalism). Second, even within a specific community, motives to go transnational may substantially vary according to the type of activity (remittances, fundraising for political campaigns, vote...). Comparative work is thus what transnationalism greatly needs to gain academic relevance in the future. Third, because the analysis of the link between integration and transnationalism is very dependent on what is meant by integration (see assimilationist/pluralist debate).

This last point is central to our argument. On the basis of Durkheim's work (1967) on integration, we learn to put in perspective the meaning of integration. Durkheim studied integration in society in general rather than migrants' and ethnic groups' integration specifically. He found out that there are two modes of integration. First, there is the mechanical or symbolic integration that can be found in primitive societies. In this case, integration occurs on the basis of a group's consciousness that it shares some similarities. Second, industrial societies are characterized by organic or material integration. Solidarity among the group does not rely on similarities but rather on the differences between the individuals. The link that binds them is the complementarities of their roles within the same society. Applied to the 21<sup>st</sup> century and transnational migration, Durkheim's dual model remains very useful. The major difference is probably that organic and mechanical modes of integration now co-exist in the same space. Indeed, looking at current debates on integration and transnational practices, we find a series of authors (especially in the United States) who defend the view that integration implies cutting the ties with the homeland and embracing the receiving country's culture fully. It means that, for some authors, integration remains a synonym of assimilation. Keeping ties with the homeland and getting involved in the host country foreign policy towards the homeland is thus deemed unfaithful towards the former. On the other hand, organic or material integration remains a central argument in political debates on migration policies. Indeed, the discussions about who should be granted access to the European Union are shaped to a large extent by the potential economic benefits brought by migrants to European societies. But, most interestingly, there is the growing expectation in the homeland (and to some extent in the host country) that the material integration of migrants should happen in the two countries. Indeed, relatives who remained in the homeland and even

the homeland government may expect the migrant to contribute to their economic well-being. This trend is illustrated by the growing volume of transnational practices such as remittance sending or transnational business activities set up by migrants. At the same time, some developed countries' governments and international organizations start considering migrants as agents of economic developments in their impoverished homeland. This situation creates dilemmas within migrant communities split between the call to serve the host country's economy and embrace its culture and the call of the homeland requiring their enduring loyalty and economic contribution to the country's development.

Starting from Durkheim teachings, this conclusive discussion actually reveals that integration may be given different meanings and that accordingly, it may be seen as causing transnational practices or resulting from them. Yet, while failing to give a clear-cut answer I did not avoid the debate and proved that the analysis of transnational practices could not be separated from integration issues.

## **6. The space of immigrant transnationalism**

In the previous sections, I approached the space of transnationalism in the basic terms of host and home country. In other words, I only introduced a simple difference between two conventional states. This dichotomy proves unsatisfactory, however, as it fails to take into account the impact of globalization that we just underscored. The coming section of the dissertation seeks to address this issue by first introducing the concept of space and then examining the characteristics of this space via the concepts of multiplicity, deterritorialisation and decoupling.

First of all, it is necessary to define what a space is. According to Badie (1995), a space is an expanse of land that is used and arranged by societies in order to ensure their own reproduction. The space is a social construction that integrates certain constraints such as those imposed by geography. The complexity of the transnational space can be apprehended by the following example. Kurdish migrants are often referred to as having transnational practices because of the political movements they setup abroad in order to improve the situation of their co-nationals in Turkey. In Germany, Kurdish politics is generally associated

with broader political activities conducted by Turkish migrants there. These include support to political campaigns or demonstrations. The space within which those migrants conduct these activities is said to be deterritorialized. Indeed, it is not entirely in Germany because the questions that are debated concern Turkey's internal affairs and are often treated along Turkey's political, ethnic or religious cleavages. This political space is not entirely located in Turkey either since the actors involved in that space are residents (and sometimes citizens) of Germany with a different set of rights and obligations also influencing their perspective on Turkish politics. Argun (2003) has called this space *Deutschei* (contraction of *Deutschland* and *Turkei*) to emphasize the fact that transnational political activities are split between various territories rather than grounded in those territories. *Deutschei* is a sphere that encompasses the triangular political relations between the host state, the home state and the migrant community.

While this example helps understand the idea that the transnational space is an abstraction, it does not provide the characteristics of this space. Looking at the literature, one realizes that a variety of visions of the transnational space coexist and do not present the same level of inclusion. For Jackson et al. (2004: 3), the transnational space comprises all the individuals, both producers and consumers, who are involved in a transnational culture. It's a definition of the space through its inhabitants, who themselves can be transnational temporarily or through a long period. While we agree that migrants are not necessarily transnational in all aspects and at all moments of their lives, we discard the possibility, unlike Jackson et al., that a person can be transnational for the duration of an exotic meal. This restriction that we introduce aims at differentiating transnationalism from cosmopolitanism (and other concepts), and accordingly preserving its specificity and scientific utility.

A more interesting view on transnationalism was introduced by Thomas Faist (1998: 8) for whom: "*Transnational social spaces are combinations of social and symbolic ties, positions in networks and organizations that can be found in at least two geographically and internationally distinct places. These spaces denote dynamic social processes, not static notions of ties and positions*". What are the characteristics of this space? Faist suggests that the form of the transnational space depends on two elements. First, migrants may make use of different forms of capital and resources. The best example of this is social capital -i.e. the privileges a person accesses through membership of a group- that shapes the space within



which the migrants move. Second, the measures that the state takes create opportunities and constrains that force migrants to reconsider the space where they want to conduct, their economic activities for instance. Moving from there, Faist isolates three types of transnational social spaces. The first is the kinship group that works according to rules of reciprocity (e.g. remittances). The second is the transnational circuit whose particularity is to use more formal channels of exchange (e.g. commercial channels). Transnational communities are Faist's third type of space. They rely on the solidarity of those citizens who share a common identity. Based on this preliminary discussion, what are the main characteristics of the transnational space?

### **6.1. The transnational space is a multiple social space**

The space within which transnational activities occur is itself constructed by the interactions of groups present in different geographical locations. International trade agreements or virtual links created by technology (e.g. internet fora) are not transnational spaces as I understand it. These links help migrants forge and sustain the interactions that create the transnational space. For example, the Association Agreement between Turkey and the European Union has facilitated commercial relations between the host and the home countries. The association agreement as such is not the transnational space but it allows migrant entrepreneurs to establish the business links that sustain transnational practices.

Another specificity of the transnational social space is that it does not equate with the geographic space anymore; they are decoupled. Pries (2001: 57) uses the concept of decoupling to describe two new phenomena related to the presence of migrant communities in the city. On the one hand, communities formerly separated geographically are now sharing the same geographical location because of migration (but another type of partitioning is taking place, within cities for instance). On the other hand, communities that formerly used to share the same space in the home country end up being geographically split because of migration.

For Laguerre, decoupling happens at the state level (1999: 646). She stresses the power that the state has on its citizens living abroad. There is accordingly a decoupling between the space on which the state exerts political sovereignty and the space on which it has actual

influence. The best example of this is Haiti with the creation of the so-called tenth Department introduced above. The case of Italy further illustrates the state's capacity to extend the definition of the political community to citizens who do not reside on its territory. As we will see, the creation of a foreign constituency with the 2000 constitutional reform that granted Senate and House seats to Italian voters abroad, has had great consequences on the definition of the Italian nation. Indeed, it recognizes a legitimate stake in the internal policies of the state to those Italians who do not reside in Italy.

## **6.2. The transnational space is deterritorialized**

In the first definition of transnationalism that we have given, the notion of deterritorialized nation-state is central. Before elaborating on the concept of deterritorialization, it is necessary to define what territoriality is. Out of the many definitions we choose to single out that of Robert Sack who considers it as “*an attempt to affect, influence, or control actions and interactions (of people, things, and relationships) by asserting and attempting to enforce control over a geographic area*” (1983: 55). Applied to the state, this definition means that the state uses territoriality as a means to create differential access to people and things (in other words, to control them). Following Sack, Badie argues that territories are constructions influenced by historical and social conditions. It is one form of possible representation of the space among others (but it is the one I will choose for the purpose of this work). Territoriality becomes political by making it possible for political power not to be exerted directly over people and groups directly but rather through the mediation role that the land plays (Badie 1995: 11-12).

How is the concept of territoriality influenced by transnational migration? Looking at the German Turkish example, it is visible that transnational political activities may take place outside the traditional nation-state territory. This idea can be found in Glick Schiller et al.'s work (1994: 8): « *In their daily activities transmigrants connect nation-states and then live in a world shaped by the interconnections that they themselves have forged.* » This vision of the transnational space as a concept that transcends the nation-state is more adapted to the idea of globalization than transnationalism as defined earlier (see Appadurai 1996 et Leander 2001). For example, the transnational corporation that delocalizes its seat from one country to another because of production costs proves that it does not rely on territorial location. The

efforts of some NGOs (e.g. Greenpeace, MSF, WWF...) to cut the links with the nation-state proceed from the same logic (Opello and Rosow 1999). They develop a global identity through the activities they conduct.

For migrants, the detachment from the territory is more complicated. Several scholars therefore contest the idea of deterritorialization when it comes to migrants' social space. Some of them (like Faist, Smith and Guarnizo) think that the state's hold on the citizen is too strong to be released through deterritorialization. For them, transnational activities happen on pre-existing national territories and require the participation of the actors themselves in several states. As a consequence, transnational movements take place between different states and not beyond them. Opello and Rosow (1995) thus come to the conclusion that deterritorialization is impossible as long as individuals (i.e. migrants) continue to define their identity primarily by referring to the sense of belonging they feel towards a community which itself rely on allegiance to a geographically identified state. For them, deterritorialization can therefore not be seen as the end of the link between the citizen and the nation-state (see also Wong, 2002). The concept of long distance nationalism coined by Benedict Anderson (1992) also reveals the identity dimension of the debate on deterritorialization. Indeed, according to this concept, migrants recreate in the country of residence the link to the nation-state that existed in the country of origin. A social construction posterior to migration therefore precludes migrants' disconnection from the home country's identity.

Scholars working on transnational migration have been preceded by others in their reconsideration of the role of territories. Postel-Vinay (1998) and Dodds (2001) underline that the so-called "new geography" -which developed at the end of the cold war- is a reflection on the spatial reconfiguration that is taking place beyond the principle of territoriality. For the study of international relations, this means that geography should no longer be the tool used by geopolitics to assert the immutability of the state model. The new international context questions this model and scholars like O'Tuathail -belonging to the "critical geopolitics" school - analyse how geography is used to establish order and give sense to a space (1992). The new geography, like Badie's definition of the territory as a social construction, helps us understand that the definition of the space of transnationalism largely is the result of the actors who are involved in it. States may be reluctant to recognize that deterritorialisation has occurred since it would be an explicit recognition of their loss of sovereignty. Yet, deterritorialization may also be an argument that states use to try and reconnect with co-

ethnics residing abroad (e.g. the Hungarian state that tries to increase its population by facilitating the reacquisition of citizenship through the so-called “status laws”). Migrants who conduct transnational practices, too, may find useful to define their activities as detached from the territory of the state according to circumstances (e.g. depending if they want state support or, on the contrary, if they want to oppose it). Yet, the impact they will seek to achieve through their transnational activities will necessarily be materialized on a national territory.

This brief presentation of the concept of deterritorialization by the “new geography” raises the awareness that the concept is far from being unanimously supported by the scientific community (especially when referring to migrants’ identities). The first definition of the transnational space that was stated above is necessarily incomplete. As Sassen argues (1996: 29), even the most global phenomena materialize on nation-states’ territories:

*“The strategic spaces where many global processes take place are often national; the mechanisms through which the new legal forms necessary for globalization are implemented are often part of state institutions; the infrastructure that makes possible the hypermobility of financial capital at the global space is situated in various national territories.”*

Yet, neither the exclusive territoriality of the nation-state nor the classical model of interstate relations describe in a satisfactory way the relations that take place between the migrant, the host country and the home country. For this reason, the concept of deterritorialization keeps some potential use: it illustrates the fact that migrants are not solely influenced by one state in their transnational activities and that, accordingly, the role of geographical location has changed in the era of globalization. Looking at the influence of deterritorialization on transnational political activities, one can only recognize that the space within which the migrant is politically active is potentially much larger than before. Itzigsohn (2000: 1147) assumes that, accordingly, citizens’ demands are no longer related to questions of access to the territory or of right of residence. Several examples of transnational political campaigns, and requests for dual nationality legislation and extra-territorial representation confirm this trend. Yet, as we will see in the case studies, these activities and demands are strongly related to the traditional territorial definition of the nation-state, for the emigrants also seek to have a say in –to take Badie’s expression (1995)- that particular expanse of land used and arranged by a nation to ensure its own reproduction.

## CHAPTER II. IMMIGRANT POLITICAL TRANSNATIONALISM: DISCUSSION OF A CONCEPT AND OF ITS IMPLICATIONS FOR THE STATE

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### 1. Discussion about the concept of political transnationalism

In the study of migration, the concept of political transnationalism has been used to describe a great variety of activities, such as those of citizens being members of associations active in two different countries, political parties running campaigns across borders, and lobbying national authorities of one country in order to influence its foreign policy toward the community's country of origin. Portes et al. (1999: 221) sum up their views of political transnationalism as *“the political activities of party officials, governmental functionaries, or community leaders whose main goals are the achievement of political power and influence in the sending or receiving countries”*.

Political transnationalism is close to the concept of ethnic lobbying and raises similar problems and questions to those raised before by the concept of diaspora; i.e. is political transnationalism a new phenomenon or just a new word to describe an old reality (Vertovec 2004b: 33 and Itzigsohn 2000: 1130)? As will be shown below, migrants have been involved in the host and home countries' public affairs for a long time. According to Vertovec, the novelty lies in the context within which migrants' political activities are being conducted. Here again, advances in communication and transportation technologies and new rules of access to citizenship have dramatically broadened migrants' opportunities. This new context implies that: *« people from a particular place regard themselves as legitimate members of the collective identity and social order of a place even though they are outside of its borders »* (2004b: 35).

Following Portes et al.'s definition (1999), the concept of political transnationalism has also been mobilized in the study of sending state's public policies that influence the migrants' level of homeland political participation (for example, citizenship and external voting policies). In a critique of Smith and Guarnizo's (1998) division of transnational practices between “transnationalism from above” associated with the activities of corporations and states and “transnationalism from below” associated with migrants, Waldinger and Fitzgerald (2004: 1180) argue that *“[d]escribing the actions of states as transnational, however,*

*deprives the concept [of immigrant transnationalism] of analytic leverage, as it meant to distinguish cross-border, non-state actors from states and to show how the two constrain and shape one another*". In line with this comment, the dissertation hence focuses on the migrants' transnational political activities and supports the idea that the action of the state and the migrants are sometimes closely intertwined, leading states to revise their policies due to the pressure exerted by their emigrants (even though we will see that this pressure is limited by other factors).

In a later paper with Guarnizo and Haller, Portes (2003: 1223) tries to refine his first definition by noting that political participation is usually measured by electoral participation while forgetting about other kinds of political practices. These scholars thus believe that transnational politics:

*"include both electoral and nonelectoral activities aimed at influencing conditions in the home country. Each type of political participation is measured by a count of the number of activities in which respondents are involved on a regular basis. Transnational electoral participation includes membership in a political party in the country of origin, monetary contributions to these parties, and active involvement in political campaigns in the polity of origin. Transnational nonelectoral politics includes membership in a hometown civic association, monetary contributions to civic projects in the community of origin, and regular membership in charity organizations sponsoring projects in the home country. Nonelectoral activities of this type are political because they influence local and regional governments by determining which public projects receive migrants' financial support. By so doing, they compel authorities to take immigrant wishes and priorities into account."*

Several other scholars have tried to classify immigrant transnational activities. For instance Koopmans and Statham (2001) have introduced a typology based on contents or more precisely on the channel used to conduct the political activities. Transplanted homeland politics are the claims that are made by migrants in the host country but that concern issues related to the homeland exclusively. The second type of activity *"consists of claims whose ultimate political aim is oriented towards the homeland, but which mobilize country of settlement-based organizational networks or political opportunities to these ends"* (2001: 89). A typical example of such practice is ethnic lobbying. The third and last type of activity is the reverse of the second one and is not conducted by the migrants themselves. Homeland based organizations mobilize homeland-based resources to intervene on behalf of the migrant community in the host country.

In my opinion, a better-inspired work on transnational politics (and attempt to classify these activities) is that of Østergaard-Nielsen (2003) who consider that transnational political activities in a broad sense cover:

*“various forms of direct cross border participation in the politics of their country of origin by both migrants and refugees, as well as their indirect participation via the political institutions of the host country (or international organizations). In the latter case the transnational element includes the way that political participation in one country, such as voting patterns or lobbying, is informed by political events in another. This dimension (...) means that actual mobility of the migrants involved is not a main parameter for the ‘transnationalness’ of the political practices. In contrast to economic and social practices, regular cross-border contact, but not necessarily actual travel is a constitutive part of political transnational practices.”* (2001: 4).

This scholar also identifies three broad categories of transnational political activity (2003:21). The first, homeland politics, consists of the political activities in which migrant communities engage in the host country on issues that exclusively concern the home country. Through “transnational activism”, the migrant community shows its support or hostility for the political regime of its homeland or, as Guarnizo et al. (2003: 1239) put it, the term “*is a constructive phenomenon through which people respond to long-distance social obligations and belonging and seek to transform political practices in their sending countries*”.

The second, immigrant politics, refers to the political activities undertaken by the community to improve its social status in the host country. Immigrant politics includes attempts to fight discrimination or to gain more political, economic or social rights. However, not all immigrant politics is transnational but it may become so when the authorities in the home country take an interest in the debate on the integration of their emigrants in the host country (Østergaard-Nielsen 2003: 21) or when communities from the same country of origin but residing in different destination countries organize their demands across borders. The third, translocal politics, differs from the other two categories in that it does not necessarily involve the governments of either the host or home country. It refers to the initiatives of migrant communities or individuals who seek to provide concrete support to specific localities in the home country (generally in the area from which they originate). Using Moroccan development networks as an example, Lacroix (2003: 126–7) has shown that states are eager to have a say in these migrants’ projects in the home country. On the one hand they see it as a useful means of developing rural areas and on the other they want to be involved because they are concerned that migrant associations might encroach on some of their powers.

Even though this typology is helpful in understanding the full diversity of transnational political activities, it should not be accepted without criticism. For instance, it fails to make clear how translocal politics differs from homeland politics. Also, relying too heavily on this typology could give the impression that, from a normative viewpoint, immigrant transnational political activity is always desirable, plays a positive role or is well regarded by the political actors of both the receiving and sending countries. This statement is not supported by the recent violent confrontations between Kurds and Turks in various European countries, and the host states' reaction to them. These events have shown how homeland politics may challenge security and cohesion in the receiving country. At a different level, the perception that the emigrant vote played a decisive role in recent elections in Italy and Galicia has led observers to raise doubts about the legitimacy of external voters and about the positive effect of transnational political participation on consolidated democracies.

To return to Østergard-Nielsen's typology, the mere act of designing a category risks giving the impression that the spaces of political action are clearly separated from one another, which is not obviously the point we are trying to make here. The same community can engage in immigrant and homeland politics jointly. In other words, the fight for a better status as a migrant in the host country is not incompatible with political action in the home country (as we will clearly see in the Mexican case). However, if one is to look at different practices in relation to the concept of transnationalism, one has necessarily to show how they differ from traditional migrant political practices.

A last interesting attempt to classify transnational political activities is the one I draft by making inferences from the work of Faist (1998) who differentiates the activities through the actors who conduct them. We have seen above that Faist identifies three forms of social groups. Transnational kinship groups, because of the responsibility they feel towards the group and the strong connection with family and friends in the hometown, are most likely to engage in translocal politics. Transnational circuits, on the other hand, seem to fit quite well with Portes' network theories. The use of social capital for migrants to integrate in the host country could be assimilated to a derived form of immigrant politics. Lastly, Faist's transnational communities, because of their emphasis on a common identity, are obviously those who could mobilize for political issues in the home country (homeland politics).



After this review of the existing literature and relying on the earlier definition by Portes and on the work of Østergard-Nielsen, I suggest my own operational definition of the concept of immigrant political transnationalism. It was coined by the author of this dissertation and by migration scholar Marco Martiniello in a special issue on transnational politics of the scientific journal *Ethnic and Racial Studies*:

*“Immigrant political transnationalism covers any political activity undertaken by migrants who reside mainly outside their homeland and that is aimed at gaining political power or influence at the individual or collective level in the country of residence or in the state to which they consider they belong. Such power or influence may be achieved by interacting with all kinds of institutions (local, subnational, national or international) in the country of residence and/or the home country, by supporting movements that are politically active in the country of origin or by intervening directly in the country of origin’s politics.*

*When analysing political power in the country or countries of residence, one may speak of immigrant political transnationalism when the activities are conducted by migrants of the same national origin but residing in different destination countries, or when the state authorities of the sending country interfere with their emigrants’ activities in the country of residence.”*  
(Martiniello and Lafleur 2008)

## **2. The North American and European origins of political transnationalism**

As we have already mentioned above, scholars working on political transnationalism have naturally been confronted to similar theoretical critiques than those addressed to the concept of transnationalism in general. One of the most salient concerned the innovative character of transnational political activities with regard to older practices known as ethnic lobbying for instance. In this section, we therefore trace back the origins of migrants’ political participation in the United States and Europe to later underscore that the novelty with transnationalism is that the political relations between emigrants and the state have been modified by globalisation.

### **2.1. Lobbying and transnationalism in the United States**

Ethnic lobbying has long been part of American politics. In the second half of the 19<sup>th</sup> century, the Irish American lobby was already trying to encourage a war between Great-Britain and the United States hoping that it would lead to the defeat of the British who would then have to negotiate Ireland’s independence (Smith 2000: 48).

Tony Smith splits the history of ethnic lobbying in the United States in three parts. The first period goes from 1910 to 1930. At the time, the major ethnic actors are of European descent (Germans, Scandinavians, Irish and later Italians). Before this period, the American foreign policy is completely in the hands of White Anglo-Saxon Protestant Americans (WASP). Until the First World War, celebrating their ethnic origins was not incompatible with the migrants' attachment to the American nation. The American culture was deemed powerful enough to assimilate migrant communities over time. New Americans were therefore not discouraged to keep strong links with their home country.

At the turn of the First World War, migrants originating from countries who were at war with the United States became suddenly the victims of a generalized suspicion regarding their loyalty towards their country of settlement. For this reason, many German Americans were keen to demonstrate their attachment to the United States by abandoning their customs and language or by changing their name. The question of loyalty will be even more acute during the Second World War. The consequence were however much more dramatic for the 110,000 Japanese Americans who were sent to internment camps opened on the U.S. territory (Shain 1999: 15). Italian Americans and German Americans too were subject to distrust and control of the American authorities (see below).

The second period goes from 1945 to the end of the Cold War. This period is epitomized by a certain internationalization of the US foreign policy. Thus, the fight against communism wherever it stands gives to several lobbies a greater leverage on the American foreign policy. The importance of the US ideological context and the common goals shared by the government and some lobbies explain this new influence. The Cuban American lobby that developed at the turn of the 1980s is probably the best example of an ethnic group that has taken great benefits from the anti-communist ideological context.

The third period starts after the fall of the Berlin Wall. For Smith, the Clinton era represents a peak in the ethnic groups' influence on the American foreign policy. Some examples of this influence are the American involvement in the peace process in the Middle East or the military intervention in Somalia and Haiti. This period that starts at the end of the 20<sup>th</sup> century sees the nation-state put under stress. In a context of global economy and with other actors claiming to have a say in international affairs, its role is being redefined and it is

accordingly likely to admit transnational linkages as acceptable. Some states encourage individuals to keep transnational ties by allowing dual nationality (e.g. Mexico, Dominican Republic, Turkey...) or by adopting tax legislation that encourages the sending of remittances (e.g. Haiti and Mexico). For host countries, this new tolerance towards transnational linkages is visible, for instance, through the adoption of the principle of multiculturalism in their policies. This discussion on globalisation, political transnationalism and the state is further developed below.

Coming back to Smith's third period, what has made contemporary U.S. authorities more receptive to ethnic groups' demands? The rise of multicultural policies may have contributed to the recognition of these practices in the 1980s and even more so during the 1990s. Indeed, according to the arising multicultural postulate, it was no longer necessary to assimilate to the mainstream as defined by the WASP population. Cultural diversity is thus a value acknowledged and promoted by the society (Curry, Jiobu and Schwirian 1999: 36-37). The natural consequence is that the links with the homeland seemed less suspicious. This trend is best illustrated by the increase in the amount of remittances sent by migrants to their families in the home country. This period also marks the beginning of political campaigns where candidates to a national election travel to host countries to collect migrants' votes and funds. Similarly, recipient countries ease the rules of acquisition of dual nationality and set up programs and administrations to control transnational activities (Roberts et. al. 1999: 247).

For Shain (1999: 51) multiculturalism is partly the result of the African Americans' struggle for civic liberties which later benefited to migrant communities<sup>6</sup>. Shain states three other reasons that explain the rising influence of ethnic lobbying in the 20<sup>th</sup> century. First, the U.S. liberal-democratic ethos that enfranchises citizens no matter where they are from. Second, the media have contributed to the empowerment of migrant communities by publicizing their work and amplifying the impact of their actions. More specifically, ethnic medias have strengthened some migrants' sense of belonging to a community and their feelings that their community has specific issues to address. The last element is the fragmentation of the U.S. foreign policy decision-making process.

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<sup>6</sup> See also: Mc ADAM D., *Political process and the development of Black insurgency, 1930-1970*, Chicago: The University of Chicago press, 1999, 304 pages.

This last factor deserves more attention as it concerns the description of a power mechanism specific to political science. According to Shain, the very nature of the U.S. Congress influences the power of ethnic groups in a positive way. It is split between two parties and its members do not follow a strict line defined by the party. This room for manoeuvre empowers each individual member of Congress. On the other hand, those individuals, in return, are more easily submitted to the influence of lobby groups (ethnic or not) (Shain 1999: 80). This pressure is further increased by the U.S. legislation on electoral donations. This legislation encourages lobbies to finance political campaigns in exchange for these candidates' later support to the lobbies' interests (Smith 2001: 101).

## **2.2. Political transnationalism in Europe**

The situation of ethnic lobbying in Europe greatly differs from the United States. First, European countries were confronted later than the United States with large immigration movements. Second, migration to Europe after the Second World War was mostly organized by the states through labour recruitment schemes. This system aimed at ensuring that no worker would settle for good in Europe. For this reason, European nations have long waited before setting up a policy of integration towards migrant communities.

The Belgian case illustrates this trend very clearly. After World War Two, Belgian authorities set up a labour recruitment program for alien workers. This program was designed to allow only temporary migrants and therefore ensure a rotation within the migrant community. As mentioned, this delayed the implementation of a real integration policy by the authorities.

As guest workers, these migrants were deprived of any political rights in Belgium. Labour union were thus the best solution to defend their interests as workers in the host country. This experiment helped many migrants to get familiar with the Belgian political system (Martiniello 1998: 109-110). At the end of the 1960's, Migrants' local consultative councils<sup>7</sup> (MLCC) were set up in 35 Belgian cities to establish contacts between local politicians and the migrant population. In several cities, national groups got well organized and presented electoral list according to the cleavages of the home country. Those elections gave migrants the opportunity to elect their representatives to the MLCCs. This form of political

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<sup>7</sup> *Conseils consultatifs communaux des Immigrés* in french.

participation gave little results in terms of an improvement of the migrants' status. It however led some migrants to organize themselves politically and establish some links with Belgian political parties. This also created a favourable context to the participation of Belgians of foreign origins to Belgian elections (Martiniello 1998: 112-113).

The Belgian example shows why European researchers have taken a different approach to migration than their U.S. counterparts. In Europe, the focus has been put on the migrants' struggle to improve their status in the host country because they were not accepted as citizens but rather as temporary workers when they arrived. Despite the existence of examples such as that of Turkish migrants proving that some migrant communities in Europe have traditionally kept strong political ties with the homeland for a long time, studies on ethnic lobbying and homeland politics are far less developed than in the United States (Østergaard-Nielsen 2001: 6).

### **2.3. Comparing the United States and Europe : the legitimacy of political action and the political field**

Even though it has been shown that political transnationalism belongs to the general context of globalization, the concept does not materialize uniformly in all parts of the world. This is especially true when one compares transnational political phenomena in Europe and the United States. This point is supported by the fact that Smith's historical steps cannot be fully transposed to the European context. Two main reasons illustrate this point. On the one hand, European countries were confronted with migration later than the United States and the question of the migrants' links with their homeland has long been neglected by researchers<sup>8</sup>. On the other hand, the image of the migrant constructed by the state greatly varies between the United States and the European states. In the United States, migrants are seen as a constitutive part of the American Nation<sup>9</sup>. This is because migrants -or rather settlers- of the 16<sup>th</sup> century contributed to the independence of the United States. European states, on the contrary, have long considered migrants exclusively in their economic dimension. The so-called guest worker programs that were set up after World War II epitomize this trend. The temporary character of migration also encouraged migrants to keep strong ties with their home countries and their

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<sup>8</sup> It does not however mean that migrants' transnational linkages were not a political issue. The Belgian Parliament, for instance, was concerned after World War I that some recently naturalized Belgians had not been loyal to their new state (see below).

<sup>9</sup> It could be argued that this positive attitude towards migration only refers to the early Anglo-Saxon migrants.

political situations. We have seen that migrants' political involvement in Europe was limited to unionism at that time. Yet, when it became clear that those migrants were going to stay in Europe longer than initially thought, the question of their integration started to be asked more acutely. In this new context, migrants progressively got involved in their host country's politics (e.g. Belgian MLCCs). From then on, migrants' political activities (and scientific research on migration) were to focus on these questions of integration.

One hypothesis that could be set to explain this difference is that, in the eyes of the state, migrants in Europe are still in the process of gaining the status of political actor that some migrant communities and ethnic groups in the United States may have. In this country, at least three contributions of the migrants may have permitted them to reach this status. First, the contributions of migrants to the creation of the state and to its economic prosperity are facts that have been acknowledged. Second, their contribution to military conflicts through combats or their commitment to the country at a time when their dual loyalty was being questioned has reinforced the vision of migrants as "real Americans". The third element, which was mentioned before is that migrants have largely contributed to the U.S. foreign policy since World War II.

In Europe, the migrant's status has long relied on its contribution to the creation of wealth in the host country society. The migrant did not exist as a political actor or as a political object. This sole economic role of the migrant provided them with far less power than that gained by migrants in the United States. The situation changed with the oil crisis when the need for labour diminished dramatically and unemployment hit migrants primarily. The presence of migrant communities in Europe was thus not perceived as economically justifiable anymore. Yet, many migrants were not willing to go back to their home country. At that moment, they started struggling for the status of political actors, which would enable them to openly debate the question of their integration. With this fight, they progressively gained access to the host country's local and national political arena of the host country (while scholars forgot that meanwhile migrants had kept links with the home country and were also sometimes politically involved there).

Another way of approaching the difference of political power available to migrants in Europe and the United States is through the definition of the political field given by Bourdieu. The political field is the place where the "political offer" (program, problems, analysis...) is being

produced through the competition between the agents involved, and subsequently offered to ordinary citizens who are limited to a role of consumer of the political production (1981 : 3-4). The political offer is – in representative democracies- produced by a minority of individuals who have the time and the necessary cultural capital to get involved in the political field. The result is that the monopoly of the political production belongs to an elite of professional politicians. According to this analysis, migrants have great probabilities of not participating to the production. Indeed, the free time to get involved in politics is generally only available to the citizens that have certain types of jobs (doctors, lawyers...). Also the complexity of the questions treated in the political field requires that the participants have the necessary knowledge (theories, issues, history, concepts...) and respects the necessary values and hierarchies in order to participate. This created an elevation of the cost of entrance to the political field which tend to increase the share of participants who have been formed in schools of political science (1981: 6). For migrants, says Bourdieu, the only chance of accessing to political representation is to become a stake or a weapon in the struggle opposing the different factions that aim to represent the proletariat (1981: 12).

Bourdieu's theory on the political field provides a good approach for distinguishing the United States and Europe in their approach to migrants' political action. Indeed, the idea of a professionals' monopoly fits very well the European model of party-centred government where the real power of decisions has moved from governments to political parties. Such a system involves quite a strict discipline of the party members and leave little room for individual expression. As underscored by Bourdieu, in such a system, "catch-all" political parties only take into consideration migrants as political actors if they provide electoral benefits. Considering that migrants in Europe had long been considered as temporary workers (without voting right), it provides with an explanation for the lack of support of political parties to their cause. Bourdieu does not, however, distinguish more liberal political systems where the weight of political parties is weaker. This is the case in the United States where the possibilities to access the political field seem different than in Europe. Because of the lack of strong party discipline, individual members have a larger room to manoeuvre and to define their own views. This in turn encourages the agents who want to be represented in the political field (ethnic groups and migrant communities but also private companies or religious group) to lobby individual politicians. In this context ethnic lobbies have gained significant influence on the U.S. political scene. While Bourdieu does not specify these differences between the United States and Europe, the concept of the cost of entry to the political field is very useful in

demonstrating how hard it may be to generalize when talking about the recognition by the state of migrants as legitimate political actors.

### **3. The space of transnational political action**

In the preceding sections, I have underscored different elements that account for the different evolution of transnational political participation, especially according to the home country's socio-political history. In this section, I try to integrate all the factors influencing transnational forms of engagement that mentioned so far in a single framework. The purpose is to demonstrate that transnational political activities are to be explained by the triangular relationship between the migrant community, its home country and its country of residence in the specific international context of globalization (whose very impact on the relations between the state and emigrant communities is stressed in the next section). Before looking at each element of the triangle, it must be said that –despite their overall influence in all groups engaging in transnational activities- one same element may work in different directions for different communities. I will thus try to illustrate the model with different examples to facilitate its understanding.

#### **I. The homeland**

Here, I bring together the factors influencing transnational politics that are linked to the country of origin. They include the conditions that led to the departure of the group (or the conditions that led to its separation from the homeland in the case of ethnic minorities) as well as the measures that the homeland takes to influence immigrants' transnational political activities after their departures.

##### **1.1 The reasons for leaving**

The reason that pushes a citizen to leave his home country is crucial with regard to the intensity and the form that his transnational political activity will take. The Cuban American case is relevant for this matter. The first migrants who left the island after the revolution belonged to the Cuban elite whose situation was threatened by the new social order that was being build. For this reason, these early migrants firmly opposed Castro's regime from Florida and conducted various activities to destabilize it. Initially, these activities took



initially some violent forms and very often relied on the support of the host country. The fact that these migrants also called themselves exiles was way of insisting on the fact that they had been forced to leave and intended to go back. When, on the contrary, Cuban migration to the United States became more economically driven (starting in 1980), the tendency to engage in violent actions reduced as much as the general involvement of this population in opposing Castro's regime.

Looking at the Turkish migration to Europe in the second half of the 20<sup>th</sup> century, the situation looks quite different. The motives for Turkish workers to leave were economic as it was made clear in the agreement signed by Turkish authorities with some European government that these workers were only going to remain temporarily in Europe in order to contribute to the continent post-war's reconstruction while learning industrial techniques. Accordingly, those migrants were more concerned by their temporary conditions of workers in Germany than anything else. Migrants who left later, for instance after the 1980 military coup, were obviously much more eager to engage in transnational politics with a view to recreating the necessary conditions for them to live in Turkey.

### 1.2 The perspective of going back

This criterion can work in different directions. The determination to go back to Cuba strongly motivated early migrants in their transnational political activities. Before the Cuban missile crisis the possibility to dismiss the young Castro regime was real for the community that supported violent actions aiming at a direct change of regime (e.g. *Bay of Pigs* invasion). After that, it seemed less probable for the community that the regime would fall quickly. Activism decreased progressively and Cuban Americans turn economic activities and long-term political actions (e.g. lobbying). In the case of Turkish migrants to Germany, the perspective of returning to Turkey had long been a reason for not getting involved in politics. The end of the rotation system in the early 1970's obviously diminished the perspective of going back in the near future for those who decided to stay. The question of the integration of this population then became a political issue in the country. This led to the transfer of Turkey's political cleavages to the Turkish community in Germany. These cleavages would determine the position of the community on the question of its integration.

### 1.3 The symbolic view that the homeland has of its diaspora

Obviously the two above-mentioned criteria have contributed to the constructing the image of the migrants in the homeland's eye. This image determines the actions that the homeland takes in relation to transnational politics.

Cuban migrants in the United States have long been Castro's worst enemy since they tried to dismiss his regime for more than forty years. For this reason, Cuban emigrants (especially those living in Miami) have been depicted as traitors or as the dregs of Cuban society. Obviously, this permitted to maintain Cuba's population in a perpetual state of mobilization against an external enemy. This, in turn, reinforced the exile community in its belief that Castro had to be removed from power; including by violent means. This confrontation between Cuban emigrants and the island historical leader thus determined the contents and form of the transnational political activity of the former towards the elimination of the latter, instead of supporting democratic movements in Cuba. For the Cuban authorities, the negative imagery they built has never led to an explicit interdiction of entry onto the Cuban territory to emigrants.

Turkish authorities have had an ambiguous relation with their emigrants. From a general perspective, they have a positive image of the emigrant community which constitutes an important source of income through remittances. Turkish authorities thus intent to keep strong links with the Turkish German community to keep the flow running. Furthermore, a second element encourages Turkish authorities to build a positive image of the emigrant community: Turkey's bid to the European Union. By insisting on the positive side of the presence of these migrants in the EU, Turkey somehow uses the community as a sort of ambassador. Yet, looking at the question of the community's image in the homeland, there is an important clarification to be made. The support of Turkish authorities only concerns those migrants who show no opposition towards the regime. This is not the case of many Kurdish associations in Germany. Turkish authorities thus tend to depict them as criminals and encourage German authorities to closely monitor them. Again, the symbolic view of the community is an important element to bear in mind.

### 1.4 Homeland legislation related to the emigrants/co-ethnics

This point is connected with the symbolic view of the migrant community. A positive or a negative image of the community determines the measures the homeland will take to foster or

to limit contacts with the community. Two policy areas are especially concerned by this legislation: citizenship and economic investment.

Mexico, which considered its emigrants badly for a long time, now allows Mexican Americans to opt for Mexican citizenship without having to renounce American citizenship. In doing so, these enjoy a set of economic rights normally forbidden to foreigners. Also, the *Programa para las comunidades mexicanas en el extranjero* (PCME) set up by Mexican authorities clearly stated that Mexico was aiming at keeping in touch with its emigrants. The best example of this is the “2 for 1” program. This program stated that for each dollar invested in a public good (i.e. school, water supply equipment, bridge...), the federal state and the state of Zacatecas would each give another dollar (Roberts, Frank, Lozano-Ascensio 1999: 253). The interest of this program is double. First, it strengthens the homeland authorities’ financial capacities and allows them to keep control (and benefit from the political credit) of these investments. Second, it strengthens the links that unite the emigrant community with the homeland. Considering the potential weight the emigrant community may have on an electoral campaign and the result of an election (both directly or through their relatives), Mexican political parties have a stake in keeping close to it.

## II. The country of residence

Here we find the factors that are directly related to the host country and that influence the community concerning the form and impact of its transnational political activity. This context determines the migrant’s status, that is, the conditions in which the migrant group/ethnic minority is accepted in the host country and the means provided for its integration.

### 2.1 Migration and integration policies

This point refers to the norms that regulate access to the host country and the conditions of residence. Cuban migrants to the United States have always benefited from a beneficial access to the U.S. territory as they were considered as refugees fleeing a communist dictatorship. The 1966 *Cuban Adjustment Act* adopted by the U.S Congress illustrates the importance of these migration policy related legislation on transnational activities. This law gave an easy access to permanent residence in the United States to Cuban migrants. This obviously contributed to the permanent settlement of the community in the host country as much as its

determined the form of its political activity. Indeed, permanent residence is the gate to citizenship and voting right that has been strategically used by the community in lobbying Congress for harsh foreign policy towards Cuba.

The German legislator, on the contrary, neglected the migrant integration issue until the end of the rotational labour recruitment scheme. This absence of legislation fostered by the temporary character of migration encouraged Turkish migrants to organize politically along the cleavages of the home country.

## 2.2 Access to citizenship

Here I refer to the step that follows the entrance to the territory of the host country. Citizenship of the host country is no requirement for a group to conduct transnational activities for we have seen that the absence of opportunities may encourage emigrants to engage in transnational activities. Yet, as we will see in the case of Mexico, home country authorities may also opt for laxer rules about multiple nationality in order to facilitate the acquisition of the host country citizenship in the hope that it will stimulate the community's mobilisation to fight for its rights in that country. I do not enter into further details on citizenship and political transnationalism here as a whole subsection is devoted to the question below.

## 2.3 Receptiveness of the political system to transnational activities

Under this category, we find two mechanisms in the host country's political system that have an impact on transnational politics: the electoral system and the foreign policy decision-making process. These two elements determine the community's ability to influence the host country's policy towards their homeland.

The German Parliament has a representation threshold that prevents small parties from holding a seat. Also, political parties have to be directed by German citizens. These two conditions imply that candidates of foreign origin have to belong to major political parties if they want to stand a chance of being elected. This difficulty of access to the German political sphere by migrants in Germany significantly reduces their capacity of influence on Germany's foreign policy. It, however, stimulates transnational participation through other means such as direct participation in Turkish politics.

The United States have historically proven to be far more open to transnational political issues. The fragmentation of the foreign policy decision-making process is beneficial to interest groups in their capacity of influence on foreign policy. Knowing that Congress members are free to disagree with the party line, interest groups are in a position to lobby each of them individually with greater chances of success (Shain 1999: 80). Furthermore, the U.S. electoral system has often been depicted as much more liberal than most European states' in terms of campaign donations. This provision allows economically powerful lobby groups to get support in Congress.

#### 2.4 Public opinion and the media

As is the case for conventional political issues, the media and public opinion can influence the outcome of a transnational political activity.

The Elian Gonzalez case in the United States illustrates this very well. A little Cuban boy arrived in Miami after the boat on which he was fleeing the island with his mother had sunk. His mother died but the boy was sent to his family in Miami. The INS decided that the little boy had to be sent back to his father in Cuba (after violent protests in Miami). The vast majority of US media (except some Floridian newspapers) refused to share the views of the community that considered the boy as a symbol of the fight against communism. The public opinion and President Clinton shared this viewpoint. The latter was concerned to be in phase with the U.S. public opinion a few months before the election (even at the risk of losing Cuban American support). Polls at the time revealed the gap between the community and public opinion. The most radical part of the community reacted by trying to get the U.S. population on its side. This kind of communication campaign reveals the importance of public support on the lobby groups' capacities to set the authorities agenda.

### III. The migrant community

Here I consider the community's internal organization and socioeconomic development as variables of transnational political activity.

#### 3.1 The socioeconomic status of the community

I have discussed this point in details when trying to determine whether transnational activities are a cause or a consequence of marginalization. This factor is not solely determined by the

community itself. Integration policies in host states obviously greatly determine the socioeconomic status a community may reach. Yet, what I'm examining here is the way in which the community uses human and social capital to improve its status and how this affects its capacity to engage in transnational politics.

Cuban refugees have been favoured over other communities because they were fleeing a communist regime. The United States accordingly granted them a series of economic and legal rights that favoured their socioeconomic ascension. Cuban Americans however managed to maximize these benefits by creating an economic enclave in South Florida. This tool made it possible for newcomers to use their social capital to avoid those low-wage and low-status jobs usually reserved to migrants. The economic enclave thus served as a springboard for many Cubans. Furthermore, the enclave determined the kind of political activity that the community conducted. Because it was greatly cohesive and economically powerful, the enclave encouraged Cuban Americans to conduct lobbying activities in Congress.

Turkish migrants did not benefit from the same advantages when they arrived in Germany. Accordingly, their socioeconomic ascension was not encouraged and certain practices that further delay it were perpetuated. For instance, problems related to the acquisition of language skills were recurring and confined a share of the community in low-skill and low-pay jobs. The weakness of this socioeconomic status encouraged many German Turks to conduct transnational activities to increase their incomes or improve their social statuses in a way that is accessible to them in Germany.

### 3.2 Mobilization, cohesion and definition of the agenda

The impact of transnational actions also depends on the community's capacity to mobilize to achieve goals that have been previously set. For this matter, the community members' geographical concentration may be an advantage.

The anti-Hispanic referendum in Florida in 1980 (that forbade using the Spanish language for administrative contacts) has transformed the economic mobilization of the community into a political mobilization. Indicators such as the percentage of the community that opts for U.S. citizenship and participation to elections are well above that of other communities. As a consequence, Cuban American candidates win seats in the electoral districts where the community is concentrated. Obviously those candidates prove to be a powerful intermediary

in pushing the community's interest at the different level of power. To promote these interests, however, there is the need to define common interests (or a common political agenda) beforehand. Here again, the cohesion at work in the enclave supposes that a strong conservative consensus on the attitude towards the Cuban regime is being built. Indeed, the ideological domination that early migrants have imposed supposes that any member of the community who disagrees with this line is putting its socioeconomic integration in the enclave at risk.

A community may also be mobilized in the absence of a common agenda. This is the case of German Turks who set up thousands of organizations but are divided along the same religious, political or ethnic cleavages that prevail in Turkey. These divisions greatly harm the community's capacity to conduct efficient actions in Germany.

### 3.3 Leadership in the community

Leadership is an essential element in defining a common agenda and mobilizing forces to achieve it. Leadership can take place at two different levels: leadership expressed as the recognition by outsiders and leadership within the group. The former maybe defined as the capacity of an organization to be recognized as the spokesman of the whole community by individuals and institutions who do not belong the community. Yet, Martiniello (1994) has underlined that ethnic leadership implies that the leaders are recognized as such by the members of the ethnic group. In this case, it may be preferable not to talk about leadership but rather of capacity to influence. Ethnic leadership should thus be reserved to define a person who is a member of the ethnic community and has the ability to influence the behaviour and or the preferences of other members of the ethnic community purposefully in order to satisfy what he sees as the community's interest (Martiniello 1994: 98).

The Cuban American National Foundation (CANF) provides a good example of a combination of both categories. The conservative ideological stream became dominant in the community for two main reasons. First, following a series of measures, the U.S. Democratic party was perceived as opposed to Cuban migrants' interests. Second, social control in the enclave ensured conservatives that their opinion would be largely supported because it conditioned socioeconomic success in the enclave. In this specific context, the CANF, a conservative lobby groups, emerged as the leading Cuban American interest group in the

1980s. The power of the organization also relied on its charismatic leader, Jorge Mas Canosa, a successful businessman who had close contacts in Congress and at the White House.

### 3.4 Management of the generation change

Transmitting the political concerns to the next generation is a critical moment in the life of a migrant community or an ethnic group. The link that unites the second generation with the homeland could be seen as more diffuse, as these migrants' sons and daughters are generally born in the host country and have been residing there for a long time with consequences in terms of education, socialization, sense of belonging... Nonetheless, Levitt (2001 and 2002) has shown that different factors (organization of the community, life-course factors and socio-economic characteristics) may led the second generation to engage in transnational activities.

The Cuban American second-generation, for instance, has been raised in the hatred of Fidel Castro. It however considers itself as both Cuban and American. Part of this generation is sceptical about the activities conducted by the first generation. The split of the community on the US foreign policy about Cuba and the political moderation of a part of the second generation illustrate this trend.

The second-generation German Turks are encouraged to follow the transnational political activities started by their ancestors due the perpetuation of some social practices. For instance some young German Turks go back to the home country to marry and move back to Germany with their spouses. This poses some difficulties in terms of the acquisition of the German language but also contributes to reproducing the cleavages that were imported by the first generation (Argun 2003: 42).

## IV. The international context

This context in which the triangular relations take place is particularly relevant when the community tries to create a change in the homeland by lobbying the host countries' authorities.



#### 4.1 Ideology and world order

These two elements are linked since world order is based on the ideas that prevail at the time and on the relations between international actors (Moreau Defarges 2000: 56). Ideology and world order are decisive in the attention that governments will pay to transnational activities.

The Cuban American example epitomizes the importance that ideology and world order may have. When the world order was based on a division between two ideologically distinct blocs, the Cuban American goal of isolating Fidel Castro was compatible with the U.S. foreign policy. U.S. authorities were thus keen to support the Cuban American agenda because it provided them more support and legitimacy to fight communism. Since this favourable world order changed, fighting communism is no longer a priority as such, and Cuban Americans have a harder time convincing U.S. authorities of the importance of their agenda. Furthermore, the new world order puts the Cuban American community in competition with other interest groups whose agenda may be opposed to theirs (e.g. the opposition of the CANF and the Farm Bureau on the opportunity to continue the embargo against Cuba).

#### 4.2 Bilateral relations between homeland and host country governments

While interstate relations do not necessarily involve migrant community or ethnic groups directly, these contacts may influence transnational politics. Obviously, the reverse is also true.

The Cuban American community did not play a role in the initial U.S. decision to set up a blockade against Cuba. They, on the contrary, largely contributed to the fact that has run for decades and has survived the end of the cold war. The influence of Cuban Americans on the U.S. foreign policy has long been a point of contention between the United States and Cuba and the activities of their communities have often determined the quality of the relationships between the two countries (e.g. In 1996, a plane occupied by two Cuban American activists was shot by the Cuban army after they had been dropping propaganda over Havana. This pushed President Clinton to sign the controversial Helms Burton Bill which strengthened the embargo).

#### 4.3 The role of International Organizations (I.O.)

In the previous section, we have seen at great length that different non-state organizations have managed to take away some prerogatives away from the state in the era of globalisation.

International associations certainly belong to this category. Even though they work on a supranational or intergovernmental mode, I.O. may also be the target of transnational political activities as much as they can take measures influencing transnational activities by creating opportunities or hurdles.

The European Union illustrates the influence that an I.O. may have on transnational political activities and the pressure an I.O. can be submitted to by transnational political actors. Encouraged by the role of unofficial ambassadors that the Turkish government has granted them, several Turkish German associations lobby European institutions to adopt a positive attitude towards Turkey's EU bid. Other associations, on the contrary, conduct similar activities to ask the EU not to consider Turkey's bid until it makes significant progress in the area of Human Rights.

As we have seen, in the case of the North American Free Trade Agreement (NAFTA), the influence of this non-state actor on the migrants' capacity to engage in transnational political activities was more indirect but no less important. Indeed, as we will see in details in the case study, the perspective of joining the trade agreement encouraged the Mexican authorities to develop new policies and new forms of inclusion for their emigrants in the hope that they would act as a lobby in favour of Mexico's bid.

#### **4. Political transnationalism and the state**

In the preceding section, I have approached the reasons for the different evolutions of the immigrants' and ethnic groups' political participation in different nation states. In these examples, I have introduced the idea that transnational political activities have been able to develop on both sides of the Atlantic Ocean thanks to the favourable context of globalization. In this section, before I turn to the impact of transnational political activities on the nation-state model, I wish to underscore the role of globalization once more.

It is interesting to note that, while being critical of the concept of immigrant transnationalism, Kivisto recognizes that the attitude of some homeland governments to their emigrant

populations has recently changed as many of them are now trying to create links with them.

The consequence is that:

*“rather than condemning their decision to exit or enticing them to return, they [the homeland governments] instead work to create relationships with the immigrants that are beneficial to the homeland. To the extent that immigrants perceive these relationships to be mutually beneficial, the potential for a transnational social field arises”* (2001: 563).

Similarly, Bauböck (2003) perceives that states are now involved in promoting new forms of political participation (for instance by extending the right to vote to emigrants or by reserving seats in Parliament for their representatives). Sending states that promote their emigrants' transnational political participation necessarily modify the three dimensions of citizenship (see below). Legal status is the most visible change when double nationality is allowed to emigrants for instance. But the social roles attached to citizenship are also affected by transnational political activities (for example by adding a symbolic value to the emigrant vote). Finally, with these practices and new citizenship opportunities, the migrant becomes a citizen who lives abroad but yet still keeps a stake in his country of origin's internal affairs. This explicit recognition is also an extension of the civic qualities deemed necessary to be a good citizen (which sometimes coincides with the home country government's changing attitude from seeing migrants as traitors to treating them as heroes). Bauböck (2003: 703) thus argues that political transnationalism is more than political activities across borders. It also includes the *“changing and increasingly overlapping boundaries of membership in political communities”*. In other words, the real novelty is the increasing ability the state grants to migrants to combine internal and external memberships without having to choose in which country they want to be politically active. Two comments must, however, be made. First, as we mentioned earlier, this new ability does not necessarily result solely from the immigrants' transnational activism but may well stem from a change of opportunity structure having nothing to do with the migrant community (as we will see in the case studies). And second, there are also cases when dual citizenship does not entail dual membership of political communities (for example, before 2005, Mexico's legislation permitted dual citizenship but formally forbade dual citizens from voting in Mexico).

After this important clarification of the context in which transnational political activities have developed, I can turn to the impact of these activities on the nation-state model. In the coming sections I therefore analyse the relations between transnationalism (and particularly transnational political activities) and three key features of the state: the capacity to grant

security (protection through the monopoly of violence), the capacity to act in the sole interest of the nation and the capacity to determine its citizenship policy.

#### **4.1. Immigrant transnationalism and security**

Before examining the link between immigrant transnationalism and security, it is important to note that, historically, migration has not always been considered as a security threat. After World War II, both receiving and sending states were satisfied with the migration movements. In developed countries, as we have seen, states were eager to attract migrants to solve the labour shortages faced by their “human capital hungry” industries. In sending countries, migration was perceived as beneficial for three reasons. First, it was seen favourably by the government as a way to reduce unemployment. Second, the remittances sent by migrant workers to their relatives in the home country sometimes contributed to a significant share of family’s income (Rudolph 2003a). Third, as migration was considered to be temporary, sending states found that it was a good way to expose a large amount of their work force to modern industrial techniques. For instance, the so called “rotational system” that prevailed in the bilateral agreement signed between Germany and the sending states explicitly stated that migrants would go back after one or two years. They were then replaced by other workers. It ensured that as many workers as possible were exposed to industrial work (Oezcan 2004).

The second stereotype that is often assumed in public discourses regards the geographical distribution of the so-called “migration threat”. Migration is often depicted as an invasion from developing to developed countries. According to the United Nations Population Fund, despite the fact that industrialized countries have harsh debates on the question, “*roughly half of the over 125 million people living outside their countries of origin reside in developing countries*” (including the 12 million refugees that were counted in 1997) (UNPF 1999). Consequently, if migration is not a phenomenon that solely affects developed countries, it still seems to be a source of concerns in those particular countries and less in the others. At a different level, we will see that migration can be perceived as a threat by the receiving country but also by the sending country.

Myron Weiner identifies five broad categories of situations in which refugees and migrants can be perceived as threats: migrants as socio-economic threats to the host country, migrants as a

political threat to the host country, migrants as cultural and identity threats, migrants as a threat to the relations between the sending and the receiving country, and migrants as instruments of threats used by the receiving country against the country of origin (Weiner 1995: 136-137). For each of this category, we try to determine how the transnational dimension of contemporary migration practices has influenced the definition of the threat.

#### 4.1.1. *Migrants as socio-economic threats*

The literature distinguishes between two broad types of socio-economic threats. On the one hand, immigrants are increasingly being pictured as competitors to native workers and as threats to the viability of the Welfare state. On the other hand, more recent scholarly work analyzes the relationship between globalization and migration flows in terms of threat to the state.

Since the economic crisis of the 1970's, discourses about "the immigrants taking the natives' jobs" and endangering the sustainability of the post World War II social model have developed. European governments contributed to the development of such a discourse as they openly fostered repatriation of foreign workers during the 1970's through various incentives. We already mentioned that these policies were based on the incorrect assumption that migrants had been invited to work and that with the rise of unemployment, foreign workers would have no reason to stay anymore. Not only did this policy fail, it also greatly stigmatised the link between immigration and unemployment. Indeed, as the link was made, the persistence of both migration flows to European states and high unemployment levels further reinforced the belief that immigration was a cause of economic distress. A view that is confirmed by persistent higher unemployment rates among foreigners than among natives. Yet, this assumption neglects two important factors. First, it undermines the fact that immigrants do not often compete with natives in the job market in most cases but rather fill positions that natives do not consider as desirable anymore. Second, it underplays the role of immigrants in the production of wealth in receiving states.

Another viewpoint on migrants being socio-economic threats refers to their propensity to lead the welfare state to ruin. The debate on welfare costs of migration is recurrent in western societies. However, studies in the United States, Canada and Australia tend to prove that "*over the long term, migrants contribute their share of these costs through the tax system*" (Weiner,

1995: 142). Yet, the impact of migration is also very diverse. Some regions or towns are more concerned than others according to their concentrations of foreign population. Therefore, it is very difficult to assess the impact of migration on national economies and welfare systems even though the few studies that have been made tend to prove that this impact is positive in the long run (Martiniello 2001: 47).

Next to this traditional view on the links between economics and migration lies a newer set of studies that examines the impact of globalization on migration policy. The globalization process does not only redefine the link between migration and economics but it also widens it. Indeed, as Stephen Castles phrased it: *“it is (...) necessary to examine the specific characteristics of migration under conditions of globalization. This is not just an economic phenomenon: globalization in the form of flows of capital, goods and services cannot take place without parallel flows of ideas, cultural products and people.”* (Castles 2002: 1146) Accordingly, the impact of migration on state sovereignty or on identity (among others) as foreseen by scholars of globalization will be examined in the next categories of threats.

If analyzed in economic terms only, the impact of globalization on migration as a security threat is based on the following argument. In a globalized world, states have resorted to trade and less to military power as a cost-efficient way to ensure their viability (Rudolph 2003a: 13). This trend combined with the increase of the services sector in national GDP's was meant to lead to the following situation: developed countries compete for the recruitment of two kinds of foreign workers. On the one hand, high-skilled workers are necessary to face the labour shortages in specific sectors of advanced industrial economies (henceforth proving that knowledge is a decisive component of state power in a global world) (Castells 2000: 5). On the other hand, low-skilled workers are needed to fill the positions that are despised by native workers. This large-scale competition for skilled migrants has been taking place between developed countries for several years. Countries like Germany, the United Kingdom, France, the Netherlands and Australia have understood the need to make it easier for highly skilled foreign workers to migrate. However, this competition for migrants is not likely to be a source of harsh tensions between states, at least within the European Union. Indeed, the European Commission has been working for several years on the implementation of a labour recruitment scheme for highly skilled migrants. While member states would still decide how many migrants they let in, the fundamental rights of these workers and their conditions of entry to the

labour market would be determined by EU rules (COM 2005). These standards are a protection against possible conflicts between member states for the recruitment of skilled migrants.

#### 4.1.2. *Migrants as political threats*

Before further discussing the effects of globalization, I wish to mention an older vision of migrants as political threats. It refers more specifically to refugees who are given protection by governments but later turn into opponents of their home government (Weiner 1995: 139). One might be tempted to believe that such actions are limited to developing countries, but recent events tend to prove that Western European states may suffer from civil unrest stemming from its foreign population. The example of Turkish (and Kurdish) migrants I referred to earlier is a good illustration of the phenomenon. 500,000 out of the 2 million Turkish migrants living in Germany are actually Kurdish. Most of them came as political refugees. Later on, those refugees used their “protected” status in Germany to lobby the government for a stronger position of Berlin regarding the treatment of minorities by the Turkish authorities.

This pressure then changed into demonstrations and violent activities in Germany following the ban of several Kurdish organizations by the Federal Republic (including the PKK). Those demonstrations led to further crackdowns by German authorities on Kurdish agitators (e.g. expelling persons accused of breaching peace during banned demonstrations). Yet, when, in 1999, violent demonstrations were led by Kurdish migrants in Germany in response to Abdullah Öcalan’s arrest; Chancellor’s Schroeder’s reacted to the events in those terms: “*We cannot tolerate it when conflicts take place on German streets that are not our conflicts.*” (quoted in Ögelman , Money and Martin 2002 : 150).

The second and most important aspect of migrants as political threat relates to the globalization process that we examined earlier. Migration in the age of globalization represents a symbolic threat to the state or more precisely to its sovereignty. This point is a reminder of what was developed more thoroughly in the previous section on transnationalism and the state. The principle of sovereignty of the state that emerged with the Peace of Westphalia had been questioned by migration since the end of World War II. Indeed, the ability of the state to decide who was allowed to cross its borders was already being challenged with the return of refugees and expellees to their home country after the conflict. Sassen underlines the issue of access to the territory in those words:

*“Immigrants and refugees bring to the fore the tension between the protection of human rights and the protection of state sovereignty. This tension is particularly sharp in the case of undocumented immigrants, because their mere existence signifies an erosion of sovereignty. At least in part the tension originates in the state itself, in the conflict between its authority to control ingress and its obligation to protect those in its territory”*(Sassen 1996: 64).

Being aware of the loss of sovereignty migration involves, why do states still accept immigrants and refugees? One has to bear in mind that sovereignty has seldom been absolute and therefore the state has learned to cope with this situation even though it does not formally recognize it (Joppke 1998: 267-268).

This quagmire in which the state found itself worsened with the globalization process. For instance, the member states of the European Union have entered into various regional and world trade agreements (ECSC, EEC, GATT) since the end of the 1940's. These agreements have progressively diminished the state's ability to control the movement of goods, services and capital. This is related to what I referred earlier as the acceptance by most states of the use of trade rather than military means to gain power. Yet, none of the above mentioned agreements has managed to significantly change the sovereign right of the state to control who can enter (Sassen 1996). On the contrary, the call for stricter border controls after the September 11th attacks reinforced the dilemma between the use of this sovereign right and the potential gains in trade through openness (Rudolph 2003b).

The conclusion that can be drawn from this situation is that globalization, while lifting barriers to movement of goods, services and information, stresses the importance of migration as one of the last items on which states retain sovereignty. This is what Hollifield (2004) has called the “liberal paradox”: the contradiction between the international forces that push states towards greater openness and the international state systems (along with domestic factors) that push them towards closure.

#### *4.1.3. Migrants as cultural and identity threats*

Before looking at these threats, it may be useful (though we did not mention it earlier) to recall that the most basic fear migration may create within native a population is of a demographic nature. In other words, local populations fear to be outnumbered by migrants. Yet, it is rarely



publicly expressed as such but, instead, covered by the reference to cultural and identity threats.

*“(...) [H]ow and why some migrant communities are perceived as cultural threats is a complicated issue, initially involving how the host community defines itself. Cultures differ with respect to how they define who belongs to it or can be admitted. These cultural norms govern whom the society lets in, what rights and privileges are given to those who are permitted to enter, and whether the host culture regards migrants as potential citizens. A violation of these norms (by unwanted immigrants, for example) is often regarded as a threat to basic values and in that sense is perceived as a threat to national security” (Weiner 1995: 140).*

This quote from Weiner clearly illustrates the tension between immigration and identity in the receiving countries. In the past, clear distinctions could however be made between countries. For instance, countries like Germany that used to apply (strict) *ius sanguinis* rules to citizenship law were more likely to promote the image of the migrant as a threat because these rules make it more difficult for migrants to become citizens. Driven to the extreme, this vision may imply that migrants have no right to citizenship benefits (e.g. social security) because they have a homeland to go back to (Weiner 1995). Countries like France that historically preferred the *ius soli* regime could also develop a sense of threat towards migration. Indeed, the myth of the homogeneous identity of nation-states permits the development of the national preference argument. Following this argument, those who occupied the land first should be given a preferential treatment in citizenship rights. Those distinctions are not as clear-cut nowadays, for no country applies a pure form of one of these citizenship regimes. The development of a genuine supranational EU citizenship could provide for a far more inclusive vision of migrants in receiving countries. It would therefore undermine the vision of migrants’ benefiting from rights that should be given to natives primarily. However, the fact that a member state’s citizenship is required to access EU citizenship prevents such a situation from happening.

#### *4.1.4. Migrants as threats to the relations between the receiving and the sending state*

I have already discussed the risk that migrant communities may represent to the receiving country and its political system. Yet, scholars of international relations have also studied the impact of those communities on the relations between the sending and the receiving state. As stated above, in North America, a substantial amount of literature has developed on the impact of migrant communities on the receiving state’s foreign policy. This is most commonly referred to as ethnic lobbying. In Europe, the traditional focus of scholars on the integration of

foreigners has long undermined the importance of migrants' political activities. Yet, the Turkish community in Germany, among other examples, is a living proof of the potential capacity of migration issues to poison bilateral relations between the sending and the receiving state.

Germany's position on Turkey's accession to the EU is partly influenced by the presence of 2 million Turkish citizens on its territory. Both the sending and the receiving states try to take profit of this situation. Many of the 2,000 Turkish organizations in Germany lobby the federal government actively in favour or against it. The Turkish government also explicitly encourages its diaspora to do so. For example, Turkish authorities have in the past strongly advised German citizens of Turkish ascent to vote in favour of the German party that had publicly supported Turkey's bid to the EU. The presence of a large Turkish population in this country has therefore encouraged the home government to interfere with another country's internal affairs, which is totally opposed to the Westphalian principle of sovereignty. Conversely, the support of Chancellor Schroeder's SPD to Turkey's accession gave him 65% German Turks' votes. Less controversial is the constant reference in Turkish discourses to its large migrant population in the EU as a proof of the integration capacity of Turks in Europe. Overall, one can easily imagine that the use (whether symbolic or not) of a migrant community by the sending or the receiving country is potentially a major source of conflict.

## **4.2. Immigrant transnationalism and the national interest**

### *4.2.1. Problems with the concept of national interest*

Defining the national interest is no easy task as several elements come into play including the various historical and political circumstances of the state, the nature of its regime and its political elites. Senarclens (2000: 21) argues that different objects can be considered as being a part of the national interest: security, expansion, wealth, diffusion of ideology, glory or social well-being. The national interest, in that sense, can be defined as one or several goals set by the state who sets up different strategies to achieve them. The national interest is also a moving concept because the political actions it leads to are determined by the cultural and political context within which the foreign policy is formulated (Morgenthau 1984: 11). The changing content of the national interest and its subdivision into intermediary goals are thus two essential characteristics of the concept.

For migrants, and especially those who are politically active in the homeland, the national interest is a concept that can be used to greatly harm their civil liberties. The example of the internment of Italian American (along Japanese and German Americans) during World War II illustrates this risk. When the conflict started, President Roosevelt's initial policy was to declare the United States a neutral national and proclaim a state of limited national emergency. The President however secretly asked the Federal Bureau of Investigation and the Navy and Army intelligence units to draft a list of potentially dangerous persons to be detained in case of national conflict (Fox 1990, Scherini 2001: 11). These preliminary measures materialized following the December 1941 attack of Pearl Harbour. Within weeks, the FBI had arrested 1540 Japanese Americans, 1260 German Americans and 231 Italian Americans (ibid: 12). Those Italian Americans who were arrested principally belonged to Veterans' organizations, were working for Italian-language medias or were giving Italian-language classes sponsored by Italian authorities. Any member of the community was however considered as an "enemy alien" and suffered at various degrees from the U.S. policies and their associated prejudices. Enemy aliens had to register and notify any change of address, were prohibited to hold certain items (such as shortwave radios and weapons) and were submitted to household searches, curfews and movement restriction according to their area of residence (Lothrop 2001). Yet, the harshest measure taken against enemy aliens certainly was the massive internment of 110,000 West Coast Japanese Americans who had been forced to evacuate their home following President Roosevelt's Executive Order 9066<sup>10</sup>. The subsequent selective internment policy that saw 10,000 enemy aliens (mainly Germans, Japanese and Italians) arrested over the course of World War II is another dramatic event of this period. For the majority of Italian Americans relief came on October 12<sup>th</sup> 1942 when Attorney General Biddle declared that, after 10 months of surveillance, Italian Americans could no longer be considered as enemy aliens.

This controversial chapter of US history epitomizes the potentially conflictive relations between the national interest and migrants' transnational linkages. The national interest of the United States during World War II was guided by the desire to preserve security. In terms of foreign policy, the national interest was translated into an initial neutral position in the

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<sup>10</sup> Exec. Ord. No.9066, Fed. Reg. Vol. 7, No.38, p.1407 (Feb. 25, 1942). According to the text, no citizen of Japanese descent was allowed to reside on the West Coast and were thus obliged to relocate or go to the internment camps set up for them.

conflict and, after the Pearl Harbour attack, into the fight against the “enemy” abroad and at home. In other words, the intermediary goals to preserve the national interest created confusion between enemies abroad and aliens who –for the most part- were loyal citizens residing in the United States. This confusion is expressed by the concept of “enemy alien” implying that a citizen’s origin is suspicious in itself. In conditions where the national interest is under strain, other elements such as speaking the home country language, participating to community organizations or any other sort of tie with the home country are thus potentially interpreted as symbols of treason.

A more recent example shows a different face of the relation between transnational links and the national interest. The 1996 *Cuban Liberty and Democratic Solidarity Act* (also known as Helms-Burton Act)<sup>11</sup> prohibits companies that work in Cuba to do business in the United States. It was adopted after harsh lobbying efforts on the part of the Cuban American community. The law forbids companies that are doing business with Cuba to do business with the United States. The text has an obvious extra-territorial character because it intends to influence the action of foreign companies working outside the US territory. For this reason, this law was criticized internationally and in the United States as it was jeopardizing American business relations with several countries. What this episode also tells us is that the Cuban American lobby achieved to push forward a law that goes against the U.S. commercial interests (Brenner, Haney and Vanderbush 2002). Indeed, it seems more important for the United States today to preserve its commercial relations than to further isolate Cuba which – as most observers agree- is no severe threat to the U.S. security anymore. In this case, lobbying efforts managed to successfully go against what seems the obvious commercial interest of the United States.

At the light of these two examples, the concept of national interest is certainly a vague concept. Several scholars, however, use the national interest to oppose transnational political activities. Huntington (1997), for instance, sees the national interest as an extension of the national identity. The American identity relies on a culture (Anglo-Saxon and protestant) and a series of ideals (liberty, democracy, constitutionalism...) but yet:

*“the end of the Cold War and social, intellectual, and demographic changes in American society have brought into question the validity and relevance of both traditional components of American identity. Without a sure sense of national identity, Americans have become unable to define their national*

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<sup>11</sup> H.R. 114, 104th Cong. (1996)

*interests, and as a result subnational commercial interests and transnational and nonnational ethnic interests have come to dominate foreign policy”* (1997: 29).

The transnational linkages that may unite migrants to their home countries imply that transnational actors do not adhere exclusively to the culture and ideals of the United States. Schlesinger (1992) had set the basis of this analysis by arguing that the end of the melting pot and the subsequent rise of ethnic groups is a threat to the American identity. For Huntington, the ethnic groups’ involvement in homeland politics could ruin Washington’s ability to define its national interest and would let interest groups take control of its foreign policy.

Tony Smith (2000: 43-46) does not share Huntington’s views entirely but agrees that transnational linkages are potential threats to the national interest. Even though he considers that some ethnic groups have considerable weight on the U.S. foreign policy, he does not question these groups’ rights to have a say in foreign affairs. Yet, he disputes the idea that a community’s political activity could harm the interest of the American society as a whole.

The major problem with the identity-based definitions is that they consider the national interest as a monolithic concept. Nye has intended to downplay this vision of the national interest by saying that, in democratic regimes, “*the national interest is simply the set of shared priorities regarding relations with the rest of the world*” (1999: 23). Trubowitz goes in the same direction when saying that there is no single national interest because: “[a]nalytists who assume that America has a discernible national interest whose defense should determine its relations with other nations are unable to explain the persistent failure to achieve domestic consensus on international objectives” (1998: 12). Trubowitz’s work has the great advantage of emphasizing the internal dimension of the national interest. It shows how various regions within the United States have distinct economies and accordingly different visions as to how the United States should conduct its external relations. The “shared priorities” that Nye is talking about are thus the result of a bargaining between different visions of the national interest. The bargaining takes place in Congress principally. This is why migrant communities, like other interest groups, lobby congressmen for their support to specific foreign policy goals. This constructivist view of the national interest obviously rejects Huntington’s criticism. Since the national interest is defined as the result of the negotiations between different interests within the nation, it is not illegitimate for migrant communities to try to shape the national interest.

Shain goes further and points up the advantages that such practices represent for the host country. First, migrants who conduct transnational activities illustrate the diversity of the host country. Taking their viewpoint into consideration contributes to the debate on the country's national interest by reflecting the diversity of the host state. In other words, the fact that some communities try to influence the host country's foreign policy is a signal that they try to be recognized as genuine members of the host country (Shain 1999: 203). Besides, the struggle for freedom of speech and democratic ideals in the home country is a reminder made by migrant communities of the importance of these values in the host country. This is also true outside the United States. Kurdish migrants in Germany who work at the improvement of human rights are interesting for that matter. This community pressures German authorities to condition Turkey's accession to the European Union to efforts in the field of human rights. Doing so, the community reminds the host country's population of the importance of human rights not only for Turkey but also for Germany. In other words, the transnational political activity helps mobilizing the non-migrant population of the host country about issues that also concern them. Particular interests thus meet general interest.

#### 4.2.2. *Redefining the national interest in the post cold war era*

The fall of the Berlin Wall has left the U.S foreign policy without a clear enemy for more than a decade. The challenge was thus to redefine its national interest. For migrant communities it meant that it had to adapt to this new reality by approximating its voice to the new foreign policy agenda. The Cuban American community is probably one of those who suffered most from the new international context. The US authorities' fight against communism (as a pillar of U.S. national interest) had been perfectly compatible with the community's struggle against Castro and hence ensured that lobbying Congress would pay off.

Similarly, the cold war and its strong ideological context helped rallying the whole American population against a common enemy. Diverging opinions were hence described as contrary to the national interest. In such a context, pressure groups may see a large number of their claims supported by Congress (Haney and Vanderbush 1999: 343-345). Indeed, when the lobby and the authorities' interests are compatible, it is much easier for the state to justify its policy in the name of the fight against a common enemy. On the contrary, when the lobby's agenda does not coincide with the national interest, the chances to get Congress' support diminish. In

that case, the lobby is more likely to have influence on Congress if one single issue does not dominate the foreign affairs agenda. This is because the Congress does not pay so much attention to foreign policy but rather to internal issues (Shain 1999: 49). When these conditions occur, Congress generally takes the lead (over the President) in foreign policy and pays larger attention to a variety of lobbies because the decision-making process is not conditioned by one single objective (Olson 1991: 547-563).

Such a context existed during the 1991-2001 period (ideology was weak and lobby groups were powerful). For the Cuban American lobby, this new context was challenging its capacity of influence. On the one hand, the fall of the Soviet Union meant that the lobby's agenda was not totally in phase with the U.S. foreign policy agenda anymore. On the other hand, the weaker ideological context made Congress more receptive to the pressure of other kinds of lobbies. For example, the Farm Bureau is now competing with the Cuban American lobbies on the opportunity to maintain the embargo on Cuba (Haney and Vanderbush 1999).

Since September 11th 2001, the U.S. President seems to have taken back the leadership in foreign policy. Besides, the fight against terrorism seems to have reinstalled a strong ideological context a decade after the end of the Soviet Union. National security is anew taking precedence over internal issues. It is not the aim of this study to show how this new context has influenced transnational political practices. Yet, looking again at the Cuban American case, three observations can be made. First, a part of the Cuban American community is moving back to the old Cold War rationale. Indeed, they try to coordinate their political agenda with that of the White House by supporting the idea that Cuba holds weapons of mass destruction and is supporting terrorism. The Congress' first reaction has been to interrupt the opening process towards Cuba and put the country on its Terrorism List (Brenner, Haney and Vanderbush 2002: 197). Second, the war against terrorism does not show a complete return of the White House to Cold War ideology. Indeed, a few months after the terrorist attacks of 2001, the United States proposed to help Cuba face the damages caused by hurricane Michelle. Food trade with Cuba was also extended by Congress a few months later. Third, national interest is not the only element to be taken into account when analyzing a lobby's capacity of influence. After a period of *détente* in the relations, president Bush strengthened the embargo again in 2004. Yet, the context of the war against terrorism seemed not to play a major part in this decision. Other factors such the proximity of presidential

elections in the United States or the divisions of the Cuban American community were also at play (Lafleur 2005b).

#### 4.2.3. *The national interest from the homeland's viewpoint*

In spite of the preceding examples, the question of the national interest in the study of immigrant transnationalism has mostly been approached from the viewpoint of the home state. In this section, I do not wish to approach the central question of this dissertation yet, which is why do home states engage in external political citizenship policies reaching out to their population abroad? I review and underline the limits of the literature on external political citizenship in section 5 of this chapter. Therefore, this section will solely seek to demonstrate how ambiguous the notion of the national interest is in the analysis of transnational practices from the homeland's viewpoint. To support this statement, I will also present the results of the limited fieldwork I conducted in Mexico on the question of migration and development.

Two important elements underscored in the preceding section also apply to the homeland's viewpoint. First, the national interest is a notion that evolves through time and migration scholars working on transnationalism themselves have had different views on the impact of transnational activities on the state model. Early research on transnational migration defended the idea that the state was being threatened by migrants' transnational practices. Indeed, migrants were developing different kind of practices (e.g. setting up associations active in two countries) or performing different kind roles (e.g. helping meet their relatives' basic needs through remittances) that were either marginalizing the state, substituting it or jeopardizing some of its basic characteristics such as the allegiance of the citizen to one single state. From this perspective, it was not in the state's interest to encourage transnational practices. Yet, as we will see below, after more than a decade of intense academic research on transnationalism, it appears that the state has resisted better than expected to migrants' transnational activities. Many examples demonstrate that states that, for example, had long considered dual nationality or external voting as a threat to the nation have recently changed their position in that respect. As we will see, the relatively small normative literature on transnational political participation has tried to give different answers to explain the fact the state has responded to transnational practices. For the purpose of this section, we will only mention the recurrent



statement that it was in the state's economic and political interest to stimulate the emigrants' loyalty to the home state by developing a series of new policies towards them.

The second point I wished to stress in this section is that different actors with different interests interplay in the definition of the national interest and, accordingly, having a monolithic vision of transnational activities as being favourable or unfavourable to the home country's interest seems to over-simplify the question. In section 5 I propose, following the work of Fitzgerald (2006), to opt for a vision of the state as an arena where different interests co-exist. This view is supported by my different case studies, which show how the decision of the state to extend external political citizenship is also depending on the outcome of the negotiations between different internal actors within the home state (see below).

To illustrate these two important points, I propose to examine the interplay between emigrants and home country authorities engaged together in local development projects. To do so, I rely on my limited observations of different co-development projects in rural Mexico in 2007.

#### *4.2.4. The national interest from the homeland's viewpoint: the case of rural Mexico*

Despite the debates on the reliability of the indicators, the 2006-2007 UNDP report on migration and development in Mexico underscores the importance of remittances for the Mexican economy both at the micro- and macro-economic levels. This report demonstrates that the total amount of migrants' remittances sent to Mexico in 2006 reached around 23,000 million dollars, which represented 60% of Mexico's petroleum incomes and a growth of 19.8% in comparison with the 2004 remittances flow. While remittances represented 2.69% of the country's GDP in 2004, major regional differences can be observed. The economy of the state of Michoacán, for instance, is the most dependent on remittances, which represent 16% of the state's GDP. Hidalgo is also among the top-states in the remittances/GDP ratio with 7.5% while others such as the border state Baja California and the economically dynamic Federal district have rates of less than 1.5%. At the micro-economic level, an Inter-American Development Bank's survey of remittances receivers (IADB 2004) demonstrated that 78% of remittance spendings are devoted to household expenditures such as food, housing and utilities, 8% to savings, 7% to education, 1% to real estate and 1% to investment.

The large amounts of remittances we are talking about and their impact on the citizens' daily lives in the home country have launched harsh normative debates on the relation between migration and development in Mexico and elsewhere. Different arguments were used in this debate. On the one hand, some scholars and different national and international public actors supported the idea that migrant remittances were a tool whose management (through different programs) could stimulate development in the home country. On the other hand, other scholars supported the idea that remittances were modifying cultural references at home and stimulating a culture of dependence towards these flows. Anthropologists Cohen, Jones and Conway (2007) sum up this controversy and, while arguing that the structural forces of globalization are stronger than remittances to impact on development, they point out to two limited but real impacts of migration and remittances in Mexico: the diminution of the rural/urban income gap and the modification of mentalities in rural areas towards less conservatism on social issues.

During the fieldwork in Michoacán and Hidalgo, I had the opportunity to visit different local communities that had benefited from the famous "3 for 1 program" through which local infrastructures that emigrants' hometown associations decide to finance for 25% are complemented by three other shares of the same amount proceeding from the local, regional (state) and federal authorities. In these visits, we discussed the process through which various co-development were conducted. In the *campo* outside Morelia (Michoacán), we discussed the renovation of a church, the construction of a recreational centre and the development of a joint venture for the construction of a tomato greenhouse with local actors. In more remote areas of the state of Hidalgo, we had the chance to discuss observe and discuss with local actors the construction of community arenas, sports' fields, the construction of a church and the renovation of another church's surroundings.

The analysis of the impact of these activities in terms of the distribution of power at the local level of these different projects is somewhat ambivalent. Individual and collective remittances projects are in some regards a tool of stabilisation of the power in place. Indeed, the participation of local authorities to the development of infrastructures they could otherwise not afford if they had to pay alone supports the power in place. In most cases (except in the case of productive projects), it must also be underlined that the local authorities are the owner of the infrastructure at the end of the process. This potential gains for the power in place was clearly visible during our visit in a municipality of Michoacán who was about to hold local

elections. Indeed, the political party holding the municipality was clearly capitalizing on the projects developed through the “3 for 1 program” to support the idea that they had contributed to the well-being of the local community and that, accordingly, the party should be re-elected. On the other hand, the individual and collective projects of remittances investment can be tools of social change and can tip the scales of power at the local level.

Depending on the amount, family remittances can improve the socio-economic status of the migrant’s relatives at home and potentially endanger the positions of local traditional notable families. With regard to collective remittances projects, my own observation in this community outside Morelia showed that migrants had leverage over the local authorities, in this case, by promising to invest more money if the municipal authorities could make sure that the current projects would be finished before the deadline set by the emigrants (and which coincided with their annual visit to relatives at home). Furthermore, the fact that migrants invest money entitles them to ask for the respect of legality and transparency in public works which, in turn, stimulates better governance and mentality changes in a country plagued by corruption.

What do these local examples tell us about the impact of migrant transnational practices on the home country’s national interest? They teach us two lessons. The first concerns the impact of transnational practices on the socio-economic well-being of the country. Let’s bear in mind that the national interest is comprised of a set of goals defined by the state. The citizen’s security and the well-being are often two of these goals. Because they can help relieve a part of the population from a situation of poverty at the individual level and they can improve the living conditions of communities at the group level (e.g. through the development of local infrastructures), investment projects funded by remittances can undoubtedly limit social unrest in local communities and contribute to the partial materialization of these goals set by the state. However, the potential effects of private and collective remittances on the distribution of wealth and power in rural communities may be a factor of tension in these communities. In that sense, the national interest may not meet with the interests of specific local actors within the home country.

The second lesson is that transnational practices may lead the home country authorities to redefine the national interest. Indeed, because of the perceived beneficial effects of migration and remittances on the Mexican economy at the micro and macro-economic level (among

other factors as we argue in this thesis), internal actors within the homeland may be tempted to promote the integration of (or increase the importance of) the protection of its citizens as an issue of national interest. In Mexico, the importance of the remittance flow and the desire to keep it running may thus have led the authorities to substantially increase their attention towards Mexican emigrants by adopting policies to reach out to emigrants (but only a careful analysis of the process through which these policies are adopted can actually reveal why these policies were adopted).

To conclude, the Mexican example supports the two points I was making at the start of this section namely that the national interest is an evolving notion and that the interests of a variety of internal actors also have to be taken into consideration to understand the state's response to transnational activities. After approaching the question of the relations between transnational activities and the state's security and national interest, I can now turn to their relations with the state's prerogative of granting citizenship.

### **4.3. Political transnationalism and citizenship**

The concept of citizenship has long been viewed solely as a set of political rights and obligations that an individual possesses by virtue of being a member of the nation-state (see Kerber 1997: 834). In "Citizenship and social class" (1950)<sup>12</sup>, Marshall takes the concept further by integrating civic and social prerogatives into the notion of citizenship. In addition to classic political rights, the citizen is granted the necessary rights to exercise freedom: civic rights (freedom of speech, freedom of faith, right to justice) and social rights that protect the citizens and guarantee them minimal security of existence (Holmes and Murray 1999: 8-9). More precisely, the social rights are those attached to the development of the welfare state during the 20<sup>th</sup> century. They include family allowances and unemployment benefits (Martiniello 2000a: 12). While greatly extending the scope of citizenship, Marshall's work still presents citizenship as a direct consequence of state's membership.

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<sup>12</sup> Work reproduced in Marshall and Bottomore (1992).

#### 4.3.1. *Citizenship and nationality*

Even though the concepts of citizenship and nationality are often used as synonyms, it is important to mention their differences clearly. The French, German or Dutch word used to define membership to the state is nationality. Citizenship, on the contrary, is used to describe the status of a person and the rights and obligations that were mentioned above. Yet, North-American scholars tend to abandon the use of “nationality” for “citizenship” that defines state membership. They consider that nationality *de facto* involves adhesion to a culture, a nation and a common ethnicity (Kondo 2001: 2-3)

Martiniello argues that the distinction that the Europeans make between citizenship and nationality is similar to that between formal citizenship and substantive citizenship in the American literature. Formal citizenship describes membership to the nation-state and substantive citizenship defines the civic, social, political and cultural rights and obligations that one possess by virtue of membership to the nation (Martiniello 2000b: 345).

The vision of modern citizenship that is used in our work is that defined by Leca (1991). Citizenship is made of three main elements: A legal status that includes civic, social and political prerogatives, a set of social roles that enable the citizen to participate in the democratic system and a set of moral values that make one a good citizen (public-spiritedness).

#### 4.3.2. *Citizenship in the age of transnationalism*

Schmidtke (2001: 11) points out the potential tensions that migrants’ transnational practices can create within states (mainly in the receiving country). The welfare state, he argues, “*has traditionally been based on the principle of an ‘exclusive universalism’ with distinction between members and nonmembers in terms of entitlements and rights.*” It is the membership to the nation-state that determines who can have access to the benefits of the welfare state. The welfare state, Schmidtke continues, requires clear distinctions between who is eligible to those rights and who’s not. If such distinction is not clear, the whole system of protection is put in jeopardy. Exclusion of and inclusion to welfare systems are therefore justified by the very survival of the system.

Participation in the political community is a more controversial issue. Participation to and exclusion from political decisions cannot be based on economic grounds. As suggested by Staeheli et al. (2002: 995-6), migrants, while not being formal members of the political community, have a clear stake in the decisions made and policies enacted in the place where they reside. These scholars pose the problem of legitimacy created by the link between nationality and political participation:

*”Based on the assumption that the democratic subject is an individual, it might be possible to argue that the ideas of individuals denied access could be represented in the deliberative process by other individuals situated similarly within the community. But when an entire social group is excluded with the likelihood that their values and ideas are not part of the discussion about incorporation, the deliberation is fundamentally illegitimate.”*

The illegitimacy comes from the weakness of the ground on which the exclusion is set. What can justify the exclusive character of political participation for a long-term resident on the national territory? The debate on the extension of voting rights to local elections to non-EU citizens in Belgium (who have been residing in the country for 5 years) can help us answer this question (see also Belgian case study). Even though it was not clearly labelled as such, the reluctance of some parties to adopt the legislation was motivated by questions of the state’s sovereignty and national interest: can outsiders be allowed to have a say in the decisions that are applied on the national territory? The limits of the national interest concept have already been exposed (see previous section). Yet, it has not prevented the Belgian legislator from introducing restrictive provisions in the name of sovereignty and national interest. Non-EU citizens who wish to vote at local elections have to sign a declaration that states their commitment to respecting the Belgian Constitution, its laws and the European Convention on Human Rights. This provision was introduced to make sure that voters would not use their newly gained rights to pursue objectives conflicting with Belgian interests and values.

On the contrary, the reform on facilitating the Belgian expatriates’ right to vote in federal elections did not make the same fuss. It seemed more acceptable for the legislator to facilitate the electoral participation of Belgians living abroad (some of whom –we can hypothesize– may have no intention to ever come back to Belgium) than that of foreigners who had been living and working in Belgium for several years. What does the Belgian case tell us about transnational politics and citizenship? It shows that the migrants’ political activities are very much dependent on the citizenship status these can achieve. Staeheli et al. (2002) reckon that

when migrants are barred from exercising full political rights in the host country, their political involvement in the home country is stimulated. The Belgian example further proves the impact transnational political activities have on the adoption of citizenship rules by the state.

This last point is confirmed by the Cuban example in the United States. Indeed, Cuban migrants to the United States, naturalized in larger proportions than other communities because of the refugee status to which they had preferential access. The fact that a large part of the community had U.S. citizenship played a decisive role in gaining capacity for influence. It is partly because Presidential candidates, senators and deputies were hoping to win the Cuban American vote that they supported the proposal made by the Cuban lobby group.

Another point that can be derived from the above-mentioned examples is that transnational political participation demonstrates that there is a distinction between citizenship (in its Marshallian sense) and nationality. The importance of this distinction has been growing progressively in the United States with the rise in the number of citizens holding dual citizenship, and in the European Union with the creation of EU citizenship.

#### 4.3.3. *Dual citizenship in the United States*

International law long considered that dual citizenship was a situation of dual allegiance in contradiction with the nation-state model traditionally requiring full allegiance to one and only one state. Consequently, dual citizenship has long been seen as a non-desirable form of membership that should only be recognized in exceptional cases. This goes back to an ancient fear that the citizen would find itself in the situation of having to fight for one state while being accused of treason by the other. This view was endorsed by the 1930 Hague Convention that aimed at reducing the cases of dual citizenship in the interest of the international community, but it softened subsequently (as we will see in the three case studies).

In the United States, Renshon (2001) has devoted a study to the impact of dual citizenship on the nation's cohesion. Using data from the *Immigration and Naturalization Services* (INS), he shows that seventeen out of the twenty largest migrants sending countries to the United States allow some form of dual citizenship. Yet, while those figures show the potential importance

of dual citizenship in the US, it is worth mentioning that the migrant coming from countries allowing dual citizenship will not necessarily opt for this status. Considering this last point, why is dual nationality a controversial topic?

Two major fears accompany the concept of dual citizenship and are largely debated in the literature. The first one is the risk that dual citizenship represents for national security and more precisely the fear that a citizen would conduct spying activities on the account of the second state whose citizenship he holds. By keeping strong linkages with their home countries (sometimes thanks to dual citizenship status), transnational migrants maintain the myth according to which split citizenship leads to treason. (Faist 1998: 36).

This fear is also obviously fed by very concrete cases of migration and citizenship rules being abused to conduct spying activities in the United States. This happened in 2001 when five Cuban migrants were convicted in Miami for spying activities in favour of Cuba. A few months later, a Department of State's analyst of Cuban descent was arrested for the same motive<sup>13</sup>. However, dual nationals do not have the monopoly of this kind of misdeed. Besides, the events of September 11<sup>th</sup> 2001 tend to prove that migrants who overstay their visa may be more problematic than dual nationals in terms of national security.

The second fear associated with dual nationality concerns national cohesion. Assimilationist scholars such as Schlesinger or Brimelow go back to the origin of the United States to justify their opposition to dual nationality. According to them, the first settlers in the United States left their former identity behind them and created a new man, the American (Schlesinger 1992: 12). According to this vision of citizenship, transnational linkages are not acceptable because American citizenship implies a renunciation of former allegiances (Brimelow and Donnelly 2000; Renshon 2000). This vision clearly disputes the fact that most European nations and the United States are now multicultural societies where it could be argued that dual citizenship and transnational linkages reinforce national identity. Indeed, the confrontation with other types of membership makes a citizen aware of the specificity of his own citizenship (Mahler 2000: 223-224). But as we have seen so far in our discussion around the concept of transnationalism, current migration phenomena can be transnational (or bidirectional) rather than unidirectional as Schlesinger and Brimelow argue. Migrants of the

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<sup>13</sup> See The Economist, "Low fidelity ? Espionnage and Cuba", No.8241, 29 septembre 2001, p. 38.



21<sup>st</sup> century thus keep contacts with the home country more easily and with greater intensity than before. This opportunity necessarily affects the state's monopoly in terms of national identity.

#### 4.3.4. *EU Citizenship*

We have just seen a process of “bottom-up” contestation of the nation-state model. The US example demonstrated how the peculiar status of some citizens can be interpreted as a threat to this model. The EU citizenship epitomizes a different kind of contestation, whose principal characteristic is to be “top-down”. Just like the United States, European nation-states have long been the unique providers of citizenship. The first EU treaties had no intention of creating a European citizenship. However, the creation of the Single market in 1986 was a strong incentive. The creation of the formal EU citizenship regime in 1992 put an end to this monopoly. Indeed, the single market required that workers move freely. Yet, Freedom of circulation could only be effective if workers and their families were granted social security rights close to those of their countries of origin. By allowing this, the Single European Act, *de facto* created EU citizenship (Bellamy and Warleigh 2001: 22).

Formal EU citizenship provisions were first inserted in Article 8 of the Maastricht Treaty. While it is not our purpose to discuss the side-effects of the exclusion of third-country nationals from EU citizenship rights thoroughly, let's just recall that the access to the five main rights comprised in the EU citizenship regime (right to stand to local and EU Parliamentary Election, right to diplomatic protection, right to petition the EP, right to petition the EU and right to call on the EU ombudsman) is restricted to those citizens already holding the nationality of one EU member state (Holmes and Murray 1999; Martiniello 2000a: 33)<sup>14</sup>. As I said earlier, some scholars argue that -for transnational practices to occur- the feeling of exclusion that migrants may have in the receiving country might be a necessary condition (but the validity of this condition is disputed as we have seen). The EU citizenship regime fosters this feeling of exclusion because it does not permit third country nationals to vote or stand to local or European Parliamentary elections. Indeed, Eva Østergaard-Nielsen (2003) showed that transnational political activities (i.e. involvement in home country politics while residing abroad) allow the migrants to reach a social status that could not be reached in the receiving

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<sup>14</sup> A major development in European citizenship is to be found in Article 6A of the Amsterdam Treaty. It allows EU citizens and third-country nations to go to Court on the basis of anti-discrimination measures taken by the Council of the European Union.

country. From this perspective, EU citizenship provisions could be said to foster immigrants' transnational practices indirectly. Formally, the effect of EU citizenship on transnational practices is ambivalent. On the one hand, by barring access to a series of rights we can hypothesize that it encourages migrants to maintain strong links with their home countries (where a better social status can potentially be achieved). On the other hand, restrictions to basic EU rights such as freedom of movement are a barrier to the construction of migrants' transnational networks within the EU and to frequent travelling between the home and the host countries.

## **5. External political citizenship in the era of transnationalism**

### **5.1. The weak state illusion**

In the preceding section, we discussed the evolution of the concept of citizenship in the era of globalization. To do so, we presented two kinds of changes brought to the traditional definition of the concept and how they affect the nation-state model. On the one hand, the development of dual nationality among the immigrant population in the United States demonstrated how the principle of allegiance to only one state was being questioned over the last decades. On the other hand, the development of EU citizenship proved that non-state actors were affecting the state's traditional prerogative of granting the privileges and obligations attached to citizenship.

This idea that the nation-state is losing power in the era of globalisation has gained speed in other areas of investigation with the development of research on the increasing role of multinational corporations in the control of the global economy or on the increasing influence of non-governmental organizations in international affairs. In the study of immigrant transnationalism, early research also pretended that the nation-state was being threatened by the transnational activities conducted by migrants. As we mentioned previously, migrants were indeed developing different kinds of practices or performing different kinds of roles that were said to marginalize the state, taking its role or contesting some of its basic characteristics such as the allegiance of the citizen to one single state.

