

Institutional Representation of Emigrants in their States of Origin: How much Presence from Abroad?

A Dissertation

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Preface

This is a cumulative dissertation. It complies with the regulation adopted by the *Freie Universität Berlin* for the awarding of the Dr. Phil/Ph.D title (*Gemeinsame Promotionsordnung zum Dr. phil./Ph.D. der Freien Universität Berlin, Amtsblatt FU-Mitteilungen 60/2008 from 02.12.2008, ISSN 0723-0745*). The reasons for writing a cumulative dissertation are twofold.

First, as I explain in detail in the introduction, the overarching question of the dissertation can be neatly subset in several operationalized questions. Addressing these questions has required a combination of different methodologies and sources of information. In order to overcome the challenges of combining different research strategies, the format of a cumulative dissertation based on several papers deemed the most appropriate.

Second, I considered that a cumulative dissertation was the suitable approach to combine my work as a research fellow in the project “Politics beyond borders: The new dynamics of Emigrant Politics and Policies in Latin America” developed at the GIGA German Institute of Global and Area Studies and my status as a Ph.D candidate at the *Freie Universität Berlin*. Being able to structure the dissertation in standalone pieces allowed me to keep my own Ph.D research on track during the three years of the project, while also collaborating actively in achieving the goals set for the GIGA research project.

Abstract

This thesis addresses the issue of political representation of emigrants in their states of origin. Focusing on the Latin American and the Caribbean (LAC) region, it analyzes the institutional mechanisms by which homelands allow their emigrants to participate in their institutions and furthermore asks why states of origin have adopted such mechanisms. While the core of the thesis is empirical, there is a normative interest that guides the thesis: should emigrants be represented in their states of origin? And if so, how much presence shall be allowed from abroad? The theoretical framework of the thesis builds upon the literature on political representation and the literature on political transnationalism. The dissertation follows a cumulative logic developed over four journal articles that provide the empirical basis needed to answer the main research questions. These four papers combine different sources of information (e.g. legal texts, legislative speeches, and interviews) and a diverse set of methods (e.g. quantitative text analysis, regression analyses, and case studies).

The findings reveal that emigrants are present in their homelands through two main mechanisms of representation. The first is the legislative, which facilitates the participation from abroad in homeland legislative elections by either voting or by running as candidates. Emigrants can run as candidates from districts located within the territorial boundaries of the states of origin (i.e. general representation) or through external districts (i.e. special representation). The second mechanism is the consultative one, which enables the representation of non-resident citizens through emigrant advisory boards. Both have been adopted in the LAC region. Yet, states have developed different ‘systems’ of emigrant representation which range from the total absence of emigrant political representation to an integrated model that combines both mechanisms of representation and maximizes the possibilities of political representation for non-resident citizens.

Moving beyond a static assessment of the mechanisms of representation, the study also analyzes their adoption as a process that

extends over time and in which it is possible to differentiate stages. Furthermore, the findings show the importance of studying the specific regulations of the mechanisms of representation. As a result, the thesis challenges the widely held claim that external voting has been diffused all across the region. It argues that the trend towards convergence does not exist when the concrete regulations of external voting (e.g. in which elections emigrants can participate, from where and with which methods of voting) are factored in.

Complementing the broad regional perspective, the thesis presents a more detailed analysis of two countries (Ecuador and Colombia) that have special seats for emigrant parliamentarians. The analyses reveal that emigrant members of the parliament (EMPs) in Ecuador and Colombia do dedicate more time and resources to represent the interests of emigrants in the legislative chambers than non-emigrant members of the parliament (NEMPs). However, the data clearly shows that salience of emigrant-related issues is higher in Ecuador, a country that has proportional emigrant representation, than in Colombia, a country in which non-resident citizens are under-represented. This finding shows that parliamentary representation can have a ‘containment effect’ rather than being an effective way of representation if the number of seats allocated to emigrants is disproportionately low in comparison to the share of emigrants in the total population.

The empirical evidence of the thesis helps to address the normative concerns around the representation of emigrants in their homelands. To overcome the pitfalls of both under- and over-representation of emigrants in their homelands, a combination between both mechanisms of representation emerges as the most appropriate option.

Zusammenfassung

Diese Arbeit beschäftigt sich mit der politischen Vertretung von Emigranten in ihren Herkunftsländern. Sie fokussiert auf die Region Lateinamerika und die Karibik (engl. Abk. LAC) und analysiert die institutionellen Mechanismen, durch die die Heimatländer ihren Auswanderern die Teilnahme an ihren Institutionen ermöglichen. Es wird der Frage nachgegangen, warum die Herkunftsstaaten solche Mechanismen eingeführt haben. Während der Kern der Dissertation hierbei empirisch bleibt, leitet die Arbeit ein normatives Interesse an der Frage, ob Emigranten in ihren Herkunftsländern vertreten sein sollen. Wenn ja, wie viel Präsenz soll dieser Vertretung aus dem Ausland erlaubt sein? Der theoretische Rahmen für die Untersuchung dieser Frage baut auf der Literatur zur politischen Repräsentation und zum politischen Transnationalismus auf. Die Dissertation folgt einer kumulativen Logik, die in vier Zeitschriftenartikeln entwickelt wurde, die die empirische Grundlage für die Beantwortung der Hauptforschungsfrage bieten. Die Beiträge kombinieren verschiedene Informationsquellen wie Rechtstexte, Interviews und Reden im Parlament sowie verschiedene Methoden wie quantitative Textanalyse, Regressionsanalysen und Fallstudien.

Die Ergebnisse zeigen, dass Auswanderer durch zwei zentrale Repräsentationsmechanismen in ihren Heimatländern vertreten sind. Der erste ist ein legislativer Mechanismus, der die Teilnahme aus dem Ausland an den Parlamentswahlen im Heimatland durch Stimmabgabe oder eigene Kandidatur erleichtert. Emigranten können als Kandidaten von Distrikten innerhalb der territorialen Grenzen der Herkunftsstaaten (Allgemeine Vertretung) oder von externen Distrikten (Sondervertretung) antreten. Der zweite Mechanismus ist der der Konsultation, der die Vertretung von Emigranten in Form von Emigrationsbeiräten ermöglicht. Die Ergebnisse zeigen, dass diese beiden Repräsentationsmechanismen in der Mehrheit der Staaten der LAC Region übernommen wurden. Allerdings unterscheiden sich die Staaten hinsichtlich des Grades der Annahme dieser Mechanismen. Die

Staaten haben unterschiedliche Vertretungssysteme für Auswanderer entwickelt, die vom völligen Fehlen politischer Vertretung der Auswanderer bis hin zu einem integrierten Modell reichen, das beide Repräsentationsmechanismen kombiniert und die Möglichkeiten der politischen Vertretung für Emigranten maximiert.

Die Forschungsarbeit weist zudem auf die Notwendigkeit hin, die Annahme der Repräsentationsmechanismen als einen Prozess zu untersuchen, der sich über einen Zeitverlauf erstreckt und in Phasen einteilen lässt. Darüber hinaus zeigen die Ergebnisse, wie wichtig es ist, die spezifischen Regelungen der Repräsentationsmechanismen zu erforschen. In dieser Hinsicht widerspricht die vorliegende Arbeit der Behauptung, dass die Stimmabgabe aus dem Ausland in der gesamten LAC-Region weiterverbreitet worden sei, und beweist, dass es keinen konvergenten Trend in Bezug auf Einzelheiten der Stimmabgabe aus dem Ausland gibt. Unterschiede finden sich insbesondere darin, aus welchen Ländern Auswanderer mit welchen Methoden an welchen Wahlen teilnehmen können.

Ergänzend zu der umfassenden regionalen Perspektive bietet die Arbeit eine detailliertere Analyse der Länder Ecuador und Kolumbien, die einen Sonderversitz für Auswanderer haben. Die Ergebnisse zeigen, dass emigrierte Parlamentsmitglieder (engl. Abk. EMPs) in Ecuador und Kolumbien mehr Zeit und Ressourcen aufwenden, um die Interessen der Emigranten in den legislativen Kammern zu vertreten als nicht-emigrierte Parlamentsmitglieder (engl. Abk. NEMPs). Aus den Daten geht eindeutig hervor, dass in Ecuador, einem Land mit einer proportionalen parlamentarischen Vertretung von Auswanderern, die Bedeutung von emigrationsbezogenen Fragen höher ist als in Kolumbien, wo Emigranten im Parlament unterrepräsentiert sind. Hier zeigt sich auch, dass eine geringe parlamentarische Vertretung einen „Eindämmungseffekt“ haben kann, anstatt ein effektiver Vertretungsmechanismus zu sein. Nämlich dann, wenn die Anzahl der Sitze, die den Auswanderern zugewiesen werden, im Vergleich zum Anteil der Auswanderer an der Gesamtbevölkerung unverhältnismäßig nied-

rig ist.

Der empirische Nachweis der Dissertation leistet einen Beitrag zur Lösung der normativen Bedenken hinsichtlich der Vertretung von Auswanderern in ihren Heimatländern. Um die Fallstricke der Unter- und Überrepräsentation von Auswanderern in ihren Heimatländern zu überwinden, bietet sich eine Kombination aus beiden Mechanismen als die am besten geeignete Option an.

List of Articles

The thesis is composed of the following articles:

1. Ausentes, pero representados: Mecanismos institucionales de representación de emigrantes en América Latina y el Caribe [Absent but represented: institutional mechanisms of representation of emigrants in Latin America and the Caribbean] (Single authored)
2. Beyond convergence: unveiling variations of external franchise in Latin America and the Caribbean from 1950 to 2015 (Co-authored with Luicy Pedroza)
3. Passed, regulated, or applied? The different stages of emigrant enfranchisement in Latin America and the Caribbean (Co-authored with Luicy Pedroza)
4. Contained or represented? The varied consequences of reserved seats for emigrants in the legislatures of Ecuador and Colombia (Single authored)

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Glossary

List of abbreviations included in introductory chapter and concluding remarks:

EMIX Emigrant Policies Index

EMP Emigrant Members of the Parliament

GESIS Leibniz Institut für Sozialwissenschaften

GIGA German Institute of Global and Area Studies

LAC Latin America and the Caribbean

NEMP Non-Emigrant Members of the Parliament

UN United Nations

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1

Introduction

As of 2018, 15 countries out of 22 in the Latin American and Caribbean (henceforth LAC) region allow their emigrants to vote in homeland elections from abroad; 13 countries also allow non-residents to run as candidates in presidential or legislative elections; and 7 countries have created emigrant consultative bodies, structures participated by emigrants designed to advise governments on the best strategies to cope with the interests and demands of non-resident citizens¹. This tendency to broaden the institutional mechanisms of political representation of non-resident citizens in their states of origin is also observable worldwide (Rhodes & Harutyunyan, 2010). In fact, as the Global Compact for Safe, Orderly and Regular Migration (UN, 2018) shows, this trend has potential of becoming an international standard.

The Global Compact, which was ratified in Morocco the 10th of December 2018, is meant to set the guidelines to enhance cooperation on migration across states. It includes provisions on immigration, integration of immigrants, emigration and policies towards emigrants. Objective 19, which is intended to create conditions for migrants and diasporas to fully contribute

¹Number of countries with external enfranchisement (active and passive) and consultative bodies is based on the Emigrant Policies Index, which includes information about 22 Latin American and Caribbean countries (Pedroza, Palop-García, & Hoffmann, 2016).

to sustainable development in all countries, includes two actions related to the representation of emigrants in their homelands. On the one hand, signatory states will commit to take actions to establish “government structures or mechanisms at all levels, such as dedicated diaspora offices or focal points, diaspora policy advisory boards for governments to account for the potential of migrants and diasporas in migration and development policy-making, and dedicated diaspora focal points in diplomatic or consular missions” (Objective 19.35.d). On the other hand, the draft institutes that states ought to “(e)nable political participation and engagement of migrants in their countries of origin, including in peace and reconciliation processes, in elections and political reforms, such as by establishing voting registries for citizens abroad, and by parliamentary representation, in accordance with national legislation” (Objective 19.35.g)². The inclusion of these goals in the Global Compact shows that the political incorporation of emigrants into their homelands is not only being diffused all over the world, but also being taken as a standard for good migration governance. Yet, research on the functioning and consequences of the institutional mechanisms of emigrant representation beyond the study of external franchise is surprisingly scarce. This doctoral dissertation addresses this gap in the literature by analyzing one of the world regions that has most innovated regarding emigrant policies: Latin America and the Caribbean (Pedroza et al., 2016).

Whatever the degree of institutionalized transnational engagement carried on by emigrants may be, it is certain that its mere existence stresses the limits of the polities’ of origin insofar as it put into question the congruence between territory, citizenry, and government institutions on which representative democracy is based (Caramani & Grotz, 2015, p. 800). And in sum, the question is whether the adoption of these mechanisms is “a step

²Other mentions in the Global Compact to the role of diasporas can be founded in objectives 1 (about statistical data), 4 (about documentation), 14 (about consular protection), 16 (about inclusion and social cohesion), 20 (about economic remittances), 21 (about return and readmission), 22 (about social security entitlements).

towards more democracy or jeopardize(s) its very functioning” (Caramani & Grotz, 2015, p. 801). Following this crucial point, and although the core of this dissertation is empirical, the normative interest guiding this research can be summarized in two questions: Should emigrants be represented in the institutions of their state of origin? And if so, which is the best scope of representation to avoid both under-representation and over-inclusion? I argue that the scope of representation of emigrants is shaped by two institutional mechanisms of political representation: external voting and institutional consultation. Both mechanisms make the representation of emigrants possible and their specific designs define the contours of that representation (see next section and Article 1 of the thesis)³.

To answer these overarching questions, specific questions must be asked in advance. I address these questions in the four papers of the cumulative dissertation. First, what are the different configurations of emigrant political representation that are found in Latin American and Caribbean states? Second, how have these different configurations developed over the years? Third, what are the factors that explain the adoption of emigrant mechanism of representation? Fourth, how do emigrant representation mechanisms perform and what opportunities of substantive representation do they offer to the non-resident community?

³Throughout the thesis, I use indistinctively the terms ‘non-resident citizens’ and ‘emigrant’ to refer to people who have left the country of origin as well as those that, despite being born outside the territorial boundaries of the state of origin, could make nationality claims based on ancestry. The term emigrant, thus, as it is operationalized in this thesis, includes second and further generations of migrants. It comprises permanent residents abroad, but also those that may be in transit towards a final destination. I also draw no distinction between migrants based on their administrative status in their state of reception (i.e. documented or undocumented). Although in recent years the term ‘diaspora’ has been extended to capture more emigrant groups beyond specific historical examples (i.e. Jewish diaspora), I deliberately do not use the term since it is still connoting a certain degree of dispersion and common identity (Brubaker, 2005, 2017) that cannot be applied to some of the emigrant groups of the LAC region.

1.1 Theoretical Framework

Each of the articles of dissertation has its standalone theoretical framework. Nonetheless, all four articles are embedded in two fields of research. Firstly, the research on transnationalism in migration studies. And secondly, the studies on political representation. In the following sections, I summarize briefly the state of the art in these two research strands.

1.1.1 Transnationalism in migration studies

Migration is an old phenomenon. In fact, human beings have been moving since the very start of their existence (Manning, 2012). However, over time, how people move around the world has been transformed at multiple levels (Czaika & Haas, 2014). The scale of the migration phenomenon, for instance, has radically changed: International migration has tripled in size since 1960, from 77 million to almost 244 million in 2015 (UN Department of Economic and Social Affairs, 2015)⁴. Causes of migration have also diversified. Political persecution, economic necessity, climate change, family reunification, and internationalization of labor are some of the reasons why people move across borders (De Haas, 2011; Hear, Bakewell, & Long, 2018). All in all, today's globalized world cannot be understood without factoring in migration (Castles et al., 2014).

To migrants themselves, the consequences of migrating have also changed. In previous centuries, moving to another country meant renouncing, to a significant degree, the previous life in the homeland. Nowadays, however, this gap between homelands and migrants is closing (Portes, Guarnizo, & Landolt, 1999, p. 219). This is due to the mainstreaming of new communication technologies such as the Internet or more efficient means of transportation, but also due to the reduction of wars between states, the adoption of norms

⁴Nonetheless, global migration rates have remained stable (Castles, Haas, & Miller, 2014).

of cultural pluralism and the diffusion of successful emigrant policies across countries (FitzGerald, 2015, p. 133). It is at the verge of this shrinking gap between homelands and states of reception in which the concept of “transnationalism” emerged⁵. It was first used in disciplines such as economics and law, and only incorporated into political science in the 1960s by Raymond Aron, who referred to the notion of “transnational society” as activities and beliefs crossing frontiers (Waldinger, 2015).