This impression that the development of transnational practices meant that immigrants were moving towards a form of transnational citizenship regime that, by nature, was weakening the state finds its roots in two different elements. First, as Bauböck (2007) has rightly pointed out, there has been confusion between the development of migrant transnational activities and the supposed development of a post-national model of citizenship (theorized by Soysal in 1994). This confusion implied incorrectly that –since migrants were developing different kinds of activities across borders- the significance of citizenship as a sense of belonging to the nation-state would be devalued and replaced by a universal Human Rights regime. Kearney (1991) too supported this vision by claiming that the state was weak in its attempts to reach citizens abroad because, by crossing the border, migrants resist the state’s power to define identity.

The second element concerns what Sherman (1999) has underlined correctly as a tendency among migration scholars to forget about the migrant/home state relationship and to focus instead on the relations with the state of residence. Looking more precisely into the research on transnationalism, Collyer and Vathi (2007: 5) go in the same direction when arguing “*transnational relations have always been understood as relations across international borders that do not involve states*”. This is certainly true when looking at the number of studies focusing on the role of migrant associations conducting development projects in their hometown that are said to palliate the state’s failure in this area. But it is also true for the many studies that look at the development of religious or business practices developing across borders and apparently outside the state’s reach.

By looking at these two main elements, we demonstrated why the idea that the state was losing power due to the development of immigrant transnational activities has been successful. Nonetheless, for different scholars, arguing that the state was weak did not necessarily mean that it was not answering to the development of immigrant transnational practices. Itzigsohn (2000), for instance, argues that the home states’ economic and political dependence on their emigrants might be a powerful stimulant to the development of state policies to reach out to the community. Similarly, Levitt and de la Dehessa (2003), among others, showed that large and well-organized emigrant communities were capable of stimulating a response from the home country authorities.

## 5.2. The extension of external political citizenship

The hypothesis of the weak and passive state, however, found its limits more than a decade after the start of the important wave of research on immigrant transnationalism. Indeed, in a large number of countries worldwide, the state responded to migrants' transnational activities by developing a new discourse towards its population abroad and by setting up different sorts of policies (e.g. access to nationality, remittances investment programs, creation of consultative bodies) directed towards its population abroad.

As rightly pointed out by Waterbury (2008: 11), “[m]any homeland state elites utilize a discourse of a “global” or “transborder” nation, which extends beyond the state to encompass the diaspora populations politically, socially, economically and culturally”. For Gamlen (2006), in the different countries where home states try to engage with their citizens abroad, they often produce this new discourse presenting this population as a valuable resource (or even as national heroes) in an attempt to stimulate their allegiance. One of the best examples of such discourse is Mexico which, in relatively few years, moved away from a derogatory discourse on Mexicans abroad to President Fox's discourse on migrants being heroes (Martínez Saldaña 2003a). In a similar line, Barry (2006) considers that this new discourse in emigration countries serves the purpose of renegotiating membership with the home state in the hope it will serve its economic interests.

With regard to the new policies developed by the state in different parts of the world, we referred earlier to Bauböck's work (2003) underlining the role of the home state in promoting the emigrants' transnational political participation and therefore increasing their ability to be politically active both in the home and the host state without having to choose. For Spiro (2006: 207), this means that “[o]ne's physical location is no longer so likely to coincide with national membership”. In later work Bauböck (2007) underscores that the changes in the migrants' capacity to be members of political communities are visible both in the development of external citizenship as a legal status (with the increasing acceptance of dual nationality) and as a form of belonging to the polity (with the development of external voting worldwide).

At this stage of the discussion, however, it appears necessary to specify what is meant by “external citizenship”, whose decisive feature has been identified by Rubio-Marin (2006: 124)

as “*the possibility of detaching the legal status and practice of citizenship (in terms of identity, but also engagement) from the territorially bounded nation-state*”. In the dissertation, we rely on Barry’s work (2006: 26) that defines external citizenship as both a legal status and a practised identity:

*“External citizenship is the ongoing relationship between emigration states and their citizens who have moved temporarily or permanently to immigration states. It involves emigrants’ and emigration states’ efforts to preserve links to one another. External citizenship also encompasses emigrants’ efforts to remain a part of the societies they left behind, independent of the state, that is, their ongoing engagement with the national community not limited to the national polity”.*

In the development of external citizenship over the last decade, it is important to note that home states have engaged in policies extending external political citizenship more than any other dimension. I consider that external political citizenship consists of three basic elements that have all experienced important developments: consultation, participation and representation. The first element is the right to be consulted. In recent years, different countries have showed a (real or apparent) willingness to better take the emigrants’ interests into consideration (not only by developing a new discourse). The creation of the Institute for Mexicans Abroad (IME) in Mexico is an evidence of such a development. Most importantly, as Gamlen underscored (2006), the increasing consultation of home states with their emigrants is visible in the organization of meetings, forums, conferences and conventions... The second dimension is the right to participate that developed with the adoption of different policies allowing or facilitating external voting (at different level be it for legislative, presidential, regional, local elections or referendum) and permitting emigrants to occupy legislative or executive positions in the home country. The third element is the right to be represented and is visible in the development of consultative bodies composed of emigrant representatives (e.g. the IME’s consultative council or Italy’s General Council for Italians Abroad), the development of dedicated ministries and administrations (e.g. Italy’s Minister for Italians abroad) and the development of specific parliamentary representation –or reserved seats- for emigrant parliamentarians in a few cases (e.g. Cape Verde, Italy and Croatia)

One specific development of external political citizenship has gained more scholarly attention than any other in recent years: is external voting. The specificity of this literature is that it approaches external voting mostly from a normative viewpoint (see Nohlen and Grotz 2000, Blais et al. 2001, López-Guerra 2005, Barry 2006, Rubio-Marín 2006, Bauböck 2007). Over

the last few years also, different comparative studies on external political citizenship have attempted to make an inventory of the different systems and, in some cases, to shed light on the relevant motivations of the state on the specific issue of external voting (see Levitt and de la Dehesa 2003, Gamlen 2006, Collyer and Vathi 2007, IDEA 2007 and Waterbury 2008). The recent growth of this literature has contributed to clarify the concept of external voting, to illustrate its different forms and to demonstrate that, contrary common knowledge, it is a well established practice worldwide.

A good introductory definition of external voting is that of the IDEA handbook (2007: 8) that considers external voting as the “*procedures which enable some or all electors of a country who are temporarily or permanently abroad to exercise their voting rights from outside the national territory*”. For Nohlen and Grotz (2000), external voting must be distinguished from two other voting procedures it is sometimes associated with. On the one hand, external voting does not comprise the franchise for foreigners in the host country. On the other hand, external voting does not cover the cases when emigrants are allowed to participate in elections in the home country provided they come back to the national territory to cast their vote on Election Day. The act of external voting is thus carried out in the migrant’s country of residence. For Bauböck (2007: 2398), who is conducting a normative reflexion on the topic, external voting must also include in-country voting by expatriates because the objections to external voting (in its narrow sense) also apply to in-country voting. For the purpose of this dissertation (and because we do not conduct a normative reflexion on external voting here), I will stick to the IDEA handbook definition but consider, in a similar line to Bauböck, that in-country voting, where it exists, is a form of external political citizenship in the way I defined it above: a means to participate to collective decisions in the home country.

Nohlen and Grotz (2000), Collyer and Vathi (2007) and IDEA (2007) have showed how different the forms of external voting co-existing worldwide. These differences may concern, among other things, the conditions of access to the right to vote (e.g. belonging to specific professional groups or not residing abroad for more than a specific period), the type of elections the emigrant is invited to vote in and, most importantly, the voting mechanisms in place for exercising the right to vote from abroad. Bauböck (2007) distinguishes five ways to cast a ballot outside the country: voting in person at embassies and consulates, voting in person at polling stations abroad, mail ballots, proxy voting and remote electronic voting.

Despite these differences in the inclusiveness of the external electorate or in the voting mechanisms, the recent (above-mentioned) comparative literature on external voting converges in saying that there has been a substantial increase in the number of states allowing some form of external voting over the last decades (see also Wucker 2004). Yet Collyer and Vathi (2007) argue that the number of countries allowing external voting has been underestimated; including in recent literature. Their study, on the contrary, demonstrates that out of the 144 countries they surveyed, 115 actually allowed some form of external voting which leads them to conclude that external voting is actually the norm at the international level. The IDEA handbook (2007), however, tempers this estimation by reminding that there are limitations on eligibility for an external vote in different cases (based on the restrictions presented above). It stresses further that, even within the group of approximately 80 countries that do not have specific restrictions on the entitlement to an external vote, other legal, technical, operational or administrative barriers may de facto restrict the ability to vote from abroad. As we will see, this is clearly the case of Mexico where different administrative requirements excluded a large share of the population abroad from the electorate. Nonetheless, the existence of liberal and restrictive external voting regimes does not hide the fact that the number of states allowing some form of external voting has boomed.

### **5.3. Why do states extend external political citizenship?**

If the growth of these phenomena is now established, it remains largely unknown why so many states have engaged in policies aiming at granting emigrants the external voting right or, to put it another way, in policies extending external political citizenship. As Sherman (1999) has underlined, this is largely due to the fact that migration scholars long neglected the migrant/home state relation.

Bauböck (2007) and the IDEA handbook (2007) have stressed the need to conduct comparative research in order to be able to answer this question. This comparative literature is starting to emerge but it features two major flows so far. On the one hand, there are broad comparative works that comprise a very large number of countries (Gamlen 2006, Collyer and Vathi 2007, and Waterbury 2008) help understand that similar policies are being adopted in different parts of the world but do not satisfactorily identify the decisive variables explaining the home state's motivations. On the other hand, studies group together single country studies

with little comparative dimension or several countries from the same region, which, in both cases, does not allow generalisable results to be drawn on a larger scale (Calderón Chelius 2003, Levitt and de la Dehesa 2003). However, all this literature proves crucial in examining the different variables that are thought to influence the state's decision to extend external political citizenship. This exercise will help me in selecting the variables on which to focus and in selecting the relevant case studies to conduct my comparative research project.

A recurring hypothesis in the literature on the extension of external political citizenship is that the states that engage in such policies are predominantly poor and therefore dependent on the emigrants' economic inputs (i.e. mostly remittances) for their well-being (Itzigsohn 2000, Levitt and de la Dehesa 2003, Barry 2006). According to this argument, richer countries would also be more reluctant to engage in such policies (Wucker 2004). This is however contradicted by Gamlen's overview of a large number of policies worldwide (2006) and Collyer and Vathi's analysis of the correlation between remittances and external voting (2007). Both studies demonstrate that poor and remittance-dependent countries do not have the monopoly in the adoption of policies extending external political citizenship. A more interesting argument is that of Sherman (1999) who considers that one of the motivations for the state to engage in such policies from an economic viewpoint is not solely to stimulate the remittances flows. Instead, she claims that this effort is actually part of a larger effort of the state to integrate itself in the global economy. To support her point she puts in perspective Mexico's change in policy towards its emigrants with the country's bid to join the North American Free Trade Agreement. Indeed, as we will see below, one reason for Mexican authorities to develop a policy reaching out to its emigrants in the early 1990's was that they hoped Mexican Americans would lobby the U.S. Congress in favour of Mexico's bid.

The second hypothesis to examine is related to the domination of North American scholars in the study of transnational practices. It could indeed have induced the impression that the development of external political citizenship was to be placed in the specific context of the relationships between the United States and Latin America. Here again, the two broad above-mentioned studies as well as Bauböck's work (2007) show no correlation between specific regions of the world and the adoption of these policies. More generally, it cannot be said that they arose in specific and identifiable "waves" worldwide nor that they can only arise in long-established (or, on the contrary, in young) democracies (Nohlen and Grotz 2000, IDEA 2007). A more interesting argument is rather that states use these policies to reaffirm their authority



and their legitimacy at home and/or abroad (Sherman 1999, Barry 2006). Starting from this idea, I explore, in the methodological chapter of the thesis, the possibility that policies extending external political citizenship necessarily arise in a context of general discussions on the extension of political citizenship both at home and abroad (i.e. for citizens residing inside and outside the national territory).

Another set of recurring variables focuses on the characteristics of the emigrant population itself. A very interesting conclusion of Gamlen's comparative study (2006) is that both countries with ethnic or civic citizenship regimes engage in the extension of external political citizenship. In other words, it means that the phenomenon is not limited to states trying to construct or reconstruct a nation beyond borders. In addition to the kind of population residing abroad, the idea that the quantity and the level of organization of the population abroad are relevant has also been examined. It must be stressed that the idea here is not to support the viewpoint of some early researchers on transnationalism, according to which the state is powerless. What these different scholars point out instead is that emigrants themselves have to actively request that the home state engages in policies extending external political citizenship otherwise it is unlikely that these will ever be adopted. The underlying assumption is thus that small or badly organized emigrant communities are unlikely to see their external political citizenship extended (Levitt and de la Dehesa 2003, Barry 2006, Collyer and Vathi 2007). The problem with this assumption is that it is difficult to assess the impact of the emigrant community (and its representative associations) without analyzing in details the policy that they have allegedly influenced. I will accordingly question this variable in my comparative research.

This point is supported by Smith's comparative work (2003) on the policies of three states which he concludes in saying that "*[d]iasporic membership evolves with the structures and institutions within which it is embedded, including changes in domestic politics, political regimes, integration into the world system, and migrant actions*". I'm very close to this assessment in the design of my own comparative project. This argument also goes further than Nohlen and Grotz's (2000) as it draws the attention to the importance of each national context to understanding the development of external political citizenship. Smith's observation also invites researchers to examine the role of internal actors, and especially political parties, in the extension of external political citizenship. Different scholars insist that such policies (especially external voting policies) are adopted with difficulties when political

parties (one or several) fear that the extension of the electorate abroad would harm their electoral performances (Wucker 2004, Spiro 2006). In the design of our research question, I will stress the importance of internal actors (and particularly political parties) in the process of extending external political citizenship. Yet a variety of other internal actors may also intervene and have a stake in the policy debate (e.g. the administration or the Judiciary power).

This last point leads me to conclude this section by suggesting, as Fitzgerald (2006) does in the case of Mexico, considering the role of the state in the extension of external political citizenship from a neo-pluralist approach and not as a unitary actor. This actually consists in *“disaggregating “the state” into a multilevel organization of distinct component units in which state incumbents and other political actors compete for their interests”* (2006: 260). This point, which I develop in the research design, has the important consequences on the way I envisage the extension of external political citizenship. To me, it is not the result of a bilateral relation between the emigrant community (a concept for which the definition of the interest is also problematic) and the home state. Rather, I consider these developments as the result of the confrontation of internal and external actors’ strategies that have to happen in a specific context to be successful.

## **6. Conclusion to the debate between transnationalism and the state**

In the second half of this chapter, different questions have been asked about the relationship between transnationalism and the nation-state. One of these was: Are transnational practices in contradiction with the national interest? The phrasing of this question is very much inspired by conservative scholars such as Huntington or Smith. We saw that for those who opt for a nationalistic approach to national interest (like Huntington), transnational political practices always appear as unpatriotic. On the contrary, a “multicultural approach” to national interest may be criticized as being naïve, for it considers national interest as the mere sum of all particular interests. In reality, as we have seen, there is no such thing as a “single national interest” that is valid for a whole nation once and for all. On the contrary, the national interest necessarily evolves due to the internal pressure and the changes in the international order it is submitted to. There can, accordingly, be no final answer to the question of the compatibility between the national interest and transnational politics.

Another question concerned the impact of migration and transnational practices on the state's capacity to guarantee security. Here again I demonstrated that the fears related to migration are social constructions and that –even though the global context has granted a certain salience to these phenomena- they evolve through time and through the different interpretations of their impact.

With regard to citizenship, I examined how transnational practices fit with older and newer visions of citizenship. To answer this question, it has been demonstrated that the logic of those opposing dual citizenship in the U.S. is close to that which led to the EU citizenship regime. Both try to protect the nation-state's prerogatives in the field citizenship. It also seemed that this resistance had to be related to the fact that the state had already lost some of its traditional roles to other actors because of globalization. Yet, I showed that states are unwilling to let go their prerogatives when it comes to identity and membership issues. This point is crucial because it shows that the state is not merely a passive actor in front of transnational political activities but that its actions and policies can influence them. This is what I clearly showed in the part on external political citizenship, by demonstrating the increase in the number of states adopting such policies. By examining different variables to explain the state's behaviour, I also proved the limits of the current literature and paved the way for the design of my own comparative research project.

To conclude this chapter, I think it is useful to go back to Max Weber's work in *Politics as a Vocation* (1919) that defines the modern state as the entity which possesses, within territorial boundaries, the monopoly on the legitimate use of violent force as a means of domination. To reach this end, the state has concentrated the managerial means in the hands of leaders. Transnational political activities contest this definition of the state for three reasons. First, a state cannot always claim to have the monopoly of the coercion power on transnational political actors such as migrants. Indeed, if the actor is politically active in another space than his usual place of residence, he is likely to be responding to different obligations set by the two states. This absence of monopoly is often illustrated by the multiple nationality issue. Second, it may also occur that the state's power of coercion goes past its territorial boundaries. This question was discussed around the concept of deterritorialization that shows how migrants' political actions are influenced by a combination of non-exclusive territorial feelings of attachment. Third, transnational political activities (and all transnational activities

in general) illustrate the growing capacity of non-state actors to play a role in international politics. According to Weber, politics cover the efforts made to participate in power or to influence the distribution between or within states.

In the next chapter, we draft our own hypothesis on the extension of political citizenship in democratic countries as being the result of the confrontation between internal and external actors' strategies happening in a context of transnationalization of immigrant practices and a context of overall extension of citizenship.

### **CHAPTER III. RESEARCH QUESTION AND METHODOLOGY**

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The purpose of this chapter is to frame the precise research question that I aim to answer in the dissertation, to present my hypothesis and to expose the method that I will use to do so. In the first part, I sum up the state of research on political transnationalism developed in the literature review and the conceptual discussion. Secondly, I explore two main reasons why research on transnationalism has the shape it currently has. Thirdly, I underline two fundamental gaps (one methodological and one conceptual) in the study of political transnationalism today that serve as a basis for my research question and hypothesis. In the fourth part, I present the comparative method in political science as a possible way to fill these gaps. In the fifth and last part, I apply the research method to my research question and explain the process I followed to conduct my research.

#### **1. Where does the research on political transnationalism stand today?**

As I showed in the review of the literature and the conceptual discussion of the dissertation, the concepts of “transnationalism” and “political transnationalism” are polysemous terms whose meanings are debated within the scientific community. However, this difficulty has not prevented researchers from widely using the concept of transnationalism in their studies on the simultaneous political (but also social, economic or religious) involvements of migrants in their country of origin and in the country of residence.

The large body of literature on political transnationalism that exists today is characterised by three main trends. First, research on political transnationalism has predominantly focused on the political activities of migrants themselves and on the way they influence political processes. On the contrary, little is known about the influence of other institutionalized and non-institutionalized political actors on immigrants’ transnational political activities. Second, there has also been a strong emphasis on single-case study pieces of work devoted to migrants and second-generation migrants. In the majority of cases, these studies focus on migrants proceeding from less-developed countries. This trend was supported by the increasing public authorities’ and academia’s interest for questions of migration and development. Third, a

conclusion that is widely found in the literature is that transnational political activities are grassroots activities enabling migrants to take some power away from the state. Focusing on how migrants organize in the country of settlement and subsequently seek to create some sort of political impact in the country of origin, many studies demonstrate how transnational migrants challenge the state or compensate for its lack of intervention. As we saw, only more recently have studies shown that the state tries to reach out to its emigrants and actively engages in policies extending external political citizenship. Nonetheless, while the currently limited comparative literature has proved the importance of this phenomenon on the global scale, it still unsatisfactorily addresses the question of the reasons why states engage in such policies.

## **2. How did we get there?**

There are two main reasons for the research on political transnationalism to have the form that was described above: the overuse of the concept of transnationalism in migration research and the researcher's preference for single case-study research when analyzing transnational practices.

### **2.1. The overuse of transnationalism in migration studies**

Even though we do not approach it in full details, the concept of "field" as developed by Bourdieu (1981) can be of potential use here. According to Bourdieu, a field is a particular configuration of social positions inside which power relations take place between actors in order to reap particular benefits.

We demonstrated in the conceptual discussion that the reasons for the success of the concept of immigrant transnationalism in the 1990's are to be found in anthropological research. Until today, research on immigrant transnationalism has principally been conducted by anthropologist, sociologists and geographers. Those researchers naturally envisaged the questions of transnational political participation as corollaries supporting their own research (e.g. for a sociologist, transnational political participation is one more evidence of the existence of new social relations taking place across borders) but not as questions of primary

interest. It does not mean that this research on political transnationalism made by other scholars than political scientists did not lead to some interesting research being done. Nonetheless, it has had a strong influence on the way the research question were being framed and on the methods used to investigate transnational political participation (see second reason below). We argue that this misled researchers in neglecting the role of the state in transnational politics and in asserting – in accordance with the literature on globalization and the role of new actors such as NGOs and global businesses that the state was losing power because of its immigrants’ transnational activities. In other words, the state was left out of the scope of research on immigrant transnationalism.

Using the Bourdieusian framework, we also point out a negative consequence of the creation of the “field of transnationalism”: the fact that it attracted a lot of interest in the migration research community just because it was new. Some researchers have thus felt compelled to use the term transnationalism in their own research. This race to introduce the transnational buzzword at all costs brought, at best, little added value to these pieces of work and, in the worst cases, led to conceptual stretching (see below) that risked undermining the usefulness of the concept for future research. This last element supports the idea that transnationalism is a concept used by researchers to compete against each other in order to gain a perceived benefit.

It should not be deducted from the preceding paragraphs, that political scientists have totally neglected the concept of transnationalism in their research, though. On the one hand, political scientists and IR specialists have long been interested in a specific form of transnational political activity –ethnic lobbying- even though they did not refer explicitly to the literature on transnationalism nor to the concept itself in their work. Therefore these scholars cannot not be considered as members of the field as they did not try to compete with other scholars. Ethnic lobbying, as we discussed it before, had been mostly developed in the United States. On the other hand, political scientists (especially in Europe) seemed long reluctant to integrate immigrant political transnationalism into their research areas. This is most probably because political scientists were latecomers to the field and because other scholars had already written about transnational political practices “politics” in a broader sense than what political scientists traditionally accept. This situation changed with Eva Østergaard-Nielsen’s study on the transnational political participation of Turks and Kurds in Europe (2003). This study constitutes a milestone in the development of research on transnationalism from a political

science perspective, therefore suggesting that political scientists should also enter the field of transnationalism.

## **2.2. The preference for single-case study research design**

The second reason for the research on political transnationalism to have the shape it has today is the researchers' focus on the grassroots transnational activities of one single migrant community. This comment is true for both scholars who are no political scientists and for those who, like Eva Østergaard-Nielsen, placed migrant communities' transnational politics into a political science perspective. This preference for single-case study research design can be explained by various factors related to the origins of the concept of transnationalism and to practical difficulties in the conduct of research.

Before going any further, however, I wish to make it clear that I do not consider that transnational political activities, especially when addressing at the role of the state, are a research object that "naturally" belongs to political science. Even though scientific disciplines may have preferences for specific research objects, there is no such thing as a preserve implying that some objects could only be studied (or are better studied) by a specific discipline. On the contrary, different disciplines bring different vision onto the same object. This, in turn, provides society with a more comprehensive vision of this particular object. Similarly, I do not consider that a research method epitomizes a specific scientific discipline. Again, some disciplines may favour a particular method but, as it could be wrongly understood from the following sections, I do not consider that a political scientist who studies transnational political activities is bound to use the method favoured in political science. What I argue is that a particular methodology that has not been used widely so far in the research on transnational political activities could shed new light on these phenomena.

I already mentioned that anthropologists, sociologists and geographers were the first to occupy the field of transnational migration and therefore produced a majority of the literature on the topic in the 1990's. Each of these disciplines favours research methods that tend to analyse the transnational activities of a single community. Presented grossly, anthropologists and qualitative sociologists when researching transnational migration tend to devote a lot of attention to the many practices of one group which take place between the country of origin



and the country of settlement. Sociologists especially have been keen to develop the idea of a transnational community and therefore encourage research using migrant groups with the same national origin as units of analysis. Because transnationalism was an innovative concept that had yet to prove its worth, cases studies were preferred to other methods.

This method has proved very efficient in producing detailed research on the practices of migrant groups who had not been studied sufficiently or who had recently emerged (e.g. Hong Kong cosmonauts) and in reinterpreting the practices of immigrant groups that the scientific community thought it knew well (e.g. The Mexican Americans). This method resulting mainly in single case studies of transnational migration at first glance also appears to solve the problem of ethnocentrism in research (also called methodological nationalism). This question deserves some discussion.

Seiler (2004: 215-216) defines ethnocentrism as the researcher's incapacity to adopt another perspective on its research object than the vision shaped by his own culture. In other words, it consists in judging, measuring or analyzing other cultures by using concepts which are specific to the researcher's own culture. For Wimmer and Glick Schiller (2003: 576), methodological nationalism is a specific form of ethnocentrism consisting in "*the naturalization of the nation-state by the social sciences*". It has three variants:

*"1) ignoring or disregarding the fundamental importance of nationalism for modern societies; this is often combined with 2) naturalization, i.e., taking for granted that the boundaries of the nation-state delimit and define the unit of analysis; 3) territorial limitation which confines the study of social processes to the political and geographic boundaries of a particular nation-state. The three variants may intersect and mutually reinforce each other, forming a coherent epistemic structure, a self-reinforcing way of looking at and describing the social world"* (577-8).

As we have just said, research on transnational migration seems *de facto* not to fall into the three traps of methodological nationalism. First, all research on transnational migration refers to some form of national identity of the target group being investigated. In some cases, the form of national identity can be a sort of long distance nationalism or split identities between the country of origin and the country of settlement. Second, transnational migration research also contests the idea that the state defines the unit of analysis as authors such as Faist (2000) or Argun (2003) have argued that the transnational migrants' space of action transcends the traditional borders of the state to create new spaces epitomized by the fluidity of the movements taking place within them. Third, the very definition of transnationalism implies

that investigation on transnational practices must be conducted in at least two states (one or several receiving countries and the country of origin). Seiler (2004: 198) underscores that travelling to other countries is the best way for researchers to be confronted to other cultures and therefore avoid the traps of ethnocentrism. Also, transnational migration's research object seems to *de facto* protect the investigator from the third form of methodological nationalism.

Yet, other methodological challenges arose due to this tendency to focus on single community studies. One of these is related to the domination of North American scholars in the field of transnationalism. The fact that these scholars gave a new impulse to the concept of transnationalism in the 1990's and were the first to really occupy the field means that a large proportion of the literature focuses on transnational activities taking place between the United States and the migrant community's country of origin (mostly –though not exclusively– coming from Latin America). Considering the specific experience of the United States in terms of immigrant transnationalism (e.g. Bracero Program, Birds of Return, tradition of ethnic lobbying, the specificity of the US-Mexican border...), it is questionable whether the research available on the transnational practices of migrants residing in the United States is comparable to the rest of the literature. This question (that we approached in the conceptual discussion of the dissertation) has been fully developed in a special issue of the journal *Ethnic and Racial Studies* directed by Martiniello and myself (2008)<sup>15</sup>.

The question of comparability is, however, not limited to Europe and the United States. In the conceptual discussion, we illustrated the problem of comparing the transnational practices of different migrant communities residing in the United States by showing how research ends up proposing diverging explanations as reasons for explaining Latin American immigrants' transnational political involvement. This situation illustrates the limitations of current research methods on transnational migration: focusing on two countries (the country of origin and the country of settlement) is indeed a partial solution to methodological nationalism but it poses other questions on the comparability of cases and the generalization of results.

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<sup>15</sup> A special issue of *International Migration Review* (Levitt, DeWind and Vertovec 2003) previously had brought together scholars from different parts of the world and from different disciplines. It thus approached the different dimensions (political, economic, religious...) of immigrant transnationalism from an international perspective.

### **3. Identifying the gaps in current research on political transnationalism**

From the preceding section and the literature review, we can deduce that the research on political transnationalism currently suffers from two major gaps. Indeed, even though there has been a lot of research on transnationalism in the last decade and, as shown by Wimmer and Glick Schiller (2003), new research has partly learnt from past mistakes, we still identify a methodological and a conceptual gap.

#### **3.1. The methodological gap**

As introduced in the preceding section, the methodological gap refers to the difficulty of comparing the various “single case-study” research results. We already explained why researchers have difficulties comparing transnational practices of different immigrant groups (i.e. because case studies comparisons are rarely developed within a single comparative research project); it remains to be seen what the consequences are. The major consequence is the absence of control (i.e. the impossibility to assert the existence of recurring factors in different settings). According to Sartori (1994: 20), comparisons fulfil the function of controlling whether the generalizations we draw from empirical work are valid for all the cases to which we apply those generalizations. The preference for single case-study research on transnational political practices makes comparisons difficult because it naturally stresses factors that are specific to the migrant community under scrutiny (e.g. migration history) and the conceptual framework they use may be different (e.g. not all single-case study based research projects mean the same thing by “political activity”). Therefore, even though we empirically observe that transnational political practices take place in different migrant groups over the world, we are having a hard time proving the similarities between them. The same thing can be said of the policies extending external political citizenship: scholars empirically observe that similar policies are being adopted worldwide but have difficulties showing why states do so.

These comments are not specific to research on transnational political practices. Cunningham (1997: 403) while underlining the single-case study method’s descriptive capacity and its ability to generate theory about some particular phenomenon, also wishes to make it clear that “(...) *they have been criticized because they have the potential for exhibiting so little control*

*that they are of questionable scientific value*". As I will argue below, using different case studies is a valid method to understand the motivations of the state to extend external political citizenship if the different cases are included in the same research project with a common hypothesis and a common research method (without neglecting the role of contextual explanations that may underscore the specificities of some states).

### **3.2. The conceptual gap**

The second gap we identify in the literature on political transnationalism is quite striking for any researcher with a political science background: the state has been left out of many studies on immigrant transnationalism and the nature of the link that unites the state and the emigrants who are politically active in a transnational manner is not specified in the current literature.

Wimmer and Glick Schiller (2003) identify two phases in the way the state is being perceived by transnationalism and globalization scholars. During the early years of research on transnational migration, discussions on communication technologies and globalization led some scholars to declare that the bounded and static world as we knew it was over and that we (especially immigrants) would all live in a new world epitomized by its hybridity and complexity. "*Some scholars asserted that the increase in transborder activity signalled the demise of the nation-state as both a center of power and as a potent source of identity politics*" (2003: 596). Political scientists Badie and Hermet (2001) argue that the more grassroots political actors (including immigrants involved in transnational political activities) claim their autonomy from the authorities and show them distrust or indifference, the more disturbing they are for the political system. In other words, the development of grassroots politics would necessarily take away some power from the state. These assertions were, however, counterbalanced by later research that stressed the continuing role of the state demonstrating that "*(...) the nation-state has more successfully survived the upheavals that accompanied the end of the Cold War and the current period of intense global connection than scholars predicted during the early days of globalization research*" (Wimmer and Glick Schiller 2003: 597)

We saw in the review of the literature that there has indeed been a boom in the number of states adopting policies aiming to reach out to their emigrants. This is particularly visible in the case of policies extending external political citizenship. The research we actually attempt to answer in this comparative study is therefore: why do states decide to extend external political citizenship? In other words, what are their motivations to reach out to their emigrants in a way we empirically observe as being similar in different parts of the world? This question addresses the very heart of the two gaps we identified above. On the one hand, by trying to determine if there are recurring variables to explain the behaviour of states with regard to their population abroad, it addresses the issue of the generalization of research results. On the other hand, by investigating the role of the state, it addresses the issues raised by the state being left out of the research on transnationalism.

These questions expressed above arise necessarily when approaching transnational political practices from a political science or an international relations perspective. These approaches can also influence the methodological choices made to answer the question. I believe that applying the research methods that have been favoured by political scientists to studies on the transnational political activities and the state would be beneficial. More precisely, I propose the use of the comparative method in political science. In the next sections, I will therefore introduce this research method, expand the reasons why it is suitable to answer both the methodological and the conceptual gap in the study of political transnationalism and finally I will apply the precepts of comparative politics to the design of our research method.

Before moving to the next section, a comment should be made on the implication of this conceptual gap for the content of the thesis. Identifying a lack of knowledge on the motivations of the state in extending external political citizenship does not mean that we should disregard the role of other actors. Intermediary actors such as the media or private companies may influence the shape of transnational politics. The media not only help migrants remain aware of the situation in the home country, it can also shape the migrants' opinion on particular issues by broadcasting certain kinds of program or information. Also, trade agreements and open markets contribute to connecting the spaces within which immigrant entrepreneurs can develop transnational businesses. The political importance of these entrepreneurs should not be underestimated since they are potential sources of investment and employment; especially for less-developed sending countries. While our study focuses on the interrelations between migrants (through the associations that represent them)

and the sending state, we will try to bear in mind the influence of these intermediary actors in our case studies.

#### **4. The comparative research method in political science**

##### **4.1. Origins**

In the literature on the comparative method, it is common to introduce the essay by some considerations on how “natural” it is for human beings to compare (Almond et al. 2004; Gazibo and Jenson 2004; Landman 2000). Comparing is a basic human practice by which people create categories based on their observations and through which they try to make sense out of a complex reality. Comparing helps people act in a particular environment based on previous experiences.

In the study of political phenomena, comparing has been a recurring practice since Aristotle and his “Politics”, that compares different Greek cities up to Alexis de Tocqueville’s “Democracy in America”, that uses the author’s French education and vision of the world to analyze the American political system. Such studies constitute the basis on which formal comparative politics developed during the 20<sup>th</sup> century.

Gazibo and Jenson (2004:13-14) introduce a distinction between the development of comparative politics as a research method in the French and the Anglo-Saxon political science. Since the early 20<sup>th</sup> century, American scholars compare governments in order to understand why some work and others don’t. Early comparative works were fully in line with Mill’s method of concomitant variations by which variations between political phenomena are explained by differences in some factor at work in the phenomenon. It is only after World War II that comparative politics appear in the US and Canada; first with the behaviourist school (e.g. Almond’s work) and subsequently with structuralist and historical comparative works (e.g. Barrington Moore, Theda Skocpol). In France, the fact that political science developed as an outgrowth of Constitutional Law led to the late recognition of political science as a discipline in French academic circles. Only by the 1970’s did comparative

politics appear formally in the French political science research (with works of Badie, Hermet, Seiler...)

Hermet and Badie (2001) have also traced back the evolution of comparative politics since World War II. They identify the 1960's and decolonization as a key moment in the history of the method of comparative politics. The creation of new states started what the authors call "the crisis of classic comparative politics". This crisis is epitomized by a series of questions that puzzled researchers: Doesn't the context of these new countries make them too specific to be compared to Western countries? Aren't comparativists therefore forced to reconsider their underlying assumption that universally shared factors can contribute to the explanation of political phenomena? Shouldn't comparative politics integrate the historical dimension of the phenomena they aim to study? These questions and the attempts to answer them led to intense scholarly debates and to what Badie and Hermet call the new orientations of comparative politics.

#### **4.2. Comparative schools in political science**

With the crisis of classic comparativism, the method of concomitant variables is severely questioned. Indeed, research objects are now perceived to be much more complex and it appears difficult to isolate one factor as the decisive variable while neutralizing the effect of other variables. As a consequence, a new set of theoretical frameworks (inspired by classical political science theories) arises to try and address the crisis: functionalism, developmentalism, systemism, structuralism and methodological individualism.

For Seiler (2004), comparative politics in the 21<sup>st</sup> century is characterized by a weakening of large all-encompassing theories and a tendency to opt for syncretic approaches. The crisis of Marxism and the subsequent theoretical refoundation have led comparative researchers to build their own custom-made theoretical framework based on various existing theories. This, however, does not mean that comparative politics is now dominated by a single syncretic theoretical approach. As Seiler argues, groupings take place but they tend to take place within each of the three major comparative schools in political science. For the purpose of this dissertation, we will only reproduce the major characteristics of these schools here.

The first school is in line with the precepts of rational choice theories. This school comprises comparativists, who believe in the ongoing utility of the universalist paradigm. To them, rationality (understood as the characteristic of actors who try to maximize utility when pursuing their own goals) is the criterion that crosses cultures and borders and that can be applied to large geographical bases in the comparative study (Seiler 2004, Landman 2004). The principles of the rationalist schools are subject to critics for its total disregard of cultural specificities that the cases under study do have. Applied in combination with other factors, rationality nonetheless brings a different perspective that tends to be discarded in comparative studies.

The second comparative school mentioned by Seiler is the culturalist school. It appears to be the reverse of the rational choice school in the sense that relativism in the former is the equivalent of universalism in the latter. Researchers who follow the culturalist school do not draw a clear line between anthropology and political science. To them, culture is as a unit that must be treated in itself, that is, independently of others. For the comparative researcher, understanding culture is thus the key to understand a political phenomenon. The importance given to culture implies that priority was initially given to monographic works and later, with the concept of cultural areas, to the comparison of units belonging to the same region. Because of the focus on particulars of each case, culturalists also tend to favour comprehension over explanation in their work.

The structuralist school is the third one and appears to be the most syncretic of the three. Structuralists focus on the political, economic and social connections that bind people together. To them, society is more than the sum of its individualities. *“They study networks, linkages, interdependencies, and interactions among the parts of some system. A structural argument is therefore always concerned with the relationships- both static and dynamic- among individuals, collectivities, institutions, or organizations”* (Lichbach 1997: 247). The key for structuralists to understand political phenomena is thus to focus on the political, social and economic connections among people. Unlike early researchers in political science adopting a traditional institutionalist perspective (for whom formal structures -such as governments and parliaments- and formal procedures -such as laws- determine political behaviour), comparativists belonging to the structuralist school do not understand a structure as an institution or an organization. They rather consider a structure as the systemic character that the institution has. Their point is thus to recreate the structure based on a model. The



model generally stresses the singular trajectory of the cases under scrutiny, which conducts structuralists to classify phenomena in order to be able to compare them. Indeed, structural homologies and oppositions between the various singular cases are what permit their classification (Seiler 2004).

The structuralist perspective, as defined here, seems more willing to consider migrants as relevant actors than the traditional insitutionalist perspective that would discard emigrants as decisive actors in the adoption of state policies since they are rarely recognized as formal actors. The approach developed by the new institutionalists, on the contrary, integrate these actors into the analysis of political processes. This is clearly stressed upon by Lowndes (2002: 91) for whom:

*“[t]he new institutionalists are concerned with the informal conventions of political life as well as with formal constitutions and organizational structures. New attention is paid to the way in which institutions embody values and power relationships, and to the obstacles as well as the opportunities that confront institutional design. Crucially, new institutionalists concern themselves not just with the impact of institutions upon individuals, but with the interaction between institutions and individuals.”*

#### **4.3. Why compare?**

One of the major differences between natural science and political science is that experimentation is impossible for the latter. Unlike natural scientists, political scientists cannot gather their evidences through experimentation. Political scientists cannot manipulate the research subjects in order to isolate the causal factors (Landman 2000:13, Burnham et al. 2004: 60). Applied to our dissertation, this means that it is impossible for us to start anew the legislative process while neutralizing certain variables to determine the impact they have on the content of the policy. Similarly, we could not go back in time and rerun a particular election without emigrants’ vote to determine their impact on the election and on the political equilibriums afterwards.

These impossibilities, however, do not prevent political scientists from formulating reliable generalizations on their research objects. This is because political scientists can use comparison as an alternative method to experimentation in order to validate their empirical work. How does comparative politics do that? Comparative politics achieves control by “a

*systematic testing against as many cases as possible, of sets of hypotheses, generalizations and laws of the “if...then” type*” (Sartori 1970: 1035). Hypotheses are being tested against alternatives in multiple countries and this, in turn, allows the researcher to make general statements about regularities. In Ragin’s words (1987:1), “[c]omparison provides a basis for making statements about empirical regularities and for evaluating and interpreting cases relative to substantive and theoretical criteria”.

Landman (2000: 4-10) points out three additional goals of comparative politics. Two of these goals serve the main target of controlling. First, a comparative work aims at describing the political phenomena under scrutiny. Description is thus a fundamental element of the comparative process but it is just an intermediary goal. Indeed, a comparative study made of rich descriptive cases that are not used to draw subsequent generalizations would surely address the issue of ethnocentrism but would also fail to make statements about empirical regularities. Second, comparativists, in their quest for generalization, aim at categorizing the studied phenomena in order to “*group many separate descriptive entities into simpler categories*”. The categories are based on “*identifiable and shared characteristics*”. Thirdly, the main purpose of controlling is sometimes followed by a fourth goal, namely predicting future political outcomes. Basically, predictions use past empirical observations to make statements about political outcomes in different but comparable settings.

Ghorra-Gobin, in her discussion paper on the research method used in three UNESCO comparative projects, points out a last strategic reason to use the comparative method. It provides tools to analyze changes resulting from globalization:

*“(...) following the new awareness of economic globalization linked to new information and communication technologies and specific social phenomena, comparative research is essential to the extent that it analyses, understands and explains the entire process over and above the constraints of national frontiers”* (1998:8).

This element is close to our discussion on ethnocentrism but it is decisive in our case as we study a type of political activity that, by nature, transcends national borders.

#### **4.4. The difficulties of comparing**

Conducting a comparative research project contains potentials risks. The risk of ethnocentrism has already been evoked. Two more are exposed in this section. The first

difficulty is that of striking a good balance between generalization and details when conducting the comparative research project (Barton Cunningham 1997; Sartori 1994). This difficulty is particularly evident when the researcher considers only a few cases in his comparative study. In the case comparison approach, the researcher seeks to test the hypothesis he has built for one case by confronting it to other cases that are selected for their resemblance or their dissemblance with the original case (see below for the choice of case studies). As underscored by Cunningham (op. cit.: 404-5), this method has strong implications on the ways data are collected for each case: “[i]nstead of relying on specific in-depth information about a case, there is a more general use of cases for illustrating and testing the soundness of concepts”. The risk is therefore evident that researchers overview cases without getting into enough details and thus lead to generalizations with little added value.

This happens when the researcher has fallen into the trap of “conceptual stretching”, i.e. vague conceptualizations that permits to cover more cases in the comparative study but with losses in connotative precision (Sartori 1970). At the other end of the spectrum, getting into too many details in all the cases considered in the research project may lead the researcher to create tailor-made explanations for each case and therefore impede any sort of generalization.

Conceptual stretching is one of the causes for the second difficulty facing comparative researchers: avoiding investigating what Sartori calls “cat-dogs”, that is, research objects that actually do not exist. Besides conceptual stretching, researchers may be tempted to look for cat-dogs for three reasons (Sartori 1994). First, localism which, as a specific form of ethnocentrism, consists in ignoring conceptualizations made by other researchers and coming up with concepts that create confusion (this could happen in the field of transnationalism if, for instance, some migration researcher came up with a new definition without considering any of the previous work on the topic). Second, wrong classification of potential cases is another problem that leads to investigate “cat-dogs”. A wrong classification potentially includes all possible cases and therefore undermines the ability to make any fruitful generalization based on this classification. Gradualism is the third problem. It consists in avoiding any possible dichotomy by placing all the cases along a continuum. As a result, the cases can only be differentiated by a difference of degree. When an alternative explanation endangers the research hypothesis, it is ruled out by fractioning the continuum at specific points to keep the artificial impression of fluidity.

#### **4.5. The difficulties of comparing the extension of external political citizenship**

In the next section, I detail how the comparative method is the appropriate choice for answering the research question. Before doing so, it however appears necessary to underline a series of specific difficulties when trying to compare the states' motivations to extend external political citizenship. The first difficulty appears already when trying to set the hypothesis. Indeed, because of the limited existing literature on the topic, we can only discard a series of variables but many others remain, which, in turn, complicates the design of the hypothesis. As we will see below, this limitation forced me to make some important choices.

The second difficulty is related to this and concerns the selection of case studies which, because there remain many potential variables, could have forced me to include a large number of cases in my comparative study. Yet, I underscored that such exercise has already been done and does not prove convincing in isolating the motivations of the state to extend external political citizenship.

The issue of the generalization of the research results is the third difficulty. As I seek to strike the right balance between comparing many cases that fail to take into account the contextual factors in each country and working on a single country, which would fail to permit any sort of generalization, I have to acknowledge that comparing few case studies also has its own limitations. Indeed, despite the fact that I will be able to stress the importance of contextual factors in each case, I will be unable to determine exactly what importance each variable has within each case study. What I will be able to do, on the contrary, is to observe the recurrence of these variables in the different cases and compare their relative importance in different cases.

The last difficulty that derives from the issue of generalisation is that my own research will not be capable of serving to make predictions in the analysis of a future extension of political citizenship. Nonetheless, this study will contribute, among other things, to underscore the variables future researchers should pay attention to.

## **5. The method: how we proceed**

The difficulties of making what Sartori would call a “good comparison” implies that the researcher be a “conscious thinker”, i.e. a researcher who masters theory and methods (Sartori 1970). We have thus designed a step-by-step process to design and conduct the research project while bearing in mind the limitations expressed above.

### *I. Reviewing the literature and clarifying the concepts*

This first step constitutes the necessary introduction of the researcher to the topic he wishes to investigate. In the process of reviewing the literature, gaps become visible and the researcher identifies questions that remain unanswered. In the case of political transnationalism, the review of the literature has allowed me to pinpoint the main characteristics of the field and, above all, identify the gaps I recalled earlier.

Another important feature of the theoretical part of the dissertation is also to clarify the concepts that will prove decisive since I opted for the comparative method. Indeed, choosing the comparative method requires a strong conceptual work beforehand. Without these intellectual constructions there would be no common denominator of the cases to be compared. Concepts are what allows the researcher to draw general conclusions based on his empirical observations (Gazibo and Jenson 2004: 54-6). Furthermore, concepts must be clarified beforehand in order to make sure that they have the exact same meaning in all the cases considered in the comparative study (necessary to avoid ethnocentrism, conceptual stretching and “false friends”, i.e. concepts bearing the same name in different countries but with different meanings).

Most of the conceptual work of this dissertation is made in the first part of the thesis where we discuss the various concepts mobilized in the study of political transnationalism. There is, however, one concept that we need to define at this early stage. As we look at the interactions between emigrants on the one hand and states on the other, we have had to find an intermediary level in the analysis of the emigrants’ impact on the home state’s decision to extend external political citizenship. We found that emigrants’ representative organizations

(subsequently referred to as “emigrant associations” or simply as “associations”) were the most appropriate unit of analysis to do so.

By emigrants’ representative organizations, we refer to those organized movements representing emigrants who deliberately try to influence the state of origin in the extension of external political citizenship. Before we examine the question of power within migrant groups, it is necessary to devote some attention to the issue of the emigrant associations’ representativity. In the different cases we will review, we will see that the emigrant associations claim that emigrants want to participate in their home country elections or be represented there. It is often assumed that if the leaders of these associations support this viewpoint, it necessarily means that all association members also do. Yet, we will see that this is not necessarily the case due to passive membership of an association one may have as well as to the fact that the migrant leader’s interests may not necessarily coincide with the emigrants’ interests (e.g. leaders may also push certain questions out of personal interest).

Turning now to the notion of power within migrant group, we rely on Martiniello’s work on ethnic power. For Martiniello (1992: 102), ethnic power is an ethnic group’s ability, as a group, to control results on questions about which it has specific interests. According to Martiniello, this definition must be clarified in three respects. Each of his comments relates to the associations we will be examining in the empirical part of the dissertation. First, for the ethnic group to be able to produce results, it must constitute itself as a collective actor. This happens when the shared characteristics of the ethnic group are recognized by its members as a valid motive upon which to mobilize, for instance, by forming an association. In our case, the associations that will be studied are formed on the basis of common identity; e.g. national identity, regional identity... These associations are formed because members of a specific national community abroad (in one or several emigration countries) believe the identity and the interests they share to be a valid reason to mobilize and organize their demands towards the home country’s authorities. Second, and this is assumed in the first comment, for an ethnic group to become a collective actor and have power, it is necessary to have specific interests (e.g. gaining voting rights in the home country or representation in Parliament). If we were unable to define an association’s interests, it would also be impossible to determine whether it has some power or not. Third, the community’s ability to produce the desired results presupposes that it possesses its own resources. The use of these resources, in our case when associations negotiate with public authorities, is capable of producing certain consequences

(e.g. support to a specific political party). The community is said to have power when the use of these resources produces a result in accordance with the interests of the community despite the difficulties met in the process of mobilization.

The question of the production of results is central in our work. As we wish to determine the roles of emigrants' representative associations and of the state in the adoption process of certain policies, it is necessary to determine which resources the actors mobilize in order to determine their power. The failure to take migrant groups' resources into consideration would not comply with the vision of immigrant transnational practices that I developed in the conceptual discussion of the dissertation. Indeed, we saw that migrants who are active transnationally develop some practices that, sometimes, compete with state practices and therefore can give them some leverage.

## *II. Finding the research questions and setting the hypothesis*

Based on this preliminary work, the researcher may draft hypotheses that contain what he intuitively considers as answering the research questions he has drafted.

In our case, the impression is that the interaction between the home state and its emigrants is misconceived in the literature about transnationalism. Indeed, it was initially argued that states were losing power, legitimacy or authority because of immigrant transnational activities and because the centre of power was progressively moving towards those grassroots groups who were supposed to be autonomous. Later research tempered this statement by showing – among other things- how states historically managed to maintain a link with their emigrants and how, today, states are actually reaching out to their emigrant communities. As we saw, a look at the policy developments in many sending countries in the last decade shows that there is a growth in policies fostering linkages between emigrants and their country of origin: external voting, programs to support remittance flows (e.g. “3 for 1” program in Mexico), support to emigrant organizations in the country of destination, creation of consultative bodies... This trend towards devoting greater attention to emigrants and developing policies to strengthen their rights is visible both in countries where the emigrant communities have a potentially strong leverage on their home state (e.g. through the remittances or through their high-level organization) and in countries where migrants seemed traditionally powerless in the

home country's political debates (e.g. due to their reduced number, their lack of organization...). Therefore, the question that remains to be answered is to determine why states have decided to do so; why do they extend external political citizenship?

To answer this question, I have decided to analyse the process by which emigrants are granted (and/or facilitated) the right to vote in the country of origin from abroad (which, as we will see, is related to the debate on the right to be consulted and represented). By looking at the process of negotiation (and its eventual outcome) where on the one hand, external actors (i.e. mostly emigrant associations) are pushing for the right to vote and/or be represented in the home country and, on the other hand, internal actors (i.e. mostly political parties but also administrations, pressure groups...) are pushing for or resisting to this demand in different countries, I aim to isolate the variables that push the state to extend external political citizenship. Yet, it is important to remind at this stage that I have chosen to follow Fitzgerald's path (2006) in considering the state as an arena where different interests meet.

The hypothesis developed in the dissertation is thus the following: **The expansion of external political citizenship is the result of the -real or supposed- transnationalization of immigrant practices, of a context of citizenship expansion for all citizens and of the level of success of the strategies conducted within the home state political field both by the external actors (in order to extend their power) and by the internal actors (in order to protect or extend their power).**

While most of the concepts used in this hypothesis have been developed in the literature review and the conceptual discussion, it may be useful to make some more conceptual clarifications at this stage. The concept of external political citizenship and its three dimensions (consultation, participation, representation) have been defined before but a few further clarifications have to be made.

Indeed, it is first necessary to precise that I talk about the extension of external political citizenship. As we have seen in the literature review, mechanisms allowing some form of participation, consultation or representation of the emigrants from abroad have existed for some time. The novelty (and this has been underlined in the comparative literature) is the extension of these policies in many parts of the world in recent years.



I also consider that external political citizenship can only be extended in democratic countries or countries in the democratization process. It does not mean that non-democratic countries cannot adopt similar policies (e.g. external voting right). Rather, it means that I consider that non-democratic regimes that would grant their emigrants the external voting right would not be engaged in a process of extension of political citizenship but rather in a process of extension of political subjection. In other words, the adoption democratization of consultation, of participation or of representation policies in democratic regimes offers the necessary democratic safeguards (i.e. free democratic parliamentary debate on these questions in the home country) to ensure that the policies are not serving the sole interest of an authoritarian actor (e.g. party, leader...). Internal actors in democratic regimes may also try to extend political subjection but I argue that the plurality of internal actors ensures that the outcome of the debate on the extension external political citizenship integrates a plurality of interests.

Because I focus on democratic states and democratizing states, the analysis of the specific processes by which emigrants are given the right to vote from abroad and to be represented or consulted are all the more relevant to determine the motivations of the home country. Indeed, the inclusion in the electorate is one of the most sensitive political issues for both internal and external actors. For the emigrants, the external voting right represents the formal recognition that they are still members of the political community and thus have a stake in the nation's destiny. For internal actors such as political parties, the question of external voting is crucial in the sense that it might modify the outcome of the deliberation process (i.e. elections) by which the political equilibrium is attained in the home country.

Another consequence of my focus on democratic home states is that I hypothesize that the extension of external political citizenship is connected to the extension of citizenship rights to citizens residing on the national territory. Indeed, I argue that the success of the external actors' strategies to obtain the extension of external political citizenship is also conditioned by the existence of a specific context of extension of rights within the home country that does not necessarily concern the emigrants. In other words, for external political citizenship to be extended, the question of the citizens' rights in the home society in general must be debated as well. In the case studies, I later refer to this variable as "the socio-political context" to stress the fact that the debate on external political citizenship cannot be disconnected from other internal debates.

The transnationalization of immigrant practices has been approached in great length in the literature review but here I wish to precise that in the debate on external political citizenship, the internal and external actors pushing for these policies rely as much on hard data on immigrant transnationalism (e.g. remittances flow) as on the supposed impact of practices that are measurable with great difficulties (e.g. opening business opportunities or importation of stronger democratic standards). Whether real or supposed, I nonetheless argue that these practices influence the debate on external political citizenship.

In the hypothesis, I argue that it also depends on the success of the internal and external actors' strategies in the home state political field. This does not mean that all the actions undertaken by the internal and external actors have to be undertaken on the national territory (as we will see, external actors can lobby from abroad and internal actors may conduct activities in host countries). What this rather means is that the strategies conducted by the different actors are aimed at occupying space in the home state political arena.

Before we turn to the definition of internal and external actors, let's recall that we refer to Martiniello's (1992) definition of power (developed in details before and which considers it to be an ethnic group's ability, as a group, to control the results of questions about which it has specific interests).

By external actors, we mostly refer to emigrant associations bearing in mind the above-mentioned limits on their capacities to represent emigrants' interests. There are however other external actors such as individual migrants, associations defending the rights of immigrants in the host country (that are not necessarily tied to a specific community) and different kinds of public or private actors in the host country. Despite the fact that I will look at these different actors, for clarity's sake, I will refer to "the role of emigrants' representative organizations" to stress the focus I put on this specific kind of internal actor in each case study. In the analysis of this variable I aim to isolate the exact role of emigrants in the legislative process that leads to the extension of external political citizenship. It means that I will look into the activities conducted by these organizations both at home and abroad and their interactions with other internal and external actors.

The internal actors are those actors who contribute to define the state's interest in our vision of the state as an arena where a plurality of interest meets: political parties, individual

politicians, administrations, interests groups and associations, judiciary power...). Indeed, due to their variety, internal actors have different views on the extension of external political. In the case studies, we will refer to this variable as “the role of political parties” to stress the importance of this actor in determining the state policy on external political citizenship (we saw in the literature review that the few large comparative studies had also paid attention to this variable by stressing its importance, but without getting into a detailed analysis of its role). Indeed, a specificity of the legislation on external voting with regard to other legislations concerning emigrant communities is that it influences the shape of the home country’s electorate and therefore can potentially change the electoral equilibrium in place in the home country. Nonetheless, when looking at the role of political parties in the debate on external political citizenship, we will also underscore their interactions with other internal and external actors.

### *III. Choosing the research method*

Once the hypothesis is set, we can think of the most appropriate research method to verify the hypothesis. We already demonstrated that the single-case study research method proved very efficient in asserting the existence of transnational practices (of all sorts) but that it failed to achieve control. Looking at the hypothesis set above, control is the main goal we are trying to achieve: we are trying to determine if similar factors influence the home state’s decision to extend external political citizenship, despite the various limitations of this research project which I set above and which I recall in the section.

By analyzing the extension process of external political citizenship in different democratic countries, I believe that I can contribute to isolating the core factors determining the state’s action. By comparing, I will address one of the main criticisms I make of current research on transnational politics i.e. stressing the specificities of migrant groups and sending/receiving states under study. But comparing will also fill the gaps left by more recent large-comparative studies on external political citizenship. These are the main reasons for opting for the comparative method.

#### IV. *Choosing the cases*

Conducting a qualitative research project implies having to examine each case in details. Therefore, I have chosen only a few cases in order to be able to refine them satisfactorily while still making generalization possible. This equilibrium is fundamental for Landman: “(...) *comparing few countries achieves control through the careful selection of countries that are analysed using a middle level of conceptual abstraction.*” (2000: 27).

The question that arises when selecting few cases is whether I will be able to get as many details as older single-case studies on political transnationalism did while being more precise on the crucial variables than the large comparative studies conducted so far. I argue that what I will lose in depth will be compensated for by the larger generalization of my research results. This is one of Sartori’s major arguments: the more a concept is refined the smaller its mobility (i.e. its capacity to apply to other situations). For that reason, Sartori (1970) suggests to use a “ladder of abstraction” on which we can move the concepts to make them more mobile (by reducing the number of their properties) or more specific (by increasing the number of their properties). This explains why it was so important to clarify the meaning of the concepts I use in order to determine the level of generalization I aim to achieve.

Two types of research design are available to the researcher comparing a small number of countries. The first one is the Most Similar Systems Design (MSSD) and is based on Mill’s method of difference (cf. chart below). This method “*seeks to compare political systems that share a host of common features that are different among similar countries and which account for the observed political outcome*” (ibid.). In other words, the selected countries share a number of common variables but comparing these cases reveals different causal variable(s) accounting for the different political outcomes (dependent variables). The second system of comparison is the most different systems design (MDSD) and is based on Mill’s method of agreement. It consists in comparing “*countries that do not share any common features apart from the political outcome to be explained and one or two of the explanatory factors seen to be important for that outcome*”(ibid.). The hope is that, after all the differing circumstances are proven to be irrelevant, one or a few common variables -which account for the common political outcome- remain (Burnham et al. 2004: 65).

Table 1. Most Different Systems Design

Case 1	Case 2	Case 3
a b c	d e f	g h i
x	x	x
y	y	y

a, b, c, d, e, f, g = general differences  
 x = decisive similarity or causal variable  
 y = phenomenon to explain

Table 2. Most Similar Systems Design

Positive case	Negative case
a b c	a b c
x	no x
y	no y

a, b, c, d, e, f, g = general similarities  
 x = decisive difference or causal variable  
 y = phenomenon to explain  
 Source: Seiler (2004: 115).

Before positioning our research in one of these two systems it is necessary to briefly discuss the risk of selection bias in order to avoid them as much as possible. In a non-random selection of cases, the risk of bias derives from the deliberate choice of cases which account for the political outcome to be explained (Collier 1995: 462). In other words, it consists in selecting only countries that support the theory. This risk is particularly high in comparative studies that include few countries like ours. In those cases, selection bias can happen when the cases are chosen on the dependent variables, which as a consequence can lead researchers to overestimate the role of certain causal variables or to ignore the role of others that are not present in the selected cases (Landman 2004: 45). *“The problem with selecting cases on the dependent variable is that it becomes impossible to find out about the effect of the independent variable on the dependent variable because there is not even a theoretical*

*possibility of variance on the dependent variable*” (Burnham et al. 2004: 75). This reminds us how careful one must be when selecting the cases.

Landman (2004: 45-7) identifies three possible ways to avoid selection bias. First, selecting countries where the political outcome has occurred and others where it hasn't. Considering that only three cases are studied in our research, doing so could increase the level of control of the study but we would thus have to reduce the number of variables to consider since we would only study two cases where the outcome occurs. Second, developing substantive knowledge of each country under study. This is probably the most feasible solution in our case but it has practical restrictions linked to our research projects. Indeed, in an ideal situation, the best way to answer my research question would be to have researchers conducting in-depth fieldwork both in the countries of origin and the countries of destination in a large number of cases, with a similar methodological framework designed beforehand. Because this project is a doctoral dissertation conducted by a single researcher with limited time and funding, I have only been able to conduct an in-depth analysis of three cases after having drafted this common methodological framework to the three cases. Third, Landman suggests that developing strong theory beforehand may specify a set of countries more clearly. This is what we did in the first part of the thesis and it is how we come up with a list of three relevant case studies. As we have just seen, all these pieces of advice have positive and negative sides. Choosing the cases thus generally implies that trade-offs must be made.

In addition to the limitations related to practical reasons that I just expressed, it is necessary to recall that this project has other limitations which I already presented in section 4.5 of the preceding chapter (*The difficulties of comparing the extension of external political citizenship*). These difficulties are of different kinds. First, there is the problem of the limited existing comparative literature on the extension of external political citizenship complicates the selection of decisive variables in the design of the research project. Then, there is the issue of the research results generalization due to the importance of contextual explanations and the multi-causality in the analysis of external citizenship extension in different countries. As we saw, this introduces two important limits to the dissertation. On the one hand, the importance of the contextual approach makes it possible to observe the recurrence of certain variables in different cases but makes it difficult to measure the importance of each variable within these cases. In that sense, my research could be said to be multi-causal and therefore permitting generalization but within limits. On the other hand, the importance of contextual factors may

limit the capacity of prediction of my research results but still identify important variables for future research to focus on.

In this study, I opt for the Most Different Systems Design. Based on the literature review on external political citizenship, we have identified a series of variables that are said to determine the state's decision to extend external political citizenship. Our purpose here is thus to select three different cases that vary on these different variables in order to examine, after a deep analysis of each case, if the remaining common variables are indeed those we identified in the hypothesis. Altogether, my dissertation will thus contribute to refine the explanations on why states extend external political citizenship. I thus recall these variables below and then choose three case studies that seem most appropriate to verify the hypothesis.

A first set of variables concentrates on the state's dependence on remittances and migrants' investments in the home country to explain the state's decision to extend external political citizenship. To verify, we deem it necessary to choose countries with different levels of socio-economic wealth where, accordingly, remittances have a different impact on the economy. In the hypothesis, we have refined this variable by saying that, rather than being motivated by the need for foreign exchange, the state could engage in such policies to find its place in the global economy (and migrants are perceived as a tool to help do so).

A second set of variables concerns the concentration of the number of states extending external political citizenship in specific areas of the world. Most specifically, some scholars implied that the specific context of the Latin American migration to the United States pushed these home states to engage on that track. On the contrary, I argue that these policies can be adopted in other regional contexts. For this reason, my comparative study will include cases from different parts of the world (Western hemisphere and Europe).

With regard to the importance of the democratic character of the regime, I have already argued that external political citizenship can only be extended in a democracy. However, I do not support the idea that young democracies in the process of defining political citizenship are more likely than others to do so. What I argue instead is that the extension of external political citizenship is only possible in a context where citizenship in general (both for residents and non-resident citizens) is being discussed. Accordingly, I will choose three cases of democratic countries with different historical experiences.

A series of variables also concerns the characteristics of the emigrant population itself. We saw that some scholars argue that having large and well-organized emigrant community is a necessary condition for the extension of external political citizenship to happen. This implies that the emigrants themselves play a decisive role in the debate. While I do not contest this point in my hypothesis, I however insist on the importance of the strategies developed by the emigrants (through their associations) and their interactions with other internal actors in the extension of external political citizenship. For the choice of the case studies, this means that I will opt for cases with different levels of emigration and different levels of organization abroad.

This relates to the last variable also found in the literature and that concerns the role of home state political parties in these policy debates. Rather than defending a position according to which no extension of external political citizenship is possible if opposed by a majority of political parties, I argue that political parties are not the only interest to take into consideration when defining the state's position. It is actually the interactions with other internal and external actors that are most relevant to understand the parties' position.

After this brief recapitulation of the different potential variables influencing the state's motivation to extend external political citizenship, I can say that I found three cases to be particularly appropriate to test my hypothesis. I won't get down to the specifics of each case here but merely introduce the necessary characteristics justifying their choice.

The first case is Belgium and is epitomized by a strong lack of empirical research on its emigrant community. As we will see, Belgium has a relatively small emigrant population that is both spread in many different countries (principally neighbouring European countries) and not very well organized. Indeed, only two large associations have been actively demanding (at times) the extension of citizenship rights (mostly the right to vote) to Belgians abroad. Yet, these associations were mostly active on the national territory. Despite the fact that Belgium is a long-time democracy, it has traditionally neglected its population abroad and has not developed a comprehensive policy towards them yet. Also, Belgium does not in anyway depend on emigrant remittances but has stressed the need to open opportunities abroad for the development of its export-oriented economy for years. In a specific context of citizenship extension to different kind of citizens (i.e. non-national residents), the question of the



extension of external political citizenship gained ground. Many different internal actors played a part in this debate (e.g. the judiciary power strongly advised Parliament not to allow external voting) and their interactions both with each other's and with external actors were a recurring element during the debate on external voting.

Italy is the second case and has a different profile than Belgium in several respects. Italy experienced massive emigration during the largest part of the 20<sup>th</sup> century and is spread in various parts of the world. At different moments in history, the Italian state tried to reach out to its emigrant community. Because of the fascist period, Italy's democratic regime can be said to be younger than Belgium's. This element has also largely influenced both the development of emigrant associations abroad and the position of internal actors on the extension of external political citizenship. The well-organized (and even institutionalized) emigrant community has conducted activities both at home and abroad to request policy changes. For a long-time, it could also rely on the importance of emigrants' remittances to pressure the authorities. With the decline of emigration, this argument has slowly been replaced by a new discourse on migrants being Italy's bridge with the world, that could bring economic opportunities and stronger democratic values to a country that was overcoming the major political crisis of the 1990's with difficulty. This crisis opened a debate on the role of Italian citizens in the democratic deliberation and this context of perpetual electoral reform created opportunities for internal and external actors to include the extension of external political citizenship in that agenda.

The last case we examine is Mexico. It has a number of characteristics that make some internal and external actors in the debate on the extension of political citizenship believe that it is unique. These characteristics are the very large number of Mexicans abroad (still growing), their concentration in the United States and the fact that a substantial share of the emigrant population is undocumented. The Mexican authorities' attitude towards their emigrant population has evolved through history going from the active promotion of emigration to a total neglect of this population and, more recently, a growing interest and the development of a new discourse and new policies. Some of these policies have clearly been designed with the purpose of stimulating or maximising the impact of remittances and of using the emigrant community to help the country's economic integration in North America on the one hand. On the other hand, both internal and external actors have repeatedly used this economic dimension in their strategies. Despite their large number and their organizational

capacities, Mexican emigrant associations have long neglected the issue of external political citizenship as they considered Mexico as a non-democratic country in which voting served little purpose. This situation changed at the end of the 1980's with the beginning of the transition process towards democracy (a process that accelerated with the election of the PAN candidate in 2000 but that was questioned by some with the disputed 2006 presidential election). In this context both internal and external actors have linked up the issue of external citizenship to the extension of democracy and citizenship at home. In doing so, they have also conducted real transnational campaigns with external actors working in Mexico and internal actors moving to the US to consult with external actors.

Table 3. The Most Different Systems Design applied to this research project

BELGIUM	ITALY	MEXICO
a. Limited amount of emigrant remittances	e. Declining amount of remittances	i. Important amount of remittances
b. Long-time democracy	f. Long-time democracy with period of non-democratic regime in the 20 <sup>th</sup> century	j. Transition to democracy
c. Historically low level of emigration	g. Historically high level of emigration but low for several decades	k. High level of emigration
d. Little-organized communities abroad	h. Well-organized community abroad (declining in some areas)	l. Increasingly organized community
w. Strategies of external actors	w. Strategies of external actors	w. Strategies of external actors
x. Strategies of internal actors	x. Strategies of internal actors	x. Strategies of internal actors
y. Real or supposed transnationalization of immigrant practices	y. Real or supposed transnationalization of immigrant practices	y. Real or supposed transnationalization of immigrant practices
z. Socio-political context of citizenship expansion in general	z. Socio-political context of citizenship expansion in general	z. Socio-political context of citizenship expansion in general
o. Extension of external political citizenship	o. Extension of external political citizenship	o. Extension of external political citizenship

a, b, c, d, e, f, g, h, i, j, k, l = general differences  
w, x, y, z = decisive similarities  
o = phenomenon to explain

## *V. Collecting the data*

As we look at the processes that lead to the adoption of specific public policies, we rely on four types of data. All the written and electronic works cited here is listed at the end of the dissertation. They are split in three broad categories: references, sources, and legal sources and other official documents (sorted by country in the last case).

The first type of data is the scientific literature and provides a good introduction to each of these cases particularly by introducing some elements of migration history and its gender dimension, and by tracing back the roots of the emigrants' transnational activities and the evolution of the state policies towards these groups. Specific attention will be paid to the evolution of nationality, citizenship and electoral laws, which all contain the roots of the legislation extending external political citizenship. In many cases, indeed, the rules of access to nationality are at the basis of the access to external citizenship rights. As far as the Constitution and electoral laws are concerned, the internal and external actors upon which we focus have integrated them as constraints that must be respected if external political citizenship is to be extended. In the case of Mexico, it must be stressed at this point that a share of the literature has been produced by scholars who were personally involved in the debates. This naturally led me to treat this literature more carefully and to complement it with other types of data whenever possible.

Second, official documents such as legislation, government decrees, parliamentary works, minutes of official meetings will be used to understand the content of these policies, and the way they were adopted and to identify the key actors and their role in the adoption these policies. Most of these documents are available online but it was also necessary to consult the legislative archives of the three countries. We made a larger use of this type of source in the Belgian and Italian cases. Despite the fact that Belgium, as it is my country of residence, was at first glance the country where I could most easily conduct fieldwork, the political and administrative actors involved in the debates I analyse were the least responsive when I solicited an interview. Besides, they often considered the topic as being of minor importance and remembered little of the parliamentary debates. For that reason, in this case more than in the other two, I rely on the parliamentary minutes and the press to reconstruct the actors' positions at the time of the debate. In the case of Italy, the use of these documents served

another purpose. It helped me identify the period of largest parliamentary activity on the topic I analyse and helped me understand the various strategies followed by the internal actors in favour and against the extension of external political citizenship.

Third, press articles will be used to determine the important steps in the adoption of the policy and identify key actors at the political and administrative level (and in the migrant community as well). Press articles are also useful to understand the different actors' positions at specific moments of the legislative debate. Furthermore, since the last part of each case study is devoted to the analysis of the first experience of external voting, press articles will also serve to analyse political campaigns abroad. It must be stressed here that different kinds of press were used with different purposes. The migrant associative press served to understand the evolution of the emigrant associations' positions in the debate. In the case of Italy, a further precision must be made. The associative press sometimes served me to obtain copies of older articles from other newspapers (e.g. national Italian press), that were no longer available by other means but nonetheless relevant for this study. In some other instances, migrant associations have also edited books, which served me as sources in the identification of the association's position. The national press archives (paper or electronic), when available, served me mostly to determine the position of specific external and internal actors in the debate when this was not possible through interviews or parliamentary minutes.

Fourth, we proceeded to a number of interviews with four kinds of actors. Before we examine each of these categories, a few general comments must be made on the use of this investigation technique in my dissertation. With regard to the choice of the interviewees, the selection has been made in two ways. On the one hand, key players were identified after a review of the literature and of the parliamentary archives in each case. On the other hand, different interviewees mentioned the name of other persons who appeared to have played a role in the debate. It is striking in the tables listing the interviewees (see Appendix B) that this mode of selection introduced an important gender bias into the study, for a majority of the actors interviewed were male. While it was important to acknowledge this bias and bear it in mind during my analysis, I must say I could not find a way to correct it. With regard to the use I have made of the interviews, in most cases, the excerpts I use in the dissertation illustrate the point that I'm making at that stage. Unlike other research on immigrant transnationalism, these interviews do not seek to underline the transnational dimension of the actor's life. In some instances, this dimension might be visible in the quotes I use.

Nonetheless, the main use of the interviews is to verify if the variables I underscored in the hypothesis were considered relevant for the interviewee (and see if he would point to others). Accordingly, I followed a basic interview guide (see Appendix A) that was only adapted to fit to specific institutional position of the person I was meeting. The last comment concerns a more technical aspect of the interviews related to the use of languages. Whenever possible the interviews were conducted in the interviewee's native language. In Belgium, interviews were accordingly conducted in Dutch and in French. In Mexico, all interviews but one were conducted in Spanish. The only exception was during a telephone interview with an association leader residing in the United States. This person opted for the use of the English language. Because of my more limited knowledge of the Italian language, most of the interviews conducted there with emigrant parliamentarians were done in the language of their country of residence (French, Spanish or English). When this was not possible (or during the interviews with civil servants and association leaders) I either conducted the interview in Italian or asked questions in French but was responded in Italian by my interlocutor. All the transcriptions of these interviews conducted in five different languages were made in the original language but the excerpts reproduced in the thesis are translated directly into English. All the interviews used in the dissertation have been anonymised but basic information on the interviewees' profiles can be found in Appendix B. Besides, I precise that each case study has its own numbering (starting from Interview No. 1 in each case).

As I said earlier, the interviews were conducted with four kinds of actor and served as much to determine the actor's position as to determine the role of its interactions with other internal and external actors. For each case, I planned to interview key officials. The first type of actor interviewed is the elected official representing one of the major political parties of the country under scrutiny. These interviews proved decisive to understand the importance of both the individual politician's role and of his party's as the two positions have not coincided in several cases. The interviews with these actors proved the most complicated to organize mostly for reasons of time constraints on their behalf; and in one instance were conducted in non optimal conditions (i.e. a car). This last comment applies to the interviews of the other kinds of actors who were sometimes conducted outside their offices and, which complicated the transcription of the interviews considerably. The second type of actor is the civil servant that served me to determine the official position of the institution where he worked. Because of the limited room they had to express personal opinions, I did not expect them to comment on the attitudes of other actors in this debate -even though it happened several times. Most of

these interviewees were officials (or former officials) from the Ministries of the Interior and of Foreign Affairs. In the Mexican case, interviews were also conducted with officials of the different electoral bodies that are considered as independent from these ministries. The third type of actor is the association leader. I have already underlined the difficulties related to these persons capacities to represent the emigrants' interests. I chose these persons basing myself on a previous identification of key emigrant organizations lobbying in favour of the extension of external political citizenship. These interviews were conducted either in the country of origin when these leaders were present, during conferences and associations' meetings or by phone when there was no other possibility. In the case of associative actors, a specific emphasis was put on the interactions with other internal and external actors during the interviews. The fourth kind of actor is the researcher and/or university professor working specifically on migration and/or political participation in Mexico and Italy. These interviews served me to identify any remaining key-actor I would have forgotten to interview. In many cases, it also helped me identifying missing literature and, lastly, to confront my preliminary results with their experts' opinions. In most cases, these interviews did not follow the interview guide except for three scholars in Mexico and one professor in Italy who were also involved as actors in the debates I was studying (as migrant activists in the first case and as a politician in the second).

## *VI. Analysing, interpreting and presenting the data*

The last step of the research process will consist in analysing and interpreting the results of the data collected in each case, on the one hand, and in developing a comparative discussion aimed at answering the research question and verifying the hypothesis, on the other hand. Even though this has already been mentioned for a large part, we will follow similar guidelines to present the research results in each case. First, we will briefly introduce the country's migration history. This will consist mainly in underlining the major characteristics of the population we subsequently study: time of departure, place of origin and destination, gender dimension and the existence of transnational practices among these migrants. Then I will turn to the associations that represent the migrants by highlighting their major characteristics and determining the level of potential leverage they have had over the home state historically. This introductory part will rely mostly on the existing literature on each case study and on official data provided by the different ministries dealing with emigration issues.

Secondly, I will devote the largest share of the case study to the analysis of the debate on the extension of external political citizenship. It starts by a presentation of the conditions one has to fulfil in each country to be a voting citizen with a special focus on the impact of nationality law on the access to political citizenship. Then, I will analyse the evolution of the legislative debate on the topic of external voting, its relations with other pieces of legislation and present the law that eventually allowed the emigrants to vote from abroad (and be represented in the case of Italy). This is followed by the core of the case study in which I will analyse thoroughly the role played by the emigrants associations, the political parties and the socio-political context of the debate on its eventual outcome.

Thirdly, I will look at the first experience of external voting in each of the case studies. In this way, I seek to understand the reasons that explain the level of mobilization among emigrants and the results of the vote abroad. Even though this part does not help answering the research question, it permits to see the difference (or the absence of difference) between the expectations of some actors pushing or opposing the extension of external political citizenship and the actual effect of this legislation, once implemented.

It must be mentioned here that the second and third part of the case studies are those who most strongly rely on the interviews I conducted in the three countries (to a lesser extent in Belgium for reasons expressed above). Once the transcript of all the interviews was done, I have selected a number of items that I was going to look for in the interviews when reading them (e.g. position of political party, role of individual politician, lobbying activity of emigrant association, position on dual nationality, evaluation of the first electoral experience...). By reading the interviews with this list of items, I was able to isolate the recurrent arguments, positions, discourses that were used by the different interviewees but also to identify the contradictions, disagreements and the similarities in their positions. Then, when reconstructing the debate on external political citizenship in each country, I used the interview excerpt that best exemplifies the position of the different actors sharing one opinion and I confronted different excerpts when illustrating the disagreement between the actors.

After the separate analysis of the individual case studies, I develop a comparative discussion in the last part of the dissertation. In this discussion, I group the different comparative elements identified in each case study and examine how they answer the research question and verify the hypothesis.

**PART II: EMPIRICAL RESEARCH ON TRANSNATIONAL  
ACTIVITIES AND THE STATE  
THE DEBATES ON EXTERNAL POLITICAL CITIZENSHIP IN  
ITALY, BELGIUM AND MEXICO**



## CHAPTER IV. THE HOMELAND POLITICAL PARTICIPATION OF ITALIAN EMIGRANTS

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### 1. Introduction

Contrary to Belgian migration, the Italian internal and international migration is a research topic that has received a lot of attention from scholars in Europe and the Western hemisphere. Historians have achieved considerable knowledge on the departure of Italians (even at times they were not yet called as such) to other regions or other countries but also on their insertion in the country of destination. This work –along with other political science and sociology literature on Italian migration and the field work I conducted- proves remarkably useful to introduce the question of why emigrants had to wait so long to be allowed to vote by mail and what consequences this newly gained right has for the relations between the emigrant community and the home country.

In the first part of this chapter, I try to underline these different dimensions of Italian migration with the purpose of understanding the relevance of the emigrants' right to vote both for the emigrant communities and for the Italian state. Even a brief overview of the literature reveals the strong impact of Italian migration in the 19<sup>th</sup> and 20<sup>th</sup> Century on both the country of origin and the country of destination. I will therefore divide Italy's modern migration history in three major steps. Because Italian and American historians have long revealed the existence of a circular migration between America and Europe, I will also show how transnational connections between the receiving and the sending space is a recurring element in Italian migration. The connection of Italy with the homeland is also visible in the dense network of emigrant representation in various bodies such as associations of different kinds, trade unions, pensioners unions, or more recently official organs such as the Committees for Italians Abroad (ComItEs) and the General Council of Italians Residing Abroad (CGIE). However, these connections – illustrated by the rate of return and the flow of remittances- do not prevent most migrants to feel that the Italian state has abandoned them.

The institutionalization of emigrant representation and the development of regional associations, however, have not stopped Italian associations from pushing for the right to vote

from abroad. To understand the evolution of this debate, I first introduce different elements in the Italian electoral code and citizenship law. Among other things, these reveal the fragility of the Italian electoral system and the growing tendency, starting in the early 1990s, to favour co-ethnic access to citizenship at the expense of the rights of the immigrants coming to Italy.

The second part of the chapter focuses on the legislative steps that led to the 2000 constitutional reform and the 2001 Law of application that permits Italians abroad to elect by mail candidates who are themselves residing abroad and who will occupy one of the 18 seats reserved for them in Parliament. As the legislative process is spread over several decades, I will only focus on some of the key proposals that failed and on the two successful proposals that made this right a reality. While reviewing this process, the factors explaining the eventual success of the reform will only be introduced (as they are developed in the last part of the paper). The focus is instead put on the legal difficulties with the vote by mail, the necessity it creates to improve population register, the influence of the European Union in this debate and the impact of the regionalisation process.

Then, I organize the different elements that stand for the late development of emigrant vote by mail in Italy along three major lines. First, the socio-political context made it difficult for a long time to adopt such a law. The pursuit of emigration, the regionalisation of the country, the instability of the political system, the modification of citizenship regime, and the arrival of immigrants to Italy have all played a part in the question of the emigrant vote. Second, the associations and the organs representing migrants have also been decisive either by lobbying Italian authorities and political parties or by providing a space of expression where actors of the emigration and political actors of the home country could meet. Third, I envisage the role of political parties and prominent political figures such as Mirko Tremaglia in an attempt to understand their diverging positions and the (sometimes false) premises on which they are based.

To conclude the chapter, I analyse the implementation of the emigrant vote by mail by looking at the various referenda to which emigrants were invited to participate and, most importantly, the 2006 legislative elections that allowed emigrants to elect their own MPs and senators for the first time<sup>16</sup>. There, I make the hypothesis that the results of the elections

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<sup>16</sup> At the time of writing (November 2007), we did not know that anticipated elections would be organized in April 2008.

abroad should not have been such a surprise considering the divisions of the centre-right parties, the role of associations, the profile of Italian emigrants, the influence of host country politics and the image of the Berlusconi government abroad. Looking at the treatment given to different issues concerning emigrants in Parliament since the 2006 elections and analyzing interviews, I subsequently prove that emigrants have been able to tip the balance of power favourably thanks to their newly gained right to vote and to the particular context in which it was used.

## **2. Italians abroad**

### **2.1. A few elements on the Italian migration history and its particular features**

Trying to sum up centuries of Italian international migration history in a few pages is a difficult task<sup>17</sup>. In this section, I therefore present the major steps in modern migration (the *Grande emigrazione*, Post World War II European migrations and contemporary migration), and illustrate them with different tables. Italians have left the country from time immemorial even when the place they left was not called Italy and its citizens were not called Italians. Gabaccia (2000) divides the migration taking place before the creation of the Italian state into two groups. On the one hand, clerics and merchants were the main groups to leave the Peninsula from the 13<sup>th</sup> up to the 16<sup>th</sup> century. In the places they settled, they lived apart from the host society and imported their own rules and manners in the place of residence. On the other hand, from the 16<sup>th</sup> century up to the creation of the Italian state, those who migrated belonged predominantly to an urban elite trying to connect with societies abroad in order to export the *civiltà italiana*, the cultural and intellectual capital originating from Italian cities.

In the decades preceding the unification of Italy, migration out of the Peninsula diversified and, besides the elites, a large number of political exiles moved abroad, predominantly inside Europe. While abroad, they developed a sort of diaspora nationalism that contributed to stimulate the Italian identity abroad in the migrant workers' community. According to the

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<sup>17</sup> Though internal migration is a significant phenomenon, I do not discuss it here since my focus is the right to vote of those migrants residing abroad.

data compiled by Gabaccia (2000: 43), the latter comprised around 550,000 people between 1789 and 1871, while the exiles were estimated to be roughly 3,000 during the same period.

As stressed by Marucco (2001) and Sanfilippo (2001a), the statistics of Italian migration started to be collected in a systematic way by 1876, when the political debate on emigration required that reliable data should be collected.

Just a few figures help understand the importance of emigration for the newly created state, which counted around 26 million people in 1870. The *Grande Emigrazione* covers the early years of the Italian state up to the First World War. Between 1876 and 1915, 14 million people left the country; 7.6 million left for America, 6.1 stayed in Europe and the rest went to other continents. While it is not our purpose to develop the reason why so many people left, it is important to note that push and pull factors were critical in the decision of so many Italians to leave a country incapable of responding to the needs of its population. As illustrated in table 1, citizens from Northern, Central and Southern Italy migrated abroad more than others (with regions like Veneto, Abruzzi-Molise, Campania, Basilicata and Calabria featuring a higher emigration rate than the others); therefore underlining the many difficulties of this region: structure of its agriculture, imbalance between the North and the South, at the expense of the latter, rejection of obligations imposed by the new state...In destination countries, such factors as wage differential, so-called open-door policies in the New World and chain migration have also played a role. Some particular characteristics of this migration, such as some form of transnationalism and *campanilismo*, are discussed below. As we can see in table 2, the *Grande Emigrazione* is characterized by a preference for overseas destinations and particularly the Americas. Finally, this migration movement is overwhelmingly made of men who in large part were working in the agricultural sector in Italy.

Table 1. Region of origin of the emigrants (1876-1915)

Period/Region	North (Occid. and Or.)	Centre	South
1876-1885	1,002,376	158,155	238,573
1886-1895	1,450,471	281,889	658,689
1896-1905	1,772,508	927,081	1,622,836
1906-1915	2,195,725	1,441,394	2,362,258

Source: Rosoli, F. (ed) (1978) *Un secolo di emigrazione italiana, 1876-1976*. Rome: CSER.

Table 2. Main destination areas (1876-1915)

Period/Destination	Europe	North America	South America
1876-1885	850,219	89,191	334,397
1886-1895	970,133	384,625	1,001,432
1896-1905	1,890,943	1,329,308	1,011,211
1906-1915	2,426,091	2,502,385	970,241

Source: Rosoli, F. (ed) (1978) *Un secolo di emigrazione italiana, 1876-1976*. Rome: CSER.

The dimension and the impact of this emigration at home and abroad is such that it has shaped an image of Italian emigration that has persisted until today. This explains why the period will strongly influence the next migration waves (Pugliese 2006: 19).

The interwar period is a complex period for Italian migration due to the Fascist authorities' changing policies. Cannistraro and Rosoli (1979: 673-74) sum up the situation of the country at the end of the First World War as such:

*"(...) [W]hile Italy was overwhelmed by extreme economic difficulties and internal tensions, the "push factors" of emigration that had characterized the prewar period (...) were still powerful. Emigration actually accelerated in 1920 when 614,000 citizens went abroad, half of whom settled in the United States. The traditional immigration countries, however, had, at this time, begun to introduce measures preventing the entrance of additional foreign workers. (...) During the period from 1922 to 1942, the United States received 15 percent of the Italian emigrants, France accepted 38.8 percent and Argentina took in 19 percent. The non-agricultural component predominated, but there was a marked increase in the immigration of relatives in the non-working age and non professional category, who were sent for by already settled emigrants. Although emigration experienced a quantitative drop under the Fascist regime, its reduction was clearly "artificial", for it was not accompanied by an elimination of the problems and inequities that had initially compelled emigration".*

As far as the management of migration flows is concerned, the attitude of the fascist regime is epitomised by its desire to use emigration for nationalistic purposes. Until 1927, Mussolini encouraged emigration in the name of the spread of the Italian influence in the world and even lobbied destination countries to take more migrants in. With the development of a new demographic policy that seeks to increase Italy's population, emigration is no longer perceived as desirable and policies are set up to restrict departures. Furthermore, Italians living abroad are no longer considered as emigrants but as citizens residing abroad temporarily (Cometti 1958, Cannistraro and Rosoli 1979). In terms of politicization of the

emigrant community, I will show below that the Fascist period is a decisive moment that will have lasting consequences on the relations between emigrants and homeland.

At the end of World War II and consequently of the fascist emigration policy, emigration appears again as an option for the unemployed. Between 1946 and 1965, around 5.6 million Italians left the country and two thirds of them moved to a European country (Monticelli 1967: 12). By that time, the United States had restricted access to its territory and South America's economy, while still receiving large number of Italian emigrants, was not as prosperous as it used to be. Contrary to overseas migration, Italian migration within Europe after World War II was more frequently a temporary migration (Fondazione Migrantes 2006). At the end of the war, the situation of Italy (especially in the South) was critical and made emigration an attractive option: imbalance between population and resources, failure of the demographic and agricultural reforms, low wages...all these elements perpetuated the miserable living conditions endured by many (Pugliese 2006: 22). These elements help understand the data presented in figure 3, where post-war migration is clearly presented as a phenomenon concerning predominantly (but not exclusively) Central and Southern Italy. In addition to these push factors, governments in the labour hungry countries of Northern Europe (like Germany, Switzerland, France or Belgium) were keen to sign bilateral agreements with Italy and other countries in order to provide the necessary workforce to feed their booming economies. It must also be mentioned that, unlike most other migrant workers coming to Western Europe at the time, Italians were protected by EEC Regulation No 1612/68 of 15 October 1968<sup>18</sup> that granted freedom of circulation for workers proceeding from EEC member states.

Table 3. Region of origin of the emigrants (1946-1975)

Period/Region	North (Occid. and Or.)	Centre	South
1946-1955	928,226	578,983	963,525
1956-1965	691,295	612,330	1,862,237
1966-1975	418,230	243,645	1,051,710

Source: Rosoli, F. (ed) (1978) *Un secolo di emigrazione italiana, 1876-1976*. Rome: CSER.

<sup>18</sup> Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community. Official Journal L 257 , 19/10/1968 P. 0002 – 0012.

Table 4. Main destination countries/areas (1946-1975)

Period/Area	Germany	France	Benelux	CH	Total Eur.	North Am.	South Am.
1946-1955	2,578	386,653	207,015	635,306	1,301,148	276,151	722,315
1956-1965	636,772	538,073	116,659	1,041,964	2,433,605	374,186	184,066
1966-1975	468,221	102,230	53,952	621,268	1,301,861	268,383	33,430

Source: Rosoli, F. (ed) (1978) *Un secolo di emigrazione italiana, 1876-1976*. Rome: CSER.

Sanfilippo (2001a) sees three periods in post-war Italian migration which saw 8 million people leave the country from 1946 up to the end of the century. The first, between 1946 and 1965, sees 5.6 million Italians leaving the country. The second sees the number of annual departures going from 100,000 in 1976 down to 57,000 in 1986. In the third period that goes until today, the flows are maintained around 50,000 a year.

Pittau and Colaiacomo (2002) and the *Fondazione Migrantes* in his 2006 report on Italian emigration, have underlined the basic characteristics of Italian emigration in the 1990s and the early 21<sup>st</sup> century. First, Italian emigration still predominantly concerns citizens from Southern Italy. Second, European countries are still attracting the vast majority of Italian emigrants, followed by the Americas and, to a much smaller extent, Africa (absorbing 5% of the departures between 1996 and 2001). An interesting characteristic is that Italians leaving the country today are primarily citizens with a medium to high level of education. Many of them are young people who are attracted by the job-market in English-speaking countries. These new characteristics of current Italian emigration should not overshadow the fact that, as illustrated by the Population Abroad Register (AIRE), the vast majority of Italian citizens living abroad today have participated in earlier migration waves or are the descendants of such emigrants. As discussed below, this discrepancy in the profile of those upwardly mobile citizens who leave the country today and the diversity of socio-economic situations in which the Italian citizens living abroad find themselves is a major source of confusion for the actors involved in the debate on the emigrants' right to vote. A last interesting element concerns a new form of Italian migration taking place in South America where young descendants of Italian migrants possibly make use of Italy's nationality law to get the necessary EU passport that either opens them the door to the Spanish labour market -where they can fit more easily than in Italy for reasons of language and of economic opportunities- or facilitates the

administrative process to get a visa for the USA (see the analysis of the 2006 elections in Argentina below).

Table 5. Italian citizens registered in the Emigrant Population Register (AIRE) by area (2006)

Continental Area	N	%
EU 15	1,362,535	43.9
<b>Total Europe</b>	<b>1,864,579</b>	<b>60</b>
<b>Africa</b>	<b>41,040</b>	<b>1.3</b>
<b>Asia</b>	<b>21,045</b>	<b>0.7</b>
Northern Am.	313,175	10.1
Cent. & South Am.	756,107	24.3
<b>Total America</b>	<b>1,069,282</b>	<b>34.4</b>
<b>Oceania</b>	<b>110,305</b>	<b>3.6</b>
<b>TOTAL</b>	<b>3,106,251</b>	<b>100</b>

Source: Fondazione Migrantes (2006).

Table 6. Italian citizens registered in the Emigrant Population Register (AIRE) by country (2006)

Country	N	%
<b>Germany</b>	533,237	17.2
<b>Switzerland</b>	459,479	14.8
<b>Argentina</b>	404,330	13.0
<b>France</b>	325,618	10.5
<b>Belgium</b>	215,585	6.9
<b>USA</b>	185,103	6.0
<b>Brazil</b>	148,746	4.8
<b>UK</b>	145,241	4.7

Source: Fondazione Migrantes (2006).

<b>Canada</b>	125,554	4.0
<b>Australia</b>	108,339	3.5
<b>Venezuela</b>	73,128	2.4
<b>Spain</b>	56,071	1.8
<b>Uruguay</b>	49,612	1.6
<b>Chile</b>	27,602	0.9
<b>TOTAL (including the rest of the world)</b>	<b>3,106,251</b>	<b>100</b>

## 2.2. Main characteristics in Italian migration and its transnational dimension

In this brief overview of Italian emigration, several important elements have been left aside and need to be considered at this stage: the gender dimension, the return migration and the transnational linkages between Italy and its emigrants, the transformation of Italy into an emigration country as well as the political participation of Italian emigrants at home and abroad.



### 2.2.1. Gender

Gabaccia (1997) has stressed that Italian research on emigration suffers from a lack of analysis of the gender dimension of the phenomenon. The proportion between males and females in migration, however, is a good indicator of the temporary character of migration. According to the region and the time, between 60 and 90 percent of emigrants were men. In the last decades, the share of women represented in migration, however, soared from 32.2% in the 1956-1965 period to 46.1% in 1966-1975 and to 38.6% in 1986 (Sanfilippo 2001a: 83). The post World War II emigration to Europe, like the emigration to the United States at the turn of the 20<sup>th</sup> century, was a circulatory migration. For the former, women stayed in the homeland due to the restrictions put by host countries in the bilateral agreements. For the latter, the functioning of the family economy requested that women stayed in the home country to take care of the land while men were working abroad temporarily (Ramella 2001).

### 2.2.2. Return migration

Gabaccia (2000: 62), in her account of the *Grande Emigrazione*, points out the fundamental role of return migrants in the information of would-be emigrants. Circulation and Return migration is indeed a fundamental element to take into account when studying Italian emigration. In table 7, we clearly see that for a large share of Italians working abroad, emigration is a temporary situation and their ultimate goal is to come back to Italy, and spend their money at home. Luconi (2006: 480) sheds light on this element when saying that:

*“(...) repatriation accounted for 52 percent of Italy’s worldwide emigration between 1916 and 1942 and for even 58 percent between 1946 and 1976. In particular, while 4,660,000 Italians settled in the United States between 1880 and 1950, 2,322,000- namely about 50 percent of the newcomers- moved back to their native country. Likewise, the ratio of Italian repatriation from European destinations out of emigration to European countries rose from 58 percent between 1952 and 1957 to 65 percent between 1958 and 1963, reaching 88 percent in the remaining years of the decade”.*

Pugliese (2006) notes that the phenomenon of return migration accelerates with European migration after World War II. He pinpoints the geographical proximity and the preference of host countries for temporary migration as potential explanations for this situation. In the 1960s, the socio-economic situation of Italy improved and the development of the Italian welfare state, later combined with the crisis of European host countries, progressively discouraged further migration. Cerase (2001) identifies four types of returnees. The first is the

*failed returnee* who has come back quickly to Italy for the migration experience proved too hard to stand. The second is the *returnee of conservation* whose goal is to accumulate money abroad in the shortest possible time (and who therefore accepts the toughest jobs on the market) in order to realise a project in the home country (which for most 19<sup>th</sup> century emigrants was to access land ownership). The third is the *returnee for investment*, who is motivated by his better integration in the host country job market to come back with plans to spend his savings in economically productive activities. The fourth type is the *returnee for pension*.