Nevertheless, a more systematic application of the term within migration studies came from anthropology (FitzGerald, 2015, p. 132). Rouse, in his study on Mexican migration in United States writes about the “transnational migrant circuit”, defined as an arrangement in which two different communities located in different countries “. . . become so closely linked that, in many ways, (. . .) [they] form a single community spanning a variety of sites on both sides of the border” (Rouse, 1989, pp. 2-3). Building on this, the book *Nations Unbound*, published by Basch, Glick Schiller, and Szanton (1994), describes how migrants maintained transnational links that differed in their scale and quality from the links maintained by previous migratory movements (Basch, Schiller, & Blanc, 1994). The publication of *Nations Unbound* sparked a new research agenda within migration studies that aimed at apprehending the shape and scope of “transnationalism”, a phenomenon that they defined as “the processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement” (Basch et al., 1994, p. 8).

The work of Basch et al. is based on an anthropological study conducted among immigrant Filipino, Vincentian, and Grenadian communities in the United States. They documented how migrants kept ties with their homelands with different degrees of intensity and how they were active political, economic, and social actors in their states of origin, as well as in their countries of residence. Their approach was highly provocative. With

⁵For a full historical review of the origins of the concept see Waldinger 2015

their discoveries, they directly challenged the assimilationist paradigm that reigned in migration studies at that time. Assimilationism assumed that naturalization in the country of residence and the abandon of previous alliances with the polity of origin were the ultimate and inevitable goals of proper integration and settlement (Burgess & Park, 1921; Gordon, 1964; Warner, 1965). As Portes and his colleagues argued in an article published almost 20 years after *Nations Unbound*, “(w)hat made ‘transnationalism’ novel in the early 1990s was the assertion that such activities did not constitute tangential aspects in an overall march towards assimilation, but that they were part of an alternative to it.” (Portes, Guarnizo, & Landolt, 2017, p. 1487). For Waldinger, “the authors’ greatest contribution was to show that the traditional nation-building approaches that have dominated immigration scholarship badly needed revision in order to take account of both the continuing home country ties and the continuing influence of home country actors” (Waldinger, 2015, p. 18).

The research on transnationalism initiated in the 90s flourished during the 2000s. Today, research about transnationalism is considered an established field within migration studies and, for some, even a theoretical paradigm (Dahinden, 2017; Waldinger, 2015). Nevertheless, as Portes et al. have recently noted, “transnationalism is not a perspective [or paradigm], but a mid-range concept designed to highlight a previously neglected patch of reality and to guide and encourage its investigation” (Portes et al., 2017, p. 1490, brackets added by the author) . Anyhow, regardless of the status of transnationalism in the hierarchical myriad of theories in social sciences, what is certain is that the publication of *Nations Unbound* by Basch and her colleagues sparked a prolific debate in migration scholarship. I argue that this debate has developed around three main issues: its conceptualization, its scale, and its forms.

The first discussion point revolves around the conceptualization of “transnationalism”. As Portes et al. note in their introduction of a special issue

on transnationalism published in *Ethnic and Racial Studies* in 1999, “(i)n some writings, the phenomenon of transnationalism is portrayed as novel and emergent, whereas in others it is said to be as old as labor migration itself” (Portes et al., 1999, p. 219). This confusion about the historical origins of transnationalism has probably to do with the unclear boundaries of the concept that characterized early research inspired by it (Guarnizo, Portes, & Haller, 2003; Waldinger, 2015). The fundamental conceptual question was to establish what, if anything, made transnational practices in the 1990s substantially different from those that occurred before. For Portes et al., the new key characteristics that made the transnationalism of the 1990s a “truly original phenomena and, hence, a viable new topic of investigation” (Portes et al., 1999, p. 200) were the “high intensity of exchanges, the new modes of transacting, and the multiplication of activities that required cross-border travel and contacts on a sustained basis” (Portes et al., 1999, p. 200).

The second point of discussion relates to the scale of the transnational activities. As Portes et al. argue, the justification of a new research field relies on the assumption that the new transnational activities are significantly different, in intensity and manifestations, than those of past migrations (Portes et al., 1999). However, this assumption remained to be proven. And after two decades of investigation, findings remain partially inconclusive. In general, regarding the intensity of transnationalism, it is accepted that some migrants are more transnational than others (Escobar, Arana, & McCann, 2014; Morales & Pilati, 2014). Some authors go even further and assert that the extension of transnational engagements ought not to be overestimated as they are not that new (FitzGerald, 2015; Smith & Guarnizo, 1998) or that extended (Portes et al., 1999). For example, Guarnizo et al., in their study on Colombian, Dominican, and Salvadoran immigrants in different areas of settlement, provide evidence based on survey data about the scale of transnationalism and conclude that the number of immigrants involved in transnational activism is scarce (Guarnizo et al., 2003). In their analysis

of twenty years of research on transnationalism, Portes et al. indeed point out that the transnational hypothesis does not explain the trajectories of the majority of migrants as well as the competing theories of integration (Portes et al., 2017, p. 1488).

Nonetheless, the recognition of the active role played by sending states helped to apprehend the scale of the phenomenon (Portes et al., 2017, p. 1489). For instance, analyzing the cases of Brazil, Mexico, the Dominican Republic, and Haiti, Levitt and Dehesa (2003) prove that states of origin were adopting policies to keep or create links with their non-resident communities, “redefining the relationship between the state and its territorial boundaries” (Levitt & de la Dehesa, 2003, p. 588). More recent studies of transnationalism also prove consistently, and for diverse contexts, that emigrant policies –also known as diaspora policies or diaspora engagement policies– have diffused across states of origin, and have become the norm, rather than the exception (see for instance Gamlen 2014; Ragazzi 2014; Pedroza, Palop-García, and Hoffmann 2016).

The third point of discussion was about the types of transnational activities. Transnational practices encompass multiple and constant interconnections across international borders (Basch et al., 1994; Glick Schiller, Basch, & Blanc, 1995) and these interconnections adopt different forms (Portes et al., 1999) that can be classified following different criteria. First, based on the unit of analysis, scholars distinguish between “transnationalism from above” (Smith and Guarnizo 1998) or “state-led transnationalism” (Goldring, 2002) to refer to those practices initiated by nation-states and corporations, and “transnationalism from below” (Smith & Guarnizo, 1998) or “migrant-led transnationalism” (Goldring, 2002) to refer to grassroots cross-border practices.

Second, transnational activities are classified by their object. Portes et al. propose three categories: economic, political, and socio-cultural (Portes

et al., 1999, p. 222)⁶. The economic side of transnationalism is probably the most recognizable and studied transnational activity (Durand, Parrado, & Massey, 1996; Goldring, 2004). Scholars have dedicated intensive efforts to understand why migrants send remittances (Lim & Morshed, 2015; Nyblade & O’Mahony, 2014), for what purposes remittances are used by the families of origin (Goldring, 2004), what the effect of remittances in the societies of origin is (Adida & Girod, 2011; Conway & Cohen, 1998), or what states of origin are doing to integrate the remittances sent by migrants into their economic fabric (Aparicio & Meseguer, 2012).

But transnationalism also has an important social dimension (Goldring, 2004; Levitt, Lloyd, Mueller, & Viterna, 2015). States of origin have developed schemes to offer social protection services to their migrants abroad (Délano, 2018) and emigrants have contributed to social policies of the homeland (e.g. paying contributions to the homeland pension system) (Pedroza et al., 2016).

Lastly, transnational activities can also be political (Østergaard-Nielsen, 2003a, 2003b). In a key contribution, Østergaard-Nielsen, defines ‘political transnational practices’ as “various forms of direct cross-border participation in the politics of their country of origin by both migrants and refugees (such as voting and other support to political parties, participating in debates in the press), as well as their indirect participation via the political institutions of the host country (or international organizations)” (Østergaard-Nielsen, 2003a, p. 726) The research carried out in the last decade shows that political participation from abroad is far from homogenous: Emigrants get involved in home political affairs following different strategies (Ahmadov & Sasse, 2015; Gamlen, 2015; Paarlberg, 2017), and they operate in diverse institutional settings (Arrighi & Lafleur, 2017; Hutcherson & Arrighi, 2015).

⁶For the sake of brevity, I will focus in this introduction on the economic and political. For more information about social and cultural practices see Portes et al. (1999).

Finally, as Itzigsohn and colleagues propose, it is also possible to classify transnational practices as narrow or broad based on their “degree of institutionalization, degree of movement within the transnational field, or the degree of involvement in transnational activities” (Itzigsohn, Cabral, Medina, & Vazquez, 1999, p. 323). Narrow transnationality refers to activities with a high level of institutionalization, regular movement and constant personal involvement, whereas broad transnationality refers to weakly institutionalized activities, infrequent movement, and low involvement (Itzigsohn et al., 1999, p. 323).

1.1.2 The concept of emigrant political representation

The concept of “emigrant political representation” is the core of this dissertation. Before we move to what its conceptualization, we must first refer to the idea of external citizenship, which was first defined by Barry as:

“the ongoing relationship between emigration states and their citizens who have moved temporarily or permanently to immigration states. It involves 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” (Barry, 2006, p. 26).

After Barry published his definition of external citizenship, Bauböck proposed the concept of “transnational citizenship”. In his definition, he emphasized the overlapping of independent polities caused by the simultaneous membership of migrants with more than one state. The definition of external citizenship provided by Bauböck was a:

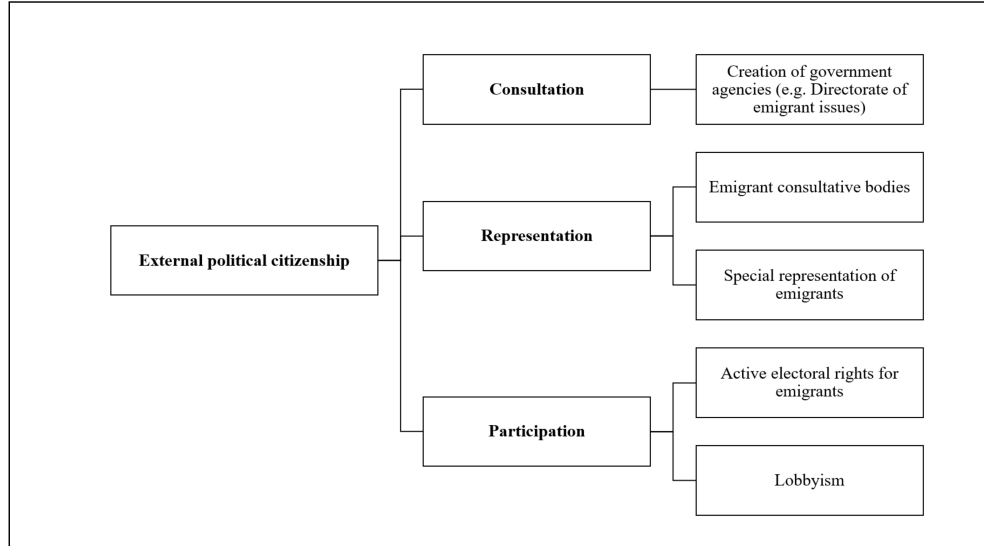
“triangular relation between individuals and two or more independent states in which these individuals are simultaneously assigned membership status and membership-based rights or obligations. Transnational citizenship may thus be graphically depicted

as a partial overlapping of political communities between states whose territorial jurisdictions are entirely separate” (Bauböck, 2006, p. 2395).

Based on Bauböck’s definition, Lafleur defines external citizenship as the “status that acknowledges the transnational character of some migrants’ lives and recognizes their capacity to remain active in the home country despite their absence on the national territory” (Lafleur, 2013, p. 15) (see Figure 1.1). In his book, he argues that “external political citizenship” is a compound of three main dimensions: consultation, representation, and participation of emigrants in home-country political affairs (Lafleur, 2013). Lafleur identifies consultation with the creation of government agencies (i.e. ministries or directorates) specialized in emigrant issues and in charge of monitoring emigrants’ needs and fostering the adoption of emigrant policies (Lafleur, 2013, p. 15). He also argues that the representational dimension has two mechanisms. First, consultative bodies, defined as “organs composed of representatives discussing emigration issues with home-country authorities in the name of emigrants” (Lafleur, 2013, p. 15) and, second, the representation of emigrants in legislative assemblies of the homeland via reserved seats (Lafleur, 2013, p. 15). The third dimension of “external political citizenship” proposed by Lafleur is the participation of emigrants in home-country political affairs through mechanisms such as lobbying and external voting (Lafleur, 2013, p. 16).

Although Lafleur succeeds in defining the object of external political citizenship as a myriad complementary to transnational activities, he does not establish mutually exclusive dimensions of the concept, something that somewhat hinders its use in later empirical research. Moving Lafleur’s framework to the next step, in this thesis, I propose an alternative operationalization of “external political citizenship” that offers clearer conceptual boundaries between the lower levels of abstraction. First, I argue that external political citizenship is composed of two dimensions: administrative settings and

Figure 1.1: Lafleur’s conceptualization of external political citizenship



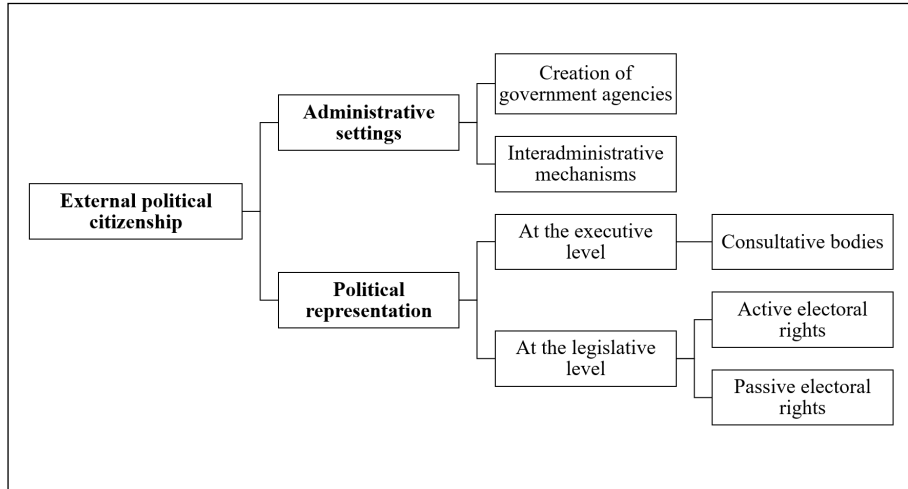
Source: Own elaboration based on Lafleur (2013)

political representation. The former coincides with the “consultation” dimension proposed by Lafleur. It refers to all changes implemented in the homeland administrative setting designed to allocate the needs of the diaspora. This includes the creation of new administrative units (such as “Ministry of Emigrant Affairs”), but also inter-administrative mechanisms aimed at coordinating the government’s emigrant policies.

The political representation dimension captures the formal mechanisms that emigrants have to participate in their polities of origin (see Figure 1.2). To operationalize it, I draw upon Pitkin’s modes (or dimensions) of representation (Pitkin, 1967).

The first mode of representation proposed by Pitkin is the “formalist” approach, defined as the rules that make authorization and accountability possible. Based on the authorization view, a representative is “someone that has been authorized to act” (Pitkin, 1967, p. 38) and, in a context

Figure 1.2: Own conceptualization of external political citizenship (formal mechanisms only)



Source: Own elaboration

of representative democracy, the criterion to assess representation are the compendium of electoral rules (Pitkin, 1967, p. 43). In opposition to the authorization view, the accountability view “as formal as the one they reject” (Pitkin, 1967, p. 58) conceives a representative as “someone who is to be held account, who will have to answer to another for what does” (Pitkin, 1967, p. 55). The main difference, thus, between both formalistic views is the time in which representation happens: the first “defines a representative as someone who has been elected (authorized)” (Pitkin, 1967, p. 58) and the other “defines him as someone who will be subject to election (held account)” (Pitkin, 1967, p. 58). However, as Pitkin puts it, neither of the formalistic views “can tell us anything about what goes on during representation” (Pitkin, 1967, p. 58).