Table 7. Return migration (1905-1976)

Period/Number	Europe	North Am.	South Am.	Other	Total
<b>1905-1915</b>	-	1,322,010	642,637	-	1,964,647
<b>1916-1942</b>	1,159,210	641,368	367,701	99,594	2,267,873
<b>1946-1976</b>	3,628,430	140,113	311,882	239,161	4,319,586
<b>Total</b>	<b>4,787,640</b>	<b>2,103,491</b>	<b>1,322,220</b>	<b>338,755</b>	<b>8,552,106</b>

Source: Rosoli, F. (ed) (1978) *Un secolo di emigrazione italiana, 1876-1976*. Rome: CSER.

The circulatory dimension of Italian emigration is not only illustrated by return and multiple migrations but also by practices such as savings and remittances, which have attracted a lot of attention from scholars who have used the concept of transnationalism in the last decade. The Italian case, however, shows that the question was already central for emigrants, home and host countries at the time of the *Grande Emigrazione*.

### 2.2.3. Remittances

Trying to estimate Italian emigrant's remittances -especially for a period when statistical tools were not as developed as today- is a difficult task due, on the one hand, to the difficulty to separate these flows from other financial transactions and, on the other hand, to the impossibility to integrate the remittances that are not sent through financial institutions. From the beginning of the 20<sup>th</sup> century onwards, Southern Italy has been the largest receiving area of these remittances. To understand the importance of remittances at the turn of the century, it can just be mentioned that in 1907, they represented 17% of all incomes in Italy's trade balance (Migrantes 2006). The importance of remittances is also visible in the policies implemented by Italy to protect the flow and in the American government of the time's concern to see such quantity of savings leaving the country (Smith 2003a, Cinel 1991).

However, the fact that most of this money was spent on subsistence expenses and the purchase of land –while it certainly allowed a large share of the Southern population to face harsh economic conditions- strongly limited the macro-economic effect of remittances in the South. At the same time, it contributed to the development of the North thanks to the increased credit possibilities it permitted and to the increase in consumption of Northern goods in the South. Italy's public finances were another beneficiary of this money (Migrantes 2006, Massullo 2001). Nonetheless, as underscored by Cinel (1991), the unproductive use of remittances and savings had dramatic consequences when some returnees -who thought they were back for good- were forced to migrate again.

In her study of Italian emigrants' remittances, Balletta (1978) argues that remittances flows are influenced by a great number of variables: the importance of the migration flow, the characteristics of each migrant (age, job, family, duration of stay abroad, destination country...), their links with persons who stayed in Italy, the resources acquired abroad, the tendency to save, the world's economic situation, the exchange rate of the foreign currency...Between 1947 and 1970, 10 billion USD in remittances were sent to Italy and by the mid 1960s 60% of that money was coming from Europe and a quarter from North America. It is estimated that another 28.5 billion USD was sent between 1970 and 1999. This however does not hide the fact that, while the inflow increased during the 1970s and stabilized during the 1980s, remittances overall have been on the decrease since the end of the 1980s. In fact, it can be argued that the decrease in emigration flows in the mid 1970s was followed by a decrease in the remittance flow a decade later. They have kept falling down ever since and, in fact, in 2005, remittances sent to Italy represented just 60% of what they were only five years before (Migrantes 2006).

#### 2.2.4. *The transnational dimension of Italian migration*

While the research on transnationalism has boomed in the last decade, Tirabassi (2005) rightly points out that Italian migration has surprisingly been left out by scholars. But, besides remittances, the transnational linkages of Italian emigrants with the home country are visible in a number of other instances. Even before World War I, a large part of those who left did keep contacts with their places of origin (Sanfilippo 2001a). We also mentioned that temporary migration, be it during the *Grande Emigrazione* or after World War II, demanded

that family strategies were developed across borders for the migration experience to be a success. In the conceptual part of the thesis, I have already presented the example of those Italian birds of passage who crossed the Atlantic Ocean for seasonal work several times or the example of emigrants running the family business in Italy by distance, from the United States. Similarly, Baily (2005) has showed how the cultural, political and associative life in Argentina at the turn of the 21<sup>st</sup> century was strongly influenced by the persisting linkages between Italy and the emigrant community.

To explain the propensity of Italian emigrants during the *Grande Emigrazione* to move temporarily abroad more often than other migrant groups (and therefore maintaining close contacts with the home country), Cinel (1991) points out the advantages offered to temporary migrants at the time: cheap transportation (an argument also found in the literature on transnationalism today), availability of land in the home country and the organization of the American labour market that favours seasonal migration. Cinel also makes a more important point when stressing the fact that Italy's old order, contrary to Germany, was in crisis but not replaced by the new industrial order: “(...) *societies undergoing a significant process of modernization were likely to give rise to permanent emigration. Conversely, traditional societies only marginally affected by such processes were likely to choose temporary emigrations*” (1991: 114).

### **2.3. Emigrants and Italian politics**

But the transnational dimension of Italian migration is as much visible in several other episodes of its political history. There I examine two of these episodes that have had lasting marks on the relations between the emigrant community and the home country.

The first example refers to the role of emigrants in the construction of an Italian national identity. As it is convincingly argued in Gabaccia's “Italy's many diasporas”, migration out of the Peninsula existed before the creation of the Italian state and continued when the national identity was weak:

*“The modern diasporas of Italy were webs of social connections and channels of communication between the wider world and a particular paese (village) or patria (hometown). They rested on migrants' close identification with the face-to-face communities of family, neighborhood, and native town. This combination of loyalties left but little space for nationalism that put identity with a nation or with a national state above all others”* (2000: 3).

Even though Luconi (2006: 475) contests Gabaccia's idea that Italian migrations be called diasporas, he too emphasizes the local dimension of these movements referring to the concept of *campanilismo*, “*the attitude by which the sense of attachment does not extend beyond the earshot of the bell tower of one's hometown*”, to explain the division along subnational lines of Italian emigrant communities abroad. Accordingly, whether we consider Italian migration to be diaspora(s) or not, one can affirm that Italian emigration waves are no unitary or national population movements (Romeo 2001). The challenge for the Italian elite emigrants and exiles supporting Italian unification (and later for the Italian state) was thus to “make Italians abroad”. Gabaccia (2000) gives two illustrations of this elite-driven effort.

First, since the end of the 18<sup>th</sup> century and throughout the 19<sup>th</sup> century, Italian political exiles have found refuge in Paris. While exiles and labour migrants lived apart, Celeste Menotti and Felice Argenti organized revolts in Italy from their home base in Paris in the 1820s and 1830s. By the 1820s a large number of proletarian migrants were working in this city and it is therefore not surprising that plotters tried to recruit labour migrants for the national cause in workers' associations. While this first example illustrates the importance of Italian politics for a share of the emigrant community, it does not reach the mass dimension of the second. An emblematic figure of Italian history, Giuseppe Garibaldi, is known to have successfully transformed labour migrants in supporters of Italian nationalism. Indeed, among its numerous military campaigns, not only did he fight for autonomy and republicanism in Latin America in the 1830s, he also returned to Italy in 1848 to defend the Roman republic and to fight against the Austrians in the North. These examples, selected among a variety of others, epitomize the role of emigrants in the process of national identity formation by the Italian state.

Emigrants have also been involved in a darker page of Italian history: fascism. We already mentioned that the fascist regime's emigration policy (ie. the management of flows) was always inspired by nationalistic purposes but materialized in different ways. What we have not yet considered is how this regime tried to use Italians abroad as a foreign policy tool and a way to spread the fascist ideology.

After World War I, a parliamentary commission decided to materialize the pre-war project of creating a body composed of representatives of Italian emigrants chosen by the communities (illustrating the desire of pre-fascist authorities to keep ties with the emigrants). The coming

to power of the fascists, however, prevented the realization of the project (Colucci 2002: 604). Instead, Mussolini declared that emigration was one aspect of the country's foreign policy and that he wished to strengthen the links with the emigrants and to achieve cultural penetration of other countries through migration. A central office for the *Fasci all'Estero* was therefore created to stimulate nationalism among the emigrants and to ensure that they did not interfere with Italy's diplomatic relations. Furthermore, fascists abroad, while encouraged to stimulate patriotism, were expressly forbidden to engage in political activity (Cannistraro and Rosoli 1979).

This compromise position resulted from the diverging views among fascist leaders on the question of the political role of the fascists abroad. On the one hand, some believed that the *Fasci all'estero* should lead emigrant communities with the purpose of spreading the fascist ideology and should therefore seek to get rid of traditional migrant organizations. The suppression of public funding to these associations was one way of achieving it. Obviously not all Italians abroad agreed with this strategy and it must be mentioned that the presence of fascist and anti-fascist organizations led to violent confrontations in host countries (which accordingly tried to restrict these activities). Other fascist leaders were reluctant to start conflicts with Italian non-fascists organizations abroad and, most importantly, feared that a foreign policy, independent of the Italian state, developed among the *Fasci all'Estero* (Berthona 2001, Interview No. 10).

Besides the direct participation in this organization, the situation in the United States proves that migrants were also supporting the Fascist regime by giving money to façade humanitarian organizations that helped Mussolini's war machinery (despite the denunciations of anti-fascist organizations). One element to justify this support is the frustration felt by many due to the discrimination experienced in the United States which transformed into a sentiment of national pride with Mussolini's attempt at making Italy a great power and by the WASP establishment's progressive acceptance of Italians (Luconi 2004). Yet, as underscored by Fox (1990: 22-23), most Italian Americans had absorbed the democratic values of the U.S. by the 1920's. But as we saw in the conceptual discussion of the thesis, the mere fact of being Italian American had severe consequences during World War II, as several thousands of them ended up in US concentration camps because they were considered "enemy aliens" (Fox 1990, Tintori 2004). As soon as Italy signed the Armistice with the United States in 1943 and subsequently declared war on Germany, Italian American lobbies were legitimized again and

therefore successfully pressured US authorities to obtain a better deal for Italy from the US war relief policy (Luconi 2004).

The example of the fascist period has demonstrated that the Italian state was willing to manipulate its emigrant community for political purposes but that it had to face a strong opposition of anti-fascist organizations and receiving countries that were not willing to let Italian politics play out on their territories. Nonetheless, the emotional importance of this episode will impress the next generations of Italian politicians, who, to a large extent, assimilated emigrants and their descendants (especially those residing in the Western hemisphere) to right-wing nationalists. As we will see, this stereotype will have a strong impact on the post-war negotiations on the emigrants' right to vote in Italy. In the next section, however, we demonstrate that the Italian emigrants' socio-economic situation of and the way they organized themselves should have forced them to at least partially revise the cliché.

#### **2.4. Who represents Italian emigrants?**

To understand the role of the associations representing Italian emigrants, it is necessary to understand what the preoccupations of the communities are. Indeed, due to the great variety in the different migrant communities (difference in timing, importance of the flow, reason of departure, integration policies of the receiving countries, job market, generation to the migrant belongs to....), Italian emigrant communities do not have similar concerns or priorities today depending on the place where they reside. In this section, using the works of Devoto and Martiniello, I stress the importance of the receiving country in the integration of the community and the development of community leadership, focusing on the case of Italians living in Argentina and Belgium. Then, I focus on the development of associations active in the communities who departed for European destinations after World War II.

##### *2.4.1. The differences in receiving contexts and their influence on migrants' organizations*

In a provocative paper, Devoto (2003) asks what elements unite Italians residing in Argentina and shows that neither the time of departure, the socio-economic status, the context in which integration took place in Argentina, the shared sense of belonging to a nation nor nationality

are common traits of this community. What he perceives as the decisive element is the perception of outsiders who consider all those migrants who came from Italy as “Italians” and their descendants as “Argentineans”. Devoto then undertakes the task of showing the singularity of the context in which Italian migration happened in Argentina and underlines the timing of migration, the demographic and socio-economic importance of the population and the process of elite formation in the Argentinean nation as positive factors in the development of Italian leadership in that country.

First, because the Italians (or rather various subnational groups of the Peninsula) were among the first to migrate to Argentina, they were able to set up communitarian structures (such as associations) that facilitated the integration of the followers. Nonetheless, Devoto insists that newer migrants, such as those who arrived after World War II, set up their own associations (in an apparent move to create structures better suited to their needs) rather than using the older Italian structures. Secondly, the Italians represented 10 percent of the population of Argentina in 1855, 12 percent in 1914 and still 5 percent in 1960. Due to the variety of migration experiences, this demographic importance materialized in the occupation of a significant share of the various socio-economic positions in the Argentinean society, ranging from industrial workers to migrants controlling a part of the country’s banking system. Also with the development of Italian language press for this large community, Italians gained visibility in the country. Thirdly, Devoto stresses the peculiarity of Argentinean politics where the rich landowners preferred to stay out of it and therefore left room for the other social categories of Argentineans and to the emigrants’ descendants. This is still true today as descendants of Italian migrants hold more than 10 percent of the elected positions in the Argentinean Parliament (Migrantes 2006).

Martiniello (1992, 1993 and 1995b) shows that the process of emigrant elite formation is very different in Belgium where the emergence of an Italian leadership results from a process of exclusion and created a less visible elite in social, economic and political terms. During the 20<sup>th</sup> century, the Italian migration to Belgium was predominantly a male labour migration (and later family migration) composed of low-skilled migrants. The authorities’ goal was to replace Belgian workers in the mines and heavy industries where these were reluctant to work. This community’s harsh living conditions are best epitomized by the dreadful housing facilities in which these workers were hosted and by the 1956 Marcinelles mining accident which killed 136 Italian workers. Today, their European citizen’s status and the



arrival of non-European migrants in Belgium encourages the belief that Italians are a model of integration when, in fact, this population has a poverty rate twice as high as the native population (Perrin et al. 2007).

Martiniello defines the integration of Italians in Belgium as a model of “integration through exclusion” (1995b), in which leaders in the community are “allowed” by native actors to occupy positions of power in labour unions, political parties, private companies...because of their individual qualities and not as a result of the power of the collective they represent. The reason for this system is that native players are not willing to hand over the control they have over the question of emigration to migrant groups. I have already proved this point in the conceptual part of the thesis where I underlined the role of the Municipal Consultative Committees for the Immigrants in the process of the emigrant communities’ political integration. At this point, it must be said that the historical fragmentation of the Belgian society along three pillars (Church, Socialists and Liberals) increases the native actors’ reluctance to let a new player come into play. The consequence is that for long migrant communities in Belgium were not in a position to control the results of the debates that concerned them primarily.

The cases of Belgium and Argentina prove that the path of integration for Italian emigrants in the host countries has taken different courses. These different situations have obviously created different needs in the communities. However, while they may play different functions in the country of destination, associations are recurring actor in the integration process of Italian emigrants.

#### 2.4.2. *The development of associazionismo*

A widely shared assessment among Italians abroad is that they feel that the Italian state has abandoned them. As Tassello (1997) puts it, experts in Italian migration agree in declaring that emigration has nearly always been a phenomenon suppressed from the collective memory. From the early days of Unification until today, the Italian state has often considered the emigrants as a category towards which it channels different forms of assistance, in competition or in combination with the effort made by other social actors (such as the associations). In addition to assistance, we saw above that the policies implemented by the state concerning emigration were long limited to the management of flows and the protection

of remittances flows. What was lacking and denounced by the community was a comprehensive political management of the relations with the emigrant community.

With regard to the development of associations after World War II in Europe, Colucci (2005) points out that, while the fascist's attempt to gain the emigrants' support through the control of associations abroad was overall unsuccessful, the construction of Italian networks of associations of assistance, leisure and culture remained an important novelty. This is especially true in the context of post World War II migration, when the assistance policy of the new Republic took time to be implemented. Colucci distinguishes three phases in the development of post War associations in Europe.

Between 1945 and 1957, old networks get reactivated but new ones appear with the peculiarity, on the one hand, of providing social services for the emigrants and, on the other hand, of being created on the basis of subnational affiliations (home town, province, region) rather than on the common national affiliation (this trend will accelerate later). In providing assistance to Italian emigrants, associations connected to the Catholic Church played an important role. The Church's concern for the faith of emigrants encouraged it to develop ways of reaching them sometimes at the expense of the local churches in host countries (see Sanfilippo 2001b). The second phase runs from 1957 to 1970 and sees a multiplication of associations, even in countries like Germany where the labour migrants are rotating, but also a consolidation of existing associations.

A turning point is the year 1970 that launches the third and last period, in which Italy creates regional institutions with prerogatives in the field of migration. From then on, associations have been eager to help Italians abroad create a regional association, and the effect has been that the number of these associations increasing substantially as a result (Palidda 2005). With the regionalisation of Italy, emigrants find a new interlocutor and the regions are eager to stimulate the dialogue since they see emigrants as potential sources of economic or political support (in the case of those emigrants who come back to vote in regional elections). One way to do so has been through the creation of Consultative bodies of the emigration (*consulta emigrazione*) that bring together emigrants and regional officials with the purpose of giving the regional authorities opinions on questions that concern the emigrants. In his analysis of regional associations in Belgium, Martiniello (1993) explains the success of regional associations by the gains they can bring to two kinds of emigrants: the elite sees the

participation to these regional associations as a way of reinforcing the socio-political power they already have in different associations, whereas, for the “followers”, as Martiniello calls them, the participation consists in “consuming activities” related to the homeland, based on nostalgia and on the habit of receiving assistance (we will see below on what this habit is grounded).

We can now distinguish between different kinds of associations. To do so, we will refer to two separate ways of classifying Italian associations: that of Martiniello based on the Belgium example and that of the Fondazione Migrantes. For Martiniello (1992: 155-163), there exist two categories of associations based on the place where they were founded and one category based on the goal pursued by its members. The first category groups the “transplanted associations”, which are Italian associations existing in Italy previously to migration and were exported to emigration countries. In this category, we find Catholic associations, Italian national associations grouping certain kind of citizens (e.g. veterans, Christian workers...), *patronati* (i.e. associations related to Italian trade unions providing social and judiciary assistance) and political parties. Associations born abroad are the second category and contain the cultural, recreational, sports and folkloric associations but also the regional associations and the press, TV and radio created by Italian migrants. A third more specific category of associations according to Martiniello includes the associations –or rather businesses- whose goal is to make profit by providing specific services to the community (e.g. transport service between Italy and Belgium) or selling specific products clearly connotated as Italian.

The Fondazione Migrantes distinguishes the emigrant associations according to their purposes (Migrantes 2006). It identifies five broad types of associations (even though there is obviously a certain level of possible connections between these categories). First, there are associations in charge of providing assistance such as the structures that help obtaining social rights (we discuss the case of the *patronati* below), or provide sanitary services, services for the third age, schooling...Second, there are the cultural associations in charge of promoting the Italian culture and language. Third, there are religious associations. Fourth, recreational and sport associations provide services to occupy free time. Fifth, there are the associations with any of the above-mentioned purpose but whose base or formation is a reference to a region or a province.

According to the Ministry of Foreign Affairs, the country that hosted the largest number of Italian associations in 2000 was Switzerland (1,438) and the one who hosts the largest number of member of associations is the United States (767,289) and then Belgium (140,987) (see Tirabassi 2006). Switzerland and Germany, who host the largest number of Italian nationals, are well below countries who have less than half of their emigrant population. Three comments should be made here. First, in the case of the United States, the number of associations has been skyrocketing since the 1970s and the ethnic revival associated with Italian migration. Second, it is not necessary to be an Italian national to be a member of most of these associations and one person can be a member of several associations. Third and most importantly, the reliability of these figures (especially in the case of Belgium) is questioned by the qualitative work of scholars such as Martiniello (1992) who observe a decline in Italian associationism due to the end of mass migration and the end of the “myth of return” on the one hand, and to the divisions created by the politicization of the associations on the other hand.

It is now necessary to open a parenthesis about the role of another actor that was already introduced in Martiniello’s typology and that plays a role in maintaining a link between the country and the community: Italian businesses abroad. It is estimated that there are 14,475 businesses abroad founded by persons of Italian origin with a cumulated gross income of about 200 million EUR (Fondazione Migrantes 2006). As a significant share of these companies sell goods and services connected to Italy (the typical example being Italian restaurants), their impact on the Italian economy is extremely beneficial. Because of the changing nature of the European job markets after the oil crisis, the creation of small companies by Italian emigrants has appeared as a possible response. For Guidotti (2002) however, starting it own business requires specific skills. For this reason, this scholar argues that Italian associations should review their priorities and, without neglecting their role of assistance, should help these entrepreneurs in the creation of their businesses, in the acquisition of the necessary education, in connecting with other businesses...For this last point, the 62 Chambers of Commerce connecting Italian businesses in 38 countries have constituted an important step in the creation of an Italian “business community” (Longhi 2000).

Italian businesses abroad and the questions of Italy’s relations with them are not negligible in the question of the emigrant’s right to vote. As we will see, the tendency of some prominent

actors in political parties to emphasize this image of the successful migrant entrepreneur at the expense of other kinds of Italian emigrants (especially those facing socio-economic difficulties) has strongly influenced their political campaigns abroad and the policy changes they defended once elected.

## **2.5. The role of the state in assisting and representing the emigrant community**

So far, we have focused on the associations providing services to the emigrant community outside the Italian state's framework and on the private companies fostering economic links with Italy. In the case of services of assistance and social security services to the community, the state and Italian non-state actors do play a role (all data: Migrantes 2006). As Italy has a large number of nationals residing abroad, the potential pressure on the consular services in case of an economic or sanitary crisis is high. This has been particularly true with the 2001 economic crisis in Argentina. But claims for assistance may also be put in when indigent Italian nationals cannot get access to health care in their country of residence. In 2005, Italy spent more than 11 million EUR on assistance to the 450,000 Italians living there. The same year, Italy spent 227,000 EUR on assistance to the 236,906 Italians living in Belgium.

In terms of social services, the most important issue is that of pensions. The pensions were a major theme of the political campaign for some candidates of the external district during the 2006 elections. The situation of the pensioner and his rights vary substantially according to a number of factors such as the place of residence (European Union or not), the bilateral agreement signed between Italy and the receiving country or the timing of departure (Italy introduced restrictions in the 1990s). This explains why the largest number of payments is made in Europe. But Latin America eats up the largest share of the budget (Fondazione Migrantes 2006).

In providing these social services abroad, the Italian state relies on *patronati* (helping institutions) “*administered by trade union federations but financed and juridically recognized by the State, which provide social and educational-vocational services to Italian immigrant communities*” (Schmitter 1984: 331). These organizations deliver a service of public utility consisting in facilitating the access of citizens and workers to their social rights and provide information about these rights. Their pivotal position between the emigrants and the Italian

state has made them an important actor in the debate on the emigrant's right to vote. Furthermore, because the majority of the *patronati* are close to centre-left Italian political parties, their role in the 2006 election campaign has been strongly criticized by centre-right political parties (Interview No. 14 and 18).

It would be unwise to conclude this section on the representation of Italian emigrants without discussing the role of two important representative bodies created by the Italian legislator. The creation of the Committees of Italians abroad (Comites) and the General Council of Italians abroad (CGIE) shows the willingness of the Italian authorities to add to the existing assistance and social services policies for the emigrants a policy of dialogue with the communities abroad and especially their associations.

The Comites (initially called *Comitati dell'emigrazione italiana*- Coemit) were created in 1985 and, despite several reforms, their core function is to contribute to the well-being of Italian communities in their place of residence. Comites are representative bodies set up in each consular district of more than 3000 citizens. Each one is composed -through an electoral process in which Italian emigrants are called to express their votes- of Italian nationals residing in this district (elected for a mandate of five years). In close connection with the consular services, the regions, the associations and all relevant actors, the Comites work at the promotion of activities in the social and cultural fields with special attention to questions such as those related to youth, equal opportunities, social assistance, schooling...The 2003 elections of the Comites were characterized by an increase of the voters' turnout (34.11%). Most importantly, Italian political parties got largely involved in the elections as they saw it as a way of preparing the 2006 elections that would make it possible for Italians abroad to vote by mail for the first time. Another interesting data is that most of the persons seating in the Comites are prominent figures in their community, who have gained visibility thanks to their previous involvement in the associations or the *patronati* (Migrantes 2006). As we will see in details below, this is also an important feature of the 2006 elections in the external district.

The General Council of Italians abroad (CGIE) was created by the Law No. 368 of 6<sup>th</sup> November 1989 (modified by the Law No. 198 of 18<sup>th</sup> June 1998)<sup>19</sup>. It is a so-called second-

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<sup>19</sup> Legge 6 novembre 1989, n. 368, *Istituzione del Consiglio generale degli italiani all'estero*.

degree representative body. This is because it is composed of 94 members; 65 of whom are elected by the members of the Comites and representatives of Italian associations abroad and 29 are appointed by the government (by law, these 29 must include representatives of national emigration associations, the press, trade unions, parties with representation in Parliament...). During the five years of their mandate, their main functions are to contribute to the development of the active participation of Italians abroad to the political, economic and cultural life of the home country, to promote the well-being of Italians abroad, to promote their integration, to help ensuring their rights to assistance are guaranteed and to promote the maintaining of their Italian identity. To this end, the legislator has given the CGIE the right to examine the problems of the community and promote study and research on the topic, the right to formulate recommendations to the legislator or the administration on its own initiative or on request of the authorities, the obligation to make reports on its work to the Parliament and the government and the right to contribute to the social and economic legislation that has an impact on the Italians abroad. The CGIE has faced different crises and observers frequently call for its reform. Indeed, the weakness of the instruments of action contrasts with the broadness of the missions assigned. As we will see below, a consequence of the emigrants' right to vote by mail and to be represented in Parliament has launched a controversy within the CGIE. We will also see that this body nonetheless has played a role in the fight for the facilitation of the right to vote.

### **3. Being a voting citizen in Italy**

Now that we have overviewed who the Italian emigrants are and who represents them, we may turn to their right to vote. In the present section, I first introduce the Italian electoral law with a special emphasis on two elements. On the one hand, I briefly overview the evolution of the right to vote up two World War II. In a second part of this section, I analyse a central legislation in the access to voting rights: the Nationality Law.

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Legge 18 giugno, n. 198, *Modifiche alla legge 6 novembre 1989, n. 368, recante istituzione del Consiglio generale degli italiani all'estero.*

### 3.1. Evolution of the legal framework defining the electorate

At the foundation of the Italian state, the promoter of unification –the Kingdom of Piedmont– transferred a large share of its legal system to the new state. The Kingdom of Piedmont (itself influenced by its historical links with France) was ruled by a moderately liberal constitution called Statuto Albertino, which regulated the access to nationality and voting rights among other things. In its Article 24, the text provided that all *regnicoli* (population “naturally” belonging to the Kingdom) were equal before the law independently of their status or title. Accordingly, every member of the Kingdom was supposed to have similar civil and social rights. Obviously, the purpose of this article -when the Statuto was adopted in 1848- was not to create franchise for all. What it permitted, however, was to leave the door open for the legislator to extend the suffrage by law (Arena et al. 2006).

The electoral law adopted on 20 November 1859 was based on the principle of property qualification but introduced a concept that would be recurrent in the pieces of legislation on citizenship adopted by the Italian state: co-ethnic citizenship. Indeed, Article 1 indeed provides that those Italians belonging to the nation but residing outside the state can access political rights if they pledge loyalty to the King and so obtain “nationality” by a Royal Decree. The purpose of this provision was more to extend the nationalist ideal of the new state beyond its border than maintaining a link with emigrants.

With the Act No. 593 of 22<sup>th</sup> January 1882<sup>20</sup>, the property qualification criterion is suppressed for educated citizens. With this provision, the share of the Italian population entitled to vote moves from 2% to 7%. The male franchise for all citizens below the age of 30 is introduced by Act No. 666 of 30<sup>th</sup> June 1912<sup>21</sup> but the right to vote of younger male citizens remain subject to various limitations until the approval of Act No. 1985 of 16<sup>th</sup> December 1918<sup>22</sup>. Women, on the other hand, had to wait until the approval of the Decree No. 23 of 2<sup>nd</sup> February 1945<sup>23</sup> to see their right to vote explicitly recognised.

Concerning the right to vote of Italians residing abroad, we will see in our analysis of the legislative road leading to the right to vote by mail that it has been a demand of the

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<sup>20</sup> Legge 22 gennaio 1882, n. 593, *Legge elettorale politica*.

<sup>21</sup> Legge 30 giugno 1912, n. 666, *Testo Unico della legge elettorale politica*.

<sup>22</sup> Legge 16 dicembre 1918, n. 1985

<sup>23</sup> Decreto legislativo luogotenenziale 2 febbraio 1945, n.23, *Estensione alle donne del diritto di voto*.



community since the early 20<sup>th</sup> century. The 1947 Constitution represented a major step by recognizing the right to vote to this population depending on their willingness to show up at a poll in Italy on the day of the election. Nonetheless, in addition to the formal inclusion in the electorate, the capacity of Italians residing abroad and their descendants to vote in Italy is dependent on the citizenship status the Italian legislator is willing to grant them.

### 3.2. Citizenship law in Italy

As Pastore (2002) has rightly pointed out, understanding the evolution of Italian citizenship rules implies to closely link them with Italy's emigration history. We have just seen in the preceding paragraphs that from the early days of the Italian state, co-ethnic citizens were given a preferential access to political rights. This preference was, however, not present in the 1865 Nationality Code. The reason is that Italy had not finished its unification campaign by that time (the state was created in 1861) and considering as the citizens of Italian language and culture living in other states as Italian citizens would have been perceived as provoking. Obviously, the system put in place in 1865 is also strongly influenced by the one of the Kingdom of Piedmont. The code contained *ius sanguinis* and *ius conubii* rules with parts of *ius soli* (depending on the parents' residence in Italy for at least ten years) (Zincone 2006a: 36).

At the end of the 19<sup>th</sup> century, the Italian authorities were increasingly concerned by the massive loss of population out of the new state and by the policies of some Latin American countries (especially Brazil) that tried to transform automatically their many immigrants into nationals through *ius domicilii* (Devoto 2002: 518). The fear was also that the loss of citizens abroad would reduce the flow of remittances. During the parliamentary discussions that led to the 1912 Law, it was however clear that the Italian Parliament is caught between two kinds of preoccupations. On the one hand, it did not want to cut the link with millions of citizens abroad. On the other hand, it understood that the acquisition of a foreign nationality might help the integration of Italian emigrants in their country of residence (Pastore 2002). This preoccupation, as we will see in the next section, has animated the Italian parliamentarians until today.

When the Parliament adopted the new nationality law in 1912, the repatriation of emigrants was its priority, as illustrated by the emphasis it put on the reaffirmation of *ius sanguinis*, the

toleration of dual nationality for minors and the creation of an automatic procedure for the reacquisition of nationality for the repatriates after two years of residence back in Italy. Citizenship could only be lost by posing an act aiming at voluntarily losing it.

The core elements of the 1912 Law remained mostly unchanged until 1992. Two factors however lead to the modification of the text: Mussolini's coming to power and the resumption of emigration at the end of World War II. Besides the nationalistic use of emigration policy we noted before, the Fascist regime used nationality as a mean to achieve its political goals. To this end, it introduced severe discrimination in the field of nationality based on ethnicity (targeting Jews particularly) and on political beliefs (targeting political opponents). With the resumption of emigration after the war, the need arose to deal with the increasing number of cases of conflicting nationality rules between Italy's *ius sanguinis* and the *ius soli* regime predominant in Western hemisphere's receiving countries. To this end, Italy and Argentina agreed to recognize dual nationality but limited the exercise of the rights attached to nationality to the sole country of residence (Pastore 2002).

In the 1970's, Italy faced a new situation with the combination of the decline in emigration, the return of a share of the emigrants and the discovery of immigration by the Italian society. The turning point was the year 1973 when the migration balance turned positive. In the 1970s, those who left the country were still around 100,000 a year but the movements indicated a greater stability in the presence of Italians abroad (family reunion and generational switch). With the 1981 census conducted by the Italian statistical office (ISTAT), Italy slowly realised it had become an immigration country. In 1992, the year Italy's nationality law changed, the population register contained 537,000 foreigner citizens residing in the country, 737,000 in 1996 and 1.3 million in 2000 (Commissione per le politiche di integrazione degli immigrati 2000).

With the increase in migration flows to Italy, the authorities became aware of the need to act in this policy area. Immigrants were perceived as temporary foreign workers and the legislation passed by the Parliament in 1986<sup>24</sup> and 1990<sup>25</sup> aimed principally at regulating the

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<sup>24</sup> Legge 30 dicembre 1986, n. 943, *Collocamento di lavoratori. Norme in materia di collocamento e di trattamento dei lavoratori extracomunitari immigrati e contro le immigrazioni clandestine.*

<sup>25</sup> Legge 28 febbraio 1990, n. 39, *Conversione in legge, con modificazioni, del decreto-legge 30 dicembre 1989, n. 416, recante norme urgenti in materia di asilo politico, di ingresso e soggiorno dei*

inflows. These laws, even though they were difficult to implement due to inadequate funding, granted immigrants equal access to welfare and different tools to help their integration (Zincone, 2006b). It may therefore appear surprising that the 1992 Law on nationality<sup>26</sup> does not deal with the situation of foreigners residing in Italy but, instead, focuses on the rights of Italians residing abroad. The discrepancies between co-ethnics and immigrants are at the basis of what Zincone (2006a) calls *Familismo legale* in Italian citizenship law; that is the preferential treatment granted to emigrants sharing familiar characteristics such as Italian ancestries (or belonging to a larger “European family”).

Pastore (2002) underscores the fact that the rationale behind the 1992 Law is dual. On the one hand, the legislator wished to keep using nationality as a tool to perpetuate linkages with Italians abroad. On the other hand, the persisting problems this viewpoint created with some receiving countries whose goal was to transform migrants into citizens demanded a reform of the question of dual nationality. Furthermore, the idea was also to adapt the legislation to the principle of gender equality as provided by the 1947 Constitution.

Besides the formal acceptance of dual nationality, the principles of *ius sanguinis* and ethnic preference are strongly affirmed in the 1992 Law. Nationality can be granted: by option (for the direct descendants of Italian citizens up to the second degree meeting the residence requirements), by naturalization (for the direct descendants of Italian citizens up to the second degree after three years of residence in the country), by reacquisition (for those who have lost Italian nationality and return to the country), by declaration during a window period of two years (for those former Italian citizens who remain abroad). This window period was extended several times. For third country national migrants residing in Italy, on the contrary, the 1992 Law is a move backward in comparison to the 1912 Law because the residence requirement moves from five to ten years (four for EC-nationals and five for refugees).

Zincone (2006b) pinpoints two elements to explain the specificity of the law and its inadequacy to the fact that Italy is now a country of immigration. First, the Italian legislator is bound by a sort of path-dependency that, on the one hand, prevents him from thinking about Italian citizenship outside the emigration framework and, on the other hand, encourages the

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*cittadini extracomunitari e di regolarizzazione dei cittadini extracomunitari ed apolidi già presenti nel territorio dello Stato. Disposizioni in materia di asilo.*

<sup>26</sup> Legge 5 febbraio 1992, n. 91, *Nuove norme sulla cittadinanza.*

belief that return emigration is potentially a strong factor to the economic growth of Italy. We will see below that the political parties' divergences on the way to deal with the emigrant community long delayed the creation of a dialogue between Italian authorities and the emigrant community (which also explains the late creation of the CGIE and the Comites). At this stage, however, we can mention that emigrant organizations have played a crucial role in pressuring the Parliament to adopt favourable nationality rules for the Italian emigrants and their descendants. The first conference on emigration held in Rome in 1975 provided the necessary forum for these organizations to make themselves heard by the legislator. The result was that the conference concluded with a promise to reform the nationality law which, due to the instability of Italian governments, did not materialize before 1992. Second, Zincone notes that two important actors on the question of immigration in Italy -immigrant associations (mainly Catholic) and employers' associations- show no strong interest for the question of immigrants' access to Italian nationality. Indeed, the former tends to focus on the case of undocumented migrants and the respect of their basic rights while the latter insist on the expansion of legal migrant flows.

The subsequent modification of Italian nationality did not profoundly alter Italy's preference for co-ethnics in nationality law. The centre-left government at the end of the 1990s unsuccessfully tried to lower the residence requirement for non-EU citizens to five years and to grant the immigrants the right to vote at local elections. The public opinion's negative attitude towards immigrants, the electoral manipulation of the issue of immigration and the fact that it was not a priority for the government doomed these projects. Later on, due to intra-government and inter-parties conflicts, the famous Bossi-Fini Law of the subsequent centre-right government did not manage either to significantly restrict rules on access to social rights or to introduce a residence requirement for the procedure of naturalisation (Arena et al. 2006). On the contrary, the Italian legislator successfully extended the deadline to 1995 and then again to 1997 for the reacquisition of nationality for those former citizens who had lost the Italian nationality at the time when dual nationality was not allowed. The historical preference for co-ethnics in the granting of nationality was also confirmed in 2001 with the legislations that grant nationality upon a mere declaration to foreign citizens residing in territories of the former Yugoslavia. The window remained opened for five years but was subsequently extended, while the requirement to know the Italian language and to keep ties with the country's culture were also introduced for the first time (Zincone 2006b).

Gallo and Tintori's (2006) compilation of the different ministries' data on the acquisition of nationality illustrates the fact that the legislator's preference to grant nationality to co-ethnic has materialized successfully. Between 1991 and 2004, 120,583 foreigners residing in Italy have acquired the nationality. Out of these, around 90% did so by marriage and the rest by meeting the ten-year residence requirement. The comparison of these data with the figures of acquisition of nationality abroad demonstrates that most "new Italians" actually acquire citizenship through this modality. Indeed, it is estimated that 537,821 foreigners residing outside Italy have acquired the Italian nationality between 1998 and 2004 through the procedure of recognition of Italian nationality (i.e. recognition that a person has a direct ancestor who was an Italian citizen). Of these, 43.7% were residing in Argentina, 21.7% in Brazil and 4.9% in Australia, 4.8% in Uruguay and 3.8% in Canada.

The importance of these latter figures and the contrast with the level of acquisition of Italian citizenship by foreigners residing in Italy poses a series of questions. One that Gallo et al. are trying to answer is whether the new Italians of South America who represent the majority of those who acquire Italian citizenship abroad are interested in moving to Italy or are more interested in getting the EU-passport to enter the United States (or Spain) without a visa. Their preliminary results seem to indicate that the latter reason is the most frequent (Gallo et al. 2006). More important for the focus of this study is the relation these new Italians have with Italian politics. Indeed, these citizens are granted the right to vote and possibly represent an important share of voters abroad (although it is impossible to say in what proportion these new Italians voted at the 2006 elections).

To conclude, it must also be remembered that these figures reveal the imbalance existing today between, on the one hand, Italian citizens residing abroad who –for a share- have never lived in Italy and maybe do not intend to ever do so but still enjoy important rights such as the right to vote and, on the other hand, a large number of foreigners who live and work in the Peninsula but face difficulty to access nationality and are barred from voting at local elections. It must be remembered however that the discrepancy in status primarily concerns political rights, due to the active role played by the advocacy coalition defending the basic rights of the weaker strata of immigrants residing in Italy.

In the next paragraphs, I examine how the preferential treatment of Italian emigrants and their descendants in terms of nationality has been complemented, after a difficult legislative course,

by a law makes it possible for them to vote at national elections without having to go back to Italy. As we will see in the last part of this case study, this right to vote and to be represented in Parliament is now influencing the way the questions of nationality are being treated in Parliament and do not show signs of breaking away from the co-ethnic preference principle that has predominated so far.

#### **4. The Italian emigrants' right to vote in Italy**

In this section we examine the evolution of the emigrants' rights to vote in national elections in Italy from the viewpoint of the legislator and of the associations. To do so, I split the historical evolution of the question in a pre and post republican period and show how this created the context for reforms to take place. Then, I focus on the 2000 constitutional reform and the 2001 Law that give Italians abroad the possibility to vote from abroad and to be represented in Parliament by their own MPs. Here, I focus on the main problems this has posed using interviews and parliamentary minutes. I subsequently present the main features of the law. The section ends by grouping the three factors which have led to the adoption of these reforms<sup>27</sup>.

##### **4.1. The situation from Unity to World War II**

As I have mentioned earlier, male franchise for all is implemented in Italy in 1912. In the preceding decades when property qualification was the rule, citizenship meant a permanent and formal link to the state for most Italians (emigrants or not) but not a status that legitimated their participation to the political arena (Lanchester 1988: 11). I also underscored previously that the state's priority at the time was the management of the flows and the preservation of remittances. For these reasons and because of the reluctances examined below, the first requests of Italian emigrants for the right to vote and the right to be represented fell on deaf ears before the creation of the Republic.

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<sup>27</sup> From a methodological point of view, it is necessary to note that we rely more on fieldwork interviews and the literature available on the historical evolution of the Italian emigrants' right to vote than in the Belgian case where the parliamentary minutes are sometimes the only available historical source.

In 1908 already, during the First Congress of Italians abroad, the participants introduced the question by asking whether one should favour the right to vote in the country of origin or in the country of residence. At the Second Congress in 1911, the debate concentrated on the institution of “colonial deputies” to represent the emigrant population but concluded by saying that this would create a sort of caste contrary to the democratic ideal, devaluating the rest of the legislative body and promoting a particularistic vision of the nation’s problems (Napolitano and Di Stefano 1969: 3).

In Parliament, the question was also discussed in 1909, 1914 and 1923. As underlined by Elia (2000: 65), the main obstacles to the implementation of the emigrants’ rights to vote were both technical and political. On the one hand, the actual organization of such right was deemed materially too complicated. On the other hand, the left was afraid of the possible manipulation of votes cast in consulates and the right feared the expansion of the Socialist ideas.

After World War I, the question of the representation of Italian emigrants in a consultative body took a new turn. First, the 1919 Congress of Italian Communities abroad expressed the desire to set up consultative bodies composed of representatives elected by the emigrants to perform consultative functions with consular offices and the Italian government. Second, a commission was set up under the auspices of Vittorio Emanuele Orlando to render effective a law that had been adopted in 1911 and provided that the delegates of Italian communities abroad should meet with government representatives periodically. The coming to power of the fascist regime removed this question from the agenda (Napolitano and Di Stefano 1969, Colucci 2002: 604).

However, I mentioned previously that the fascist regime was determined to use emigration for nationalistic purposes. In the management of flows, I showed that this led to the adoption of different policies through time. In the organization of the communities abroad, this led the Fascists to try to monopolise the social functions exercised by the associations. While the Fascists certainly meant to give Italians abroad a subversive function (creating a fifth column), the materialisation of their nationalistic policy differed from one receiving country to the other (Bertonha 2001). Countries like the United States, where the pressure for migrants to assimilate was high, prompted the Fascist reaction to maintain legal and political linkages with emigrants. To this end, between 1924 and 1926, Mussolini and the Chamber of Deputies

discussed the possibility to grant naturalized Italians living abroad the right to vote in Italian elections (Cannistraro and Rosoli 1979).

At the turn of World War II, the Italian emigrants were neither represented in an official consultative body nor had the right to vote. With the adoption of franchise for all and the state preoccupation for the management of emigration, these questions progressively found a place in the legislative agenda. Similarly, the attempts made by the Fascists to manipulate the emigrant community reveal even more clearly the potential importance of Italians abroad for the country's politics.

#### **4.2. The new Constitution**

After World War II, Italy worked on a new constitution that aims at strengthening its democratic standards endangered by the fascist regime. In the design of Article 45, it was planned that the only requirements to vote were coming of age and being an Italian citizen. In theory, Italians residing abroad were thus not excluded. A socialist MP however tabled an amendment aiming at modifying Article 48. To the conditions stating that the vote is personal, equal, free and secret, the MP and many of his colleagues wished to add that the vote is also exercised by citizens residing abroad. The amendment did not include a request to create a specific representation for emigrants in Parliament. Other MPs supported the creation of a different tool to maintain the link with the emigrants: a consultative body in charge of representing their interests. This latter amendment was never examined. The former, on the other hand, was eventually rejected on the basis that the question should be settled by an ordinary law and not by the Constitution, for fears of the troubles this could create with the receiving countries and for technical reasons such as the weaknesses of the consular network or the danger of the vote by mail (Elia 2000: 65-66). The rejection of this amendment did not imply that emigrants were prevented from voting in Italy. It just meant that, if they wanted to exercise their right, they had to come back to Italy. For this reason, the debate that took place in Parliament in the following decades did not concern the right to vote itself but the capacity to express it without having to return.

As mentioned previously, the 1940's are also the moment during which emigration starts again. For the Christian Democratic party (Dc), which will lead the country in the following



decades, the post-War emigration constitutes an opportunity to solve the country's problems of unemployment and to attract investments through remittances. Using a peaceful discourse on the expansion of Italy, Dc thus naturally supported emigration. The left, on the contrary, was emphasizing the failures that pushed Italians to leave the country and especially the agrarian crisis. Also, it was criticizing the government for its inability to transform emigration into benefits for Italy. In the first two decades after the war, political parties accordingly focused on emigration as a reality affecting the country and requiring policy management. With regard to the emigrant vote, parties mostly paid more attention to the question around election time when they hoped to get the support of those who would return to vote. The Communist party (Pci), for instance, even came up with the slogan "Return to vote, Vote to return" to stimulate the emigrants' participation (Colucci 2002: 598-600).

During the second, third, fourth and fifth legislative terms, ten proposals were drafted in order to make it possible for emigrants to vote from abroad and one sought to allow emigrants to return to Italy to vote at a lower cost (all between 1955 and 1971).

At this stage it must be pointed out that, even though all parties submitted their own proposals on the emigrants' right to vote in the second half of the 20<sup>th</sup> century, the right nationalists (Movimento Sociale Italiano –MSI, later called Alleanza Nazionale –AN) were particularly active in the field. The reason for the nationalist parties's support lies in the success of the *Fasci all'estero* in some countries of emigration before World War II. These parties assumed that a significant share of the emigrant population would be sympathetic to their nationalist ideas even after the fall of the fascist regime. They thus perceived emigrant voters as a way of improving their electoral results. We'll shed light on the patriotic dimension of the emigrant vote below when we analyse the role of Mirko Tremaglia (AN).

### **4.3. Acceleration of the debate in the 1970s**

In the 1970s the number of proposals on the emigrant right to vote increased substantially with no less than 29 proposals tabled between 1972 and 1982. While the emigrant vote was still a long way, the Act No. 40 of 7<sup>th</sup> February 1979<sup>28</sup> stabilized the right of emigrants to vote

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<sup>28</sup> Legge 7 febbraio 1979, n. 40, *Modifiche alle norme sull'elettorato attivo concernenti la iscrizione e la reinscrizione nelle liste elettorali dei cittadini italiani residenti all'estero.*

if they were willing to return by making it possible for them to remain on the elector's list without time limit. This law constitutes a de facto recognition that the residence abroad is not a barrier to the participation to elections in Italy. In that sense it complements the presidential decree adopted in the 1950's (No. 361 of 30<sup>th</sup> March 1957<sup>29</sup>) that granted free train tickets (for journey on the national territory) to emigrants returning to vote. Four elements help understand the increased attention of the legislator to emigrants.

First, 1970 is the year of the adoption of the regional reform that grants regions with substantial power in the field of emigration. With these new powers, they set up policies to encourage return migration and, most importantly, they set up *Consulta* that are consultative bodies composed of representatives of the emigrant community proceeding from this region and of representatives of the region. We have seen before that the regionalisation of Italy stimulated the creation of associations in emigrant communities. The dialogue between the regional authorities and the emigrants encouraged the former to lobby in favour of the right to vote of the latter (for instance by adopting resolution on the question or by the contacts of members of the *Consulta* with political parties). The role of the regions is especially visible in the case of the Regional council of Veneto and Trentino Alto Adige which have both -as provided by the Constitution- introduced a law proposal to the Presidency.

Second, the development of the European Parliamentary Elections has created an unexpected development in the right to vote of Italians abroad. In accordance with EC law, the Italian legislator passed the Act No. 18 of 24<sup>th</sup> January 1979 (modified by the Decree No. 408 of 24<sup>th</sup> June 1978 and Act No. 483 of 3<sup>rd</sup> August 1994) which settles the question of the participation of Italians residing abroad to the European Parliamentary Elections. Article 3 of the law provides that the Italians residing in the European Union who do not choose to vote for the Members of the European Parliament (MEP) in the country of residence have the possibility to vote for Italian candidates. To this end, they can vote for the lists located in the Italian municipality where the emigrant is registered as a voter. These voters may cast their vote in poll stations set up in the country of residence by the Italian consular authorities. If they inform these authorities at least 80 days in advance, Italians temporarily working or studying in another EU country have also the capacity to vote for Italian candidates. In 1984, 224,000 Italians residing abroad took part in the EP elections. A year before, only 116,000 returned to

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<sup>29</sup> D.P.R. 30 Marzo 1957, n. 361 *Approvazione del testo unico delle leggi recanti norme per l'elezione della Camera dei Deputati.*

Italy to vote for the Parliamentary elections (which demonstrates the impact of material questions on the effective turnout). While the right to vote in EP elections is the major step in the extension of the emigrants' right to vote, it presents two peculiarities in comparison with the solution that will be adopted for national elections later. On the one hand, the emigrant is enabled to cast his vote in person at the poll stations set up by the consulates and not by mail (the solution that will prevail eventually). On the other hand, temporary migrants are allowed to participate (while they are not for national elections). This last point is developed below when we analyse the contradictions in some actors' discourse on the emigrant vote as a form of democratic participation in the era of globalisation.

Third, as Colucci (2002) points out, the Christian Democratic party submits an exceptionally large number of proposals on the emigrant vote between 1976 and 1982. During these years when the left increases its electoral power, Dc has looked to broaden its electorate by trying to allow emigrants to vote from abroad. This strategy was again based on the assumption that the emigrants would not be sympathetic to the communist party.

Fourth, Italian emigration reduces dramatically in the 1970s with the oil crisis and the number of returnees increases with the policies set up in the receiving countries and in Italy. Considering that Italian authorities had always encouraged migration as a way of decreasing pressure on the job market at home (and as a source of investment), the end of mass migration meant that Italy had to think of itself differently (also because Italy was slowly turning into an immigration country). Authorities had thus to develop new policies towards Italians abroad. This was particularly visible in Europe where the emigrant population was changing with the phenomenon of family reunion and the arrival of the second generation settling in the country of destination but nonetheless facing integration problems.

This change in the migration context of Italy has thus had a major impact on the way Italy interacted with its population abroad in the 1970s and 1980s. In 1975, a long-time demand of the communists materialized with the organization of a national conference on emigration in Rome (*Conferenza nazionale dell'emigrazione*). Pugliese (2006) notes that it is not surprising that authorities start talking with the emigrant community after mass migration stops. As I said earlier, at the time of post war-migration, the government on the one hand, and the unions and the left, on the other hand, used to disagree on the way to deal with the question. After discussions on the representation of the different forces, the Conference was eventually

organized with a special focus on factors causing migration, the job market policy, the mechanism of assistance and the mechanism of participation to a new emigration policy. This conference was the first real opportunity to start a dialogue with the emigrant workers and for this reason it had a larger impact in Italy than the second conference of 1988. During the second conference, however, all the actors in presence agreed to include a paragraph on the emigrant vote in the final declaration. The creation of the CGIE during the 1980s is another sign of the authorities' willingness to dialogue with the emigrants. Indeed, the CGIE is an arena that gathers representatives of the emigration, of the Italian Parliament and other actors of the Italian society where they can jointly discuss emigration-related issues such as the right to vote. The development of regional associations and the connections they develop with their home region is a last tool that emigrants use to transfer the issue from the associations to the Italian political arena.

A concrete step in the direction of external voting in Italy took place in 1988. That year Act No. 470 of 29<sup>th</sup> October<sup>30</sup> was passed. It created the Registry of Italian citizens residing abroad (*Anagrafe dei cittadini italiani residenti all'estero* – AIRE) and established a decennial census of this population in coordination with the resident population census. According to this law, every Italian municipality is to hold a register of its citizens residing permanently abroad and communicate this information to the Ministry of the Interior which compiles these data in the AIRE. While the data compiled in the AIRE alone proved unsatisfactory for the organization of the 2006 elections abroad, the 1988 Law contributed to diminish fears around external voting by providing figures on the potential pool of voters abroad. Before turning to the decade of the 1990's during which the debate on external voting took a decisive turn, it is necessary to sum up the arguments used by proponents and defenders of external voting rights.

#### **4.4. External voting: the arguments in presence**

During the decades that saw the question of external voting being debated inside and outside the Italian Parliament, a variety of arguments have been pushed to support or undermine the adoption of the necessary legislation. We intended to present the most important arguments in

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<sup>30</sup> Legge 29 ottobre 1988, n. 470, *Anagrafe e censimento degli italiani all'estero*.

the coming paragraphs and will illustrate them with quotes from interviews with Italian political actors and from the literature.

The central argument of the supporters of external voting has long been that of equality summed up as such by this emigrant MP elected in Argentina: “*all the Italians who live abroad have the same rights as those who live in Italy*” (Interview No. 1). Indeed, we saw that nothing in the Italian post-war Constitution prevented emigrants from voting but, nonetheless, no mechanism had been adopted to permit that this right be exercised from abroad. In addition to the question of equality, supporters of external voting also stress the specific needs of the Italian population abroad and therefore the importance of allowing them to vote so that these needs may be taken into consideration by the Italian authorities. While this discourse was easily justifiable during the period of post-war emigration flows in Europe, the need for Italian authorities to assist their communities abroad has become less obvious to many at the time when emigration has decreased and Italy has turned into an immigration country. Nonetheless, scholars such as Pugliese (Interview No. 16) underscore the persisting socio-economic difficulties Italian emigrants face in Europe and therefore argue that external voting could be a way to remind Italian authorities that this population is not definitely integrated and still needs the support of the homeland. With the external voting right (and even more with reserved seats in Parliaments), emigrants could influence the decisions on the resources devoted to social and consular services granted to Italians abroad. In the Americas too, interviews with an emigrant MP and a senator both residing in Argentina (Interview No. 1 and No. 13) stress the persisting difficulties of emigrants and their descendants in having access to the Italian nationality, to social security rights, to pensions and to education. For this MP elected in the United States, “[*m*]ost of the problems faced by the emigrants, they don't know about them in Italy so they can never be resolved” (Interview No. 6).

Simultaneously, supporters of the emigrant vote have developed another discourse focusing not so much on the community's needs but on what the emigrant population can bring to the homeland. A recurring metaphor in the interviews with emigrant MPs is that of emigrants being a bridge between Italy and the rest of the world (Interviews No. 9, 11, 13 and 15). The idea is thus to present emigration as an asset that Italy has to protect and sustain through time by granting them the right to vote. External voting thus appears as a way of perpetuating the loyalty of Italians abroad to the homeland at a time when emigration flows are lower and the links with the emigrants' descendants are weaker. For this emigrant MP residing in

Switzerland: *“Italians abroad are a strategic resource which can contribute to the development of Italy. To have such a network, it is a big asset. (...) finding products and people all over the world is an advantage. This can help the development and help international relations”* (Interview No. 11). A rather extreme version of the utilitarian justification of external voting consists in considering the right to vote as a tool to maintain the emigrants’ loyalty towards Italy for the benefit of the country’s economy. The declarations of an emigrant MP residing in the United States best illustrate this viewpoint:

*“The first consumers of Italian goods are Italians abroad. The first to eat pasta abroad are the Italians. It may be stupid...When I go buy clothes in the US, I try to buy clothes made in Italy. I’m an Italian and I like to be dressed as an Italian and even send the kids to school in a Catholic school as much more Italian as I can [sic]. We have to be put in a position in which we help the country even though we don’t live in our country anymore. We are an important part of Italian society, doing our role to help our country. That’s why we need to have the rights to be equal, at least equal, to all Italians living here [in Italy]”* (Interview No. 6).

The economic argument relates to another one which arose later on in the debate: external voting contributes to help Italy’s adjustment to globalization in two respects. On the one hand, they argue that Italians abroad (their businesses, their networks...) are a resource in a global economy characterized by open borders and the constant search for business opportunities abroad. This is, for instance, the opinion of a top civil servant at the Directorate General for Italians abroad at the Italian Ministry of Foreign Affairs (Interview No. 2). On the other hand, some also consider that globalization is affecting the way citizenship is defined. For this emigrant senator elected in Switzerland:

*“we can imagine a global democracy in today’s world. And if we envisage this global democracy, we could decide that the country -the national system- that a person wishes to influence is that where he was born. (...) it makes sense for one to say “my country of reference is that one. I may go back or I may not but I want to have a say in the politics of that country””* (Interview No. 8).

As we will see below, the law eventually adopted does not fit the idea that political participation in the era of globalization has to follow citizens wherever they go. Indeed, the legislation makes it difficult -if not impossible- for temporary migrants to register from abroad if they have not settled months before the elections. For this migration scholar from Turin, the law is thus ill-suited for those emigrants leaving Italy today *“(...) because people with strong attachment to Italy and leaving for good are very few and they are going to be*

*decreasing [in the future]. There will be more mobile persons who move for six months or one year” (Interview No. 19).*

The opponents to external voting in Italy also had various arguments to justify their opposition. In a similar way to the paternalistic discourse of some supporters arguing that Italy has the obligation to respond to the needs of its population abroad, others consider that the priority for Italians abroad should be their integration and that, accordingly, the Italian authorities should not interfere in this process by fostering loyalty to the homeland. For this reason, some defended the idea that citizenship rights should only be exercised in the country where the citizen reside (Ferrara in Lanchester 1988: 47). Similarly, it was argued that the emigrant vote would sustain the most disadvantaged emigrants’ dependence on the services provided by consular authorities and stimulate vote-catching practices abroad. This viewpoint was best represented by a high-ranking *Democratici di sinistra* (DS) senator who was one of the principal opponents to external voting:

*“(…) I don’t think it is in the interest of emigrants to vote from abroad. I believe their main interest lies in integrating in the country where they stay. And in general, those who have successfully integrated are those less interested in voting in Italy. Those who participate rather belong to a “clientele” or find themselves in a difficult situation but for those social support should be developed to address their needs. (...) without that, these will be people who remain attached to our consulates, use little favours [such as] transportation to meetings in Italy, which feeds a sort of government-led activism in the hope of getting their political support. By granting them the right to vote, it consolidates this situation” (Interview No. 10).*

Next to paternalistic arguments, opponents to external voting have also denounced this right as an illegitimate form of political participation. For this right-wing MP from Milan, the external voting right and reserved seats for emigrant MPs in Parliament create irresponsible political actors:

*“Every law that I vote, I suffer the consequences of it and my electors as well. But for 99% of the laws we vote, Italian voters residing abroad are not exposed to the consequences. The elected representatives [from abroad] themselves live abroad and can vote laws without suffering the consequences, even the budgetary laws. What importance does it have for a resident of New Zealand that the budget be on balance?” (Interview No. 18).*

Another argument to discredit external voting has been the fact that emigrants do not pay taxes and that, accordingly, they should not be authorized to vote. This argument will be invoked again by the President of the Council Berlusconi after the poor performance of his

party at the 2006 elections abroad. For supporters of the emigrant vote, the response has been traditionally to remind opponents that not all Italian citizens living in Italy pay taxes and also to insist on the above-mentioned economic benefits of Italian migration to declare -like this emigrant MP residing in Brazil- that: *“Italians abroad have paid ten times the taxes by sustaining Italy with migrants’ remittances”* (La Stampa 22/05/2006). One last way of trying to present external voting as illegitimate has consisted in insisting on the electoral impact of this participation. For the left especially, the fear was that emigrant voters could be decisive in electoral districts where results are tight and where there is a large population residing abroad (in the case when emigrants would be able to cast their vote in Italian electoral colleges).

Another series of criticisms focused on the legality of external voting. On the one hand, critics argued that if the modality of postal voting was to prevail, it would not respect the principles set out in Article 48 of the Constitution, namely that the vote is secret, equal, personal and has to be cast freely. By definition, the postal vote expressed abroad does not offer any guarantee with regard to these principles. In fact, the fear that the reliability of the Italian electoral system be put in jeopardy lies at the heart of these concerns. As we will see below, these criticisms will reappear after the elections with various accusations of fraud related to the vote by mail. On the other hand, when it became clear that the Italian authorities would opt for reserving seats in Parliament to emigrant MPs elected abroad, a new range of criticisms focused on Article 67 of the Constitution saying that *“each member of Parliament represents the nation and carries out his duties without constraint of mandate”*. The left-wing and right-wing opponents we quoted above converged in saying that external voting with reserved seats in Parliament posed a problem in that respect. For the latter,

*“(…) the Constitution says that MPs represent all Italians and not just the person of a certain area. I’m elected in an electoral college but I do not represent only the citizens of my college. According to the Constitution, I represent any Italian citizen. It must be the same for those elected abroad. Them, they cannot be considered as union stewards for Italians living abroad”* (Interview No. 18).

In addition to the ambiguity regarding the mandate of those occupying reserved seats in Parliament, this emigrant senator residing in Switzerland perceives his role quite clearly:

*“I represent my electors, a college of 2 million persons residing in Europe, just like the senator who represents the 300,000 electors of his region. (...) I do not represent here an Indian reservation<sup>31</sup> but rather an Italian*

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<sup>31</sup> The notion of “Indian reservation” arose with the possibility of reserving seats in Parliament for emigrant candidates and implies that with this system emigrant votes are separated from the rest of the votes.



*population that does not reside on the territory. I intend to use my role of senator of the Republic and intervene in the general political agenda of my country because that is what we are for*” (emphasis mine, Interview No. 9).

For this MP residing in Switzerland too, the peculiarity of his election does not change his role: *“my electoral college is abroad but I vote on all the questions [be it] Afghanistan or the budgetary laws”* (Interview No. 11).

The last main argument used by the opponents to external voting consisted in stressing the exceptional nature of Italian emigration. This argument consists in saying that the dimension of Italian emigration makes it difficult for the country to follow the path of other democracies that have allowed external voting (an argument used by supporters to show Italy’s lack of democratic openness). For this former national secretary of DS, for instance, *“[w]e cannot use the experience of any country to solve the problem of the vote. There are no models and we will have to invent a solution alone”* (quoted in De Bonis 1998: 223). Despite the fact that other countries have millions of citizens residing abroad, this argument served to sustain the idea that external voting would be very difficult to organize technically (both in terms of campaign and of electoral operations as such). A related fear was that the organization of external voting would require bilateral agreements to be signed between Italy and the emigration countries and that some could be reluctant to do so (see the case of Canada below) (Grosso 2002). Similarly, others insisted that Italy’s exceptionalism was also related to its lax nationality law which would create new voters whose links with Italy could be weak for they may have never come to the country or might not even speak the language. For this emigration scholar and councillor to the President of the Republic,

*“(.) there must be a coincidence between the civil society and the political community (...). If you are abroad during 2, 3, 4 years and still have contacts with the Italian civil society, [then] you can vote. But if you are the third-generation descendant of an emigrant and you have never come to Italy, you do not belong to the civil society and you should not belong to the political community”* (Interview No. 20).

Considering that Italy was envisaging not only to allow external voting but also to reserve seats in Parliament for emigrants, some -like this civil servant at the Ministry of Labour and Social policy- warned that the system could *“introduce in the national Parliament persons who have a dual loyalty (...). Citizens of other countries in short. And we, unique in the world, would find ourselves with citizens who have sworn on the flag of another country and who are member of our Parliament. A unique reality that has never existed in any country”* (quoted in De Bonis 1998: 222). As shown above, the topic of external voting was far from

being a consensual one in Italian politics. For that reason, the question would remain fiercely debated during the 1990's and innovative solutions would have to be found to make it a reality in the 21<sup>st</sup> century.

#### **4.5. The changes in the national and international political context**

As we have seen earlier, dozens of law proposals had intended to introduce external voting in Italy's electoral law by the end of the 1980's but none had managed to get the necessary legislative approval. Nonetheless, different elements which materialized at the time kept the question of emigration (and political rights) on the agenda and therefore encouraged the supporters of external voting to keep working on it. On the one hand, several of the demands expressed by the emigrants during the Second national conference on emigration in 1988 were answered by the Italian legislator in the following years with, for instance, the creation of the CGIE (1989) or the reform of nationality law (1992) that we described above. Furthermore, we have seen that the adoption of a law creating the Registry of Italian citizens residing abroad (AIRE) (1988) also contributed to clarify the debate on external voting by providing accurate figures on the presence of Italians abroad.

The context in which the debate on the right to vote took place is also profoundly modified by two important events that affected the Italian political system. The first event is the fall of the Berlin Wall which led to the reconfiguration of the Communist party (Pci) into two distinct political parties in 1991. The dominant stream created the Partito Democratico della Sinistra (Pds), wishing to transform the communist party into a European social-democratic party and a minority created the Partito della Rifondazione comunista (Rc), sticking to a reformed communist ideology (Guarnieri 2006). These parties performed poorly in the 1992 elections, therefore confirming the decline of the traditionally powerful communist movement in Italian politics. The ideological turn taken by the members of the Pds is also visible in their position on the emigrant vote as Pds parliamentarians submitted a law proposal on the topic for the first time in 1992. The second noteworthy event of that period is the *mani pulite* (clean hands) operations starting in 1992 that revealed a large-scale corruption system (known as *Tangentopoli*) eventually leading to the disappearing of the two main government parties - Democrazia Cristiana (Dc) and the Partito Socialista Italiano (Psi)- as well as to the end of the so-called First Republic. Under the electoral system in place between 1947 and 1993, because

the principal opposition party (Pci) was anti-system, elections merely served to stabilize the balance of power between the governing parties. The importance of the proportional system and the use of the preferential votes thus contributed to the fragmentation of the electorate and stimulated competition both between and within the parties (Guarnieri 2006).

At the 1992 elections, Dc obtained its lowest electoral result ever and managed to set up a fragile parliamentary majority, to fall in 1993 after the approval by referendum of the change of the Senate electoral law<sup>32</sup> moving to a mixed system in which the majoritarian rule is prevalent. The House's electoral law<sup>33</sup> is not submitted to referendum but also introduces a predominantly majoritarian system in which 475 of the 630 MPs are elected in uninominal electoral colleges and 155 in 26 plurinominal constituencies. While the new electoral system has a deep impact on Italian politics, we will just mention two elements epitomizing the reshaping of the country's political system. On the one hand, it leads to the creation by Silvio Berlusconi of a centre-right coalition assembling apparently diverging interests from the Democrazia cristiana, Alleanza Nazionale and the Lega Nord which will obtain the majority in the House in the 1994 elections. On the other hand, the new electoral system significantly reforms the political class with 71% of the MPs elected in 1994 actually seating in Parliament for the first time. These examples illustrate that the Tangentopoli scandal and the subsequent electoral reforms changed the face of the Italian democracy. With the arrival of new political leaders and the reconfiguration of the party system, the political context that had made the approval of external voting impossible for decades now belonged to the past.

In 1993, during the debate on the new electoral law, an amendment tabled by MP Mirko Tremaglia (Msi<sup>34</sup>) proposed to create a series of electoral colleges and constituencies abroad. After its approval in the House, the amendment was later discarded in the Senate considering that the electoral district abroad is incompatible with Article 57 of the Constitution stating that "*The Senate of the Republic is elected on a regional basis*". This episode reminded the actors of the necessity of reforming the Constitution first (not only Article 57 but also Article 56 on the election at the House and Article 48 on the requirements for being an elector) before adopting a law laying down the modalities through which emigrants would be allowed to cast their vote from abroad. This certainly complicated the task of the supporters of the emigrant

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<sup>32</sup> Legge 4 agosto 1993, n. 276, *Norme per l'elezione del Senato della Repubblica*.

<sup>33</sup> Legge 4 agosto 1993, n. 277, *Nuove norme per l'elezione della Camera dei Deputati*.

<sup>34</sup> After a reform in 1995, the neo-fascist Movimento Sociale Italiano (Msi) changed its name into Alleanza Nazionale (An).

vote since the constitutional reforms in Italy have to be voted twice by the two Chambers in a time interval of no less than three months (Art. 138).

#### 4.6. The foreign constituency and the failed attempts of the 1990's

Following the trouble created by the rejection of this proposal and the context in which political parties were weakened by scandals, the Minister for electoral and institutional reforms Leopoldo Elia tabled -in the name of the government- a proposal in the Senate aiming to reform the above-mentioned articles (AS 1395<sup>35</sup>). A central element of the reform was the creation of the *circostrizione estero* (foreign constituency) in which 20 MPs and 10 senators would be elected. For the Minister, the creation of the constituency (inserted in Article 48) was appropriate in three respects. First, it was filling the legal vacuum in Article 48 saying that all Italians coming of age are electors but not making this vote effective for decades (except by coming back to Italy). Second, the foreign constituency was preventing emigrant voters from switching the electoral balance in Italian constituencies with large registered emigrant populations. Third, it was ensuring that real political campaigns would take place abroad, with candidates defending the migrants' interest (Elia 2000).

After its first approval in both Chambers, the government's proposal failed to get the second approval in the Senate in November 1993. Different reasons explain the failure. For the Lega Nord, it was unfair that citizens who did not contribute to Italy's development be allowed to vote. On the contrary, the senators of the SudTiroler Volkspartei supported the idea that emigrants had to cast their vote in their Italian constituency of origin. The Pds considered that the government had remained too vague about the modalities of the vote and that the security of the electoral process was not ensured. Lastly, many Christian Democratic senators from the majority were absent during the vote.

For the supporters of the vote and particularly for MP Tremaglia, the long-serving promoter of external voting, it became clear that after so many failed attempts, a consensus had first to be found outside the Parliament before submitting other proposals (Tremaglia 2000). The opportunity for such exercise came on 18<sup>th</sup> February 1995 when a conference on Italian emigration was organized in the city of Basel by the *Federazione delle Colonie Libere* in

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<sup>35</sup> Atti Parlamentari, XI Legislatura, Senato della Repubblica, *Disegno di legge*, n. 1395.

Switzerland (a large Italian anti-fascist workers' association), the *patronato* ACLI (Associazioni Cristiane Lavoratori Italiani) and Regional associations in Switzerland convening Italian politicians of An, Ppi (ex-Dc) and Pds (ex-Pci). The meeting led to the so-called "Basel Pact" by which representatives of centre-right and centre-left parties agreed to commit themselves to making the necessary efforts to find a solution about the passive and active electoral rights of Italians abroad.

For the President of the Federation of the Colonie Libere in Switzerland (and emigrant senator), the success of the Basel conference was that "*[t]here we agreed that to solve the problem, we had to create a foreign constituency with a blocked number of MPs and senators in order not to knock over the Italian political framework*" (Interview No. 9). Following the terms of the Basel Pact and in addition to the proposal of MP Tremaglia (An), the Pds, Ccd (ex-Dc) and Ppi (ex-Dc) tabled their own proposal of modification of the Constitution to create the foreign constituency in which 20 MPs and 10 senators would be elected. The various proposals were in fact inspired by the proposal made by Minister Elia in 1993. These proposals -however unified- failed to reach the necessary parliamentary approval due to the disagreement of Pds and Lega Nord (Ln) MPs on the number of seats reserved to emigrant MPs and senators.

With the 13<sup>th</sup> legislative term (1996-2001) around 40 legislative proposals were submitted on the topic of external voting (obviously some of these were mere copies of previous proposals). Three elements best epitomize this crucial phase leading to the approval of the constitutional reforms and laying the grounds for the rapid approval of the law of application by the next legislative term.

First, a large share of the proposals tabled during this period originates from the Forza Italia (Fi) parliamentary group. On the one hand, it could be considered relatively surprising that this young party be so active in this relatively peripheral item of the Italian political agenda. On the other hand, this could be explained by the traditional interest of the centre-right for the topic of the emigrant vote and the influence of Alleanza Nazionale, the neo-fascist ally of Forza Italia in the 1994 and 1996 elections and historical promoter of the emigrant vote through Mirko Tremaglia. Despite this greater interest of the centre-right, the fact that parties representing the whole Italian political spectrum (even those who had traditionally opposed it)

tabled their own proposal demonstrates that the topic had reached a certain level of importance by 1996.

Second, even though decades of debates had led to some consensus on external voting (e.g. the necessity to vote by mail and not at the consulates), the proposals made during this period are still characterized by the actors' disagreeing on the definition of the elector abroad and the modalities of their participation. One bone of contention concerned the linkages one had to have with Italy in order to be able to vote. In that sense, two traditionally sceptical parties, Rifondazione Comunista and Lega Nord, tabled proposals excluding those who had acquired the Italian nationality by marriage to an Italian citizen abroad or by birth and also those emigrants who had left for a long time (AS 2222 and AC 3320<sup>36</sup>). Another point of discussion concerned the automatic character of the vote. For Ds MPs, emigrants should be given the right to vote through a system of "positive option" by which they expressly inform the consular authorities of their willingness to vote from abroad (if they don't follow this procedure, they keep their right to vote by going back to Italy). For Ds, this procedure was providing greater legal security and the minimal administrative process guaranteed that emigrants were really interested in voting. For others like MP Tremaglia (who would eventually prevail), all eligible emigrants registered in the updated consular list of Italians residing abroad should be invited to vote by mail without having to explicitly request it. On the contrary, if they prefer to vote on the Italian territory, they do need to inform the consular authorities.

This last point relates to a third characteristic of the legislative debates. Indeed, considering the need for reliable electoral lists abroad if migrants were to vote, it appeared progressively necessary to unify the emigrants database run by the Ministry of the Interior and that run by the consular network. Indeed, while emigrants usually find it useful to register with the consulates, they do not necessarily feel the same about registering in their municipality of origin.

Despite these points of disagreement and these technical difficulties, proposal AC 105<sup>37</sup> of MP Tremaglia was about to pass in 1998. This proposal substantially modified by the House

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<sup>36</sup> Atti Parlamentari, XIII Legislatura, Senato della Repubblica, *Disegno di legge*, n. 2222.

Atti Parlamentari, XIII Legislatura, Camera dei Deputati, *Disegno di legge*, n. 3320.

<sup>37</sup> Atti Parlamentari, XIII Legislatura, Camera dei Deputati, *Disegno di legge*, n. 105.

was aiming at modifying Article 48 of the Constitution by creating a foreign constituency and was asking that another constitutional law be adopted to determine the number of seats attributed to the constituency. It also required that a regular law defined the requisites and modalities of the vote (Elia 2000). The proposal was adopted by both Chambers in its first reading in March and April 1998. After the necessary three-month waiting period, the text was adopted in second reading at the Senate in June 1998 but failed to reach the necessary quorum at the House on 29<sup>th</sup> July 1998<sup>38</sup>.

For Tarantino (2006) this one more failure of the emigrant vote supporters in Italy is more the result of a change in circumstances than of a real opposition to external voting among a majority of parliamentarians. For external voting to become a reality, not only was it necessary that Article 48 be modified to create the foreign constituency but also that Article 56 and 57 be amended to determine the number of reserved seats in each Chamber. Only after that, a regular law could settle the modalities for the exercise of external voting. The problem was that since June 1998, the parliamentary works of the bicameral Commission in charge of reforming Article 56 and 57 of the Constitution had been suspended. According to Tarantino, several Ds MPs who had previously voted in favour of the reform of Article 48 changed their mind in the second reading because they believed that the creation of the foreign constituency was useless if there was no agreement on the number of reserved seats. As we will see below in the excerpts of interview I had with the President of the Senate Commission on Foreign Affairs and Migration, the Prodi government's parliamentary majority did not have a common position on the issue (Interview No. 10). Another argument supporting the idea that the failure of July 1998 is a twist of fate is that parliamentarians of An, Ds, Fi and Ccd submitted anew similar legislative proposals in the days and weeks following the rejection of the text.

In addition to the reaction of certain parliamentary groups, associations also intended to pressure the Parliament for a rapid solution to be found. In September, a collective of associations<sup>39</sup> forming the *Consulta Nazionale dell'emigrazione* (CNE) was invited for a hearing to the House. There, the associations stressed the asset that having a population abroad represents for Italy and reaffirmed the necessity to put an end to the discrimination against Italians abroad in the field of political rights by creating a foreign constituency

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<sup>38</sup> 316 votes were necessary but only 386 of 630 MPs were present for the vote. 304 voted in favour, 13 abstained and 69 opposed the text.

<sup>39</sup> These associations are Acli, Aitef, Anfe, Cser, Ctim, Filef, Fondazione Migrantes, Istituto Santi, Mcl and Uniaie.

allowing emigrants to elect their own representatives. To this end, the associations requested that political parties approve the same legislative proposal as that rejected a few weeks before and asked parliamentary group leaders to subscribe to the CNE's declaration to reaffirm their commitment on external voting<sup>40</sup>.

A few days later, the CGIE makes a similar call to the parliamentarians during one of its extraordinary meetings and joined the CNE in asking parliamentary groups leaders to pass the same legislation on Article 48 as the one that failed a few weeks before (whose failure they consider to be a "political error"). In the communiqué following the meeting, CGIE members underlined that further delaying the approval of external voting might undermine the credibility of Italian institutions in the eyes of Italians abroad and asked for a proposal on the reform of Articles 56 and 57 of the Constitution to be drafted without any further delay (Emigrazione Notizie 7/10/1998).

#### **4.7. The constitutional reforms**

After the failure of June 1998, the rapid reaction of the supporters of the vote who tabled their proposal anew, combined with the pressure of the CGIE and the CNE and the commitment of party leaders to find a solution, created the necessary dynamism for the debate to move on swiftly. Nonetheless the divergences within the centre-left majority (and especially within Ds) remain. This is epitomized by the contradictions between Ds secretary's declaration in July 1999 for whom "*our commitment to enable Italians abroad is absolutely confirmed*" and that of the President of the Senate's Commission on Foreign Affairs and migration for whom "*a pause for reflection is necessary in this topic*" and "*it is unacceptable to create a new constituency abroad for Italians who have lost all links with the motherland*" without first ensuring the exercise of the political rights of those temporarily abroad (La Repubblica 29/7/1999). Again, the evolution of Ds' position is envisaged below.

After initially examining the reform of Articles 48, 56 and 57 of the Constitution jointly, the legislative proposals were split again and the on 24<sup>th</sup> February 1999 the House adopted in the first reading a reform adding the following paragraph to Article 48:

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<sup>40</sup> Atti Parlamentari, XIII Legislatura, Camera dei Deputati, *Discussioni*, III Commissione Affari Esteri, Resoconto stenografico della seduta del 23 settembre 1998.



*“The law lays down the requirements and modalities for citizens residing abroad to exercise their right to vote and guarantees that this right is effective. A constituency of Italians abroad shall be established for elections to the Houses of Parliament; the number of seats of such constituency is set forth in a constitutional provision according to criteria established by law” (Constitutional Law No. 1/2000)<sup>41</sup>.*

This time no “political accident” happened in Parliament between the two readings and on 29<sup>th</sup> September 1999 an overwhelming majority in the Senate eventually approved the text in its second reading<sup>42</sup>. Despite the celebrations and newspaper headlines announcing the participation of emigrant voters for the 2001 elections (see *La Repubblica*, 30/09/1999), external voting had still a long way to go before the first ballots were cast abroad. Indeed, the reform of Article 48 imposes that another constitutional law should define the number of seats to be attributed to the foreign constituency and that a regular law should define the modalities and requirements for exercising the right to vote and distributing the seats within the foreign constituency.

With regard to the reform of Articles 56 and 57, two essential questions remained to be solved concerning the number of candidates elected in the foreign constituency. First, the reform had to define whether the emigrant MPs and senators would come in addition to the existing number of parliamentarians or whether the total amount of senators and MPs would remain unchanged and the emigrant representatives would thus occupy the seats formerly occupied by persons elected on the Italian territory. As underlined during the parliamentary discussion by MP Pezzoni (Ds), a difficulty for the centre-left majority was that the public opinion had long expected that the overall number of Italian parliamentarians would be reduced. Accordingly, it was not acceptable to increase the current figures of 630 MPs and 315 senators<sup>43</sup>. Besides this discussion was taking place in a context (that we examine below) where the electoral system as a whole was under criticism.

Second, the constitutional law also had to set the overall number of MPs and senators elected in the foreign constituency. During the parliamentary discussions, MP Boato (Verdi) and

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<sup>41</sup> Legge costituzionale 17 gennaio 2000, n. 1, *Modifica all'articolo 48 della Costituzione concernente l'istituzione della circoscrizione Estero per l'esercizio del diritto di voto dei cittadini italiani residenti all'estero*.

<sup>42</sup> For the final vote in the Senate, 205 senators voted in favour of the reform, 17 against it and 13 abstained.

<sup>43</sup> Atti Parlamentari, XIII Legislatura, Camera dei Deputati, *Discussioni*, Resoconto stenografico della seduta del 4 febbraio 2000.

Calderisi (Fi) reminded their colleagues that past Italian governments had had tiny parliamentary majorities. According to the latter “*these fifteen, eighteen, sixteen or twelve MPs elected in the foreign constituency will be decisive in the formation of one majority or the other*” (ibid). Furthermore, during the same discussion, MP Pezonni (Ds) also stressed the importance of not introducing a separation in the conceptual and legal definition of citizenship by creating a new category of Italian citizens: “*we have only one “prince”, one unique electoral mandate, the one reunited in the rights of all Italian citizens whether they reside in Italy or abroad*”. On the other hand, other parliamentarians like MP Jervolino Russo (Popolari e democratici-l'Ulivo, ex-Dc) considered that the Parliament's credibility was at stake and that “*we cannot come to determine a purely symbolic number, we have to find a figure that has a certain level of effective representativeness*” (ibid).

According to Tarantino (2006), the centre-left's fear of a creating two “Italies” (one at home and the other abroad) -added to the pressure to reduce the overall number of parliamentarians- eventually led the parliamentary commission to reduce the number of MPs elected abroad to twelve and that of senators to six. The first reading on the unified constitutional law proposals No. AS 4979, AC5733 and AC5187<sup>44</sup> started in March 2000 and, due to corrections introduced by the Senate, was eventually approved by the House in its second reading on 5<sup>th</sup> October 2000. The modifications introduced by what is known as the Constitutional Law No. 1 of 23 January 2001 modify Article 56 and 57 of the Constitution by confirming these figures and leaving the overall number of MPs and senators untouched (i.e. the number of parliamentarians elected on the Italian territory was thus reduced)<sup>45</sup>.

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<sup>44</sup> Atti Parlamentari, XIII Legislatura, Camera dei Deputati, *Disegno di legge*, n. 5187 & n. 5733.

Atti Parlamentari, XIII Legislatura, Senato della Repubblica, *Disegno di legge*, n. 4979.

<sup>45</sup> The new Article 56 states that: “*The Chamber of deputies is elected by direct and universal suffrage. The number of deputies is six hundred and thirty, twelve of which are elected in the overseas constituency. All voters who have attained the age of twenty-five on the day of elections are eligible to be deputies. The division of seats among the electoral districts, with the exception of the number of seats assigned to the overseas constituency, is obtained by dividing the number of inhabitants of the Republic, as shown by the latest general census of the population, by six hundred eighteen and by distributing the seats in proportion to the population in every electoral district, on the basis of whole shares and highest remainders*”.

The new Article 57 states that: “*The Senate of the Republic is elected on a regional basis, with the exception of the seats assigned to the overseas constituency. The number of senators to be elected is three hundred and fifteen, six of whom are elected in the overseas constituency. No Region may have fewer than seven Senators; Molise shall have two, Valle d'Aosta one. The division of seats among the Regions, with the exception of the number of seats assigned to the overseas constituency and in accordance with the provisions of Article 56 above, is made in proportion to the population of the Regions as per the latest general census, on the basis of whole shares and highest remainders*”.

#### 4.8. The difficulty of approving the law of application

As already mentioned above, the revised Article 48 of the Constitution creating the foreign constituency did not only oblige the Parliament to revise Article 56 and 57 to determine the number of emigrant parliamentarians. The text also asked the Houses to adopt a law of application determining “*the requirements and modalities for citizens residing abroad to exercise their right to vote*” and the distribution of the seats among the different regions where Italian emigrants are present.

Despite the fact that a large number of law proposals on the modalities of the vote had been tabled before, the debate on the law of application only started in 2000, when it became more probable that the constitutional hurdles would disappear. Between March 2000 and February 2001, the Senate commission on constitutional affairs discussed the different proposals (AS 838, AS 1170, AS 1200, AS 1962, AS 2222 and AS 4010<sup>46</sup>) in the hope of coming up with a common proposal (*Testo unificato*) that both Houses could approve. During these discussions, several questions had to be answered.

First, the legislator had to determine whether emigrants would cast their vote in person at the consulate or by mail. Both options attracted some criticism. With regard to the vote by mail, it was underlined that it offered no guarantees on the constitutional principle of the secrecy of the vote. For instance, the Forza Italia MP I interviewed after the 2006 elections feared that migrant associations and *sindacati* would invite their members to come to meetings where they would be told who to vote for (Interview No. 18). Concerning the vote in the consulates, opponents underscored the distance separating some emigrants from the closest consulate in large countries as well as the technical difficulties (and the possible tensions with host countries) in areas of large concentration of Italian emigrants.

The second point of discussion also related to the host countries and the need to sign bilateral agreements with foreign governments, before or after the law in discussion was adopted, to ensure that the Italian political campaign would take place abroad in accordance with their legislation and to ensure the good functioning of the vote by mail.

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<sup>46</sup> Atti Parlamentari, XIII Legislatura, Senato della Repubblica, *Disegno di legge*, n. 838, n. 1170, n. 1200, n. 1962, n. 2222 & n. 4010.

Third, parliamentarians disagreed on the distribution of the reserved seats. For some, candidates from all continents had to compete with each others therefore increasing the chances of being elected of the candidates proceeding from areas where emigrants are concentrated. Others considered necessary that the foreign constituency should be divided in different sectors (*repartizioni*) where different lists would compete in order to ensure a better geographical representation of Italian emigrants.

Fourth, debates also took place on the obligation for emigrant candidates to reside abroad and the compatibility of this principle with Article 51 of the Constitution ensuring the equality of access to elected positions. According to Tarantino (2006), the requirement to reside abroad was a demand of the CGIE that wanted to make sure that those representing the communities would be actual migrants.

Fifth, the above-mentioned debate on the inclusion of citizens temporarily abroad reappeared in the framework of these parliamentary discussions. While some could not conceive that the relations with emigrants in the age of globalization implied that this category saw his political rights guaranteed (Interview No. 10), it was eventually agreed to treat this question separately.

Even though Senator D'Allesandro Prisco, rapporteur to the senatorial commission, came to the plenary session with a unified proposal (adopted by the commission) integrating earlier texts and overcoming these difficulties, senators eventually agreed on 7<sup>th</sup> March 2001 to postpone the adoption of the legislation (Interview No. 8, Elia 2000). Indeed, in addition to the bones of contention, the Italian legislator was facing a greater difficulty: drafting a reliable register of voters abroad on time for the coming parliamentary elections of May 2001. As we have already seen above, this task was made difficult by the fact that the registry of the consular network was much more up-to-date than the AIRE of the Ministry of the Interior used to establish the list of voters.

During the plenum, the Subsecretary of State for the Interior Brutti stressed the complexity of integrating the two databases and declared that it would request that the law should enter into force at least 70 days before Election Day. Parliamentarians of the majority and the opposition realized the necessity of doing so and thus agreed to postpone the approval of the law of application.

For this deputy coordinator of Ds abroad and member of the CGIE, it was not a centre-left government decision, but rather a decision taken by the Parliament at the end of its term, considering from an organizational viewpoint that neither the state nor the political parties were ready to adopt the law (Interview No. 8). For this Forza Italia MP, *“there was a discrepancy of one million person between the list of the Ministry of Foreign Affairs and that of the Ministry of the interior”* and if the law had been adopted *“(…) we would have run the risk of giving the right to vote to too few people or to people already dead”* (Interview No. 18).

At this stage another important player took a decisive step: the President of the Republic. With the right to vote from abroad being postponed again, the state of relations between the emigrants and Italian politicians was not at its peak. According to this former president of the CGIE, *“[President] Ciampi was about to leave for Argentina. (...) We told him not leave because it would have been difficult to go and say that they [the emigrants] should wait another five years to vote. Ciampi, guarantor of the good working of the state, said that the conditions for the right to vote to be exercised did not exist”*. For the interviewee, the President came up with the following solution: *“Ciampi asks the Parliament to commit itself- especially the Senate where the law was discussed- to approving the law within the first six months of the next legislative term. Because without this law being voted directly and thus being postponed to the end of the legislative term, we would not have voted in 2006”* (Interview No. 11).

#### **4.9. The 2001 elections and the adoption of the law**

The 2001 elections brought important changes to Italian politics with the large victory in the two Chambers of the centre-right coalition *Casa delle libertà* (Fi, An, Ln and moderate catholics later named Udc) led by Silvio Berlusconi. This large victory provided Italy with stability as it led to the formation of only two governments in the 2001-2006 period with the same President of the Council and the same parliamentary majority.

One of the prominent members of the Berlusconi government was Mirko Tremaglia, the long-lasting supporter of external voting who had tabled dozens of legislative proposals on the topic over the last decades. He was appointed Minister for the Italians in the world (*Ministro*

*per gli Italiani nel mondo*), a ministry without direct authority on the Foreign Affairs' administration but that guaranteed him a seat in the Council of Ministers. Before he integrated the government on 11<sup>th</sup> June 2001, Mirko Tremaglia who had been re-elected to the House submitted a law proposal in a smart move that would ensure his name to be attached to the law.

On 18<sup>th</sup> July, the recently appointed Minister Tremaglia told the House that he wanted the law of application to be adopted by the Parliament within six months. The text reached the House on 7<sup>th</sup> November and was approved during the plenary session of 20<sup>th</sup> November. On 20<sup>th</sup> December 2001, less than 7 months after the start of the new legislative term, the Senate approved the law by a vote of 185 in favour, one against and 10 abstentions<sup>47</sup>. According to the neo-fascist Minister Tremaglia, this was the outcome of decades of personal work but it was also a major step in Italy's history as he considers that “ *I have managed to change the Constitution to give the vote to millions of Italian citizens. I have made democracy, I have given democracy. In Italy the democracy was only made complete on 20<sup>th</sup> December 2001*” (Inform, 11 October 2005).

Three elements help us understand the rapidity of this ultimate phase of the process. First, Minister Tremaglia was seating in the government and he was therefore able to make the question a key point of the government's program and to put pressure on the President of the council and his political partners of the majority directly. President Berlusconi himself later declared that he had supported the approval of the law by “spirit of coalition” rather than out of personal conviction: “*Unfortunately, in a coalition, and I have always been conscious of being in a coalition, many things were accepted. If we had not done so, the government would have fallen, and I very often I agreed to do things with which I was not agreeing*” (La Stampa 22/05/2006). Second, the senatorial commission led by Rapporteur D'Allesandro Prisco had already solved many of the political and technical difficulties around the law of application and, accordingly, the necessary parliamentary work had been reduced. Third, as we have seen above, the Parliamentarians had agreed, before the dissolution of the last legislative term, to commit themselves to finding a solution to the issue of external voting soon after the May 2001 elections.

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<sup>47</sup> Legge 27 dicembre 2001, n.459, *Norme per l'esercizio del diritto di voto dei cittadini italiani residenti all'estero*.

Before we underscore the central elements that have made the approval of the law possible and then examine the implementation of the law through an analysis of the 2006 elections, it is necessary to present the main features of the Law No. 459 of 27<sup>th</sup> December 2001 (also known as *Legge Tremaglia*). To do so, we will artificially divide the law into the rules concerning the electorate and the rules concerning the candidates to the elections.

#### **4.10. Description of the law of application**

With regard to the electorate, all Italian citizens residing abroad and complying with the legal requirements applied to all citizens have the right to participate in the vote by mail to the elections of both Chambers and for the referendum (Art. 1). According to Article 12 of the law, the vote of Italians abroad is automatic. They do not need to request the possibility of voting by mail in the foreign constituency but automatically receive at home an electoral package containing the ballot, an electoral certificate, a list of candidates and the instructions on how to cast the ballot. The modality to cast the vote is thus the vote by mail<sup>48</sup>.

Eighteen days before the elections at the latest, the consular office sends the electoral package to the voter (Art. 12). At 4 p.m. on the Thursday preceding the election, the voter is to return to the consular office a pre-stamped envelope containing the electoral certificate proving he is entitled to vote and two sealed envelopes containing the ballot (one for the House and one for the Senate in case of legislative election and only one in case of referendum). The returned electoral packages are centralised at the consular office and subsequently sent to the Central Office for the foreign constituency in Rome. There, the package is opened for the control of the electoral certificate (as a security against frauds) and the envelopes containing the ballots are placed in the ballot box (to guarantee the confidentiality of the vote) (Art. 14).

Italians abroad also have the possibility to vote in Italy if they know they will be present on the national territory on the day of the elections (Art. 4). To do so, they have to inform the consular authorities of their desire to take that option before the end of the year preceding the supposed date of the election. A central element upon which the whole system relies is the

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<sup>48</sup> If the consular office has been unable to sign an agreement with the host country that guarantees the equality, freedom and secrecy of the vote or if the Italian citizen finds himself in a country unable to give those guarantees temporarily, the citizen has the right to come back to Italy to vote and 75 percent of his travel costs will be refunded.

updated list of Italian citizens residing abroad. The list is built based on the merging of the Ministry of the Interior and the consular network's databases (a complex operation we briefly describe below).

The category of Italian citizens temporarily residing abroad is *de facto* prevented from participating to the election due to the obligation to register with the consular authorities several months before the election in order to be included in the voters' lists. Another element supporting the idea that they were not taken into consideration is that, even if they had managed to register, the temporary character of their migration means that they do not necessarily have an interest in electing candidates themselves residing abroad.

Indeed, considering the electorate, we have seen that the track chosen by the legislator was to permit the election of emigrant parliamentarians instead of allowing emigrants to vote in their constituency of origin. The candidates themselves must be Italian citizens residing abroad but they can also choose to be candidates in Italy if they have made the request to return home to vote (Art. 8). On the contrary, and this has raised doubts about the respect of the constitutional principle of equality, Italian citizens residing in Italy are not allowed to be candidates in the foreign constituency. Similarly, the territorial exclusion introduced in the law led some to denounce the introduction of corporatism in Parliament because it contradicts Article 67 of the Constitution forbidding imperative mandates.

Even though the law provides that those candidates and parties not respecting the Italian electoral law will be sanctioned, it remains to be seen how the Italian law would apply on a foreign territory (Art. 18). In order to protect the candidates and the electors from a potential backlash in the country of residence, Article 19 also demands that diplomatic offices conclude agreements with foreign governments to ensure that no Italian abroad will be discriminated against due to his participation to the election.

Another important element of the law is the creation of four geographical sectors (*repartizioni*) within the foreign constituency: Europe (including Turkey and the Russian Federation), South America, Northern and Central America, and Africa, Asia, Oceania and Antarctica. The distribution of the 18 seats of senators and MPs is made according to the following rule (Art. 6): each geographical sector is entitled to one senator and one MP and the remaining seats are distributed proportionally according to the population abroad as set in the



voters' list established by the government. As we can see, the idea that prevailed among the legislator is that the reserved seats had to somehow reflect the dispersion of Italian migration therefore guaranteeing that candidates from Europe and South America do not occupy all the seats. On the contrary, the proportional vote with the possibility of expressing votes of preference (Art. 11) was naturally favouring the candidates residing in countries where large numbers of voters are concentrated within each geographical sector<sup>49</sup>. As we will see below, this electoral system is different from the one in place on the Italian territory for the 2006 elections and this will have a major effects on the elections results.

## **5. How did Italian emigrants get the right to vote from abroad?**

In this section, we present the factors that have proved decisive in the approval of the legislation and constitutional reforms on external voting in Italy, with a special focus on the period going from the early 1990's until the approval of the law of application in 2001.

### **5.1. The socio-political transformation of Italy**

Considering that the debate on external voting in Italy started right after World War II but materialized in 2001 only, it is obvious that the socio-economic context in which this debate was taking place has profoundly changed over time. One of the most profound social changes starting in Italy in the 1970's is the progressive transformation of the country from an emigration into an immigration country. Indeed, from being a labour exporting country during most of the 20<sup>th</sup> century Italy had then turned into one of the world's largest industrial powers (epitomized by its integration in the G7 in 1975). Accordingly, the topic of emigration had become less sensitive for it did not longer remind the Italian political class of its failure to provide opportunities for the share of population that had been forced to leave. Similarly, with the economic development of the country, the question of remittances had lost some of its importance and the question of the economic relations with the emigrant community progressively refocused on Italians abroad serving as the "Made in Italy" ambassadors and creating business opportunities abroad.