The second mode proposed by Pitkin is the descriptive. Based on this approach, a “representative does not act for others; he ‘stands for’ them, by

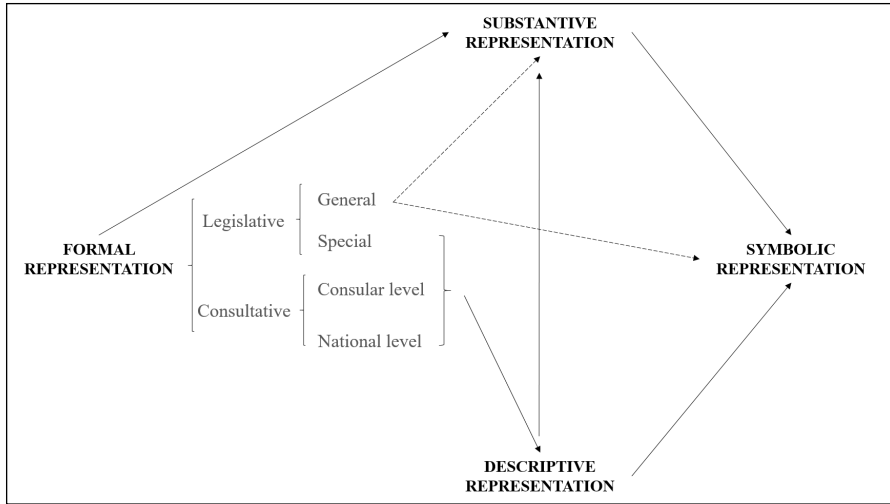
virtue of a correspondence or connection between them, a resemblance or reflection” (Pitkin, 1967, p. 61). Under this approach, good representation is measured by the correspondence between the characteristics of the representatives and the represented. Thus, the duty of the representative is to reflect “his constituents as truly and accurately as possible” (Pitkin, 1967, p. 90) leaving “no room within such a concept of political representation for leadership, initiative, or creative action” (Pitkin, 1967, p. 90).

The third dimension of Pitkin’s conceptualization of representation is the “symbolic”. This dimension of representation rests “on emotional, affective, irrational psychological responses rather than on rationally justifiable criteria” (Pitkin, 1967, p. 100). It puts at the core of the concept the importance of irrationality and “of pleasing of one’s constituents” (Pitkin, 1967, p. 111). Scholars exploring this dimension of representation, have identified it with the constituents’ emotional responses to the political system or parliamentarians (Lawless, 2004; Leston-Bandeira, 2012).

Finally, the fourth mode proposed by Pitkin is the “substantive”. This approach focuses on the content of the representation and defines representing as “acting for” the represented (Pitkin, 1967, p. 113). As Pitkin explains, this dimension captures “the nature of the activity itself, what goes on during representing” (Pitkin, 1967, p. 114). The standard of substantive representation is, thus, different than in descriptive representation since “the fact that a man or an assembly is a very good descriptive representation does not automatically guarantee that they will be good representatives in the sense of acting for, that their activity will really be representing” (Pitkin, 1967, p. 142). In conclusion, the substantial activity of representatives must be judged “in terms of what the representative does and how he does it, or in some combination of these two considerations” (Pitkin, 1967, p. 143).

In her book, Pitkin argues that the four dimensions of representation ought to be conceived as integrated parts of a single concept since one dimension is unable to capture the whole extension of the representational phe-

Figure 1.3: An integrated model of emigrant political representation



Source: Own elaboration based on Schwindt Bayer and Mischler (2005, 2010)

nomenon (Pitkin, 1967, pp. 59, 91, 111). Later, other scholars have tapped into this idea and proposed ways to investigate interactions and connections between the different dimensions of representation, rather than standalone pieces (Schwindt-Bayer & Mishler, 2005). For this thesis, and drawing from the work of Schwindt-Bayer (2010) on the representation of women in Latin America, I propose an “integrated model of emigrant political representation” (see Figure 1.3). Based on this model, formal emigrant representation is composed of two mechanisms: (1) the emigrant representation within the executive government structures, and (2) the representation at the legislative level. The former refers to consultative bodies and the latter refers to external voting.

Emigrant consultative bodies are organizations that act as interlocutors with the government in areas that touch upon issues related to the status, rights and obligations of the diaspora and their families (Pedroza & Palop-García, 2017). Consultative bodies differ regarding the level of consultation

(whether it is a national consultative body or a consular), the composition, the selection of their members and their competences and functions. Interestingly, systematic research on emigrant consultative bodies is scarce. Nonetheless, we can draw upon the research on immigrant consultative bodies to disentangle their function. As Andersen argues, on one hand, they represent a useful mechanism to transmit the views of people who are excluded from the democratic process to decision-makers (Andersen, 1990, p. 113). On the other hand, they can contribute to establish a communication channel between the government authorities and an excluded group as a first step to improve the relationship between both groups (Andersen, 1990, p. 122).

External voting refers to the formal rules that allow non-resident citizens to participate in homeland elections from abroad (Nohlen & Grotz, 2000, 2007). Formal external voting rules define the “scope of representation” (Bauböck, 2006). States of origin must first decide which emigrants ought to be enfranchised (if any). There are two main possibilities. States can opt for a general emigrant enfranchisement in which they do not make distinctions by different emigration profiles (for instance, by profession or migration status) or they could opt for a more restricted enfranchisement by imposing limits regarding migration status (e.g. years abroad), profession, or place of settlement (by only enfranchising emigrants resident in specific countries) (Nohlen & Grotz, 2000, 2007).

States of origin also define in which elections emigrants are allowed to vote. They could allow emigrants to vote in all elections held at the national level (i.e. presidential, legislative or referendums) or only in some of them (generally presidential). States of origin can also grant external electoral rights at other levels different than national (i.e. supranational, regional or local) (Arrighi & Bauböck, 2017). Some states restrict the franchise to only active voting and do not grant to emigrants passive electoral rights through general or special modes of representation (Collyer, 2014; Hutche-

son & Arrighi, 2015). We talk about general modes of representation when emigrants run as candidates for homeland elections from districts located within the territorial boundaries of the state of origin, usually because they have a biographical connection (e.g. district of residence before emigration). When emigrants run from districts designed specifically for the diaspora and located outside the territorial boundaries of the polity, we talk about special modes of representation (also known as “discrete” representation (Spiro, 2006)). Special representation can be “symmetric”, when there is correspondence between the weight of the emigrants in the general population and the number of seats assigned in the legislative assembly, or “asymmetric”, when the number of emigrant seats in the homeland assemblies clearly underrepresents the weight of the non-resident population (Spiro, 2006).

Beyond formal mechanisms, emigrant political interests can be also represented by informal means. These include, among others, lobbying of homeland authorities (Lafleur, 2011; Østergaard-Nielsen, 2003a) and the organization of grass-roots campaigns to channel the claims of emigrants (Landolt, 2008). In contexts in which formal mechanisms of emigrant representation are absent, the informal mechanisms gain importance and are, in fact, often used to claim the adoption of formal mechanisms, such as external voting (Hartmann, 2015; Lafleur, 2015).

As shown by Figure 3, formal regulations determine descriptive representation (Schwindt-Bayer, 2010). In the case of emigrant representation, it is clear that electoral systems affect to what extent non-resident citizens are able to find themselves represented in their homeland legislative chambers. For instance, systems with non-territorial districts (i.e. special representation) guarantee the presence of emigrants in their legislative houses. However, in countries with only general modes of emigrant representation, the chances to have emigrant representatives are scarce. The relationship between formal and descriptive representation is even more direct in the case of consultative bodies in which formal rules determine who is allowed a seat at the con-

sultation table. In one extreme, states can decide to limit the presence of emigrants to the minimum. On the other extreme, they can decide that consultative bodies ought to be integrated only by emigrants establishing a clear correspondence between the representatives and the represented.

Both formal and descriptive representation determine substantive representation (Schwindt-Bayer, 2010). For instance, an external voting system that minimizes the impact of emigrant votes in the elections could potentially hinder the substantive representation of emigrant issues in homeland legislatures. On the contrary, it might be that in those countries with special emigrant representation, the interests of the diaspora are more present in parliamentary discussions, since there are representatives whose constituency is composed exclusively of non-resident citizens. This may also be true for emigrant consultative bodies. It is plausible that in those in which the emigrant presence is minimal, substantive emigrant issues that are most important are left in the background of the discussions, and those that are important for other agents such as governmental actors, are brought to the forefront. Symbolic representation is affected by formal, descriptive, and substantive representation (Schwindt-Bayer, 2010). If emigrants perceive that their interests are represented in, either legislative assemblies or consultative bodies, they will be more trusting in the homeland political system. However, if they do not have formal mechanisms of representation and, in that sense, are excluded, they will have less trust in government.

Finally, it is also plausible that symbolic and substantive representations are achieved by general modes of representation (see dotted lines in Figure 3). In this case, non-emigrant representatives sitting in legislative chambers would be the ones representing emigrant-related issues.

1.1.3 Normative considerations: representation and the limits of universal suffrage

Political theorists have identified three main principles of democratic inclusion to decide who should enjoy full political rights and thus, be part of a given demos (Bauböck, 2015, p. 821). The first principle of democratic inclusion is the “all-affected interests” (Young, 2000, p. 23) (Shapiro, 1999, p. 38). Under this principle, “a democratic decision is normatively legitimate only if all those affected by it are included in the process of discussion and decision-making” (Young, 2000, p. 23). All-affected interests, thus, do not perceive economic contribution as a criterion for political inclusion. The main problem of this notion is that it is not clear what the definition of “affected interest” entails (Bauböck, 2018; Goodin, 2007; López-Guerra, 2005). Although Young tries to address this issue by specifying that “affected” means “at least that decisions and policies significantly condition a person’s options for action” (Young, 2000, p. 23), her definition is still very broad. All in all, it may be possible that emigrant representation could be covered by this principle insofar as non-residents can prove that homeland policies also affect them (for instance, those related to foreign affairs or policies that affect their families in the homeland).

The second principle is the “all-subjected to coercion principle”. This principle is based on the idea that “all individuals who live permanently under the laws and binding decisions of the polity should be included” (López-Guerra, 2005, 222). Or in other words “that the democratic legitimacy of government coercion depends on securing equal liberties for all whose autonomy it restricts” (Bauböck, 2018, p. 28). Under this principle, emigrant representation would be justified only if non-resident citizens demonstrate that they are coerced by the homeland polity. This implies the recognition of the extension of the sovereignty outside the territorial boundaries of the state of origin. It could be argued that while emigrants are subjected to some

of a state's laws and institutions, such as those related to citizenship, diplomatic protection, return, property and taxation (Bauböck, 2018, p. 31); they are, however, not subjected to the entire legal system of a country and thus, as López-Guerra argues “expatriates should not be taxed, conscripted, or enfranchised” (López-Guerra, 2005, p. 232). Even if we accept that this partial subjection is enough to justify emigrant representation, this could only apply at the national level. In general, subnational polities (i.e. regional and local) do not have competences about citizenship or foreign affairs and thus, it may be difficult to find any ground to argue that emigrants are subjected to their government institutions.

As already hinted, the problem with these principles is that they “are indeterminate with regard to boundaries and indifferent with regard to the nature of the polity” (Bauböck, 2015, p. 821) and that “they focus on illegitimate exclusion without addressing problems of over-inclusion” (Bauböck, 2015, p. 821). To overcome the limitations, Bauböck proposes the “stakeholder principle”. Under this principle, “self-governing political communities should include as citizens those individuals whose circumstances of life link their autonomy or well-being to the common good of their political community” (Bauböck, 2009, p. 479). As Bauböck clarifies, the term ‘stakeholder’ should not be understood as having stakes in democratic decisions, but rather “as having a stake in membership” (Bauböck, 2018, p. 41). This could be operationalized following two criteria. First, the dependency criterion, which establishes that those that depend on a particular community for long-term protection of their basic rights may have a claim for citizenship (Bauböck, 2009, p. 479). The second is the biographical criterion. Under this criterion, citizenship should be granted if a person can prove that she or he has been subjected to the polity for a significant period of time (Bauböck, 2009, p. 479). Under the stakeholder principle, emigrants are not considered as a homogenous group and, thus, not all “external citizenry” ought to also be considered “external demos” (Bauböck, 2015, p. 833). As Bauböck argues,

under the lens of the stakeholder principle, in birthright regimes, “second generations born abroad should be allowed to retain their citizenship status acquired at birth, but need not be enfranchised when reaching voting age, unless they return and take up residence” (Bauböck, 2015, p. 833). In this sense, establishing resident conditions to access the demos may be the right approach to “correct excessive mismatches between the demos and the territorial population created by birthright regimes in migration contexts” (Bauböck, 2015, p. 833).

These “excessive mismatches” could lead to the over-inclusion of emigrants. As argued by Bauböck:

“(i) individuals have a claim to inclusion if their autonomy depends on the collective freedom of the polity. But the polity can also reject the inclusion of non-stakeholders on grounds that it would undermine the capacity of citizens to govern themselves” (Bauböck, 2018, 42).

Scholars have proposed several mechanisms to prevent such situation. First, under the lens of stakeholder citizenship, only those citizens abroad that keep an interest in the homeland will make use of formal mechanisms of emigrant participation. This “self-selection of active citizens who make use of their franchise can enhance the legitimacy of external voting” (Bauböck, 2009, p. 491). The second mechanism is the restriction of external voting to presidential elections (a measure only applicable in countries with presidential systems). In favor of this option is the fact that emigrants are usually better informed about presidential candidates than candidates running for seats in the legislative chambers and that presidential offices have foreign policy competences (see discussion in Bauböck 2007, p. 2429). Nevertheless, under the logic of stakeholderhood, this argument is contested since it challenges the conception of external stakeholders as misinformed and as only concerned about foreign affairs (Bauböck, 2006, p. 2429). The third

mechanism to avoid emigrant over-inclusion is asymmetric special representation (Spiro, 2006) by which emigrants can elect a few seats in homeland parliaments, but not the number of seats that they would in a system with proportional representation.

At its essence, the question of the political representation of emigrants in states of origin through enfranchisement is a question of the limits of universal suffrage. Nowadays, it is assumed that universal suffrage includes groups that were excluded in the early developments of democracies (i.e. women, felons, ethnic and religious minorities, and some economic or educational groups). Yet, suffrage is still conditioned by age, sanity, law-abidingness, citizenship, and residence (Beckman, 2008). Nonetheless, the acceptance of the restrictions of suffrage based on residence has been challenged in the last two decades with more and more countries adopting external franchise (Blais, Massicotte, & Yoshinaka, 2001; Rhodes & Harutyunyan, 2010). The normative question that inspires this thesis, thus, remains highly relevant: Should emigrants be politically represented in their polities of origin? If so, how should we then establish the right “amount” of representation? In other words, how can we assess when emigrants are over-represented and when emigrants are under-represented in their polities of origin?

1.2 Sources of information

This cumulative thesis combines several sources of information. The first three articles are based on the information gathered in the context of the project “Polities beyond borders: The new dynamics of Emigrant Politics and Policies in Latin America” developed at the GIGA German Institute of Global and Area Studies and in which I participated as a research fellow. One of the main outputs of the project is the Emigrant Policies Index (EMIX). The EMIX measures the degree of adoption of emigrant policies in 22 states

of Latin American and the Caribbean. Emigrant policies, also known as “diaspora engagement policies” (Gamlen, 2014), are defined as those policies adopted by states of origin to create or nurture links with their diaspora (Délano, 2011; Mahieu, 2014; Ragazzi, 2014). With the EMIX we have compiled information about twelve dimensions of emigrant policies, including three that are at the core of this dissertation: external citizenship, external voting, and institutional representation of emigrants via consultative bodies. The information gathered in the EMIX is mostly based on primary sources of information (e.g. constitutions or electoral regulations), but also includes information from secondary sources (e.g. media, academic literature) and the input of country or policy experts. The EMIX was the result of a collaborative effort conducted by the “Emigrant policies” team at GIGA and in which I contributed substantially. Specifically, I worked on the conceptualization (i.e. definition of policy dimensions), on the operationalization of the policy dimensions (i.e. the selection of indicators and items), on the retrieval of data for some of the countries included in the sample, and on the construction and analysis of the aggregate measurements.⁷

The fourth paper of the dissertation is based on two sources of information that go beyond the data gathered by the EMIX and were collected specifically for this dissertation. In this paper, I analyze a total of 35,446 speeches given by Emigrant Members of Parliament (EMPs) and Non-emigrant Members of Parliament (NEMPs) during the floor sessions of two complete legislative periods in the Ecuadorian (2009-2013 and 2013-2017) and Colombian (2010-2014 and 2014-2018) representative houses. The floor speeches were extracted from the protocol sessions of each of the legislative chambers using a computer program that I coded in Python explicitly for this task. The protocols were provided by the libraries of the Ecuadorian National Assembly

⁷For more information about the Emigrant Policies Index (EMIX) see Pedroza, Palop and Hoffmann (2016) and Pedroza and Palop-García (2017). The data can be downloaded from the GESIS repository: <https://datorium.gesis.org/xmlui/handle/10.7802/1499>

and the Colombian House of Representatives. The speeches are classified by topics implementing quantitative text analysis based on dictionary coding (Wilkerson & Casas, 2017). The findings of the quantitative analysis are then compared with the information gathered in semi-structured interviews conducted with Ecuadorian and Colombian Emigrant Members of Parliament (EMPs) during field research carried out between April and May 2016 in Quito and Bogota.