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<sup>49</sup> This assertion is based on the hypothesis that Italian emigrants would prefer to vote for a candidate residing in the same host country as them.

With the emotional dimension surrounding the topic of emigration being reduced, Italian authorities started a new form of dialogue with the emigrant communities with the organization of first *Conferenza nazionale dell'emigrazione* organized in Rome in 1975. As we saw above, the organization of such a conference had long been demanded by the Italian communists but took place only after the oil crisis put an end to large-scale emigration. In addition to the conferences, the Italian state also tried to institutionalize the relationship with the emigrant community through the creation of the *Comites* and the *Consiglio Generale degli Italiani all'estero* (CGIE). All these elements support the idea that the Italian state launched a comprehensive policy towards its emigrant community (i.e. not focusing solely on the management of flows anymore) after mass movements had stopped.

The interest for the emigrant community was further confirmed in the 1990's with the reform of the nationality law which, in addition to resolving issues with other governments, created an extensive definition of the Italian nationality aiming at preserving the bond between the Italian state and the descendants of Italian migrants abroad. Whether the nationality reform has permitted emigrants to reunite with the homelands or has only created a juridical link with individuals who didn't know Italian society and didn't wish to belong to it, the issue of nationality has complicated the debate on external voting at a time when the emotion surrounding the debate had decreased. Indeed, the 1992 nationality law provided the opponents of external voting with a number of arguments, notably that citizens would be allowed to participate even though they had no interest in Italian society, had perhaps never come to the country and didn't even speak the language. In the 1990's, the debate about external voting rights was thus no longer limited to the participation of those who had had to leave the country in search of better opportunities.

A second important difference between the early days of the debate on external voting and the period that saw its materialization is the changes in the institutional structures of the state. With the institutional reform of 1970, the regions are granted substantial power in the field of emigration. As we have seen above, this led regions to develop policies aiming at reinforcing the link between the emigrants and the home region. Accordingly, many regional associations developed among Italian communities abroad. A specific tool was designed for regions to integrate emigrants in the design of their policies: the *Consulta*.

For the emigrants, this body -composed of their representatives and the representatives of the region- served to make their voice heard in the hope that the region would relay their demands (e.g. external voting) at the national level. As underscored by the former president of the *Consulta* in Emilia Romagna (Interview No. 4), it was in the interest of the region as well to support the emigrants' demand, especially from an economic viewpoint: "*The interest was to have associations in those countries that would help you to understand the reality of this state and also have some sort of cultural or commercial relations*". Accordingly, any policy (at the national or regional level) that helped conserve and strengthen the relations with the community would get the support of the region.

Next to the regionalisation of the state, the growing importance of the European community (EC) in the Italian institutional framework has also influenced the debate on external voting. In 1979, to comply with EC requirements, the Italian Parliament passed a legislation allowing emigrants to participate in the election of the European Parliament in their Italian constituency of origin. The EC thus forced the Italian legislator to solve in a little time a question, it had been incapable of solving at the national level. The participation at the European level proved the feasibility of external voting but nonetheless did not give the sufficient impulse for a rapid solution to be found for the legislative elections. Furthermore, the option taken by the Italian Parliament to allow emigrants to vote in the consulates would later be described as both a risky and technically impossible option for the legislative elections.

The last element to examine in the socio-political transformation of Italy over the course of the debate on external voting is the evolution of its electoral law. We have seen that the fall of the Berlin Wall led to the dissolution of the Communist party (the principal opposition) and opened an era of profound reconfiguration of the Italian party system accelerated by the *manipulate* operations. Until the 1993 electoral reforms, the Italian electoral system guaranteed the exclusion of the extremist parties (Pci and Msi) and made the Christian Democratic party (Dc) indispensable to the formation of any government. Also, the absence of alternation was putting little pressure on the governments to support any coherent legislative programme and encouraged political parties to develop a spoils system which in turn, according to Newell, "*allowed the parties to consolidate a type of rule, partitocrazia – where political power is exercised through party leaders rather than through an executive accountable to the legislature (...)*" (2006: 393). By introducing a new electoral system in which 75 percent of

the seats would be allocated through a majoritarian system (single member constituency), the goal of the reformers was thus to reduce the controlling capacity of political parties over the political arena. Another objective was also to reduce the number of parties and lists in order to increase the stability of governments.

Considering the consequences of the 1993 electoral reform on Italian politics, four elements have to be underlined here. First, the system has encouraged political parties to form coalitions (the first to understand this necessity was Silvio Berlusconi in 1994) and increased the tendency towards bipolarism in Italian politics. At the same time, the number of political parties has not been reduced (Sanchez 2002 and Pasquino 2007). Second, the attempt to ensure greater stability to coalition governments was largely unsuccessful with no less than six governments following each other during the 1994-2001 period. After the 2001 election, however, President Berlusconi will head the longest government of the Republic's history.

The last two elements strongly relate to the debate on external voting. Third, the instability in governments during this period is explained by the capacity kept by small parties to blackmail the governing majority. Indeed, due to the uncertainty of electoral results, the centre-left and centre-right coalitions have continued to ally with small parties that are faithful during the electoral campaign but remain free to break the alliance once in place. This obviously gives power to small parties to make deals in exchange for their continued support to the governing majority. As illustrated in the quote of President Berlusconi reproduced above, this mechanism has made it possible for Alleanza Nazionale to constrain its governing partner Forza Italia to quickly approve the law of application on external voting after the centre-right government came into power in 2001.

The fourth and last element characterizing the electoral reform of 1993 is that it introduced the practice of government alternation in Italy. Unlike the previous system, the new majoritarian system actually granted the voter the power of deciding which coalition would govern instead of solely influencing the power struggle between the never-changing governing parties. In turn, this means that political parties –like in other democracies- have incentives to use their results in Government or in the Parliament to get the elector's support. Again, Alleanza Nazionale and its Minister in the Berlusconi Government in 2001, Mirko Tremaglia, had understood that if the approval of the law could be clearly identified with their name, they could use this achievement at the next election to get votes at home and abroad.

This is the reason why MP Mirko Tremaglia tabled a proposal of law of application just before becoming minister and presented the external voting legislation as his personal achievement (despite the fact that the constitutional reforms had been passed under a centre-left government).

## 5.2. Associations

As we have seen above, Italian migration has been historically characterized by its high level of organization. We have also seen that different forms of organizations co-exist and that they do not necessarily perform the same role. These differences are naturally explained by the variety in the Italian community abroad (e.g. differences in the timing of migration, the destination country, the generation to which the person belong...). As underscored by Pugliese (2006) it is difficult to consider Italians abroad as a monolithic group due to the differences in the profile of a first-generation emigrant residing in Belgium with that of an Argentinean descendant of an Italian emigrant for instance.

Despite the differences in the profile of their members, political concerns were at the core of the creation of these associations whether created in reaction to fascism, to facilitate the integration of the emigrants in the host country or to respond to the invitation of the home region. This political dimension however did not lead all of them to concentrate on the struggle for external voting. For instance, this leader of one of the largest Italian association in Switzerland -the *Federazione delle Colonie Libere* in Switzerland- considers that “*migrants’ integration is (...) an absolute priority and integration is something that happens in the country where we live, work, have a family and where our children are born*” (Interview No. 9). For such an association, political struggles for integration in the host country were thus as important (or even more important) as those for the recognition of their rights in Italy.

As we have just seen, the regionalisation of the Italian state in the 1970’s has been a decisive step in the development of *asocianzionismo* in the second half of the 20<sup>th</sup> century. Martiniello (1993), in his analysis of regional associations in Belgium, has found out that the political dimension of these associations vary greatly whether analysed from the viewpoint of their leaders or their followers. The former are frequently members of other associations as well members of political parties in Italy or in Belgium who are trying to position themselves

strategically as interlocutor between the region of origin and the region of residence to reinforce their position of socio-political leader. For the latter, on the contrary, the regional associations is a place where to socialize and act as a passive consumer. They are mostly interested in the cultural dimension of the associations that they consider to be –like older association- places where assistance is provided. Nonetheless, we demonstrated above that with the creation of the *consulta regionale* in the Italian regions (in which the leaders of associations are represented), regional authorities (moved by the desire to use the connections with emigrants for commercial and economic purposes) have tended to support reforms at the national level –such as the one on external voting- aiming at reinforcing the linkages with Italians abroad.

In addition to the regionalisation of the country, we have seen that the end of mass migration has also encouraged the Italian state to put an end to what the emigrants considered to be a policy of ignorance towards them (Tassello 1997). This situation comes to an end with the National Conferences on Emigration held in Rome in 1975 and 1988. During the second conference, the participants demanded that the Italian authorities reform the committees (*Comites*) in charge of creating a dialogue between the emigrants and the consular authorities<sup>50</sup> and demanded the creation of the General Council of Italians Abroad (CGIE). The materialization of these key demands proved decisive in the debate on external voting. Indeed, the *Comites*, but most importantly the CGIE, provided emigrants with an official arena of discussion with representatives of political parties and make recommendations to the Parliament. Even though the CGIE decisions only have a consultative value, their very nature (approved by representatives of political parties and the emigrant community) granted them a symbolic power that parliamentarians could not neglect.

In an analysis of the CGIE's role in the early 1990's, Ruberti (1994) underlines the CGIE's willingness to build a consensus on the issue of external voting within Italian politics. In the middle of the crisis shaking Italian politics in 1992, the CGIE held an extraordinary meeting leading to the unanimous approval of a document whose analysis reveals the strategy of its members in three respects. First, they positioned the issue of external voting as a modern issue being more relevant than ever because of the importance of mobility in the European

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<sup>50</sup> The institutional connections of the *Comites* with Italian authorities made it possible for them to continuously insist on the necessity for legislation on external voting to be adopted.

Union and because maintaining ties with the emigrants was in the economic interest of Italy<sup>51</sup>. Second, the members of the CGIE understood that Italian politics were entering a phase of profound reconfiguration in which the electoral laws would be substantially modified. Accordingly, they positioned the issue of external voting as an item to be included in the reform and argued that the political participation of emigrants would benefit the Italian democracy due to the experience those had acquired in their various countries of residence<sup>52</sup>. Third, the declaration stated the CGIE's support to the creation of a foreign constituency in a move to convince those politicians afraid of the impact of the emigrant vote that this would be limited to a number of seats still to be determined.

Despite the consensual content of this declaration and the fact the representatives of political parties in the CGIE subscribed to it, emigrants would still have to wait several years before the necessary constitutional reforms were adopted, for at least two reasons. On the one hand, the representatives of political parties seating in the CGIE were second-class officials not highly influential within their parties. Therefore, the agreement was a façade hiding internal disagreements and proving that there was still a lot of work to do within some parties in order to reach the necessary parliamentary majority. On the other hand, the CGIE positioned itself in favour of a modality combining the vote by mail and the vote in person at the consulate, two systems that were facing harsh criticism in Parliament (a wiser strategy would have consisted in building a consensus on one modality only).

At this stage, the CGIE had played a crucial role in institutionalising the dialogue on external voting between political parties and the associations and making it difficult for political parties to publicly oppose external voting (despite internal disagreements). As underscored by the former Secretary-general of the CGIE: *“The right to vote was the flag of the CGIE. (...) We had a network of contacts because the CGIE is like a Parliament, we have people from all parties elected abroad and appointed by the government. All together, we pressured the political parties, the press... We mobilized the communities abroad telling them to pressure the authorities when they were visiting them”* (Interview No. 11).

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<sup>51</sup> As underscored during the interview with its former Secretary General (Interview No.11), the CGIE will, from then on, concentrate on giving a new face to Italian migration focusing on its successes and trying to break the “valigia di cartone” cliché.

<sup>52</sup> We see below that this discourse on the emigrants “bringing fresh air” to Italian politics has also been adopted by emigrant parliamentarians.

Nevertheless, the associations' strategies were diversified and the struggle to convince the political parties of the necessity to allow external voting was also taking place outside this institutional setting (also because the legitimacy of the CGIE was questioned at times). For instance, as we have seen above, a group of Italian associations in Switzerland invited key political players from different parties to Basel in 1995. These associations had understood the need to build the largest political consensus possible while silencing the dissenting voices within each party. This is exactly what the Basel Pact managed to do: there political parties reaffirmed the consensus on external voting by limiting its impact through the foreign constituency and their representatives committed themselves to creating a consensus on that solution within their own parties.

From then on, the potential political cost of opposing external voting was rising because the necessary reforms for external voting were just a few steps away. For the necessary reforms to pass, it was just a question of political context before the centre-left definitely agreed with the idea of external voting (see below). However, associations had seen too many potential reforms being rejected to release the pressure they had put on the political parties. For instance, the collective of associations forming the *Consulta Nazionale dell'emigrazione* (CNE) demanded in 1998 that the Parliament adopts the same legislation they had failed to pass by a few votes several weeks before and asked the parties to reaffirm their commitment to finding a solution. As we will see below, once the reform had been adopted, the work of the associations had only started since they would play an active role during the 2006 elections.

### **5.3. Political parties**

As we have seen in details in the previous sections, disagreements between political parties on the opportunity to allow external voting explain the particularly long debate on this topic in the Italian Parliament. Before we turn to the evolution of the two main coalitions position (centre-right and centre-left)<sup>53</sup>, it is necessary to bear four elements in mind.

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<sup>53</sup> This form of presentation is somehow artificial in the sense that these coalitions appeared in the 1990's and also because some of these parties disappeared, changed name or did not exist before.



First, all political parties, even those opposed to external voting, have traditionally kept links with the Italian population abroad. These links were at times quite formal through membership of the party or the creation of foreign section of that political party (e.g. *Partito Comunista Italiano in Belgio*) or more informal when, for instance, candidates to Italian elections came to meet the emigrants during the campaign (because it should not be forgotten that Italian emigrants always kept the right to vote as long as they were willing to come back to Italy on the day of the election).

Second, the position of the political parties on the issue of external voting has always been strongly determined by the parties' perception of how these emigrants' votes would impact on their overall electoral performances. For historical reasons we recall below, both left and right wing parties traditionally shared the perception that emigrants would prefer the right. This cliché was in contradiction with, for instance, the profile of Italian working-class emigrants in Europe who appeared to be socio-economically speaking closer to the left-wing electorate. In addition to the clichés on the "political colour" of the emigrants, other clichés developed on their overall number and the fact that they would be able to upset the political equilibrium in place in Italy. As underscored by Tassello (1997), the absence of reliable data until the creation of the AIRE has considerably complicated the debate on external voting.

Third, as we will see below, it is important to bear in mind that the political parties' positions on external voting were not monolithic and stable over time. Influential individuals in certain political parties have managed to switch the balance in favour of the vote or (in the case of the centre-left) to delay the party's conversion to a favourable position on external voting.

Fourth, the political crisis of the 1990's and the so-called end of the First Republic have strongly influenced the parties' position on external voting. Not only did it lead to the disappearance of political parties and the creation of new ones<sup>54</sup>, it also profoundly modified Italian politics by permitting political alternation and giving small political parties the power to blackmail larger ones<sup>55</sup>.

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<sup>54</sup> We do not deem necessary to examine here the role played by Democrazia Cristiana (Dc) before its disappearing in 1994. We previously described this party as uninterested in the topic unless at times when its electoral hegemony was threatened by the Communist party.

<sup>55</sup> At that moment, a larger number of political parties start to table their own proposals.

This specific context has led Italian parties to be particularly cautious on the issue of external voting and explains the duration of the debate and the specific solution eventually adopted. Indeed, the solution consisted in creating a foreign constituency that would increase the predictability of the emigrant vote in the eyes of sceptical parties<sup>56</sup> (i.e. neutralising the impact of the emigrant vote) and in adopting a voting modality (i.e. the vote by mail) that would both satisfy those willing the participation to be large and those concerned by the reliability of the electoral process.

Turning to the role of political parties who are forming the centre-right coalition led by Silvio Berlusconi today, we wish to examine the role of three different parties: Alleanza Nazionale, Lega Nord and Forza Italia. Looking at the number of law proposals on external voting tabled since World War II, Alleanza Nazionale (previously called Msi) has certainly been the most active political party. The enthusiasm of the right nationalists finds its roots in Benito Mussolini's foreign policy according to which emigrants would play a role in the diffusion of nationalistic and Fascist ideals (Bertonha 2002). As we have seen above, the Chamber of Deputies and Mussolini discussed the possibility of granting Italians abroad the possibility to participate in the elections as early as in the 1920's (Cannistraro and Rosoli 1979). For Colucci (2005), despite the relative failure of the fascist authorities to manipulate the communities abroad to their own benefit, this period has proved crucial in the development of an Italian *associazionismo* abroad. It also contributed to the development of the cliché according to which emigrants would vote predominantly for right-wing and nationalist parties.

One particular man within Alleanza Nazionale has pushed harder than any other politician in favour of external voting: Mirko Tremaglia. All interviewees during fieldwork, no matter their political affiliation, concur in saying that this man bears a large responsibility of in the eventual success of the reform. He can be credited with having maintained the item on the Parliament's agenda at times when few parties were interested in the question. In addition to his parliamentary work, which we have already underlined, MP Tremaglia was also a founder of the migrants' association *Comitato Tricolore per gli Italiani nel Mondo* whose role was "*to be at the vanguard against the abandonment and the deceit conducted by those who govern us*

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<sup>56</sup> As we will see in the analysis of the 2006 election, the results in the foreign constituency, however, didn't meet the political parties' expectations.

*and to propose the principles and the fundamental schemes for political initiatives in favour of emigrants” (Tremaglia 2000: 92).*

This politician has probably also been wise in diversifying his arguments (not only nationalistic) in order to reassure its opponents: *“Now it is not only a sentimental question (...) but let’s leave to the side for a moment something that you would surely not contest –the love to the homeland, the tradition and the rights- and let’s turn to completely to other question, this question concern those who send each year at least 4 billion lira of remittances and help significantly to Italy’s balance” (Tremaglia quoted in Lanchester 1988: 39).*

One last element on the role of Mirko Tremaglia concerns his mandate as Minister for Italians abroad. Unlike to his successor, Minister Tremaglia had a “Ministry without portfolio” and not a “Deputy-Ministry”. Tremaglia’s situation -while providing him with limited means of action and limited authority over the administration- ensured him a seat at the Council of Ministers, where he was able to pressure his coalition partners for the rapid approval of the law of application (Interview No. 5 and No. 2).

At the opposite of Alleanza Nazionale’s position on external voting, and that of its coalition partner Lega Nord (the party militating in favour of Padania’s independence) were antithetical. The arguments advanced by the league in the Senate to oppose the reform in 1993 consisted in questioning both the legitimacy of an electorate that does not pay taxes in Italy and the solidity of the linkages uniting emigrants and their representative institutions. In addition, they argued that the representation of the emigrant community would be more relevant in the framework of a federal state (Ruberti 1994). This latter point was an attempt to connect the reform on external voting to the long-term federalist demand of the Lega.

Trapped between these two extreme positions, the leader of the centre-right coalition, Forza Italia, at first sight showed a high interest for the question considering the number of proposals it had submitted since its creation in 1994. However, as underscored during the interview with a Forza Italia MP from Milano, there remained strong reluctances on the opportunity to allow external voting and even more on the creation of the foreign constituency and the reliability of the vote by mail (Interview No. 18). I illustrated earlier, in a quote of President Berlusconi, that Forza Italia’s eventual support to the law of application was made to please its coalition partner Alleanza Nazionale for fear of being blackmailed. Forza Italia

was thus rather compelled than convinced of its necessity. As we will see below, this limited interest in external voting got confirmed during the 2006 elections with the little investment of Fi in its campaign abroad.

To understand the evolution of the centre-left position on external voting in the last decade of parliamentary discussions, it is necessary to turn to the history of the Communist party. Traditionally, this party had focused on the socio-economic issues faced by the emigrant workers and viewed their political participation as a way to modify the conditions that forced them to leave. This position was summed up in the “Let’s return to vote, let’s vote to return” leitmotiv. On the contrary, the party was opposed to allowing Italian citizens who had left the country a long time ago and who were disconnected from its socio-political context to change the country’s political equilibrium.

With the fall of the Berlin Wall and the dissolution of the Italian Communist party, two parties succeeded the main opposition party of Italy’s post-war politics. Rifondazione Comunista, closer the Pci’s heritage, maintained the traditional stance against external voting for fears that left-wing electoral colleges, especially in the South, be negatively affected by external voters. For that reason, they systematically opposed the reforms or suggested their own reform which was severely restricting the exercise of the vote (i.e. by limiting it to temporary emigrants only).

The position of the socio-democratic heir of the Pci, the Partito Democratico della Sinistra (Pds and later Ds), is more complex. On the one hand, as early as 1992 (soon after the creation of the party), Pds parliamentarians tabled a law proposal on external voting showing their willingness to break up with the traditional communist stance. On the other hand, Pds parliamentarians impeded the approval of the reforms on external voting on several occasions. This ambiguity was actually revealing the internal disagreements on the topic between the individual members of Ds. According to a former CGIE representative of Ds and deputy coordinator of the *Unione* 2006 campaign abroad, three elements have concurred in switching Ds’ position (Interview No. 8).

First, the idea that in Italy the emigrant communities were a resource in the era of globalisation slowly progressed within the party. In the interviewee’s words, this relates to the progress of “*the perception that Italy, a country that does not have its own resources, has to*

*navigate everyday in the international field to win spaces of influence, commercial spaces (...)... For Italy, to have a more direct relationship with its community abroad would have been a great advantage. This is the conviction that we repeated with difficulty but that eventually prevailed*'.

Second, the interviewee confirmed that the fear for Ds and Forza Italia was that the vote would be uncontrollable and that it could negatively affect their electoral performances. According to the interviewee, *“on the contrary, the invention of the foreign constituency has (...) limited this preoccupation and we could thus proceed [with the reform]”*.

Third, the progress of the two previous solutions is related to the work of influential members who helped creating a consensus both within Ds and with other countries. The Subsecretary for Foreign Affairs of the first Prodi Government (1996-1998) and later Secretary General of Ds, Piero Fassino, supported the creation of a foreign constituency during his mandate. Even though this idea had long been circulating in the Parliament, the fact that an influent centre-left politician from the executive pushed it contributed to the approval of the constitutional reforms passed under the centre-left majority. Similarly, the work done by Ds senator D'Allesandro Prisco, Rapporteur to the commission examining the law of application, served as the consensual basis that Mirko Tremaglia used right after the 2001 election to pass his own law of application.

The role of these two Ds politicians actually illustrates that by taking the lead in the debate on external voting, this reluctant party was actually ensuring that the legislation passed would not hurt its interests. They however had to face the opposition of other influential members of the party who fought against them. This is the case of the President of the Senate's Commission on Foreign Affairs and Migration for whom the eventual victory of the pro-vote within Ds is due to the centre-left majority's difficulty and the need to make some concessions to the opposition rather than out of conviction of party leaders<sup>57</sup>.

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<sup>57</sup> This senator actually recalled an anecdote illustrating this point during the interview: at the end of the 1990's, this senator published an article against external voting in a national newspaper. Following this publication, the President of the Council Prodi called him to say that he agreed with it but would not try to stop the legislative process. According to the interviewee, Romano Prodi considered that this question had to be solved by the Parliament and told him that *“in politics, you cannot fight all the battles, even when they are righteous. You have to select them”* (Interview No.10).

To conclude this section on the role of the political parties, we can say that their position has strongly been influenced by the old clichés surrounding the political affinities of the emigrant communities. A solution found by the supporters of external voting to reduce the fears on the consequences of this vote on election results has been to create a foreign constituency that would limit the impact of the emigrants to a fixed number of seats. In the next section, where we analyze the first experience of external voting at national elections, we see that not only did the clichés remain up to the day of the election but also that, despite the precautions taken by the legislator, the emigrants played an unexpected role in the elections.

## **6. Towards the first experience of external voting in legislative elections**

### **6.1. Before the 2006 elections: the issue of the electoral list and the referenda**

Once the Constitution was modified and the law of application adopted, the Italian democracy was ready from a legislative point of view to allow its citizens abroad to cast their vote by mail. From a technical viewpoint, however, the executive power had still many problems to solve. The creation of the list of electors was not the least of these questions. Indeed, the law provided that the government would unify the registry of Italian citizens abroad held by the Ministry of the Interior (AIRE) and the consular registry held by the Ministry of Foreign Affairs.

What could appear as a point of secondary importance is actually crucial because it relates to the emigrants' accessibility to their newly gained right. If the legislator had decided that the electors' listing should solely rely on the AIRE, the consequence would have been that the list would certainly be reliable (because they are held by the communes who have the means and expertise to do it) but, most importantly, many emigrants would have been prevented from voting. Indeed, many emigrants forget -deliberately or not- to inform their municipality about their change in status when leaving Italy. As underscored by a Ministry of the Interior's civil servant while working at the creation of the list of electors, "*very often they [the emigrants] go to the administration when they need something; not to communicate a change (...). Citizens*

are often reluctant to declare to the administration where they are going or not going” (Interview No. 12).

The registry held by the consular network, on the contrary, includes more citizens because the benefit of being included appears more obvious to most migrants (e.g. access to rights and information, security...). For this reason, drafting the electors’ list solely on this database would have proved much more inclusive but also less reliable due to the difficulty of the consular network to update it (e.g. when people move to another country, go back to Italy or die). By imposing that the electors’ list should only include those citizens who are in the two registries, the legislator was privileging reliability while forcing the executive to find a manner to reduce the discrepancy of over a million citizens not recorded in the AIRE but well in the consular registry.

Another option that the legislator could have taken was to ask Italians abroad to communicate themselves their desire to vote and the address to which the ballot must be sent. This solution, supported by the Ds but opposed by An, would certainly have reduced the number of voters (because of the administrative burden it represented) but would have given better guarantees as to the emigrants’ willingness to get involved in Italian politics. With the system adopted by the legislator, Italian citizens abroad (who at some point in their lives registered with the administration) receive the ballot at home and just have to return it; no other step is required.

The first uses of the right to vote from abroad have not been for political elections but rather for referenda. Indeed, the Act No. 459 of 27<sup>th</sup> December 2001 also organizes the emigrant’s right to vote at these consultations (through the same modality). On 15<sup>th</sup> June 2003, all Italian citizens were asked to answer two questions: the first, at the request of *Rifondazione Comunista*, concerned the reintegration of illegitimately fired workers and the second, pushed by the Greens, concerned the obligation for landowners to let electricity cables cross their property.

Based on the list of voters abroad, 2,206,875 electoral packages were sent, of which 1,970,847 were eventually delivered<sup>58</sup>. Despite the fact that these questions do not relate very

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<sup>58</sup> In March 2002, the AIRE contained 2,891,416 names and the consular registry 3,990,000. There was thus a difference of over a million potential voters that that authorities only partially managed to reduce.

much to the emigrants' interests, the participation rate was roughly similar to that observed on the national territory (25,7% in Italy and 21.8% abroad)<sup>59</sup>. The largest rates of participation are to be found in South America with 31.9%. On the contrary, only 19.3% of the registered voters cast their vote in Europe and 14.7% in the United States. With regard to the results of the consultation, they are also broadly similar to those observed on the national territory (around 70% of yes abroad). For the authorities, a more worrying data was the level of undelivered electoral packages: around 10% with even more serious problems in the United States and in Colombia (Tirabassi n.d.).

The second referendum held on 12 and 13 June 2005 was asking more sensitive ethical questions for which it could be argued that the actual residence in Italy and the citizens' belonging to the socio-political context of the nation was necessary. This referendum was asking four questions on the possibility to lift the limitations to the research on human embryos as introduced by a 2004 law.

Thanks to the authorities' efforts, the level of convergence between the two databases of citizens abroad had gone from 66.73% in 2003 to 79.56% at the 2005 referendum. 19% of voters abroad used their right while 25.9% of those residing in Italy did so on the national territory<sup>60</sup>. The difference in the level of participation in South America (28.4%) and Europe (16.7%) was confirmed. Again, the overall results go in the same direction with nonetheless substantial differences in the proportions (around 60% of yes abroad and 80% at home). Despite the differences between the various Italian communities abroad, the conclusion after these two "tests" of external voting did not reveal great differences between the political attitude of emigrants and that of citizens residing in Italy.

## **6.2. Preparing the 2006 elections**

### *6.2.1. The institutional preparation*

As we have just seen, the Ministries of Foreign Affairs and of the Interior managed to improve the voters' list from one referendum to the other. Nonetheless, the difference between the two databases remained above 600,000 people in June 2005. For this reason, the

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<sup>59</sup> Due to the failure to reach the necessary quorum, the referendum was eventually declared invalid.

<sup>60</sup> This referendum too was declared invalid for lack of participation.



authorities in charge of the fusion of the databases decided to launch a massive mailing campaign between August and November 2005 by which they contacted all the citizens present in only one of the two databases. The point was to ask them to confirm, correct and complement the information already in possession of the authorities in order to include the respondents in the voters' list.

Thanks to this effort, the level of convergence reached almost 90 percent in 2006 (Giunta delle elezioni 2006). This effort was not only motivated by the legal obligation but also by the political pressure put by Minister Tremaglia to ensure that the right to vote was rendered effective and increase the level of participation. However, due to the delays in the operations and their treatment only around 80,000 voters were added to the voters' list used for the 2005 referendum and, accordingly, the list totalled 3,520,809 electors in December 2005<sup>61</sup>.

The work of unification of the databases was further complicated by the adoption of the Law No. 22 of 27<sup>th</sup> January 2007 that allows certain types of Italian citizens temporarily residing abroad to vote in the foreign constituency. These citizens are members of the Army and of the police stationed abroad, civil servants temporarily abroad for professional reasons and university professors and researchers (or assimilated) working abroad with six-month contract minimum. Following the auditions of officials of the Foreign Affairs and Interior Ministries at the Election Committee of the House, only 13,779 qualified citizens were eventually able to vote by mail thanks to this new legislation<sup>62</sup>.

This legislation therefore does not appear as a satisfactory solution if Italy is to include the new upwardly mobile emigrants representing Italy's asset in the era of globalization. Indeed, except for professors and researchers, the text does not permit the participation of people who do not work for the state. Furthermore, allowing those temporarily abroad to vote in the foreign constituency is an unattractive option for these citizens since they will come back to Italy and have little interest in being represented by an MP proceeding from a community where they only stayed temporarily. The law is also no long-term solution as it specifies that it is valid only for the scheduled general elections and referendum in 2006.

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<sup>61</sup> The effect of the mailing operation might be felt in future elections, though.

<sup>62</sup> Atti Parlamentari, XV Legislatura, Camera dei Deputati, Giunta delle elezioni, *Audizione*, Resoconto stenografico della seduta del 19 luglio 2006.

In addition to the preparation of the list of electors, the Ministry of Foreign Affairs was also responsible for signing simplified agreements with foreign governments to ensure that the vote by mail received the guarantees of equality, freedom and secrecy abroad and that the Italian voters would not be discriminated against in host countries because of their political participation in Italian elections. 131 states accepted to sign such an agreement (covering 99.8% of the voters included in the list) but 60 states were incapable or unwilling to do so. Italian voters residing in these countries thus had the possibility to have their expenses covered to come back voting in Italy.

One country was particularly reluctant to sign such an agreement: Canada. The Canadian government eventually agreed to sign the cooperation agreement on the basis that the decision would be re-examined after the 2006 elections. One Italo-Canadian MP now occupies a seat in the Italian Parliament. In March 2007, however, the fear of an interdiction of future Italian elections on their territory reappeared among emigrant MPs. According to the Deputy-Minister to Italians abroad, Canada's reluctance is based on "*the preoccupation that all the other communities in Canada, being a multicultural country, could generate so many electoral campaigns in the future, [therefore] creating a conflicting situation*". The Deputy-Minister also insists that Canada could take advantage from this reaffirmation of the Italian community too and proposed to the Canadian authorities to examine the issue bilaterally (Interview No. 5).

A last organizational task of the authorities consisted in setting an "institutional information campaign" separated from any other campaign designed by political parties (Interview No. 2). This campaign aimed at informing the emigrants about their new rights and the modalities through which they can use them. To this end, the Ministry of Foreign Affairs edited a brochure, posted an announcement in the Italian press distributed abroad, aired messages on RAI international and opened an electronic mail box and a call centre to answer the citizens' questions.

The audition of an official from the Ministry of Foreign Affairs at the Election Committee of the House also revealed that the call centre was ready to receive calls in English, French, Spanish and Portuguese<sup>63</sup>. This illustrates the Administration's awareness that voters with

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<sup>63</sup> Ibid.

little knowledge of Italy and its politics would vote. As confirmed by the former President of the *Consulta regionale* of Emilia-Romagna, the *Consulta* played a similar role of institutional information, motivating emigrants to vote independently of any partisan connotation (Interview No. 4). This left-wing senator residing in Switzerland and leader of a powerful association confirms that associations too strongly motivated emigrants to vote. They, on the contrary, were not obliged to do non-partisan campaigns and thus clearly encouraged voters to support the candidates they felt closer to (see below) (Interview No. 9).

### 6.2.2. *The political preparation*

In addition to the institutional preparation discussed above, political parties also designed their own campaigns to attract electors abroad. As we will see, the *Unione* list led by Romano Prodi gave more importance to this small share of the electorate than the *Casa delle Libertà* led by Silvio Berlusconi. This greater interest first materialized in the organization of Primary elections by the *Unione* on 16<sup>th</sup> October 2005, in which emigrants were able to participate. These elections were obviously not falling under the regime of Law No. 459 of December 2001 and were thus organized by representatives of the party and sister organizations all over the world. Despite the low level of participation (20,655 valid votes) and the fact that only 20 countries participated, the primaries gave the *Unione* the possibility to mobilize its supporters abroad early in the campaign; especially in Switzerland (4,504 voters), Argentina (2,644 voters), Belgium (2,373 voters), Australia (2,224 voters) and Germany (2,067 voters). In terms of results, Romano Prodi performed equally well in Italy (74.1%) and abroad (75.2%)<sup>64</sup>.

It appears from the interview realized with the coordinators of the campaign abroad of *Forza Italia* and *Unione* coalitions that the difference of interest got confirmed later in the campaign but also that strategic mistakes put the centre-right coalition in a bad position before the elections. The centre-right coalition's biggest mistake was certainly not to come up with a unique list but to present a *Forza Italia* list and an *Alleanza Nazionale* list (under the name of Mirko Tremaglia) in the four geographical sectors plus a non-partisan list in the South American sector - *Associazioni Italiane in Sud America*- led by an Argentinean resident (leader in that country of *Azzurri nel mondo*, Fi's representation abroad).

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<sup>64</sup> Due to the limited level of participation, a detailed analysis of the Primaries would have very little added value. Let's mention however that Romano Prodi got 82.3% of the votes in Belgium and that Antonio Di Pietro (Italia dei Valori) performed twice better abroad (7%) than in Italy.

Indeed, the elections in the four geographical sectors of the foreign constituency were using the proportional system combined with the possibility to express a vote of preference. However, some seats were *de facto* attributed through the “first past-the-post” system in the sectors entitled to only one seat (i.e. one seat at Senate and another one at the House in the “Africa, Asia, Oceania and Antarctica” sector and one seat at the Senate in the “Northern and Central America” sector). As underscored by the coordinator of Forza Italia’s campaign abroad (Interview No. 18), they refused to form a unique centre-right list under the name of Mirko Tremaglia because “*we thought that the name Tremaglia is only known by those who follow these things. (...) He [Tremaglia] was opposed to a unitary list unless it was named the Tremaglia list with people chosen by him. [For us] this was a bit too much!*”

To choose the candidates to put on its list, *Forza Italia* asked its representatives abroad to suggest names and organize meetings with them. The party was not looking for leaders of Italian associations abroad (except its own) but the guiding principle was that “*we wanted to represent as many people as possible. (...) There were candidates from the old and the new emigration. There were simple workers and professionals, a few entrepreneurs as well*”. The coordinator also confesses that *Forza Italia*’s involvement in the campaign abroad was limited. They organized two international meetings (in Lugano and Athens) before the formation of the list to discuss the program and the way to conduct the campaign abroad.

Later, Silvio Berlusconi sent a letter to the voters residing in the “Africa, Asia, Oceania and Antarctica and the “Northern and Central America” sectors and then provided no further financial support to the candidates. The party considered that inside *Fi*’s list, because of the vote of preference, “*the candidates were competing with each others*”. They thus left candidates alone to do their own campaign.

In addition to these factors, *Fi*’s priority was elsewhere during the campaign. Indeed, the centre-right majority had reformed the electoral law in 2005<sup>65</sup>. This reform changed the electoral system on the Italian territory dramatically (not abroad) moving from a majoritarian system to a proportional system with thresholds and a majority premium for the winner. Accordingly, the *Casa delle Libertà*’s campaign neglected the foreign constituency for they thought that the difference would not be made over there. As we will see below, the new

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<sup>65</sup>According to Guarnieri (2006), the centre-right’s motivations to change the electoral law were its defeat at the 2005 elections and its belief that the majoritarian was favouring the centre-left.

electoral law will nonetheless produce a tie in the Senate which, in turn, will put emigrant senators in the spotlight.

According to the representative of Ds abroad (Interview No. 8), the *Unione* had understood the need to present a unique list in sectors where only one seat was going to be allocated. In addition, they were aware that the image of the centre-left coalition abroad was that of a divided and risky alliance. Accordingly, they had to work on proving that centre-left parties were in the same line and would be able to govern without the quarrels that undermined the stability of past centre-left governments. Only one small list, that of the former *mani pulite* magistrate Antonio Di Pietro, decided to go alone (with good results in the European sector as we will see below).

Before forming the lists, the centre-left coalition focused on building a program upon which all could agree at home and abroad. To build the centre-left consensus abroad, the coalition organized for two years the “Days of the *Unione* abroad” in 60 cities in the world where the coalition’s idea could be confronted to the electorate. Once a consensus had been found on the programme, the *Unione* started the difficult task of forming the list:

*“We had many demands to satisfy. For instance, there was the demand of representativeness of all the forces of the Unione [and] there were eight or nine political forces in total. (...) Second, [we had to] cover the territory, especially where there was the largest concentration of voters. (...) Third, [we had to] care about the qualitative content of the list. This meant not only including members of patronati and sindacati. (...) We surely had to put people who were in daily contact with the voters but also persons who had some weight within the community...also professionals...and not only old people but also young ones and a few women”.*

With regard to the campaign abroad, the *Unione* also provided its candidates with limited support. A letter of Romano Prodi was sent all over the world and then each candidate supported his campaign with his own resources and the help of the coalition’s political party to which he belonged.

### 6.3. Election results, their consequences and three hypotheses on the electorate's motivations

One of the major achievements of this first attempt at external voting for parliamentary elections is its relatively high participation rate (38.93%) compared with other countries allowing this form of suffrage. Several elements concerning the participation rate deserve to be dealt with (see tables below). First, virtually all emigrant voters decided to cast their vote by mail and only 4,676 of them opted to go back to Italy to vote in person in their constituency of origin. Second, even though emigrants and citizens residing in Italy were equally uninterested in participating in the last two referenda, Italian residents unsurprisingly mobilized much more for the legislative elections (81.4%). Third, all communities were not equally participative. Italian residents in South America -especially the Argentineans- mobilized more than other voters, particularly the European residents (with the notable exception of Switzerland). Europe however remained by far the largest electoral sector in absolute terms.

Table 8. Participation to the 2006 elections abroad (House of representatives)

Repartition	Ballot sent to voters abroad	Ballot sent back by voter to consular authorities	Ballot sent back by voter (%)
Asia, Africa, Oceania & Antartica	152,068	60,599	39.85
Northern and central America	282,249	97,943	34.70
South America	693,522	326,003	47.01
Europe	1,579,543	569,319	36.04
<b>TOTAL</b>	<b>2,707,382</b>	<b>1,053,864</b>	<b>38.93</b>

Sources: Ministero dell'Interno (2006)

Table 9. Most participative countries of residence (House of representatives)

Country	Ballot sent back by voter to consular authorities	Ballot sent back by voter (%)	Country	Ballot sent back by voter to consular authorities	Ballot sent back by voter (%)
Argentina	180,900	50.59	Venezuela	28,589	46.26
Switzerland	179,846	48.16	Uruguay	28,271	60.86
Germany	143,526	33.29	Spain	12,234	25.05
France	84,535	30.33	Peru	7,681	46.81
Brazil	67,834	40.67	Netherlands	7,633	34.61
Belgium	56,198	30.20	Luxemburg	6,669	39.67

USA	51,091	30.71	South Africa	6,622	31.20
UK	41,231	30.58	Chile	5,799	21.53
Canada	40,306	40.46	Austria	4,346	43.52
Australia	34,808	36.82	Croatia	4,031	59.59

Sources: Ministero dell'Interno (2006)

Turning to the results of the elections, it can clearly be argued that the Unione's strategy has paid off and that it has been very much helped by the division within the centre-right coalition. Indeed, the Unione occupies 6 of the 12 reserved seats in the House (plus one seat to the candidate of Italia dei Valori, a party that supports the centre-left majority) and 4 of the 6 seats in the Senate. Forza Italia, on the contrary, only managed to get three MPs and one senator and Alleanza Nazionale (Tremaglia list) only one MP.

Except for the European sector where the centre-left coalition's victory is blatant, its superior performances to those of the centre-right in other geographical sectors appear largely due to factors that have nothing to do with its own merits. In the "Africa, Asia, Oceania and Antarctica" sector where only one seat was attributed in each Chamber, more voters supported centre-right parties (Fi and An) rather than the Unione in the House election and almost as many in that of the Senate. Despite the fact that nothing ensures that a unique centre-right list would perform as well as the sum of the Fi and An lists (i.e. because they would also present fewer candidates), it can be said that this division cost the coalition at least one seat in the House<sup>66</sup>.

Looking at the tables below, it appears even more clearly that, in Northern and Central America, the division cost them a seat in each Chamber. In South America, a different factor has played against Silvio Berlusconi's coalition. The fact that the charismatic millionaire who led Forza Italia's association in Argentina (Azzurri nel Mondo) decided to eventually present his own non-partisan list further split the forces of the centre-right. His list took one seat in each Chamber and in a surprising move eventually decided to support the Prodi Government (see below). This prevented Fi from getting any seat there while the Tremaglia list (An) got its only seat in that geographical sector.

<sup>66</sup> According to the Forza Italia coordinator of the campaign abroad and the "Tremaglia list" MP from Argentina (Interview No.18 and No.1), Minister Tremaglia is to blame for the division of the centre-right abroad. Initially, he wanted all candidates from all parties to be on the same unique list bearing his name. Later he limited this demand to centre-right candidates. These propositions were not accepted.

The consequences of these results are that the emigrant vote –whose impact the political parties had thought to neutralize by the creating of the foreign constituency- revealed much more important than expected. Indeed, because the results of the foreign constituency were revealed last, they virtually broke the tie between the two major coalitions in the Senate thanks to the four seats won by the Unione abroad.

The reactions to this unexpected situation differed very much. Romano Prodi naturally thanked his emigrant voters and confessed he had never thought they could be decisive (Inform No. 75, 11/06/2006). For Silvio Berlusconi, on the contrary, it was a bitter situation. On the one hand, he publicly contested the way the election took place in Australia because around 40,000 votes had been declared invalid there and declaring that “[i]n terms of overseas votes there exist a great many irregularities” (The Advertiser 13/06/2006). On the other hand, a few weeks after the election, Silvio Berlusconi also questioned the legitimacy of external voting on the basis that emigrants do not pay taxes in Italy (quoted in Fondazione Migrantes 2006).

Table 10. Elections Results

Sector Africa, Asia, Oceania and Antarctica						
House	Senate					
List	N votes	% of votes	of seats	N votes	% of votes	seats
Unione	26,164	47.52	1	23,067	45.47	1
Forza Italia	21,506	39.06	0	18,383	36.24	0
Per Italia nel mondo-Tremaglia	5,730	10.41	0	4,845	9.55	0

Sector Northern and Central America						
House	Senate					
List	N votes	% of votes	of seats	N votes	% of votes	seats
Unione	33,881	38.72	1	32,036	38.03	1
Forza Italia	26,843	30.68	1	25,556	30.33	0
Per Italia nel mondo-Tremaglia	10,897	12.45	0	11,604	13.77	0
Udc	9,494	10.85	0	9,412	11.17	0



### Sector South America

House	Senate					
List	N votes	% of votes	seats	N votes	% of votes	seats
Ass. Italiane in Sud America	99,817	33.12	1	85,745	31.51	1
Unione	83,373	27.66	1	81,899	30.10	1
Per Italia nel mondo-Tremaglia	35,207	11.68	1	30,134	11.07	0
Udc	32,726	10.86	0	25,593	9.41	0
Forza Italia	25,431	8.44	0	24,141	8.87	0

### Sector Europe

House	Senate					
List	N votes	% of votes	seats	N votes	% of votes	seats
Unione	277,996	52.73	3	256,355	52.97	1
Forza Italia	128,756	24.42	2	118,306	24.44	1
Di Pietro Italia dei Valori	27,432	5.20	1	26,486	5.47	0
Udc	24,236	4.60	0	22,273	4.60	0
Per Italia nel mondo-Tremaglia	20,271	3.85	0	18,472	3.82	0
Lega Nord	12,319	2.34	0	12,006	2.48	0

Source: Ministero del Interno (2006)

Although I did not carry out fieldwork with emigrant voters, I believe three elements (among a variety of factors) may have influenced the emigrant voters' choice: Italian associations abroad, political equilibrium and political parties in the host country and the centre-right image problem due to its division and Silvio Berlusconi's foreign policy. Despite the fact that I do not know how decisive these factors have been, they deserve to be discussed. To do so, I examine the election in two particular countries -Belgium and Argentina- and analyse the profile of the elected MPs and Senators elected in the Europe and South America sector to which these countries belong (based on the interviews conducted with the parliamentarians).

In Belgium, 30.20% of the 186,056 qualified voters participated to the election which remains below the participation rate of the European sector. The Italian embassy in Brussels considered it a low rate but justified it by technical mistakes (i.e. too short period for sending the ballot) rather than by the disinterest of Italians residing in Belgium (Le Soir 11/04/2006). It must, however, be noted that the participation rate was much higher in the Brussels consulate (37.68%) -where it can be said that most of the new Italian migration concentrates (with the presence of international institutions and companies in the town)- rather than in the

old industrial towns were most of the earlier migrants concentrate (Liège 30.50%, Mons 28.43%, Genk 27.12% and Charleroi 26.37%).

Looking at the election results, Italians in Belgium massively supported the Unione coalition (60.03%) while Forza Italia performed even worse in Belgium than in other European countries (16.28% against 24.2% at the European level). The Di Pietro list got 8.27% of the votes while the Tremaglia list (3.03%) and the regionalist list “Altra Sicilia per il Sud” (4.3%) performed poorly (despite the fact that Belgium holds a large Sicilian community).

Focusing on the political campaign in the French-speaking part of Belgium where the community concentrates, three elements help us understand these clear results. First, the media, and especially the paper *Le Soir*, clearly called to vote for Romano Prodi and did not hesitate to qualify the President of the Council Berlusconi as “*a man unworthy of any public mandate*” (Le Soir 8/04/2006).

Second, all political parties in French-speaking Belgium supported to the candidacy of Romano Prodi; even the Christian Democratic party Cdh which belong to the same parliamentary group as Forza Italia at the European Parliament! The President of the four major parties, PS (Socialist), Ecolo (Greens), Cdh and MR (Liberal), participated in the meeting organized by Romano Prodi’s supporters in Brussels on 1<sup>st</sup> February 2006 (Belga 1/02/2006). The very popular President of the PS, himself the son of Italian emigrants, even sent a letter to the emigrants calling them to support the Unione in the coming election. Besides, the fact that the sociological profile of the traditional Italian emigrant in Belgium is that of a working-class citizen residing in Belgium’s socialist strongholds (the Liège and Hainaut provinces and also the Flemish Limburg) was supporting the intuition that their vote would favour Romano Prodi. For this reason, candidates of the Unione did not hesitate to organize meetings in these towns with the participation of the Belgian Socialist party and trade union leaders (Inform No. 58, 21<sup>st</sup> March 2006).

Third, for the same historical reasons, the Italian associations present in Belgium are predominantly left-wing and therefore also mobilized in favour of the Unione. The Leonardo Da Vinci association for instance, an association affiliated to the FILEF located in the industrial heart of Wallonia, called to reject Silvio Berlusconi for two reasons: the social

damages and the political scandals he created in Italy and his foreign policy, which they describe in the following terms:

*“ (...) He [Silvio Berlusconi] engaged the whole country in a war in the Middle-East without the UN’s, the European Union’s or NATO’s approval. Italy is at war with the “coalition” (...) against “weapons of mass destruction” (unfound) and Islamist terror that this war only stimulated. So what should we be afraid of? A warlike authoritarian comic opera leader of ransoming the institutions, scamming his competitors; here is the puppet that, once unmasked, should not scare anyone anymore” (Leonardo Da Vinci 2006).*

While we do not aim to conduct a socio-political analysis of the elections here, a quick look at the profile of the candidates elected in the European sector reveals that the Unione vote in Europe might not be as monolithic as it appears. On the one hand, we find leaders of prominent associations and unions involved in the institutional dialogue with Italian authorities (CGIE, Comites...) for a long time that represent a more traditional form of emigrants and could count on their associations’ large membership for electoral support (the former president of the CGIE and ACLI and the president of the Swiss Colonie Libere have been elected). On the other hand, the young Green outsider on the Unione list who had virtually no previous involvement in Italian communities abroad but was the former Secretary General of the European Greens won a seat in the House by being the second most voted candidate! He believes he got elected because he conducted a “European campaign” (also relying on the help of local Green parties). Unlike other candidates, he did not only campaign in his country of residence (Belgium) and he could capitalize on his educated and upwardly mobile profile, which he believes appealed to a share of the new emigrants (Interview No. 3). In that sense, his profile was closer to that of the Forza Italia challenger residing in London (young professional) who got elected despite his lack of connections with Italian associations but campaigned in various European countries.

The situation in Argentina and in Belgium differ in many respects. Argentina hosts the second largest population of registered voters after Germany but has the highest number of actual voters in absolute terms (180,900) and ranks high in relative terms (50.59%). Though we do not have the data on the electors who actually voted, the list of citizens invited to vote informs us that 63.4% of the Italian citizens on this list were not born in Italy and that around 17% of them are younger than 30 (Bernardotti 2007). The figures of acquisition of Italian nationality by recognition of Italian descent in this country of 35 million inhabitants (where around 10 million have Italian origins) are even more striking. Between 1998 and 2004, some 235,144

Argentines have acquired Italian citizenship through this method (representing 41.5% of all acquisition of Italian nationality from abroad) (Gallo and Tintori 2006).

The impact of Italian nationals in Argentina on election results is quite surprising. First, Argentina alone represents more than half of all votes expressed in the 10 countries of the South American sector. Second, three candidates residing in Argentina –almost four<sup>67</sup>- have been elected (1 Senator and two MPs). Third, the South American sector is the only one where the *Unione* is not the first list but rather comes second (and *Forza Italia* third) behind the “*Associazioni Italiane in Sud America*” list. This list, led by a prominent association leader (president of the Italian Chamber of commerce, of the *Feditalia* grouping many Italian associations in South America and vice-president of the *CGIE*) together with the president of the *Comites* in Buenos Aires, conducted an apolitical campaign based on the corporatist defense of the Italian emigrants’ interests (Bernardotti 2007). The success of his election independently of the Italian political parties’ framework illustrates the power of *associazionismo* in Argentina and South America. Despite his proximity to *Forza Italia*, this Senator eventually decided to support Romano Prodi’s government. This quote of the senator of that list illustrates their non-partisan position:

*“(...) despite the presence of all political parties, all together, they do not make as many votes as I do. So, the people understand that the relations [between Italy and its emigrants] have to be of that kind, of not pretending to go to Italy to overthrow the government or to try to teach Italians how to do politics. (...) what we are trying to do is (...) to explain the Press and the Institutions that there exist a reality outside Italy that is not very well-known, (...) that there exists a patrimony that is the result of the tragedy of emigration (...). I’m a senator of the Italian Republic elected by Italians abroad. (...) I don’t feel the responsibility to overthrow governments, I want to work with the government that exist, the one that won the election. With that one we’ll discuss because we cannot wait four years for the government to change”* (Interview No. 13).

Fourth, the fact that the *Tremaglia* list got its only seat in the South American sector is another interesting indicator. While the *Unione*’s success in the foreign constituency forces observers to reconsider the cliché according to which all emigrants are right-wing nationalists, the fact that the *Alleanza Nazionale*’s candidate in Argentina got a seat in the House reveals that anti-fascism is weaker there than in other communities. This MP, however, confirms the

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<sup>67</sup> During the count, a second seat of senator had been given to an Argentinean resident belonging to the *Unione* list but at the end of the operations the seat was attributed to a Brazilian resident of the same list.

impression of the independent candidates that emigrants in South America are less interested in the Italian political parties but rather in the people and the role they play in the community (through associations of all kinds):

*“I’m from the centre right. I belong to Alleanza Nazionale and I feel weird about that. But to me, in my case, I have no interest in politics...in party politics to be accurate. Yes, I’m well interested in the country, I’m the man to defend it. (...) Italians abroad, especially in South America, are not interested in political parties. Therefore, people did not vote for the party but for the person” (Interview No. 1).*

The fifth element concerns the influence of the political situation in the host country. Indeed, it must be underlined that for several years a left-wing reformist wind has been blowing on South America and Italians there are certainly influenced by the new political sociology of the area. Besides, similarly to what happened in French-speaking Belgium, the Argentinean Socialist party expressed support for the Italian candidates of the Unione (Bernardotti 2007).

## **7. Post-electoral developments of the question of external voting in Italy**

After the 2006 election and the so-called the “surprise of the vote abroad”, the position of parliamentarians from abroad has been given a lot of publicity and has given rise to various controversies. In this final section of the Italian case study, we examine how emigrant parliamentarians’ loyalty and representativeness have been questioned in the year following the election. Then we’ll briefly examine their impact on the treatment of emigration issues since the parliamentarians arrive and we’ll conclude with the perspective opened by the June 2006 referendum in which emigrants also took part.

In the days following the 2006 legislative elections, the long marginal topic of external voting dominated the media’s headlines. The perception that this vote had been decisive, the declaration of Silvio Berlusconi on the illegitimacy of this vote and the accusations of fraud placed the emigrant parliamentarians in a different situation than that of their colleagues elected on the national territory. Very rapidly, their loyalty to Italy –and especially that of the independent senator from Argentina- was questioned. Because of the very tight majority of the Unione in the Senate, the vote of this independent senator -who had declared his willingness to support the Prodi government on a case by case basis- had taken an unexpected

importance. In the first twelve months of the new centre-left government, the importance of this seat and the loyalty of the person who occupied it had already been questioned twice.

First, during the parliamentary discussions on the budget in November 2006, the Senator had declared to the press that he would not give the government a vote of confidence if 14 million euros were not included in the budget to increase services in the consulates, give sanitary assistance to the elderly abroad and stimulate investments from abroad (La Repubblica 2/11/2006). Despite the centre-left's declarations that this budgetary line had long been included (Interview No. 5), the final approval of the budget took place after hours of harsh debates. In fact, the opposition accused the centre-left not so much of giving that money as of having accepted to be blackmailed by Italians abroad (Italia estera 4/11/2006).

Second, on 21<sup>st</sup> February 2006, the Prodi government was defeated at the Senate in an important vote on his foreign policy. This vote revealed the weakness of this government's majority at the Senate and forced the centre-left leader to give his resignation to the President of the Republic. The latter, in turn, invited the Government to try to win back the Parliament's confidence. In the following days, political analysts and the press focused on the probabilities of the few life-senators and the independent senator from Argentina giving the necessary vote to re-establish confidence. In that short period of time, because he purposely remained vague on his coming vote, this emigrant senator was accused to have met with President Kirchner of Argentina to decide whether to support the Prodi government or not. At the core of these accusations was the impression that the senator was being disloyal for he was supposedly taking instructions from a foreign government (Corriere della Sera 01/03/2006). Eventually, the senator denied taking instructions abroad and decided to vote the confidence to the government. Nonetheless, he declared that he was giving no "blank check" and that he would continue to examine the questions presented by the government on a case-by-case basis.

During the interview I conducted with him in that period, he also confessed the following: *"I'm an independent, I can abstain, I can sustain the existing government but I don't feel the responsibility to knock down a government. This is a question upon which only the Italians living here [in Italy] can decide"* (Interview No. 13). Emigrant themselves reacted differently to the attitude of their colleague. Some, like this Forza Italia MP from the USA, considered that this senator was bringing fresh air to Italian politics and was putting the spotlight on Italian emigrants (Interview No. 6). For others, like this Unione senator from Switzerland, the

senator from Argentina is “*an enormous problem for the community abroad. (...) he presents himself as a blackmailer towards Italian politics*” and “*his behaviour harms the work made by other parliamentarians [from abroad]*” (Interview No. 9).

As we can see, this senator from South America has introduced uncertainty in Italian politics by making it difficult to predict his next moves. This context stimulated the emergence of old Westphalian fears on the allegiance of citizens involved in two states. However, it can be argued that uncertainty is less the result of his position of senator from abroad than of his position as an independent senator not following a party or coalition’s line.

In reality, what has been framed in terms of questions of loyalty for this senator has been coined in terms of representativeness for the other emigrant parliamentarians belonging to a political party. Do they defend the interest of the emigrants (and their associations) even at the expense of the party line? Do they represent the emigrants, the people from their region of origin or all Italians? These are the questions raised with this new form of representation and to which the emigrant parliamentarians have themselves given different answers.

With regard to the respect of the party line, we have seen that not all emigrant parliamentarians feel compelled to follow it. It is the case of this Alleanza Nazionale MP from Argentina but also of the Forza Italia MP from the United States who regrets that “*when we came here, the political party kept us and made us their little soldiers*” - what he refuses (Interview No. 6). Others, who are much more familiarized with Italian politics thanks to their involvement in the CGIE and their long-time membership of political parties, have no problem with the party discipline. For this Unione senator from Switzerland and former president of the CGIE, “*the Parliament is not an association, it works with groups (...). You cannot go against your group*” (Interview No. 11). Similarly, the Green MP residing in Belgium believes that “*(...) we are in different groups and we want our visibility so you cannot have one [emigrant MP] speaking for all*” (Interview No. 3).

This vision runs counter to what Minister Tremaglia had thought the emigrant representation in Parliament should be: “*When I was fighting for the law on the [emigrant] vote, I was thinking about one parliamentary group of Italians abroad in the House and one in the Senate. United, the parliamentarians would have been an amazing tool to pressure and it*

*would have been impossible for the political forces not to take their demands into account”* (Italia chiama Italia 10/08/2006).

During my fieldwork in Rome (February-March 2007), the question of the objective cooperation of the overseas parliamentarians to the benefit of their emigrant voters was discussed. In other words, these parliamentarians were considering the possibility to act as a corporation on specific issues related to emigration or in the words of the Unione senator from Brazil *“to focalise our efforts on the goal that is Italians abroad”* (Interview No. 15). Yet again, the different profile and party affiliation of these parliamentarians were making it very difficult. The young Forza Italia MP from the United Kingdom underlined the cultural barrier between young professionals like him and other parliamentarians who are long-time leaders of associations. To him, the image of the *“Italian emigrant with the cardboard suitcase”* must be changed and, talking about a possible cooperation between the 18, he considers that *“if I have to wave the Italian flag and complain about the problems of integration of Italians in Germany, I’m not available, sorry!”* (Interview No. 14).

A further ambiguity on their representativeness (unresolved at the time of writing) was the reform of the CGIE and whether or not the emigrant parliamentarians should be allowed to remain members of the consultative body. Three positions are in presence.

First, some (like the Minister of Italians abroad) consider that the CGIE must be profoundly reformed because emigrant voters fulfil largely the role of CGIE councillors who were traditionally in charge of making recommendations to Italian authorities (Interview No. 5). The Forza Italia emigrant MP from the United States goes even further in saying that the co-existence of CGIE councillors and emigrant MPs creates undesirable competition between actors in the field of emigration (Interview No. 6).

The second position consists in saying that the CGIE (and the Comites) remains useful because it maintains a link between the emigrant parliamentarians residing in Rome most of the time and the communities abroad. Following this position, it makes no sense that emigrant parliamentarians remain member of the CGIE (Interview No. 3).

The third position, held by the Unione MP from Australia, consists in considering it feasible - and even desirable- for the parliamentarians to be present in the two assemblies in order to



discuss the future role of the CGIE and stimulate the dialogue between the communities and parliamentarians (Interview No. 17 and Italia Estera 10/12/2006).

Despite their diverging views and the difficulties to coordinate their actions, emigrant parliamentarians have managed to favourably push issues that had long been requested by the communities. As underscored by the Senator from Switzerland, these demands had been included in their political programs before the election:

*“We have worked on these issues for decades: language and culture, consular problems, fiscal problems, information...We had nothing to invent, we just had to take again our failures of the last decades. It was our program and we have already started to work on it: consular network, citizenship, financing of services to Italians abroad...I have managed to obtain that ID cards be delivered by the consulates, this will solve major administrative issues in Europe. These are daily problems of the people”* (Interview No. 9).

Other parliamentarians insist that emigrants are their priority but that they also work for all Italians and take positions on issues unrelated to emigration (Interview No. 1, 9, 11). Similarly this Sicilian MP elected in Australia underlines that emigrant parliamentarians may feel responsible for the well-being of their region of origin: *“I have done more for the territory where I’m from than I have done for my electorate. Problems with water, sea transport...In this part of Sicily, there are no other members of the centre-left”* (Interview No. 17).

Concerning the priorities of the emigrant parliamentarians two further elements observed during fieldwork must be mentioned at this stage. First, one important issue for these parliamentarians is the reform of nationality law in order to facilitate its access to persons abroad. While we do not intend to enter into the details of the project here it must be noted that several of my interviewees have adopted a pro-emigrant position while defending at the same time more restrictions towards immigrants coming to Italy and their access to Italian nationality. This apparent contradiction was present in the declarations of the Forza Italia MPs from the UK and the USA but also from the Unione senator from Brazil (Interview No. 6, 14 and 15). For this emigrant senator from Switzerland, on the contrary,

*“(...) one cannot be a Italian emigrant in Switzerland or in Germany where we fight to get rights and that [at the same time] these rights be not recognized to immigrants coming to our territory. (...) This discourse is however not successful with migrants’ associations. They have almost a*

*xenophobic reaction and say “when we left, we suffered and now them, they [the immigrants] want everything””* (Interview No. 9).

The second important observation made during the interviews with the emigrant parliamentarians is that none of them mentioned the extension of external voting to regional elections. Except for the regions with a special status that could legislate on this issue on their own, this extension would request a modification of the Constitution (for which the support of the emigrant MPs would be useful). Nonetheless Friuli and Tuscany are currently examining the possibility of extending the existing mechanism of external voting to their own regional elections.

While we cannot confirm, at the time of writing, that external voting will be extended to other kinds of elections in the coming years, we can however conclude this case study by looking at the perspectives opened by the next exercise of emigrants’ political participation after the 2006 elections.

On 25 and 26 June 2006, a constitutional referendum was organized in which Italian citizens were asked to give their opinion on a constitutional reform supported by Silvio Berlusconi’s coalition and opposed by the centre-left. The reform was introducing further elements of federalism into the country’s institutional framework (Senate as a Chamber representing the regions, devolution of prerogatives to the regions, increase in the power of the Prime Minister...). The overall participation rate was of 52.3% but only of 27.8% abroad (34.6% in South America and 24.7% in Europe). On the Italian territory, except for Lombardy and Veneto (where the Lega Nord is stronger), voters of all regions voted no to the reform (61.7%), which was eventually rejected. Abroad, on the contrary, the centre-left did not repeat its electoral success of a couple of months before as emigrants supported the reform by 52.1%. Emigrant voters only rejected the reform in the European sector (54.7%). In the other sectors, the voters approved the reform -and in South America more than in anywhere else (62.9%).

These results teach us two lessons for the analysis of future Italian elections abroad. On the one hand, the cliché that emigrants are more nationalistic than other Italians seems undermined by the emigrant’s approval of a reform reducing the national state’s prerogatives. On the other hand, the centre-right has the potential to get more seats abroad in the next

legislative elections. We have already seen that -despite the fact that the centre-right parties (Forza Italia, Udc, Lega Nord and the Tremaglia list) got altogether around 10 percent less votes abroad than centre-left parties for the House election- the split strategy of the former cost them several seats abroad. The 2006 referendum confirms that a majority of the mobilized voters are ready to follow the centre-right. Because they all have the tight election results of the last election in mind, this indicator will certainly encourage political parties to focus their attention on emigrant voters in the coming years.

## **8. Conclusion to the Italian case study**

In this analysis of the debate on external voting in Italy, we started by replacing this debate in its historical context. We saw that Italians abroad have historically maintained some form of social, economic or political contacts with the homeland. Similarly, the Italian state has been aware of the importance of emigration for its development but was -with some historical exceptions- not ready to implement pro-active policies to maintain close contacts with the emigrant community.

For these policies to develop (and especially the external voting right policy), we demonstrated that a certain socio-political context was necessary. Even though the topic of external voting has been recurrent since the end of World War II, we saw that the salience of emigrant issues actually increased with the end of mass migration out of Italy. The regionalisation of the state has also stimulated on the debate on external voting rights with the creation of new regional associations in destination countries. Similarly, the political crisis of the 1990's due to the *mani pulite* scandal has opened a debate in Italy on the place of citizens (including emigrants) in society. This new socio-political context progressively permitted diverse mechanisms in favour of the emigrant community to be implemented: the creation of the Comites, the CGIE and the 1992 Nationality Act.

Several migrant associations (but also the CGIE and some politicians) took advantage of this favourable context to present emigrants as assets for Italy in the era of economic globalisation because of the business opportunities they could open. Also, migrants were presented as potential actors of political stability in Italy due to their supposed experiences in foreign

democracies. In other words, migrant associations offered the Italian state a discourse on globalisation and modernity to justify external voting (and other policies) independently of the real desire of Italians abroad to participate.

Political parties, individual politicians or the administrations concerned by the topic could only partially accept this discourse because, historically, they had been concerned by the potential impact of emigrant voters on the Italian political equilibrium and on the reliability of the electoral process. Alleanza Nazionale, for instance, was convinced that emigrants were close to the right-wing nationalists voters. This party, and its MP Mirko Tremaglia, was accordingly a strong supporter of external voting. Because it had a similar image of the emigrant community's political affinities, the Communist party feared that external voters would diminish its influence in Southern Italy.

Because of these different views on external voting, the solution that emigrant associations and other supporters of this right found appropriate was to guarantee sceptical political parties that the overall impact of external voting would be put under control. The proposal to create a foreign constituency actually aimed at solving this issue by limiting the impact of external voting to 18 seats. As we have seen, the specific electoral context of the 2006 elections, however, gave a special importance to external voters in the Senate.

Overall, this case study demonstrated the complexity of the debate on external voting in Italy by insisting on the variety of actors involved and by stressing the need for a specific socio-political context and a specific form of inter-partisan consensus for the reform to pass. It also stressed the role of emigrant associations in this debate and, in the analysis of the 2006 elections, raised the question of the interest of their leaders as opposed to the real desire of the emigrants to take part in Italian elections.

## **CHAPTER V. THE HOMELAND POLITICAL PARTICIPATION OF BELGIAN EMIGRANTS**

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The Belgian emigrants' right to vote is an issue which has undergone many developments in the 1990's but has surprisingly been subject to very little research. The purpose of this case study is to determine what factors led to the adoption of the 7<sup>th</sup> March 2002 Law<sup>68</sup> (that gave the emigrants the right to vote) and what consequences this law has had on the power relations between the Belgian state and the expatriate community. In other words, why has this been adopted and why in 2002? Does it epitomize a change of paradigm in the way the Belgian nation defines itself? Due to its size, this case study focuses on the most recent changes and the current debates that concern the emigrants. However, because the concepts of political participation and citizenship in Belgium have strong historical roots, it is necessary to briefly overview their evolution since the creation of the Belgian state.

From a structural viewpoint, it is divided into four parts: first, we present the Belgian expatriate community in order to understand the kind of population that is targeted by the legislation we study. Second, we present the relevant Belgian laws connected to voting from abroad: the electoral code, the nationality code and eventually the laws on voting from abroad. This historical overview of the legislation will already introduce us to the three factors explaining the current shape of the Belgian state expatriates' policy: the socio-political context, the role of associations and the role of political parties. This section is based on interviews and the analysis of parliamentary documents.

### **1. The Belgian emigrant community**

#### **1.1. A population that is understudied**

As underlined by Morelli (1998) in one of the few books that have touched upon this issue, emigration has been erased out of Belgian history. It appears that neither the Flemish nor the Walloon authorities found it necessary or interesting to acknowledge the fact that, from the

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<sup>68</sup> Loi du 7 mars 2002 *modifiant le Code électoral en vue d'octroyer le droit de vote aux Belges résidant à l'étranger pour l'élection des chambres législatives fédérales et instaurant la liberté de choix du mandataire en cas de vote par procuration* (M.B. 8 mai 2002).

Belgian independence in 1830 until 1919, Belgium was facing more out-migration than in-migration. Nonetheless, the only references to these old migration waves that authorities make tend to glorify this past by referring to specific examples such as the Walloons who moved to Sweden or the Flemish who colonised South Africa. These examples obviously neglect the fact that the majority of Belgians who left the country during this period did so because they were forced to do so (for socio-economic reasons or because of the wars). But the lack of interest of Belgian authorities in these citizens is not only reflected in the tales that are made of these events, it is also visible in the lack of policies addressed to them. One further element that reinforces the idea that Belgium has forgotten its past migration waves is that people leaving Belgium today are no longer considered as emigrants but rather as expatriates about whom, stereotypes are developed despite the lack of data.

Another issue in trying to draw a clear image of Belgian emigration is that of statistics. Historically speaking, all Belgian municipalities have had the obligation to keep population registers since 1846. Along with censuses, this is a rich source of information regarding population movements in and out of Belgium. However, it suffers, until today, from a major flaw which is that an unquantifiable amount of people leave the municipality or the country without letting the administration know (Stengers 1980: 287). We must therefore treat these statistics with great caution and, when possible, confront them with other sources (e.g. registers in the countries of destination). Furthermore, these statistics obviously do not inform us about the socio-economic status of the emigrant population or their reasons to leave the country. That's why we will use a variety of statistical sources when describing today's emigrant community. Each of these sources has its strengths and weaknesses that will be acknowledged in due time.

While our purpose is not to give these emigrants the place they may deserve in Belgian history, we will mention three historical types of migration out of Belgium to understand what their motivations might have been and what part the Belgian state might have played. We will then focus on current emigrants (now referred to as "expatriates") who have been given the right to participate in federal elections. Eventually, we will present the organizations that represent these emigrants in Belgium.

## 1.2. A few historical illustrations

One of the best examples to illustrate the hardships faced by Belgian emigrants is that of migration to France. Up to the end of the Second World War, Belgian migration to its southern neighbour has principally motivated by two elements: improving one's socio-economic status and fleeing war. In her study on Belgian immigrants moving to the Northern France town of Roubaix, Petillon (1998: 59-78) highlights both the motivations of this population to migrate and its impact on the receiving society. From a small provincial town of 8,000 inhabitants in the early 19<sup>th</sup> century, Roubaix had become an industrial town of almost 125,000 inhabitants by the end of the century with a population composed of a majority of foreigners (54% in 1886) with almost 100% coming from Belgium. Next to the demographic pressure, family motives and chain migration, Petillon advances economic motivations as the main reason for Belgian workers to migrate. Affected by the textile industry and agricultural crisis (in Flanders) in the 19<sup>th</sup> century, Belgian workers were attracted by the higher wages in the French industry. At the same time, French bosses were keen to hire cheaper workforce for jobs despised by the locals. In that sense, Belgian migration to France during this period can be analyzed in terms of push and pull factors.

Stengers (1980) underscores another dimension of Belgian migration to France. To him, France has always been a strong magnet to Belgian workers and, because of the geographical proximity, these migrants never really felt that they were crossing an international border. Even though some figures show that 465,000 Belgians were residing in France between 1889 and 1891, Stengers (1980: 295) believes it is impossible to exactly quantify how many Belgians migrated to France because a share of this population were circulatory migrants or even seasonal workers who, by definition, do not settle definitively in the country of origin.

Forced migration to France also took place at the beginning of the two World Wars. Because of the lack of reliable statistics, one can only estimate that around 1.5 million Belgians out of a total population of 6.5 million sought refuge mostly in the Netherlands but also in the United Kingdom and France in 1914 (Tallier 1998: 17-42). A large majority of these refugees nonetheless returned to Belgium at the end of the conflict.

Belgian migration to the Congolese colony is a second example. Even though the Belgians had always considered Congo as a colony of exploitation rather than a colony of settlement<sup>69</sup>, the authorities wanted white citizens to occupy key positions there. However, due to the lack of interest of Belgians to move to the colony in the early 20<sup>th</sup> century, only 57% of the Westerners present in the colony in 1919 were Belgian (Foutry 1998: 179). Most Belgian candidates were indeed afraid of the sanitary conditions and the lack of job security. After a pro-active policy of the Belgian state to limit the influx of non-Belgian migrants into the colony, the proportion of Belgians in the white population of the colony started moving at a faster pace than the increase of the overall white population: 71% of the 27,791 Whites in 1940 were Belgian against 78% of the 115,157 Whites in the eve of the independence of the colony in 1960. The perspective of higher salaries and the improvement of sanitary conditions indeed reversed the situation to an excess demand for the limited numbers of jobs available in the colony.

This important increase in the Belgian presence in Congo was split between three main sectors. First, a share of this population was composed of civil servants affected to the various administrative, military, educational jobs available in the colony. Around 10,000 of these Belgian civil servants were present in Congo in 1958. Second, religious missions were founded in the Congo. Their function was not only to develop religious faith in the colony, but also to participate in other educational or medical tasks in cooperation with the colonial authorities and the private sector. The private sector was the third sector to have recruited Belgian workers in the Congo. The personnel of the industries that developed in the colony quickly became the largest share of Belgian immigrants present in the colony. In 1960, just before independence was declared, tens of thousands of Belgian citizens were already about to leave the colony. The independence and the subsequent violent events motivated more Belgians to come back and drastically reduced the Belgian presence in Congo until today.

The last historical example we wish to present here is that of Belgian migrants to Northern America. In her article on Walloon migration to Wisconsin in the 19<sup>th</sup> century, Thielemans (1998) points to the difficult conditions in which agricultural workers had to live: dependence on wealthy landowners, difficult access to land ownership, limited access to education, no right to vote, scarcity of food...

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<sup>69</sup> Nonetheless, up to 10,000 families were present in Congo after the Second World War representing almost 25,000 persons.



Added to these difficult living conditions, two other elements increased the pressure to migrate in the mid 19<sup>th</sup> century. First, Belgian recruiters (who were financially rewarded for any would-be-emigrant who left) toured the country with brochures promoting migration to the United States. Second, authorities in Belgium (such as the municipality of Antwerp) openly encouraged those they considered as undesirable citizens (homeless, indigents, former convicts...) to migrate between 1850 and 1856. Belgian authorities remained nonetheless quite discrete about these policies since they did not want to be accused by the United States of using emigrations as a way to get rid of some citizens (Stengers, 1980: 304-5).

Belgian migration to Canada has two further characteristics that have been underlined by Jaumin (1998) and deserve to be discussed here. First, Belgian migration to Canada has historically been encouraged by the Canadian federal and provincial authorities (especially Quebec that was trying to attract francophone migrants) by editing brochures, advertising tales of successful Belgian migrants in Canada, sending immigration agents to Belgium to recruit candidates or by participating to exhibitions in Belgium. As early as 1859, the Canadian authorities considered Belgian migrants as a population that should be favoured (being Catholic, mostly French-speaking and aware of agricultural techniques). Even though the ideal life described in the brochures did not correspond to the real situation that all Belgians were facing in Canada (especially during the 19<sup>th</sup> century), such campaigns have continued until today.

The second noticeable element according to Jaumin is the absence of a Belgian community in Canada in the image of other communities (ie. Irish, Italian...). This statement is supported by weak elements such as high rate of marriages outside the ethnic group among the second generation, the absence of Belgian neighbourhoods or villages in Canada or the absence of an ethnic press. The two last elements, however, apply less to the Flemish migrant population that has partly concentrated in some areas and had its own newspaper for a while. Nonetheless, the small size of the Belgian population, its dispersion all over the Canadian territory and the presence of both Flemish and Walloon migrants imply that no strong Belgian nor Flemish identity has strongly persisted in Canada.

At the end of this selective overview of Belgian emigration since the 19<sup>th</sup> century, several observations can be made. First, even though Belgian history seems to have forgotten its

emigrants, Belgium has indeed been an emigration country with, like other countries, a population motivated by a variety of reasons to migrate (lack of food or employment, limited opportunities, attraction to the new world...). Stengers (1980: 304-5), however, underlines that, in comparison to the demographic boom that occurred in Belgium between 1830 and 1910 (the population doubled), Belgian overseas emigration has been rather limited. He advances two main reasons for this situation. On the one hand, internal migration in Belgium and circulatory (and seasonal) migration to France were generally deemed preferable by economic migrants. On the other hand, except for limited periods of time and selected destination countries, the Belgian authorities never really set up active emigration policies. The second observation is that, while the Belgian state may have played a limited role in encouraging people to migrate at a certain moment, no active policy was ever put in place to keep links with this population abroad and very little attention has been paid to the emigrants by the authorities and the scientific community until today. Third, and this may partly be a consequence of this last point, Belgians abroad are usually not considered as a tight and clearly identifiable community in their country of settlement.

### **1.3. The Belgian emigrant community today**

Designing the profile of the Belgian emigrant community today is a difficult task considering the lack both of quantitative data and qualitative studies on this population. Nonetheless, the fact that Belgium long prohibited dual nationality obviously limits the scope of the population under scrutiny. Accordingly, this section is a three-step attempt to make sense out of a variety of sources in order to draft a clearer image of this community by defining who these Belgians who leaving the country today are.

#### *1.3.1. Who leaves Belgium?*

Looking at the statistics of the Belgian National Statistical Institute (INS), it is possible to determine the number of Belgians who leave the country, their gender, their former place of residence and the age at which they move. In the next paragraphs, we will present the overall evolution of Belgian emigration figures and we will analyze one year per decade more thoroughly in order to pinpoint the main evolutions in the emigrant population. It is necessary to be cautious in analyzing these figures. As underscored in the INS reports, Belgian emigration statistics tend to be underestimated because many people leave the country

without ever telling the authorities. The freedom of circulation and establishment in the European Union and the facility with which borders can be crossed (but also the relatively low level of control exerted by the authorities on the reality of the declared residence) obviously encourage people to do so.

The limited data available since World War II inform us that around 10,000 Belgians have left the country yearly<sup>70</sup>. The 2003 data revealed by the INS<sup>71</sup> shows an increase of departures in the 21<sup>st</sup> century with 18,454 citizens leaving the country that year. Out of this population, a small majority was men (52.2%). Regional discrepancies are quite visible when looking at the following figures: 17.2% of this population was living in the Brussels-capital region before leaving, 41.4% in Flanders and 41.4% in Wallonia as well. The figures confirm the over-representation of the citizens residing in Brussels and Wallonia in the act of emigration since they represent 9.6% and 32.5% respectively of the overall Belgian population (comprising Belgian and foreign nationals). In terms of age distribution, the group of emigrants aged from 25 to 34 represents 29.2% of the overall migrant population while 15.7% are 50 and over and, more surprisingly, 8.1% of the emigrants are at least 60 years old. This last figure is to be related to other data on the emigration of Belgian pensioners analysed below.

### 1.3.2. *Where are Belgian nationals abroad?*

Just like not all citizens warn the authorities of their intention to move abroad, not all emigrants register with their Belgian consulate once they settle abroad. Here again, factors such as the European integration certainly encourage people not to register. Although they undercount Belgian emigrants, the statistics of the Belgian Ministry of Foreign Affairs are nonetheless a useful tool to determine the main countries where Belgians settle. As shown in Table 1, around half of the 289,062 Belgians residing abroad in 2006 have settled in one of the six following destination countries: the four neighbouring countries (Netherlands, Luxemburg, Germany and France), Spain and the United States. In order to understand the significance of the Belgian presence in the neighbouring countries, we should also mention

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<sup>70</sup> See Institut National de Statistique (1964) « Annuaire statistique de la Belgique » Bruxelles : Ministère des Affaires Economiques ; Institut National de Statistique (1984) « Annuaire statistique de la Belgique » Bruxelles : Ministère des Affaires Economiques and Institut National de Statistique (1994) « Statistiques démographiques. Mouvements de la Population totale en 1993 » Bruxelles : Ministère des Affaires Economiques.

<sup>71</sup> These data are the latest available at the time of writing, see Institut National de Statistique (2004) « Population et ménages. Mouvements de la population et migrations en 2003 » Bruxelles : SPF Economie, P.M.E, classes moyennes et énergie.

that a non-quantifiable number of Belgians commute to work in one of these countries every day. While these people are not emigrants (and therefore not part of the population we aim to study here), we will have to take them into consideration when analyzing the socio-economic weight of Belgians abroad.

Table 1. Belgian emigrants' main countries of destination (1<sup>st</sup> July 2006)

	<i>Country of residence</i>	<i>Number of Belgians registered at consulates</i>
1	France*	81,422
2	Netherlands	23,512
3	Germany	21,349
4	Spain*	20,056
5	United States*	18,095
6	Luxemburg	16,460
7	Switzerland*	13,527
8	Great-Britain*	11,786
9	Canada	11,063
10	Italy	6,337
11	South Africa	6,222
12	Argentina	5,147
13	Australia	4,565
14	Israel	4,428
15	Brazil	3,677
	Rest of the world	41,416
	<b>Total</b>	<b>289,062</b>

Source: SPF Affaires étrangères (2006) Statistieken bevolking 2006 - 01/07/2006 (not published).

### 1.3.3. *Socio-economic data on Belgian emigration*

The profile of the emigrant community would not be complete if the costs and benefits that they represent for the Belgian society were not taken into consideration. Here again, we unfortunately suffer from a lack of quantitative data on this precise population. We will make use of two different tools even though they are not entirely satisfactory: the 2004 OECD report on “Working abroad” based on IMF statistics and the analysis of figures on pensions paid abroad provided by the National Office for Pensions.

In the study of transnational migration, remittance figures are frequently used to underline the importance of emigrants in their home country's economy. The main source for remittances data is the “Balance of Payments Yearbook” published every year by the IMF. For the IMF, remittances include three elements: workers remittances (transfers in cash or in kind to households in the country of origin coming from emigrants who have resided abroad for at

\* A consulate in this country is in charge of registering Belgians residing in a third country where there is no Belgian consulate.

least a year), compensation to employees (salaries paid to employees who do not reside in the country where they work; e.g. seasonal workers, commuters but also local staff of international organizations) and migrants' transfers (transfer of capital made by migrants as they move to another country for more than a year) (MPI 2003).

This precision is crucial to understand why Belgium is a top recipient of remittances (in absolute terms, it receives more than countries like Turkey or Italy!). Four main reasons explain this odd situation. First, there is a large presence of international institutions in Belgium which hire local staff whose remuneration is considered as coming from abroad. Second, a significant number of commuters work abroad while residing in Belgium. Third, remittances brought back by the migrants in cash or in the form of goods are not accounted for. Fourth, it is not always possible to distinguish remittances from other financial flows (MPI 2003).

Looking solely at workers' remittances figures, the results seem more plausible in comparison to the size of the emigrant community: 23 million \$ were sent by emigrant workers to Belgium in 2003 (OECD 2004). Because of the precautions developed above and due to the controversy around the quality of these measuring instruments, we will take this figure for what it is: the best estimate available to this date.

A last source of information to estimate the share of older Belgian emigrants' share is the National Office for Pensions' report (NOP 2005). In this report, we can see that, on 1 January 2005, Belgium paid a pension to 165 788 persons who once worked in Belgium (as an employee, civil servant or self-employed) but now reside abroad. Out of this total, only 26,174 are Belgian citizens.

Even though, the legal retirement age in Belgium is set at the age of 65 for men and 63 for women it is impossible to infer from the pensions statistics that these include all the Belgians aged 63 and above citizens residing abroad. On the one hand, some people are allowed to retire earlier than 65 or 63. On the other hand, the Office of Pensions' statistics does not include the Belgians emigrants who never worked in Belgium. Nonetheless, it is striking that, again, this population is concentrated in the European Union (79.6%) – notably in France (40.2%), Spain (13.9%), Germany (7.5%), Netherlands (6.7%), Luxemburg (3.7%) -and Northern and Central America (8%). In financial terms, the rent paid to these elderly Belgian

emigrants residing in the European Union represent a total expenditure of 14,697,931€ each month.

#### **1.4. Representing Belgian emigrants in Belgium: VIW and UFBE**

##### *1.4.1. Origins*

Belgian emigrants started to be represented in Belgium in the 1960's. Before that, Belgian migrants' associations were quite common in countries like France, Canada, the United States and the former Belgian Congo. These associations did not have a strong presence in the home country and were usually busy with maintaining their Belgian identity abroad and with questions of integration into the host country. Furthermore, these associations were organized on a local or national basis in the country of residence with little transnational connections and no strong presence in the home country. Nonetheless, some of these associations such as the "Confédération des sociétés belges et franco-belges de France" were addressing specific demands concerning their social and political rights to Belgian authorities.

The creation of *Belgie in de Wereld* (BIW) in 1963 marked a turning point in the representation of Belgian emigrants in the home country. The roots of this association lie in the former Belgian Congo, where a group of Flemish migrants decided to create *Band*, a magazine in Flemish language in 1942 to respond to the absence of publication in that language in the colony. This magazine, run by Flemish intellectuals writing about various topics such as ethnology, economics or philosophy, started a dynamic of affirmation of the Flemish identity abroad which broke with the image of Belgium as epitomized by its official representatives. Indeed, key officials in the colony as well as Belgian diplomats all over the world were predominantly French speakers. In that sense, they reflected the cleavages dating back to the 19<sup>th</sup> century, according to which Belgium was a country ruled administratively, economically and politically by French speakers who had little consideration for the Flemish culture. For that reason, the creation of *Band* in the context of the Flemish national emancipation movement was not welcomed by the French speakers in the Congo. As reported by a founder of the magazine: "*They [the French-speaking defenders of the unitary state] only meant that the unity could be maintained by the absence of Flemings in the public life*" (translation mine, quoted in Goovaerts 1988: 5).

In the line of *Band*, another Flemish-African magazine, *Zuiderkruis*, was founded in 1955 with the support of various Flemish associations including the Catholic cultural association Davidsfonds. In 1960, the two magazines merged and created *Band en Zuiderkruis*. A few months after, a major event in the creation of a Belgian emigrant organization representing this population in the home country took place: the independence of Congo and the subsequent repatriation of thousands of Belgians who were residing there.

As they felt affected by these events, several members of *Band en Zuiderkruis* decided to provide social and psychological support to the returnees. They also set up their office in Brussels, where they started to defend the interest of ex-colonial workers at the national and international level. After a year, the leaders of the organization had understood that if their association was to continue, it was necessary for them to find other goals besides defending the interests of a specific group of former migrants. Using their Congolese experience, the association's members of the gave themselves a new reason to exist:

*“Independently of any political, religious or philosophical movement or opinion, the Band en Zuiderkruis association's goal is on the one hand, the promotion of the social and cultural interests of the Flemings spread all over the world and more precisely of those Flemings who have migrated abroad or who have returned to the home country, and on the other hand, helping to promote the Dutch culture in a broad sense”* (translation mine, quoted in Goovaerts 1988: 8).

With the support of several ministries and various Flemish cultural associations, two members of the associations, A. Verthé en M. Vertommen, travelled extensively to meet Belgians abroad, principally Flemings, and assess their number, economic situation, needs and interest for the creation of a socio-cultural cooperation centre (Goovaerts 1988 and Interview No. 1<sup>72</sup>). On that basis, the association *België in de Wereld* was founded on 9<sup>th</sup> May 1963.

It may sound awkward that an association whose origins and activities were so closely linked to the Flemish dimension of Belgian emigration chose to name itself *Belgium in the world*. Indeed, one of the major complaint reported by a founder of BIW is that Belgium did not care for its emigrants: *“We [the Flemings in Belgium] had no motherland and the Flemings abroad had no motherland. (...). They have migrated out of misery and Belgium has done nothing for them”* (Interview No. 1). In the trips he realized in the association's founding years of, this priest perceived that Flemings abroad were uncomfortable with their Belgian identity and that

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<sup>72</sup> The numbering of the interviews starts also from number 1 for the Belgian case (it should be confused with the numbering of the Italian and Mexican case).

it could be troublesome for their integration. During the interview, this person recalled that he was once asked by Flemings in the United States how they could be good Americans if they felt they were not acting as good Belgians when they introducing themselves as Flemings abroad. He answered by suggesting that they should feel good about their Flemish identity in order to integrate into the US society: “*Fleming is a nationality, (...), a culture, the one is not incompatible with the other*”.

While the association’s goal did not seem to be the affirmation of Flanders’ cultural autonomy, it contributed to this debate by stressing Flemish emigrants’ specificity in the framework of the Belgian state: poor condition at the time of departure and lack of support and consideration of the Belgian authorities once they migrated; (best epitomized by the quasi-absence of Dutch speakers in the Belgian diplomatic corps) (Goovaerts 1988:10). In that sense, the assessment made by the founders of BIW was similar to that of the Flemish movement for cultural autonomy in Belgium. The latter also contested the lack of consideration of the ruling French-speaking class for the Flemish population of Belgium. Bearing these elements in mind, the reference to Belgium in the name of the association seems to be the result of a strategy of its leaders as it was said at the time: “*The French-speaking politicians wave the Belgian flag as long as it is useful. We too must wave it temporarily. Therefore it was called België in de Wereld and was for all Belgians*” (Interview No. 1).

At the time of foundation in 1963, the association’s objectives were the following: “*In reality, we want to be: the link with all our countrymen in the whole world, no matter the country and the situation they may find themselves in. Next to the moral support and the exchange of information, our organization will conduct a cultural and social action for the spreading of our culture in the whole world*” (Translation mine, De Brouwer quoted in Goovaerts 1988: 12).

While BIW was originally open to all Belgian citizens, its strong emphasis on the Flemish culture and the attacks of the French-speaking press made it difficult for BIW to claim it could help all Belgians abroad. Therefore, the BIW leaders saw a solution in asking the French speakers to set up their own association. This assessment was clearly expressed by the president of the association:



*“From the start, “Belgie in de Wereld” has been faced with the same problems as our French-speaking compatriots of the diaspora. BIW is, in fact, the offspring of a Flemish cultural association which was formed in Congo, which grew into the widespread organization we know today, but which has remained primarily a Flemish initiative. Although we have not restricted our social work to Flemish communities but have placed all our resources at the disposal of the Walloons as well, we realise that as Flemings it is well-nigh impossible for us to satisfy the cultural and psychological needs of the Walloon emigrants” (Ambassadeur 1968: 2).*

BIW’s cultural dimension quickly made it uncomfortable for the association to keep helping all Belgians abroad. As the leaders of BIW stressed the peculiarities of Flemings abroad by comparison with other Belgians, they decided to encourage the French speakers to set up their own association. To this end, they contacted in 1967 a young French speaker who was working with the Minister in charge of Justice and French culture. Helped by a couple of journalists who were familiar with the question of Belgians abroad, he set up the association *Belgique dans le Monde* (BDM) later renamed *Union des Belges à l’étranger* (UBE), that was to be BIW’s French speaking counterpart. Looking at the two associations’ publications, the idea of defending the identity of French-speaking Belgians residing abroad seems less present in UBE than in BIW. However, the proximity of some UBE members to associations promoting the French language in Belgium indicates that cultural preoccupations are not absent from the association’s agenda (Interview No. 2).

The first years of existence of the association were epitomized by its the limited capacity of action (due to its small budget and its reliance on volunteer work). The association’s central goal was defined as such when it was constituted in 1967:

*“To represent the Belgians residing abroad before the public opinion and the Belgian authorities, especially those of the French-speaking region, by pursuing the following activities notably:*

- a) create and maintain close contacts between Belgians residing abroad and in Belgium;*
  - b) defend, save and promote their social, economic, cultural and human interests and ensure their representation before the authorities of our country;*
  - c) contribute with compatriots residing abroad to the diffusion of our culture and to the development of our economy;*
  - d) represent abroad the associations and groups present in Belgium;*
  - e) reinforce the links existing between Belgium and other countries.”*
- (Translation mine, Les Belges à l’étranger 1970: 1).

While BIW and *Union des Belges de l'étranger* (UBE) are autonomous associations, they initially had frequent bilateral (in a coordination committee) or multilateral contacts with the Ministry of Foreign Affairs. The idea behind this cooperation was that there were still issues that concern all Belgians abroad, independently of their language, and that it made sense to tackle them together (e.g. pensions, social security, nationality...). These joint meetings on federal issues, while periodically undermined by a lack of interest of the Ministry or conflicts between the two associations, are still taking place today.

BIW took a further step in the direction of stressing its Flemish identity when it changed its name to *Vlamingen in de Wereld* (VIW) in 1976. A founder of the association justified the name change by the following argument:

*“In its first appellation, the association was named “Belgïe in de Wereld” and not “Belgen in de Wereld”: “Belgïe” is a concept that implies its cultural communities while “Belgen” is clearly not a concept related to culture. And now it is “Vlamingen in de Wereld” and not “Vlaanderen in de Wereld”: because “Vlaanderen” is a concept subjected to more historical and political interpretations, while the concept of “Vlamingen” describes our objective clearly: all the persons who due to their historical backgrounds or connections still bear their Flemish condition as it has grown from a millenary history.”* (Translation mine, VIW Nieuws 1977: 2).

UBE reacted two years after by changing its name to *Union Francophone des Belges à l'étranger* (UFBE). While it appears that the association's members were reluctant to modify this name in a direction that would limit the scope of their intervention to a certain population, they changed it in order to be in phase with the institutional evolution of Belgium. As more prerogatives were given to the subnational entities in Belgium, the association was indeed increasingly confronted to regional institutions for a variety of issues (e.g. education) (*Les Belges à l'étranger* 1978: 1-2).

Changing the name into *Union francophone* rather than *Union des Belges francophones* is significant. Indeed, the idea was to keep helping all Belgians –independently of their regions of origin- but in using the French language. According to a founder of the association, some UBE members were indeed Flemings who were not satisfied by the services offered by VIW. The inclusion of the term “francophone” in the name also provided an answer to the demands of some politicians for a greater emphasis of the French-speaking dimension of the association (Interview No. 2).

#### 1.4.2. *The differences between the two associations*

Since their creation, the two associations have therefore followed different paths. Besides the different emphasis on culture and identity, on which we have already elaborated substantially, the associations diverge in three other respects today: their financial means, the services they offer and their relations with the political arena. Historically, VIW has been able to rely on the support of the Flemish provinces, the Ministry of Foreign Affairs, the Ministry of Flemish culture (before the regionalisation of the country) and later the Flemish regional government. Flemish foundations and private companies also supported the association punctually. Today, the association receives a grant of 250,000 euros annually from the Flemish government. This money comes from the Flemish Ministry of external relations' budget.

The subscription fees and advertisement revenues generated by the magazine and the electronic publication constitute a much smaller source of income. Punctual projects such as the publication of books also generate some income (Interview No. 3). As a non-profit organization, VIW was worried about the competition with other non-profit organization for private and public support. This competition encouraged the director of the association to transform the legal status of the non-profit organization into a Public Benefit foundation (Interview No. 4).

As far as UFBE is concerned, the subscription fees paid by the association members have traditionally represented a larger share of the association's budget. Nonetheless various public authorities have also contributed to their budget through time (cities, provinces, national and regional ministries). Public authorities have also supported the association by seconding some workers or contributing to the payment of the salaries of some staff (Interview No. 2 and Interview No. 5).

With regard to the role played by the two associations today, there seems to be some differences in the level of attention and the resources devoted to different tasks. The president of UFBE considers that the association fulfils four major goals (Interview No. 5). First and foremost, the French-speaking association is providing its members with phone and face-to-face support to solve different sorts of administrative issues that expatriates may face and that

concern Belgian authorities or the authorities of the country of destination (e.g. pensions, education, administrative status, visas...).

The association has developed an expertise on these specific questions thanks to its specialized personnel and its network of contacts in the Belgian administrations. Both UFBE and VIW's leaders recognize that what differentiates the two associations most is the specialization of UFBE in the practical support it gives to its members. Second, UFBE negotiates for its members preferential rates on services specifically addressed to expatriates (such as translation services, car rentals, insurances...). Third, the association edits a bimonthly newspaper informing its members and other subscribers (embassies or administrations) about Belgium's external policy, administrative question that concerns them, news from the European Union, news from the Walloon Region (the largest donor), and information about personalities living abroad. Fourth, the association intends to defend the right of the expatriate community and play a role of lobby in larger issues such as the double nationality or the right to vote.

It is in this lobby function on issues concerning all Belgians abroad that the cooperation between VIW and UFBE takes place. Their joint action can take two forms. On the one hand, they may discuss difficulties faced by many emigrants with the Ministry of Foreign Affairs during the trilateral meetings. On the other hand, each association may use its own political contacts to communicate a position previously established by the two associations (e.g. their position in favour of double nationality).

In the case of VIW, the association's priorities appear to have evolved through time. From being an association providing moral support to its members, allowing exchange of information and contributing to the diffusion of the Flemish culture, the association has reshaped its priorities towards increasing its networking activities, defending the interests of the Flemish emigrant as a group and promoting the role of Flemings abroad as an asset for the policies set up by the Flemish regional government.

Three elements may explain this evolution. First, the association has benefited from the increasing financial support of the Flemish regional authorities. Second, there is a perception among the association's leaders that Flemish migration has moved from a poverty-related long-term migration (and later colonial migration) during the last two centuries towards a

highly-skilled and highly mobile migration. Third, VIW's communication strategy now focuses on Flemings in Belgium in the hope that they will think about VIW when they move abroad (Interview No. 3). This strongly differentiates the policies of the current president from that of former presidents. For the previous presidents, VIW has never been active in Belgium (Interview No. 4). VIW offers concrete support to Flemings abroad and to the candidates interested in migrating essentially by putting the person who had a particular demand in contact with another emigrant who faced a similar situation and which was registered in the association's database.

At a macro-level, we already mentioned that VIW and UFBE coordinate their actions as far as federal issues are concerned. At the political level, the Flemish Minister of External Relations has also expressed its desire that VIW be a partner in Flanders' external policy. While the director of VIW does not consider that the association plays a role in Flanders' external policy, she acknowledges that Flemish authorities (particularly the ministries in charge of the economy and of the external relations) increasingly call on them for support on specific questions such as the organization of trade missions or the identification of Flemings abroad who could help with organizing such missions. This is in line with the association's willingness to promote the idea that Flemings abroad are a resource that authorities must use more frequently. Finally, VIW is also editing a tri-monthly magazine which provides its readers with: practical information on the administrative status of emigrants, information about a specific destination of emigration, profile of Flemish emigrants, the life of Flemish clubs abroad and articles about major events in Flanders.

The final element that differentiates the two associations is their relations with the political arena. Since its creation, UFBE has been in favour of integrating representatives of political parties or elected politicians in their structures. According to the founder of the association, the purpose was to make a connection between the Belgian population abroad and Belgian politicians : *“As we had global claims that depended on the political arena, we needed [to have contact with] political parties and the Parliament”* (Interview No. 2).

Contacts with political parties were crucial for UFBE to reach one of its major goals: the right to vote for Belgian emigrants. The role of UFBE in this question is discussed below but at this stage it is interesting to mention why UFBE historically demanded the emigrants' right to vote. As confirmed in the interview, UFBE was convinced from the beginning that the right to

vote would be decisive in stimulating the political parties' interests in other questions related to the expatriates' community. Since Belgium does not offer a specific representation for expatriates in Parliament, integrating political parties into UFBE's structures was therefore a way to reach their goals (Interview No. 5).

The association has used different means to integrate politicians (parliamentary contact group, honour committee...) with limited results. Today, contacts with politicians happen at two different levels. First, UFBE asks the four largest French-speaking democratic parties to co-opt a representative to join the association's Board of Directors. These representatives are frequently the leader of the section in charge of "international affairs" in their respective parties. Their presence allows a dialogue between the parties and the association on issues concerning the expatriates. Second, the director of UFBE has direct contacts with the president of the four parties. While UFBE's strategy is to have close contacts with political parties and their leaders, they also pretend to maintain a balance in their contacts with the different parties in order not to appear as an association serving the interests of a specific party<sup>73</sup>.

In the interviews conducted with a founder of VIW, its president in the 1990's and the current director, it appears that VIW defines itself as much less politically connected than UFBE because of the initial choice to accept all members independently of their religion or political affinities. As such, the political parties are not represented in the association's structure. In other words, unlike UFBE, political parties do not send a representative in the Board of Directors of VIW.

The former director underlines this: *"I have always warned that, due to our contacts with political parties, we cannot give the impression that the association is located in the sphere of influence of a specific political party"* (Interview No. 4). The idea was rather to cooperate with the ministries that were concerned by emigration issues independently of the political party to which they belong: *"In the composition of the direction, when I was director, (...) we were paying attention that we had everybody; one from the Liberals, one from the Socialists, one CVP [Christian Democrat], one from the Volksunie [Flemish nationalist party]. There*

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<sup>73</sup> Several directors of the association have nonetheless had close connections with specific political parties. For instance, the current president of UFBE used to be the Representative of international section of the Liberal party (MR) in the United States. He quit this position when he became president of UFBE.

*was always someone [from each of these parties] who was ready to sit in the Board of Directors”.* Even though everybody knew what party they were close to, they were not, as such, representatives of that party in VIW<sup>74</sup> (Interview No. 4).

The position of the current director of VIW seems different. According to her, *“we have absolutely no political representation [in the association]. That was maybe the case earlier.(...) I think this is a big difference between VIW and UFBE. (...) In our board of director, everybody has its political preferences but there is nobody who is politically active.”* (Interview No. 3).

The importance of public subsidies for the budget of VIW may help understand its current leader’s insisting on the association’s political neutrality. VIW naturally favours its relations with Flemish authorities over its connections with political parties since the Flemish authorities now consider it as a partner in the region’s external policy. One founder of the association considers this kind of relationship with the Flemish authorities a rather novel phenomenon and regrets this evolution: *“Vlamingen in de Wereld is now a branch of the Flemish government for the economic interests. (...) It is now an economic organization”* (Interview No. 1).

In conclusion, it is striking that both UFBE and VIW insists on not being seen as serving the interests of one specific political party, for different reasons though. For UFBE, the dialogue with political parties is a major tool. Neutrality is therefore essential to preserve the dialogue with all of them inside and outside the association’s structures. For VIW, the contact with institutions appears to be more important than the contact with political parties and neutrality is understood in a different sense. It just means that the leaders of the association, while not politically active, must preferably have different political affinities in order not to jeopardize the relations with the authorities.

In this first section, we have seen who the Belgian emigrants are and who represents them. In the second section, we discuss the reason why they have been prevented from voting in Belgium for so long.

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<sup>74</sup> In the case of VIW as well, its former director had been a city councillor of the Flemish Nationalist party *Volksunie* before giving up his mandate when he took his position in VIW.

## **2. Being a voting citizen in Belgium**

Historically, the access to voting rights in Belgium is conditioned to the respect of two main set rules: the definition of the voter as expressed by the Constitution and the electoral law on the one hand, and the Belgian nationality, on the other hand. In this second section, we thus examine the evolution of electoral law, the Constitution and nationality law in Belgium and demonstrate how these sets of rules have progressively been modified to be extended to categories of individuals (immigrants and emigrants) who were traditionally excluded from them.

### **2.1. Evolution of the legal framework on the right to vote in Belgium**

The extension of the voting right to Belgian expatriates and migrants in Belgium is a recent phenomenon. Looking at the early days of Belgium's history, however, helps realize that these latest reforms are not as innovative as one might think. When Belgium declared its independence from the Northern Netherlands on October 4<sup>th</sup>, 1830, it did not have to invent a completely new legal system, as its legal system had been largely developed under the French and Dutch rule. The provisional government of 1830 decided that the first election to the Belgian Congress (the assembly in charge of drafting the new Constitution) should be open to Belgians (by birth or naturalization) but also to all citizens who had resided in Belgium for six years and who qualified for the age and property qualification criteria (independently of their nationality). In so doing, the provisional government, inspired by the liberal spirit of the revolution gaining the largest support for the election of this assembly but it also aimed at avoiding the difficulties related to the proof of a citizen's nationality.

This lax conception of nationality requirement did not last. One of the first rules adopted by the National Congress was to impede foreigners from accessing positions in the public administration and the military. The purpose of these rules was to break away from the former foreign ruler's practices that consisted in nominating their own civil servants in Belgium (Coenen 1997: 77). This measure, however, could not be fully implemented as positions in some domains could not be filled by Belgians.



A new Constitution was adopted on 7<sup>th</sup> February 1831. It is usually described as an original text with influences from French, Dutch and British constitutional law. The text provides for the general principles that regulate voting rights in Belgium. It states in its Article 4 (now Art. 8) that: *“The title of Belgian is acquired, preserved and lost according to rules determined by civil law. The Constitution and the other laws relative to political rights determine what, apart from this title, the necessary conditions for the exercise of these rights are.”* In its Article 49 and 53, the Constitution further states that the conditions to be a voter in the elections of the two Chambers are determined by the electoral law. Following those articles, the requirements to be a voter in Belgium are to be found in the Civil Code, which enumerates the conditions to be or to become a Belgian citizen, and the electoral law, which sets the other conditions to enjoy this right. Most importantly, the Belgian Constitution places sovereignty into the hands of the nation and not of the people. The two concepts differ in the way that the nation only includes those citizens who are recognized political rights. The constituent gave sovereignty to the nation because it was considered less unpredictable and more reliable than the people.

If we consider, the legislation more precisely, Article 1 of the Electoral Law of March 3<sup>rd</sup> 1831<sup>75</sup> on the formation of the Chamber of Representatives and the Senate states three basic conditions for a citizen to vote. First, one has to be a Belgian by birth or through what is known as the “big naturalization”. Second, the citizen must be at least 25 years of age. Third, he must meet the property qualification criterion set in the law. Article 5 of the same law lists the cases when a citizen can be deprived of its right to vote for judicial reasons. Two further conditions are not clearly stated in the law but rather implied in the text. First, until 1948, only male citizens were entitled to vote. Second, as stated in title II, the municipalities draw up a permanent list of all voters and revise it annually. Accordingly, any Belgian who is not a resident of a Belgian municipality will not be invited to vote.

The adoption in 1893 of the universal suffrage limited by the “plural vote” further limited the emigrants’ possibilities to participate. The revision of Article 47 made the same year was indeed a compromise solution to answer the demands of the working class led by the recently formed party of Belgian Workers (POB). It provided that all male citizens older than 25 years of age could vote. Amid the growing discontentment of the workers, the Parliament

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<sup>75</sup> Loi du 3 mars 1831, *Loi électorale pour la formation de la Chambre des Représentants et du Sénat* (Bull. Off., n. XIX).

(dominated by the Catholic and the Liberal parties) revised the Constitution in a way that the electoral basis could be extended without adopting universal suffrage. However, the revision allowed voters to have up to three votes provided that they had a certain level of education, they could prove a certain level of financial wealth (through a savings account) or were older than 35 years with a family and pay a certain amount of taxes.

This revision also imposed that voters should have resided for at least a year in the same municipality to be admitted on the voters' list. While this provision served to keep the homeless and a share of the working class (more likely to move frequently) out of the electorate, it indirectly introduced a residence criterion in the Constitution, which would complicate the emigrants' access to the right to vote later on. In other words, any attempt to introduce external voting in Belgium would therefore have to solve this problem first.

A last important point concerning the 1893 reform is that the obligation (rather than the right) to vote was introduced into the Constitution (Mabille 1997). This element too will complicate the legislative debate on external voting at the end of the 20<sup>th</sup> century. The Supreme Administrative Court indeed advised the Parliament to first revise the Constitution before allowing emigrants to vote, because it would be technically impossible and legally dubious to oblige citizens abroad to vote (see below). As for the development after the 1893 reform, let us just mention that the plural vote was abolished in response to the suffering endured by the population during World War I, and that women were eventually granted the right to vote in 1948.

Looking at the above-mentioned restrictions, one may wonder about the rationale behind preventing emigrant voters from participating. At the time of the creation of the Belgian state in the 19<sup>th</sup> century, its very existence was being contested. The neighbouring countries were looking at the Belgian revolution with anxiety and therefore set various conditions to the Belgian independence to ensure regional stability before formally recognizing the new state (Mabille 1997: 115). In return, this uncertainty fostered the adoption of harsh rules on the access to nationality to make sure that no disloyal citizen was being incorporated. But the difficulties in obtaining Belgian citizenship have older roots, such as different judicial decisions explicitly forbidding Belgian citizens from acquiring another citizenship while keeping their Belgian citizenship. Furthermore, extending voting rights to other categories

was surely not in phase with the restrictive vision of political participation that dominated at the time (best exemplified by the use of property qualification).

To sum up, two essential characteristics of Belgian citizenship clearly explain the absence of provisions for voting rights of Belgian citizens residing abroad (apart from technical ones). First, a restrictive vision of citizenship that only grants political rights to certain classes of citizens. Second, a strict definition of Belgian citizenry combined with harsh rules on naturalization. Accordingly, the study of Belgian expatriates' political rights should always be linked to the question of the access to nationality.

## 2.2. Nationality law in Belgium

The foundation of what constitutes Belgian nationality law today is to be found in the French civil law that applied onto the Belgian territory under French rule (1795-1815). Therefore, the principle of *jus sanguinis paterni* that was contained in the French Civil Code determined the rules of access to citizenship at the time. A child was considered to be French if he was born to a French father (even if he was born outside France). On the contrary, a child born in France to foreign parents could access French nationality when he was coming of age. With regard to the loss of nationality, one could lose the French nationality if he was taking another nationality or if he was settling abroad with no desire to ever return (Foblets 2006).

When the *Charte Fondamentale* of the Netherlands came into force in 1815, it maintained the Civil code but extended nationality to any children born in the Kingdom to one of its resident. *jus soli* was accordingly inserted in the legal framework that applied on the Belgian territory. With the independence, the *Charte Fondamentale* was abolished and a return to the French Civil Code was operated. The strict application of the Civil Code however led to some difficulties as it required that, in cases of dispute, the citizen should prove –sometimes with difficulty- that his ancestors were themselves Belgian. The situation evolved with the 8<sup>th</sup> June 1909 Law<sup>76</sup> that kept *ius sanguinis* as a rule but introduced some elements of *ius soli*.

The purpose of the reform was to revive a tradition from the Middle Age when the provinces used to grant nationality on the basis of the birthplace. This principle had however been

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<sup>76</sup> Loi du 8 juin 1909, *Loi portant sur l'acquisition et la perte de la nationalité* (M.B. 17 juin 1909).

suppressed with the independence of Belgium. The second reason is related to the territorial modification that Belgium experienced. The changes that occurred in the first half of the 19<sup>th</sup> century created uncertainty for those Belgian citizens whose town or village of residence had been retroceded to the Netherlands by the 1839 Treaty. These citizens were given the possibility to opt for Belgian nationality but many did not apply because they were convinced that it was enough to be born on the Belgian territory. They were mistaken as *ius sanguini* was the only principle in application at the time. Members of Parliament thus suggested to make use of a citizenship rule contained in the electoral law to extend Belgian nationality to those unfortunate citizens (Closset 1993).

Before the adoption of the 1909 Law, a special Commission on nationality law had been set up in Parliament. The Commission reaffirmed that the basis of Belgian nationality law is *ius sanguinis* but that some arrangement was to be found to overcome the difficulty proving one's nationality (i.e. to access data showing that the ancestors were themselves Belgian). Despite the fact that the main goal of the draft proposal was to extend Belgian nationality to those citizens whose nationality was unsure, the Commission also made it clear that expatriates who have no intention of ever coming back should be deprived of their nationality. Due to the difficulty to prove one's unwillingness to ever come back, the provision was not inserted in the text. It is however relevant for the purpose of this study. Indeed, Belgian expatriates at the beginning of the 20<sup>th</sup> century -as a heritage of the French nationality regime- were only recognized as Belgians as long as they were willing to come back some day. Except for this major restriction, the spirit that animated the Parliament was to extend rather than restrict access to Belgian nationality (targeting more specifically those citizens proceeding from former Belgian territories) (Otto 1911; Glesner n.d. and Closset 1993).

After World War I, the liberal legislation of 1909 was replaced by a new law in 1922<sup>77</sup> which suppressed the automatic character of the *jus soli* principle. It introduced a system of acquisition by option which allowed children born in Belgium to foreigners and children born outside Belgium to Belgian parents to access Belgian nationality through a declaration when the child came of age and after a process of judicial review. This law applied the *jus soli* principle to children born in Belgium to parents whose nationality was undetermined and to

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<sup>77</sup> Loi du 15 mai 1922 *sur l'acquisition et la perte de la nationalité*, (M.B. 25 mai 1922).

children born in Belgium to foreign parents with at least one of the two being born in Belgium. In this last case, the children could later opt for Belgian nationality.

The automatic character of this 1909 Law that introduced *jus soli* (no need to apply for nationality if you fit the requirement) had been criticized because it led to fraudulent acquisition of Belgian nationality during World War I. The legislator thus wanted to make the process more difficult. Another reason was the patriotic sentiment that had been fueled by political leaders after World War I (Closset 1993). Like in other countries, the conflict had stimulated nationalism in Belgium. This is best exemplified by a declaration of Minister of Justice Emile Vandervelde for whom the war showed the need to reform the nationality law: (...) *Now that our national cohesion is strengthened through fire and blood, we have to wonder whether it is appropriate to be more cautious before granting Belgian nationality to a foreigner*<sup>78</sup>.

The reporter to the Senate Commission on Justice had even harsher words for the 1909 Law in its report for the revision of nationality law:

*“The 8<sup>th</sup> June Law was extremely lax with regard to the acquisition of Belgian nationality. The bloody events in which we have been involved have led us to be more cautious. Too often, unfortunately, have foreigners become Belgian nationals because of the lack of strictness of our laws and yet kept secret links with their country of origin which goal was to destroy or oppress us. The acquisition of Belgian nationality can only happen through a formal declaration. This declaration, in return, must be submitted to a strict control. One of the novelties of this law is the involvement of the Judiciary in performing this control”*<sup>79</sup>.

These declarations epitomize two essential characteristics of the Belgian nationality law will after 1922. First, one has to apply for becoming a Belgian (it is no longer automatic). The “Belgian-national-to-be” has to prove its willingness to become so. Second, the Judiciary power is involved in the process as a safeguard against abuses. This new vision is translated in the different articles of the law that concern the acquisition of nationality by option. The person is not allowed to opt for Belgian nationality if his/her home country tolerates dual nationality (Article 7). Stricter conditions of residence are also set. The declaration has to be made at the Prosecutor’s office that holds an enquiry on the candidate (Article 10).

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<sup>78</sup> Loi du 15 mai 1922 *sur l’acquisition et la perte de la nationalité*, M.B., 25 mai, *Pasin.*, p.115.

<sup>79</sup> Loi du 15 mai 1922 *sur l’acquisition et la perte de la nationalité*, M.B., 25 mai, *Pasin.*, p.123.

The 1922 Law confirms a return to the *ius sanguini* principle which had already been applied in Belgium before the 1909 Law. The 1922 Law will merely be adapted for several decades until the 1984 reform created the nationality code. Between 1922 and 1984, the legislation will be coordinated and complemented by piecemeal acts. It was also complemented by more fundamental changes in the process of naturalization and in the guidelines governing the transmission of nationality to adopted children. Besides, nationality law was also modified by various international events such as the independence of Congo in 1960, the adoption of the Hague Convention (among other international agreements) laying down the rules for solving conflicts in 1930. In the eve of the 1984 reform, the nationality law had become a rather complicated and outdated document, ill-equipped to face the concerns of a modern society.

Verwilghen (1985) argues that the nationality law was outdated at the turn of the 1980's because of the principles it was based on and because of its inadequacy to the demographic and social evolution of the Belgian population. Two of these principles were particularly not adjusted to the growing multicultural character of Belgian society.

First, the prominence of *ius sanguini* had been a consistent feature of the nationality law since the introduction of the Napoleon code in Belgium. *Ius sanguinis* is incompatible with the multicultural society in the sense that it perpetuates the exclusion of foreigners and their descendants, generation after generation. This principle was not considered problematic as long as migration to Belgium was perceived as temporary by both the authorities and the migrants themselves (under the so-called rotational principle that prevailed from the first labour recruitment agreements after World War I up to the 1974 Oil crisis). The Oil crisis however proved that the rotational principle was not in phase with the migrants' desire to remain in Belgium. The authorities had not prepared to integrate this population into the Belgian society. In addition to the economic marginalization due to the Oil crisis, migrants also ran the risk of being socially and politically marginalized due to their impossibility to become part of the Belgian polity. *Ius sanguinis* was a central feature of the Belgian nationality law at the time and only twice had the *jus soli* been introduced in the legislation.

The second principle is the opposition to cases of multiple nationality. This principle found its roots in both international and national law. The Hague Convention of 1930 to which Belgium is a signatory aimed at solving conflicts created by multiple nationality. The later

Strasbourg Convention (1963) tried to further limit cases of dual nationality by facilitating the means through which one person may lose one of its nationalities. The Belgian legislation has also been very cautious to avoid cases of multiple nationalities by making it impossible for candidates to naturalize if the country of origin allows them to keep their former nationalities in case of a naturalization elsewhere (15<sup>th</sup> May 1922 Law, Article 7). The opposition to multiple nationality in Belgium was also very visible in courts where the law was interpreted in a way that characterizes multiple nationality as a fraudulent situation (Verwilghen 1985: 65).

The peculiarity of the Belgian Nationality Code is that it includes both the rules directing the status of aliens and the rule of access to nationality in the same text. The preliminary discussion that introduces the law states that these two different policy areas are grouped in the same text because they both aim towards the creation of a Belgian society where diversity is widely accepted. However, parliamentary debates show that the connection between nationality law and restrictive measures on immigration are artificial. The Minister of Justice himself recognized that this combination was the only way to build the necessary political agreement to approve the text (Verwilghen, 1985: 198). This point is extremely relevant for our study. Verwilghen shows that nationality and migration policies are parts of package deals set up by Belgian political actors. As we will see below, just like in the case of nationality laws, the disagreements around external voting will also lead its political promoters to include the topic in a package deal.

The 1984 Law<sup>80</sup> creating the nationality code brought several modifications. First and foremost, it introduces a series of measures which –according to the government– aim to complete the official halt to labor recruitment and migration to Belgium (Marescaux and Taverne, 1984: 625). Three elements of the law illustrate this policy. First, the right to family reunion is limited in time. Second, the law authorizes the government to limit the settlement of foreigners in some localities if the increase in foreign population potentially “harms public interest” (Art. 6). Third foreigners who do not legally reside in Belgium are not eligible for any sort of public assistance except for medical care and material help (Art. 11).

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<sup>80</sup> Loi du 28 juin 1984 *Relative à certains aspects de la condition des étrangers et instituant le code de la nationalité belge* (M.B. 12 juillet 1984).

The second title of the 1984 Law creates the Belgian Nationality Code. The code confirms the two traditional ways through which Belgian nationality is obtained. These procedures are referred to as “acquisition” if Belgian nationality results from a voluntary application of the person and “attribution” if it is granted automatically. The major change brought about by the nationality code is that, from then on, children -who would otherwise be stateless- are automatically attributed Belgian nationality. This is an explicit recognition of the *jus soli* principle in Belgian law. Another important shift is the introduction of the principle of equality between parents. This principle puts an end to the rule according to which the child’s nationality is determined by his father’s. The introduction of this principle however raised some concerns in Parliament that it could increase the number of dual citizens (Lienard-Ligny 1984-85: 659-660).

A person may be a multiple national in Belgium by other means. For instance, one may acquire Belgian citizenship without renouncing to one’s former nationality. Also, children who are third generation migrants may end up being dual nationals as the code does not require that they give up their other nationality when their parents apply for Belgian nationality for them. This rather liberal vision is in sharp contradiction with the provisions on the loss of nationality contained in the same law. Article 2 provides that any Belgian who voluntarily opts for another nationality automatically loses his/her Belgian nationality. Also, Belgian nationals born abroad may lose their nationality if they fit all of the three following criteria: residing continuously abroad between the age of 18 and 28, not working for the Belgian government or a Belgian company and omitting to formally declare their willingness to keep their Belgian nationality before the age of 28.

In the law proposal, conditions were even stricter as only the residence and the omission of declaration criteria were enough to lose nationality. Even though the Parliament disliked multiple nationality, this stricter proposal was rejected as it was stated that it is in the interest of the country to keep as many nationals abroad as possible to maintain economic and cultural links (De Valkeneer 1984: 416). Along with the differences in the acquisition of citizenship at home and abroad, this proposal confirms what the emigrants’ associations long denounced as a discrimination between citizens residing in Belgium and those residing abroad.

Even though the creation of the nationality code aimed at stabilizing nationality law, this was modified several times during the 1990’s. The first substantial change happened with the 13



June 1991 Law<sup>81</sup> which eased access to nationality to second and third generation immigrants by extending the *ius soli* principle. The 6 August 1993 Law<sup>82</sup> suppressed the differentiation that was made by the legislation between “big naturalization” and ordinary naturalization. The consequence is that all citizens who now naturalize are entitled to full political rights. This reform followed a move initiated by a 1991 constitutional revision.

In 1995, the legislator reaffirmed the principle of equal authority of the parents on the child and subsequently declared that the child’s nationality followed that of his parents. In 1998, the legislator decided to change nationality law again to ease access to Belgian nationality by simplifying the procedure. The law permitted to avoid the step of the applicant’s judiciary control if no preliminary reserve was made at administrative level. In the eve of the 2000 reform, Belgian nationality law was thus characterized by a constant evolution towards easier access (Renauld 2005: 34).

Not even a year after the 1998 Law came into force, the recently installed government decided to change the nationality code again. In the governmental agreement signed between the governing parties (Federal Government 1999), a full section is devoted to building an “*open society*” that proposes a series of measure concerning migrants’ integration (including access to nationality), asylum and the fight against racism.

The decision to reform again the nationality code is the result of a political compromise between the Flemish Liberal party’s (VLD) opposition to give the right to vote in local elections to non-European citizens residing in Belgium on the one hand, and to the willingness of other governing parties to extend the political rights available to this group, on the other. As underscored by Louis (2000: 94-5) what was at stake in the 2000 reform of the nationality code was the access of foreigners to political rights in Belgium. This impression, he continues, is confirmed by the French-speaking Green (ECOLO) and Socialist (PS) parties’ eagerness to pass the law before the 2000 local elections (we describe these political aspects thoroughly below). The stress on political rights and the willingness to act swiftly, in turn, has affected negatively the quality and the coherence of the code (Renauld 2002: 123).

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<sup>81</sup> La loi du 13 juin 1991 *modifiant le Code de la nationalité belge et les articles 569 et 628 du Code judiciaire* (M. B. 3 septembre 1991).

<sup>82</sup> Loi du 6 août 1993 *modifiant le Code de la nationalité belge et les lois relatives à la naturalisation* (M.B. 23 septembre 1993).

Apart from the technical changes (such as the naturalization procedure becoming cost-free, softer rules on birth certificates, the period during which the Public Prosecutor, the Ministry of Interior and the State Security Service can give an opinion on the demand of naturalization being reduced to one month), we consider that the 1<sup>st</sup> March 2000 Law<sup>83</sup> introduces two major changes.

The first one is the suppression of the “willingness to integrate” as a criterion in the procedures of acquisition. The consequence of this decision is dual. On the one hand, it is remarkable that the legislator suppresses a criterion that had been applied in different ways (and sometimes led to abuses from the authorities) (Louis 2000: 98). On the other hand, a major criterion used to differentiate the three procedures of acquisition disappears. The code is now less coherent in the sense that it leaves the three procedures more or less undifferentiated. Furthermore, scholars such as Foblets (2003: 274-5) ask whether it would not have been more appropriate to replace the “willingness to integrate” by another criterion to determine the candidate’s willingness to join the Belgian society; for instance a basic knowledge of one of the three official languages. While this latter suggestion has obvious limits (e.g. migrants proceedings from French-speaking countries would be greatly advantaged while not necessarily better integrated), Foblets rightly underlines a major flaw of the reform: it leaves the question of what it is to be a Belgian unanswered. Preoccupied by granting political rights to migrants quickly, the legislator has left aside this crucial question in nationality law.

The second major change introduced by the law concerns the naturalization procedure. In order to ask the Belgian Parliament to be naturalized, the candidate must be 18 years old and must have resided in Belgium for the last three years (two years if he has the refugee or stateless person status). This reduced condition of residence makes Belgium one of the most liberal countries in terms of condition of access to citizenship by naturalization. Here again, the legislator’s eagerness to grant political rights to non-European citizens has led him to ease the naturalization procedure. Louis (2000: 101) nonetheless underlines that this practice blurs the limits between citizenship and nationality by using nationality not so much as a way by which foreigners signal their willingness to join the Belgian society but rather as the way for them to access political rights.

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<sup>83</sup> Loi du 1er mars 2000 *modifiant certaines dispositions relatives à la nationalité belge* (M.B. 6 avril 2000).

### 2.3. Conclusion to the evolution of nationality and electoral laws in Belgium

As we have just seen in the preceding section, Belgium's history has pushed the legislator to set restrictive rules on access to nationality and political rights for fears of foreign influences. With the transformation of the country into a multicultural society, the legislator has felt compelled to revise its position towards foreigners residing on the territory. For Belgians abroad, however, we will see that the historical distrust against foreign influences remained longer since dual nationality was explicitly recognized only after the legislation on external voting had been adopted.

As we will see in the coming section, the legal norms directing the political participation of Belgian expatriates and migrants (and second generation migrants) in Belgium today have evolved towards a greater participation. For migrants, the change materialized in the 1980's when it was decided to promote greater political participation through the acquisition of citizenship. To this end, a series of measure were taken to ease the access to Belgian citizenship. This trend accelerated in the 1990's and led to a further liberalization of the access to citizenship while giving voting rights in local elections to non-citizens who comply with the residence requirements. At the same time, two laws (1998 and 2002) were adopted by Parliament to facilitate the participation of Belgian citizens residing abroad. While the connections between the two phenomena seem to be obvious, no research has yet focused on the common meaning of those changes which happen to have taken place in the same time frame. A change of paradigm however seems to have taken place in the way the Belgian state perceives the political participation of those citizens who used to be considered as "outsiders".

Indeed, until the 1980's, the immigrants were told that the only way they could get involved in the political process in a decisive manner<sup>84</sup> was to naturalize. Two regimes cohabited with relatively strict rules but only one (*grande naturalisation*) gave access to full political rights. With the increasing salience of the question in the 1990's it was decided ease the rules of access to citizenship to once again (2000 nationality Law). An even more controversial reform was that of giving non-EU migrants the right to vote in local elections, a question that

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<sup>84</sup> As we mentioned in the conceptual discussion of the dissertation, since 1968, migrants had been represented locally in consultative organs named "Conseils Consultatifs Communaux des Immigrés".

had created a lot of turmoil in the last 20 years. In the same period of time, two laws were passed in the Federal Parliament to allow Belgian expatriates to vote from abroad.

Today, not only have the rules of access to citizenship been eased but also naturalization is no longer necessary to participate to local elections. With regard to expatriates, while their absence from the Belgian territory (and therefore their lack of stakes in the elections) had been used to justify the barriers preventing them from voting, they are today recognized a legitimate stake in Belgian politics. They also are a category of voters that is wooed by the political parties. In other words, migrants were long told that territoriality was not enough to have a stake in Belgian elections, Belgian citizenship was also required. At the same time, expatriates were told that citizenship was not enough and that a voter had actually to live in Belgium (territoriality) to have a sufficient stake in the election. Two basic conditions, among others, had to be fulfilled in order to vote in Belgium: be a citizen and live in Belgium. None of these two categories of persons had both. In ten years' time, the situation has substantially evolved: Belgian nationality is no longer required to participate in local elections (and for EU citizens, Belgian citizenship is not necessary to participate in EU elections) and residence in Belgium is no longer required from the Belgian citizens to participate in federal elections. In the coming sections, we analyze and explain the reasons for these transformations.

Table 2. Evolution of the state's position on emigrant and immigrant voting rights

	<i>State position until the end of the 90's</i>	<i>Current position of the state</i>
Immigrants' participation	- only possible through naturalization	-naturalization is made easier -participation to local elections possible without naturalization
Expatriates' participation	- only possible if one is a resident in a Belgian municipality	- voting by proxy, vote by mail, and voting in embassies is possible

**3. The road to the expatriates' voting right**

As we have seen above, the main obstacle to the political participation of Belgian citizens residing abroad has historically been the constitutional rule according to which one can only vote if one is a resident of a Belgian municipality. While members of the French-speaking

Liberal party (PRL-FDF) had been trying to modify this rule, a solution to the problem was found independently of the debate on external voting. Indeed, with the regional reform of 1988, the legislator wanted to give the possibility to those French-speaking citizens residing in a small (but politically turbulent) village close to the city of Liège (Wallonia) but part of Flanders' territory to vote for French-speaking candidates belonging to the electoral district of another province. To permit such a thing, the legislator had to get rid of the constitutional rule obliging citizens to vote in their municipality. In its proposal for a modification of the Constitution, the Government also mentioned that this reform would pave the way to the emigrants' for future participation<sup>85</sup>. However, it must be noted that the Government's main motivation was to create a new institutional equilibrium between the Flemings and the Walloons whose conflict was threatening the very existence of the unitary state. Belgian emigrants therefore indirectly benefited from the conflict opposing the two communities.

Once the constitutional obstacle was solved, the remaining hurdle was to pass the necessary legislation that would make external voting a reality. Yet, ten years separated the revision of the Constitution from the first legislation allowing external voting. Before we review the legislative process that led to this approval, we underscore here the main arguments that were used by the opponents and the supporters of external voting.

### **3.1. External voting: the arguments in presence**

In this section, let's first stress the fact that the question of external voting in Belgium has attracted the attention of a limited number of political and associative actors. Indeed, for the majority of them this question is not a priority but a political item they deal with from time to time. Another important actor in the debate on external voting has been the Supreme Administrative Court whose negative opinions on legislative proposals on external voting have provided politicians opposed to this right with good arguments. Historically, the Court has had two main objections to external voting.

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<sup>85</sup> Chambre, *Doc. Parl.*, Proposition du Gouvernement relative à la révision de l'article 47, alinéa 1<sup>er</sup>, de la Constitution, No.10/47 – 418/1 (1988), 25 mai 1988.

The first concerns the question of the residence solved in 1988. In a 1978 opinion<sup>86</sup>, the Court reminded that the democratic nature of the Belgian state resides in the link between the voter and the person who represents him. Since the Constitution states that the exercise of political rights is linked with the residence in a Belgian municipality, it implies that the representativeness of the elected bodies is derived from this residence. Since different projects on external voting were trying to artificially tie emigrants to a Belgian municipality (to determine in which constituency they should vote) the Court considered that voting in a constituency other than that of residence would result in electing people whose decisions have no effect for a share of the voters. In other words, the Court was referring to the critique seen in different countries, and consisting in opposing external voting on the basis that, due to their absence of the territory, the voters would not bear the consequences of their votes.

The second opposition of the Court is more recent and concerns a specificity of the Belgian democracy in which voting is not a right but an obligation for the citizens (with sanctions in case of breach). As we will see below, the Court's position on the compatibility of external voting with the obligation to vote was ambiguous. On the one hand, the Court considered that all citizens were equal and that emigrants, if given the possibility to vote from abroad, should be obliged to do so. On the other hand, the Court was aware of the difficulties to ensure the respect of this obligation abroad and was worried that it could be contrary to the European principle of freedom of circulation.

Another aspect of the opposition to external voting concerned the impact of the vote from abroad. A distinction must be made here between those concerned by the symbolic impact of this vote and those concerned by its impact on party politics. These fears of the impact of external voting were fueled by the impression that most Belgians abroad are highly educated French speakers with a political profile closer to the Liberal party than the others. The Flemish nationalists, and especially the xenophobic Vlaams Blok, feared that all French speaking voters abroad would register in the Flemish municipalities around Brussels. Some of these municipalities are a subject of contention between French speakers and the Flemings because they are largely populated by French speakers but belong to Flanders' territory. For the Flemish nationalists, if French-speaking emigrants registered to vote in these municipalities, their presence there would be increased artificially. This, in turn, could be

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<sup>86</sup> *Chambre, Doc. Parl., Projet de Loi portant diverses réformes institutionnelles. Avis du Conseil d'Etat sur les articles 125 à 145, No.461/35 (1977-1978), 7 août 1978.*

used by French-speaking political leaders to demand a change of status for these municipalities. The fear of the Flemish nationalists is thus not based on the potential impact of emigrants on election results but rather on the symbolic weight created by the influx of French-speaking voters.

French-speaking Socialists, on the contrary, were concerned by the impact of external voters on election results. This fear was reinforced after the 2003 elections that proved that emigrant voters were less supportive of the PS than voters residing in Belgium. The PS's biggest concern is that, by allowing emigrants to vote in the constituency of their choice, they could influence election results in a decisive manner (Interview No. 6). Since the 1990's, the PS's strategy has thus consisted in limiting the impact of this vote in different ways but not necessarily by opposing external voting. For instance, the PS tried at times to limit external voting to the elections of one of the two Chambers or to propose that two senatorial seats be reserved to representatives of the emigrant community. As we will see below, the French-speaking Socialists were helped at times by some Flemish Socialists who considered that there was no proof that emigrants had maintained sufficient links with the country to justify a legislation on external voting.

The French-speaking Liberals of the PRL (later called MR), as the traditional supporters of the emigrant vote, have for decades been convinced that Belgian emigrants have a profile close to their electorate's. As we will see below, their main argument has traditionally been that Belgian emigrants are citizens with the same rights as citizens residing in Belgium and that it is unfair to prevent them from participating. Besides, they considered that, while it cannot be proved that all Belgians abroad wish to vote, it can be argued that many have kept sufficient links with Belgium to keep wanting to participate in the elections (Magdalijs and Gassner 1998).

This latter point was also stressed by the emigrant association UFBE, for whom external voting is justified by the fact that many emigrants have an interest in voting because they might still have the desire to come back some day, may have members of their family residing in Belgium or have assets in the country (e.g. real estate). But most importantly, for UFBE, the right to vote was a first step by which the emigrants would get the attention of the political parties to solve the problems that emigrants have been facing for decades (e.g. dual nationality, question of taxation...) (Interview No. 2 and 5).

### 3.2. Early legislative proposals

Since it would not serve our purpose to review all these proposals we will, accordingly, solely focus on those who brought a substantial contribution to the legislative debate. Among the many proposals of the Liberals tabled during the 1990's, that of Senators de Donnea and Monfils in 1992 was based on the willingness to grant a long neglected right to the share of Belgian expatriates who are still interested in Belgian politics (which they believe to be significant). To them, Belgians residing abroad “*are citizens as much as those residing on the Belgian territory*” and “*are nonetheless prevented from exerting an essential democratic right: the right to vote*”<sup>87</sup>. The law proposal only concerned the legislative elections. According to its supporters, provincial and municipal elections are too specific in the issues they concern and they do not have the necessary media coverage abroad for emigrants to understand their many details. The main characteristics of the proposal were the following: participation in the election would take place on a voluntary basis and voters would choose to register in their (or their parents’) last municipality of residence or the municipality of birth which, in turn, would determine the electoral districts where they cast their vote.

When this proposal was discussed in the Senate’s commission of the interior in March 1994, it faced harsh criticism from the Interior Minister Tobback (Flemish Socialist party – SP), which led to an eventual rejection of the proposal by the Commission. Even though the Minister argued that he was not opposed to the principle of emigrant vote, he nonetheless declared that he was not willing to support a proposal that concerned citizens who do not have a residence in Belgium or have not even ever lived in the country<sup>88</sup>. The Minister also underlined other difficulties which justified his opposition to the text: discrimination against Belgians residing in Belgium if voting abroad was facultative (while mandatory in Belgium), risk that dual nationals participate to elections in the two countries, high cost, difficulty to reach all voters in case of anticipated elections...

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<sup>87</sup> Translation mine. Sénat, *Doc. Parl.*, Proposition de loi relative au vote des Belges domiciliés à l'étranger, No.279-1 (1991-1992), 27 mars 1992.

<sup>88</sup> Sénat, *Doc. Parl.*, Proposition de loi relative au vote des Belges domiciliés à l'étranger, No.279-2 (1993-1994), 15 mars 1994.



In November 1995, two other French-speaking Liberal party Senators (Desmedt and Destexhe) submitted a slightly modified version of this proposal, which was not adopted either. In this proposal, the senators expressed their preference for a system of vote by proxy<sup>89</sup>. Exactly the same proposal was later re-submitted by two members of the Chamber of Representatives proceeding from the same political party (Members of Parliament Reynders and Michel) in March 1997 (with the only difference that the emigrant voter would have to register with the last municipality of residence only)<sup>90</sup>.

Another unsuccessful attempt was led by the Flemish and French-speaking Christian Democratic Parties (CVP and PSC) and the Flemish Liberals (VLD) later joined by the Socialists<sup>91</sup>. This proposal limited the participation of emigrants in the Senate elections. For its promoters, the proposal was solving the issue of the choice of the constituency because it was proposing that all voters be included in the Brussels-Hal-Vilvorde bilingual constituency which would have satisfied both Flemish and French-speaking emigrants. In addition to the purely artificial link between the voter and this constituency, this proposal, in the eyes of the Flemish nationalists, was also threatening the Flemish character of the municipalities around Brussels (see above).

In April 1997, Members of Parliament belonging to the French-speaking Christian Democratic party (PSC) introduced another proposal whose purpose was to extend the right to vote by mail in the European Parliament (EP) elections in two directions<sup>92</sup>. First, the proposal aimed to allow Belgians residing in (non-EU) third countries to vote in EP elections. Second, it aimed to give the right (or more precisely the obligation) to all Belgians abroad to vote in the Belgian Parliamentary elections.

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<sup>89</sup> Sénat, *Doc. Parl.*, Proposition de loi modifiant le Code électoral, en vue de permettre aux Belges résidant à l'étranger de participer aux élections législatives, No.1-162/1 (1995-1996), 17 novembre 1995.

<sup>90</sup> Chambre, *Doc. Parl.*, Proposition de loi modifiant le Code électoral, en vue de permettre aux Belges résidant à l'étranger de participer aux élections législatives, No.986/1 (1996-1997), 26 mars 1997.

<sup>91</sup> Sénat, *Doc. Parl.*, Proposition de loi modifiant le Code électoral en vue de permettre aux Belges résidant à l'étranger de participer à l'élection des sénateurs élus directement, No.1-610/2 (1996-1997), 16 juin 1997.

<sup>92</sup> Chambre, *Doc. Parl.*, Proposition de loi modifiant le Code électoral et la loi du 23 mars 1989 relative à l'élection du Parlement européen en vue de permettre aux Belges résidant en dehors du Royaume de voter aux élections législatives et aux élections du Parlement européen, No.1012/1 (1996-1997), 25 avril 1997.

### 3.3. European Parliament elections and the Maastricht Treaty

In spite of the fact that the debate on external voting was very much concentrated in the national Parliament, external interferences such as the development of European legislation influenced the Belgian debate. In 1989 already, the question of Belgian emigrants' voting right progressed in a liberal way thanks to the European Community. In 1989, to comply with European requirements, the Belgian Parliament adopted a law that for the first time gave Belgians residing abroad the possibility to participate in elections held in Belgium. Indeed, the 23 March 1989 Law<sup>93</sup> on *The European Parliament Elections* gives the possibility to Belgian citizens residing in another EU country to vote by mail for the Belgian candidates they want to send to the European Parliament. Even though the EP elections are considered by most as second-order election, the right for Belgian emigrants to elect their Belgian representatives in the European Parliament constituted a major step forward. It is indeed a clear recognition of the stake some have in Belgian politics. Belgians used this right for the first time in the 1994 EP elections. Only 1,452 Belgians made use of this new right at an estimated cost of 20€ per vote. The government later used the argument of the cost and the little interest for the right to vote by mail to justify its opposition to that system (during the discussion in 1998 on the vote from abroad for legislative elections)<sup>94</sup>.

The question of the emigrant vote took a new turn with the creation of a European citizenship by the Maastricht treaty in 1991. The treaty explicitly recognizes two voting rights to all nationals of any member state: the right to vote to the European elections and the right to vote to local elections for European citizens residing in another EC country (these citizens can also be elected). The Supreme Administrative Court of Belgium noted that such a right could only be granted if the Constitution was changed. Indeed, in its Article 8, the Belgian Constitution stipulates that one must be a Belgian citizen in order to vote in Belgium. Yet, revising the Constitution requires a 2/3 majority in Parliament and the governing parties did not have it due to the opposition of some Flemish parties. They were concerned that most EU-citizens residing in the Flemish municipalities around Brussels would vote for French-speaking candidates and would therefore undermine the Flemish character of these towns. Furthermore, some parties also feared that the revision of the Constitution would open the door not only to the participation of EU citizens but also to that of third country nationals.

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<sup>93</sup> Loi du 23 mars 1989 *relative à l'élection du Parlement européen* (M.B. 25 mars 1989).

<sup>94</sup> Chambre, *Doc. Parl.*, Rapport fait au nom de la commission de l'intérieur, des affaires générales et de la fonction publique, No.1742/3 (1997-1998), p. 10, 15 octobre 1998.

The right of EU citizens to vote in local elections was nonetheless confirmed by the European directive of 19<sup>th</sup> December 1994 that demanded that member states adapted their legislation by 1 January 1996. For Belgium, this made the need to modify the Constitution even more evident. The transposition of these European rights into Belgian law created major political conflicts which illustrate several characteristics of the debate on the expatriates' voting rights in Belgium (that we develop in the next section): its connection with voting rights of foreigners in Belgium and its ethnic "Flemish vs. Walloon" dimension.

### **3.4. First attempt: 18<sup>t</sup> December 1998 Law modifying the electoral code to grant the right to vote in federal legislative elections to Belgians who settled abroad.**

On 29<sup>th</sup> September 1998, the Government presented to the Chamber of Representatives a project of law<sup>95</sup> to introduce emigrant vote in the legislative elections. The project complied with the principle of emigrant vote contained in the proposal tabled by Senators and MPs earlier but differed in the modalities through which emigrants cast their vote. To justify the project of law, the government reminded the Assembly that an agreement had been signed between the governing parties in 1995, stating that "*the Government will study the set of problems related to the status of Belgian citizens residing abroad, including the question of the right to vote*"<sup>96</sup>. At that time, the two major associations representing Belgians abroad – *Union Francophone des Belges résidant à l'étranger* (UFBE) and *Vlamingen in de Wereld* (VIW) requested that the new government took care of the emigrant vote (Le Soir 15/09/1995). What is striking with this project of law is the speed at which it was adopted. While several law proposals had been tabled in the past and were following the regular – though slow- legislative process, this project of law was adopted in around three months. This illustrates the changing political context in the Assembly.

In 1998, the European Court of Justice found Belgium guilty of not complying with the 19 December 1994 directive and threatened to impose financial penalties if no solution was

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<sup>95</sup> In Belgium, legislative proposals are called « project of law » when they are tabled by the Executive and « law proposal » when they are tabled by the Legislative power.

<sup>96</sup> Traduction mine. Chambre, *Doc. Parl.*, Projet de loi modifiant le Code électoral en vue d'octroyer le droit de vote aux Belges établis à l'étranger pour l'élection des Chambres législatives fédérales, No.1742/1 (1997-1998), p. 1, 29 septembre 1998.

found. As Belgium is the seat of several European institutions and hosts a large European population, this situation revealed particularly uncomfortable for the Belgian government. One way for the governing parties to reach the 2/3 majority in Parliament was to convince opposition parties to vote in favour of the revision of the Constitution. As mentioned above, the Flemish nationalist parties (Volksunie and Vlaams Blok) considered that the revision represented a threat for the Flemish nation. The government therefore turned to the French-speaking Liberals (PRL-FDF) and the deal was made that a law allowing the emigrant vote would be passed in exchange for their support to the revision of the Constitution.

The link between the two texts was confirmed several times during the Parliamentary debates. First, M.P. Canon (Francophone Socialists- PS) who was -together with M.P. Delathouwer (Flemish Socialists -SP)- in charge of drafting the report of the Parliamentary commission examining the project of law on the emigrant vote linked the two rights during the plenary session (arguing that nationality and residence are two equally valid bases on which to extend the electorate)<sup>97</sup>. During the commission's debate, another PS Member of Parliament, Charles Janssens, declared that the socialist parliamentary group to which he belonged was in favour of the emigrant vote because they also supported the immigrants' vote in Belgium.

Even though, members of the governing parties tried to deny that a deal had been made, the opposition party Volksunie (Flemish nationalist) strongly denounced the pact between the governing parties and the French-speaking Liberals. MP Alfons Borginon, who violently attacked the deal during the Plenary session, eventually summed up his party's opposition to the text in question (rather than to the principle of emigrant vote) by the following declaration: *“this project of law is part of a package deal sealed by the governing parties and the PRL to reach an agreement about the introduction of the right to vote for Europeans [to local elections]. We want in no way to be part of this package deal.”*<sup>98</sup>

The link between the revision of the Constitution and the adoption of the project of law on external voting, however, was eventually confirmed in the Senate. Indeed, the declaration of senator Cornet d'Elzuis (PRL-FDF) leaves no room for hesitation: *“On 29<sup>th</sup> September 1998, the government tabled in the Chamber of Representatives a project of Law modifying the electoral code to grant the right to vote for federal legislative elections to Belgians who*

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<sup>97</sup> Chambre, *Annales*, 21 octobre 1998, p. 9717.

<sup>98</sup> Traduction mine. Chambre, *Annales*, 22 octobre 1998, p. 9817.

*settled abroad. This project is the result of a political agreement in which one must also include the modification of Article 8 of the Constitution”<sup>99</sup>. This was confirmed later on when the law was passed and the discussion on the revision of the Constitution started. Senator Forêt (PRL-FDF) stated on that occasion that: “a migration policy must recognize effective citizenship to foreigners settled in Belgium by granting them the right to vote, softening the requirement to naturalize, allowing the regularization [of undocumented migrants] in most serious cases (...) and finally granting the right to vote to Belgians residing abroad”<sup>100</sup>.*

Looking at the content of text, the government’s project of law as approved by the Parliament introduces a restrictive and rather bureaucratic procedure for Belgian emigrants that we briefly overview here. In order to qualify as a voter, the Belgian citizen residing abroad must first request to be added to the registry of Belgian voters who settled abroad (each municipality holds such a registry). This request can be filled at the municipality before the citizen’s departure. In many cases, however, citizens do not tell the authorities that they are leaving the country (or were already abroad at the time when the law was passed). We will therefore focus on the second track.

Citizens who already settled abroad may be added to such registry by the diplomatic or consular Office. In this case, the voter-to-be must justify that he meets various criteria: age threshold, proof of legal residence abroad, not being sentenced for crimes for which one loses the right to vote in Belgium and certify that he has not the right to vote in Parliamentary elections in his country of residence. This last criterion was introduced in the name of the “one man – one vote principle” (even though it could be argued that the elector could vote only once but in two countries).

Next to the request to be added to the registry, the candidate must attach a form stating the name of his proxy (who must be an eligible voter residing in Belgium). This person may be a relative up to the third degree. This restriction attached to the red tape necessary to justify the family link between the emigrant and the proxy is already a strong disincentive to vote. If the emigrant yet manages to collect these documents, he submits his file to the consulate<sup>101</sup> or the

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<sup>99</sup> Traduction mine. Sénat, *Annales*, 1er décembre 1998, p. 6531.

<sup>100</sup> Traduction mine. Sénat, *Compte rendu analytique*, No.1-229, 11 décembre 1998.

<sup>101</sup> When talking about consulates, we will only refer to career consulates. Honorary consulates are generally non-Belgian citizens who agree to serve on a voluntaray basis and pass on certain questions to the embassy or career consulate they depend on when necessary.

embassy that, in its turn, transfers it to the Ministry of Foreign Affairs and the Ministry of Justice for control and eventually to the municipality where the proxy will cast the vote in his name. On the day of the election, the proxy must present the Officer his own identity card, his invitation to vote, a copy of the proxy form and a form –delivered by the embassy or the consulate no earlier than fifteen day before the election- stating that the emigrant voter is still alive.

This complex procedure imagined by the government and summarized here above obviously produced very little results in terms of participation (18 electors only cast their vote!) and various observers denounced the system. Besides the complexity, two features of the law deserve to be pointed out.

First, the experience of the emigrant vote in EP elections (thanks to the 23 March 1989 Law on the European elections adopted by the Belgian Parliament) partly shaped the Government's position on the 1998 project of law. The Secretary of State who presented the text to the Parliament declared that the two texts were resulting from a different rationale because the Belgian citizens could choose to vote for a candidate of their country of residence in EP elections<sup>102</sup>. The cost of the vote by mail as experienced during the 1994 EP elections also strongly discouraged the government to apply such a system for the legislative elections<sup>103</sup>. On the contrary, the three-step control procedure (Ministry of Foreign Affairs, Ministry of Justice, Municipality) is a copy of the Article 6 of the 23<sup>rd</sup> March 1989 Law<sup>104</sup>.

The second characteristic concerns the legality of the law. The Supreme Administrative Court, in its non-binding opinion, warned the government that the project of law it was about to submit to the Parliament was a breach of Article 62 and 68 of the Constitution. These articles stated that voting is an obligation for all Belgian citizens who qualify as voters. By leaving Belgian emigrants the choice to request their registration as voters or not, the project of law introduced de facto a possibility to vote and not an obligation. The Court thus advised the Government to revise the Constitution before allowing Belgian emigrants to vote<sup>105</sup>. To

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<sup>102</sup> Chambre, *Doc. Parl.*, Rapport fait au nom de la commission de l'intérieur, des affaires générales et de la fonction publique, No.1742/3 (1997-1998), p. 12, 15 octobre 1998.

<sup>103</sup> *Ibid.*, p.10.

<sup>104</sup> Chambre, *Doc. Parl.*, Projet de loi modifiant le Code électoral en vue d'octroyer le droit de vote aux Belges établis à l'étranger pour l'élection des Chambres législatives fédérales, No.1742/1 (1997-1998), p. 3, 29 septembre 1998.

<sup>105</sup> *Ibid.*, p.18-19.

these criticisms, the government answered that it was impossible to oblige all Belgian emigrants to vote because there is no way to determine where all these citizens live. The government also underlined the fact that, as soon as an emigrant has asked for being included in the registry, he has the obligation to vote.

### **3.5. Second attempt: 7<sup>th</sup> March 2002 Law modifying the electoral code to grant the right to vote in federal legislative elections to Belgians residing abroad and establishing the freedom to choose the proxy.**

The failure of the system put in place for the 1999 election -where only 38 Belgians residing abroad managed to register as voters and even fewer eventually cast their ballot- has been acknowledged by the new parliamentary majority. In the government agreement signed between the French-speaking and Flemish Liberal, Socialist and Green parties in 1999<sup>106</sup> (the Catholic parties were not part of the government anymore), the willingness of this government to improve the system was phrased as such: *“The right to vote of Belgians residing abroad must be rendered effective by reducing the administrative process’ weight, making it free, providing more efficient information and making the vote more accessible”* (Federal Government 1999: 5)

Two French-speaking liberal ministers (Minister of Foreign Affairs Louis Michel and Minister of the Interior Antoine Duquesne) wrote a draft project of law to this end. The main improvements of the draft in comparison to the 1998 Law are of three kinds (see below for further details on the text). First, it widened the possibilities for Belgian emigrants to vote by introducing five different procedures (in person in Belgium, in person in the embassy/consulate, by proxy in Belgium, by proxy abroad in an embassy/consulate, by mail). Second, voters abroad were automatically invited to vote as soon as they asked to be listed in the consular registry that each embassy/consulate was obliged to hold by then. Third, and this concerns also Belgians residing in Belgium, voters were free to choose any other Belgian voter as a proxy.

The parliamentary debate that followed the approval of the draft by the Council of Ministers on 18<sup>th</sup> February 2000 presented more or less the same characteristics as the debate on the 1998 Law: opposition of the Judicial power, ethnic divisions on the text, influence of

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<sup>106</sup> MR and VLD, PS and Sp.a, ECOLO and AGALEV.

Europeanization, link to foreigners' right to vote in Belgium and competition between political parties to gain electoral benefits.

Before submitting the text to the Parliament in the form of a project of law, the draft was sent to the Supreme Administrative Court for opinion (Blaise et al. 2003: 25). In its opinion of 6 December 2000, the Court reminded the Government that granting the right to vote to Belgian emigrants was not conceivable without revising the Constitution<sup>107</sup>. According to the Court, the problem with the emigrant vote remained that it was optional. In the draft project of law, voting was indeed only mandatory for those Belgian citizens who qualify as voters and who are listed in the population register held by a Belgian consulate/embassy.

The creation of the consular register is corollary to the emigrant vote reform<sup>108</sup>. In order to facilitate the access to voting right, the Government deemed necessary to update the registers of the Belgian population abroad and start collect such data (on a voluntary basis) in a systematic way from then on. The 26<sup>th</sup> June 2002 Law<sup>109</sup> thus provides that any Belgian residing abroad has the possibility to be listed in the register of the Belgian consular post his place of residence is attached to (the law also creates the consular identity card that citizens residing abroad can use when contacting the Belgian administration). Registration is not mandatory in itself but it creates the obligation to vote for those citizens who are listed<sup>110</sup>. To the Government, this is a response to a contradictory message of the Supreme Administrative Court. Indeed, on the one hand, the Court argues that the option to be listed in the register implies that voting is an option too and the Constitution stipulates that no exception can be made to the obligation to vote. On the other hand, the Court, in its opinion on the 1998 Law, stated that mandatory registration of Belgian abroad would be contrary to Article 22 of the Constitution and to Article 8 of the European Convention on Human Rights which both guarantee the citizen's freedom of movement. The Government's choice –though

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<sup>107</sup> Conseil d'Etat, *Avis* 30.271/2, 6 décembre 2000.

<sup>108</sup> Chambre, *Doc. parl.*, Rapport fait au nom de la commission de l'intérieur, des affaires générales et de la fonction publique, p.4, No.1378/2 (2001-2002), 26 novembre 2001.

<sup>109</sup> Loi du 26 juin 2002 *relative aux registres consulaires de la population et aux cartes d'identité* (M.B. 27 juillet 2002).

<sup>110</sup> However, according to a Belgian consul who supervised the operations in June 2007, some Belgians residing abroad feel they have to register because they think that they could be stripped off some of their rights or even their nationality if they don't.



unsatisfactory for the Court- was thus to make it an obligation to vote for those citizens who has voluntarily registered in a consulate/embassy<sup>111</sup>.

The Court pinpoints another element in the new voting procedures introduced in the draft. The possibility to vote by mail, it says, is a further infringement of the Constitution since it does not guarantee the secrecy of the vote (Article 62). The Ministers replied that the procedure of vote by mail has been copied from the 1989 Law on European Parliamentary elections and that the Court made no such comment at the time<sup>112</sup>.

Despite this criticism, the Government tabled the project of law to the Parliament on 27<sup>th</sup> July 2001<sup>113</sup>. It has been noted by some observers that two liberal ministers worked actively towards the successful adoption and implementation of the text. Minister of the Interior Duquesne and Minister of Foreign Affairs Michel were obviously primarily concerned by this project because it is part of their prerogatives. Nonetheless, it has also been pointed out that it was perceived -despite the lack of reliable hard data- that their political party would mostly benefit from the emigrant vote for sociological reasons (Blaise et al. 2003: 30). In the Parliamentary commission of the Interior, Minister Duquesne introduced his project of law by stressing the failure of the 1998 Law. He also referred to European citizenship as a further proof of the disconnection between residence and political rights. Another justification of the reform is the situation in neighbouring countries that are much more open to the emigrant vote than Belgium<sup>114</sup>. MP de Permentier, who belonged to the same political party as the ministers, took up this idea during the Commission's debates<sup>115</sup>.

The Flemish Catholic party's (CD&V) representative –MP Vanpoucke- brought up different issues in his speech. Even though his political party had supported the 1998 Law when it was in the government, MP Vanpoucke questioned the very principle of emigrant vote by saying that, since most citizens abroad do not pay taxes in Belgium, it is unfair to other citizens that they should be granted the right to vote. Using figures of the Belgians emigrants' vote by mail in EP elections in 1994, he adds that only a small share of the emigrant population is

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<sup>111</sup> Chambre, *Doc. parl.*, Projet de loi modifiant le code électoral en vue d'octroyer le droit de vote aux Belges résidant à l'étranger pour l'élection des Chambres législatives fédérales et instaurant la liberté de choix du mandataire en cas de vote par procuration, No. 50-1378/1 (2000-2001), 27 juillet 2001.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> Chambre, *Doc. parl.*, Rapport fait au nom de la commission de l'intérieur, des affaires générales et de la fonction publique, pp. 3-4, No.1378/2 (2001-2002), 26 novembre 2001.

<sup>115</sup> *Ibid.*, p. 9.

interested in voting. The MP eventually denounced the project of law as one more concession of the Flemish Prime Minister (Liberal party) to the French-speaking minority<sup>116</sup>. It may seem surprising that this last argument did not come from the Flemish nationalist and xenophobic party Vlaams Blok, whose representative was more concerned by the extension of the right (as opposed to the obligation) to all Belgians than by any other issue.

In the name of the French-speaking Socialist, MP Janssens reiterated the position he expressed in 1998 when examining the first emigrant vote law which is that he is favourable to this extension of the electorate but as part of a more comprehensive reform including the right to vote in local elections for non-EU citizens in Belgium. During the plenary session of the Chamber of Representatives, several members of the Commission seized the opportunity to repeat or develop their arguments. MP Vanpoucke elaborated on the ethnic dimension of the project of law:

*“(…) the right to vote for Belgians abroad is a demand of the French speakers. The strict modalities of the 18<sup>th</sup> December 1998 Law did not satisfy the French-speaking political parties. This is why this project, which is one more concession of [Prime Minister] Verhofstad to the French speakers, is presented under the pretext that all Belgians who qualify as voters should be able to exercise their right. No democrat can indeed contest this principle. This [extension of the] right to vote will principally create new French-speaking voters. Obviously, this is interesting in the Brussels-Hal-Vilvorde electoral district because French-speaking and Flemish parties compete with each other there.”<sup>117</sup>*

This intervention illustrates the ethnic dimension of the emigrant vote in Belgium perfectly. The question at stake is indeed not only to determine who can vote and who cannot but also to whom (Flemings or French speakers) these votes will benefit. MP Vanpoucke refers to a widely-shared concern among Flemish political leaders that no citizen living on the Flemish soil (or artificially attached to a Flemish district in the case of voters residing abroad) should be able to vote for a French-speaking political party. Despite the numerous constitutional reforms of the last decades and the strong pressure of Flemish parties to suppress it, the right of French-speaking citizens residing in municipalities belonging to the Brussels-Hal-Vilvorde (BHV) constituency<sup>118</sup> to vote for French-speaking parties established in Brussels was

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<sup>116</sup> *Ibid.*, pp. 10-11.

<sup>117</sup> Traduction mine. *Chambre, Annales*, 28 novembre 2001, p.57.

<sup>118</sup> The BHV constituency is a heritage of unitary Belgium. The Brussels region (federal entity) and the 35 municipalities around Brussels who are part of the Flemish region (federal entity) are one and the same constituency. In some of these municipalities located on the Flemish territory, French-speaking Belgians are a majority or are a substantial minority. Voters residing in one of the municipalities

maintained. The fear expressed by MP Vanpoucke is that French-speaking Belgians residing abroad, since they have the freedom to choose which municipality they want to be attached to, would massively register in the Flemish municipalities belonging to the BHV constituency in order to increase the French-speaking vote in this area. While this consequence may seem harmless, it represents for a part of the Flemish politicians a contestation of the Flemish character of these municipalities and thus a questioning of what is referred to in Belgium as the “linguistics borders” (the frontiers that separate the areas where either Flemish or French is the only official language).

The intervention by MP Grauwels from the Flemish Green party (AGALEV) during the plenary illustrates another important feature of the context in which the legislation was adopted. It concerned the relation between the emigrant vote and the third country nationals’ right to vote in Belgium:

*“Let’s keep in mind that the effort we make here concerns Belgians residing abroad. The persons concerned are often born abroad, are married, have built their own lives over there and have often no more real linkages with Belgium. We strongly take care of their specific situation by providing them here with different ways to vote and by relaxing the procedure. This [attitude] stands in sharp contrast with [the situation of] a large group of migrants who live on our territory, no matter what nationality they may also have, who for sometimes decades or even a life long have been part of our society but currently still don’t have any way to express their vote. The democratic right to choose their representatives in Parliament is now fixed for Belgians abroad, but with regard to the democratic right to be able to vote for their representatives in local elections, we would like to see it completed as well. As you know, our political group, together with others, have asked for a long time for the recognition of the right to vote to people who stay legally on our territory for years. With this intervention, I want to show our support to the current discussions on this topic in the Senate”<sup>119</sup>.*

This statement confirms declarations made in other instances (such as the parliamentary discussions on the 1998 Law but also when this project was examined in the Senate Commission of the Interior) according to which, to parties such as the Greens and the Socialists, the extension of the electorate must necessarily move in two directions to include Belgian emigrants and non-EU citizens residing in Belgium (for local elections).

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belonging to BHV constituency have the choice to vote for French-speaking parties or Flemish parties. To most Flemish politicians, symbolically at least, this possibility is in contradiction with their *ius soli* vision of citizens’ rights and language use (Dutch is the sole language to be used on the Flemish territory).

<sup>119</sup> Translation mine. Chambre, *Annales*, 28 novembre 2001, pp. 178-53.

As far as the content of the law is concerned, the law was trying to address two concerns: facilitating the emigrant vote and creating the liberty to choose any proxy for all Belgian voters. For Belgians abroad, voting is now an obligation if they have been included in the consular population register and if they fulfil the usual criteria applied to all Belgian voters. The inclusion in the register can only be made on a voluntary basis. This implies that those citizens who decide not to be listed in the register will not be able to vote.

As stated in Article 4 of the law, between the first day of the eighth month and the fifteenth day of the fifth month preceding the elections, Belgian consulates and embassies send to all Belgians listed in the population register a form on which the emigrant indicates which municipality he wishes to be attached to and the modality by which he wants to cast his ballot (in case of vote by proxy, the voter also sends a copy of the proxy form). By the first day of the fourth month preceding the elections, the emigrant must have returned the form(s) to the embassy/consulate which, in turn, transfers the forms (after verifying that all criteria are met by the voter) through the Ministry of Foreign Affairs to the municipality where the emigrant wants to cast his ballot. When the municipality receives the form(s), it adds to the voters' list the name of the emigrant voter and the modality of vote he chose.

The emigrant voter is offered five modalities. First, if he plans to be in Belgium on the day of the election, he can vote in person in the municipality where he registered. In that case, the municipality sends the notification to vote to the residence of the emigrant through the embassy/consulate. Second, the emigrant may vote by proxy in the municipality of his choice. In that case, the proxy (who must be himself on the list of voters of that municipality) receives the notification to vote and a copy of the proxy form from the municipality. Third, the emigrant may vote in person at the embassy/consulate. In that case, the notification procedure is similar to that of the first modality. The election takes place in the polling stations on the Friday preceding Election Day in Belgium for these embassies and consulates located outside the EU and on the Saturday for those located in the EU. As soon as the station closes, the president of the polling station sends the ballots to the Ministry of Foreign Affairs where they are counted on Election day in Belgium. The results are subsequently sent to the Head Bureau of the electoral district (for the election of the lower House) and to the Head Bureau of the electoral college (for the election of the Senate), where they are added to the results of Belgian residents voting in that electoral constituency/college. Fourth, the emigrant may also

choose a proxy among the qualified voters in the emigrant community. In that case, the notification procedure is similar to that of proxy voting in Belgium and the counting procedure is similar to that of emigrants voting in person in the consulate/embassy. Fifth, the emigrant may cast his ballot by mail. The emigrant is sent the notification to vote, the ballots and the envelope to return them by the Head Bureau of the electoral constituency (Chamber) and from the head bureau of the province (Senate) where the emigrant is attached. The envelopes must be returned before the closing of poll stations in Belgium and are subsequently redirected to various poll stations where they are added to the ballots cast by voters residing in Belgium for counting operations.

#### **4. How did Belgian expatriates get the right to vote from abroad?**

In this section, we present the factors that have proved decisive for the approval of the legislative reforms on external voting in Belgium with a special focus on the period going from the early 1990's until the approval of the 2002 Law.

##### **4.1. The Belgian socio-political context**

The question of external voting in Belgium belongs to a specific socio-historical framework epitomized by the presence of two recurring characteristics since the creation of the state, and whose recent evolution opened new possibilities: the absence of a pro-active policy of the Belgian authorities and its distrusts towards the population abroad, on the one hand, and the ethnic divisions present in the country, on the other hand. In addition, the transformation of Belgium into a multicultural society also changed the terms in which the question of external voting was being approached.

Unlike other European countries, Belgian emigration and the presence of Belgian citizens abroad is a topic unknown to most Belgians and, most importantly to the authorities. The context of the creation of the Belgian state in 1830 partially explains this situation. We have seen that, because of previous foreign occupations, the Belgian state was created on the fear that foreigners would take control of the state. Accordingly, the newly created state adopted strict nationality and electoral laws. Similarly, we saw that this fear reappeared after the First World War because some Belgian citizens of foreign origins had cooperated with the enemy.

In addition to fear and distrust, several other elements may explain this lack of policies addressing the emigrant community. First, the evolution in the composition of Belgian migration long discouraged the authorities to engage in policy-making. During the 19<sup>th</sup> century, migration out of Flanders was perceived as a way of alleviating poverty in this region despised by the French-speaking ruling class of Belgium. We can thus assume there was no reason for this political elites of the time to ever want to keep links with this population. Another opportunity for developing policies for the emigrants was the colonial period. Because the decision was made that Congo would be a colony of exploitation and not a colony of settlement, little attention was paid to the Belgian population residing in the colony. The lack of support for this population after the independence of Congo would be a central critique of VIW and UFBE towards the Belgian authorities in their first years of existence.

This distrust and lack of interest also explains why Belgium historically suffers from a lack of reliable statistics on its population abroad. This situation has continued for a large part until today for different reasons. On the one hand, people tend to leave the country without informing the municipality about where they live before their departure. According to the director of VIW (Interview No. 3), this trend is reinforced by current emigrants' feeling that given the freedom of movement in the European Union, it appears increasingly useless to inform the authorities of their place of residence. On the other hand, the quality of the data collection by the Ministry of Foreign Affairs on the Belgian population abroad is relatively poor due to the limited number of consulates and embassies (in comparison to other countries) where people can be listed in the consular registry, the delays in the creation of an efficient consular registry and the small added value attributed by the emigrants to such registration (except in countries where security concerns may appear). This problem of data has had negative consequences. One of these is the difficulty to conduct scientific studies on this population.

Now that we have made the point that Belgian authorities had little interest in their emigrant population, let's examine what socio-political changes have pushed the legislative power to pass two different laws that first introduced the principle of external voting and later improved the system?

The first element –that is very difficult to measure- is the progressive understanding by the authorities that for an extremely open economy such as Belgium's, having a population abroad could be an asset. Indeed, despite VIW's and UFBE's historical attempts to present Belgians abroad as cultural or economic assets on which home countries could capitalize, Belgian authorities had long deemed it unnecessary to maintain links with this population. With the increasing importance of external relations (especially in their economic dimension) in the era of globalization, this situation changed progressively. Today, in Flanders especially, the predominant image of Belgian emigrants is that of a highly skilled and highly mobile population in phase with globalization. The Flemish government, has thus started to integrate the modern expatriate in its external trade policy and is using VIW to do so. In the French-speaking part of Belgium, it is mostly the Liberal party (and especially its Minister of Foreign Affairs between 1999 and 2004) who believed in the advantage of fostering links with Belgian abroad in a modern external policy (also for electoral reasons as the Liberals were convinced the emigrant vote would benefit them). Naturally, the impression that emigrants could serve Belgium's external policy created a more favorable context for the discussion and the implementation of external voting.

The second socio-political change is the increasing salience of the ethnic dimension of Belgian politics. The question of finding the right institutional equilibrium that satisfies both the Flemish and French-speaking population of the country has led to the increasing regionalization and to the federalization of the state in the early 1990's. The importance of the ethnic question further complicates the authorities' attitude regarding its expatriate population in different respects.

First, even though we lack data on the emigrant population's ethnic profile, historical studies demonstrate that Belgian migration in the 19<sup>th</sup> and early 20<sup>th</sup> centuries was predominantly Flemish. This migration appears to have been mostly economically motivated. Today, with all the necessary precautions needed when examining population registries, a similar number of Flemings and Walloons leave the country every year. This means that proportionally a larger number of Walloons are now leaving the country. While the economic situation of the country is now reversed, we do not have the necessary data to affirm that the state of the Walloon economy is responsible for this situation. Anyhow, the fact that French speakers are potentially the largest population abroad would mean that they would represent the largest share of voters. This naturally did not leave political parties indifferent.

The second way in which ethnic division influenced the debate on expatriates' political rights is through the representation of Belgian emigrants. A founder of VIW pointed out the Belgian state's lack of consideration for its emigrants and the cultural needs among Flemings abroad were strong incentives to set up an association representing Belgians abroad. Furthermore, the perception of VIW's leaders that Flemish and Walloon emigrants had different interests and needs was a reason to split the two associations (even though cooperation is still taking place between them on national issues concerning all emigrants such as their right to vote in federal elections). Nonetheless, the perception that two kinds of Belgians are present abroad and that they may have different needs made it more difficult to justify one and the same policy for all on external voting.

Thirdly, ethnic divisions were also visible in the concerns expressed by Flemish and French-speaking political parties during the debates on the expatriates' right to vote. Indeed, the question of French-speaking citizens residing on the Flemish territory around Brussels and their right to vote for French-speaking political parties was linked to the expatriates' vote. Flemish political parties expressed their concerns on the possibility of French-speaking emigrants choosing to vote in those municipalities in order to increase the French-speaking vote in that disputed area. This last concern of the Flemish politicians proves that the ethnic dimension of Belgian politics strongly framed the terms of the debate on external voting both before and after the first real experiment that took place in 2003, and that any solution on this issue would necessarily have to give Flemish nationalists guarantees that the emigrant vote would not be used to question the so-called "linguistic borders".

The third important socio-political change that modified the context in which the issue of external voting was being discussed is the transformation of Belgium into a multicultural society after World War II. With the successive migratory movements that happened in the country (be it through the formal guest workers program until the 1970's or the informal migration policy that prevailed ever since), the composition of the country's population has substantially changed. As it became more evident that this population was there to stay, the question of the foreigners' citizenship rights became increasingly salient. In this context, associations of foreigners and Belgian activists started to demand that voting rights be given to foreigners for the next local elections to be held in 1982 (see Jacobs 1998). While the demand remained unanswered, the question of the immigrants' right to vote through specific



legislation or through an easier access to Belgian nationality had been introduced in the country's political agenda.

As we have seen above, the issue experienced a major development in the 1990's when the European Union imposed that EU citizens be allowed to participate in local elections. In Belgium, the necessary reform of the Constitution to comply with this supranational obligation was particularly painful to some Flemish parties (so much so that an alternative parliamentary majority had to be found to pass the reform). In addition to the European pressure, Belgian politicians were under a lot of pressure from the civil society in the second half of the 1990's, after several dramatic stories involving children shook the population's confidence in the institutions. This led to massive demonstrations and forced the authorities to reconsider the meaning of citizenship in all its dimensions.

The question of the immigrant vote thus served the unrelated issue of the emigrant vote in two respects. First, the debates on the extension of the electorate in Belgium provided the emigrant associations and particularly UFBE with an argument to demand external voting. To them, it was unfair that foreigners be given the right the vote when not all Belgians had effectively the possibility to vote. Second, the French-speaking Liberals understood that this context (in which their vote was necessary to reform the Constitution) was appropriate to materialize their old demand on external voting. On the one hand, they feared that the immigrant vote and the easier access to nationality would create new left-wing voters. On the other hand, they were convinced that Belgian emigrants would tend to vote for them. In other words, the question of the political participation of foreigners in Belgium increased the salience of the issue of external voting because it created a feeling of injustice among emigrants' representatives and stimulated the political parties' imagination as to whom would benefit from the new voters.

#### **4.2. The role of the associations representing Belgian emigrants**

The interviews conducted for this research and the analysis of the archives of VIW and UFBE reveal that both associations have fought, sometimes jointly but more often separately, for the adoption of the principle of emigrant vote. While this demand for a right to vote and to be represented appears clearly in the first issue of UFBE's publication in 1970, VIW publishes

the result of a consultation is has organized on this question in 1968 but does not demand the right to vote explicitly. Also, this goal is absent from VIW's description of its main activities in 1963 (Ambassadeur 1963: 48). One of the founders and former director of the association points out a possible explanation for this. According to him, because Flemings abroad had migrated to flee misery, none of them wanted to have the right to vote in Belgium (Interview No. 1). In 1976, however, the demand for the expatriates right to vote was clearly made during the convention "Flemings in the world" (BIW Nieuws 1976: 57). The director who succeeded my first interviewee offers a different interpretation that contests the idea that VIW had done less than its French-speaking counterpart to gain the right to vote. He considers that both associations had different – but equally efficient- ways of working and that his was probably less visible than UFBE's (Interview No. 4).

Why have VIW and UFBE made the emigrant vote a priority of their action? The founder of UFBE considered that the emigrant vote had always been perceived as an intermediary goal. He considered that, once emigrant had the right to vote, it would be much easier to get the authorities and the political parties' attention on other issues concerning the emigrants (nationality, social security, education...) (Interview No. 2). For the second director of VIW too, the emigrant vote was decisive for the realisation of other goals: "*we thought that if Belgians abroad could get the right to vote, then political authorities would pay much more attention to these Belgians because they also wanted to get their vote*" (Interview No. 4).

In general, the differences in the two associations' ways of working of were apparent in the organization of the two associations. We saw that UFBE always favoured the integration of a representative of all political parties in its structures. The current president of the association has also set up a policy of direct contacts with the presidents of the political parties. On the contrary, VIW did not politicize its structures and its leaders privileged informal contacts with key politicians. While the structures are different, the associations' central concern has always been to avoid giving the impression that they belong to a specific political party. However, it is admitted that in both cases the leaders of the associations were using their connections with political parties to lobby in favour of emigrant's rights.

On the particular question of the emigrant vote, the two associations have worked rather separately but using similar methods. The privileged method was that of lobbying political parties through letters, lists of demands and bilateral contacts with their presidents and their

elected officials at key moments; particularly during electoral campaigns, during the negotiations on the governmental program and during the discussions on the right to vote to local elections for immigrants in Belgium. In the case of UFBE, the story of its current President who told several newspapers how difficult and expensive it was for Belgians abroad to participate in the 1999 elections (after the adoption of the 1998 Law) also contributed to increase the media coverage on this issue.

Regarding the impact of these lobbying activities, the two associations' leaders take a critical look at their own work. Both associations believe that their regular pressure on political parties have contributed to put the question on the agenda. This seems particularly true for the 1998 Law. For decades, VIW and UFBE had lobbied political parties for them to consider allowing Belgian emigrants to vote. According to the second director of VIW, the association's strategy was to lobby all political parties in the hope that one of them would raise the point during a political negotiation (Interview No. 4). This pressure materialized in 1995 when the Government included the idea to study questions related to the rights of citizens residing abroad in its program, including their right to vote<sup>120</sup>. As soon as the associations realised that the government had agreed to study the question, they strongly lobbied the governing parties by saying that this political commitment had to be followed by actions. At that stage, the role of the associations limited itself to reiterating the pressure in the hope that a window of opportunity would open and that the emigrant vote could result from a political bargain.

After the adoption of the 1998 Law and the failure of the emigrant vote procedure in 1999, VIW and UFBE strongly expressed their opposition to the administrative barriers contained in the law (VIW also had eventually asked its members to boycott the election) and repeated their lobbying effort to ease the procedure. The impression of UFBE's president is that, for the 2002 Law, the role of the associations may not have been so crucial because political parties had already understood the need to change the law (Interview No. 5). The second director of VIW also points out that the determination of the French-speaking Liberal Minister of Foreign Affairs to change the law did not make it necessary to further lobby in favour of external voting (Interview No. 4).

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<sup>120</sup> Former directors of UFBE en VIW also point out the possibility that a former leader of VIW, Alfons Van Impe, who was close to Prime Minister Dehaene and its Christian Democratic party, played a role in the inclusion of this point.

Considering the impact of the right to vote on the capacity of the associations to realize their other goals, the vision of the leaders is split. For the founder of UFBE, the development of the question of multiple nationality after the 2003 election is a proof that he was right in thinking that the right to vote would be decisive to get the attention of the political parties (Interview No. 2). The former president of VIW also supports this idea. The two associations' current presidents are however not that assertive. According to UFBE's current president, the relationship slowly built with political parties only starts bearing fruits. Political parties indeed realise that they often do not have the capacity to get in touch with expatriates and that they need UFBE for that purpose (Interview No. 5). For VIW's director, Flemish political parties still do not do enough for expatriates and they do not consider this electorate as important (Interview No. 3). Yet, the Flemish authorities largely contribute to the associations' budget and have integrated it into their external policy.

#### **4.3. The role played by political parties**

For the expatriates' vote to be adopted, it was necessary for the associations to get the support of political parties whose elected officials would have the last word about legislation. One central element to bear in mind when analyzing the role of political parties, and that came up in all the interviews conducted with elected officials, is that the emigrant vote is not a priority for them. Two other important elements have framed the political parties' position on external voting. The first is that, despite the lack of data on the sociological profile of Belgians abroad, most political parties had traditionally an idea of the impact that their vote would have on their own electoral performances. This image, in its turn, influenced the party's position on external voting and, in the case of some Flemish parties, it stimulated their fears that French-speaking parties would manipulate external votes to reaffirm the necessity to take the disputed municipalities around Brussels away from Flanders. Accordingly, for the legislation on external voting to pass, it had necessarily to somehow guarantee that, on the one hand, this vote would not substantially modify election results and, on the other hand, that it would not be used to demand territorial changes in the context of the quarrels opposing Flemings and French speakers.

Looking at the role of the different parties more precisely, it is necessary to operate a distinction between the Flemish parties, who were particularly inactive on the issue, and the French-speaking parties who submitted the majority of the legislative proposals. Flanders' most powerful party, the Christian Democratic party (CVP now called CD&V) has played an ambivalent role, being the party who first introduced the issue of external voting in a governmental program in 1995 but later (when the party was not in government anymore) denouncing the external voting legislation as an attempt to please French-speaking political parties. This ambivalence is also visible in the Flemish Socialist party (SP) which, after strongly opposing the very principle of external voting through its former Minister of the Interior, opted for a more open position closer to that of its French-speaking counterpart. As underscored by a councillor to Prime Minister Verhofstad (Interview No. 8), the Flemish Liberal party does not have a lot of interest for the issue of external voting and its influence on the debate mainly consisted in supporting their French-speaking counterpart for whom the issue was much more important. As we will see below, the harshest opposition to external voting will however come after the 2003 elections. It will be led by the Flemish nationalists of the Vlaams Belang who considered the emigrant vote as a threat to Flanders.

As concerns the French-speaking parties, their relations with Belgians abroad vary substantially from one to the other. These parties have established a relationship with Belgians abroad in two different ways. On the one hand, all the major parties but one (ECOLO) have an "international branch" that deals with issues varying from international relations to expatriates rights. These branches have limited resources with regard to the variety of issues that they are supposed to cover. On the other hand, each of the four parties sends a representative to UFBE's Board of Directors where their role is to exchange information between the party and the association. In other words, they inform the association on the initiatives taken by the party on expatriates' issues and they inform the party on the associations' demands. One strength of the association is to come up with a clear list of the demands all members agree on and then pass it on to their own political party. This method is even more efficient in the case of PS, MR and cdH where the person in charge of expatriates issues in the party is also his representative in UFBE's Board of Directors.

Among the four French-speaking political parties, the international section of the Liberals - *Mouvement Réformateur International* (MRI)- appears to be better organized and better connected with the population abroad than that of other parties. The foundation of this section

goes back to the end of the 1970's when the leader of the party (Jean Gol) met with Belgians working in the field of cooperation to development in the former Zaire. These had political affinities with the Liberals. It was then decided to set up an overseas section of the party. The question of the right to vote has played a major role in keeping this structure alive. The president of this section since 1996 also happens to be the MR representative in the board of UFBE. The international section is also likely to experience a new impetus with the decision of a former president and prominent figure of the party (who I interviewed) to revitalize the structure in 2002.

The purpose of MRI is *“to serve as an intermediary between Belgians abroad and our political leaders in Belgium. It will focus on everything concerning Belgium's foreign policy and will try to increase our elected officials' awareness of specific issues inherent to your status of expatriate”* (MRI 2006). At the core of the MR's preoccupation for expatriates seems to lay a belief that Belgian expatriates are *“sociologically in phase”* with the party (Interview No. 7). In other words, the Liberals consider that the expatriates' mentalities, consisting in taking a risk by moving abroad, makes them naturally close to their political line (ibid). On the contrary, the French-speaking Liberals were also convinced that immigrants (if given the right to vote) and naturalized Belgians who benefited from the new nationality would tend to favour left-wing political parties.

The belief that Belgian emigrants are sociologically close to the Liberal party's electorate is one principle that motivated them to table law proposals in favour of this population. The idea is thus to be the political relay of this population in Belgium. Concerning the right to vote, the French-speaking Liberals will indeed introduce the majority of the proposals in the 1990's. Also, the party will not fail to seize the opportunity to make a deal with the government when the support of the French-speaking liberal group in Parliament was necessary to reform Article 8 of the Constitution.

The second principle that guided their action is that of the equality of rights and obligations. According to an official of this party, the Liberals started to work intensively on the emigrant vote when the discussions on the immigrant's right to vote in local elections in Belgium gained importance in the 1980's. To the Liberals, the one could not go without the other. Equality of rights also meant to the Liberals that the expatriates must be able to make use of their right in a similar manner than other Belgians. Following this principle, they tabled

various proposals to facilitate the voting procedure for expatriates. After the successful experience of external voting in 2003, the amendment aiming at automatically giving the right to vote to the expatriates who register in the consulate went in that direction. However, when the idea of automatic registration on the voters' list had been discussed within the framework of the immigrants' right to vote in Belgium, the Liberals did not accept it. This shows, if need still be, that the guiding principle may be applied differently according to the vision one party has of its electorate.

The 2003 elections results reinforced the Liberals' perception that they were in phase with the emigrant electorate. Other explanations for their electoral success are the visibility of the Minister of Foreign Affairs Louis Michel and the efficiency of the electoral campaign abroad. With this success, they kept on proposing legislation that, on the one hand, extends and facilitates the emigrant vote and, on the other hand, legislation that addresses this population's concerns (e.g. double nationality).

The international section of the Socialist party (PS) finds its roots in an overseas section founded by Belgians working abroad in the field of cooperation to make their voice heard (on issues such as nationality, education, social security...) and a German section founded for similar reasons. The two sections eventually merged and the overseas federation became prominent because its members were more active in the expression of their concerns (Interview No. 6). In 1997, the section of French-speaking and German-speaking Belgians was founded. According to the statutes, the section "*aims at promoting the socialist values abroad and defending the citizenship of all French-speaking and German-speaking Belgians who are expatriated*" (PS 2006). The former president of this section is also a member of UFBE's Board of Directors. While the structures to get in touch with the expatriates do exist, a majority of PS members believe that the expatriate population is sociologically different from its electorate (Interview No. 6). Unlike the Liberals, PS members of Parliament have been much more active in pushing for immigrants right to vote at local elections in Belgium than for the expatriate vote. Even though members of other parties are convinced that the PS tried to prevent the emigrant vote laws from being adopted, the party has nonetheless voted in favour of the texts.

After the party's poor results among the emigrant voters in 2003, the party increased its level of attention to this population in two respects. On the one hand, they tried to get in touch with

the expatriates through their website, through UFBE or through personal contacts when officials travel abroad. On the other hand, they positioned themselves positively with regard to double nationality and the emigrant vote in regional elections and by tabling a proposal on the creation of an extra-territorial electoral district for expatriates. This last proposal epitomizes the disagreement of the Socialists with the current system of representation from a principle, legal and electoral point of view (Interview No. 6).

At the level of the principle, the Socialists consider inappropriate the current system of representation because mixing the expatriates' votes with other votes does not offer an efficient representation of the expatriates. Each MP potentially receives some support from the expatriate community but in such a small respect that it offers no guarantee that the MP will pay attention to them. Secondly, at the legal level, the liberty in the choice of the place of vote leaves room for manipulation of people registering in places with which they have no objective link. Third, a widely shared belief in the PS is that the emigrant vote has cost them two seats in Parliament. All these different elements have led the Socialists to focus their energy on preventing the current electoral system from being further facilitated or extended to other elections (contrary to what the Liberals propose) and on trying to get in touch with this population they believe to have neglected for too long.

The former Christian Democratic party (CDH) did not have an international section before its new President got elected in 1999. While the formal structure is quite new, the party could already count on the expertise of several of its members in these questions. One of them is the section's coordinator now. He too is a member of UFBE's board. The international section's goal is "*to defend the interests of Belgians residing abroad, to inform them of all the topics that concern them directly or indirectly and, of course, to maintain a privileged contact with the party's life*" (CDH 2006).

During parliamentary discussions, members of the party declared themselves in favour of the emigrant vote but defined themselves as less involved in the question than the MR. Their perception is also that the right to vote is no priority for Belgians abroad. During the interview, the CDH MP acknowledged the efficiency with which UFBE lobbies the political parties and gets their demands heard. Nonetheless, the party is only willing to support the demands and the legislative proposals that it considers compatible with the Belgian political system (Interview No. 9). For this reason, they see the Socialists' request for reserved



emigrant seats in Parliament as unacceptable. Indeed, they believe that all MPs are supposed to represent the nation and not their constituency or a specific share of the population. Another concern of the party is to keep a balance between the efficiency of a right and the respect of legal principles. To this end, they consider that the emigrant vote cannot be extended at the expense of other principles that apply to all Belgians (obligation to vote, secrecy of the procedure...). A last element worth mentioning is that, like the Socialists, CDH members long considered that the expatriates are closer to the profile of Liberal party voters. This too may explain the party's lack of involvement in questions of emigration.

The ecologist party (ECOLO) does not have a formal structure in charge of the relations with the expatriates population. A member of the party, however, seats in UFBE's board. She's the intermediary between the party and the association. The MP I interviewed justifies the absence of structure by the lack of financial means available to this party, and a general lack of strategic actions taken towards different segments of the population, including expatriates (Interview No. 10). What emerges from the interview is that this situation seems to have continued after the 2003 elections in which the Green party achieved a very good result abroad. While my information recognizes that this success is certainly due to the fame of Green Parties worldwide and the electorate's growing awareness of environmental questions, little is being made to link up with voters abroad. ECOLO, on the contrary, was much more active in the field of the immigrants' right to vote, as epitomized by the above-mentioned quotes in which representatives of the party were hoping that the extension of political rights would not be limited to Belgians residing abroad but would also include the immigrants.

## **5. The 2003 legislative elections**

As the 1999 election revealed a fiasco in terms of participation from abroad, the government was eager to make it a success this time. However, Blaise et al. (2003: 30-32) pointed out that two difficulties were complicating the implementation of the 7 March 2002 Law. First, we already mentioned the problem of French-speaking emigrants who want to vote in the bilingual Brussels Halle Vilvorde (BHV constituency). In order to signify their opposition to the possibility given to French-speaking emigrant voters to register in Flemish municipalities

of the BHV district, various mayors of these municipalities decided to refuse to add the emigrant voters who fill their registration form in French to the voters' list.

The second problem was the potentially complex administrative process and its influence on emigrants' turnout. While the extra-administrative burden imposed upon the municipalities was relatively limited and not radically different from the tasks they perform before the legislative elections, the Foreign Affairs administration, the Head electoral Bureau, and the embassies and consulates were given brand new tasks which sometimes represented a heavy workload. To encourage Belgians abroad to register, consulates and embassies launched an information campaign by mailing invitations to vote that emigrants just had to return or by publishing advertisement in UFBE's newsletter (*Le journal des Belges à l'étranger* 2003a). UFBE and VIW too encouraged emigrants to participate by inviting them to send their form back to the administration and even, in the case of UFBE, by giving political parties column inches to present their general electoral program and their specific program for the emigrant community.

Out of the 215,701 Belgians residing abroad who were listed in the consular register of the Ministry of Foreign Affairs and considered as potential voters, 114,620 eventually sent the voter's registration form to the administration for the 2003 elections before the 3 May deadline (SPF Intérieur 2007)<sup>121</sup>. Bearing in mind that voting is an obligation for the emigrants listed in the consular register, it means that more than 100,000 did not comply with their obligations<sup>122</sup>. In other words, a little less than half of the emigrant electorate did comply with their obligation and had asked to be added to the voters' list.

Because the emigrants had to choose a municipality in which their vote would be counted and that would attach the voter to a specific constituency, we are able to determine the regional attachment of the voters. Indeed, in the informal discussions I had with around sixty emigrant voters voting in person at the Belgian embassy in Mexico city, it appeared that the choice of the municipality is overwhelmingly made for personal reasons (place of birth or last place of residence of the voter or of the voter's parents). Looking at the regional distribution as shown by the MFA data, 37.2% of the registered voters chose to register with a municipality

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<sup>121</sup> All the data on the registration of Belgian voters abroad proceed from the website of the Ministry of the Interior's Electoral directorate: <http://www.ibz.rn.fgov.be/index.php?id=33&L=0>.

<sup>122</sup> Indeed the law states that all Belgians who are listed in the population registry abroad have the obligation to vote.

belonging to a Flemish province, 37.8% chose to register with a municipality belonging to a Walloon province and 25% registered in the Brussels-Hal-Vilvorde district<sup>123</sup>. These figures provide us with different kinds of information. On the one hand, they confirm that since French-speaking Belgians are over-represented in the emigrant population, they are logically over-represented in the emigrant voters list. On the other hand, the fear of some Flemish politicians that French-speaking emigrants would massively register in Flemish municipalities of the BHV district to create the illusion that these municipalities should not belong to Flanders is largely unfounded. Indeed, the emigrants voters who registered in these municipalities only represent 3% of the overall emigrant electorate and more specifically, only 1% of the voters chose to register in one of the six disputed municipalities around Brussels<sup>124</sup>.

Table 3 below listing the place of residence of emigrant voters, unsurprisingly indicates that the countries hosting the largest number of Belgian citizens also host the largest number of voters.