1.3 Brief note on methodology

Each article of this cumulative dissertation describes in depth the methodology on which it is based. For this reason, I will not dedicate a full section to discuss methodological decisions. Instead, I will focus on the overarching logic that guides the dissertation: In sum, this thesis aims at cross-country comparisons based on a mixed-methods approach (Johnson, Onwuegbuzie, & Turner, 2007). Thus, the thesis combines qualitative and quantitative techniques including: descriptive analysis (articles 1, 2, 3 and 4), case studies (article 3), semi-structured interviews (article 4), quantitative text analysis (article 4), and regression analysis (article 4).

The thesis also adopts a mixed approach between the so-called “methodological nationalism” and “transnationalism”. The former assumes that countries are the natural units for comparative studies and conflates society with nation-state (Wimmer & Glick Schiller, 2002, p. 576). The later, in contrast, transcends the limits of the states to set the focus on cross-border relationships and recognizes other agencies different to nation-states into social analyses (Délano & Gamlen, 2014, p. 45). As argued by Wimmer and Schiller, “in studying migration, the challenge is to avoid both extreme fluidism and the bounds of nationalist thought” (Wimmer & Glick Schiller, 2002, p. 576). In this line, the first two papers of the thesis, and partially the third, focus on state policies and draw comparisons between national

policies. The third and fourth papers, however, highlight the role of other transnational actors beyond nation-states (i.e. emigrant associations, political parties, or emigrant representatives).

1.4 Structure of the dissertation

This dissertation complies with the regulations of the *Freie Universität Berlin*.⁸ The dissertation consists of four cumulative articles published in international peer-reviewed academic journals. Each of the papers taps into one of the dimensions of the main research question of this dissertation, but can also be understood independently. In this section, I summarize the four papers, establishing the link between them. For those papers in which I am a co-author (articles 2 and 3), and in line with the requisites established by the normative of the *Freie Universität Berlin* (§ 7), I also describe the role that I took in their elaboration.

1.4.1 Article 1: Ausentes, pero representados: Mecanismos institucionales de representación de emigrantes en América Latina y el Caribe

Absent but represented: institutional mechanisms of representation of emigrants in Latin America and the Caribbean

Published in América Latina Hoy

Single authored

In this article, I explore what are the main institutional mechanisms of political representation that 22 Latin American and Caribbean states offer to their emigrant communities. This first article is conceived as the groundwork of the rest of the thesis. It sets out the main conceptual framework of the

⁸Gemeinsame Promotionsordnung zum Dr. phil./Ph.D. der Freien Universität Berlin, Amtsblatt FU-Mitteilungen 60/2008 from 02.12.2008, ISSN 0723-0745.

dissertation by first discussing the characteristics and theoretical variability of institutional mechanisms of non-resident representation in homeland politics (external voting and emigrant consultative bodies); second, describing which of the mechanisms have been indeed adopted by the 22 LAC states included in the analysis; and third, creating a typology of states based on the combinations of the mechanisms adopted and the possibilities of political representation that they open for emigrants. The paper concludes by discussing the main normative challenges that systems of emigrant political representation pose for the states of origin and reception. All in all, the article explores the variations existent across Latin American and Caribbean states regarding the mechanisms of emigrant representation adopted as they stood in 2015. That article proves that, after comparing across countries, external voting provisions and the regulations of consultative bodies are far from homogeneous.

1.4.2 Article 2: Beyond convergence: unveiling variations of external franchise in Latin America and the Caribbean from 1950 to 2015

Published in the Journal of Ethnic and Migration Studies

Co-Authored with Dr. Luicy Pedroza

With the second article of the dissertation, we explore further the variation in the regulations of external voting. First, the article takes issue on the idea existent in previous scholarly work that external voting has been homogeneously diffused, especially in the Latin American and Caribbean region. The article tests this idea by looking not only at the general adoption of external voting provisions, but also by analyzing the scope of external voting. To that end, we defined the scope of external voting by (1) the rights granted (active electoral rights and/or passive electoral rights) and (2) the type of elections in which emigrants are allowed to vote from abroad (presidential

and/or legislative). In this regard, the article shows how the convergence hypothesis observed by other scholars does not hold true when sources of variation are factored into the analysis. More on the methodological side, the article proposes a measurement of external voting convergence to better grasp the scope of this phenomenon. Secondly, the article analyses external voting dynamically, introducing longitudinal data from 1950 to 2015. This approach allowed us to study different moments of enfranchisement and put the adoption of external voting in the region into a temporal perspective.

In this paper I collaborated with Dr. Pedroza. We are equal co-authors of the article. I participated in the conceptualization of the paper and the review of the literature. Also, I designed the methodology and conducted the empirical analysis and draw the conclusions.

1.4.3 Article 3: Passed, regulated, or applied? The different stages of emigrant enfranchisement in Latin America and the Caribbean

Published in Democratization

Co-authored with Dr. Luicy Pedroza

In the previous article, we noticed that the operationalization of external franchise was more complex than the previously acknowledged. In this article, we propose a fine-tuned conceptualization of external voting adoption that is able to capture systematically the complexity hidden in the previously oversimplified conceptualization of external voting adoption. Using data from 22 Latin American and Caribbean countries, we show that external voting adoption is better understood as a process and not as a punctual event. We prove that this process is composed of three interrelated stages: the enactment of external voting rights, its secondary regulation, and its first implementation. The analysis shows that in some countries (e.g. Brazil and Mexico) the process of adoption lasts over several years, while in other

countries (e.g. Argentina or Peru) there is no time gap between the stages. We explain the existence of this gap as a function of the democratization process and the legal mechanism used to enact external voting. Using qualitative analysis, we select five cases (Argentina, Bolivia, Mexico, Paraguay, and Peru) to test the democratization and the legal mechanism hypotheses. Overall, the case studies confirm the effect of the legal mechanism on the length of the adoption process and show mixed results regarding the democratization hypotheses.

In this paper I collaborated with Dr. Pedroza. We are equal co-authors of the article. I participated in the initial conceptualization and literature review. Furthermore, regarding the case studies, Dr. Pedroza took the lead in the analysis of Argentina and Mexico, whereas I took the lead in the analysis of Bolivia, Paraguay, and Peru.

1.4.4 Article 4: Contained or represented? The varied consequences of reserved seats for emigrants in the legislatures of Ecuador and Colombia

Published in Comparative Migration Studies

Single authored

The three previous articles of the dissertation describe the institutional mechanisms that Latin American and Caribbean states have developed to accommodate the interests and opinions of their diaspora into their political systems. However, this description does not assess to what extent those mechanisms accomplish their designated goals. This fourth and final paper of the dissertation taps into this issue by investigating the work carried out by emigrant special representatives (parliamentarians elected directly in external districts by non-resident citizens) in their homeland legislative assemblies. I selected Ecuador and Colombia as two examples of countries with opposite models of emigrant special representation. The former has six

emigrant representatives and aims at quasi-proportional representation of its diaspora. Colombia, in contrast, has only one (or two depending on the legislative period) emigrant representative and has implemented a system in which the diaspora is clearly under-represented in the House of Representatives. To test whether emigrant representatives substantively represent (in Pitkin's terms) diaspora issues, I implement a mixed-methods approach. I combine quantitative text analysis of 35,446 floor speeches given by Ecuadorian and Colombian parliamentarians in two whole legislative period with semi-structured interviews with emigrants' special representatives. Findings show a "containment effect" of emigrant substantive representation in the case of Colombia and a more efficient substantive representation in the case of Ecuador.