Table 3. Countries of residence of registered voters

	<i>Country of residence</i>	<i>Number of registered Belgian voters</i>
1	France	29,506
2	Netherlands	10,735
3	Germany	10,336
4	Spain	7,711
5	Luxemburg	7,631
6	United States	6,520
7	Switzerland	6,132
8	Great-Britain	4,258
9	Canada	3,704
10	Italy	3,088
11	South Africa	2,653
12	Argentina	2,596

Concerning the voting modality they chose, 18.7% registered to vote either in person (5%) or by proxy in Belgium (13.7%), 14% chose to vote either in person (13.2%) or by proxy (0.8%) in the embassy/consulate and an overwhelming majority (67.6%) decided to vote by mail which was certainly the easiest and cheapest way to cast a vote from abroad. In addition, as

<sup>123</sup> As a reminder, let us mention that the BHV district includes several municipalities located on the Flemish territory but where voters have the choice to vote for electoral lists presented in bilingual Brussels.

<sup>124</sup> These are the six municipalities located on Flanders' territory but with large French-speaking population who –following a political agreement- have special rights that allow them to deal with the administration in French.

underscored by the Minister of Foreign Affairs Michel, the distance that sometimes separates the emigrant from the embassy or the consulate may explain his preference for the vote by mail (La Libre Belgique 1/04/2003). A quick calculation allows us to measure the impact of the emigrant vote. If we consider that each Member of the Parliament requires 50,471 votes to be elected ( $n$  registered voters/ $n$  seats), the emigrant electorate is responsible for the election of 2.27 MPs. As there is no circumscription reserved to the emigrants (the votes are dispatched in the different circumscriptions), the impact of this vote has been diluted all over the country.

Before looking at the results, it must be mentioned that most of the political parties did very little to attract emigrant votes. The most active party is certainly the French-speaking Liberal party MR that sent a letter with its program to Belgians abroad. Also, the liberal Minister of Foreign Affairs took advantage of his presence abroad to meet the community. No other party did more than that and for this reason it is difficult to speak of a political campaign abroad. An interesting element is the opportunity that UFBE given to the four biggest French-speaking political parties by UFBE to publish the major lines of their electoral program and their commitment towards the emigrant community in the association's newsletter (Le journal des Belges à l'étranger: 2003a, 2003b and 2003c). In these articles, all the parties positioned themselves in favour on the UFBE's demands, which made it difficult for the share of emigrant voters who had left Belgium for a long time to differentiate between the parties. All positioned themselves in favour of reserving seats in Parliament for candidates elected directly by the emigrants, of extending the right to vote to regional elections and allowing dual nationality. Only the Greens expressed doubts on the legitimacy of external voting at the regional level (because it is not a question of representing the nation anymore) and on the legality and real usefulness of the reserved seats (because there would only be one or two such seats).

Looking at the election results, it has been said earlier that the French-speaking liberal ministers were pushing the project of law because they were convinced of the potential benefit of the emigrant vote for their political party. This statement can only be partially confirmed by the election results. Indeed, only the ballots of those expatriates who voted in person or by proxy in an embassy or in a consulate are counted by the special counting station set up by the Ministry of Foreign Affairs (which subsequently sends the results to the head counting station of each province/college). On the contrary, the emigrants who chose any of

the three other modalities had their votes mixed with the other voters' ones before the count. Accordingly, we only know how a fraction (14%) of the Belgian emigrant community has voted. These results are nonetheless quite striking when compared to the overall results of the 2003 elections. As the elections for the Chamber and the Senate are held on the same day, the results between the two elections is quite similar. For this reason, we will only compare the results of the emigrant vote and of the overall Belgian population in the Senate.

Table 4. 2003 elections results – Senate (Flanders)

<i>Flemish constituency</i>	<i>Overall results (%)</i>	<i>Result of emigrant vote in embassies /consulates (%)</i>
Sp.a-spirit	25.44	12.21
VLD	24.36	31.01
CD&V	20.54	20.18
Vlaams Blok	17.93	16.23
N-VA	4.85	4.39
AGALEV	3.94	8.78

Table 5. 2003 elections results – Senate (Wallonia)

<i>Walloon constituency</i>	<i>Overall results (%)</i>	<i>Result of emigrant vote in embassies /consulates (%)</i>
PS	35.60	20.35
MR	30.29	39.69
CDH	15.51	11.04
ECOLO	7.69	17.40
FN	6.04	2.79

Before starting the analysis, it may be useful to give a few hints about the political disparities between the two regions. While the 2003 elections led to a similar order in the major political forces (Socialists first, Liberals second and Christian Democrats third), the Flemish electorate appears much more split than its Walloon counterpart. The presence of a strong nationalist and extreme right party in Flanders (Vlaams Blok) and the weaker weight of the ecologist party (AGALEV) further differentiate the two regions. Bearing these differences in mind, the comparison of the emigrant vote in Flanders and Wallonia with the overall results in each constituency offers several similarities.

First, the biggest beneficiaries of external voting in both regions are the Liberals (MR and VLD) who are both the preferred parties of the emigrant community. The second largest

beneficiaries are the ecologist parties (ECOLO and AGALEV) who both do twice as well in the emigrant community as in the overall population. Even though, the French-speaking Christian Democrats (who had just finished a strong internal reform to get rid of their Christian heritage) perform a little worse, the two parties (CDH and CD&V) more or less maintain the same score in the emigrant and the overall populations. On the contrary, the two Socialists parties (PS and Sp.a) clearly find much less support in the emigrant community than in the overall population. Perhaps the most surprising result of this comparative exercise is the performance of the Flemish nationalist and extreme-right party Vlaams Blok. The ideology of this party known for its xenophobic, racist, anti-Belgium and anti-EU positions seems indeed in contradiction with the usual clichés attached to Belgian emigrants (according to which crossing borders reinforces the feeling of attachment to unitary Belgium and stimulates tolerance towards different cultures). However, since the Vlaams Blok has progressively gained a status of legitimate political actor in the Flemish political arena, it is less surprising that, just like voters residing in Belgium, emigrant voters may be attracted to this party.

Table 6. 2003 elections results – Senate (BHV)

<i>BHV constituency</i>	<i>Overall results (%)</i>	<i>Result of emigrant vote in embassies /consulates (%)</i>
MR	22.91	30.43
PS	15.64	14.21
VLD	12.15	6.68
Vlaams Blok	8.94	3.43
CD&V	8.21	3.36
Sp.a-spirit	8.02	1.78
ECOLO	6.64	15.99
CDH	6.38	8.93
FN	3.20	1.80
N-VA	2.35	1.29
AGALEV	1.70	1.49

In the BHV constituency, the analysis of the overall results is more complex because the constituency is composed of the mainly French-speaking municipalities of Brussels and the Flemish municipalities of the Province of Vlaams Brabant. For this reason, it is highly probable that a majority of emigrant voters registered in the BHV constituency are also French speakers since they registered in one of Brussels' nineteen municipalities- that naturally tend to vote for French-speaking parties. This is why the analysis of the Flemish parties' performances is not relevant. On the contrary, the good performance of the French-

speaking Liberals and Greens confirms the idea that emigrants tend to favour these two parties.

## **6. Elections follow-up: the awareness of political parties and new legislative proposals**

### **6.1. The competition for the control of the political agenda on emigration issues**

After the election, the Liberal (VLD and MR) and Socialist (PS and Sp.a) parties formed a new government without the Greens (ECOLO and AGALEV). A major lesson of the election for all the parties is that a new electorate with specific demands and a different voting behaviour had appeared. For the Liberals, the hypothesis that this electorate would favour them was confirmed. The Greens, while experiencing a major electoral defeat nation-wide, also realized a very good performance in the emigrant electorate. For the French-speaking Socialists, on the contrary, the predominant interpretation was that the emigrant cost them two seats in Parliament. Good or bad, the lesson political parties learnt from the election was to devote more attention to emigration issues (as illustrated by the legislative work since the 2003 election). Two questions -which happen to be the two priorities of UFBE and VIW- have been particularly debated in the assemblies: the extension of the right to vote and the right to hold dual nationality. In addition to these issues, the question of the voter's choice of the municipality of registration and the possibility of making registration automatic were also examined.

On the French-speaking side, the two governing -though ideologically opposed- parties competed during the 2003-2007 legislative term to improve their image among the emigrant voters. For the Socialist party, which had devoted little attention to the topic and was conscious of the weight of this vote, this new interest materialized in two different areas.

The first area where the Socialists have been active is dual nationality. We have seen that Belgium had traditionally opted for strict policies in terms of nationality and had formally forbidden dual (and multiple) nationality since the approval of the Strasburg convention in 1963. Dual nationality is nonetheless a long-time demand of UFBE and has appeared on the

legislative assemblies' agenda regularly. Just a few months after the 2003 election, the debate on this question ranked first on most parties' agendas. Indeed, seven law proposals were tabled in the Senate and six in the House between July 2003 and November 2006. Moreover, ten of these thirteen proposals were introduced in the year following the election. In comparison, during the preceding legislative term (1999-2003), only five proposals had been introduced in the two Assemblies and four of these during the four-month period before the election.

All the major Flemish and French-speaking democratic political parties (MR, PS, CDH, ECOLO, Sp.a, VLD and CD&V) submitted their own proposal which favoured dual nationality for Belgian citizens who have voluntarily acquired a foreign nationality. Furthermore, a conference was organized by the Justice commissions of the Senate and the Chamber in cooperation with VIW and UFBE on 9<sup>th</sup> May 2005 <sup>125</sup>. During the conference, the two lobby groups, experts and parliamentarians exchanged views on dual nationality.

Despite the many legislative proposals and the apparent agreement on the necessity to allow dual nationality, there was no sign that dual nationality would be made a reality before the 2007 elections. Indeed, soon after the 2005 Parliamentary Conference, Belgium denounced the Strasbourg Convention but had to wait for the agreement of the other signatory states. Luxemburg proved especially slow in this matter and therefore slowed down the whole process. As it appeared that the interdiction of dual nationality would not possibly be lifted before 2008, the socialist Minister of Justice sought another way to partially answer the emigrants' demand in the short term. Indeed, since only a dozen states were bound by the Convention, nothing prevented Belgium from already lifting the prohibition with those countries to the remaining countries (i.e. those that are not part of the Strasbourg Convention). This measure was announced by the Minister a couple of months before the 2007 elections and was largely advertised through interviews of the Minister in UFBE and VIW's newsletters. The Socialists also capitalized on this by reminding emigrant voters (by means of a letter) that the Minister had been the one who had answered this long-time claim.

The second area in which the Socialist party was active in the 2003-2007 legislative term is the issue of the reserved seats in Parliament. Indeed, a prominent PS senator tabled a proposal

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<sup>125</sup> Chambre, CRIV 51 COL 019 (9 mai 2005).



aiming at revising the Constitution in order to create an electoral constituency reserved to Belgians residing abroad for the election of the Chamber of Representatives<sup>126</sup>. The senator justified the creation of the circumscription by the need to represent Belgian emigrants who, while not being a homogeneous population, share a large number of specific concerns. This proposal met with an old demand of UFBE for a specific representation of emigrants in Parliament. Unlike to the constituencies located on the Belgian territory, the number of MPs representing the emigrant community would not be proportional to its population (because of the difficulty to know exactly how many Belgians reside abroad) but rather be set by the law (Interview No. 6).

In the proposal, this senator suggested that two MPs represent the emigrants. One MP would be elected by the Flemish emigrants and the other by French-speaking emigrants. Accordingly, this proposal would also diminish the fear of some Flemish representatives that French-speaking emigrants register in municipalities they are not objectively linked with. For the PS, however, this proposal could have another positive consequence which was not stated in the proposal: concentrating emigrant voters on the attribution of one seat only and therefore depriving emigrants from the capacity to influence the attribution of any other seat in the election. Considering that in 2003 emigrants had supported the Liberal party more largely, the PS proposal was also aiming at preventing any further loss of socialist seats to the Liberals. Since both parties had 25 seats in the House during that legislative term, the idea behind that proposal could also have been to limit the impact of external voting on the overall election results. Despite the ambiguous intentions of the PS on the question of the reserved seats, this point was presented as an attempt to improve the representation of emigrants' interests in the letter addressed to them.

While being long-time promoters of the emigrants' rights, the French-speaking Liberals too, were active in the field of external voting during that legislative term. Just like the Socialists, the MR thus tried to prove the emigrant community that it was working for them.

Their first topic of interest was the extension of external voting rights to other elections. Within the year following the installation of the new Parliament, a large number of law

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<sup>126</sup> Sénat, *Doc. Parl.*, Révision de l'article 63, § 2 et § 3, de la Constitution, en vue de créer une circonscription électorale permettant la représentation des Belges résidant à l'étranger, No. 3-437-1 (2003-2004), 6 janvier 2004.

proposals concerning the right to vote of Belgian emigrants were tabled in the Chamber or in the Senate (sometimes as mere copies of proposals introduced in the other Chamber). An explanation of the large quantity of proposals was the proximity of the European and regional parliamentary elections (June 2004) and the desire of the Liberals to extend the emigrants' right to vote –which seemed to favour them- to these elections. The series starts with two connected proposals introduced by French-speaking Liberal (MR) MPs Bacquelaine, De Permentier, de Donnea and Galant on 24 September and 14 October 2003 aiming at extending the mechanism in place for the 2003 the federal entities elections<sup>127</sup>. Later on, similar law proposals were tabled in the other Chamber by MR senators (as well as a proposal to extend the Belgian emigrants' right to use the five voting modalities in the European elections)<sup>128</sup>. These MPs propose to modify the laws on regional elections in order to extend the mechanism to the Flemish and Walloon regional elections and to the elections of the German-speaking federal entity. The following justification is presented in the text:

*“Basing ourselves upon the legitimate demands of the Union francophone des Belges résidant à l'étranger (UFBE) and upon the positions of the main French-speaking political parties, it appears necessary and logical in a federal system to fill this gap and grant to the expatriates the right to vote to the elections of the assemblies of the federal entities. Indeed, Belgians residing abroad have an obvious interest (and therefore must see their right recognized) to participate to the choice of elected officials and thus to play a role in the political construction that will influence the destiny of the [federal] region and communities of which they depend. The same reasoning can be held for the election of the European Parliament. There is, in our opinion, no difference in this matter between the legislative elections and the elections of the assembly of the communities and regions and of the European Parliament. From*

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<sup>127</sup> Because of the various legislation affected by the extension of the emigrant vote to federal entities' elections, the MPs deemed necessary to introduce two separate proposals.

Chambre, *Doc. Parl.*, Proposition de loi spéciale modifiant la loi spéciale du 8 août 1980 de réformes institutionnelles et la loi spéciale du 12 janvier 1989 relative aux institutions bruxelloises en vue d'octroyer le droit de vote aux Belges résidant à l'étranger pour l'élection du Conseil régional wallon et du Parlement flamand d'une part, et pour l'élection du Conseil régional bruxellois d'autre part, No. 221-1 (2003), 24 septembre 2004.

Chambre, *Doc. Parl.*, Proposition de loi modifiant la loi ordinaire du 16 juillet 1993 visant à achever la structure fédérale de l'Etat, la loi du 12 janvier 1989 réglant les modalités de l'élection du Conseil de la Région de Bruxelles-capitale et des membres bruxellois du Conseil flamand et la loi du 6 juillet 1990 réglant les modalités de l'élection du conseil de la Communauté germanophone, en vue d'octroyer le droit de vote aux Belges résidant à l'étranger pour l'élection du Conseil régional wallon et du Parlement flamand, du Conseil régional Bruxellois et du Conseil de la Communauté germanophone, No.276-1 (2003-2004), 14 octobre 2004.

<sup>128</sup> Sénat, *Doc. Parl.*, Proposition de loi spéciale modifiant les articles 25 et 26bis de la loi spéciale du 8 août 1980 de réformes institutionnelles et les articles 13 et 21 de la loi spéciale du 12 janvier 1989 relative aux institutions bruxelloises, en vue de permettre aux Belges résidant à l'étranger de voter aux élections législatives régionales, No.3-284 (2003-2004), 23 octobre 2003.

Chambre, *Doc. Parl.*, Proposition de loi modifiant la loi du 23 mars 1989 relative à l'élection du Parlement européen en vue de permettre aux Belges résidant à l'étranger, en dehors des Etats membres de l'Union européenne, de voter aux élections européennes, No.3-368 (2003-2004), 28 novembre 2003.

*this perspective, one should extend the application of the emigrant vote mechanism to the different elections to take place mid-2004.*<sup>129</sup>

For the French-speaking Liberals, the fact that a large share of the emigrant community participated in the 2003 legislative election was a proof of the emigrants' interest in Belgian politics. Considering that federal entities had a growing power in Belgium, they considered it logical to extend the emigrant's right to vote to the elections of these entities. Just like in the case of dual nationality, the support of emigrant organizations (in this case UFBE) was clearly acknowledged. This was a way to legitimize the proposal by showing how close it was to the interests of the emigrant community. Also, by stressing the supposed consensus of French-speaking parties on this proposal, the MPs revealed the ethnic dimension of the question.

Considering the 2003 election results, it is not surprising to see that the Flemish Liberals (VLD) also tabled several law proposals (similar to that of French-speaking Liberals) in the Chamber of Representatives and the Senate to extend the emigrant right to vote in the regional and European elections<sup>130</sup>. The major difference between the Liberal parties' proposals lies in the caution taken by the VLD to avoid that French-speaking emigrant voters register in Flanders to influence the results<sup>131</sup>.

Despite their activism, Flemish and French-speaking Liberals did not manage to extend the principle of external voting to regional and European elections before the 2004 elections. Even the intervention of the Minister of the Interior Dewael (Flemish Liberal party) in the

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<sup>129</sup> Chambre, *Doc. Parl.*, Proposition de loi modifiant la loi ordinaire du 16 juillet 1993 visant à achever la structure fédérale de l'Etat, la loi du 12 janvier 1989 réglant les modalités de l'élection du Conseil de la Région de Bruxelles-capitale et des membres bruxellois du Conseil flamand et la loi du 6 juillet 1990 réglant les modalités de l'élection du conseil de la Communauté germanophone, en vue d'octroyer le droit de vote aux Belges résidant à l'étranger pour l'élection du Conseil régional wallon et du Parlement flamand, du Conseil régional Bruxellois et du Conseil de la Communauté germanophone, No.438-1 (2003-2004), 6 janvier 2004, p. 2.

<sup>130</sup> Chambre, *Doc. Parl.*, Proposition de loi spéciale modifiant l'article 25 de la loi spéciale du 8 août 1980 de réformes institutionnelles et l'article 13 de la loi spéciale du 12 janvier 1989 relative aux institutions bruxelloises, en vue d'octroyer le droit de vote aux Belges résidant à l'étranger, No.394-1 (2003-2004), 6 novembre 2003 ;

Chambre, *Doc. Parl.*, Proposition de loi modifiant plusieurs lois électorales, en vue d'accorder le droit de vote aux Belges qui résident à l'étranger, No.395-1 (2003-2004), 6 novembre 2003. Sénat, *Doc. Parl.*, Proposition de loi modifiant plusieurs lois électorales, en vue d'accorder le droit de vote aux Belges qui résident à l'étranger, No.3-297 (2003-2004), 4 novembre 2003.

Sénat, *Doc. Parl.*, Proposition de loi spéciale modifiant l'article 25 de la loi spéciale du 8 août 1980 de réformes institutionnelles et l'article 13 de la loi spéciale du 12 janvier 1989 relatives aux institutions bruxelloises, en vue d'octroyer le droit de vote aux Belges résidant à l'étranger, No.3-284 (2003-2004), 23 octobre 2003.

<sup>131</sup> Chambre, *Doc. Parl.*, Amendement No.1 de Mme Van de Casteele et consorts, No.3-297/2 (2003-2004), 2 décembre 2003.

Parliament did not manage to set the Parliament in motion and to shift the discussion from the commission to the plenary session for adoption. The Liberals blamed the Socialists' fear of not performing well among the emigrant community for the delays in the adoption procedure (La Libre Belgique 28/01/2004). The Socialists had indeed other projects in mind for the emigrant community. The strong criticisms of the Supreme Administrative Court on the principle of extending the emigrant vote to regional elections further justify the caution of the Parliament.

In response to the MR and VLD proposals in the Senate, the Court gave a non-binding opinion containing some reserves on the proposed legislation. The Court's most important critique concerns the emigrant voter's liberty to choose the municipality to which he is attached. According to the Court, the pieces of legislation adopted by the regional assembly rarely concern Belgian emigrants. Therefore, while some emigrants have objective reasons to ask to be attached to a specific municipality (place of birth or last place of residence), others, the Court says, may be motivated by "*the wish to modify the electoral balance in place if they had not registered there*"<sup>132</sup>. As a matter of fact, the importance of the place of registration is higher in the regional elections because it leads to the installation of different parliaments. Consequently, a risk is thus that the emigrant vote further reduces the weight of the already small Flemish vote in the Parliament of the bilingual Brussels region. The Court, in agreement with the proposals of several Flemish MPs, therefore demands that the proposal be adapted in order to oblige emigrant voters to objectively prove their link with the municipality where they want to register. Obviously, this burden of proof and the verification it implies would greatly complicate the registration procedure. Due to the legal, political and practical barriers presented here above, the emigrant's right to vote could not be extended in time for the regional and European elections of June 2004. To this date, the various projects of law are still pending in the two Chambers.

The second area in which the MR has been active concerned the automatic registration of the voters. A few months before the elections, the president of the MR's international section (member of the House and prominent figure of the party) tabled an amendment for a government reform on electoral procedures that aimed at substantially increasing voters'

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<sup>132</sup> Chambre, *Doc. Parl.*, Avis No.36.229/2, No.3-284/3 (2003-2004), 13 janvier 2004. Avis No.36.228/2 et No.36.230/2, Chambre, *Doc. Parl.*, No.3-297/3 (2003-2004), 13 janvier 2004.

registration abroad<sup>133</sup>. According to the terms of this proposal, any emigrant who is registered in the embassy's consular register would automatically be invited to vote. In other words, the list of emigrant voters would not be based on the migrant's willingness to return a voter's registration form to the authorities anymore. Instead, the Belgian citizen abroad would automatically be invited to vote and, actually, would be constitutionally obliged to do so. This could potentially double the participation of Belgian emigrants. For this MP, the purpose of this proposal aimed to respect the principle of equality by making the vote mandatory to all Belgians no matter where they live (Interview No. 7).

As it was underlined in the press at the time (see *Le Soir* 13/11/2006), the proposal, if adopted, could have had a major impact on election results. Indeed, since both the Liberals and the Socialists had 25 seats in the House, a major increase in the number of emigrant voters –who mainly vote for the Liberals- could have tipped the scales in favour of the MR.

The potential impact of the amendment on election results was obvious to most political parties and, accordingly, all but the French-speaking Greens opposed or abstained during the vote in the Parliamentary Commission. The Socialist party's reaction to this proposal expressed by the President of the Senate was particularly interesting because it was the first public declaration that confirmed what had long been perceived from the analysis of the legislative debate: the PS considers that emigrant voters for the largest part do not have the profile of their voters and, for that reason, the party is reluctant to extend or facilitate external voting. Thus, this senator declared that the party was not interested in the making voter's registration automatic because *“there may be a few workers in the field of development who have the profile of socialist voters but, traditionally, we do not have a lot of success with the retired people in the French Riviera or the expatriates of big companies”* (*La Libre Belgique* 30/05/2008).

As we have just seen, most of the proposals aiming at extending the Belgian emigrants' external political citizenship come from French-speaking political parties, even though they may not all have the same motivations in submitting these proposals. On the Flemish side, on

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<sup>133</sup> This proposal was also a way for this controversial MP accused of tax frauds to come back on the political scene. However, election results in 2007 showed that the emigrant voters largely ignored his activism.

the contrary, the main concern (even for the Liberals) was to prevent the emigrant vote from being manipulated for ethnic purposes.

On 31<sup>st</sup> October 2003, the Vlaams Blok MPs Laeremans and De Man tabled a project of law aiming at obliging the Belgian voters from abroad to register as voters in their last municipality of residence<sup>134</sup>. The two extreme-right MPs considered that French-speaking emigrants had abused the system by purportedly registering in Flemish municipalities of the BHV circumscription (where Flemish and French-speaking parties compete) even when they had no objective link with these municipalities. They considered that emigrants acted so in order to manipulate the results. For this reason, the two MPs wished to forbid the liberty of the place of registration for emigrant voters. This, they say, would also impede Belgians nationals abroad who have never lived in Belgium from participating to the election. As we have seen above, the registration rate in the BHV constituency and (especially in the controversial municipalities around Brussels) provides no proof of a French-speaking “grand strategy” to increase the presence of French speakers in this disputed constituency artificially.

Behind the reality of these figures, Vlaams Blok is more concerned by the symbolic weight of the emigrant vote and what it represents in terms of French-speaking presence on the Flemish soil (Interview No. 11). As a consequence of the generalization of computerised vote in several districts of the BHV circumscription, emigrants’ ballots that were sent by mail could not be added to the district chosen by the emigrant as their mail votes could not be mixed with the others before the counting operations. The 2002 Law provides that, in that case, emigrant votes cast by mail are dispatched between the few remaining non-computerised districts in the electoral college. In 2003, this rule had unfortunate symbolic consequences but no weight on the distribution of seats. Leenik is one of these three non-computerised districts and happens also to be located on the Flemish territory. Because of the addition of 11,324 emigrant ballots cast by mail, this electoral district observed an increase in the share of voters for French-speaking parties going from 5% to 20% of the total number of voters. In another law proposal aiming at stopping the dispatching of emigrant votes by mail when these cannot be added to computerised districts, MP Laeremans denounced the attitude of French-speaking media who have used the election result in the Leenik district as a proof of the increase of the French-

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<sup>134</sup> Chambre, *Doc. Parl.*, Proposition de loi visant à imposer l'inscription des électeurs résidant à l'étranger dans la commune de leur dernière résidence officielle, No.385-1 (2003-2004), 31 octobre 2003.

speaking population in the area. This erroneous interpretation was perceived as dangerous by the Flemish nationalists who consider that any increase of the French-speaking presence in the Flemish municipalities around Brussels is a threat to the Flemish character of these places. Therefore the VB representative introduced a proposal aiming at reforming the counting operations of these votes cast by mail<sup>135</sup>.

Whereas the VB proposal was not approved, the Government was sensitive to the symbolic consequences of this situation. For this reason, it tabled a project of law in June 2006 (subsequently approved by the Parliament) which proposed that emigrant votes by mail cast in the BHV constituency be counted in the Special counting station set up in the Ministry of Foreign Affairs (the same as the one that counts the votes cast in person or by proxy in the embassy/consulate)<sup>136</sup>. For similar concerns for the potential conflicts emigrant voters could create between Flemish and French-speaking Parties, the government also proposed that emigrants be obliged to register in the language that is spoken in the municipality. This was seen as a further guarantee against the possibility for emigrants to register in places with which they have few or no links.

## **6.2. The development of the immigrant vote debate**

In this section, we have not yet envisaged how the debate on the non-EU citizens' right to vote in local elections in Belgium influenced the adoption of the emigrant vote legislation. We described earlier the constitutional problems that Belgium faced to comply with its European obligations concerning the right to vote of EU-citizens in European elections. One way to reach the necessary majority to reform the Constitution was to get the French-speaking Liberals' support by responding to their demand about the Belgian emigrant's right to vote. The constitutional reform nonetheless contained a provision stating that the simple majority law granting the right to vote (for local elections) to non-EU citizens residing in Belgium could not be adopted before 2001.

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<sup>135</sup> Chambre, *Doc. Parl.*, Proposition de loi relative au dépouillement des votes exprimés par les électeurs établis à l'étranger, No.397-1 (2003-2004), 6 novembre 2003.

<sup>136</sup> Chambre, *Doc. Parl.*, Projet de loi portant diverses modifications en matière électorale, No.2548-1 (2005-2006), 14 juin 2006.

During the 1999-2003 legislative term, all the governing parties (PS, Sp.a, ECOLO, AGALEV, MR) but one (VLD) were ready to adopt such a law. The Flemish Liberals however declared that they would leave the government if the other parties would adopt this law in spite of their opposition. Accordingly, the question was postponed to the next legislative term. Before the 2003 election, the French-speaking Socialists (PS) and Greens (ECOLO) signed an agreement stating that none of these two parties would participate to the next government if the adoption of the law was not included in the government agreement (PS 2002). Nonetheless, the PS accepted to join the government without such a firm commitment as the government agreement only provided that: *“the Parliament will be invited to give its opinion on granting the right to vote and the eligibility of foreigners at the municipal level”* (Traduction mine, Federal Government 2003: 79). While technically speaking, the governing parties (PS, Sp.a, MR, VLD) had the necessary majority to adopt the law, the Socialists did not convince the Flemish Liberals to make the adoption of this law an objective for the coalition. Knowing that an alternative majority could be found on this question, the Socialists nonetheless agreed to be part of the coalition.

During the discussion in the Senate, three Flemish parties (VLD, CD&V and VB) opposed the immigrants’ right to vote in local elections and tried to delay the procedure of adoption by suggesting a three-step procedure to discuss the issue (instead of discussing directly the PS law proposal and its amendments; a method supported by the PS, Sp.a, MR, CDH, ECOLO, AGALEV). First, they would discuss the idea of a popular consultation on this issue. Then, they would examine the possibility of allowing each federal entity to adopt its own legislation in this matter. Lastly, they would examine the different law proposals on the non-EU citizens’ right to vote but only by relating them to a former VLD senator’s proposal of extending the right to vote in regional and European elections to Belgians residing abroad<sup>137</sup>. The other parties rejected this method which was perceived (and later acknowledged by the actor himself) as a way to delay the legislative process (Interview No. 12).

Contrary to the adoption of the 1998 Law on the emigrant vote, the Flemish Liberals did not manage to obtain what their French-speaking counterparts had received in exchange for their support to the revision of the Constitution. Accordingly, it was not necessary to extend the

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<sup>137</sup> Sénat, *Doc. parl.*, Proposition de loi visant à octroyer le droit de vote et d'éligibilité aux élections communales et provinciales aux ressortissants étrangers. Rapport fait au nom de la Commission de l'Intérieur et des Affaires administratives par MM. Moureaux et Wille, No.3-13/4 (2003-2004), 25 novembre 2003.



emigrants' right to vote to please a recalcitrant partner. An alternative majority was available (PS, Sp.a, MR, CDH, ECOLO, AGALEV) and the law could be adopted without the support of the three major Flemish parties (VLD, CD&V, VB). Even though the president of the VLD, without the support of his party, threatened to leave the government if the law was adopted, the legislation finally passed in the Lower House on 19<sup>th</sup> February 2004 thanks to the support of the alternative majority (and the VLD eventually decided to stay in power).

From the brief overview of the different pieces of legislation related to the emigrant community, it appears that political parties understood after the 2003 elections that this vote could be important for electoral and also symbolic reasons (i.e. the Flemish vs. French-speaking quarrel around Brussels). A recurring feature of all these proposals is that the political parties who present them operate a selective use of constitutional and democratic principles to serve their interests. The ambiguous attitude of both left-wing and right-wing parties however support the idea that, especially among French-speaking political parties, the real motivation is to influence elections results by limiting the impact of this vote in the case of the left and to extend and facilitate the use of external voting as much as possible for the right. With the analysis of the debate on the immigrant right to vote we showed that the position of the right and of the left switched because their perception is that, unlike in the case of the emigrant vote, the left would be the beneficiary of the electorate's extension.

### **6.3. The 2007 legislative elections: confirmation of trends**

Contrary to the other cases under scrutiny in this study, Belgium has had two experiences of external voting (even three if we consider the 1999 failure). Because the purpose of this work is not to conduct an analysis of electoral results, I will not get into too many details on this second exercise of external voting here. Instead, I'll try to pinpoint the similarities and differences with the previous experience.

Despite the apparent increased attention devoted to the emigrant community during the legislative term, it appears that the electoral campaign abroad has remained quite limited. This impression was confirmed in informal discussions I had with emigrant voters at the Belgian embassy in Mexico on elections day. Indeed, most voters declared to be very poorly informed on the parties' programs. They also mentioned that their main sources of information were the

press, the relatives living in Belgium and, only in a few cases, the propaganda sent by the political parties directly.

With regard to registration, the data show no substantial change between the 2003 and 2007 elections in four respects. First, a total of 121,817 emigrants registered to vote before the 5<sup>th</sup> April 2007 deadline (+ 7,197 in comparison with 2003). Second, the language requirements for registration did not modify the regional distribution of the vote with 39.1% (+1%) of the voters registering in Wallonia, 34% in Flanders (+1%) and 24% in the Brussels-Hal-Vilvoorde constituency (-1%). Third, the 2003 ranking of the most participative host countries did not change dramatically in 2007. The largest number of voters were found (in order of importance) in the following countries: France, Germany, the Netherlands, Luxemburg, Spain, the United States, Switzerland, the United Kingdom, Canada and Italy. Fourth, with regard to the modality through which the emigrants chose to express their vote, the situation is also stable. Indeed, 24.2% of the emigrants chose to vote either in person (5.8%) or by proxy (18.4%) in Belgium, 13.6% chose to vote either in person (12.7%) or by proxy (0.9%) at the embassy/consulate and 62.3% chose to vote by mail.

With regard to the analysis of the election results, we will also present the results of the Senate owing to their greater clarity (three constituencies only). The novelty in 2007 is that the results we present for the BHV constituency are more representative than in 2003 since the special counting station of that constituency now also includes the vote cast by mail (to avoid the 2003 symbolic bias).

Table 7. 2007 elections results (in %) – Senate (Flanders)

<i>Flemish constituency</i>	<i>Overall results 2003</i>	<i>Emigrant vote 2003*</i>	<i>Overall results 2007</i>	<i>Emigrant vote 2007*</i>
Sp.a-spirit	25.44	12.21	16.66 (-8.78)	11.80 (-0.41)
VLD	24.36	31.01	19.56 (-4.80)	30.81 (-0.2)
CD&V	20.54	20.18	31.58 (+6.19)	23.11 (-1.46)
Vlaams Blok/ Belang	17.93	16.23	18.97 (+1.04)	15.43 (-0.8)
N-VA	4.85	4.39	Coalition with CD&V	Coalition with CD&V
AGALEV (Groen)	3.94	8.78	5.86 (+1.92)	14.04 (+5.26)

\* The emigrant vote category only contains the results of the vote cast in person or by proxy at the embassy/consulate. For the 2003 elections this represented only 14% of the vote expressed from abroad in the three senatorial constituencies. In 2007, 13.6% of external voters chose to vote in person or by proxy at the embassy/consulate but in the case of the BHV constituency, the 2007 results also include the vote cast by mail (63.5% of all the emigrant votes expressed in that constituency).

Table 8. 2007 elections results (in %) – Senate (Wallonia)

<i>Walloon constituency</i>	<i>Overall results 2003</i>	<i>Emigrant vote 2003*</i>	<i>Overall results 2007</i>	<i>Emigrant vote 2007*</i>
PS	35.60	20.35	27.90 (-7.70)	20.69 (+0.34)
MR	30.29	39.69	30.77 (+0.48)	34.19 (-5.50)
CDH	15.51	11.04	15.62 (0.11)	12.32 (+1.28)
ECOLO	7.69	17.40	14.72 (+7.03)	22.86 (+5.46)
FN	6.04	2.79	6.49 (+0.45)	2.72 (-0.07)

Table 9. 2007 elections results (in %)– Senate (BHV)

<i>BHV constituency</i>	<i>Overall results 2003</i>	<i>Emigrant vote 2003</i>	<i>Overall results 2007</i>	<i>Emigrant vote 2007*</i>
MR	22.91	30.43	22.52 (-0.39)	28.93 (-1.50)
PS	15.64	14.21	13.18 (-2.46)	15.32 (+1.11)
VLD	12.15	6.68	10.46 (-1.69)	8.76 (+2.08)
Vlaams Blok/Belang	8.94	3.43	9.03 (+0.09)	3.39 (-0.04)
CD&V	8.21	3.36	12.19 (+1.63)	3.69 (-0.96)
Sp.a-spirit	8.02	1.78	4.80 (-3.22)	1.70 (-0.08)
ECOLO	6.64	15.99	10.20 (+3.56)	17.59 (+1.60)
CDH	6.38	8.93	8.68 (+2.30)	9.14 (+0.21)
FN	3.20	1.80	2.18 (-1.02)	2.11 (+0.31)
N-VA	2.35	1.29	Coalition with CD&V	Coalition with CD&V
AGALEV (Groen)	1.70	1.49	2.53 (+0.83)	3.52 (+2.03)

Source for table 7,8 & 9: SPF Intérieur (2007).

The predominant analysis of the 2007 elections is that the Flemish Christian-Democratic party (CD&V) was the major winner of the election and that all governing parties (SPa, VLD and PS) but the French-speaking Liberals (MR) had lost. The Flemish and French-speaking Socialist parties especially were finger-pointed as the major losers of the elections, while the two Green parties (ECOLO and Groen) won back a large share of the electorate it had lost in 2003 after their participation in the government.

The main lesson to be drawn from the results abroad is that emigrant voters are politically disconnected from the rest of the electorate in Belgium and that their votes are influenced by different factors. The observation of the results in the three constituencies supports this viewpoint. First, the general results in Flanders show that the CD&V's electorate substantially grew, which made the party the largest of the region at the expense of VLD and SPa while, among emigrant voters, the four largest parties and especially CD&V lost votes to the benefit of the Greens. Second, in Wallonia, the Socialist party suffered one of the biggest defeats of its history due principally to a series of scandals involving some of its members in the years preceding the election. This loss did not benefit its liberal competitor (MR), who had sworn

to become the region's largest party, but rather the Green party. Among emigrant voters, on the contrary, the PS slightly improved its 2003 performance, the MR suffered a major loss and the Greens' electorate increased substantially. Third, in the BHV constituency, the French-speaking Socialists and the Flemish Liberals also managed to do better than in 2003 abroad while doing worse overall. Similarly, the CD&V's overall good performance was accompanied by a loss among emigrant voters.

Since our point was not to conduct fieldwork with emigrant voters to determine their motivations, we can only notice that the emigrant vote is motivated by different factors from voters at home. It also appears that the political parties' activities in the field of emigration (i.e. pushing for legislation) had little influence on the voters' decisions as the 2007 results of the MR abroad demonstrate. All these elements encourage us to wish that further research be conducted on Belgian emigrants to determine what factors influence their votes.

To conclude this case study, it is worth mentioning that, despite the relative stability in the electoral process and in the election results abroad, the topic of external voting does not appear to lose importance in the eyes of its long-term supporters. Indeed, at the time of writing, the French-speaking Liberals have –after just a few weeks of parliamentary work– already tabled anew their proposals on the automatic character of the registration and on the extension of external voting to regional elections. At the same time, the Catholic and Liberal negotiators in charge of drafting the new governmental program have agreed to include the latter issue in the government's program of action.

## **7. Conclusion to the Belgian case study**

The relationship between the Belgian state and its emigrant community is historically epitomised by a lack of attention of the former. Until now, Belgian authorities have proved very shy in acknowledging the emigrant past of the nation. In policy terms, this attitude implies that traditionally emigrant issues have not been treated with sufficient attention.

The Belgian case study differs from the other two because of the weakness of the emigrant associative network abroad. Two major associations represent Belgian emigrants but conduct

their activities in Brussels principally. In addition to the differences in the population they represent (VIW represents Flemish emigrants and UFBE represents French-speaking emigrants), we saw that these associations also differ in the services they offer (the former being increasingly a tool for the promotion of Flanders and the latter being an organization providing assistance to the emigrants). For these associations, external voting has traditionally been perceived as a tool to increase the salience of emigration issues in the eyes of Belgian political parties or, in other words, a right that would give them access to more rights. Yet, these two associations opted for different strategies when it came to lobbying Belgian authorities to obtain the right to vote from abroad. For UFBE, a specific way of influencing political parties was to integrate representatives of these parties into the associations' structure. For VIW, on the contrary, the idea was to leave its structure free of politicization but to stimulate a dialogue with all political parties.

Despite the efforts of these two associations, Belgian political parties have treated the question of external voting as a question of second importance. The French-speaking Liberal party (MR) has been the only one to table law proposals on the topic in a recurrent manner. Indeed, they were convinced that emigrant voters, because of their sociological profile (upon which no hard data are available), would be closer to the profile of Liberal voters. Using the same assumption, the Socialist party was thus reluctant to include the emigrant population in the electorate. On the contrary, the Socialists were defending the implementation of the legislation on the right of immigrants to vote at local elections in Belgium, which, they thought, would better serve their interests.

The debate on external voting in Belgium accelerated in the 1990's due to changes (pushed from below and from above) in the socio-political context of the country. On the one hand, several scandals revealed the deficiencies of the institutions that culminated in massive demonstrations, followed by deep discussions on the place of the citizen in Belgian society. On the other hand, the obligation set by the European Union to allow EU citizens to participate to local elections in Belgium launched a harsh left-right debate in Belgium on the definition of the electorate in Belgium. This specific context opened a window of opportunity for the Liberal opposition party MR to propose to support a constitutional reform to comply with EU obligations in exchange for a piece of legislation on external voting. This deal ensured both the Socialists and Liberals a symbolic victory for they had both extended their

electorates (at different levels though) to a population which they believed would favour them.

After the failure of the first external voting experience in 1999, the Liberal party strongly pushed for a reform of the system that materialized in a much larger participation in 2003. Nonetheless, we saw that for these different reforms to pass, party politics but also ethnic issues had to be taken into account. Indeed, the Flemish fear that external voting would increase the share of French-speaking voters in ethnically disputed constituencies was also a recurring element of the debate.

Overall, these considerations should not lead us to discard the influence of emigrant associations abroad in the debate on external voting (especially as agenda setters in times when nobody was speaking about external voting). These associations pressured political parties both inside (in the case of UFBE) and outside their associative structures. However, their reduced number and their lack of organization abroad impeded political parties from devoting attention to their concerns. Eventually, the adoption of external voting legislation was only made possible with the opening of a favourable window of opportunity in the 1990's and with the conclusion of a pact on the extension of the electorate in two directions.

## CHAPTER VI. THE HOMELAND POLITICAL PARTICIPATION OF MEXICAN EMIGRANTS

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This third case study follows a similar path to the Italian one. Mexican migration is a research topic that has attracted much attention from both American and Mexican scholars. Thanks to this academic interest and the political relevance of the question of Mexican migration, the topic is now very well documented. In a similar way to the other two case studies, this chapter traces back the origin of the Mexican emigrants' demand to vote in Mexico and analyzes its consequences on the relations between the emigrant community and the Mexican state.

To introduce this chapter, I overview the evolution of Mexican migration focusing on the community that comprises the overwhelming majority of Mexican emigrants: migration to the United States. In this introduction, I underline the main characteristics of this population (origin, destination, socio-economic profile, gender dimension) through the nineteenth, twentieth and twenty-first centuries. Because of the concentration of Mexican migrants in one single destination country, I'll look at the influence of US policies on Mexican migration flows, on their characteristics and on the demands expressed by these migrants. Yet, endogenous reasons are also to be pointed out in the analysis of Mexican migration and I will thus examine the role of the Mexican state in the migratory movements.

In this first section a particular emphasis will be put on the circulatory dimension of Mexican migration and on its limits. Examples of circular immigrant practices among Mexican migrants have often been used in the literature to illustrate the roots of the concept of transnationalism. The so-called *Bracero* labour agreement signed between the United States and Mexico in force between 1942 and 1965 epitomizes the recurring circular dimension of these flows. Later on the famous IRCA migration policy reform adopted by the United States created a serious challenge to circulation. The interest for migrants' remittances and their impact on the country of origin is a further illustration of the transnational dimension of Mexican migration. With the increase of remittance flows in the last decade, scholars have dedicated efforts to study their impact on the Mexican economy at the macro and microeconomic levels. With the creation of co-development projects in the migrants'

communities of origin, much attention has also been paid to the modifications of power relations between emigrants and the Mexican political class.

After having illustrated several dimensions of the transnational connections between Mexico and the United States through migration, I'll move on to the involvement of Mexican migrants in their home country politics. We'll see that since large parts of the Mexican territory moved under US sovereignty, Mexicans residing in the U.S. have tried to maintain some sort of political connection with the Mexican state. The answer of the latter has obviously varied through time moving from a "policy of not having policy" towards Mexican emigrants to setting up programs fostering leadership among Mexican emigrants and their descent. Obviously, the role of U.S. policies and the role of their political context in fostering or undermining these linkages will also be reviewed. This discussion on the transnational political connections concludes the first part of the chapter by describing the rise of associations as a decisive factor in the creation of these relations. A variety of associations will be examined as well as the progressive institutionalization of their relationship with the Mexican state through the creation of new programs and bodies.

The second part of this case study focuses on the Mexican emigrants' right to vote in their country of origin. It starts with a discussion on electoral rights in Mexico, the requirement to be a voter and the significance of the vote in an undemocratic regime as Mexico was under the PRI's domination. In this section we naturally discuss the evolution of citizenship laws in Mexico. Here, I shed light onto the differences between nationality and citizenship according to the Mexican legislator and determine how these laws are affected by the Mexican migrants' situation in the United States.

Subsequentl, I turn to the evolution of the legislation on the right to vote in itself. I discuss the evolution of the debate, the proposals that were made and the principal obstacle to overcome before the adoption of the 2005 Law allowing Mexican emigrants to vote at presidential elections. I then present the factors that explain this recent development of Mexico's electoral law by presenting them along three major lines. First, I examine the socio-political context in which the debate on the emigrant vote took place. The democratic evolution of Mexico, the economic crisis and the need for foreign investment, the relations between Mexico and the United States, the involvement of Mexican Regions in the relations with migrants are some of the factors to be analyzed here. Second, I will focus on the role of the various associations in



Mexico and the United States (close to political parties or not) who have played a role in the debate by creating a dialogue with the Mexican state, institutionalising the relationship and lobbying these same institutions in favour of the right to vote. Third, I examine the role of the three principal political parties (PRD, PAN and PRI), the evolution of their position on the issue with relation to the evolution of their relations with the emigrant community and the key role of some party members.

To conclude this third case study, I will analyze the first experience of emigrant vote in the 2006 presidential election. I'll examine at the preparation of the vote abroad by the Electoral Institute, the involvement of the associations in the registration process and the political campaign, and analyze the causes of what was described as a limited participation of the emigrant community. The chapter ends with the post-election discussion on the reform of the electoral law, the extension of the emigrant vote to other elections such as Regional elections and the connections between immigrants' and emigrants' rights in Mexico.

## **1. Mexicans abroad**

### **1.1. A few historical elements on the Mexican migration to the United States**

Mexican migration is a rich topic that has attracted a lot of attention from Mexican and American scholars in many scientific disciplines because of the interdependence of the two countries in the management of migration. Just like in the case of Italy, trying to sum up Mexico's international migration history is no easy task. Crossing an international border being the central element defining international migration, we'll start this brief historical overview with the Treaty of Guadalupe Hidalgo in 1848, when Mexico and the United States defined their new border after the Mexican-American War. With this treaty, a large part of the Mexican territory (all of what is known today as California, Arizona, New Mexico and Texas plus parts of Colorado, Nevada and Utah) moved under U.S. sovereignty.

The impact of this territorial move on migration was small though. Around 75,000 of the 100,000 Mexicans residing in the former Mexican territories opted to become U.S. citizens

(the other option being to move South to Mexico). Even though these people did not move but the border did, they can be considered as the first generation of Mexican migrants to the U.S. (Cano and Delano 2007: 698). Besides this apparently small numerical impact of border change, does not to perform a strong role of separation between the two countries either. Massey et al. (2002: 25) sum up the period following the border settlement as such:

*“During the nineteenth century, movement between the two countries was mostly local, involving short trips back and forth between places that had earlier been single, undivided communities. The border was relatively unpopulated and, once it left the Rio Grande River, poorly demarcated and only sporadically policed. As a result, one cannot properly speak of “international migration” between Mexico and the United States until the twentieth century”.*

While the geographical border was settled with the 1848 Treaty (and subsequent adjustments), its social meaning remains to be defined and evolved throughout the nineteenth century. With the U.S. civil war, the importance of controlling the border becomes more evident for the Americans. On the Mexican side, the 1910 Revolution also increased the salience of the border as belligerents sought refuge and got organized on the other side of the border. For this reason, border states received greater attention from the new Mexican government after the Revolution (Massey et al. 2002: 26).

In addition to the progressive tightening of border security, Mexican migration to the North was also influenced by the various migration laws adopted in the U.S. during this period. The Chinese Exclusion Act (1882), for instance, threatened the booming economy of the West of the U.S by putting a halt to Asian migration. The solution to the labour shortage created by these discriminatory laws forced U.S. employers to turn to private labour contractors who – through a system known as *el enganche*- recruited Mexican workers by telling them tales about the good working conditions waiting for them up North. Obviously the working conditions were not as good as promised and many migrants found themselves caught in a semi-forced labour regime (Durand 2000: 21).

The need for Mexican labour increased with the outbreak of World War I. A few months before the involvement of the United States in the conflict, the 1917 Burnett Act, aimed at putting severe restrictions on Eastern European migration to the U.S. was adopted. As a side-effect, the law prevented many Latin American migrants to enter the country, which was particularly harmful to for the booming economy of the United States about to be going to

war. For this reason, another text allowing for exceptions was voted a few months after in order to let temporary agricultural workers (i.e. Mexicans) in. These exceptions were however not sufficient to face the needs of the U.S. economy. The pressure that the private sector exerted on the U.S government forced it to play an active part in the recruitment of Mexican workers. The Mexican authorities, on the other hand, tried to make sure that the rights of their citizens were being respected. At no point, however, did the two countries sign a bilateral agreement (Durand 2006: 31-33).

So far I have focused on the “pull factors” of early Mexican migration to the United States. Mexico’s internal situation was, however, another decisive factor in the early twentieth century. Between 1876 and 1911, Mexico was ruled by President Porfirio Diaz, whose main goal was to modernize Mexico’s economy. Yet, modernization happened at the expense of Mexico’s rural areas (*campo*). Over the course of his presidency, the peasants’ rate of land ownership decreased dramatically. The *campo*’s crisis stimulated internal migration to Mexican cities until the 1910 Revolution, whose violent episodes encouraged citizens to seek refuge in the U.S. It is estimated that 200,000 Mexicans moved to the United States during the revolutionary decade (1910-1920) (Massey et al. 2002: 30).

The decade of the 1920’s witnessed conflicting trends towards migration in the U.S. society. On the one hand the booming economy stimulated the demand for unskilled Mexican workers. On the other hand, the increase in nativist sentiment pushed Congress to adopt restrictive laws on immigration and to create the U.S. border patrol to facilitate deportation. Nonetheless, the rate of legal out-migration from Mexico increased from 2.0 per 1000 in 1925 to 4.1 per 1000 in 1928. The Great Depression created by the 1929 stock market crash opened an era of massive deportation in the United States and naturally the rate of legal out-migration fell down to 0.1 per 1000 (from an average flow of 46,000 legal immigrants a year in the 1920’s, to less than 2,700 in the 1930’s). It estimated that the Mexican population in the U.S decreased by 41 percent over the course of the 1930’s and that 458,000 Mexicans were deported between 1929 and 1937 (Massey et al. 2002, Durand 2000). During this period, the Mexican state tried to help repatriated Mexicans to return home through the use of special bodies, a citizens’ committee and the consular network (Sherman 1999: 842).

Up to World War II, Mexican migration to the United States was epitomized by two recurring elements: labour recruitment programs organized by the private sector in times of economic

growth, and deportation by public authorities in times of crisis. With the setting up of the New Deal by President Roosevelt and the entry of the United States into World War II, the conditions for economic growth and labour shortages in the U.S. soon reappeared. In Mexico, while the policies of President Cardenas had allowed land redistribution, migration was still perceived by many peasant workers as a way of accessing capital to develop their farms (Massey et al. 2002). For the PRI government in Mexico, allowing temporary labour migration to the U.S. was a dilemma. On the one hand, it would be an explicit recognition of the government's incapacity to address the problem of unemployment in Mexico. On the other hand, population pressure, the need for foreign exchange and the economic difficulties encouraged them to do so (Pfeiffer 1979: 74-75).

In this context, U.S. growers also lobbied Congress to pass legislation on temporary Mexican migration. The U.S. government, however, was conscious that the Mexican government, unsatisfied by the treatment given to its emigrants so far, would oppose any unilateral move by the U.S. in the field of temporary migration. Indeed, Mexican officials distrusted American employers so much that they insisted that the United States government itself be the formal employer of the *braceros* and that it guaranteed the faithful fulfilment of contract terms (Kiser and Kiser 1979: 68). In 1942, the U.S. and Mexican governments signed the "farm labour supply agreement" allowing Mexican workers to work in the U.S. temporarily when American workers were not available to fill the positions. Guarantees included a minimum wage to be paid, round-trip transportation and the right for workers to bring their families into the U.S. (but none were actually admitted) (Martin 1998: 880-81).

During the war years (between 1942 and 1945), 168,000 *braceros* went up North to work. Even though the program was initially designed to face war-induced labour shortages it had to be enlarged, yet the number of visas issued (100,000 in 1949) remained insufficient to face the demand for labour. This unsatisfied demand strongly stimulated undocumented migration as illustrated by the arrests at the border rising from 69,000 in 1945 to 883,000 in 1950. Caught between the growers demand for labour and the citizens' concerns for the control of border, the INS managed to simultaneously increase deportation (through the Wetback operation aiming at reducing the Mexican population in the U.S. drastically) and increasing the number of *bracero* visas at the same time (Massey et al. 2002: 36-37). It is estimated that over the course of the *bracero* program, 4.5 million temporary working contracts were issued

and another 5 million undocumented migrants were apprehended and deported from the United States (Garcia y Griego and Vereza Campo 1988).

With the release of influential studies and opinions on the adverse consequences of Mexican temporary migrants on the domestic farm workers' wages and working conditions, the number of visas issued declined subsequently. As the program was losing support in both legislative and executive branches, the Congress decided to terminate the program unilaterally in 1963 (Martin 1998). The Mexican government first sought to convince U.S. authorities to reconsider their decision as the end of the bracero program would only stimulate undocumented migration to the U.S. President Diaz Ordaz also unsuccessfully tried to convince President Johnson to sign a new agreement. Mexico's next president Luis Echeverria, however, gave up the task of concluding such an agreement as he expressed doubts about its capacity to protect Mexican migrants (Garcia y Griego 1998, Mexican embassy 1979, Luis Echeverria 1979).

In an attempt to evaluate the bracero program, Durand (2006) has listed the positive and negative sides of the program. Among the most important positive elements, he notes that the Bracero program put an end to the semi-forced labour regime of *enganche*, created a binational labour market, decreased the anti-migrant sentiment among the US population (during the war, when Mexicans were perceived to contribute to the war effort), protected migrants' rights and was focused on agriculture while being flexible enough to adapt to other sectors at times. On the other side, the Bracero program did not prevent undocumented migration. As the need for labour was always higher than the number of visas issued, it created excessive bureaucracy, stimulated paternalism of the Mexican state towards migrants and created labour shortages in some Mexican regions. With regard to this last point, it must also be pointed out that the Mexican government deliberately allocated large shares of bracero contracts to Regions where political opposition was concentrated (Alarcón 1995: 48).

The end of the bracero program, is the starting point of what Massey et al. (2002: 45-46) call the era of undocumented migration that lasted until 1985. During this period, around 28 million Mexicans entered the United States irregularly by contrast with 1.3 million who did it in a documented manner, and the 46,000 who entered as contract workers. Factors on both sides of the border account for this dramatic increase in the flows of undocumented migration. In the United States, the bracero program had created a structural dependency on Mexican

labour. As the program stopped, U.S. growers were not willing to revise working conditions in order to attract native workers. In addition, the number of visas made available to Mexican migrants was reduced several times from 1968 to 1980. This further stimulated undocumented migration. On the Mexican side, the bracero program created dependency on incomes proceeding from migration in some households. Also, migration was encouraged by the fact that its cost was significantly reduced by the human capital (familiarization with the U.S and its customs) and the social capital (networks of friends and family who migrated) accumulated during the bracero era. Furthermore, the progressive decline of the Mexican economy, starting in the mid-1960's and culminating with the 1982 collapse, provided would-be emigrants with more reasons to do so. Thus, during this era, the binational labour market between the U.S. and Mexico consolidated in a strongly unbalanced manner, as described by Bustamante and Cockroft (1983: 312):

*“When the migrant worker comes into the U.S. labor market, he enters into a labor relation in which the U.S. employer has the unique power, granted by present U.S. immigration law, of deciding unilaterally whether the immigrant is to be treated as a worker or as a criminal. (...) The migrant's illegal status and the corresponding threat of deportation assure the system of his or her sub-standard wage payments. This privileged condition with which the boss confronts the Mexican migrant worker, a condition reinforced by law, helps maintain the migratory flow not only for industrial plants that might otherwise ‘run away’ to other countries where cheap labor is available, but also for agribusiness and ever more varied sectors of industrial and services productions in the United States seeking to combat the tendency of the rate of profit to fall by saving on wages”.*

During the 1970's, the U.S. economy entered a phase of doubts due to repeated recessions. With the coming to power of President Reagan, a scapegoating ear both at home and abroad opened. During the 1980's and the Cold War revival, national security and border control became primary issues. In this context where migrants were increasingly perceived as threats and Mexicans, particularly, as invaders, Congress felt compelled to act. The result was the Immigration Reform and Control Act (IRCA) passed in 1986<sup>138</sup>. To reach its objective of reducing the number of migrants crossing the border illegally, the IRCA provided for three main tools: the legalization of large share of the undocumented population already residing in the U.S., the interdiction for U.S. employers to hire undocumented migrants and the increase in border patrols' resources (Escobar Latapi et al. 1999: 121-22).

The consequences of IRCA are quite significant. Under the provisions concerning undocumented migrants, around 1.2 million Mexicans legalized their status and obtained

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<sup>138</sup> Pub. L. No 99-603, 100 Stat. 3359 (1986).

permanent residence in the U.S. Under the provisions for special agricultural workers, another 1 million Mexicans gained residence. The main impact of the IRCA -as discussed below in the discussion on the characteristics of Mexican migrants- was to strengthen the transition of Mexican migration to the U.S. from a “sojourner” to a “settler” migration for two reasons (González Gutiérrez 1995: 268). First, their legal status allowed them to envisage a permanent stay in the U.S. by granting them the possibility to bring over their relatives. Second, because crossing the border became more difficult (and the costs was thus higher) migrants tended to reduce the number of trips and to increase the duration of their stays. Overall, the IRCA seemed to have missed its goal. Indeed, not only did it make Mexican migration more permanent, but it did not prevent the Mexican population in the United States (both documented and undocumented) from growing (Riosmena 2004, Massey et al. 2002, Portes and Rumbaut 1996).

On the Mexican side, the government had adopted “a policy of not having a policy” since the mid-1970’s, (Martínez Saldaña 2003a). This policy of absence of action was motivated as much by the Mexican constitutional principle of non-interventionism in foreign policy as by fear of supporting a U.S. migration policy that might harm its emigrants’ rights. The PRI government, however, felt compelled to take a stand after the 1988 presidential election when the leftist opposition candidate Cuauhtémoc Cardenas led a strong political campaign among the Mexican community in the U.S. and won against the PRI candidate Salinas de Gortari. At that moment, the Mexican government starts to develop a policy for reaching to emigrants, which had only been initiated timidly at the end of the previous presidential term (see below for more details on the Program for Mexican Communities Abroad). For de la Garza (1991) two elements justify the interest of the Mexican state. On the one hand, it feared that activists in Northern Mexico (opposed to the PRI government) would link up with Chicano activists. On the other hand, the government felt the need for further integrating its economy into that U.S.’s in order to solve Mexico’s economic problems.

Mexico’s economy had indeed faced several crises since the mid-1970’s as a result of the expansionist economic policies led by President Echeverria and his successor President López Portillo. These policies, culminating in the 1982 crisis, forced the devaluation of the currency and drove the country’s GDP per capita and the real minimum wage down during the whole decade. This context made it possible for a new generation of leaders and civil servants who were much more favourable to neo-liberal economic policies to rise within the PRI. With the

coming to power of President Salinas de Gortari in 1988, their ambition to turn permanently Mexico into a neoliberal economy was about to materialize (Massey et al. 2002).

The new president proposed to extend the free trade agreement negotiated between Canada and the United States to Mexico. He did not, however, seize the opportunity of the North American Free Trade Agreement (NAFTA) negotiations to try and develop a common policy in the field of migration with the United States. Indeed, arguing that Mexico wanted to export goods and not people, Salinas decided to leave the free circulation of workers out of the negotiation for fear that NAFTA would then be rejected by the U.S. Congress. On the U.S. side, Salinas' project was well received by the Bush Administration. The U.S. Congress commission that examined the issue also considered that the promotion of economic development in Mexico was the ultimate solution to undocumented migration. However, by no means did the commission advocate the free circulation of workers (Alarcón 1995: 38).

The Mexican government subsequently started a lobbying campaign in the U.S. to promote the ratification of NAFTA. For this campaign, not only did it employ private lobbies, it also called on the Mexican American population and their associations to pressure the U.S. Congress. Mexicans in the U.S. were however not convinced that NAFTA would benefit migrants, and prominent Hispanic associations actually sided with the opponents to the treaty. Overall there is actually no proof that the Mexican American community has had any influence in the Congress' decision to vote for NAFTA (Leiken 2000: 32-33, de la Garza 1998: 408).

Besides the NAFTA negotiations, Mexican migration to the U.S. during the 1990's was also affected by various policies. By 1990, it was already clear to most analysts that IRCA had failed to reduce both documented and undocumented migration. Several steps were taken by U.S. authorities to reduce the flows. That same year, the U.S. Congress passed the Immigration Act whose goal was to limit total immigration to the U.S. More precisely, the Immigration Act was targeting family immigration by limiting it to 480,000 per year. All through the 1990's, the INS launched various operations to seal the Mexican border at major crossing points such as El Paso and San Diego. These operations, while giving public opinion the impression they were 'tough on migration', did not prevent undocumented migrants from crossing the border, on the contrary, it only pushed them to take more risks to do so at other points of the border.



The Congress further supported the INS move towards stricter border controls by increasing the means available to the border patrols, militarizing the border and reinforcing the sanctions against trespassers in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996<sup>139</sup>. A similar move towards more restrictive policies is also seen at the subnational level. In California, the famous Proposition 187 was adopted by referendum in 1994. The text provided that undocumented migrants could be denied access to social services. As we will see below, even though the text was never fully applied, it served as a catalyser for Mexican migrants to organize in the U.S. and to increase their political awareness of political issues on both sides of the border.

The data of the Mexican Population Council (CONAPO 2005) indicate that the restrictive U.S. policies implemented during the 1990's appear to have had a limited effect on the growth of Mexican population in the country. Even though we'll analyse the Mexican migrants' profile in the next section, several elements can be mentioned at this stage. This population increased from 4.4 million to 8.8 million between 1990 and 2000 and again to 10.6 million in 2005. For Mexico, the annual average net loss of population due to migration moved from 315,000 people in the 1991-1995 period to 396,000 in the 2001-2005 period. With regard to the modalities through which migrants cross the border, the share of undocumented crossings in the total of border movement rose from 48 percent in 1993-1997 to 63 percent in 1998-2001 and again to 77 percent in 2001-2004. Also, as a result of the tightening of the border, the share of migrants who make use of smugglers to cross the border has increased along the 1990's.

In 2000 Mexico experienced one of the most important moments of its modern history with Vicente Fox's victory in the presidential election that put an end to 71 years of uncontested PRI rule. That same year, Mexico proposed to its NAFTA partners to discuss the possibility of adopting an open border policy. While the Canadian and U.S. governments showed scepticism towards such idea, they agreed on a negotiation agenda that included items such as the regularisation of undocumented immigrants, a temporary labour migration program, the number of visas to be given to Mexican citizens, safety at the borders and cooperation in the

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<sup>139</sup> Pub. L. 104-208, 110 Stat. 3009 (1996).

development of migrant-sending regions. The September 11<sup>th</sup> 2001 attacks, however, put an end to those discussions and the U.S. agenda focused on new priorities.

The recent developments in the management of Mexican migration to the U.S. illustrate the historical inability of both governments to deal together with the issue of migration (except at specific moments such as the Bracero era). It also reveals President Fox's inability to reach any agreement on migration out of the anti-terrorist framework (Alba 2002). This confirms Bustamante's hypothesis (1997: 1116-17) on the discrepancy of power between the US and Mexico:

*"(...) the United States has demonstrated a long-standing and intense demand for Mexican migrant labor. But the United States wants to satisfy this demand for a resource which comes from abroad according to its own unilateral terms. In this way the United States exercises the power asymmetry it holds over the country from which it extracts de facto the cheap labor force it seeks".*

The U.S. authorities' main focus since 9/11 has been to prevent terrorists from entering the territory rather than undocumented workers. This materialized in the signing of the Smart Border Agreements (2001 and 2002) and the setting up of the Security and Prosperity Partnership of North America that acknowledges the interdependence of the three countries in dealing with border security (Emmerich 2003 and Benitez Manaut and Rodriguez Ulloa 2006). For Mexico, the consequence has not only been the impossibility of negotiating a new migration agreement with the U.S., but it also meant that it has had to face the increasing militarization of the border best epitomized by Congress voting for the construction of a wall along the border in September 2006 (PNUD 2007).

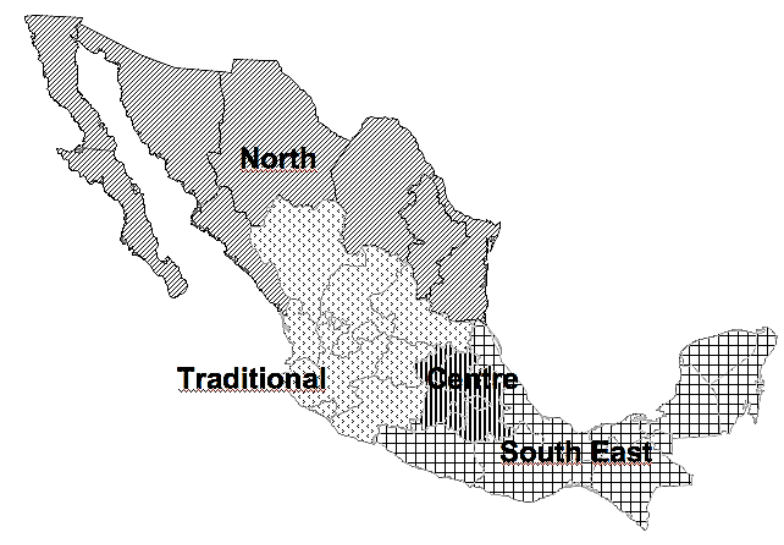
## **1.2. Main characteristics of current Mexican migrants in the United States**

### *1.2.1. Regions of origin*

Before looking at the Mexican migrants' place of origin, it is useful to recall that the numerical measurement of these flows, especially when they are undocumented, is a source of disagreement between scholars. Because of the lack of specific tools to do so, scholars are relying on a combination of methods and sources (Santibañez 1997, Durand 1992).

With regard to the regional dimension of Mexican migration, I rely on the four regional categories, the migration intensity index and the data drafted by the Mexican National Population Council (Tuirán 2002 and CONAPO 2005). The migration intensity index integrates the proportion of households having members abroad, the proportion of households having return migrants and the proportion of households that receive remittances. The regional categories, on the other hand, group the Mexican states together by their migration history, the intensity of the flows and their geographical connections.

Map 1. Mexican migrant's region of origin



Source: CONAPO 2005

The traditional region includes the states of Aguascalientes, Colima, Durango, Guanajuato, Jalisco, Michoacán, Nayarit, San Luis Potosi and Zacatecas. These states have a common history of labour migration with the United States and have always been migrants' providers as they represented 44% of flows in 1926-1932, around 55% of the Bracero migrants, 50% of the pre-IRCA migrants in 1984 and 54% of those who migrated in 1992 (Durand et al. 2001: 110). In 2005, the emigrant population proceeding from this traditional region represented 21.2 percent of the total population of the region from where they proceeded from.

The Northern region contains the six states that share a border with the United States (Baja California, Coahuila, Chihuahua, Nuevo León, Sonora and Tamaulipas) and two other states connected with the border states (Baja California Sur and Sinaloa). Historically, the strong

connections with the U.S. border made the Northern region a large contributor to migration flows, yet in a smaller way than the traditional region, as emigrants represent 10.6% of the region population in 2005.

According to the Binational Study on migration (1997), a diversification of flows moving from a domination of traditional sending regions (who still provide the largest share of emigrants in absolute terms) to other areas occurred in the 1990's. For CONAPO (2005), these new flows come from two main regions. The Central region started to significantly contribute to migration flows in the 1990's. It includes regions with a high to medium migration intensity index such as Hidalgo, Morelos, Puebla and Querétaro and states with a low to very low index such as the Federal district, the state of México and Tlaxcala. The Southeast region is the newcomer in Mexican migration, starting in the 1990's. Guerrero, Oaxaca and Veracruz have respectively a high, medium and low migration intensity while the other states (Campeche, Chiapas, Quintana Roo Tabasco and Yucatán) have a very low migration intensity.

Besides the diversification in the place of origin of recent Mexican migration flows, it must also be stressed that, according to the CONAPO Report (2005), the share of migrants proceeding from non-urban areas moved from 44 percent in the 1998-2001 period to 51 percent in the 2001-2004 period (supported by the increase in migration flows from the South-east).

### *1.2.2. Region of destination*

Historically, Mexican migration has tended to concentrate in specific areas of the United States. For instance, the 1920 U.S. census revealed that majority of the Mexican population residing in the U.S. was concentrated in just four states (Arizona, California, Illinois and Texas). For Durand (2005), four elements explain Mexican emigrants' choice for specific places of destination. First, the transport networks have played a major role in connecting places in Mexico and the United States. With the opening of the railroad connecting Texas with central and western Mexico at the end of the nineteenth century, Texas naturally attracted most Mexican migrants in the early twentieth century, through the system of labour recruitment known as the *enganche*. Second, the U.S. labour market has also played a part as migrants are attracted to the places where they can find work and/or where work is needed.

Third, the geographical proximity of Southern U.S.A. and the possibility of circulation this allowed favoured concentration in that region. Fourth, the networks created through preceding migration flows encourage new migrants to use that social capital and to migrate where other members of the community are already present.

Prior to the adoption of IRCA, the majority of Mexican migrants moved to California, Texas and Illinois. With the adoption of IRCA, the militarization of the border and the legalization of 2.3 million Mexicans, California lost some of its appeal to undocumented migrants and legalized migrants could more easily decide to move to another state. At the end of the 1980's the share of migrants moving to non-traditional states had reached 25 percent whereas it was absorbing around 90 percent of the flows in the 1980-1986 period. With the increase of the anti-migrant sentiment in traditional states such as California in the 1990's and the economic growth in the Northeast, the Midwest and the Southeast, 30 percent of the new legal immigrants avoided California, Texas and Illinois by 1998 (Massey et al. 2002: 126-28).

Data compiled by CONAPO (2005) and based on a specific classification of receiving states illustrate clearly the diversification in destination areas and the dynamics through which each receiving state is going through. The share of the total Mexican population residing in the U.S. who live in the area that CONAPO refers to as "South East –first phase" (California, Texas, Arizona, and New Mexico) has decreased since 1970, with a clear loss between 1990 and 2000 when it moved from hosting 83.2 to 69.1 percent of the Mexican population. The Great Lakes region including Illinois, which had been the third largest receiving state since 1970 (but including also Indiana, Michigan and Wisconsin), has maintained its share of the total Mexican population around 8 percent. However, the increase in Mexican population in the area in the 1990-2000 decade was not as dynamic as in the 1970-1980 decade. Those areas -that have shown major dyamism in the previous decades- are the Eastern Coast and Great Plains regions that have moved from hosting together around 10 percent of the total Mexican population in 1970 to now hosting almost 20 percent.

### *1.2.3. Socio-economic profile and gender dimension of Mexican migration*

Before turning to the transnational dimension of Mexican migration, three characteristics of recent Mexican migration to the U.S. must be stressed.

First, in terms of educational achievement, the level of Mexican migrants has increased through the 1990's. As underlined by the Binational study on migration (1997) and the UNDP report on Human Development Index in Mexico (2007), this potential brain drain poses a real challenge to Mexico's development. However, it is also to be noted that the Mexican migrants' level of educational achievement remains inferior to that of other Latino migrants in the U.S. As a matter of fact, 86% of Mexican migrants have at best a high school degree.

Second, the diversification in Mexican migration is also visible when looking at their occupations. Between the 1993-1997 and 2001-2004 periods, the share of Mexican migrants who had a job before departure moved from 63.7 percent to 70.6 percent. During the same periods, the share of Mexican workers occupied in agriculture in the U.S. decreased from 44 to 21 percent. These figures illustrate the fact that a lot of Mexican migrants leave a job in Mexico to work in the U.S. increasingly in the secondary and third sector (CONAPO 2005). With regard to poverty, the UNDP report (2007) underlines that both the richest and the poorest households in Mexico have the lowest probability of having a member who migrates. On the contrary, it is at the intermediary level of income that migration is most likely to occur. The socio-economic situation of Mexican migrants in the U.S. is particularly alarming as it is estimated that 2.9 millions of them (26 percent) live in poverty, which represents 46 percent of total of all poor migrants in the U.S. The over-representation of Mexican migrants in the disadvantaged population of the U.S. is further illustrated by the fact that 53 percent of them (5.9 million) do not have health insurance (CONAPO 2005).

The third element is the gender dimension of Mexican migration. As Donato and Patterson (2004: 114) sum up:

*“[f]or much of the twentieth century, the preference of Mexican families to send out males as migrant workers matched the structure of U.S. labor demand –especially that for farmworkers- and led to a disproportionate representation of men in the pool of migrant workers, both documented and undocumented and those with legal but temporary labor permits”*

During the Bracero program, the share of women in migration flows was barely 5 percent. The feminization of Mexican migration starts after 1964, with women representing around 18 percent of that Mexican migrant population before the adoption of IRCA. In the 1990's, when the newly legalized Mexican male migrants begin to sponsor their spouses, the absolute number of women migrating keeps increasing while decreasing in relative terms (Avila et al. 2000). This tendency is confirmed by the CONAPO data (2005: 44). Although it is estimated

that 470,000 women left the country between 1987 and 2002, their share in the total number of departures to the U.S. moved from 25.9 percent in 1987-1992 to 23.8 percent in 1992-1997 and to 18.7 percent in 1997-2002.

Female Mexican migrants differ from their male counterparts in many regards (CONAPO 2000 and Avila et al. 2000): they have a higher level education, they come principally from the Northern region of Mexico and more frequently from urban areas, they are younger and usually married at the time of departure. At the professional level, women work in the service sector more frequently than men but they obtain on average 44 percent less income than their male counterparts in the same sector.

A last point to underline is the specific danger related to female undocumented migration. As we said above, because of the increase in border controls, migrants are forced to take more risks when trying to reach the United States without documents. Donato and Patterson (2004) found out that the women who do so make use of the services of a smuggler more frequently than male migrants. For Alonso (2005), the consequence is to increase the risks of being sexually assaulted or trapped into forced labour.

### **1.3. The transnational dimension of Mexican migration**

We have seen in the conceptual discussion of this work that Mexican migration to the U.S. is frequently used to illustrate the concept of transnationalism in the study of migration. Several elements may explain this interest: the importance of flows, geographical proximity, the temporary nature of the flows at times or the involvement of both the U.S. and the Mexican governments in managing migration. In this section, we analyse two dimensions of Mexican transnationalism: circulation and remittances.

#### *1.3.1. Circulation in Mexican migration*

Historically, Mexican migration to the U.S. has been characterized by back and forth movements. At times, these movements were discouraged. For instance, between 1917 and 1932, the Mexican government was strongly encouraging its emigrants to come back (or not to leave the country in the first place), as it considered the conditions in which they were working in the U.S. were not acceptable. During the depression, the Mexican state was

therefore trying to facilitate return migration (Sherman 1999). At other moments, for instance during the Bracero era, circulation was explicitly supported by both governments. In 1942, the United States' need for labour made it possible for the Mexican government "*to negotiate a favorable bilateral agreement that in theory would exchange a pool of unemployed laborers for a source of remittances and modernizing influences*" (Fitzgerald 2005: 10).

At the end of the Bracero program, circulation evolved differently for undocumented and document migrants. For the former, migration clearly was a temporary strategy as illustrated by the 60 percent probability rate of returning within two years among this population. For the latter, the tendency to remain in the U.S. was more pronounced since the probability of returning was of around 25 percent in the early 1980's. However, as far as multiple migration was concerned, the probability of taking a second trip to the U.S. stabilized at around 4 percent for both documented and undocumented migrants between 1973 and 1983 (Massey et al. 2002: 62-66).

With the implementation of IRCA, circulation of migrants was challenged in two ways. First, by increasing border control, undocumented migrants (and documented migrants with undocumented members in their households) were discouraged to cross the border due to the difficulty and the cost. Second, the massive legalization of undocumented migrants pushed down the probability rate of return. These trends confirm the shift from temporary circular migration towards a permanent settler migration. This was also visible in the duration of trips that moved from an average 3.3 years in the pre-IRCA era to 12.8 years in 1998 (ibid: 129-133 and Escobar Latapi et al. 1999). Concerning the last decade, CONAPO (2005) confirms the shift towards a more permanent migration system which for Roberts et al. (1999: 243) "*rests on the lack of economic opportunity in the place of origin and the attraction of permanent work opportunities in the place of destination*". Indeed, the large increase in the undocumented Mexican population (totalling 6.2 million in 2005) supported the trend towards the end of the circulatory model (Passel 2006).

### 1.3.2. *Remittances and transnational solidarity*

While the transnational dimension of Mexican migration is ever less visible in the communities' physical movements between the two spaces, the importance of other practices –such as remittance sending- reveals the existence of transnational linkages.



Evaluating the inflow of remittances to Mexico is a controversial topic upon which Mexican and U.S. scholars disagree (Durand and Massey 2002: 11). Two elements complicate the estimation of the flows. On the one hand, a part of the remittances sent through informal means or in cash. On the other hand, it is difficult to differentiate migrant remittances from other financial flows. There is, however, no disagreement concerning the increase of these flows in the last three decades. It is estimated that remittances to Mexico shifted from USD 698 million in 1980 to USD 1,680 million in 1989 and again to USD 6,280 million in 2000 (Tuirán 2002, Migration news n.d.). The increase did not stop after 2000 as remittances reached USD 13,396 million in 2003 and 23,053 million in 2006. Remittances represent one of Mexico's largest sources of income together with oil and tourism revenues. As a matter of fact, the remittances flow was equivalent to almost 60 percent of Mexico's oil revenues in 2006 (UNDP 2007). For Goldring (2004), remittances have not only increased, they have also become more valuable for different reasons: the role they play at the macro and micro economic level in sending countries, the involvement of associations, the development of private companies involved in the remittance market and the creation of public policies linking remittances and development. In the following paragraphs we try to understand who sends remittances to Mexico, to whom, with what impact and with what involvement of the Mexican authorities.

The Mexican migration project found out that the percentage of Mexican migrants who sent remittances went from 60 percent to over 70 percent between 1965 and 1985, while the percentage of those who returned home with savings rose from around 50 percent to 65 percent (Massey et al. 2002). More recently, the survey conducted by Bendixen for the Inter-American Development Bank (IADB 2007a) underlined that 71 percent of Mexican migrants sent remittances home in 2006 and 64 percent in 2007 (affected by a stronger decline in the flows proceeding from non-traditional states of destination). Contrary to common assumptions, the most recently arrived migrants are not the ones most likely to send remittances. Amuedo-Dorantes and Pozo (2006) have found out that remittance flows initially increase with time spent in the U.S. (when the cost of migration is recovered and better employment is secured) and on average start to decrease after 5.5 years of U.S. experience ("inverted U pattern"). Female migrants are also less likely than males to send remittances. Yet, the proportion of women who do so has grown since the 1970's and it can also be argued

that a share of the females' flows is counted as their husbands' remittances (Papail and Arroyo Alejandro 2004: 92-93).

With regard to the recipients of immigrants' remittances, it is first to be noted that remittances represented 2.69 percent of Mexico GDP in 2004. This figure, however, hides strong regional disparities since the ten least developed states are the ten economies most dependent on remittances (e.g. In Michoacán remittances represent more than 15 percent of the state's GDP) (UNDP 2007). At local level, CONAPO data (Tuirán 2002) show that the number of Mexican households receiving remittances shifted from around 660,00 in 1992 to 1.2 million in 2000. Some 55.8 percent of these households are located in rural areas of less than 20,000 inhabitants. Yet, with a closer look at the local dimension of remittances, it can be argued that the poorest municipalities that are not the first recipients of to remittance flows (Lozano Ascencio 2005).

Bearing in mind these various level of analysis is decisive when trying to assess the impact of remittances. At the macro-economic level, we already underlined the importance of remittances as a source of foreign investment with regard to Mexico's GDP and in comparison with other economic sectors. But the aggregate effect of remittances is also very much dependent on their use at the micro-economic level. The Bendixen survey conducted for the IADB (2007b) among recipients of remittances in Mexico shows that remittances are predominantly used to fulfil basic needs (57 percent), followed by savings (14 percent), education (13 percent), business (5 percent) and buying property (2 percent). The predominance of consumption expenses in the use of remittances has led some scholars to conclude of the negative effect of remittances on local development. There is indeed a consensus among researchers that remittances are no palliative to local development (see Cohen et al. 2005 for a discussion on this). Yet, as underscored by Durand et al. (1996), remittances spent in consumption expenses may have a positive effect through the principle of multiplier. In other words, the increase of income available to Mexican households thanks to migration stimulates the demands for Mexican goods and services therefore increasing Mexico's economic output. A last point to be noted is that the impact of remittances in Mexico cannot be analysed from an economic viewpoint only. As we have seen in the conceptual discussion of the dissertation, the non-negligible social and political changes it creates (especially in the relations with authorities) are also to be mentioned.

In 1992, the “2 for 1” co-development program was created with the purpose of formalizing the migrants’ contribution to promoting the creation of infrastructures in their community of origin. The program provides that for any dollar invested in communitarian or social infrastructures in the country of origin, the regional state government and the federal state government each invest another dollar in the same project. The state of Zacatecas has been the main beneficiary of this program but it was later extended to the whole country and became the “3 for 1” program with the additional support of municipalities. Also, since 2002, the number of projects financed has continuously increased and so has the number of projects (UNDP 2007).

Scholars from Zacatecas –like Garcia Zamora (2005)- have followed most attentively the program and drawn a critical evaluation. On the positive side, this one recognizes that the “3 for 1” scheme has stimulated the creation of Mexican associations in the U.S., created infrastructures to the benefit of local populations and transformed immigrant associations into actors of local development. On the negative side, the program has suffered from excessive red-tape and lack of funding, created conflicts with municipalities in the selection of projects, while the quality of some projects was poor and sometimes suffered from a lack of continuity once completed.

The flow of remittances and the development of collective programs such as the “3 for 1” is a clear example of the transnational dimension of Mexican migration. On the one hand, the importance of migrant remittances in the daily lives of the millions of Mexicans who stayed supports the idea of cross-border solidarity. On the other hand, the development of co-development programs has given emigrants the possibility to remain member of the community and to keep having a say in its future while residing abroad. As we see in the next section, the Mexican emigrant did not wait for the 2 for 1 program to get organized.

#### **1.4. Who represents Mexican migrants? Associations and their relations with the Mexican state**

The history of Mexican “asociacionismo” in the U.S. is related to the hardships faced by the migrant community. After the Treaty of Guadalupe Hidalgo, in the second half of the 19<sup>th</sup> century, associations called “mutualistas” were created to provide *“funeral and illness benefits, collective support, group defences against exclusion from political participation or*

*abuse at the workplace, as well as recreational services*” (Cano and Délano 2007: 699). The creation of these associations in response to the subordinate positions occupied by Mexicans in the U.S. lays the foundation for the emergence of a sense of solidarity among this community. The Mexican state, on his side, insisted that the protection of this group be guaranteed and took a series of steps to safeguards those rights. To do so, Mexican authorities developed an assistance program in favour of the discriminated Mexican population of the South West through its consular network. Nonetheless, the pre-revolutionary Mexican government was reluctant to consider Mexican emigrants members of the nation and was mostly concerned about the development of political opposition among this population.

After the revolution, new associations appear such as the League of United Latin American citizens. LULAC’s goal is exclusively to defend the rights of U.S. citizens of Latino origin. This means that they systematically exclude non U.S. citizens from joining this association. Furthermore, the use of English as their only official language reflected their assimilationist stance (de la Garza and De Sipio 1998). As underscored by de la Garza and Vargas (1992), during the 1929-1970 period, the Mexican authorities too operated a distinction between American citizens of Mexican origin and Mexican migrants in the U.S. While they kept on defending the interests of the latter, they stopped helping Mexican Americans. Besides this disinterest, a sort of antagonistic policy developed towards them and the Mexican society started to interpret their incorporation as a treason. Also the derogatory term of “pocho” soon came to label those Mexican American citizens considered as having forgotten their Mexican roots. As we saw above, Mexican citizens who migrated to the U.S. during this period, on the contrary, were the Mexican authorities’ centre of attention (especially during the period of deportation and the Bracero program).

After the Bracero era, the relations between the associations and the Mexican state took a new turn. In 1962, César Chavez created the National Farm Workers Association to defend the rights of workers against abuses. This association sought support in their struggle among agencies and unions in México. The 1960’s were also the years of the civil right movement in the U.S. which significantly influenced the development of the Chicano movement. This movement, mainly composed of Mexican American citizens, worked in favour of “*obtaining full recognition of their rights as US citizens and, at the same time, claimed their own ethnic identity*” (Cano and Délano 2007:706). The Chicano movement is important in two regards. On the one hand, it tried to re-establish links with the Mexican authorities towards the end of

the 1960's. On the other hand, the movement laid the foundations for the creation of a new kind of associations trying to recreate links between Mexican immigrants, Chicanos and Mexican Americans (ibid.).

At this stage, it is worth mentioning that the Mexican immigrants' "asociacionismo" is naturally very much shaped by factors related to the country of residence. Indeed, it should not be forgotten that the principal goal of these associations is to improve the situation of the Mexican community (in its broad sense) in the U.S. Contrary to the other cases we review in this dissertation, the fact that an overwhelming majority of Mexican migrants reside in the U.S. means that their associations are strongly influenced by the U.S. political culture (the liberal democratic ethos of the U.S. enfranchising individual citizens regardless of their place of birth, the recognition of ethnic diversity, the individual power of each Congress member and the impact of the media; see Shain 1999).

The importance of the North American context cannot however lead us to neglect the Mexican authorities' role in the development of Mexican associations. In the early 1970's, after the crisis of 1968 (and the student killing in Mexico), a period of reconstruction of the links between the Mexican authorities and the Mexican community in the U.S. starts. For the Chicanos, the objective was to obtain the support of their homeland in their struggle for a better status in the U.S. Mexico's reaction is timid but real. Under the Echeveria presidency (1970-1976), chicano leaders repeatedly met with the President and the latter provided them with both material and symbolic support. Yet, it was only with following President -Lopez Portillo- that the relationship intensified up to the creation of an Office of Chicano Affairs in the Labour Ministry. The creation of this office, along with other foreign policy actions, illustrates the end of the so-called Estrada doctrine traditionally followed by the Mexican government, and which consisted in not intervening in other nations' internal affairs (de la Garza and Vargas 1992).

The reconstruction of the relationship starting in the 1970's, however, left some actors on the sideline. According to Santamaría (2007: 31-32), the Echeveria and the following presidencies focused on Mexican American and Hispanic associations who were considered as "*the only representatives of the Mexican immigrant communities*" while neglecting the hometown associations (HTAs) (led by first generation immigrants). This had strong consequences on the claims addressed to the Mexican authorities since Hispanic associations,

unlike HTAs, strongly opposed the demand of external voting right in Mexico because they thought this would delay the implication of Mexican immigrants in the U.S. electoral politics. This reflected the different orientation of the two types of associations: one oriented towards inclusion in the U.S. society, the other towards solidarity with the homeland.

From being mutual-aid societies, HTAs also turned to be associations trying to foster development in the home community. A traditional project financed by HTAs and usually considered by them as a priority is the renovation of the church and the organization of patron saint celebrations in the home community. However, as these transnational projects developed, migrants also started to invest in community infrastructures such as schools, bridges, wells or roads (Goldring 2002). In recent years, the number of HTAs registered with Mexican consulates has boomed. Leiken (2000) underscores two reasons for that growth. On the one hand, the Mexican population has significantly increased since the 1970's therefore maintaining a high first generation population (typically involved in HTAs). Second, the adoption of IRCA by the U.S. Congress in 1986 is said to have put an end to the "illusion of impermanence" among Mexican undocumented migrants who could join associations more freely as their status was regularized.

Next to the two above-mentioned factors, several scholars argue that the development of HTAs has been facilitated by an active policy of the Mexican state. During the 1988 Presidential campaign, the opposition left-wing (PRD) candidate Cuauhtemoc Cardenas campaigned the Mexican population abroad and almost won an election clearly suspected to have been fraudulent. The PRI elected president Salinas understood the message and launched the Program for Mexican Communities Abroad (PCME in its Spanish acronym) aiming principally at: responding to the community complaint about Mexico's "policy of no policy" towards its emigrants, creating a lobby capable of influencing the U.S. government on critical issues such as NAFTA, defending the rights of Mexican immigrants, and getting rid of the prejudices related to the image of "pocho" that emigrants suffer from in Mexico. The program, managed by the Foreign Affairs Ministry and its consular network, was organized around eight project areas: education, culture, sports, business, health, communication, fundraising and communities. The communities program which later led to the creation of the "Two for one program" aimed at creating closer ties between the emigrants and Mexico by encouraging HTAs to develop projects for the benefit of the home community (Figueroa-Aramoni 1999, Goldring 2002). For scholars such as Gonzalez Gutiérrez (2006: 185-86), it

makes little doubt that the program launched by the Mexican authorities has supported the organizational capacity of the emigrant community:

*“In a deliberate manner, at least since the creation of the Program for Mexican Communities abroad (PCME) in 1990, the consuls have played an active role in the identification of the leaders of clubs (...) for the purposes of recognizing them as valid interlocutors and put them in contact with Mexican authorities at the federal and state level, as well as with Mexican-American leaders. (...) Once identified, these leaders receive a series of encouragements to materialize their organizational work. The efficiency of these encouragements can be illustrated by the increase of HTA’s in the United States during the last decade”.*

The implication of the state in the migrant communities’ organizational capacity was not exempt from criticism. Mexico under the PRI-rule was known to be a corporatist country plagued by clientelism. The institutionalization of the state-associations relationship has been interpreted by some as an attempt of the state to control these associations and limit their potentially threatening political influence (see Goldring 2002 for the case of Zacatecas) or as a way for local politicians to gain political support (see my own observation in Michoacán showing that realisations under the “Three for One” program are used for electoral purposes). For Escobar (2005), HTAs’ interactions with local political power can take two forms. In some instances, the HTAs support local leaders, legitimize them and become one more member of the community. In others, the HTAs –thanks to their socio-economic influence– become an alternative power to the local politicians in place.

The 1990’s significantly changed the state-emigrants relations in Mexico. On the one hand, the state shifted from a “policy of no policy” towards a policy of promotion of immigrants’ active participation in home communities. On the other hand, in addition to traditionally migrant-led transnational activities, Mexico now experienced state-led transnational activities with the development of the PCME (Goldring 2002). Yet, the Mexican state was still about to prove that it was willing to go further in the institutionalization of its relations with the diaspora.

With the coming to power of another PRI president in 1994- Ernesto Zedillo- the outstretched hand policy towards the emigrant community was deepened and the chicano leitmotiv of the 1970’s according to which the Mexican Nation goes beyond its geographical borders become official state policy (Santamaría Gómez 2007). His administration continued and intensified the programs launched by his predecessor. However, the next decisive step was taken by the

first PAN (right-wing) President -Vicente Fox- elected in 2000 after more than seventy years of PRI rule. According to Cano and Délano (2007: 713), “[o]ne of the main pillars of his election campaign had been to seek a new relationship with the almost 22 million people of Mexican origin living in the US, and integrate them into the design and implementation of policies directed towards them”.

At the beginning of his mandate, President Fox established the Presidential Office for Mexicans Abroad (OPME) whose main focus was on promoting Mexican businesses, investing in areas of high emigration and managing remittances. The novelty with this office was that the director (directly responsible to the President) was managing the relations with the diaspora and not only the consular network anymore. Yet, the OPME was lacking both human and material resources to be effective and for this reason it was decided in 2002 to integrate the PCME and the OPME in one single entity called the Institute of Mexicans Abroad (IME). The IME’s goal is to create a strong relationship with the emigrant community so that for the state and migrants can pursue common goals in the US and Mexico in the future (Gonzalez Guitérrez 2003).

The most innovative feature of IME’s institutional structure is the creation of the Consultative Council (CCIME) integrating 105 community leaders elected in 45 constituencies by the emigrants themselves, 10 representatives of the most influential Latino associations in the U.S., 10 special advisors and 32 representatives of Mexico’s federal entities. The CCIME is organized around seven working groups (business, education, legal affairs, political affairs, health, border issues and the media) and its main task is to make recommendations to the state with regard to issues concerning the community.

For Gonzalez Gutierrez (who became executive director of IME) (2007), the IME’s main achievement is not only to stimulate dialogue between the state and the emigrants but also to have fostered cooperation between the associations themselves (who had rare contacts before the creation of the CCIME). Nonetheless, the CCIME has attracted several criticisms including from members of the emigrant community, expressing doubts about the Mexican politicians’ real willingness to take the migrants’ interests into account as well as about the representation system and the legitimacy of the community leaders (Santamaría Gómez 2007: 27-29). Other critiques came from the regional states that considered that, even though they were represented within the CCIME, this created a new structure disconnected from (and



potentially in competition with) their local bodies already in place. For this reason, when the other members of the CCIME decided to suppress the right to vote of regional states' representatives in the assembly, most of them decided not to participate (Escobar 2005).

To conclude this section, we have seen that Mexico's relations with the emigrant associations have experienced ups and downs throughout history but that, for almost twenty years, the authorities have been breaking with the traditional non-interventionist foreign policy principle and the "policy of no policy" towards its emigrants. New forms of political participation such as the CCIME have revived old fears that migrants be accused of dual loyalty or be manipulated by a state known for its corporatist practices (Cano and Délano 2007). Yet, independently from the Mexican state's role in helping the emigrant community to organize, the Mexican emigrants' willingness to impact on their home country on an individual (through family remittances) or collective basis (through HTA's) illustrates the transnational dimension of many Mexican migrants' life today abundantly.

## **2. The Mexican emigrant's right to vote in Mexico**

### **2.1. Being a voting citizen in Mexico: The evolution of nationality, citizenship and electoral laws**

We have now a clearer image of the Mexican community in the U.S. in its individual and collective dimension. In the present section, I introduce the topic of the Mexican emigrant's right to vote by defining the legal framework in which the debate has taken place. More specifically, I focus on the main evolutions of electoral and citizenship laws in Mexico as they –together with the specific law on the emigrant right to vote- are the basic rules which condition access to electoral rights.

In Mexico, the legislator has traditionally made a distinction between nationality as a legal status indicating membership to the state and citizenship as a set of rights and obligations one may access when complying with certain conditions (one of which being to have the Mexican nationality). In other words, being a Mexican national does not necessarily entail being a Mexican citizen. After the independence, this distinction was already clearly visible in the

1836 Seven Constitutional Laws conditioning access to citizenship rights to property qualification criteria. In the next constitutional reform, the 1842 Organic Bases, the property qualification system was reaffirmed. To be a citizen, one must be 18 years old (21 if not married), have an annual income of at least 200 pesos and be able to read and write. Even though it is not specified, citizenship rights at the time are not accessible to women.

With regard to access to nationality, Mexican law has been strongly influenced by the fear of foreign domination. Throughout the 19th century, Mexico has indeed lived in the fear of losing its recently acquired independence due to the repeated occupations and/or invasions of foreign troops. The impact of this fear on nationality law has however materialized in different ways. In 1814, the rebel Constitution (which never entered into force) adopted the principle of *ius soli* as a way of preventing Spain from claiming authority over the residents of the future Mexican state. The 1836 Seven Constitutional Laws, on the other hand, mixed *ius sanguinis* and limited *ius soli*; and later, because foreigners had supported foreign interventions in Mexico after the Revolution, the 1857 Constitution adopted the *ius sanguinis* principle exclusively (Fitzgerald 2005).

After the Revolution started in 1910, Mexico adopted a new constitution that entered into force in 1917. The new nationality rules were actually based on the ethnic concept of “mestizo” promoted during the Revolution and vaguely defined as the Indian roots of the Mexican nation. This all-encompassing concept however fails to acknowledge that the Mexican people is very diverse in terms of ethno-cultural characteristics (Becerra Ramírez 2000).

For the first time, the 1917 Constitution differentiates between Mexicans by birth and by naturalization. Three forms of acquisition by birth are made possible: by being born in Mexico to Mexican parents, by being born abroad to Mexican parents or by being born to foreign parents on Mexican territory, if these opt for citizenship at the age of majority and comply with the residence requirement (González Martín 1999). As far as naturalization is concerned, Latin Americans residing in Mexico were given preference (reduced residence requirement) because of the supposed shared cultural heritage of the nations in the region and the fact that they belong to the same “raza”. As underscored by Fitzgerald (2005: 181), Mexican Americans, on the contrary, “were treated like non-Latin foreigners because the former were considered potential agents of US intervention. Not until 1974 would second and

*third-generation Mexicans abroad be given the same preferential naturalisation as Latin Americans”.*

In the decade following the Revolution, several reforms modified the Mexican electoral system profoundly. Because of the experience of President Porfirio Diaz who occupied power almost continuously between 1876 and 1911, the post-revolutionary regime’s priority was to establish the principle of non-reelection (in place until today even though it has been modified at times) in Mexican law. At the same period, the principle of the secrecy and direct character of the vote were adopted by the legislator. Furthermore, all male citizens were given the obligation to vote (Art. 36 of the Constitution) and the literacy requirement was suppressed. Two subsequent constitutional reforms significantly affected the criteria for being a voter in Mexico. The first, in 1953, recognized citizenship to women explicitly and the second, in 1969, admitted the population above 18 years old to citizenship rights.

Even though the electorate significantly increased, the post-revolutionary Mexican political system progressively suffered from the domination of a single political party. Orozco Henriquez (1998) divides this evolution in two steps. The first step is the 1919-1945 period and has two important features. On the one hand, the persons occupying the presidency at the time were mostly leaders of the Revolution who significantly contributed to the “presidentialisation” of Mexican politics and focused the political debate on the heritage of the Mexican Revolution. The tendency to personify politics has meant that they strengthened the Executive branch (and especially the President) by comparison with other powers. On the other hand, the period also witnessed the foundation of the Partido Nacional Revolucionario (called Partido Revolucionario Institucional-PRI since 1946) by President Calles, whose goal was to put an end to the conflicts between the different leaders of the Revolution by institutionalizing its heritage. The second step is the 1946-1976 period with the increase in the presidential character of the political system and the reinforcement of the Official party that ended up monopolizing political participation in the country and putting the traditional internal conflicts under control. Because the form of the Mexican political system has had a role in the evolution of the emigrants citizenship, it is important to present what have been the main features of the 70 year-old PRI regime (1929-2000) very briefly. For Peter H. Smith (2003b) Mexico has had a pragmatic and moderate authoritarian regime different from other Latin American regimes in the sense that it did not seek the elimination but rather the incorporation of opponents in the regime, it was institutional instead of depending on specific

personalities and it was a civilian leadership and not a military one. But what made Mexico the “perfect dictatorship” to paraphrase Peruvian novelist Mario Vargas Llosa?

Several of the peculiarities of the Mexican regime underscored by Smith (2003b) ought to be mentioned. First, it has already been mentioned that the highest authority in Mexico was the President who was given power over large sectors of the country for a non-renewable 6-year term. Accordingly, Mexican politics tended to focus on this supreme moment: the succession of the President. Second, Mexican politics until 1970 were characterised by the weakness of opposition parties which frequently collaborated with the PRI. But not until the end of the 1980’s would they represent a significant threat to the regime. Third, the PRI maintained its domination over Mexican politics and the stability of the country by respecting three basic guidelines: maintain the illusion of constant equilibrium between the different constitutive groups of Mexican society, distribute rewards to these sectors to ensure acceptance of the regime in place and keep its distance with the United States.

## **2.2. Democratization and citizenship**

We have already mentioned that after the Second World War, the notion of citizenship was extended with the successive inclusion of women and with the reduction of the age threshold to 18 years. In Parliament too, a small effort was made in 1963 to allow for the representation of smaller parties with the “diputado de partidos” system. Before it finally broke in 2000, the PRI-manipulated equilibrium of Mexican politics was nonetheless seriously contested in many occasions. We will only mention two of these here.

At the end of the 1960’s, a decade that had already seen parts of the peasants and the middle class take the streets, a strong student protestation movement developed. The conflict started with the demand of pro-Castro student associations in Mexico City in July 1968 that the authorities stopped harassing the students who supported the movement. As the repression did not stop and the student movement grew, the authorities became increasingly concerned about the destabilizing effect of the marches and the negative image it was giving of the regime a few weeks before Mexico hosted the Olympic Games. The repression culminated on October 2<sup>nd</sup> in the Tlatelolco neighbourhood of Mexico city where the police opened fire on the students’ demonstration. Besides the shock it created among the Mexican population, the

Tlatelolco killings also stimulated violent responses from political opponents and, most importantly, broke the pact between the intellectuals and the political leaders in place since the Revolution.

After this tragic event, Mexico progressively enters an era of economic decline culminating with the 1982 Peso crisis. Also, new form of citizens' organizations located outside the state's corporatist framework started to appear. Similarly, the impact created by the 1968 student movement pushed many sectors of the Chicano movement in the U.S. to get informed about contemporary Mexican politics and to progressively get involved in it. When the presidential-candidate-to-be Cuauhtémoc Cardenas (son of charismatic PRI Mexican President) was expelled from the PRI in 1987 because he had created a left-wing movement within it, he found immediate support among the Mexican American community and went over there several times to campaign (Santamaría Gómez 1994).

As stated above, Cardenas lost this election to the PRI candidate Salinas de Gortari in a context of strong fraud suspicion. This narrow victory put a lot of pressure on the PRI regime which found itself obliged to open spaces of expression to opposition parties and movements located outside the PRI-state's corporatist realm.

At the electoral level, the major reform consisted in the creation of the Federal Electoral Institute (IFE) to ensure that elections were held in a regular and fair manner. Traditionally in Mexico, the elections had been organized by the executive branch with limited representation of political parties. With the 1989 reform, the IFE was granted the electoral authority but under the supervision of the executive and legislative branches together with representatives of political parties and citizens. In subsequent reforms, the role of citizens' representatives in the IFE and its impartiality increased as a consequence of the reduction of the role of the legislative power, of the executive power and of the political parties in the electoral proceedings. One of the major decisions of the IFE on election modalities that would impact on the emigrants' ability to vote much later was to introduce a system of voting identity card (*credencial de elector*) that all citizens must request to the IFE and that ensured the IFE's control on the voters' lists. In the same period, the strong pressure exerted on the PRI to reform the majoritarian electoral system softened and room was created for the election of senators and deputies through proportional mechanisms (Orozco Henriquez 1998). After the tight presidential elections of 1988, the election of the first non-PRI governor in 1990, the loss

of the PRI's absolute majority in the Federal Parliament in 1997 and the election of Cardenas as governor of the Federal district the same year indicated that the regime was shaking on its basis.

Apart from the electoral reforms, we already mentioned that the PRI began to develop a new policy towards its emigrants after the contested victory of 1988. One of the expressions of this new policy is the Program for Mexican Communities Abroad (PCME) discussed above. Yet, another strong signal towards the community was still to come in the field of nationality law.

Historically, Mexico had rejected dual nationality because it was trying to protect itself from foreign interventionism. For this reason, the topic had always been evoked in negative terms in legislative debates up to the 1990's. President Zedillo (elected in 1993), like his predecessor who understood the necessity to reach the emigrant community, wanted the Mexican foreign policy to use Mexican Americans and their associations as a lobby in the U.S.-Mexico negotiations (Fitzgerald 2005). But, as underscored by Calderón Chelius and Martínez Cossío (2004), contrary to the right to external voting that was a long-time demand of the community, dual citizenship was a government-controlled issue to maintain the link (and especially the flow of remittances) with the community. For this reason the adoption of dual nationality with limited citizenship rights was perceived by those fighting for the right to vote as a manipulation of the state not to answer their demand.

In addition to the economic and political advantages the government was expecting from the introduction of dual nationality, it was also increasingly concerned by the anti-immigrant sentiment developing in the United States in the 1990's. The adoption in 1994 by the citizens of California of Proposition 187<sup>140</sup> aiming at denying access to social services to the undocumented population shed light on particularly hostile context for Mexicans in the U.S. The Mexican response was to reform the nationality law and suppress the rule according to which a Mexican loses automatically his/her nationality by taking that of another state. The Mexican legislator actually sought to make it easier for immigrants -who were reluctant to give up their Mexican nationality- to take the U.S. citizenship. Indeed, not only did the U.S. citizenship ensure them the full set of rights in that country, it also decreased the incentive for

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<sup>140</sup> 1994 Cal. Legis. Serv. Prop. 187

U.S. politicians to take anti-immigrant measures as the political cost of such decision was rising (González Gutiérrez 2007; Alarcón and Martínez Saldaña in *La Jornada* 21/06/1995).

Even though the constitutional reform would eventually pass with an almost unanimous vote, political parties were disagreeing on the opportunity to permit dual nationality and on the rights to be attached to this status. Among the MPs of the left-wing Partido de la Revolucion Democratica (PRD) –traditionally pushing for emigrants’ rights- the old fear of Mexican Americans taking over Mexico’s economy and politics was still present. For the PRI and the right-wing Partido Accion Nacional (PAN), dual nationality could be conceded but precautions had to be taken with regard to access to citizenship (Fitzgerald 2005; Calderón Chelius and Martínez Cossío 2004).

The amendments to Article 32 of the Constitution<sup>141</sup> officially recognized the possibility for a Mexican national to hold another nationality but also stated that dual nationals would be assimilated to foreigners in some instances therefore restricting their access to government offices and functions (and to the positions in the Army) for whose the holder is required to be Mexican by birth. On the other hand, since the legislator’s motivation was also to stimulate Mexican American investments to Mexico, the restriction applied to foreigners in the purchase of land were not applicable to them (Becerra Ramírez 2000).

At this stage, it is also necessary to underline the fact that -more than a recognition of dual nationality- the constitutional reforms made it impossible for Mexican nationals who acquired their nationality by birth to ever lose it (Art. 37). We thus talk of “non-forfeiture” of nationality law in Mexico. Following this principle, former Mexican nationals (by birth) who had acquired a foreign nationality before 20<sup>th</sup> March 1998 were given five years (starting in 1998) to request it back from consular authorities. Similarly, Mexicans by birth who acquire a foreign nationality after that date would not be deprived of their Mexican nationality (González Martín 1999). Next to its numerical impact discussed below, this new possibility for Mexican migrants in the U.S. to be dual nationals has found critics and supporters among U.S. scholars (see conceptual discussion above).

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<sup>141</sup> Ley de nacionalidad. D.O.F. 23 de enero de 1998.

Looking at the figures, at the end of the five-year period, only 67,000 former Mexican nationals had regained their lost nationality; a figure which contrasted with the much larger expectations of the Foreign Affairs ministry (Castañeda 2007 and Marcelli and Cornelius 2005). In the U.S., the rate of eligible Mexican citizens applying for U.S. citizenship has traditionally been among the lowest in comparison to other communities. In 1995, their rate of naturalisation was only 20 percent; a situation the Pew Hispanic Center (Passel 2007) says to be partly due to the fact that the community fits the criteria traditionally associated with low citizenship levels such as low education levels, lower levels of knowledge of the English language or higher poverty rate. In the following decade, the rate of naturalization among Mexicans, while remaining lower than the average non-Mexican eligible foreigners' rate (66 percent), increased more than in any other group to reach around 35 percent in 2005. It is, however, difficult to estimate what role the Mexican non-forfeiture law has played in this increase since other factors (especially factors related to the situation in the United States) also has to be taken into account.

In this section, we have shown how Mexico has passed from citizenship and nationality regimes characterized by the fear of being dominated abroad to rules aiming at reaching the emigrant community in the U.S. We have also seen that the development of Mexican nationality and citizenship rules are closely related the process of democratization of the country. The 1990's were a critical period for the empowerment of migrants and other alternative sectors of the Mexican society out of the reach of the PRI corporatist regime. In the next section, we focus on how the debate on a specific citizenship right – the right to vote from abroad- has evolved from being a marginal issue in Mexican politics to being a piece of legislation.

### **2.3. The historical evolution of the emigrants' demand to vote in Mexico**

In this section we examine the evolution of the debate on the emigrant's right to vote. More precisely, we start by exploring the historical roots of the movement for the right to vote. Later, we underline the linkages between the demand and the democratic evolution in Mexico. While we mention the different legislative proposals that were drafted throughout the second half of the 20<sup>th</sup> century, we will focus on two texts in particular: the constitutional



reform of 1996, which establishes the principle of the emigrant vote and the 2005 Law which renders it effective.

### 2.3.1. *Vasconcelismo and the origin of the demand*

According to Santamaría Gómez (2001), the birth of the demand for the external voting right goes back to the 1920's and to the foundation of a movement by a leader of the Mexican Revolution and subsequently Education Minister: José Vasconcelos. This political figure had developed a deep knowledge of the Mexican population in the U.S. for he had spent part of his childhood there and represented the interests of President Carranza in in the United States. For Vasconcelos, *los Mexicanos de afuera* (Mexicans abroad) were a diaspora whose ultimate goal was to come back to Mexico. In the meantime, however, they had to keep being involved in Mexican affairs.

In 1929, Vasconcelos was the presidential candidate of the National Anti-reelectionist party (PNA). He campaigned strongly among Mexicans abroad as he had understood that emigrants had some influence on the vote of their relatives back home. To support his candidacy, migrants set up committees in different part of the country (especially in Texas and California) which were collecting money to finance the campaign. These committees also expressed political demands such as the fourteen-point program of the Vasconcelista delegation in California that explicitly requested that Mexicans be granted full citizenship rights and obligations outside the national the territory. This can be considered as the first explicit demand for external voting on behalf of the Mexican community abroad. Yet, the enthusiasm created abroad by Vasconcelos' candidacy in 1929 was short-lived and the movement died little after the election that same year. The demand for external voting had been born around the time of the creation of the PRI and would not reappear as a significant movement before the PRI-regime crisis at the end of the century.

Sporadically, however, the topic reappeared in Mexican politics, for instance in 1945 and 1977. In 1945, the Chamber of Deputies discussed the reform of electoral laws after an intervention of MP Jiménez who sought to include the principle of external voting voting in the electoral reform while leaving to subsequent legislation the responsibility for deciding the modalities of this vote. Yet, the proposal was opposed by others on the grounds that Mexico's sovereignty could be put in jeopardy (a critique expressed until today) (Valadés 2004).

Despite the fact that this event is very poorly documented, the electoral reform of 1977<sup>142</sup> is another moment when the debate seemed to be resumed. In the context of the progressive democratic opening of the country, Article 125 of the new electoral law was voted to allow Mexicans abroad to register in the voter's registry. Nonetheless, neither the 1977 reform nor posterior legislation indicated how this would take place and the article eventually disappeared with the 1982 reform (Martínez Saldaña 2003b).

This failed reform reveals what was the main legal obstacle to the emigrant vote until 1996. Indeed, it is the Constitution (that of 1857 and that of 1917) that established the obligation for Mexican citizens “*to vote in popular elections in the electoral district to which they belong*”. In other words, until the 1996 reform, Mexican citizens residing abroad were prevented from voting if they were not present in their districts on the day of the election.

### 2.3.2. *Democratic opening and constitutional reform*

To understand why the demand to vote from abroad was not expressed in a stronger way during most of the 20<sup>th</sup> century, it is necessary to understand what the act of voting represented in Mexico during that period. As underscored by Martínez Saldaña (1998: 156), the “*exclusionary authoritarianism*” in place in Mexico after the revolution “*fostered alienation and apathy in Mexican society. It made the nation's electoral processes mere rituals that served the purpose of confirming the hegemony of the forces in power and could not, therefore, be regarded as exercises in the free expression of the popular will*”.

With the successive electoral reforms increasing electoral competition in Mexico, the act of voting took a new meaning for Mexicans residing both inside and outside the country and thus the debate on external voting took a new turn in the mid-1980's. In 1986, three political figures from the PRI – Cuauhtemoc Cardenas, Ifigenia Martínez and Profirio Muñoz Ledo- decided to create a left-wing movement (Corriente Democrática) within Mexico's ruling party. Following the expulsion of Cardenas from the PRI in 1987, Mexican migrants set up the *Corriente Democrática California* and a group of businessmen and community leaders created the Chicano support committee to Cuauhtemoc Cardenas. Cardenas was well known among the emigrant community due his father's charisma (President between 1934 and 1940 known for his agrarian reform and the nationalization of natural resources) and his political

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<sup>142</sup> Ley Federal de Organizaciones Políticas y Procesos Electorales. D.O.F. 30 de diciembre de 1977.

involvement in the state of Michoacán (from where a large share of Mexican migrants residing in California come from). For this reason, as underlined by Santamaría Gómez (1994), emigrant support to Cardenas in the United States was not a consequence of but rather a parallel phenomenon to development of Cardenismo in Mexico.

At the time of the 1988 elections that opposed Cardenas to the PRI candidate Salinas de Gortari, the first explicit demands from emigrants on the right to vote from abroad were made. Indeed, during the 1988 campaign, various associations made public calls and wrote to President de la Madrid to demand to participate (but also publicly called for the elections to be fair). Associations such as the *Asamblea Mexicana por el Sufragio efectivo* (AMSE) even organized symbolic elections in front of the Mexican consulate in Los Angeles (and again in 1994). Also, when candidate Cardenas was defeated in the 1988 elections, the same associations mobilized to denounce the fraud (Sepulveda 1991).

Salinas de Gortari's narrow victory was accompanied by a series of elements that were supporting the idea that a new era in Mexican politics had started: difficulty for the President to be officially recognized at home and abroad, victory of the left in several states and confirmation of the PRI's electoral decline. This new situation forced the PRI –which had traditionally given little attention to the topic- to develop new policies such as the PCME towards the emigrant population (with different objectives in mind, as we saw above). However, the PRI was not ready to concede external voting to an emigrant population which had proved to be very supportive of Cardenas during the 1988 elections. For this reason, Salinas proposed in 1990 that the electoral law be modified to strengthen the constitutional barriers to external voting by specifying explicitly that the vote in the presidential elections must be cast on the national territory. This attitude confirmed the emigrant community's impression that they would not be invited to vote in the 1994 elections and pushed them to register a complaint signed by 10,000 migrants to the Inter-American Commission on Human Rights on the grounds that their constitutional rights to vote as Mexican citizens were not being respected (Calderón Chelius and Martínez Cossío 2004).

The impossibility to vote in the 1994 presidential election did not diminish the emigrants' mobilisation because it was now much better organized at the political level. In a similar way to the Mexican emigrants' support to Cuauhtemoc Cardenas' candidacy under the banner of the Frente Democrático Nacional, the migrants would again be involved in the foundation of

the large left-wing party named Partido de la Revolucion Democratica (PRD) after the lost presidential election in 1988. The founders of the new party had understood the importance of the emigrants' support and were thus willing to involve these in the new party. Despite ideological differences between the representatives of the PRD in San José and Los Angeles, the PRD in California soon made the right to vote from abroad in presidential elections its top priority. In the United States too, the creation of the PRD and its representation abroad were creating a new situation: it put an end to the non-official rule in Mexican politics according to which Mexicans do not criticize their government when outside the territory (Santamaría Gómez 1994).

Because of the emigrant community's implication in the very foundation of the PRD, it is no surprises that the party made external voting one of its priorities in the inter-party discussions aiming at creating a new electoral framework after the 1994 elections. The pressure on the PRI-government was strong after the Chiapas rebellion had started that same year and was turning into a public-relation nightmare as Mexico was simultaneously entering NAFTA and facing economic instability. Even though the PRI had the control of the executive and legislative power, it felt the need for negotiating with the opposition to ensure the country's stability. The emigrant vote was just one of the many issues discussed at the time to reform the electoral system but according to Calderón Chelius and Martínez Cossío (2004), the emigrant vote was given a lot of importance in the eyes of PRD leaders. So much so that the party offered to support the dialogue process on the situation in Chiapas in exchange for the PRI and the PAN's (Partido Accion Nacional, right-wing) support for the reforms.

Within the large political agreement reached by the parties, emigrants are given little room: a proposal to modify Article 36.III of the Constitution<sup>143</sup> to suppress the obligation that the vote be cast in the electoral district to which the voter is attached. The same proposal states instead that Mexican citizens have the obligation to vote according to the rules set in the law. The constitutional reform entering into force in August 1996 was therefore accepting the principle of external voting but was leaving the legislator the responsibility for defining the conditions. In November 1996, the new electoral law –the Institutional and Electoral Proceedings Federal

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<sup>143</sup> Decreto de Reformas y Adiciones a la Constitución Política de los Estados Unidos Mexicanos, D.O.F. 22 de agosto de 1996.

Code (COFIPE)<sup>144</sup> - did not set the rules for external voting to take place but rather set three conditions to make this vote possible: the creation of an experts' commission within the Federal Electoral Institute (IFE) to study the modalities in which this vote can take place, the creation of a Citizens registry and the sending of a voter's identity card, as well as the adoption of a legislative framework regulating external voting by Congress (responsibility of the Secretaria de Gobernacion; equivalent to the Ministry of the Interior) (Mijangos y González 2002).

With the adoption of the new nationality law a month later (see above), some observers believed that a political willingness existed to make it possible for migrants to vote in the 2000 presidential elections. Yet, the process slowed down in 1997 as both the IFE and the Secretaria de Gobernacion did not start working on the tasks set by the legislator. The situation changed early in 1998 when a delegation of 20 external voting activists came to Mexico city and obtained from the IFE and from PRI and PRD legislator that the process be given a new impulse. In March, MPs from the PAN and PRD agreed to set up an inter-party Parliamentary Commission to discuss the legislative steps to be taken. A month later the IFE was declaring that its commission of specialists was ready to start working on the modalities to make it possible for migrants to vote in 2000. One of the most interesting result of this visit is also that it set the basis for these migrant activists to create the Coalicion de Mexicanos en el Exterior – Nuestro voto en el 2000 (later called Coalicion para la derechos politicos de le Mexicanos en el exterior – CDPME), a lobby group whose main task was to convince key players in the debate on external voting to support the cause. Their role is examined more closely in the next section.

In 1998, the debate on external voting thus gained new speed with the parliamentary discussions but also with the organization of conferences, forums and other debates including representatives of political parties, of the migrants and of the authorities on both sides of the border. The IFE commission of specialists published its report in November 1998 which concludes that *“it is technically viable to carry out the 2000 presidential election including the participation of Mexican voters residing abroad”* and identified six modalities through which it could be organized in the respect of Mexican law (Comision de especialistas 1998). Thus, the commission's mandate was not to determine whether the emigrant vote was

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<sup>144</sup> Código Federal de Instituciones y Procedimientos Electorales y Procedimientos Electorales, D.O.F. 22 de noviembre de 1996.

desirable but to determine how it could take place. According to a member of this commission who later became “citizen councillor” at the IFE, members of the PRI nonetheless unsuccessfully pressured the commissioners to conclude that it was “madness” (Interview No. 19).

At the political level too, steps were taken by PRD and PAN members of Congress. The legislative proposals tabled by these MPs sought to materialize external voting in Mexican legislation through various legal means (constitutional reform or modification of the COFIPE). Despite the consistent rejection of these initiatives by the PRI, the PAN and the PRD kept on trying and included external voting in a package of electoral reforms presented in April 1999, which was equally rejected by the PRI dominated Senate<sup>145</sup>. All these attempts were unsuccessful, though, and migrants were therefore prevented once again from voting in the 2000 Presidential election.

Reasons for the failure are, however, to be found both in the strategy of the PRI and in that of other parties. For the PRI, the strategy of opposition was threefold. First, PRI MPs and PRI civil servants were trying to delay and oppose the debate as much as possible in order to make it impossible to adopt the legislation on time. Second, PRI members were trying to discredit the principle of the emigrant vote as much as possible by questioning its legitimacy. The third strategy was to express public support to the emigrant vote but simultaneously stress that too many obstacles remained to make it possible. While it has not played a positive role in the debate, the PRI is, however, not the only one to blame for the failure to legislate before the 2000 elections (Calderón Chelius and Martínez Cossío 2004). For Núñez Jiménez (2005), the PRI-dominated *Secretaría de Gobernación* which rapidly declared that it would be impossible for emigrants to vote in 2000, was also facing real difficulties in implementing the rules fixed in the 1996 legislation on the National citizens register and the sending of citizens’ voting card due to its lack of resources and the fact that new electoral rules for the whole country had just been implemented at the time. For Calderón Chelius and Martínez Cossío (2004), the strategy of the opposition parties also had their deficiencies. On the one hand, the proposals tabled by the PAN and the PRD were usually too vague on the modalities of external voting therefore giving the PRI arguments to refuse external voting. On the other hand, by including the external voting reform in larger reform packages, they diminished the importance of the

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<sup>145</sup> It is only in the House that in 1997 for the first time the PRI did not have the absolute majority.

issue and therefore made it more likely to be taken out of the package at the last moment because of political bargaining.

#### **2.4. External voting: the arguments in presence**

Before turning the post-2000 developments, it is useful to recall here the major arguments advanced for and against the principle of external voting and the feasibility its implementation until its adoption in 2005. We present here the main arguments and counter-arguments in this debate organized along six lines. To do so, we rely on the various positions expressed in interviews made with the key-players and also on the following scholarly work: Carpizo and Valadés (1998), Calderón Chelius (2000), Calderón Chelius and Martínez Cossío (2004), Durand (2004), Woldenberg (2004), Cornelius (in Reforma 4/11/2004), Espinoza Valle (2004 and 2005), Hernández Pérez and Meixueiro Nájera (2005), Zebadúa (2005), Santamaría Gómez (2007), Smith (2008) and Bustamente (in El Nacional 14/09/1998).

The first issue is that of the legality of external voting in Mexican law. For the opponents, the emigrant vote is not guaranteed, but rather “not forbidden”, by the Constitution and there is accordingly no obligation to implement it. Also, forbidding external voting is not contrary to the principle of universal suffrage because the Mexican emigrant does not see his right to vote taken away when he crosses the border but rather finds himself in a physical impossibility to vote. Furthermore, they insisted that citizenship and not nationality is the source of political rights in Mexico and that, since citizenship rights are correlated to sovereignty, there cannot be voting rights where Mexican communities are not sovereign. The supporters of external voting answer these critics arguing that the right to participate the the election of one’s government is guaranteed by various international tools such as the Universal Declaration of Human rights or International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, they argued that Mexican law does not imply that a citizen loses his right to vote by crossing the border.

The second point of disagreement concerns the legitimacy of the emigrant vote. For the opponents, emigrant voters do not suffer the consequences of their vote as they do not reside on territory upon which the decisions of the politicians they elect are applied. Similarly, they consider that it would be unfair to concede rights to Mexican emigrants while exonerating

them from the obligations applied to all citizens residing in Mexico (e.g. taxes). Opponents also raised doubts about the level of information on Mexican politics emigrant voters would have before casting their vote and feared that this vote could be decisive in case of narrow results. They also mentioned that several countries, in order to stress the need for maintaining close connections with the home country to be able to vote, limit the right to vote from abroad to a limited period of residence abroad after which the citizens loses this right. For the supporter of the right to vote, Mexico has understood since the 1980's that its population goes beyond its national territory and that this new definition of the Mexican nation must be accompanied by new forms of accessing to rights. They also argued that with globalisation, the exchange of information between home and host country is permanent and that the transnational linkages between these two spaces are sustainable over time. With regard to the impact of the vote in case of tight elections, they responded that one vote from Los Angeles is as decisive as a vote from Chiapas and that differences should not be made between the voters.

The third issue of contention is the impact of external voting on sovereignty. For detractors, external voting was reviving old fears on the influence of the U.S. on Mexican politics with their involvement in the campaign through financing or through their explicit support to a candidate. The fact that dual citizens allowed to vote in two countries would be able to participate was another source of tensions. Conversely, they feared that the U.S. government in particular would oppose the organization of Mexican elections on its territory in the name of its sovereignty. Supporters of the external voting responded that the United States itself was allowing its own citizens abroad to vote and that many nationals of other countries residing in the U.S. had already voted there without any opposition. Furthermore, they supported the idea that Mexican sovereignty could be reinforced by the creation of a real bi-national force participating politically and defending Mexican interests in both spaces.

A fourth problem was related to practical questions associated with external voting. Opponents underlined that organizing an election for millions of citizens abroad would be a logistical nightmare that would prove extremely costly. They also stressed the fact Mexico was an exceptional case in two respects. On the one hand, Mexico had a history of electoral fraud that made reliability a central issue in the organization of elections and that would be jeopardized with external voting. On the other hand, no other country had so many emigrants concentrated in just one country. For the activists, technical difficulties were no justification



to deny a democratic right, and they opposed the enormous amount of remittances sent by emigrants to arguments concerning the cost of external voting. Also, by developing a discourse saying that Mexico's democratic transition would only be complete with the emigrant vote, they supported the idea that external voting would reinforce the legitimacy of Mexico's electoral system.

A fifth issue concerned the security of the voters and the Mexico-U.S. relationship. Opponents to the emigrant vote expressed fears that the INS would seize the opportunity of emigrants gathering at polling stations to arrest and deport undocumented emigrants. They also feared that a Mexican political campaign with emigrants waving flags would foster nativist and anti-Mexican sentiments among the non-migrant population. This situation, in addition to the issue of law's extraterritoriality, could damage the Mexico-U.S. relations. Supporters of the emigrant vote repeated that the U.S. had for a long time accepted foreign elections to be held on its territory and mentioned that if the INS was willing to organize a massive deportation campaign, it would have already raided in football stadium or Mexican music concerts where large concentrations of undocumented migrants were also to be found.

The last major point of disagreement concerned the migrants' willingness to vote. Opponents repeated that the demand for external voting was that of a small but mobilized group that was not in phase with the emigrant population's problems. They argued that voting was not a priority for Mexicans abroad and that they were more concerned by their legal status, employment, education or the sending of remittances. Migrant activists responded that fighting for a legal status in the U.S. and voting in Mexico were not mutually exclusive. They also underlined that voting was not a priority for citizens residing in Mexico either (as seen in rates of abstention) and that was no justification for taking away the right to vote from them. Finally, they underscored that several surveys showed that emigrants were interested in voting from abroad and citizens residing in Mexico did not oppose it.

## **2.5. The 2000 Elections and the acceleration of the debate**

With the Congress' failure to legislate, emigrants were left with two options to make their voice heard at the 2000 election. First, as they did for previous elections, migrant associations organized symbolic elections in different cities of the United States. 16,318 votes were cast in

the 76 polling stations spread on the U.S. territory (Martínez Saldaña 2003a). Second, migrants were given the possibility to vote at polling stations located in Mexican border cities. Indeed, with the 1996 modification of the Constitution and the suppression of the obligation for Mexican citizens to vote in their electoral districts, the IFE decided to set up 64 special polling stations (*casillas especiales*) reserved for Mexican citizens who found themselves out of their districts on the day of the elections. In addition to the person in transit, these special polling stations were also offering the possibility to Mexican emigrants to travel to the closest Mexican border town to cast their vote in person on the day of the election. Yet this possibility was limited by the obligation to have the necessary voting identification card (*credencial de elector*), by the necessity of having a regular status in the U.S (to travel back and forth) and by the IFE's rule limiting to 750 the number of votes to be cast in each of these special polling stations.

In a study on special polling stations located in three electoral districts of the border (Espinoza Valle 2004), scholars from the Colegio de la Frontera Norte found out that, even though migrant organizations encouraged people to travel and vote, only 15% of the votes there had been cast by Mexicans residing in the U.S. While the researchers were unable to isolate the voting behaviour of emigrants from that of others, results in the special polling stations at the border showed significant differences with the results of regular polling stations in the same district (reserved to residents of that district): the two opposition candidates, Cardenas (PRD) and especially Fox (PAN), were performing better in the special polling stations while the PRI candidate Labastida was doing worse. Accordingly, both the symbolic elections and the special polling stations demonstrated to the PRI that it had little to hope from the emigrants as far as electoral support was concerned. This central element is further discussed in the next section.

For the PAN candidate Vicente Fox Quesada, on the contrary, these results showed that his strategy to reach the emigrant community was bearing fruit. As a former governor of the state of Guanajuato, Fox had understood the importance of the migration issue and, like other candidates before him, travelled repeatedly to the United States during the campaign to meet with his support committees over there. One of Fox's leitmotives was indeed that his government would act for all Mexicans, whether they reside on the national territory or not. Simultaneously he developed a new discourse on emigration breaking with the "pocho" stereotype and making emigrants Mexico's new heroes. As we saw above, this new dialectics

also materialized in various actions (e.g. the creation of OPME and IME) aiming at strengthening the link with the community. Fox's victory was not only important to the emigrant community, it was also pushing forward Mexico's democratic transition, as he was the first non-PRI president elected since 1929. The big expectations created by his election were nonetheless tempered by the fact that he was taking power without a parliamentary majority to back him.

With regard to external voting, Fox also rapidly promised it would be possible for the 2006 elections. Emigrants, however, were unwilling to sit and wait for the Congress to act, as previous experiences had shown that legislative timing was a tool used by the opponents to external voting. In December 2001, just a year after Fox's coming to power, migrant leaders, legislators and civil servants met in the city of Zacatecas and called upon political parties and members of the legislative and executive branch to acknowledge that Mexico was a nation without borders and that, accordingly, they had to ensure that the emigrants citizens' rights are being respected. While the migrants were motivated by the adoption by Congress of a symbolic agreement on the emigrants' political rights, their lobbying gained new speed in March 2002 when a group of around 40 representatives visited the key players in these issues in Mexico city (Presidency, Secretaria de Gobernacion, both houses of Congress, political parties, IFE).

Even though the migrant lobbying was apparently producing positive results, the numerous parliamentary initiatives tabled in the House and in the Senate were still not making their way up to final approval. This reality was hiding another one, namely that there was no consensus in any of the parties on the opportunity to grant emigrants the right to vote. There were now active promoters of external voting in all parties (usually politicians proceeding from regions strongly affected by migration) but these were still unable to convince their parliamentary group as a whole. Similarly, disagreement occurred between migrant associations on the demands to address the political parties. For migrant leaders belonging to the California section of the PRD, migrants had to seek the approval by Congress of no less than a sixth constituency located outside the Mexican territory and, in which 40 MPs and 10 senators would be directly elected by Mexicans residing abroad. For others, and particularly the Coalition for Political Rights of Mexicans Abroad (CDPME), this proposal was unrealistic. As we will see below, their strategy was rather to start with a minimal but effective right to vote in 2006 and try to expand it progressively.

In 2003 and 2004, the lobbying effort of the associations continued and the issue kept gaining political importance. Different consultations were organized in Mexico and in the United States at the initiative of both political leaders concerned with the topic and the Secretaría de Gobernación. The latter had indeed been charged by the President to collect opinions and build the necessary consensus for the subsequent approval of a presidential proposal regulating the right to vote. Because the President had made the approval of the emigrant vote one of its priorities, the pressure was strong for him to give the necessary impulse. Yet, he was conscious of the opposition of many legislators and therefore put his Sub-secretary to political development (within the Secretaría de Gobernación) in charge of consulting with the emigrants and the parties in order to determine what was acceptable.

According to the Undersecretary, the President did not want him *“to come up with a draft containing the ideal modalities but rather with the feasible modalities that could lead to a law approved by the various political forces and that would encompass the aspirations of the migrants”* (Interview No. 21). The agreement signed by the PRI, PAN, PRD, Convergencia and Partido del trabajo on 6<sup>th</sup> April 2004 defined the next step in the legislative procedure and a few basic elements of the law in broad terms<sup>146</sup>. On the one hand, it was agreed that all signatories would work towards convincing their own parliamentary group of the necessity to approve a law permitting external voting for the 2006 presidential election (and that, independently of the right of all parties to draw their own law proposals on the topic). On the other hand, the signatories agreed that the IFE would be in charge of facilitating the participation of emigrant voters, that political campaigns abroad would be forbidden and that a registry of emigrant voters would be created.

After the agreement was signed, President Fox tabled his law proposal at the Congress hoping that the parties would adopt it as such<sup>147</sup>. The PRI and the PRD were not willing to ratify a text that would give the PAN and President Fox all the political visibility, especially when the emigrant community’s eyes were focusing on Congress. For this PRD parliamentary assistant in charge of the question in the House, *“(...) Fox presented a law proposal that had nothing to do with the agreement and then the PRD tabled his proposal and the PRI tabled his own*

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<sup>146</sup> Secretaría de Gobernación (2004) *Acuerdo político para la regulación del voto de los Mexicanos en el extranjero*, 6 abril 2004.

<sup>147</sup> *Iniciativa para Regular el Voto de los Mexicanos en el Extranjero presentada por el Presidente Vicente Fox*, 15 junio 2004.

*too because the agreement was already broken as the President had sent a proposal from above” (Interview No. 10). Furthermore, many within the PRD thought that the political agreement signed at the Secretaria de Gobernacion and the following Fox proposal were too restrictive. When the PRI tabled his own initiative<sup>148</sup>, it was perceived by the PRD as “much more ambitious than that of the PRD [itself]. It was accepting the Sixth Constituency and therefore we took the decision to go for the PRI proposal”. However, for this PRD member of the House (Interview No. 12), the idea of joining the PRI was not so much related to the quality of the proposal than to a strategy of allowing the text to move to the Senate before the legislative period ended: “We knew that the Senate was going to correct it but what we gained [by supporting the PRI proposal] was that it would not be stopped, this was another step forward. Then came the discussions in the Senate and, in the Senate, they practically wrote a new initiative, more similar to ours (...)”.*

As the PAN was about to see his own proposal rejected in favour of the PRI’s, it decided not to oppose the vote in the House of Representatives on 22<sup>nd</sup> February 2005 since stopping the legislative process would have made it impossible to adopt a text on time for the 2006 election. The political cost of such an action would have been too high and the party opted for a different strategy. For the PAN MP leading the discussion within his group, the PRI strategy was to convince the PRD MPs to join them on an a more ambitious but unrealistic proposal that would eventually fail. Within the PAN, “we knew that the PRI was not going to vote it in the Senate, that they would block it and we were preoccupied (...)”. But the PAN strategy in the House was nonetheless to “let them [the PRD] keep playing until they realize that the PRI would not let it go through in the Senate” (Interview No. 1).

The text was subsequently sent to the Senate where, according to the parliamentary procedure, it had to be adopted as such, rejected or modified and sent back to the House. For this PAN senator, the proposal “was something totally unfeasible. This was the reaction of all senators, and not only from the PAN (...) then we decided to create a plural group that would start working on it” (Interview No. 23). The PRI senator who headed this senatorial commission confirms that senators were outraged by the poor quality of the text and by the fact that it was containing three difficult elements to implement and upon which there had

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<sup>148</sup> Iniciativa que reforma y adiciona diversas disposiciones del Código Federal de Instituciones y Procedimientos Electorales, en materia de voto de mexicanos en el extranjero. Gaceta Parlamentaria, número 1621-I, 9 de noviembre de 2004.

been no previous agreement: voting in polling stations abroad, allowing political campaigning abroad and delivering voting identity cards abroad. To her, the members of the House were well-aware that this proposition was impossible to put in practice but voted “*something aberrant unanimously in order to get rid of the responsibility of the [emigrant] vote and leave the senators say no to the [emigrant] vote*” (Interview No. 16). Furthermore, this senator underlines the fact that the PRI groups at the House and the Senate were supporting different candidates for the coming presidential elections and the issue of the emigrant vote was seen as way of weakening the other faction.

Faced with the possibility to reject, accept as such or amend and resubmit to the House, the senators agreed to discuss the idea of correcting the proposal and come up with an acceptable text for all parties. To this end, a working group of experts in electoral law was invited to the Senate to help build the new proposal. Similarly, the President of the IFE and the Minister of Foreign Affairs were invited to express their opinion on the text by the Senate and created outrage among emigrants by declaring that it was impossible to implement it (Santamaría Gómez 2007). Eventually a compromise on four central elements was found between the Senators. First, a sixth constituency could not be created at this stage and the voting right was thus limited to presidential elections. Second, only the emigrants who had a voting identity card would be able to vote and the IFE would not go abroad to deliver these cards. Third, campaigning and raising funds abroad was forbidden for Mexican political parties. Fourth, registered voters would only be able to cast their vote by mail. On 27<sup>th</sup> April 2005, Senators then approved a corrected law proposal around these and sent it back to the House for final approval.

With the legislative period coming to an end, it was clear for migrant activists that their last chance to be able to vote in 2006 was depending on the approval without modification of the text transmitted to the House by the Senate. According to a PRD member of the House (Interview No. 12) this is when the strategy of PRI failed: “*(...) they all bet, the PAN and the PRI but especially the PRI, that we would be intransigent and that we would reject it. And they could have said: ‘no then, there is no consensus, there is nothing’. They always hoped for this, it was logical. We surprised them a little with our willingness to negotiate and our openness that forced them to take a position*”. Several MPs, especially on the PRI side, were reluctant to approve the legislation either because it was too restrictive or because it was leaving some questions unanswered. For the members of the CDPME, however, it was

unacceptable that MPs should reject the text on the basis that it was not ambitious enough and accused these MPs to use false excuses to hide their opposition to the right to vote. They specifically pressured PRI MPs who were holding that position by declaring them responsible for the failure and ensuring them that they would have to pay the electoral price for that attitude (Interview No. 22).

On 28<sup>th</sup> June 2005, during the extended legislative period, the House finally approved the text modified by the Senate with 455 votes in favour, 6 against and 6 abstentions<sup>149</sup>. With just one year before the presidential election, many administrative questions to be resolved and a restrictive legislation at the last minute, all the requirements were met for the first –but limited- electoral participation of emigrants to the presidential election in the home country.

### **3. How did Mexican emigrants obtain the right to vote from abroad?**

In this section, we look at the three factors we identified in the methodology as decisive in the reform of external voting. For each of them we underscore the role they played in the adoption of legislation by the Mexican Congress.

#### **3.1. Migrants' associations**

In the above examination of the legislative path of external voting in Mexico, we underlined the binational dimension of the debate. When the Vasconcelistas first demanded to be able to exercise full political rights in Mexico from their place of residence in California, the demand was the result of the connections established with a political movement in Mexico. Similarly, when after decades of paralysis the debate started anew in California at the end of the 1980's, it did so thanks to the hopes and connections created by Cuauhtemoc Cardenas with Mexican migrants in California. In both cases, the wish of a share of the Mexican emigrant population to remain involved in the political affairs of the homeland coincided with the explicit declaration by a Mexican political movement (Vasconcelismo or Cardenismo) that Mexican citizens residing abroad belonged to the nation.

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<sup>149</sup> Dictamen con proyecto de Decreto por el que se reforman y adicionan diversas disposiciones del Código Federal de Instituciones y Procedimientos Electorales, D.O.F. 30 de junio de 2005.

The migrant associations' increasing concern for the question of their electoral rights in Mexico at the end of the 1980's is also to be related to the progressive democratic opening of the country. We'll examine this element in detail when describing the role of the institutional evolution in the debate. Yet, at this stage, it can already be mentioned the demand for external voting increased parallel to the democratization of Mexico's political system for elections were not considered as mere acts of parody of democracy to legitimate the power in place but rather as a tool of potential political change. In other words, as electoral competition was increasing in Mexico, the desire of emigrants to play their part in the transition was also increasing.

Because of the number of emigrant associations involved in the debate on external voting and of the variety of activities they conducted (encounters with Mexican politicians in the United States, symbolic elections, organization of meetings and conferences, lobbying on Congress in Mexico...), we cannot provide a thorough review of the role played by all associations over time. Instead, we decided to focus on the role of one association in particular -the Coalition for the political rights of Mexicans Abroad (CDPME)- that was identified during the interviews conducted with MPs and senators to be among the most influential ones in the period following the 2000 presidential election.

We already mentioned above that this association finds its roots in the 1998 visit to Mexico of around 20 migrant activists from California, Iowa, Arizona and Texas asking the IFE and Congress to act on external voting. The same group of activists met with activists and academics in favour of external voting and decided together to create the *Coalicion de Mexicanos en exterior-Nuestro voto en el 2000* (CMENV). According to Santamaría Gómez (2007), the creation of the ancestor of the CDPME marks a turning point in the debate on emigrant vote for two reasons. On the one hand, even though binational connections existed before, this movement was the first attempt to create a structure aimed at developing a coordinated cross-border activist strategy with members established on both sides of the border. On the other hand, the coalition was the first association to also lobby Mexican institutions (and not only political parties).

Despite their efforts to stimulate the debate in Mexico, Congress did not legislate on external voting and Mexican migrants were prevented from participating in the 2000 presidential



election. Nonetheless the transterritorial strategy was confirmed as the right way to fight for external voting in 2001 when a group of activists, legislators and civil servants met in Zacatecas in 2001 and created the Coalition for the Political Rights of Mexicans Abroad (CDPME). In the declaration, the participants acknowledged their diversity but shared the idea that Mexico was a nation without borders and that the vote would strengthen Mexico's transition to democracy. Despite the later disagreements between some of the participants, this meeting laid the foundations of the creation of a lobby aimed at forcing Congress to legislate on external voting. Thanks to the interviews conducted with members of the coalition, their critiques and the politicians they targeted, and thanks to participant observation in one of their meetings, I have identified four important characteristics of the CDPME.

First, the core members of the CDPME are intellectuals rather than leaders of grassroots associations. For this founder of the association residing in Illinois, the coalition started with a group of academics working on migration later joined by political activists (Interview No. 24). The CDPME is therefore less an association of migrants in the traditional sense (i.e. made of leaders speaking in the name of their migrant members) than a group of key players developing a concerted cross-border strategy. The more visible side of their activities consisted in the forums they organized on external voting, the letters they sent etc... but the coalition's key activity was much less visible for it consisted in lobbying (see below). According to this leader of the Michoacano Federation in Illinois (Interview No. 4), the strength of the CDPME is that *"they have people on both sides [of the border], and in many states"* even though he considers that the founder of the CDPME is the *"leader of no group but he is an academic and defines himself as such"*. Yet another strength of the coalition was to be able to link up with grassroots organizations like his when their support was necessary: *"We would see each others, we would find an agreement, and (...) in one or two weeks we would mobilize one hundred, two hundreds or five hundreds persons. (...) I believe it is complementary, we are a team. Some do one thing and others do other things"*. This other leader residing in New England and former IME councillor (Interview No. 2) also underlines the atypical character of the CDPME: *"the majority [of them] are not migrants (...) they are people who know the Mexican problematics very well and are very good lobbyists"*. Yet, he insists that the CDPME and grassroots organizations always coordinated their effort because *"without us they could not do anything and neither could we"*.

This point relates to the second characteristic of the CDPME's way of working. For this key member of the coalition established in Illinois, electronic networks were decisive in two regards. On the one hand, they served as places of exchanges to stimulate dialogue and debate among people interested in the right to vote in general. On the other hand, key players in the coalition would use electronic networks to coordinate their actions:

*“the main activities of the coalition were taking place in two electronic networks where we mobilized, [where we] agreed to go putting pressure on Mexico or any place in the United States. (...) this was less visible to the people in general and to the researchers because not many people knew that we have two [electronic] networks that still exist. One is the CDPME where we would meet and organize permanent assemblies. This comprises 50 of the most active [members] split in various cities in the United States. The other network of 500 individuals is called Derechos politicos sin fronteras where, in addition to the activists, journalists and many other people related to this would be active”* (Interview No. 24).

It is important to understand that electronic networks were not used by the CDPME to lobby directly but rather as a means to coordinate their action and get support. For Santamaría Gómez (2007), these networks gave permanence, persistence and consistence to the movement of the vote. Because they were transterritorial and had large membership, these networks also increased the legitimacy of the work of the core CDPME members most of who were no community leaders.

The third characteristic of the CDPME is its preference for lobbying key-players on the issue of external voting in Mexico against other methods of activism. These other methods comprise the organization of conferences and forums in Mexico and the United States, publishing a magazine, the organization of symbolic elections which according to this CDPME leader of Chicago served *“to keep the issue alive among the media and the Mexican political class”* (Interview No. 24). Several members of the CDPME also produced scientific research on the question of migration and external voting in their jobs as researchers. Naturally, the scientific position of these activists granted them greater authority in their lobbying activities with political leaders. On the other hand, the fact that some of the academics writing on the topic of external voting were themselves members of the coalition forces us to use parts of their work with more caution.

With regard to their lobbying activities, the strategy of the CDPME was to lobby key-players on the issue of external voting in the executive power (Presidency, Ministry of Foreign Affairs, Secretaria de Gobernacion, State Governors), the legislative power (elected officials

of all political parties) and the administration (IFE). The politicians they targeted were principally of two kinds. On the one hand, these came from states where migration was a big issue and could contribute to keep the issue alive in the assemblies. On the other hand, the coalition targeted influential politicians who had sufficient weight to change the opinion of their colleagues opposed to the emigrant vote. By seeking direct contact, the CDPME was actually seeking to be considered as a valid interlocutor by these key-players (Interview No. 24). According to this PRD MP (Interview No. 12), the CDPME was considered as a valid interlocutor by political parties because they knew the association had consulted with others before: *“(.) those who were doing lobbying were a small group but they had the support of many generations and many large migrant groups in the United States. Therefore, it was difficult to say ‘no’ to them when, at the time, we did not know what the participation of Mexicans over there would be”*.

This quote sheds light on one of the major negotiating arguments of the coalition. According to this CDPME leader residing in Mexico city and former emigrant (Interview No. 22), no political party wanted the emigrant vote but the issue progressively made its way on the Mexican political agenda thanks to the pressure of associations and to the support of several politicians individually supporting the cause. Yet, he continues, no political party could afford to say publicly that it was opposed to external voting because of the importance of the issue of migration in Mexico and because of the political cost this would imply if legislation was eventually passed. For this leader who led the CDPME’s lobbying effort, the strategy of all the parties was always to say yes in principle but to try to find technical reasons to say that legislation cannot be passed. For the CDPME, the strategy was thus to use this pretended positive attitude of the parties: *“They were all saying ‘yes’ because they could not say no. But we took advantage of this. [We wanted them to] ‘say yes, say yes, say yes’ even if you say ‘yes I want it but...’. (...) Came a moment of so many ‘yes’ and [then we asked them] ‘now you are going to say no?’ They committed themselves to a lie. They trapped themselves”* (Interview No. 22).

This lobbying strategy underscores the fine knowledge of Mexican politics developed by the members of the CDPME. They had understood very well that no party was willing to take the risk of opposing external voting openly because the consequences could be serious if the legislation passed. Knowing that opponents to external voting would dislike to be publicly identified as such, the CDPME developed a (sometimes aggressive) strategy of publicly

accusing those legislators, members of government or civil servants they believed were obstructing the adoption of the legislation. This recurring method consisted in accusing of being an “enemy of the vote” a person in their own magazine or in the press. For this CDPME leader from Chicago (Interview No. 24), they used this strategy at a certain moment with the President: *“we used an easy discourse saying that ‘the president was saying he was in favour of the vote but was not doing anything because he was a demagogue’ but in reality I knew this was not true (...)”*.

The fourth characteristic of the CDPME (already visible in the description of their lobbying activities) is their pragmatism. This characteristic has been a source of conflict with other migrant activists, especially those belonging to the Californian section of the PRD. Pragmatism in the CDPME’s actions is visible two respects. As we said above, the CDPME’s attitude has always been to talk to politicians of all parties and negotiate with the authorities in order to be considered as a valid interlocutor. As observed during a meeting of the coalition, even though the members may have different political affinities, they are expressly forbidden to acknowledge these affinities when engaging in lobbying activities with politicians. In other words, the CDPME has always tried not to be perceived as being closer to one political party than to the other. With regard to the relations with authorities, the same pragmatic policy was adopted. With the IFE, for instance, the CDPME sometimes used its policy of public accusation, and later two leaders of the association accepted to be external advisors of the electoral authority during the registration campaign. As for the PRD California, on the other hand, the very nature of this organization made it a more ideological body. To them, dialoguing with the authorities was synonymous of being manipulated. They considered the exclusive dialogue with the only party that was traditionally close to the emigrants (i.e. the PRD) and the linkages with grassroots organizations to be the solution. Similarly, they saw the CDPME members’ cooperation with the IFE as an act of treason of these leaders and an act of manipulation from the IFE (trying to legitimate a restrictive form of external voting) (Interview No. 13).

A further difference between the pragmatist members of the CDPME and the ideological activists of the PRD California concerns their willingness to bargain. Because it was talking to all of them, the CDPME developed a clear vision of what was acceptable to political parties and what was not. This is why they submitted to the parties, the executive power and IFE what they called the “citizen’s initiative” on external voting in 2003. In that document (which

they submitted to associations and migrants themselves for approval), they were aiming at providing a basis for the legislator to work on. There, the CDPME also renounced to request that all the migrants' historic demands (especially the Sixth Constituency) be answered by 2006 and opted, instead, for a gradual strategy. In other words, they considered that it was necessary to secure participation in the presidential election first before engaging in a larger reform to allow extra-territorial representation (Rodriguez Ocegüera 2005). For the PRD California's members, this attitude was unacceptable and they strongly lobbied PRD Congressmen to adopt no reform but one directly including the Sixth Constituency. For this PRD MP (Interview No. 13), the coalition helped to make it acceptable for the PRD internally to consider the 2005 legislation as a first step:

*“(...) the coalition managed to identify the issues upon which an agreement could be found. This was a very good work because they did not push nor took out issues. They concentrated on the issues upon which there was consensus and we worked on these. (...) the question was not to renounce to the symbol of the Sixth Constituency but to accept that we had to move forward on other issues to permit that the people vote for the first time. Therefore, even though it took a lot of efforts, the work of other organizations such as the coalition worked well because it focused on the central issues of the reform and managed that the extreme position remained isolated in the debate in the United States”.*

Even though the gradual strategy proved successful in reaching the minimal consensus between the parties, the members of the CDPME themselves share the idea that the legislation strongly reduced the migrants ability to express their vote and, in that sense, was disappointing. Indeed, evaluating the content of the legislation approved in the House, this CDPME leader considered that (Interview No. 22): *“we started with a cruise ship and we ended up with a rowboat”*. Accordingly, the disappointed workers of the CDPME were ready to take their tools again and go back to work.

### **3.2. Political Parties**

In the preceding section we have seen that migrant associations have played different roles in the debate on external voting in Mexico. Grassroots associations certainly contributed to putting the question of external voting on the legislator's agenda while lobbies -such as the CDPME- played an important role of consensus facilitator between political parties. We have already underscored in the description of the legislative steps that political parties too have played different roles with time. In this section, we'll focus on the role of Mexico's three

largest political parties (PRI, PRD and PAN) in the post-1988 period and supposedly leave the influence of Mexico's institutional evolution and democratisation aside because this factor is examined thoroughly below. For each of these parties, we'll examine four elements we consider as decisive to understand their role in the debate.

The first element we'll examine is the lack of interest of political parties in the question of emigration in general and that of external voting in particular. The lack of interest is visible in the late development of formal partisan structures abroad (including for the PRD traditionally considered as closer than others to the emigrant community). For a large part we have already shown that the political relevance of emigration question in Mexico increased with the controversial 1988 presidential election. The support of the emigrant community to the PRD candidate forced President Salinas (PRI) to develop a new policy towards Mexicans abroad. For each of these parties, we'll see what changes this new political context implied in terms of presence abroad.

The second element we'll examine is the political parties' duality of discourses on external voting in two regards. First, within each party, the position on external voting defended by individuals might differ from the position of the party as a group. In our description of the role of the CDPME, we demonstrated that some politicians were more interested in migration issues than others (because of their regional origin or their personal history). Second, the discourse political parties expressed publicly on external voting in front of migrant leaders could differ from the position they defended in legislative debates. For Cano (2005), the emigrant community often considered the visit of legislators to the United States as unproductive, for it was often motivated by tourism rather than the willingness to give an impulse to the debate. This, he continues, was not the case with the visits of governors proceeding from migrant-sending regional states. Similarly, we have seen that opponents to the vote would publicly express support to external voting while using technical reason to obstruct legislation.

The third element we examine is the political parties' perception of the impact of emigrant vote on electoral results. In other words, the question for the party was: "who will benefit from the emigrant vote?" This element is crucial to understand the political parties' positions in the debate on external voting. We will see that this perception evolved through time independently of any hard evidence on the political preferences of the emigrant community.

Yet, political parties and individual politicians opposed to external voting felt they could not express their position too openly because voter retaliation could take two forms. On the one hand, they feared that, if the legislation passed, the party that would have opposed it could be sanctioned by a negative vote of potentially millions of emigrant voters. On the other hand, even if the legislation did not pass, frustrated emigrants could have encouraged their relatives at home to sanction the party that prevented them from voting. For the same question of electoral benefits, political parties and individual politicians were keen to acknowledge their role in the final approval of external voting. For this leader of the CDPME however (Interview No. 22), now politicians “*all say they worked in favour of the vote since the day they were born*” but, in fact, most did not get involved actively.

The fourth element we examine is the evolution of the political parties’ negotiation strategies and its influence on the eventual approval of the legislation. Before the 2000 election, the model followed by political parties was clearly that of bargaining by placing the issue of external voting within larger reform packages. On the contrary, even though the PAN and especially the PRD first tried to link up the issue to other reforms, the strategy that eventually led to the approval of the reform was that of consensus building (at the Secretaria de Gobernacion in 2004 and in the Senate in 2005).

### 3.2.1. *Partido Revolucionario Institucional*

The literature on external voting in Mexico converges in saying that the PRI has traditionally opposed any kind of formal political participation. According to this former PRI senator (Interview No. 8), “*(...) the PRI always opposed the fact that migrants could have the right to vote because they considered that this vote would be against them. Fundamentally, this is the reason.*” Contrary to other emigrant populations, Mexicans abroad are mainly economic migrants. Therefore, the PRI did not fear the vote of political opponents abroad but they rather feared that migrants would blame the PRI for the lack of socio-economic opportunities in Mexico that forced them to leave. Besides, the PRI felt incapable of changing the migrants’ perceptions for they were lacking structures and linkages abroad and could not extend the corporatist model that ensured their success in Mexico to the United States (Calderón Chelius and Martínez Cossío 2004). Another element is that the PRI had historically supported a strong nationalist discourse. One of its manifestation consisted in keeping their distance from

the United States. Following this principle, the PRI considered that the emigrant vote could open the door to foreign intervention in Mexican politics.

Based on these reasons, the PRI played an obstructive role in the external voting legislative debate. To illustrate this negative posture, let us recall the fact that the PRI subscribed to the 1996 constitutional reform as a result of a bargain with the opposition and that it subsequently blocked legislative reforms permitting the emigrant vote at the 2000 election. Nonetheless, the PRI had paid greater attention to the emigrant community since 1988. The importance of emigrants' remittances and the desire to enter the North American Free Trade Agreement encouraged this reconsideration of the emigrant community. Accordingly, the PRI opposition to the emigrant vote was real but not necessarily publicly expressed.

With the victory at the 2000 presidential election of the PAN candidate Vicente Fox who based a part on his campaign on reaching Mexicans abroad (see below), the PRI realized the importance of developing such a discourse but remained divided on the issue of external voting. Individuals within the PRI, such as this former senator and former governor of Zacatecas (large sending-state), strongly supported the emigrant vote. Yet, he recognizes that *"(...) it was an internal struggle difficult to lead. There was always a suspicion that what I wanted was to create problems to the PRI...that those who fought for this –said some in the PRI- wanted the PRI to lose"*. For this reason, he insists, it was necessary that an "orthodox member of the PRI" (unlike him) whose loyalty could not be questioned within the party took charge of the emigrant vote (Interview No. 8).

In addition to the discredit brought on the emigrant vote's supporters within the PRI, we saw that internal rivalries between the PRI parliamentary groups in the Senate and in the House led them to develop different strategies on the emigrant vote. In the House, the PRI drafted a very ambitious legislative proposal that opposition parties (and PRI members of the Senate) considered as being unrealistic and aiming at sabotaging the legislative process without supporting the political cost of it. At the Senate, the PRI found its "orthodox member" who disqualified this proposal and defended a consensual position to reach a minimal agreement on a limited but realistic form of external voting. Once the proposal came back to the House, the PRI group found itself obliged to approve it or face voters retaliation.



Despite the positive role of some key PRI figures in the final steps of the legislative process, most migrant and academic observers continue to think that the PRI's role has been counterproductive. Added to this the lack of interest of the party and the absence of strong party structures abroad, all requirements for an electoral defeat abroad were set.

### 3.2.2. *Partido Accion Nacional*

For Calderón Chelius and Martínez Cossío (2004), the PAN was uninterested in emigrant workers originally because, since its foundation, the party had targeted the middle class, small and medium entrepreneurs and the economically favoured sectors of the Mexican population. After the events of 1988, in which the emigrant community got involved in the presidential campaign, some migrants expressed the desire to get closer to the PAN. The party responded by sending officials to consult with the community and supported various legislative proposals in favour of emigrants (including on the emigrant vote). Yet, as underscored by Calderón Chelius (1998), the party did not play an active role in the 1996 constitutional reform. On the contrary, the PAN let the PRI and the PRD argue on this issue and it eventually supported this reform in exchange for other reforms it wanted to push forward.

Despite the limited level of interest shown at the party level, some individual PAN members were actively trying to reach Mexicans abroad. Among these, the Governor of the state of Guanajuato (a large sending-state) and later President of the Republic -Vicente Fox- was developing a new discourse towards the emigrant population. Fox considered that the Mexican nation extended across the borders and promised to govern for all Mexicans wherever they lived. Fox had also understood that the PAN's traditional perception was old-fashioned and that among the emigrant community were also Mexican citizens who fitted the middle-class profile of PAN voters (Martínez Cossío 2001). For proponents of the right to vote among the PAN, external voting was fair considering the emigrants' economic contribution and, more generally, it fitted with the party's philosophy putting individual rights at the core of its message (Interview No. 21).

Even though migrants were not allowed to participate in the 2000 election due to the PRI's obstruction, Fox's rhetoric on the nation without borders found echo among the emigrant community. Associations such as *Mixmeca* were created to support Fox's campaign, for

instance, by organizing his visit to the U.S. or distribute calling cards to migrants for them to tell their relatives to vote for Fox (Martínez Cossío 2001).

When Vicente Fox took power, he placed emigration at the centre of his foreign policy and promises migrants that external voting would soon become a reality. He was encouraged to do so by the support the emigrant community had shown him during the campaign. Yet, despite the development of different migration-related policies during the first years of his mandate and his repeated promise that he would draft a proposal, migrants started to fear that the promise would remain unrealized. In fact, as this former PAN MP underscores, the problem of the PAN was not so much that some opposed the emigrant vote but rather that “*we could count on President Fox’s idea to push forward the reform on the vote of Mexicans abroad, [but] the reality is that the PAN –as a party- had not defined its position*” (Interview No. 1).

President Fox started to take measures with the renewal of the House in 2003<sup>150</sup>. At the time, he set up a twofold consensus-building strategy. At the executive level, he made the Undersecretary of the Interior (*Gobernacion*) responsible for drafting a realistic law proposal (i.e. not jeopardizing Mexico’s democratic transition) upon which all political parties and migrant associations could agree. At the legislative level, he assigned the sub-coordinator of the parliamentary group the duty to consult with other parliamentary groups on the issue of external voting. For this PAN MP, external voting was one of the three pieces of legislation his group wanted to pass within a larger electoral reform but “*since the beginning [of the negotiation] we agreed with (...) the PRD that we had to treat these as separate tracks. (...) Success consisted in separating it from the electoral reform*” (Interview No. 1). In other words, from a strategy of considering external voting as a marginal issue upon which to bargain in 1996, the PAN had moved to a position where it considered that the emigrant vote had to be treated independently and in consensus with other parties.

This strategy of consensus-building led parties to sign an agreement on the basic rules of external voting at the *Segretaria de Gobernacion* in 2004. We have seen that the legislative proposal subsequently tabled by President Fox was perceived by opposition parties as an attempt by the PAN to take all electoral benefits. Accordingly, the PRI and the PRD approved

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<sup>150</sup> The PAN MP I interviewed considered that the discussions could not have started before because the first three years of Fox’s government were focused on democratic consolidation and ambitious electoral reforms could not be envisaged meanwhile.

a different –yet very ambitious- proposal that was transmitted to the Senate. For the PAN, the strategy thus consisted in letting the PRD go with the PRI hoping they would eventually realize that this position was not realistic (Interview No. 1). Despite what appears to be a clear pro-vote strategy, the PAN Minister of Foreign Affairs publicly opposes the emigrant vote during his senatorial audition in the final days of the legislative process. For this CDPME leader the impression was that “*within the PAN and within the executive there were two positions*” (Interview No. 24) but for others it was revealing that President Fox had little control of his government.

Despite these last minute disagreements, the PAN approved the reform and set itself in motion for the electoral campaign. Since 2000, the PAN was well aware that it could count on a share of the emigrant community’s support. To this end, it had already agreed to create official PAN structures abroad in 2004. Simultaneously, pro-PAN migrant activists in the U.S. were using President Fox’s discourse on migration to recruit new members (see below). For these reasons, the conditions for the PAN to perform well among emigrant voters were met on the eve of the election.

### 3.2.3. *Partido de la Revolucion Democratica*

As underscored by Santamaría Gómez (1994), the PRD in California originally found echo in two groups of post-bracero migrants in the United States. On the one hand, there were those migrants who formerly belonged to the Mexican communist party and other socialist associations. On the other hand, there were individuals who had no political affiliation previous to migration but who formed the U.S. committee of the Mexican Workers’ party (PMT) in the 1980’s.

The enthusiasm created by the campaign of presidential candidate Cuauhtemoc Cardenas did not stop after the lost election of 1988. On the contrary, migrants actively contributed to the construction of the new party to build the first Mexican party that would act legally on both sides of the borders and would create a new Mexican interlocutor for U.S. authorities to talk with (ibid.). Since the creation of the party, the core demand of the emigrant members of the PRD had been the right to vote from abroad.

PRD officials in Mexico integrated the emigrants' demands in their reform agenda and, for that reason, promoted the emigrant vote in times when the PRI's loss of legitimacy was forcing this party to make concessions. We have seen that the PRD was the main promoter of the 1996 constitutional reform on the emigrant vote but that it did not manage to make external voting a reality for the 2000 presidential election. Until 2000, the PRD's strategy had been to link the reform on external voting to other democratic reforms (just like it considered dual nationality inseparable from dual citizenship). By doing so, the PRD was increasing the risks for the emigrant vote to be excluded from the reform for it could still be taken out of the reform during political bargaining.

After the 2000 election, another political party, the PAN, expressed itself publicly in favour of the vote and included the topic in its government program. The PAN's vision of adopting a limited form of external voting (i.e. limited to presidential elections and with many procedural restrictions), however, contradicted with that of the most radical members of the PRD. They were supported by PRD members in California who considered that any reform had to include the Sixth Constituency (i.e. the right to be represented in Parliament).

At this stage, the difficulty for the PRD was to find a consensus both internally and with other Parties. Moderate PRD officials had to convince their colleagues that they had either to agree on a more limited reform or otherwise the PAN and the PRI would not subscribe to it. This moderate PRD MP confirms that *"there were MPs who were in favour [of external voting] but with so radical positions and without any willingness to negotiate that it was practically similar to being against it"* (Interview No. 12). Moderate members of the PRD thus started to lobby their colleagues to accept a limited reform before the 2006 elections while arguing that it would not prevent them from demanding the Sixth Constituency later on. With regard to the negotiations with other parties, this former PRD MP was conscious that before 2000, reforms had failed because they were included in reform packages. This time, *"we treated the reform [on external voting] separately from the electoral reform so there would be no horse-trading"*.

The work of these MPs was undermined by two constraints in Parliament. On the one hand, the PRD was not willing to support the President Fox's limited legislative proposal for fear that it would grant the PAN the electoral benefits of the reform. On the other hand, the PRI had tabled a very ambitious proposal (that included the Sixth Constituency) that pleased the

PRD even though some of its members had underlined its unrealistic character. The PRD group got the House to decide to support this proposal knowing that the Senate would correct it.

When the text came back from the Senate to the House, only a very limited form of external voting remained and the only decision for the PRD group to take now was either to accept this reform as a first step or to reject it. Moderate PRD MPs argued that rejecting the reform at this stage would be impossible to justify in the community due to the PRD's historic commitment to external voting. Only one PRD MP eventually voted against the reform saying that, because of its restrictions, this reform amounted to not giving emigrants the right to vote (Interview No. 12). Once the legislation was passed, some in the PRD thought this vote would naturally favour them because migrants had the profile of left-wing voters and the PRD had historically supported their rights. Added to the traditional transborder linkages within the PRD, one may hypothesize that this perception discouraged the PRD from better organizing abroad before the 2006 elections (despite the fact that the 2000 campaign had shown that a share of the emigrant population was sensitive to the PAN's discourse).

### **3.3. The role of Mexico's democratic transition and institutional evolution**

In this section we examine how Mexico's democratic transition has changed the political context in which the demand for external voting is taking place. We then examine how the transition has empowered two already existing institutional actors that participated in the debate (the IFE and the regional states). We also examine how the end of Mexico's "policy of no policy" towards emigrants has led to the creation of two new actors (the emigrant MPs and the councillors of the Institute for Mexicans Abroad – IME) and how these have influenced the debate.

We have already seen that Mexico's transition to democracy found its roots in the 1960's. Until the end of the PRI-state with the election of the PAN candidate in 2000, the democratic transition process had mainly materialized in electoral reforms (Parra 2005). After the controversial 1988 presidential election and in a context of socio-economic crisis, the PRI's need for stability forces it to make democratic concessions to opposition parties. The

instability peaked in 1994 and leads to the conclusion of a national political agreement (*Acuerdo Político Nacional*) containing a series of constitutional reforms in electoral matters.

These reforms are important for the evolution of the external voting debate in Mexico in two respects. From a legal perspective, the agreement led to the revision of Article 36 of the Constitution, which previously obliged Mexican citizens to vote in their constituency of origin. As we have seen, this specific reform was the result of the PRD's pressure, who considered external voting as related to the extension of political rights in general in Mexico (Interview No. 12). This reform suppressed a major legal obstacle to the emigrant vote and paved the way for future legislation on external voting. From a symbolic perspective, the electoral reforms changed the Mexican society's perception of elections. These were not regarded as mere rituals serving to confirm the PRI's hegemony but rather as tools serving to express popular will (Martínez Saldaña 1998). This new electoral context created opportunities for opposition political parties and other actors in the civil society that had traditionally been excluded from the political debates.

Migrants, in particular, have been sensitive to the evolution of their homeland's political situation. The democratic opening put an end to the traditional dilemma in which they were caught: the desire to get involved in Mexico vs. the refusal to legitimize the regime (Interview No. 14). For this former PRI senator, migrants "*feel the responsibility to contribute, to participate...and simultaneously they have a great reproach towards the country, (...) there was always a great reproach towards the political system and the socio-economic situation of Mexico*" (Interview No. 8). But as this CDPME leader from Chicago underlines, with the process of democratic transition going on, "*we wanted to be part of what was happening in Mexico and (...) we did not want to keep being second-class citizens*" (Interview No. 24). For external voting activists, the democratic transition offered a wonderful opportunity to reposition their struggle. The challenge was thus to make external voting look like a necessary reform without which -as put by this leader of the Concilio Hispano in Chicago and CDPME activist- "*Mexico's democratic transition would be incomplete*" (Interview No. 20)<sup>151</sup>. Except for the PRD that had put external voting at the core of its demands for an electoral reform, other parties were unconvinced by the argument. Even for this ex-PRI senator who played a

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<sup>151</sup> The electoral authorities (IFE) will somehow internalize this discourse after the adoption of the law in 2005 in the advertising campaign for the registration "With your vote, the country is complete" (Con tu voto el país está completo).

key-role in the final discussions on external voting, only a few migrant leaders close to the PRD believed in this statement, *“neither in Mexico was there a position saying that democracy in Mexico would materialize with the vote of Mexicans [abroad] nor the Mexicans there believed Mexico would be more democratic if they voted”* (Interview No. 16). Whether representative of the community’s opinion or not, this statement would constantly be reaffirmed by organizations such as the CDPME.

One of the central institutional actors of Mexico’s democratic transition is the Federal Electoral Institute (IFE). As we have seen, the creation of the IFE is related to the controversies surrounding Mexican elections during the PRI-era. As the IFE’s responsibility in the organization of elections increased, that of the executive branch and of political parties decreased. Concerning the question of external voting, the IFE has taken different responsibilities over time. The 1996 electoral reform provided that the IFE would set up a commission whose responsibility would be to determine the modalities in which external voting could happen in Mexico. The commission, while not speaking on behalf of the institution concluded that the emigrant vote could be organized for the 2000 election and therefore clearly gave an impulse to the debate.

For the IFE as an institution, on the contrary, different interpretations existed on what its role in the debate had to be. This IFE councillor (1996-2000) and later PRD MP saw his role within the IFE as trying to *“extend the political rights of Mexican citizens be they Mexican migrants in the United States or Indigenous in Chiapas (...) or guarantee equal access to the media [for political parties]. All this was part of our agenda, we saw it as such, we defended it as such, we designed it as such and we pushed it as such within the IFE”* (Interview No. 28). For this IFE civil servant, on the contrary, *“the IFE’s contribution had little to do with [the question of] whether or not the emigrant vote was desirable. This discussion rather occurred out of the IFE. Our [contribution] had to do with [the question of] whether it was really possible and technically feasible (...) But the IFE did not participate to a doctrinal discussion”* (Interview No. 7). Another former IFE civil servant (Interview No. 26) confirms that the IFE’s contribution was purely technical. He also acknowledges that, from the outside, the impression could be that the IFE pushed for the vote at the end of the 1990’s and tried to limit it during the parliamentary discussions in 2005. Actually, he considers this difference is due to the fact that the IFE had to move from a general opinion on the feasibility of external

voting to detailed technical opinion on a modality that would offer all guarantees about the integrity of election results.

This last element is decisive to understand the role of the IFE in the debate on external voting. After the fraudulent 1988 presidential election, Mexico built an electoral system based on the principle of distrust. In other words, all actions and opinions of the IFE were guided by the idea of preserving confidence in the electoral system. This institutional interest naturally encouraged the IFE to be quite conservative on the question of external voting which by definition happens on a territory outside the IFE's reach<sup>152</sup>.

Another important actor in the debate on external voting in Mexico has been the regional state. Due to the pressure of the World Bank, Mexico engaged in 1994 in a process called *Nuevo Federalismo* that aimed at transferring greater administrative and fiscal responsibilities to states and municipalities. In migration issues, this drove the federal government to transfer prerogatives in the "3x1 projects" to municipalities for instance (see Goldring 2002). Even before this program, the states had traditionally paid more attention to migration issues than the federal authorities. The reason for this lies in the fact that the connections between migrants and the home country are mainly established at the local (regional state and municipal) level. Indeed, local politicians are the ones primarily confronted with the migrants' families. They are well aware of the importance of remittances on the local economy and are the prime target of migrant lobbyists trying to impact the homeland. For these reasons, several states have been eager to develop policies to maintain the link with emigrants (e.g. 3x1) or to assist them and their families in the difficulties related to migration<sup>153</sup>. As could be seen in the interview conducted with a former governor of Zacatecas and later PRI senator (Interview No. 8), politicians active at the local level tend to keep working on migration issues when they switch to the federal level<sup>154</sup>.

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<sup>152</sup> According to the Undersecretary to the Interior (Gobernacion), the same reason of institutional interest justified the negative opinion of the Minister of Foreign Affairs during his audition in the Senate. Indeed, the Minister opposed the possibility to issue voting identity cards in consulates abroad for he feared hundreds of thousands of emigrants would have come to the consulate to get it (and they would have been incapable of answering these demands).

<sup>153</sup> To this end regional states have created Offices of Migrant Issues which –grouped in the National Coordination of State Offices of Migrant Issues (CONOFAM)- have become an interlocutor of the federal state on migration issues (see Smith 2008).

<sup>154</sup> In addition to being a defender of the right to vote at the Senate, this ex-governor will also table a legislative proposal inspired from a law of the state of Zacatecas aiming at guaranteeing the presence of emigrant MPs at the federal level (but different from the 6<sup>th</sup> Constituency proposal).



These states of Zacatecas and Michoacán were particularly active in reaching the emigrant community (the latter case is examined in details below). In various respects, Zacatecas is a state that has played a significant role in raising the Mexican authorities' level of attention to migration issues. First, Zacatecas is the state where the "3x1 program" started. Second, examples abound where Zacatecan migrant associations and individuals got involved in local politics. For instance, Zacatecan associations in California mobilized voters at home from abroad for the PRD gubernatorial candidate in 1998 (Goldring 1998). Zacatecas is also famous for the election of Andres Bermudez (known as the "Tomato King" for his success in the tomato business in the USA) to the municipality of Jerez. This migrant openly campaigned as a binational candidate active in two spaces (not as a return migrant). Despite his victory, electoral authorities invalidated his election because he did not comply with the one-year residence requirement (Bakker and Smith 2003). This latter example relates to third and most important feature of Zacatecas concerning political participation: its migrant law (*Ley migrante*). After the Bermudez episode, Zacatecan associations successfully pushed a legislative proposal aiming at recognizing officially the transnational character of migrants' lives (epitomized by the candidate's activity in two spaces). The text provides that these citizens having "binational residence" can be candidates to municipal and regional elections and that political parties must give room to migrant candidates on their electoral lists (with provisions guaranteeing that at least two migrants be present in the State Congress) (Moctezuma 2003, Bakker and Smith 2003 and Santamaría Gómez 2007).

But how could developments at the regional state level influence the debate on external voting at the federal level? The receptive ear migrant associations have found in some states encouraged them to lobby their local politicians for them to push external voting at the federal level. For this Michoacano activist from Illinois, this kind of lobbying was made principally in migrant-sending states because:

*"if I go [talking] with a governor who does not have migrants, what can I offer him? What's his interest? Nothing! But if I go [talking] with a governor like that of Michoacán, Jalisco, Zacatecas, Oaxaca, Guerrero, it is very different because, there, you are talking about migrants representing almost half of the population. (...) in these states all politicians talk about migration in good terms because we sustain the economy"* (Interview No. 4).

One of the ways in which Governors responded to the migrants' pressure was through an informal coordination group called the National Conference of Governors (CONAGO),

created in 2002<sup>155</sup>. In the respect of the constitutional prohibition for Mexican states to ally, the CONAGO “*seeks to coincide with the federal government in the search for solutions to social demands*” (CONAGO 2007). With regard to external voting, this CDPME leader from Michoacán considers that the Governors from Michoacán, Oaxaca and Guanajuato pushed the issue within the body so that all governors would agree and “*the CONAGO would send this point of agreement to the Senate and the House saying explicitly: ‘do legislate on the topic because we want Mexicans abroad to vote!’*” (Interview No. 5). For this ex-PRD MP, the governors’s strategy was successful in building consensus at the Parliament because

*“[W]hen the governors expressed themselves, the parliamentary groups could only get out of the agreement with difficulty. We did not know yet to which agreement we would come but we did know that (...) the one [parliamentary group] expressing itself against the vote would lose the political game. The governors managed to increase the cost of getting out of an agreement”* (Interview No. 12).

Finally, another way for state politicians to work in favour of external voting at the federal level was the vote of resolutions by the State Congresses of Zacatecas and Michoacán urging the Federal Congress to address the issue of external voting.

Besides the institutional transformations happening internally in Mexico at the end of the 20<sup>th</sup> century, Mexico’s opening to the international scene also affected the way migration issues and the question of external voting were dealt with internally. We have seen that the PRI government was forced, especially after the 1988 election, to progressively put an end to the “policy of no policy” which had long characterized the authorities attitude towards migration. Simultaneously, the economic crisis and the coming to power of PRI officials favourable to neo-liberal economic policies had reduced the distance the government traditionally kept from the United States. We have even seen that the government tried to use the emigrant community in the U.S. as a lobby to enter the NAFTA. These various elements illustrate the fact that Mexico was in the process of building a more ambitious foreign policy in which migration would occupy a central place with the coming to power of Vicente Fox in 2000.

How has this process influenced the debate on external voting? First, by trying to reach the emigrant community, the government could no longer close its eyes to discriminatory policies abroad. Policies such as California’s infamous Proposition 187 led Mexican authorities to reconsider their responsibilities towards emigrants and to choose to allow dual nationality to

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<sup>155</sup> In theory, the Mexican Senate represents the states for each of them are equally represented in that assembly.

ensure a better protection of this population. Despite Mexico's distinction between nationality and citizenship, dual nationality also placed the issue of the political participation of this population at the centre of legislative debates. Second, Mexico ratified the International Covenant on Civil and Political Rights in 1981 and, in 1999, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The latter text provides in its Article 41 that "*Migrant workers and members of their families shall have the right to participate in public affairs of their state of origin and to vote and to be elected at elections of that state, in accordance with its legislation*". Naturally, the ratification of this international agreement provided emigrants with a good argument to denounce Mexican authorities' inconsistencies on external voting. As we will see below with the case of migrants moving or transiting to Mexico, this will not be the only contradiction in the Mexican authorities' discourse.

In addition to these examples of how foreign policy interacted with the debate on external voting, the renewed importance of the emigrant population for Mexican authorities led them to set up two new actors considered as late-comers in the debate on external voting.

The first is the Councillor to the Consultative Council at the Institute of Mexicans Abroad (CCIME). With this body, the Fox government institutionalized its relations with the emigrant community and gave it a privileged channel of communication with the authorities (particularly the president). Because the first councillors did not occupy their seats before 2003 and because their recommendations were consultative, different opinions exist on their role in the debate on external voting. For the coordinator of the CCIME working group on the emigrant vote, politicians did not pay sufficient attention to their recommendations and he considers that migrant lobbying has proved more effective than the IME's work (Interview No. 2). For the executive director of the IME, on the contrary, the CCIME's work has been decisive for four reasons: it circulated the president's position on external voting, it broadened the support to external voting to new sectors of the emigrant community, it presented the emigrant vote issue as a way of mobilizing the community and it hosted forums in Mexico and the U.S. to discuss the question (Interview No. 14).

The second latecomer in the debate on external voting is the emigrant MP (*diputado migrante*) at the state and federal level. Emigrant MPs at the federal level are not elected by the migrants themselves in the Sixth Constituency proposed by the PRD but are emigrants

(complying with electoral requirements) elected in one of the five constituencies through the system of proportional representation by which 200 of the 500 Mexican MPs are elected. In other words, they are not elected directly and their election depends on their position on the list. The first migrant was elected through the proportional system in 2000 and belonged to the PRI. In the current legislative term (2006-2009), two PAN candidates (including the famous Tomato King) and one PRD candidate have been elected. Due to their small number and their late arrival, these MPs have been unable to influence the debate on external voting from the parliamentary position. Nonetheless, their presence underscores the pressure political parties are subject to. In the case of the three MPs elected in 2006, their presence on the lists was particularly important because they could –for the first time –mobilize the emigrants to vote for their party’s presidential candidate.

With regard to their future role, it remains difficult at this stage to determine what role they will play in a hypothetical reform of the external voting legislation. So far, the PAN MPs appear to have been active in trying to increase the consulates’ budget to satisfy the community’s need for consular services<sup>156</sup>. They also participate actively in the discussions on the reform of Mexico’s migration law. Similarly to what I observed in Italy with some emigrant MPs and senators, those two Mexican emigrant MPs, however, appear to have conflicting views on emigration and immigration (in other words, they defend in Mexico a form of policy towards transit migrants which is a copy of the U.S. security-motivated migration policy Mexican associations denounce).

At the regional level, we have seen that in the case of Zacatecas the emigrants failed attempts to occupy public offices were at the basis of the new Migrant law ensuring their representation in the local Parliament. In Michoacán, as we will see below, the election of an emigrant MP through the proportional system gave a new impulse to the debate on external voting at the state level.

Now that we have examined the most important factors leading to the adoption of the 2005 law on external voting, we can turn to the first electoral experience and its consequences for the future of external voting in Mexico.

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<sup>156</sup> I interviewed one of them in Mexico city on 3<sup>rd</sup> July 2007 and attended a conference given by the other one in Morelia, Michoacán on 12<sup>th</sup> May 2007.

#### **4. The 2006 elections**

On 28<sup>th</sup> June 2005, after years of struggle, emigrant activists celebrated the adoption of the law on external voting as a major victory. It was not clear to them, however, that on that very same day, a race against the clock had started for emigrant voters to be able to vote at the July 2006 presidential election. In this section, we first present the registration and participation figures and analyse the relations between the external voters' registration process and the low level of participation. Secondly, we look at the (absence of) political campaign and the election results. Third, we discuss the developments of the debate on the emigrant vote in Mexico after this first attempt.

##### **4.1. Registration and participation**

When we presented the arguments of opponents and partisans of the emigrant vote in Mexico, we mentioned that some protagonists feared that millions of voters would be willing to vote, which could turn emigrants into decisive voters in case of narrow elections. The controversy was fuelled by the fact that different figures were circulating: Mexican citizens abroad qualifying to participate, Mexican citizens abroad holding the indispensable voter's identity card and emigrants willing to vote.

For the IFE's experts' commission of 1998, around 11 million Mexicans residing abroad (including also dual nationals and temporary migrants) would potentially qualify as voting citizens for the 2000 election. The commission also estimated that only 1.5 million of these emigrants had a valid voting identity card. Later, in a technical opinion addressed to Parliament in 2005, the IFE estimated that 4 million Mexicans in the United States held a voting identity card but warned that different factors would reduce the actual participation (IFE 2005). Marcelli and Cornelius (2005) tried to come up with more realistic estimations based on a survey of the Mexican migrants in Los Angeles who participated in the 2000 elections (in the special voting stations or in their electoral district before migrating). They adjusted it with the level of educational attainment and the distance between the emigrant and the border, and came up with a potential participation of 125,000 to 360,000 emigrants. For the CDPME it was also clear that not all of the 4 millions emigrants supposed to hold a voting

identity card would register to vote but it expected that the associations' and the IFE's joint effort in promoting registration would result in over 10 percent of them actually participating (Ross Pineda 2005).

In fact, all these estimations far exceeded the real registration level. Indeed, the IFE received 57,677 emigrants' application forms and 40,876 of these requests actually fit the criteria for being added to voters' residing abroad electoral list. Once added to the list, the emigrant voters would receive the ballot and return it to the IFE by mail. Eventually, 79.8 percent of these eligible voters (32,632) cast their votes in the 2006 presidential election.

In table 1, we can see that, unsurprisingly, out of the 80 countries from where emigrants sent their application forms, the United States represents the lion's share with 87.49 percent of the valid requests<sup>157</sup>. Nonetheless, considering that the Mexican American community is the most dynamic and that the IFE had focused its promotion efforts onto that country, it is somehow surprising that the United States represent less than 90 percent of the votes whereas they actually host more than 98 percent of the Mexican population abroad.

Table 1. Number of valid requests to be added to the emigrants' electoral list by country of residence

	<b>Country of residence</b>	<b>Number of requests</b>
<b>1</b>	United States	35,763
<b>2</b>	Spain	1,238
<b>3</b>	Canada	863
<b>4</b>	France	510
<b>5</b>	United Kingdom	447
<b>6</b>	Germany	393
<b>7</b>	Italy	212
<b>8</b>	Switzerland	188
<b>9</b>	Netherlands	100
<b>10</b>	Belgium	83
<b>11</b>	Other	1079

Source: COVE 2006

<sup>157</sup> Within the United States, the largest number of requests proceeded from Arizona, Texas, Illinois, Florida, New York and especially California.

Looking at the regional state of origin of those registered emigrants, Table 2 shows that a majority comes from the Federal district and that more than half of them actually come from just 5 of the 32 Mexican states. As underscored by Calderón Chelius (2007), it is surprising that traditional migrant-sending states like Zacatecas who are known for the dynamism of their transnational associations and have encouraged transnational political participation at the local level have not performed better in terms of registration.

Table 2. Regional state of origin of registered emigrant voters

	Country of residence	Number of requests
1	Federal District	6,281
2	Jalisco	5,047
3	State of Mexico	4,149
4	Michoacán	3,368
5	Guanajuato	2,793
6	Nuevo Leon	1,799
7	Puebla	1,631
8	Baja California Norte	1,582
9	Chihuahua	1,235
10	Veracruz	1,191
11	Other	11,800

Source: COVE 2006

The rate of external voters' registrations in these traditional states and overall has been a particularly controversial topic among the actors involved in the electoral process. Four sets of reasons for the weak level of registration are examined here.

First, the restrictive character of the electoral law may explain this low level of registration. Several elements ought to be mentioned here. Article 275 of the law provides that emigrants have to register by filling a form and returning it with a copy of their voter's identity cards. During the parliamentary discussions in the Senate, the political parties agreed to remove the possibility of issuing these cards abroad that was included in the House's text. This meant that only those emigrants already holding such cards or willing to travel twice to Mexico (to apply for the card and to collect it) would be able to vote. For the others, the undocumented migrants unable to travel back and forth, those who had lost their voter's identity card (frequently smugglers demand that undocumented migrants throw away their documents

before crossing the border), and those who left Mexico before such a card was issued, getting the indispensable voting card would be very difficult if not impossible.

The law also provided that the registration form could be returned to the IFE between 1<sup>st</sup> October 2005 and 15<sup>th</sup> January 2006. Considering that the law had been approved at the end of June 2005 and that the IFE had only three months to fix the various administrative procedures (such as issuing the form) and set up the information campaign, the time-frame to inform the emigrants of their new right was relatively short. Furthermore, the law obliged emigrants to send their registration forms (and later their ballot papers) by registered mail. Several migrants leaders underlined during the interviews that the cost of this letter (on average 8 USD) and the effort it required (going to a post office during working hours and speaking to the postman in English) had been a strong disincentive for the most marginalised migrants.

Second, associations blamed the IFE for using the room for manoeuvre left by the law to actually make it harder for emigrant voters to register. Their criticisms focused on two main issues. On the one hand, emigrant leaders underlined that the registration form drafted by the IFE was too complex, which discouraged migrants to fill it in and led many to send invalid forms. (Interview No. 22). Indeed, out of the 54,866 forms received by the IFE on time, only 40,876 were eventually added to the emigrant voters' list. Around 14,000 forms (25 percent) of would-be emigrant voters were thus rejected for technical reasons such as filling the form incorrectly but principally for sending the form by regular mail. On the other hand, criticism were also addressed to the IFE for insufficient promotion during the registration campaign.

In the interviews with migrant leaders and during informal discussions with activists who participated to the registration campaign, I noted that many shared the impression that the IFE complied with the limited obligation to inform set by the law (making the registration form available on the internet and in diplomatic offices abroad) and did little more to fulfil its role as promoter of active citizenship. For this emigrant leader from the East coast and IME councillor, the IFE personnel promoting the vote *“were mere bureaucrats that received a lot of money to come over and do nothing in the United States (...) They did not do what they had to do. They did not do the publicity they had to do like they do in Mexico”* (Interview No. 2).



On the IFE's side, as underscored in the interview of a civil servant attached to the IFE's Coordination for the vote of Mexicans residing abroad (COVE), the impression is to have played its part truthfully and to have even been pro-active in the limits set by the law and the budget:

*“More or less when the electoral process abroad began and we started to see that the [registration] figures of the first days were terribly low (...) all the red lights started to flash at the Institute and one of the first strategies that we deployed was to ask for the help of some associations. Then the only thing we had to be careful about was that no partisan or governmental associations got involved”* (Interview No. 7).

With regard to the impact on the registration level, this councillor however considers that the involvement of associations is one among several tools (TV campaign, distribution of forms in Mexican shops abroad...) that helped improve the registration level.

Altogether, the activists' and the IFE's different interpretations on the registration process and the first electoral participation are to be related to their different perceptions of the electoral process. Some of the IFE's priorities were to look out for the reliability and the validity of the election, to encourage citizens (in general) to vote and to ensure that their citizens' rights and obligation were respected. Following these principles, the IFE considered that the first experience of external voting would be successful if the elections were fair and the turnout high. As this interviewee at the COVE puts it (Interview No. 7), *“we have the impression that the main contribution of this experience of vote abroad is that it proved that voting by mail is legal and safe contrary to what many thought could happen when the law was being discussed”*. Indeed the 2006 presidential elections were followed by a series of accusations of frauds supposed to have taken place on the national territory. In that particular context in which the IFE was under pressure, the interviewee considers as a major source of satisfaction the fact that no political party filed a complaint to the Electoral Court concerning external voting: *“(...) as far as legality is concerned, we feel very proud of the [electoral] process [abroad]”*.

With regard to voters' turnout, the COVE is also satisfied because 81 percent of the 40,876 voters registered abroad voted in comparison to only 58 percent of Mexicans registered as voters on the national territory. They concede that the number of persons who registered abroad, on the contrary, is very low compared to the estimations made beforehand. They do not consider however that issuing voting identity cards abroad would alone improve the level

of registration but believe that “*we must work on other aspect of civic education, relations with national politics etc...that we normally do on the national territory*” (Interview No. 7).

Opposed to this positive evaluation is the viewpoint of associations who fought for external voting. To them, the 2006 presidential elections were the materialization of a struggle. Even though organizations such as the CDPME were conscious that not all of the 12 million Mexicans in the US would vote and that the 2005 Law was a first step, they nonetheless felt that the victory had been stolen from them due to the many obstacles impeding massive registration from abroad. Furthermore, since they defended the idea that Mexico’s democracy would be incomplete as long as migrants had no access to political rights, migrant activists saw the limited participation as a denial of democracy. Unlike the IFE, the associations were less interested in the legality of the proceedings but rather in the inclusion of the possible largest number of emigrants. This viewpoint is very clear in the statement of the CDPME activists defending the right to external voting in polling stations abroad:

*“(...) the idea is that the electoral process must turn into a civic celebration (fiesta civica) abroad. (...) you go to the casa Zacatecas or Guanajuato or Michoacán or Guerrero [abroad]and you set up 10 polling stations there. The people will come in an orderly manner because they all know each other. They will meet with their buddies (compadres); they will see each other, they will feel part of Mexico in this small place.”* (Interview No. 5).

The third element we wish to examine in explaining the low level of registration abroad is the role played by the associations. Much like the IFE, Mexican associations appear somehow to have been taken by surprise by the late approval of the electoral law. They therefore took some time before starting to encourage Mexicans to register and answering the IFE’s call for help in registration campaigns. The IFE also called two CDPME leaders to advise them in the promotion strategy to reach the emigrant community. Obviously, these persons had been chosen for their linkages with the community. For one of them, residing in Chicago, his role consisted not only in advising the IFE on how to maximize its resources to promote registration abroad, he was also trying to influence the administrative decisions taken by the IFE which were impacting the registration process (Interview No. 24).

Except for these IFE advisors, most of the associative work was done at the grassroots level. This migrant activist from the Concilio Hispano in Chicago underscores the typical role played by clubs and federations which consisted in distributing forms to migrants for them to register: “*We distributed almost 35,000 forms in the associations, the church clubs, the shops,*

*at the street corners. (...) We also got involved in the registration process but in a secondary way because our intention was to promote it [the right to vote] as much as possible”* (Interview No. 20).

For the other migrant advisor to the IFE, this strategy proved unsatisfactory because emigrants who received the form on the street or at the church would be less likely to register once at home because of the complexity of the process (filling in the form, making a copy of the voting identity card, providing a proof of residence and sending it by registered mail). On the contrary, those citizens who were attended personally (in shopping malls for instance) by other migrants accredited by the IFE to help them fill in the form on the spot (a strategy set up at the very end of the registration process) would be more likely to go through the whole process (Interviews No. 22 and 7).

Interviewees from the IFE and the CDPME argue that the role of association is however to be questioned (Interviews No. 5, 24 and 26). Considering that many emigrant leaders claim they represent tens of thousands of emigrants, how come they were not able to push more than 40,000 of them to register? To him, the legislator and the IFE should not be the only ones to rethink their roles in the process of the first experience, migrant leaders too have to reconsider their associations’ representativeness in the future. Calderón Chelius (2007) hypothesizes that the limited influence of the associations is to be explained by the fact that:

*“(...) clubs and federations of countrymen (paisanos) did not work directly to guarantee the participation of their members. (...) voting abroad was a decision more individual than corporatist –an old Mexican custom-, [more] than the simple response to a leader or to the fear of future reprisals. This does not mean that clubs and federations did not set their machinery in motion, especially when the IFE’s civil servants explicitly requested them to promote registration among Mexicans as time was running out, but that their activism amounted to that of other groups of promoters of the vote (...)”.*

The fourth element to be considered in examining the reasons for the low level of registration is the desire of the emigrants themselves to participate to the election. As underscored by this PAN senator, the question has always been present in the political debates on external voting with opponents saying that: *“those who wanted to vote were the leaders, those who were interested in doing politics here, but that the majority of the Mexicans who live out of the country are interested in their health, their subsistence, their work, their family and after that the [right to] vote”* (Interview No. 23).

During the years of debate, the promoters of external voting frequently referred to surveys underlining the Mexican migrants' interest in participating in Mexican elections but also the non-migrant population's acceptance of external voting (Comisión de especialistas 1998, Carpizo and Valades 1998 and Consulta Miftofsky 2004). A few months before the legislation passed, the March 2005 Pew survey (Suro 2005) showed that 87 percent of that population would vote in the next Mexican election if they had the opportunity to do so. Nonetheless for politicians such as the PRI senator who led the Senate Commission on external voting and helped building a consensus:

*"(...) the topic of the vote was not a priority in the community. The community wanted obviously to have a status, a legal framework that let them stay there (...) If the pollster asked 'Do you want to vote?' Then [they say] yes, they would not disagree. Accordingly, the topic of the vote was never a popular clamour, it was not a demand of the community"* (Interview No. 16).

For the IME executive director (Interview No. 14), the low level of voters' registrations has weakened the emigrants' position in Mexican society for he believes:

*"many stereotypes have developed based on the experience of the vote. I believe that many people feel convenient to conclude that Mexicans abroad do not care about Mexico anymore and for that reason we should not worry about them and instead the resources [dedicated to the emigrant vote] should be spent here [in Mexico]"*.

The position of the opponents to the external voting right has further been reinforced by the Spring 2006 marches in the United States against the Sensenbrenner proposal criminalizing undocumented migration. These marches, in which millions of migrants (predominantly latino) participated, were followed by the participation of only 32,000 Mexicans at the 2006 elections. The coincidence of these events provides opponents to external voting with new arguments on the emigrants' desires to participate based on their mobilisation for a legal status and for the well-being of their relatives in the United States. Yet, as underscored in several interviews conducted with migrant leaders (Interviews No. 4 and 20), among those who got involved in the fight for external voting in Mexico are also to be found those who fought against the Sensenbrenner proposal in the United States. This does not mean that there do not exist associations who only fight for one of the two causes, but it nonetheless tells us that there are associations who consider that the migrants' life transnational dimension necessarily implies that they have a say in the two spaces.

## 4.2. Campaign and election results

As we already underlined in the description of the legislative process, the Senate commission who drafted the legislation wanted this first electoral experience abroad to be limited, and set different rules aimed at guaranteeing the fairness of the election. One of these rules is Article 296 of the electoral law expressly prohibiting any act of electoral campaign abroad and prohibiting political parties to use any resources coming from abroad for the purpose of campaigning at home or abroad. During the interview, the IFE civil servant attached to the COVE (Interview No. 7) stressed the fact that the prohibition of campaigning abroad is related to the IFE's difficulty to control the origin of the money coming from the United States and the difficulty to sanction wrongdoers. Monitoring campaigns in the U.S. media would also have revealed extremely costly for the IFE. Accordingly, the IFE's stance was to support prohibition because, this way, political parties would automatically denounce any campaigning act of their competitors to the IFE.

As Smith (2008: 726) coined it, the 2005 electoral Law on external voting marks the passage from "*campaigns without votes, to votes without campaigns for migrants*". Indeed, we already mentioned that since 1988, different presidential candidates in Mexico had included the support of the emigrant community in their electoral strategy. This culminated with the 2000 elections when the two opposition candidates campaigned in the emigrant community. For the PAN candidate, Vicente Fox, the strategy consisted in developing a new discourse on the Mexican nation including the emigrant community while the PRD candidate, Cuauhtemoc Cardenas, was counting on the support of long-time left-wing activists hoping to mobilize 100,000 voters in California to travel back to Mexico and vote (Leiken 2000).

In 2006, on the contrary, the candidates were actually prohibited from campaigning abroad and party members going abroad during the campaign would even refuse to mention to which party they belonged for fear of sanctions (Smith 2008). Despite the prohibition, the emigrant voters had different means of being informed about the presidential campaign taking place in Mexico: the Hispanic media in the U.S. were covering the event, partisan information could be found through the internet, associations and Mexican parties' offices in the U.S. were promoting their candidates in the limit set by the law and the IFE sent a CD and an DVD with recorded messages of the candidates to all emigrant voters.

In theory, the absence of campaign abroad did not necessarily mean that no electoral strategy towards the emigrant community should be developed. For Calderón Chelius (2007) however, the PRD did not set up a clear strategy to convince the potential electors and did not very much include the topic of migration in its campaign. Furthermore, she points out that a small share of radical groups in the PRD who had opposed the vote by mail during the parliamentary discussions were trying to discredit the electoral process abroad prior to the election and encouraged emigrants not to register. This negative mindset was also visible in my interview with the PRD parliamentary assistant stressing the fact President Fox's PAN had taken advantage of its control of the executive branch to promote the vote for PAN in the consulates (Interview No. 10).

Concerning the PRI, we have seen that this party had long opposed external voting for fears of being unpopular among emigrant voters. The party eventually supported the legislation in the ultimate phases of the parliamentary debate. For this former PRI senator (Interview No. 16), the problem of their campaign was that *“the PRI entered very early when there was no debate and then, when they all entered, it came late. Then, the PRI did what it could with the [emigrant] vote. There was no special campaign over there. The government, on the contrary, had six years of work. The government did many things with regard to the topic of migration (...)”*. This excerpt from the Senator's interview confirms Calderón Chelius' (2007) analysis stating that the importance Fox had given to the issue of migration during his mandate had struck a chord among the emigrant community that would benefit the PAN candidate Felipe Calderón in 2006. The PAN appeared well organized abroad and, as epitomized by the activities of this PAN MP (formerly residing in Texas) and elected on the plurinominal list (Interview No. 15), it took advantage of the preparatory work of its members abroad :

*“(...) I focused on giving lectures, on giving conferences, on promoting the party of the current president Fox. Vicente Fox has been one of the presidents who opened us the borders and gave us attention. (...) I was not giving them (the emigrants) away advertisement to vote for the PAN, to vote for this candidate. (...) I prepared the ground so that when the 2006 elections came, many migrants knew for whom to vote. I was speaking in favour of the party. I did not even know who our presidential candidate was going to be”*.

With this strategy, this PAN MP was actually recruiting new members of the PAN-Texas to which propaganda would be sent in due time.

Table 3. Results of the vote abroad

	<b>N votes</b>	<b>Percentage</b>
<b>PAN</b>	19,016	58.29
<b>PRI</b>	1,360	4.17
<b>Alianza por el bien de todos (PRD-PT)</b>	11,090	34.00
<b>Nueva Alianza</b>	128	0.39
<b>Alternativa</b>	887	2.72
<b>Candidates not registered</b>	29	0.09
<b>Invalid votes</b>	111	0.34

Source: COVE (2006)

Turning to the results, it appears that the PAN's strategy has been successful since it collected 58.29 percent of the votes while the two main opposition parties collected 4.17 percent (PRI) and 34 percent (PRD coalition) of the emigrant votes respectively. Compared to the election results on the national territory, however, these results appear surprising. Voters residing in Mexico appear to be split between the PAN (35.89 percent), the PRD coalition (35.31 percent) and, to a lesser extent, the PRI (22.26). Less than 0.6 percent (around 250,000 votes) separated Calderón from the PRD candidate, Andres Manuel Lopez Obrador. Right after election's day, post-electoral controversies started with the PRD accusing his opponent of fraud and refusing to recognize the PAN's victory. The conflict escalated with massive marches organized in Mexico city, the occupation of the city's central square of and the creation of a "legitimate government" refusing to recognize the official government of Calderón.

Bearing in mind that one of the arguments for opposing and later limiting the right of emigrants to vote in Mexico was that they could be decisive, the strategy appears to have been successful because the 32,000 emigrants were not able to tip the scales in this case. On the contrary, if 300,000 voters had participated -as some estimates indicated- a harsh controversy on the emigrant vote, its legality and its legitimacy could have started right after the election. On the contrary, the post-electoral controversy focused on votes cast on the national territory and most in the PRD accepted the results of the electoral proceedings abroad.

It remains nonetheless surprising that the emigrant vote differs so much from the votes cast abroad and the mirror effect between the national territory and the rest of the world is so

limited. On the national territory and abroad, the PRI is clearly defeated but the dimension of the defeat abroad support the thesis that emigrants hold this party responsible for Mexico's problems and have therefore used their vote as a way to punish it. Because the PRD had stronger historical linkages with the emigrant community and perceived itself as a promoter of the emigrant vote, the expectation was that it would win the emigrant vote. In the controversial post-electoral period, the defeat abroad led some of its members to accuse the PAN of having used government means to promote the PAN in the United States (Interview No. 10). While we have already given some potential reasons for the PAN's performance abroad, further research needs to be done to explain the Mexican emigrants' electoral behaviours. Yet, what appear to be surprising results to some could have been somehow anticipated, as both the Marcelli and Cornelius (2005) and the Pew survey (Suro and Escobar 2006) had warned that the PAN had an electoral basis abroad. The fact that little attention has been given to these elements is one more proof that, since the early debates on the emigrant vote in Mexico, clichés have tended to dominate the political parties' perception.

## **5. Developments of external voting after the first experience**

After July 2006, the heat preceding the first experience of external voting largely disappeared as Mexico entered a period of post-electoral controversy. The conditions for the question to come back on the agenda were however present for at least two reasons: on the one hand, several regional states in Mexico were considering implementing external voting at the subnational level and, on the other hand, migrant associations were unsatisfied with the level of registration and thus started to work on possible improvements.

### **5.1. The emigrant vote at the regional state level: the case of Michoacán**

As we have seen above, Michoacán belongs to Mexico's "traditional" sending states. Nowadays, this region belongs to the group of the three largest sending areas with a population loss due to international migration of more than 40,000 persons a year and the emigrant population representing 25 percent of the state's population. This state is also epitomized by the concentration of its emigrants (66.3 percent) in the North American state of California and the fact that around 12 percent of its households receive remittances from



relatives abroad (CONAPO 2002 and 2005). Michoacán is also the largest beneficiary of remittances in the Republic representing more than 15 percent of the state's GDP (UNDP 2007).

In this specific context, the Governor of Michoacán (PRD), Lazaro Cardenas Batel, son of the emblematic founder of the PRD, drafted a reform of the state's electoral law aiming at permitting *Michoacanos* residing abroad to vote at gubernatorial elections. He tabled it in the state's Congress in 2003 but received a lukewarm welcome from the PAN and PRI parliamentary groups. For that reason, it was agreed to postpone the discussions on the topic until the question of external voting was solved at the national level. As underscored by one state's civil servant close to the Governor and member of the CDPME (Interview No. 5), The debate was further delayed by the fact that, contrary to what happened at the national level, the promoters of the vote insisted that the reform be adopted unanimously: "*Here in Michoacán, the PAN and the PRD together with the PT (Partido del Trabajo) could have had the majority but, here, preference was given to the adoption by consensus (...). Here the governor and all the political actors said this would be approved by consensus so all [of us] are co-responsible and we all work for the issue.*" Obviously, this strategy also aimed at avoiding that some got the impression the reform would only benefit to one party and at preventing future judicial attacks from opponents to the law.

With the arrival to the state Congress of a PRD emigrant MP from California (who happens to be an academic working on the emigrant vote and a member of the CDPME, too), the question took a new turn. This congressman made passing this legislation during his mandate a personal priority. In the interview (Interview No. 17), he stressed the fact that his strategy had been to maintain the topic in the news during his mandate and to progressively increase the pressure on the opponents to the emigrant vote by pinpointing them in order to increase the political cost of rejecting the legislation when time would come to decide. He was also aware that several MPs had been migrants themselves and that all were coming from areas where migration was a main concern for their electors. He was therefore willing to take advantage of this situation.

Because he had the additional constraint to reach unanimity, this MP engaged in substantial talks outside the assembly in order to make sure that all parties approved the legislation when it would come to the final vote. For this emigrant activist residing in Illinois (Interview No.

4), this MP *“was the one who pushed it, worked on it, lobbied for it, negotiated it. In other words, if we had not had him there, we would not have the vote because “who was going to follow the issue full time?” (...).”* Nonetheless, this activist also underlines the roles of the Michoacano associations in the United States which created the non-partisan Michoacano binational front (FREBIMICH) in 2004 to permit that: *“(...) all Michoacano clubs, organizations and federations in the United States do not experience [internal] political conflict. (...) In here [in the FREBIMICH] we fought for political issues and here we developed the strategy on the vote”.*

When the legislation eventually passed unanimously in Congress on 10<sup>th</sup> February 2007, the emigrant MP insisted that integrating emigrants in the political community was strengthening Michoacán’s democracy and that for the first time politicians from the state would have to answer for their actions to the citizens abroad. Just like what happened at the federal level, enthusiasm quickly gave room to frustration in Michoacán because many tasks had still to be performed in a minimum time to make voting in the 11<sup>th</sup> November 2007 gubernatorial election possible. Besides the late legislative approval, several elements that had harmed participation abroad at the federal level were also applying in Michoacán’s legislation: impossibility of delivering voting identity cards abroad, impossibility of campaigning abroad and prohibition on using foreign resources in the campaign. The main differences between the two processes altogether is that, contrary to what happened in 2006, Michoacanos did not have to give a proof of residence abroad to register and they could send their vote by regular mail.

In the implementation of the legislation, the Electoral Institute of Michoacán (IEM) hired an IFE civil servant in charge of the emigrant vote at the federal level. Confronted with little time to register electors abroad, the IEM set up a strategy that can be summed up as such: four media spots, a webpage, edition of posters and flyers for diffusion abroad, a partnership with a money-order company for the promotion of the vote among customers, a hotline for assistance and four promotional trips of IEM councillors and civil servants to different parts of the United States (IEM 2007a). During those trips, IEM civil servants, just like the IFE a year before, were confronted to the emigrants’ disappointment at being unable to register because they lacked the voting identity card (Arzola 2007). During the last two weeks of the registration campaign, the IEM intensified its efforts by launching an advertising campaign in the Hispanic media in the U.S., meeting with community leaders and hiring community

activists to help Michoacanos with the registration (La Voz de Michoacán 03/07/07). The IEM civil servant in charge of the migrant vote considered that despite this well-organized strategy, the little time at their disposal for the information campaign was making it unlikely that massive registration would happen (Interview No. 26).

As the registration deadline approached, it became clear that the level of registration would be low and the different actors involved in the process started to pinpoint the responsibilities for what they refused to call a failure. For the regional state civil servant and CDPME activist (Interview No. 5), the IEM repeated the errors the IFE had made at the federal level:

*“they let the time go by, they did electoral tourism, they did not use the community’s radios, they did not get involved in the topic. (...) I think they were improvising 80 percent of the time, only the last week were they really working. If they had taken advantage of the three or four previous weeks like they took advantage of the last week, I’m sure we would have gotten many more votes”.*

To him, the low level of registration to be announced was also revealing a crisis in the capacity of representation of migrant associations:

*“[the associations] tell you that ‘we represent 600,000 Michoacanos in the Middle-West’ and, I would tell to one leaders who was saying that, ‘listen, from those 600,000 that you represent, at least you could have registered one percent’. What became clear here is that the leaders of the federations, clubs and confederations of Michoacanos represent their associations and not the society”.*

For the emigrant MP (Interview No. 17), associations took time to realize that once the legislation had been passed, the work was only beginning. He also pointed out that the IEM took action for the promotion of the right to vote abroad very late because its councillors were changed after the approval of the law and the new councillors were unfamiliar with the topic and did not provide the campaign with adequate funding. Associations, on their sides, complained that just like in 2006, the legislator approved the emigrant vote at the last minute and the emigrant community received little information (La Opinion, 12/11/07). For this Michoacano migrant leader, the legislation (and federal rules constraining this legislation such as the rules on the issuance of voting identity cards) are responsible for the low level of registration about to be revealed (Interview No. 4):

*“there are laws above the [regional] state and that cannot be changed (...). We cannot give voting identity cards only to Michoacanos here in the United States (...). Therefore we feel trapped. And also they are no campaigns, the budget is very limited. You see many elements for which the Michoacano here in the United States still does know he has a right. (...) [Furthermore]*

*we still have not told all those who have a voting identity card they can vote. For this reason, we have not reached the number we wanted. It is not that there is no interest, I believe there was no strategy to send the message”.*

While it appears that the administrative, political and associative actors started to blame each other for the low level of registration, they nonetheless coincided in saying that the success of the electoral process abroad should not be estimated in quantitative terms but rather in qualitative ones. In other words, the most important thing was that the principle of emigrant vote was accepted for the 2007 election and that the issue of participation could be resolved later. In that sense, they appeared to have learnt a lesson from the federal elections before which ambitious goals had been set by associations and were later used by the opponents to the emigrant vote. In Michoacán, the IEM had nonetheless carried out a technical study on external voting after the approbation of the law. In the study, they considered that since 160,000 Michoacanos abroad had a valid voting identity card and 2,662 of them participated in the federal election a year before, they could hope that 12,500 Michoacanos would register for the gubernatorial if a massive information campaign was held (IEM 2007b).

In reality, the level of registration has been much lower. On 4<sup>th</sup> August 2007 deadline, the IEM had received 997 emigrants' forms to register as an external voter. Of these, 953 demands came from the United States (771 from California alone), 9 from Spain and 8 from Canada; 671 of these demands were considered valid by the IEM but only 349 emigrant voters eventually sent their ballot papers back to Michoacán. Of these, 167 voted for the candidate governor of the PRD-led coalition (47.8 percent against 33.12 percent among voters residing in Michoacán), 138 voted for the PAN-led coalition (39.5 percent against 30.48 percent) and 24 voted for the PRI (6.8 percent against 24.3 percent). The number of emigrant voters is too limited to talk about a possible mirror effect between emigrant and resident voters. Yet, similarly to what happened with the PAN president Vicente Fox, we can hypothesize that the PRD candidate has benefited from the previous PRD governor's impulse to the emigrant vote and from his pro-migrant policy at the state level (e.g. with the development of the Michoacano Institute for Migrants). Similarly, the poor performance of the PRI abroad in comparison with its score at the state level supports the idea that migrants have kept their historical distrust against this party.

Another similarity with the 2006 federal election is that, after the publication of the registration figures, arguments against external voting reappeared: lack of interest, demand

coming from migrant elites only, fear to be deported by the INS...(Cambio de Michoacán 9/07/07). Nonetheless, as underlined by the former director of the Michoacano Institute for Migrants, it is unlikely that the weak level of registration will lead to strong anti-migrant or anti external voting position due to the importance of the issue of migration in the state. Nonetheless, he believes this weak participation could undermine the position of future emigrant MPs within political parties (Interview No. 18).

At the time of writing, it is difficult to evaluate the future of external voting in Michoacán and the impact of the first experience of regional external voting on other states. For the reason we have just mentioned, it is very unlikely that this right will be taken away in the coming legislative term. Considering the complaints of the political, administrative and associative actors on the registration process exposed above, it is probable that the Michoacano supporters of emigrant vote will lobby in favour of permitting campaigns abroad, laxer registration rules and better information campaigns by the electoral authorities. Yet, as underscored by an IEM and a state civil servant, the improvement of participation figures is also dependent on middle to long-term efforts of civic education consisting in informing emigrants of their rights and the importance of using them (Interview No. 5 and 26).

## **5.2. Post-electoral developments of external voting at the national level: the work of the CDPME**

We have just seen that the debate on external voting gained speed in Michoacán after the 2006 Presidential election. At the federal level, however, the question of external voting somehow has disappeared from the political agenda now dominated by the post-electoral controversy. In addition, the fact that electoral operations abroad went smoothly largely demystified the topic of external voting that had long scared a share of the Mexican political class.

During the interviews conducted with MPs and senators from the three main parties between May and August 2007, none of these indicated that they were willing to launch a reform on the emigrant vote in the near future. For this ex-PAN senator close to the President (Interview No. 23), the reform *“(...) is not a priority for President Calderón and obviously it is not a priority for political parties either. But I think it is worth thinking about it and the following legislative term in 2009 could bring some modifications. Some initiatives are in the air. Some*

*say the IFE could issue voting identity cards in the United States*". Similarly, this ex-PRI senator (Interview No. 16) envisages that a possible reform of the electoral law could comprise a larger budget to promote the vote abroad and to facilitate the procedure. A former PRD MP (Interview No. 12) also agrees that discussions on external voting could start again with the new legislative term in 2009. He also maintains that the issue has to be kept outside the larger debate on the electoral reform for this strategy has proved successful in the past. The Executive Director of the Institute of Mexicans abroad (Interview No. 14), on the contrary, is not optimistic about the possibility of reforming the law in the near future and he thinks the narrow victory of the PAN candidate at the 2006 elections will discourage political parties to facilitate emigrant participation because a larger emigrant voting population could be decisive in 2012.

The post-electoral controversy has greatly weakened the IFE and many have called for the replacement of the current councillors and a reform of the institution. Because it finds itself in a delicate position, the IFE is currently not giving a lot of attention to the topic and is not in a position to push a particular agenda on external voting. Nonetheless, this IFE councillor (Interview No. 19) does not believe that the conditions are present for political parties to get rid of the vote. He underlines that, besides a possible reform of the registration process replacing the obligation to hold a voting identity card, the current system could reach better results without major reforms (by insisting that emigrant take their card when crossing the border and encouraging those who had the card but who did not register to do so). In its White Book (2007) on the emigrant vote, the IFE nonetheless recommends that the possibility of issuing voting identity card abroad should be examined in the future. It also recommends that permanent information on the right to vote be given to Mexican citizens abroad and that solutions be found to create contacts between the candidates and the emigrant voters despite the prohibition on campaigning abroad.

For the associations, the disappointment of the low registration level and the increasing salience of the debate on migration reform in the United States have also decreased the importance of the emigrant vote on some associations' agenda. For the most part, their demands for a reform of the emigrant vote coincide with those expressed in Michoacán: issuing voting identity cards abroad, permitting acts of political campaign abroad, bigger budget to inform citizens of their rights, better information campaigns of the IFE and fewer administrative obstacles to the exercise of the vote.

For the CDPME too, the first external voting experience in 2006 decreased its level of mobilization<sup>158</sup>. During the CDPME meeting I attended, a founder of the association residing in Chicago underlined that, because it focused on the single topic of the emigrant vote, the CDPME was left with no agenda after the first electoral experience. The question of its dissolution was even discussed. In this particular context, he recalls, they decided to examine the possibility to fight for a new cause in the area of migration: the reform of Mexico's migration laws in relation to the treatment of migrants entering the country through the country's southern border.

Contrary to the emigrant population, the immigrant population in Mexico represents a fractional share of the country's population (0.5 percent). This population is divided in three groups: political refugees who entered the country principally during the 1980's, seasonal workers crossing the border to work in the agriculture, the services or the informal sector, and transit migrants –mainly from Central America- trying to reach the United States. In terms of nationalities, Guatemalans, Hondurans and Salvadorians represent 93.5 percent of the undocumented migrants detained by the Mexican authorities (PNUD 2007). According to the NGO Sin Fronteras, which specialized in the issue of the Southern border, 25 percent of the deported Guatemalan migrants declare to have been victims of abuses. Female migrants are particularly exposed to sexual abuses and immigrant women's murders happen on a larger scale there than at the Northern border (Sin Fronteras 2005).

According to the information officer of Sin Fronteras (Interview No. 3), Mexico's immigration policy "*focuses on the restriction of the foreigners' rights in Mexico and that has also evolved –for different reasons- towards a policy focusing on the swift detection, detention and deportation of foreigners crossing through Mexico*". Commenting on the lack of immigration policies in Mexico she underlines that for long:

*"it was not deemed necessary to develop a national migration policy for the South. First, because the volumes –in comparison with the Mexicans going to the United States- are lower. And second, because it has always been (...) the forgotten border, a border little studied, little analysed and with little visibility for all; both for the Mexican state and the academia, civic associations etc..."*

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<sup>158</sup>This section relies on interviews conducted with members of the CDPME and on participant observation at the CDPME meeting in Mexico City on 5/08/07

For Sin Fronteras, the contradiction in Mexico's official discourse is not acceptable. On the one hand, Mexico criticizes the United States for its harsh migration policy towards Mexican migrants and, on the other hand, Mexico has a harsher policy towards Central American migrants at its southern border.

The Mexican authorities only partially accept this critique. The director of the National Institute for Migration and ex-PAN senator (Interview No. 23) rejects the idea that Mexico does to Central Americans what the U.S. does to Mexican migrants because: *“we have built no wall at the Southern border, because we do not have the requirement that if you want to come to or cross Mexico you have to wait for 12 years -or I don't know how many- to be a permanent resident; which is a xenophobic migratory law that the United States has.”* She is nonetheless aware that everybody connects Mexico's emigration and immigration policy and, on the contrary, *“the effort that we have been doing at the Institute since President Calderón took power is to find the way –without comparing continuously with how they treat us there- (...) to treat the migrants better, especially Central Americans”*.

In contradiction with the official discourse, the CDPME largely shares the analysis of Sin Fronteras. In fact, the contradiction stressed by Sin Fronteras is at the basis of the CDPME's commitment to reform Mexico's migration law: one cannot fight the political rights of Mexicans abroad and simultaneously close one's eyes on the situation of foreigners coming to Mexico. Nonetheless, as underscored by the Sin Fronteras information officer (Interview No. 3), associations working at the Southern border have few contacts with Mexican associations in the United States. During the CDPME meeting in August 2007, a founder of the association acknowledged that Sin Fronteras had much more expertise than the CDPME on the topic of Mexico's migration law but insisted that they kept working on the issue. What they decided was thus to draft a new agenda composed of two items in which the minor topic is the reform of migration law and the major one is the reform of external voting (and particularly the issuance of voting identity cards abroad). They also agreed that the strategy to reach these two objectives would be that described in the previous section: lobbying in Congress and press conferences to pressure politicians and increase public awareness.

With regard to the issue of the migration law, members of the CDPME debated whether they had the necessary resources and knowledge to fight for this cause. According to a founder of the association and resident in Mexico City the CDPME can and must act. He underlines that



they are not alone in this fight and that their role would be limited. Eventually, the position adopted would be to demand that a consultation of all actors concerned by a complete reform of Mexico's migration law be organized jointly by the CDPME and the Subsecretariat for population, migration and religious affairs.

Concerning the reform of the external voting legislation, the members of the CDPME stress that the key issue is permitting the issuance of voting identity cards abroad. For this activist residing in California who met many migrants willing to vote but not holding the card during the registration campaign, the question of holding a card relates to the right of having an identity; the voting identity card would improve undocumented migrants' daily lives. This other activist from Illinois agrees that issuing the card abroad is essential but considers that it will only work if adequate funding is devoted to external voting in the future. A founder of the association residing in Illinois nonetheless makes the point that many migrants had the card in 2006 and still did not register to vote. For that reason, issuing the card would maybe not increase participation abroad significantly. Still, the members of the coalition agreed that, from now, their lobbying effort should focus on the issuance of cards abroad.

The debate also focused on the way external voting should be reformed. Some members considered it necessary that the CDPME should write a law proposal to reform external voting. While this was consistent with their previous activities (the association had written a citizen's proposal on external voting before the legislative approval in 2005), they eventually admitted that the topic was very technical and that it was their responsibility as an association to push for principles while leaving the responsibility for drafting the legislation to Congress. Another methodological question concerned the timing of action. Different members expressed fears that, because political parties had envisaged to modify electoral laws in the summer 2007, the legislator could potentially decide to get rid of external voting since the topic had lost interest for the parties and even the associations<sup>159</sup>. The agreed method was thus to lobby political parties for the inclusion of the topic of voting cards abroad in the 2007 electoral reform.

The electoral reform approved by Congress did not eventually include the CDPME's demand. At the time of writing, the issuance of voting identity cards abroad is still impossible. By

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<sup>159</sup> This fear contradicts with the result of our interviews with politicians of the three main parties who consider that external voting is here to stay.

lobbying members of Congress and getting media's attention a few weeks before the reform, the CDPME nonetheless won two important victories: it prevented opponents to external voting from trying to get rid of it and it introduced the topic of voting identity cards in the political agenda for future reforms.

## **6. Conclusion to the Mexican case study**

The demand for external voting in Mexico appeared in the early years of the Mexican revolution. Nonetheless, we saw that the demand and its connected debate disappeared from the Mexican political scene until the end of the 1980's. Indeed, for most Mexican associations, the transformation of Mexico into a single-party political system had turned the act of voting into a pointless practice. Furthermore, we saw that during most of the 20<sup>th</sup> century, the Mexican state developed a discourse on emigrants being second-class citizens and referred to them with the derogatory term of "pochos".

The situation strongly changed with the 1988 Presidential election in which the left-wing opposition candidate Cardenas campaigned among Mexicans in the U.S. Despite the fact that this candidate would be defeated because of electoral fraud, he changed the emigrants' perception that a democratisation through electoral processes could happen in Mexico and convinced them that emigrants should be part of it. From then on, Mexican associations organized themselves to lobby Mexican authorities and demand the right to vote using the motto that Mexico's democracy would not be complete as long as emigrants didn't vote (an argument the association we focused on –the CDPME- used repeatedly).

In addition to this changing political context, the Mexican party-state was also forced to reconsider its policy towards emigrants for economic reasons. Indeed, the importance of migrant remittances and the desire to join the North American Free Trade Agreement pushed the PRI to launch a more favourable policy for emigrants in the early 1990's. For emigrants and their representative associations, this acknowledgement also meant that they were now progressively being recognised as an asset for the Mexican state.

Historically, the position of the three major parties in Mexico was very different. The PRD was indeed convinced that emigrant workers would favour them because of their socio-economic profile, and accordingly pushed for external voting as soon as the democratic reforms of the 1990's allowed it. The PRI party-state was historically opposed to the external vote because it feared, among other reasons, that the millions of emigrants in the US would blame them for the lack of opportunities that had forced them to leave Mexico. The Liberal opposition party –the PAN- was at first uninterested as he was defending the interests of the middle and upper middle classes. This position changed with their presidential candidate in 2000 –Vicente Fox- who strongly campaigned among Mexicans in the US.

After the victory in 2000, President Fox developed a new discourse towards emigrants, who were from then on referred to as “heroes”, and promised them external voting. Yet, both inside his party and inside the PRI, many feared that the PRD would greatly benefit from this vote and accordingly a compromise solution could only be found by limiting the impact of the external vote. The associations were at first unwilling to accept any proposal that would grant anything else than the right to vote to the millions of Mexicans abroad. Yet, they slowly understood that a first limited experience of external voting might be a first step towards a larger reform. We saw that the CDPME (and other associations), once they had accepted this restriction, strongly lobbied Mexican political parties and institutions (helped by individual politicians supporting external voting) and managed to increase the political salience of the topic.

Mexico's solution to limit the impact of external voting was not to create a foreign constituency like Italy did, but rather to put different administrative barriers to the access to the right to vote from abroad. These restrictions proved successful for the first use of external voting proved very limited. This, as we saw, also opened a debate on the emigrant associations' capacities to represent emigrants.

The Mexican case study, despite the particularities of its migration and political history, showed many similarities with the Belgian and Italian case studies. It is these similarities that we propose to examine in the third part of the thesis.

**PART III: COMPARATIVE DIMENSION, CONCLUSIONS AND  
FUTURE PERSPECTIVES**

## **A COMPARATIVE PERSPECTIVE FROM ITALY, BELGIUM AND MEXICO IN THE EXTENSION OF EXTERNAL POLITICAL CITIZENSHIP, CONCLUSIONS AND FUTURE PERSPECTIVES**

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In this third part of the thesis, I develop the comparative dimension of the fieldwork I conducted in Mexico, Italy and Belgium. I will first recall the hypothesis upon which this work is based and then develop how the three cases verify it. This exercise will also lead me to underline the importance of conducting comparative work in the analysis of immigrants' transnational political activities. In this process, I will once again, underline the limits of this comparative project. Finally, this conclusion will also give me the opportunity to underscore different questions that are not answered in this dissertation but that should be addressed in future research projects.

### **1. Verification of the hypothesis in a comparative dimension**

The hypothesis developed in this study supports the idea that the expansion of external political citizenship is the result of -the real or supposed- transnationalization of immigrant practices, of a context of citizenship expansion for all citizens and of the level of success of the strategies conducted both by the external actors within the home state political field (in order to extend their power) and by the internal actors (in order to protect or extend their power).

To verify this hypothesis, I have chosen to analyse the debate on the extension of external political citizenship in three different states. In each case, I have analysed the transformation of their citizenship status from a limited form with little or no political citizenship to an extended form of political citizenship that is supposed to guarantee the exercise of their citizenship rights from abroad. While we saw that these policies materialized in different ways in the three cases (we saw that different mechanisms were adopted with different levels of participation among emigrants), the three home states opted for policies that extended external political citizenship.

To ensure that my comparative work allows some form of generalization of the empirical findings, I have chosen three countries after a preliminary review of the literature on the existing causal variables explaining the state's decision to extend external political citizenship. I showed that this reduced literature fails to satisfactorily isolate recurring variables in different countries. After selecting a series of variables that appeared plausible in explaining the phenomenon, I chose three cases that differ on a series of these variables in order to draft a hypothesis with the ones that appeared to keep some explanatory value. In conducting this study, I faced the issue of the generalization of my empirical findings. Indeed, I was trying to strike the right balance between contextual analysis, which focuses on the peculiarities of each case under review, and the recurrence of established variables that had been defined conceptually beforehand. The result of this difficult exercise is that I identified four variables which, because of the contextual nature of them (in particular the one concerning the socio-political context), reduce the explanatory capacity of the hypothesis. Indeed, as I have already mentioned in the methodological part of the thesis, the generalization of my results is limited in the sense that I couldn't evaluate the importance of each variables within each case easily. On the contrary, I empirically observed the recurrence for these variables and deemed them necessary in the process of external political citizenship extension in these different countries. I could also assess that the same variable may have a different relative importance in different cases (e.g. the role of associations in the Belgian and Mexican cases). In this comparative conclusion to the thesis, I will accordingly try to maximise the level of generalization of the results of my empirical findings while bearing this limit in mind. After conducting the comparative analysis of the different variables, I will thus stress the contribution of my dissertation to the field of immigrant political transnationalism, underline the research perspectives it opens and suggest other tracks that were not approached in the dissertation but that could nonetheless be followed in the analysis of migrants' political participation in the era of globalization.

### **1.1. The strategies of external actors within the home state political field**

In the three cases I have reviewed, I have shown that different kinds of external actors were involved in the debates on the extension of external political citizenship. I particularly underlined the role of international organizations, of individuals residing abroad and, most importantly, of emigrant associations. With regard to individuals (mostly associations'

leaders) and emigrant associations, I showed that the latter had taken different forms: the associations may have embraced different types of ideologies (nationalist, communist, Catholic...), they may have different political linkages (or none) with the home country, their memberships may be of different kinds (purely made of migrants, migrants and non-migrants, academics...) and most importantly they may pursue different goals (struggling for integration in the host country, for political rights in the home country...). To understand the role of international organizations in the debates on external voting, I first wish to stress the importance of globalization in creating new opportunities to emigrant associations and in bringing new actors to the debate on external political citizenship.

The pressure from above exercised by globalization has influenced both directly and indirectly the associations' capacity to influence the home country's political agenda. With regard to the direct influence of globalisation, the progress in the associations' capacities to travel and communicate has played an important role. The increased speed at which people can travel at a reduced cost has indeed facilitated the associations' capacities to maintain linkages between their members and between emigration countries and the homeland. In the case of Italy and Mexico, emigrant associations are physically present in the home country on a regular basis, for instance when the CCIME and the CGIE meetings with representatives of Italian political parties and regions take place. Compared to the linkages that could be maintained in the early 20<sup>th</sup> century, these consultative bodies have naturally benefited from a greater capacity to be physically present in the two spaces. For documented Mexican migrants in the United States, this new capacity led to the creation of hometown associations conducting activities of local development in the village of origin from abroad. This presence, in turn, has increased the local and national politicians' awareness on the importance of migration for the development of the country and therefore also increased the attention those politicians were willing to devote to the issue of external voting.

Another direct influence of globalization on the associations' capacity to lobby for external voting has been the development of communication technologies. In the three cases under review, the Internet has proved a powerful tool to stay informed of the homeland political situation and, most directly, to reinforce the linkages between the members of the emigrant associations. The best example of the importance of the new technologies is certainly that of the Mexican association CDPME that used the Internet as a tool to build consensus within the emigrant community on the issue of external voting. As we have seen, the CDPME uses two

different electronic networks. One is devoted to the communication of a reduced number of key players in Mexican migration and serves to define the position and the strategy defended by the association on the issue of external voting. The second, much larger, is used to spread the association's message and to try and get the support of other associations to the CDPME's agenda.

Indirectly, globalization has also influenced in numerous ways the context in which emigrant associations have been able to express the request for external political citizenship. Globalization has indeed increased the salience of international organizations in the regulation of the international economy with different consequences in terms of citizenship. In the three cases we reviewed, two of such organizations have played a significant part: the North American Free Trade Agreement (NAFTA) and the European Union (EU).

In the Belgian and Italian cases, the European Union has played two distinct roles. On the one hand, the EU's focus on the construction of an open European economy in which goods and services circulate freely has increased the member states' awareness of the importance of international economic exchanges in the era of globalization. This, in turn, encouraged those states to perceive their population abroad as assets in the economic competition (see below the part on the transnationalization of immigrant practices). The associations themselves have played this card to stress the importance for home countries to maintain links with the emigrant community. On the other hand, the European Union has also pushed a political agenda in favour of the free circulation of persons accompanied with the obligation for member states to grant new rights to EU citizens residing on their territory. This has influenced the debate on external voting both in Italy and Belgium. In the case of Italy, the largest share of the country's emigrant population residing in the EU has turned from being migrants to being EU citizens with political rights for local and European elections. Also, the first experiments of emigrant vote in European Parliamentary Elections did not convince Italian authorities from a technical viewpoint, it confirmed that external voting was possible and that emigrants were interested in participating though.

In the case of Belgium, the influence of EU citizenship on the debate on external voting is even stronger. Despite the fact that the discussions on the right to vote of immigrants living in Belgium had started as early as the 1970's, the debate accelerated very much during the 1990's when the government found itself incapable of finding the necessary parliamentary



majority to pass the reforms imposed by the EU. Behind the question of the political participation of EU citizens, the larger question of the citizenship of all migrants was being asked. For emigrant associations and the Liberal party, it was not acceptable that immigrants be given voting rights in Belgium at the local level and that Belgian emigrants remain excluded from the electorate at the national level. As we have seen, the solution found by the government to comply with its international obligations despite the opposition of a large share of Flemish parliamentarians was thus to build an alternative majority in which the French-speaking Liberal party asked for a legislation on external voting for Belgians abroad in exchange. In other words, the fear that Belgium's compliance with EU rules on citizenship would create new left-wing voters encouraged the Liberals to ask for a piece of legislation on external voting (which they thought would create new voters for the Liberal party) in compensation.

In the Mexican case, the role of NAFTA is more ambiguous. As we have seen, the perspective of joining the agreement has encouraged Mexican authorities to get closer to the emigrant population residing in the USA in the hope that it would act as an ethnic lobby on the North American authorities. On the other hand, even though the implementation of the trade agreement seems to have increased the interdependence between Mexico and the United States, it has not led to the creation of a common framework in which to discuss about migration and even less about free circulation of workers or political rights of migrants.

After developing the comparative dimension on the importance of globalization and on the influence of other external actors, I now turn to the role of emigrant associations themselves. The most obvious difference in the three cases we studied is that the associations we mentioned have a different geographic focus. This naturally influenced the level of attention they devote to the issue of external voting. Yet, I argue that a common feature of these individuals and associations involved in the three debates under scrutiny, no matter where the strategies are conducted territorially, is that they seek to occupy some space in the home country's political arena.

In the case of Mexico, we have seen that there exist some associations whose main activities are concentrated in the United States (e.g. focusing on the integration of the emigrants), others that are purely oriented towards Mexico (e.g. hometown associations conducting development projects in their village of origin) and some others that are active in both areas. In the case of

Italy, the situation is more complex due to the historical presence of Italian political parties and labour unions in countries of destination. As we have underscored with the example of the largest Italian association in Switzerland, there are also emigrant associations whose primary goal and area of action has always concerned the integration into the host society (and who turned to the emigrant vote only later). However, with the regionalization of the state, emigrant associations also rebuilt linkages with the home regions in the 1970's and were given a capacity of influence in these regions through a mechanism referred to as the *Consulta*. In the case of Belgium, we have observed that a very limited number of associations represent the emigrant community and that it was originally developed as a way of expressing the Flemish identity abroad and not as a tool to have any sort of influence on the Belgian authorities. This rapidly changed when the originally Flemish association contributed to the creation of a French-speaking branch. From then on, the two associations were solely based in Belgium (with representatives abroad), working to the benefit of the emigrant community from there.

Despite the apparent differences in the territorial location of these external actors' activities, we have shown that the associations representing them share a major achievement as they have all contributed to the acceptance by political leaders, in their respective home countries, of a discourse on the idea that transnational linkages (even though they may not use this specific vocabulary) between the emigrants and the home country are an asset in the era of globalization and that, accordingly, they have to be protected and amplified by extending external political citizenship. In other words, what the Belgian, Italian and Mexican external actors have attempted to do is to devalue the symbolic value of borders that are no longer considered as an element creating distance between the citizen and the homeland. Instead, these associations have mainly promoted the image of emigration as an opportunity for the development and the prosperity of the sending country. This discourse, based on the real or supposed transnationalization of immigrant practices, has been used by both external and internal actors supporting the extension of external political citizenship and is examined in further details below.

We have seen in the three case studies that, a variety of methods have been used in the struggle for external political citizenship. The methods may have been indirect. Through the emigrants' participation to their daily activities, associations (even those that did not get involved in the debate on the extension of external political citizenship) have proved that for

citizens abroad the identity of the home country is still relevant. Unlike the discourse on the transnationalization of immigrant practices, the point here for external actors is not to demonstrate the interest for the state to extend external political citizenship. Rather, it serves to demonstrate that emigrants have maintained a sense of loyalty towards the home country.

The relevance of the migrants' home country identity may be limited to the folkloric or cultural dimension of the homeland identity. For instance, the participation of second-generation Italians residing in Belgium to Italian language classes organized by local associations or the participation of Mexican American citizens to government-sponsored Mexican cooking classes may be motivated solely by the desire to learn more about one's roots. Also, the participation to these activities may be motivated by the personal benefits the emigrant can expect of such participation. In the case of the Belgian emigrant association UFBE, its core activities actually consisted in providing support to emigrants facing different sort of problems in their relations with the homeland (taxes, nationality issues, education...). These examples nonetheless show the persistence through time of some sort of (though weak) linkages between the emigrant and the home country.

In other instances, participation and membership in emigrant associations may signify a more profound desire of the migrant to keep influencing the destiny of the homeland. The membership of Italian political parties and the participation in the political rallies of Italian politicians in countries of emigration support this point. The same can be said of the Mexican migrants' involvement in hometown associations developing public infrastructure in the home country.

With regard to the direct methods through which emigrant associations have renegotiated the migrants' membership of the home country, we can group them under the generic term of lobbying. By lobbying, we mean all the activities conducted by emigrant associations aiming at convincing internal actors and other external actors of the necessity of extending external political citizenship. The bilateral meetings between associations' representatives and authorities are one of these. In Mexico, Belgium and Italy, associations have multiplied meetings with administrations and political leaders to convince them of the necessity of legislating in favour of external voting. As we have seen, the choice of the persons to lobby was dictated by two essential requirements. On the one hand, the associations targeted principally persons who –because of their personal history (former migrants, persons

proceeding from sending areas...)- would be likely to have a personal interest in the question of external voting. In the case of Mexico, we have seen that the CDPME, for instance, has tried to establish privileged contacts with MPs, senators and governors originating from regions with large emigrant populations. On the other hand, the associations also targeted individuals who –because of their position in the party or the administration- would have the necessary leverage to influence the opinion of other members of the party or administration. In the case of Italy, we have seen that, even though the associations had thought to have built an inter-party consensus on external voting in Basel in the early 1990's, the fact that no prominent political leader had endorsed this pact made it impossible to materialize before long.

In addition to targeting specific internal actors, emigrant associations in the three cases have also lobbied other external actors in order to increase the pressure on internal actors. In the case of Mexico, I have showed that because it lacked a strong popular basis, the CDPME sought to convince large grassroots Mexican organizations in the United States of the interest of joining them in the struggle for the extension of external political citizenship. In Belgium, UFBE also understood the importance of joining forces with the other important emigrant association (VIW) to lobby the internal actors more effectively. In addition to the meetings between associations abroad and the construction of coalitions, Italy permitted that associations exchanged viewpoints in these more formal bodies that the Comites and the CGIE are (see below).

In addition to the bilateral meetings with home country officials at home and abroad (during their visit to destination countries), the associations have conducted other kinds of lobbying activities such as the organization of conferences and forums, press conferences or symbolic actions or else the redaction of draft legislation to submit to the legislator. Symbolic actions deserve some further analysis. For the associations we studied in this dissertation, electoral campaigns and Election Days have always been special moments in which they sought to attract the home country's attention on the exclusion of the emigrants from the electorate. In the Mexican case, we have seen that the organization of symbolic elections held in front of the consulates in the United States served to show the Mexican authorities that there existed a real desire for participating among Mexicans residing abroad. In the case of Belgium, the highly publicized story largely of that UFBE's leader facing multiple administrative barriers

in the exercise of the vote from abroad served to increase the home country's attention to the necessity to legislate in the field of external voting.

Besides these somehow traditional lobbying activities, an important element in the three cases we reviewed has been the existence of formal bodies where emigrants and authorities could discuss the issue of external voting (among other emigration-related issues) on a regular basis. In the Italian and Mexican cases, this formal body is respectively the General Council of Italians Abroad (CGIE) and the Consultative Council of the Institute for Mexicans Abroad (CCIME). While we have underscored the weaknesses of these consultative bodies (lack of binding power, participation of second-rank party officials...), they contributed to the internalization of the external voting issue in the home country political agenda. Indeed, these consultative bodies helped make this demand expressed from abroad an internal issue in the home state through the participation of political parties and through the recommendations these bodies made to the legislative power. In the Belgian case, despite the short-lived existence of a consultative body (and the discussions on its possible return), the situation differs from the other two countries. The internalization and formalization of the issue of external voting in homeland politics have been favoured by the integration of political parties' representatives into the French-speaking emigrant association's structures. While this one does not have the same official character as the CCIME and the CGIE, it has played a similar role thanks to that the presence of political parties' representatives in the association's Board of Directors. These served as intermediaries between the association and the parties and contributed to increasing the parties' concern for emigration issues.

Now that I have examined the similarities in the methods used by the associations, I can turn to the arguments used by the associations in their lobbying activities. In order to convince political parties of the necessity of strengthening ties with the emigrant community through the extension of external political citizenship, emigrant associations have used a variety of arguments. Here again, similar arguments have been used in the three countries.

First, there are the arguments based on the legality of external voting. In the three cases I reviewed, emigrant activists, relying on their homeland constitution and the principle of equality between the citizens, asked that an end should be put to the discrimination against citizens abroad who were unable to cast their votes. This argument, however, did not convince everybody for they considered that emigrants were not prevented from voting as

they “just” had to come back to regain their right to vote. Furthermore, critics in all three countries underlined the fact that granting emigrants with specific modalities (i.e. vote by mail) that are not available to other voters is another infringement to the principle of equality between all citizens.

Second, emigrant associations also very much insisted on the feasibility of the external voting mechanism to justify its implementation. To them it was a way of answering to critics arguing that voting from abroad would be too costly, technically very difficult and would increase the risks of frauds. To the argument of the cost, emigrant associations responded with the argument that emigrants’ remittances and the business opportunities created abroad largely covered the cost of external voting. With regard to technical difficulties and risk of frauds, the example of other countries which, had allowed the emigrant vote, for decades, served to prove that external voting could take place without major difficulties.

Third, there are arguments about the legitimacy of extending external political citizenship and of external voting particularly. For internal and external supporters, the opportunity that emigration represents for the economic prosperity of the homeland justifies that the state should try to strengthen ties with the community by all means and especially by granting the right to vote. In the Mexican, Italian and (to a lesser extent) the Belgian case, associations also insisted on the suffering that the act of emigration represents and on the guilt of the home state which, according to emigrant associations, should not be accompanied by a further deprivation of political rights. In the case of Mexico and Italy, in addition to a much stronger discourse on the human and social cost of migration, emigrant associations have insisted (and still do in the Mexican case) on the weight of remittances in the home country’s economy, which would have somehow “bought” the right to vote from abroad. With regard to the legitimacy of external voting, emigrant associations in the three countries also had to face criticism about the decisive impact of this vote on election results. In other words, opponents to external voting argued that in case of tight elections, the vote expressed abroad could make all the difference. For the supporters of the emigrant vote, this critique was unfounded, for the vote cast abroad has as the same weight as that of any other share of the population (voters from a specific region, women, youth...) or any other socio-economic category (civil servants, workers...).

The strongest critique on the legitimacy of external voting, however, concerned the fact that the decisions taken by the parliamentary representatives the emigrants had contributed to elect would largely not apply to them because they did not reside on the territory. At the core of this criticism lied the fear that the emigrant vote would not vote in a responsible manner because they would not bear to suffer the consequences of their votes. In the three cases under review, the response to this argument was both made of pragmatic and of more profound arguments. On the pragmatic side, emigrant associations insisted that many decisions made in Parliament do affect the emigrant community: the budget of the consulates, the legislation on citizenship and nationality, the taxation policy, the retirement policy and the legislation on social services in general... On the other side, different actors used a series of arguments (e.g. equality of the citizens) to justify that there exists no legitimate ground for operating a difference between the citizens residing on the national territory and the emigrants (as I already mentioned, the purpose of this dissertation, however, is not to discuss the normative dimension of external political citizenship).

The most important response to the questioning on the legitimacy of external voting, however, is the indirect one that I mentioned at the beginning of this section. By conducting activities to the benefit of the emigrants that constantly showed the relevance of the home country in the emigrant's life, the associations have actually promoted the idea that borders are no limits separating those who belong to the nation and those who don't. Instead, they proved in their daily actions that the border which delimitates the territory of the state is also a territory in which emigrants are willing to be politically active. In other words, this proves that emigrants are not demanding political rights in the home country in the name of a post-national form of citizenship, in which the nation-state (and the physical presence in that nation-state) would be an outdated framework to exercise political rights. Rather, what these emigrants associations argue is that it is well possible, in the era of globalization, to physically reside in another nation-state while still wanting to be politically active in another one, with which the emigrant identifies.

In this section, I have thus summed up how different external actors influenced the debate on external political citizenship. I especially focused on emigrant associations proceeding from three different sending countries and tried to show how they occupy space in their respective countries' political agendas. This achievement however did not materialize at the expense of the state model, for the emigrants' main demand is actually to be given more citizenship

rights within that model. Furthermore, as we have seen in the three cases and as we sum up here below, the internal actors' interests whose sum makes up the state interest have not been powerless in this debate.

## **1.2. The role played by internal actors**

In this section, I review the role played by different internal actors, starting with the role of subnational actors. I then develop two recurrent elements determining the position of the internal actors (with a focus on political parties) on the question of external political citizenship: the role of the clichés on the emigrant population and the construction of a political consensus through the neutralization of the impact of the extension of external political citizenship (particularly of the impact of external voting).

In the three cases I reviewed, subnational actors or the subnational dimension of home state politics strongly influenced the debate on external political citizenship. Two main reasons account for the involvement of homeland subnational actors in the debate on external voting. On the one hand, we have seen that migrants tend to primarily identify with the region or the town/village where they come from. Similarly, it is at the subnational level that the consequences of migration are the most visible. This peculiar situation therefore makes the politicians who are active at the subnational level more aware of the importance of emigration for the home country and, in turn, it encourages them to support the emigrants' requests. On the other hand, the three countries that we studied (which present the peculiarity of being decentralized nation-states either in a federal or regional form) faced important institutional reforms in the last decades, which further increased the prerogatives of the subnational entities and consequently their involvement in the debate on external voting.

In the case of Italy, we saw that the regional origin was an important element of the emigrant's definition of his identity both during the 19<sup>th</sup> century when people were leaving the peninsula before the unification of the Italian state, and after 1970, when the regionalisation of the state stimulated the creation of regional associations of emigrants abroad. Next to the material or cultural benefits the emigrants could obtain from belonging to one of these associations, we have also seen that the regionalization of the Italian state led to the creation of more formal bodies named Consulta, in which issues related to emigration



(including the vote) were discussed by representatives of the regions and emigrant associations. As we have seen, the regions' motivation was also that, if they supported emigrant requests, the migrants would support their interests abroad.

In Mexico, the importance of the local and regional dimensions of the migrant's identity is exemplified by the number of hometown associations that lead development projects in their communities of origin. By contributing to the well-being of their home communities through remittances and development projects, Mexican migrants have demonstrated their attachment to the local level. The subnational authorities (be they municipal or regional) have responded positively to this interest of the emigrant community by launching co-development projects with the emigrants (i.e. the "3x1 program") and progressively paving the way for the political representation of emigrants at the local level (independently of the development of the debate on external voting in the case of Zacatecas). The Mexican regional states have been further encouraged to support their emigrants by the decentralization of the federal state in the 1990's. The result of this interest is quite visible when looking at the involvement of the regional states in the debate on external voting. On the one hand, Governors and regional state Parliamentarians have used their power to support emigrant associations requesting for the right to vote, and lobbied federal authorities in that sense. On the other hand, national parliamentarians proceeding from regional states with a high level of awareness on migration issues have proved more receptive to the associations' request and were accordingly a prime target in these associations' lobbying effort.

In the case of Belgium, the institutional and identity dimensions of the subnational dimension of the debate on external voting are even more closely intertwined. This is due to the fact that the whole Belgian political system is founded on the ethnic division between Flemings and French speakers (i.e. the Walloons and the French-speaking inhabitants of bilingual Brussels) that led to the federalization of the state and the creation of separate political parties that are only represented in their own regions. The ethnic division of Belgium is also at the basis of the creation of two separate emigrant associations.

With regard to the question of external voting, the fact that French-speaking Belgians are over-represented in the emigrant population has complicated the debate for different reasons. First, because it is principally the French-speaking Liberals who have worked in favour of external voting and have therefore given the impression that the question concerned French

speakers mainly. Second, because the Flemings were afraid of the symbolic impact of the French-speaking emigrant vote on the Flemish municipalities around Brussels. Overall, despite the fact that regional authorities in Belgium have been absent of the debate on external voting (which did not take place outside the Federal Parliament), the regional dimension of the debate has largely dominated the way the question was being examined and influenced the very content of the legislation.

In the three cases under study, the subnational dimension of home country politics has thus proved crucial. Yet, despite the importance of the subnational level and despite the discussions on external voting at this very level, the emigrants' requests remained primarily focused on the right to vote at the national level. This further comforts the idea that we are not in a post-national model of citizenship but rather that the nation-state remains a relevant level of political participation for the emigrants.

The emigrant population traditionally represents some sort of mystery for the homeland political actors. Political parties are no exceptions to this and, due to the sole presence abroad of this population, emigrants are considered as a much more difficult population to control. Therefore their political support is less sought than that of other groups. The limited knowledge that political parties have of the emigrant population has nonetheless strongly shaped their position in the debate on external political citizenship. Subjected to the pressure of external actors that requested political parties to legislate on external voting, these have thus had to elaborate their position on the issue on the basis of the available information and of the stereotypes that party members developed about this population. More precisely, the clichés that political parties developed concerned the socio-political profile of the emigrant population. Political parties thus tried to determine what other share of the country's population emigrants are closest to (sociologically speaking). The only purpose of this effort was to try and determine if the emigrants' vote would favour or harm that political party in the event of external voting. This is the questioning that all political parties were confronted with while positioning themselves upon the issue of external voting.

Before I briefly illustrate the weight of clichés in Mexico, Italy and Belgium, two important elements discovered during fieldwork must be noted. First, unlike other issues such as the defence of the welfare state or the role of the state in a market economy, the issue of external voting is not a typical issue that separates right-wing from left-wing political parties at the

international level. On the contrary, it is an issue upon which each political party in its own national context determines a specific position based on the criteria exposed above. Second, the political parties' position cannot entirely be envisaged as monolithic opinions due to the existence of different currents within parties or to the fact that, on an individual basis, party members may have different opinions on external political citizenship. This helps us understand two recurring elements in the cases under review. On the one hand, the internal fragmentation of the political parties explain why, despite the apparent favourable position of a party, legislative proposals would eventually fail to reach the necessary majority. Second, this explains why emigrant associations have frequently targeted individual politicians in their lobbying efforts based on the profile of the person (close to migrants' interests) or on his capacity to create consensus within his party. These individuals, at times, have also helped to maintain the issue of external political citizenship on the legislative agenda.

As we have seen in the case study, the Mexican community in the United States has attracted a lot of scholarly research. Despite the scientific interest, the Mexican authorities and political parties showed little interest in the emigrant population until the end of the 1980's (with variations at times, e.g. during the Bracero era). This lack of interest was best epitomized by the use of the derogatory term *pochó* to refer to the socio-economically disadvantaged Mexicans residing in the US. The PRI-dominated regime was long satisfied with this limited and discriminatory view of Mexican migration. Many within the PRI were also convinced that, because Mexican migrants were leaving mostly due to the lack of economic opportunities, the emigrants were holding the PRI responsible for their exile and would therefore sanction the party if they were given the right to vote. For these reasons, the PRI was not open to the idea of allowing external voting and reserving seats in Parliament. For the left-wing PRD, the social status of the emigrant population and its enthusiasm for its presidential candidate Cardenas in 1988 sufficed to convince them that external voting was not only an important cause to fight for but also a way to increase the share of PRD supporters in the Mexican electorate. The PAN's perception of the emigrant population evolved through time. This middle-class Liberal party had historically devoted little attention to working-class emigrants. Yet, the success of its presidential candidate's discourse among emigrants during the 2000 election campaign forced the party to reconsider their viewpoint. A share of PAN's members thus actively promoted the legislation on external voting after the election of President Fox.

In the case of Italy, we have also seen that a lot of scholarly attention has been devoted to the question of emigration. Nonetheless, it can be argued that Italians abroad have had to wait for the end of the large post-war migration movements before observing an increase of the authorities' attention. The domination of the Christian Democratic party (for whom emigration was a solution to Italy's economic difficulties) on post-war Italian politics made it difficult for Italian emigrants to be considered as anything else than workers. According to the neo-fascist party (Msi and later An) which was inspired by its nationalist ideals and Mussolini's attempt to manipulate the emigrant community to the benefit of the country's foreign policy, the emigrant population had such an attachment to the Italian nation that they would necessarily favour them. Helped by the determination of a single man (Mirko Tremaglia), the neo-fascist party was thus the largest supporter of external voting after World War II. As concerns the communists, the evolution of the party's position has been ambiguous. While it supported the motto "let's return to vote, let's vote to return" when Italian emigration appeared to be temporary, the party later turned into a fierce opponent of external voting for fear that emigrants disconnected from the country's political reality would decisively upset the electoral equilibrium in some regions. The fact that the right-wing had historically been such a strong supporter of external voting had indeed blurred the left's perception of the impact of the vote, as they failed to see that a large share of Italians abroad were still working-class citizens with a left-wing electoral profile.

In Belgium, more than in the other countries, the position of political parties on external voting had to rely on clichés and first-hand impressions due to the absence of data on the emigrant population. Among the few available statistics, the in- and out-migration data of the National Institute of Statistics have tended to prove that French speakers (though a minority in Belgium) are over-represented in the emigrant population. This might be the reason why Flemish political parties have traditionally been less active than their French-speaking counterparts in the field of external voting. On the French-speaking side, on the contrary, the debate on external voting has been dominated by the interaction between the Liberal and the Socialist parties. As epitomized by the number of legislative proposals related to emigration issues, the Liberals are the historical defenders of Belgians abroad. We showed in the case study that this position was based on the belief that the emigrant population had a similar profile to that of Liberal party voters in Belgium. Unlike the former, the Socialists were (and are still for a large part) convinced that the emigrant population does not belong to their electorate. They were accordingly far less supportive than the Liberals of the issue of external

voting. Instead, they devoted attention to the citizenship rights of foreigners residing in Belgium, whom they considered to be sociologically closer to their electorate.

This quick overview of the three case studies reminds us how the political parties' positions on external political citizenship have been influenced by the potential electoral gains and losses they expected from this electorate. It also showed how their positions were based on a limited number of reliable data or on clichés whose perpetuation has strongly framed the political debate. This, in turn, created serious divergences between the parties on the necessity to legislate. How then has it been possible to pass such a law in the three cases we reviewed? This is the second element I want to underline in this section: political parties have eventually agreed to pass a law on external political citizenship because the opponents had been given the necessary guarantees that the impact of the emigrant vote on the overall results would be both limited and predictable. In the cases under review, these guarantees consisted in the elaboration of an inter-party compromise that was promoted either by influential individuals who had the capacity of switching their party's position and/or by the associations themselves. Once this compromise solution had been clearly framed, it was becoming difficult for any political party to still resist the adoption of a legislation on external voting. Indeed, from the moment when a compromise solution could possibly have the necessary majority in Parliament, the political cost of saying no to the extension of external political citizenship was increasing. Indeed, it was probable that emigrant voters would punish -with their newly gained vote- the parties who had tried to prevent them from participating. For this reason, these pieces of legislation were passed with very large majorities.

In Mexico, the fear of a massive participation among the emigrant population long prevented political parties (especially the PRI) from legislating in favour of external voting. Various elements have led to the conclusion of an inter-partisan consensus in the early 21<sup>st</sup> century. First, most associations have progressively accepted that not all their core requests would be supported directly by the political parties and therefore opted for a "first step strategy". For the CDPME especially, this meant that they dropped the idea of demanding the creation of a foreign constituency upon which there was no political agreement and drafted a legislative proposal that was trying to satisfy all parties. Second, President Fox too worked in favour of consensus building by ordering one of his Deputy-Ministers to come up with an inter-partisan agreement where all could lay down what they were willing to accept and what they were not. Third, in the ultimate phase of the legislative debate with the PRI head of the senatorial

commission in charge of examining the text after its first approval in the House, another compromise (going into the details of the legislation) was built to ensure the support of the three major political parties.

These three elements led to the eventual approval of a very restrictive legislation on external voting that was the lowest common denominator upon which all parties could agree. Once the agreement was confirmed, it became too costly for individual opponents to try to stop the process because they knew they could be sanctioned not only by the emigrant voters but also by their families that often take political advice from relatives abroad. The core of the inter-partisan agreement is that only those emigrants who already held a voting identity card would be invited to vote and that no such card would be delivered abroad. This provision was de facto excluding millions of Mexican emigrants from the electorate, especially the undocumented ones. The exclusion of this population (in addition to the other administrative barriers contained in the law) was therefore ensuring that the impact of the emigrant vote would be marginal and in no way decisive on the overall outcome of the presidential election.

In the case of Italy, the fear that the emigrant vote would change the political equilibrium in place in certain Italian regions long prevented the left from supporting external voting. There too, it was thus necessary to build an inter-partisan consensus that would reassure the opponents with regard to the potential “electoral damage” of the emigrant vote. Several elements have concurred to the creation of such a consensus. The so-called Basel Pact to which representatives of associations and political parties subscribed introduced the concept of the “foreign constituency” into the debate. Despite the disagreement on the legitimacy of such a constituency, it was perceived as the only way to reassure those afraid of the impact of the emigrant vote. Then, the associations and the CGIE promoted this specific solution. The CGIE, due to its very nature (representing associations, political parties and authorities) proved an important tool in promoting a consensual solution to external voting. Besides, the progressive support of key political personalities to this solution increased the internal agreement on the foreign constituency within each party. At this stage, fewer people openly opposed external voting, for it was becoming more and more politically costly to do so as the legislative proposals were increasingly likely to pass. This was clearly underscored in the interview I conducted with the left-wing (Ds) Senator who was almost the only one to oppose the text in the final phase of the discussions while party leaders who supported the text publicly, privately agreed with his criticisms. The eventual approval of the constitutional

reform (under a centre-left government) and of the law of application (under a centre-right government) by large majorities confirmed that the creation of the foreign constituency was a key element because it assured sceptical politicians that the impact of the emigrant vote would be limited to the eighteen seats reserved to emigrant MPs and Senators. At no point, however, did they envisage that the 2006 election results would be so tight that those 6 senatorial seats could make a difference.

In Belgium, the question of external political citizenship created two distinct concerns. On the one hand, several Flemish political parties were concerned by the symbolic weight of the votes of French-speaking emigrants in the ethnically disputed Flemish municipalities around Brussels. On the other hand, the French-speaking Socialists were concerned that external voting would favour the Liberals in a decisive way. Unlike in the other two cases, the inter-partisan consensus was built on the approval of another piece of legislation unrelated to the issue of external voting. It is indeed because the Socialist and Christian-Democratic parties could not find the necessary majority to vote the reform of the Constitution to allow EU-citizens to vote at local elections in Belgium that they were forced to turn to the French-speaking Liberals who asked, in exchange, that the legislation on external voting they had long requested be adopted. In that respect, the Liberals were supported by the UFBE emigrant association. They too considered that Belgian emigrants had to see their full political rights recognized before enlarging the electorate to non-nationals. This political bargain, however, had the same effect as in Mexico and Italy, namely of maintaining the political equilibrium in place in Belgium. Indeed, the Socialists had traditionally been unwilling to accept a stand-alone proposal on external voting. Yet, this position changed when the approval of that legislation permitted the approval of another piece of legislation on the right to vote of immigrants, which the party thought would favour the Socialists.

With regard to the symbolic impact of external voting, the Flemings did not give enough importance to the question for them to block the approval of the legislation which had been sealed in an inter-partisan deal. However, when the 2003 elections revealed that this vote could introduce an ethnic bias in the presentation of electoral results, they made it clear enough that the future of external voting was depending on a solution to that question. Accordingly, the government pushed a legislative project obliging emigrants to register in the language of the municipality where they wanted to vote to limit what some perceived as a risk of French-speaking voters' registering on the Flemish territory.

Before moving to next variable, I must specify that despite the focus I put on the role of political parties, the interactions with other internal actors have not only influenced both the parties' position but also the eventual outcome of the legislative debate. This vision of the confrontation between different internal actors comforts the idea developed earlier that we consider the state as an arena where different interest meets. Our three examples illustrate this dimension of the debate on external political citizenship quite well.

In the case of Belgium, I showed that despite the importance of ethnic cleavages (i.e. Flemish/Walloon) in the debate, regional authorities remained quite absent from the debate on external political citizenship (though, in the case of Wallonia, they launched their own legislative debate on external political citizenship at the regional level for a little while). Yet, other actors and principally the Judiciary power expressed strong opinions on the question of external voting whenever they were consulted. The legislator decided to ignore these negative opinions but the opponents to external political citizenship nonetheless used the arguments of the Supreme Administrative Court in the debate. Considering that the debate on external voting in Belgium was tied to the debate on the immigrants' right to vote in Belgium, the actors who lobbied for this right also influenced the internal and external supporters of the vote (i.e. it gave them the possibility to link up their request with the debate on immigrant rights which was occupying much more space in the Belgian political field).

The analysis of the Italian case showed even more clearly the importance of the interactions between different internal actors in the debate on the extension of external political citizenship. In this case, the interactions with different internal actors on the issue of external political citizenship were almost inevitable due to the presence of Italian labour unions and political parties abroad in the early stage of the emigration process. Later on, the involvement of Italian regions in emigration issues further increased the interactions between the different internal actors.

The case of Mexico also showed how a plurality of internal interests were confronted and influenced the eventual outcome of the process. Besides the political parties, I underlined the importance of the governors, who lobbied in favour of external political citizenship within the CONAGO by demonstrating the influence they had on political parties and individual politicians in particular. Another important internal actor was the Federal Electoral Institute



(IFE) which, in a first step, was in charge of organizing the debates on the feasibility of the implementation of external voting in Mexico. Later, the IFE defended an institutional position on external voting due to the fact that it is a body in charge of ensuring the legitimacy of the electoral process. This responsibility forced the IFE to examine in details the implications of external voting on the whole electoral process which, in turn, pushed the institution to ask the legislator to deal with with this issue with great care. Two particular administrations, the Interior (Secretaría de Gobernación) and the Foreign Affairs Ministries also defended a position on external voting. In the case of the latter, I underlined that the potential impact of external voting on the daily work of the Mexican consular authorities meant that little support to the debate was to be found within that administration.

After developing the comparative dimension of the role of internal and external actors in the debate on external political citizenship, I now turn to two other variables than can be said to be more contextual than the first two.

### **1.3. The real or supposed transnationalization of immigrant practices**

The differences in the form, objective and organization of the Italian, Mexican and Belgian emigrant associations teach us that not all of these associations have a transnational character simply because not all communities, or all members of a community nor all aspects of a migrant's life have a transnational dimension. The transnational dimension of migration was clearly visible in the Mexican case: remittances data, population movements, translocal development projects and the candidacy of emigrants to political positions, to name just a few features support the existence of transnational linkages between the emigrants and the home country. In the Italian case too, while the emigration flow has strongly decreased over the last three decades, different elements support the existence of transnational linkages: the historically important (though declining) amount of remittances, the density of the associative network and their activities at home and abroad, the importance of the business relations between Italy and Italians abroad, the possibility to vote if emigrants were willing to travel back to Italy...In the case of Belgium, we actually suffer from a lack of hard data to possibly support the idea that Belgians abroad do conduct transnational activities. Indeed, we have no reliable data on emigrants' remittances, we cannot approximate their impact on the Belgian

economy, we can hardly determine their impact on local communities in Belgium and the two major associations who represent them are based physically in Belgium.

Despite the fact the transnational connections between the emigrants and the home country are more obvious in some cases than others, I argue that both internal and external supporters of the extension of external political citizenship have referred to the transnationalization of immigrant practices in their lobbying strategies.

The case of Belgium is the least obvious in this regard. Indeed, it was difficult for supporters of external political citizenship to use this argument because of the lack of hard data I mentioned previously and because of the fact that Belgium only relied on emigration as a tool for poverty alleviation during the 19<sup>th</sup> century and has not until today acknowledged any potential importance to emigration in the country's economic development. It is only at the end of the 20<sup>th</sup> century that internal and external actors started to use the supposed transnational linkages and their benefits for the Belgian state as an argument to support the extension of external political citizenship. Indeed, it is in the specific context of globalization that both internal and external actors supporting external political citizenship realized that having a population abroad is an asset for an export-oriented economy like Belgium. The two representative associations have understood this situation quite well. In the case of VIW, they even specialised in helping Flemish authorities opening business opportunities abroad with the help of the association's members. For internal actors, such as political parties, the valorization of the emigrants' role in a global economy also served as a further argument. In the case of the French-speaking Liberals, the argument on the transnationalization of the Belgian economy thanks to the emigrants also served to contradict those who were saying that the Liberals only supported external voting because the emigrant vote would favour them.

In Mexico, the transnationalization of immigrant practices is an established fact. The amount of remittances, the number of hometown associations, the transnational dimension of the migrant's family life...have all been very well documented in the literature. Since the 1990's -but even more so since the coming to power of President Fox in 2000- the transnational dimension of Mexican migration has been recognised by the authorities both at the level of the public discourse (e.g. migrants' being Mexico's new heroes) and at the policy level (e.g. 3x1 programs to maximise the economic benefits of transnational practices). In Mexico, no internal or external actor can accordingly defend the position that emigrants are no important

asset for the country's wealth. But as we saw, it is only when the importance of these transnational linkages had been clearly acknowledged by the authorities (which tried to instrumentalize it, for instance, in their bid to join NAFTA) that the question of the extension of external political citizenship started to appear on the country's political agenda. This is why the "dependence on remittances" argument appears too weak to explain a home state's decision to extend political external political citizenship. Indeed, Mexican migrants had long sent remittances back home but it is only when the authorities realized that remittances and other practices (the business of opportunities created by migrants or the presence of an organized population in a strategic partner country such as the United States) could help Mexico face the challenges of the global economy that the debate accelerated in Mexico.

Italy is between the two other cases. Historically, emigrant remittances have also played an important part in the country's development. Their share in the country's GDP has however sharply decreased since the end of mass migration and with the strong economic development of the country after World War II. Despite the fact that the question of external political citizenship was already being debated at a time when the state's interest in remittances was much higher than today, the debate never really took off before the end of mass migration in the 1970's. Yet, the argument of the remittances has been used in the debate on external political citizenship even in recent times. For internal and external supporters of the reforms, stressing the historical importance of remittances was a way to respond to those arguing that external voting and reserving seats in Parliament were costly mechanisms or that emigrants should not vote because they did not pay taxes. In that sense, the supporters were arguing that emigrants had already "bought" their right to vote. A much more convincing argument, however, was that emigrants could help Italy's adjustment to the global economy in two respects. First, as underscored in different interviews I conducted, Italians abroad and the descendants of Italian emigrants are supposedly the first ambassadors of Italian products. They represent a critical mass of consumers that impacts on Italy's exports positively. Second, Italians abroad have constructed a network of Chambers of commerce that open business opportunities to Italian entrepreneurs abroad. Because some of the impacts of these two elements are actually measurable, they provided the supporters of external political citizenship with a strong argument. Indeed, they argued that this economic asset could only be preserved by perpetuating the loyalty and the Italian identity of this population. According to them, one way of doing so was to extend external political citizenship.

These three examples illustrate what Sherman (1999) had already perceived in the analysis of the historical evolution of Mexico's policy towards its emigrants: as such, the supposed dependence of home countries on emigrant remittances is not a sufficient motivation for the state to extend external political citizenship. This argument is supported by the fact that wealthy countries like Belgium also extend external political citizenship and that countries where remittances were (in the case of Italy) or are still (in the case of Mexico) important economic resources, the debate on external political citizenship accelerated when the question of remittances was related to the larger debate on the adaptation of the home state to the global economy.

#### **1.4. The socio-political context in which the debate on external political citizenship takes place: the extension of citizenship at home and abroad**

In this section, I underline how the socio-political context in which the demand for the right to vote was expressed changed favourably for the internal and external actors who were standing out for the extension of external political citizenship. In other words, I examine how the transformations of the home society allowed emigrants to increase the space their issue occupied in the home state political agenda. The purpose of this section is thus to demonstrate that for the debate on external political citizenship to gain speed, it is also necessary that a larger debate on nationality and citizenship extension for different kinds of citizens should take place in the home state. Accordingly, I argue that democracy is not in itself a sufficient condition for the extension of external political citizenship but rather that the democratic state must have engaged in a larger debate about the place of the citizen in society before envisaging the specific question of external political citizenship. As we will see, this debate happened in a context of a legitimacy crisis of the home country authorities in the three cases.

In the three cases I reviewed, this debate on the place of the citizen in society connected the issue of external political citizenship with two distinct questions: the reform of the electoral system and the question of access to nationality. My point is thus that the development of these two questions increased the salience of the issue of external political citizenship which, even though it was already being debated before, took more space in the home country political agenda thanks to this.

In Belgium, the crisis of the democratic regime was particularly acute in the second half of the 1990's, after a series of dreadful crimes shook the citizens' confidence in the institutions and led to massive demonstrations. This context paved the way for a deep reconsideration of the place of the citizens in the country's political system. Indeed, as the institutions' legitimacy was in jeopardy, reforms had to be initiated about the link between the citizen (a concept that had to be redefined) and the institutions. In that context, the question of the right for immigrants residing in Belgium to vote in local elections gained in importance. I demonstrated that, despite the pressure of the European Union, several Belgian political parties were reluctant to allow EU citizens (and even less third-country nationals) to vote. The facilitation of the access to Belgian nationality was first examined as a way to promote the inclusion of residents without political rights. This materialized in the reform of the nationality code in 2000. This reform remained nonetheless insufficient for the supporters of the extension of local political citizenship to non-EU residents. For both the internal and external supporters of external political citizenship, this situation was perceived as discriminatory for Belgium was facilitating the access to nationality and political rights to foreigners while it was still preventing emigrants to vote from abroad and was forbidding them to hold dual nationality. It is in this specific context of a larger reform of citizenship and nationality that the debate on external political citizenship actually took importance and led, as I showed, different political parties to make a deal between immigrant and emigrant political citizenship.

In Italy, large-scale political scandals uncovered by the *mani pulite* operations also greatly shook the citizens' confidence in the country's democratic institutions and led to a massive reconfiguration of the traditional equilibrium between political parties. It also opened an era of permanent discussions on electoral laws with the central concern of ensuring greater stability to Italian governments. In this peculiar context, the installation of a majoritarian electoral system failed to reach its goal and on the contrary favoured the capacity of small parties of blackmailing government coalitions. As we have seen, this element proved important in explaining the rapidity with which the Berlusconi government pushed the adoption of the law of application on external voting at the request of its nationalist component in 2001. Like in Belgium, the debate on access to nationality has also influenced the debate on external political citizenship. Yet, unlike Belgium, Italy had not engaged on a path of facilitation of access for foreigners but rather facilitating the access of Italian emigrants and their descendants with the 1992 nationality Law. By doing so, Italy created an

ethnic vision of the Italian nation based on family ties. The consequence of this nationality law has been to stabilize the Italian identity of emigrants (and their descendants) and to introduce an idea of perpetuating the Italian identity abroad. This, in turn, reinforced the legitimacy of the emigrants' request to vote from abroad as members of the nation.

In Mexico, we have seen that the PRI, which monopolized the political power for most of the 20<sup>th</sup> century, did not pay much attention to emigration issues until the controversial presidential elections of 1988. In a context of electoral fraud, the PRI government faced a crisis of legitimacy that forced it to give room for the opposition to express itself (and be represented in Parliament) but also to create an independent electoral institution (IFE) to restore confidence in the electoral system. This institution accelerated the debate on external voting in two respects. On the one hand, by increasing the citizens' confidence in the electoral system, it stimulated the emigrants' desire to play a role in their home country elections, which were no longer considered as legitimizing tools of the PRI. On the other hand, the IFE played the part of an interlocutor with both the political power and the emigrants' associations in the debate on the feasibility of external voting in Mexico. The Mexican case thus shows that as democracy is extended at home through different mechanisms (e.g. the independent electoral body, the mechanism to ensure the representation of opposition parties...), both the internal and external supporters of the extension of external political parties have the opportunity to occupy some space in the home state political arena. But I showed that before extending external political citizenship, the authorities first reformed the Constitution to suppress the interdiction to hold dual nationality. I showed that, by doing so, the authorities were, on the one hand, trying to use migrants as tools in the adoption of the country to the global economy, and on the other hand, were responding to external and internal political pressures that the process of democratization had empowered.

Despite the differences in the historical evolution of these three democracies, I demonstrated that the development of the debate on external political citizenship required specific socio-political conditions to be met. This context was identified in the three cases by the existence of a debate on the definition of the citizen in general which materialises in the three cases in the adoption of different measures in the same two policy areas: nationality law and electoral law. This proves that the issue of external political citizenship cannot be disconnected from the home state's political context in which it takes place. I have already underscored the issue that my focus on the contextual explanation of the extension of external political

citizenship represents for the generalization of my research results. Yet, in the final part of the conclusion, I recall these limits while underscoring the progress in the understanding of the home state –emigrant relations in the era of globalization. By way of conclusion, I then mention several questions left unanswered by this research project and that future research could address.

## **2. Conclusion and future perspectives**

I have shown in the dissertation that the different variables I identify are recurrent in three cases previously chosen on the basis of a most different systems design (MDSD). In a pure MDSD study, I would be able to identify clear variables that could be said to cause the phenomenon under study; in this case, the expansion of external political citizenship. In my case, two difficulties arose in the design of the research project. On the one hand, the review of the (scarce) existing literature on the topic did not allow me to isolate one decisive causal variable which I would look for in the different cases under study. On the other hand, the variables I identified (and particularly the one concerning the socio-political context) have a contextual dimension that complicated the exercise of comparing different cases. I'm now able to affirm that my hypothesis is verified and that the expansion of external political citizenship is indeed the result of the real or supposed transnationalization of immigrant practices, of a context of citizenship expansion for all citizens and of the level of success of the strategies conducted within the home state political field by the external actors in order to extend their power and by the internal actors in order to protect or extend their power.

What I cannot do, however, is determine the importance of the different variables within each case. Indeed, I argue that these different variables are necessary for the extension of external political citizenship to take place but I cannot operate a hierarchy between them. Also, despite their recurrence in the three cases, these variables could vary in importance in each case. For instance, aren't the numerous and well-organized Mexican and Italian associations abroad more decisive in the process of extension of external political citizenship than the two major Belgian associations in the respective countries? This example shows that I underscored the role of external actors in each case but that I was not able to determine how decisive it was in the outcome of the debate.

These limits were acknowledged at the beginning of the dissertation when I also mentioned that the dissertation's added value was elsewhere. Looking back at the two gaps I identified in the methodological chapter, the dissertation appears to contribute to filling them. With regard to the methodological gap, I showed that most of the research on political transnationalism had so far focused on analysis of single cases with a strong focus on contextual variables (especially historical factors). With these studies, even though we were observing that different states in different parts of the world appeared to opt for similar policies, it was very difficult to determine whether it was a coincidence or it was the result of similar factors at play. At the opposite of these studies, a few scholars recently developed research projects comparing very large numbers of states extending external political citizenship. These studies confirmed that similar phenomena were happening at the global scale but, because of the number of cases taken into consideration and the absence of detailed analysis of each case, the variables identified to explain the state's motivation had necessarily to remain very broad. This dissertation sought to approach the question of external political citizenship between these two different levels of analysis. By analyzing three case studies, I was actually able to take the different states' contextual factors in consideration while still looking for recurring variables in the comparative analysis. On the one hand, this allowed me to demonstrate that a series of variables that had been identified as relevant in larger and narrower research projects were actually irrelevant. On the other hand, despite the limitations expressed above, this dissertation helps understand that similar factors are at play in the extension of external political rights in countries with different profiles even though the context of each state may change the importance of these factors. In that sense, this study reached some equilibrium between in-depth case analysis and generalization of results.

With regard to the conceptual gap on the role of the state in transnational political activities, this dissertation, like other recent scholarly work, contributes to bringing the state back in the analysis of immigrant transnationalism. Unlike other studies, I have analysed the debate concerning a historical request of emigrant associations from the viewpoints of both external and internal actors. This analysis actually demonstrated that the emigrant associations' lobbying is a factor at play in the successful outcome of the debate, but that it cannot suffice in itself. Home state authorities are accordingly no passive actors when it comes to the extension of external political citizenship. Similarly, I showed that there is no such thing as a single state interest but that it is more relevant to consider this interest as a combination of



confronting internal actors' interests. Another important lesson on the place of the state is that, unlike some scholars, I don't assume that we have entered an era of post-national citizenship. Rather, emigrant associations lobbied for the right exercise political citizenship within the national political arena. A common feature of the three cases I reviewed is also that the question of external voting at the subnational level has gained importance after the first experience at the national level. If this trend was to develop in future years, I argue that it would not be a contestation of the national model by the emigrants but rather a recognition by external actors of the territorial organization of the state where they want to play a part at a various levels.

To conclude, I wish to underline some possible ways of addressing some of the difficulties or some of the unanswered questions that were raised in the dissertation. I have just mentioned that the work contributes to the identification of the variables motivating the state to extend external political citizenship but that it does not evaluate the exact importance of each of these variables. As a single researcher conducting fieldwork in three different home states, I obviously could not go into as many details as several research teams in different countries could have. I believe that, due to the importance of the question of political citizenship for both the home country and the country of residence, it is necessary to deepen the analysis started in this dissertation. An ideal research project would thus include a few more case studies and would have research teams in both the home country and selected host countries to enable a deeper analysis of the interactions between internal and external actors, while trying no to fall into the trap of exaggerated contextualization that would undermine the generalisation of research results.

Another way of approaching the question of the extension of external political citizenship would be to look in details at the contents of the policies adopted by different states to then try and determine why different systems have been adopted by different states. Instead of focusing on the extension of external political citizenship, this kind of research would, for instance, investigate the reasons why Italy reserves seats for emigrant candidates in Parliament and Mexico and Belgium don't (even though the question was discussed in the three cases). This type of project would probably underline different variables which, in turn, would contribute to the understanding of the relations between emigrants and the home state.

There is also a quite different way to approach the question of external political citizenship, which we did not consider in the dissertation. The question –and especially its electoral dimension particularly- can also be discussed from a normative viewpoint. We referred in the review of the literature to different scholars who have tried to answer questions such as: Should emigrants vote? Is it fair for residents to allow emigrants to vote? Shouldn't emigrants pay taxes if they want to vote? Should emigrants be deprived of their right to vote after a certain period of time abroad? While I did not enter the normative debate, I mentioned several of these questions in my analysis of the three case studies because they were recurrent in the three debates I analysed. I believe, however, that this dissertation will help the scholars who want to address these questions because I actually worked on different actors' motivations that are a basis upon which a normative assessment on the legitimacy of external political citizenship can be made.

Two last interesting research questions appeared while interviewing different actors in the field and during informal discussions with emigrant voters. The first concerns the emigrants' motivation in wishing to exercise the rights related to external political citizenship. I have underscored throughout the dissertation that the emigrant associations' lobbying in favour of external voting was by no means a guarantee that all emigrants actually wanted to participate in home country elections. Very little is known on that topic which leaves room for speculation and stereotypes to develop. Conducting fieldwork with voters and non-voters would certainly reveal some interesting information about the feeling of belonging to the home state. Knowing the different reasons for which emigrant voters want to participate, normativists could also better develop theories on the most appropriate policies for the state to maintain linkages with its population abroad which might not necessarily imply the extension of external political citizenship. The second question that has not been addressed so far concerns the potential competition for the migrant vote between home country and host country political parties. As cases of dual nationality and external voting develop, migrants become an electorate whose voice is sought in the home as well as in the host country. Yet, it is not sure that migrants will actually want to vote in the two spaces. Accordingly, isn't a sort of transnational political competition taking place between host and home countries' political parties for the migrant's vote?

These are just a few tracks that I wanted to mention to conclude the dissertation. They show that a lot of research has still to be done in this field. This work's ambition is to inspire other

scholars to deepen some of the questions that could not be answered here. This, in turn, will contribute to a better understanding of the emigrant/home state relations in the era of globalization.

## **APPENDIX A: BASIC INTERVIEW GUIDE**

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- I. The emigrants' right to vote in the home country in general and the legislation under scrutiny in particular.
  1. What is your personal position on external voting in general?
  2. How does it differ from your party's/institution's/association's viewpoint?
  3. What part has your party/institution/association played in the debate?
  4. What kind of activities have you conducted that supported or undermined the approval of such legislation?
  5. What kind of interactions have you had with other internal and external actors during this debate?
  6. Why do you think it was not adopted before?
  7. What do you think have been the decisive factors that led to the adoption of the legislation and in the specific form it has?
  8. Besides the actors we have talked about, is there any other actor that has not been mentioned yet and who played an important part?
  
- II. The legislation in practice, the consequences of the first experience of external voting (and representation in the case of Italy) and the expected future developments of the debate.
  1. What has been the role of your institution/party/association in the implementation of the legislation?
  2. What obstacles have you met during the preparation of the elections?
  3. How has this preparation affected the usual functioning of your institution/party/association?
  4. Did you cooperate with other internal and external actors during this preparation?
  5. Do you think emigrants are interested in the extension of external political citizenship?
  6. Do you find this first experience to be a success (yes/no), for what reasons, and do you think it will be repeated?
  7. Does your institution/party/association want to reform the current legislation and on what basis?
  8. Do you think the right to vote from abroad could be extended to other kinds of elections in the near future?

## APPENDIX B : LIST OF INTERVIEWEES

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### Italy

Reference number <sup>°</sup>	Gender	Age category <sup>*</sup>	Affiliation of the interviewee	Place	Date
1	M	C	Emigrant MP residing in Argentina, Alleanza Nazionale (Tremaglia list)	Rome	23/02/07
2	M	C	Civil servant at the Directorate general for Italians abroad and migration policy, MFA	Rome	26/02/07
3	M	B	Emigrant MP, residing in Belgium, Verdi	Rome	27/02/07
4	M	B	Former president of the Consulta in Emilia Romagna	Rome	8/03/07
5	M	B	Vice-Minister for the Italians abroad	Rome	6/03/07
6	M	B	Emigrant MP, residing in the USA, Forza Italia	Rome	1/03/07
7	F	B	Civil servant, Ministry of the Interior	Rome	20/02/07
8	M	C	Deputy Coordinator of the campaign abroad for Democratici di Sinistra	Rome	7/03/07
9	M	B	Emigrant senator, residing in Switzerland, Unione	Rome	27/02/07
10	M	C	Former senator, Democratici di Sinistra and University professor	Turin	5/03/07
11	M	B	Former president of CGIE, Emigrant MP, residing in Switzerland, Unione	Rome	19/02/07
12	M	B	Civil servant, Ministry of the Interior	Rome	2/03/07
13	M	C	Emigrant Senator, residing in Argentina, Associazioni Italiani nel Mondo	Rome	7/03/07
14	M	A	Emigrant MP, residing in the United Kingdom, Forza Italia	Rome	14/02/07
15	M	C	Emigrant Senator, residing in Brazil, Unione	Rome	1/03/07
16	M	C	University Professor, Research director at CNR	Rome	23/02/07 1/03/07
17	M	C	Emigrant senator, residing in Australia, Unione	Rome	13/02/07
18	M	B	MP, coordinator of the campaign abroad for Forza Italia	Rome	1/03/07
19	F	B	Researcher and University professor, Agnelli Foundation	Turin	5/03/07
20	F	C	University Professor and councillor to the President of the Republic	Rome	9/03/07

<sup>°</sup> Each case study has its own numbering.

<sup>\*</sup>Category A: 20-40 years old

Category B: 41-60 years old

Category C: 61 years old and over

*Belgium*

<b>Reference number</b>	<b>Gender</b>	<b>Age category</b>	<b>Affiliation of the interviewee</b>	<b>Place</b>	<b>Date</b>
1	M	C	Founding member of Vlaanderen in de Wereld	Bruges	01/12/2006
2	M	C	Founding member of Union francophone des Belges à l'étranger	Brussels	15/11/2006
3	F	B	Director of Vlaanderen in de Wereld	Brussels	22/11/2006
4	M	C	Former director of Vlaanderen in de Wereld	Duffel	01/12/2006
5	M	B	Director of Union francophone des Belges à l'étranger	Brussels	04/12/2006
6	M	C	Senator, Parti socialiste (PS)	Brussels	06/12/06
7	M	B	MP, Mouvement Réformateur (MR)	Brussels	23/11 and 30/11/2006
8	M	B	Councillor to the Prime Minister, Vlaamse Liberalen and Democraten (VLD)	Brussels	16/01/2007
9	F	B	MP, Centre Démocrate humaniste (CDh)	Brussels	04/12/2006
10	F	B	MP, ECOLO	Brussels	30/11/2006
11	M	A	MP, Vlaams Belang (VB)	Brussels	23/11/2006
12	M	B	Former VLD senator	Brussels	30/11/2006
13	F	B	Senator, Christen Democratisch en Vlaams (CD&V)	Brussels	16/01/2007
14	M	B	MP, Sociaal Progressief Alternatief (SP.a)	Brussels	3/07/07
15	M	B	Civil servant Ministry of the Interior	Brussels	10/11/2006
16	M	B	Civil servant, Ministry of Foreign Affairs	Mexico	20/06/2007

*Mexico*

<b>Reference number</b>	<b>Gender</b>	<b>Age category</b>	<b>Affiliation of the interviewee</b>	<b>Place</b>	<b>Date</b>
1	M	A	Federal MP, PAN (2003-2006)	Ensenada, B.C.	17/08/07
2	M		IME councilor (2003-2005) residing in Rhode Island	Phone	19/06/07
3	F	A	Member of the NGO Grupo Sin Fronteras	Mexico, D.F.	7/08/07
4	M	A	Member of the Frente Binacional Michoacano IME councillor (2006-2008) residing in Illinois	Phone	4/07/07
5	M	A	CDPME activist and civil servant at the State of Michoacán	Morelia, Michoacan	26/07/07
6	M	B	Law Professor, UNAM	Mexico, D.F.	15/06/07
7	M	A	IFE civil servant attached to the COVE	Mexico, D.F.	20/06/07 & 27/06/07

8	M	B	Governor of Zacatecas (86-92) PRI senator (2000-2006)	Mexico, D.F.	24/07/07
9	F	A	CDPME activist Researcher, UCSC	Mexico, D.F.	13/06/07
10	M	B	PRD parliamentary assistant	Mexico, D.F.	25/06/07
11	M	B	Civil servant at the State office of migrant issues, Hidalgo	Pachuca, Hidalgo	31/07/07
12	M	A	Federal MP (2003-2006), PRD	Mexico, D.F.	6/08/07
13	M		PRD California migrant activist	Phone	26/06/07 and 5/07/07
14	M	B	Executive director IME	Mexico, D.F.	07/06/07
15	F	B	Emigrant MP (2006-2009), PAN	Mexico, D.F.	3/07/07
16	F	B	Senator (2000-2006), PRI	Mexico, D.F.	28/08/07
17	M	B	Emigrant MP, PRD, State legislature Michoacán (2005-2007)	Mexico, D.F.	18/06/07
18	M	A	Director State office of migrant issues (Michoacán) Candidate emigrant MP, PRD, to the Michoacán State legislature	Morelia, Michoacán	27/07/07
19	M	B	Councillor to the IFE general council (2003-current) Member of the IFE specialist commission (1998)	Mexico, D.F.	5/07/07
20	M	B	President Concilio Hispano (Illinois) CDPME Activist	Phone	3/07/07
21	M	C	Sub-secretary at Secretaria de Gobernacion, PAN (2002-2005)	Mexico, D.F.	4/07/07
22	M	C	CDPME activist IFE external advisor during 2006 elections	Mexico, D.F.	29/06/07
23	F		Senator (2000-2006), PAN Director National Institute for Migration (2006-current)	Mexico, D.F.	8/08/07
24	M	B	CDPME activist IFE external advisor during 2006 elections Residing in Illinois	Phone	26/06/06
25	M	B	Researcher, UAS	Mexico, D.F.	08/06/06
26	M	B	Former IFE civil servant IEM civil servant	Morelia, Michoacán	30/07/07
27	M	B	PRD parliamentary assistant	Mexico, D.F.	13/06/07
28	M	B	Councillor to the IFE general council (1996-2000) MP (2003-2006), PRD	Mexico, D.F.	21/06/07

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