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**Ausentes, pero representados:
Mecanismos institucionales de
representación de emigrantes
en América Latina y el Caribe**

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AUSENTES, PERO REPRESENTADOS: MECANISMOS INSTITUCIONALES DE REPRESENTACIÓN DE EMIGRANTES EN AMÉRICA LATINA Y EL CARIBE

*Absent but represented: institutional mechanisms of representation
of emigrants in Latin America and the Caribbean*

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RESUMEN: Este trabajo, partiendo del marco brindado por los estudios sobre transnacionalismo y representación política, investiga dos de los mecanismos institucionales que 22 Estados de América Latina y el Caribe han diseñado para incorporar en su proceso político a sus emigrantes –la reserva de puestos en cámaras legislativas y los consejos consultivos–. El análisis revela que únicamente la mitad de los Estados de la muestra cuentan con algún mecanismo de representación institucional de emigrantes.

Palabras clave: emigrantes; consejos consultivos; cámaras legislativas; representación; transnacionalismo.

ABSTRACT: This paper, using the framework provided by studies on transnationalism and political representation, analyzes the institutional mechanisms that 22 states of Latin America and the Caribbean have designed to formally incorporate emigrants into their political process –reserved seats in their legislative chambers and advisory boards–. This analysis reveals that almost half of the states included in the sample do have a mechanism of institutional representation for emigrants.

Key words: emigrants; advisory boards; legislative chambers; representation; transnationalism.

I. INTRODUCCIÓN¹

Hoy en día un dominicano residente en Estados Unidos puede votar para elegir al presidente de la República Dominicana, puede participar en las elecciones legislativas votando a representantes especiales de la comunidad de emigrantes en la Cámara de Diputados, participar en el consejo consultivo de emigrantes de su sección consular o, incluso, en el consejo consultivo que existe a nivel nacional y que agrupa tanto a representantes de la comunidad emigrante, como a autoridades estatales. La República Dominicana no es el único país que ha diseñado mecanismos para incorporar formalmente a la comunidad de emigrantes a la vida política del país. De hecho, la mayoría de Estados latinoamericanos y caribeños han adoptado políticas para permitir la participación política de la comunidad emigrante, ya sea a través de la extensión del derecho a voto activo y pasivo o consejos consultivos.

Estudios previos han documentado cómo los emigrantes continúan participando en el sistema político de su país de origen, a través de prácticas formales, como el sufragio, o más informales, como ejercer presión sobre élites políticas locales. La gran mayoría de los estudios que se han realizado acerca de la participación política de emigrantes en los Estados de origen se centran en países concretos, como México (Délano 2011), Ecuador (Bocagni y Ramírez 2013), Perú (Escrivá *et al.* 2010), Brasil (Padilla 2011) o Colombia (McIlwaine y Bermúdez 2015). Aunque algunos autores han comparado alguno de los mecanismos de incorporación política de la comunidad de emigrantes en diferentes Estados de origen (e. g. Escobar y Koop 2015; Moraes *et al.* 2009; Vono de Vilhena 2006), todavía no existe ningún estudio que compare de forma conjunta los mecanismos institucionales de representación desarrollados por los estados de América Latina y el Caribe (ALC) para incorporar formalmente a su comunidad de emigrantes. Este trabajo pretende suplir esta carencia de la literatura analizando los mecanismos institucionales que permiten la representación de la comunidad de emigrantes en 22 Estados de la región. En este artículo, se argumenta que para poder hacer un análisis profundo del origen y las consecuencias de la institucionalización de los mecanismos de representación de emigrantes, primero es necesario recabar información sobre qué mecanismos se han adoptado *de facto*, cómo operan y qué oportunidades de participación política ofrecen en la teoría y en la práctica a las comunidades emigrantes. Realizar este ejercicio descriptivo es uno de los principales objetivos de este artículo.

Este estudio se centra en dos de los principales mecanismos de representación institucional de emigrantes: la participación en las cámaras legislativas y la participación a través de consejos consultivos creados para asesorar al gobierno nacional o las misiones de representación en el exterior –consulados– sobre asuntos que afectan a la comunidad de emigrantes. La adopción de estos mecanismos ha generado una extensa discusión académica y política acerca de la legitimidad del reconocimiento del derecho de voto de los emigrantes o de la reserva a la comunidad emigrante de asientos en las

1. El autor agradece los comentarios y las sugerencias de tres evaluadores anónimos de *América Latina Hoy, Revista de Ciencias Sociales*, a la primera versión de este artículo.

cámaras legislativas de los Estados de origen (ver, por ejemplo, Bauböck 2015). Este trabajo pretende, en primer lugar, contribuir a dichos debates generando información sobre el grado de adopción de dichos mecanismos en 22 Estados de América Latina y el Caribe y, en segundo lugar, analizar las implicaciones políticas y teóricas de los mecanismos de representación política de emigrantes. Para entender las implicaciones de cada mecanismo institucional de representación, la discusión se encuadra en los debates académicos sobre transnacionalismo político (e. g. Guarnizo *et al.* 2003; Bauböck 2007, Lafleur 2011), pero también sobre la representación política de minorías (Crisp *et al.* 2014; Mansbridge 1999; Schwindt-Bayer 2010).

II. MECANISMOS INSTITUCIONALES PARA LA REPRESENTACIÓN POLÍTICA DE EMIGRANTES

Estudios previos han demostrado que las personas en situación de movilidad humana mantienen simultáneamente vínculos –sociales, económicos o políticos– con su país de origen y con su país de recepción. Para referirse a los vínculos de carácter político la literatura ha acuñado el término «transnacionalismo político» (Itzigsohn 2000: 1130; Portes *et al.* 1999). Este concepto, aunque se emplea generalmente para referirse a la participación de los migrantes en sus Estados de origen, también proporciona el marco necesario para entender cómo la participación más allá de las fronteras acaba además transformando las identidades colectivas, las instituciones del país de origen y la propia concepción de ciudadanía (Bauböck 2003: 700).

Los estudios sobre transnacionalismo político se pueden clasificar en cuatro grupos. En primer lugar, la mayor parte se ha centrado en definir cuáles son las prácticas políticas que pueden catalogarse como «transnacionales» (e. g. Østergaard-Nielsen 2003). Entre las prácticas más estudiadas encontramos el sufragio desde el exterior (Chelius 2003), el apoyo a partidos políticos del Estado de origen (e. g. Bakker 2003) o la participación en consejos encargados de asesorar a los gobiernos del país de origen sobre asuntos que afectan a la comunidad de emigrantes (e. g. Lafleur 2013). El segundo grupo de estudios se ha centrado en intentar explicar el auge del interés de las instituciones de los Estados de origen por su comunidad de emigrantes. Las hipótesis que se han barajado en este sentido son diversas, desde la dependencia económica de las remesas enviadas por los emigrantes (e. g. Wucker 2004); pasando por cambios significativos en el sistema político del Estado de origen, como procesos de democratización (e. g. Rhodes y Harutyunyan 2010); o la difusión de normas internacionales (e. g. Délano 2013; Turcu y Urbatsch 2014). En tercer lugar, algunos autores se han centrado en estudiar el perfil y la motivación de los sujetos del transnacionalismo político (e. g. Bermúdez 2010; Itzigsohn 2000; Portes *et al.* 2007). Por último, la cuarta línea de investigaciones se ha centrado en estudiar el comportamiento de voto de los emigrantes (e. g. Escobar y Kopp 2015).

El transnacionalismo político surge de la interacción de una amplia amalgama de actores, como las comunidades de emigrantes (con diversos grados de organización), partidos políticos, autoridades de los Estados de origen y de recepción o la comunidad

internacional. Este artículo, no obstante, se centra únicamente en dos de los mecanismos institucionales que los Estados de origen han diseñado para permitir a su comunidad de emigrantes participar en la arena política y asegurar que sus intereses se encuentren representados. En este sentido, se analiza una de las tres dimensiones que Lafleur considera centrales del concepto de «ciudadanía política externa»; a saber, la representación de los emigrantes en el Estado de origen, a través del reconocimiento del derecho de los emigrantes a postularse como candidatos en las elecciones del Estado de origen o a través de la creación de órganos consultivos de emigrantes encargados de asesorar a los gobiernos sobre las cuestiones que afectan a la diáspora (Lafleur 2013: 6)².

Para el propósito de este trabajo se definen como «mecanismos institucionales de representación política» los canales formales por los cuales los Estados de origen integran las opiniones y demandas de su comunidad emigrante en sus instituciones representativas. Por estas, se entiende órganos diseñados para incorporar la pluralidad de visiones, opiniones e intereses de las personas a las que se pretende representar (en este caso, emigrantes). En la operacionalización de «instituciones representativas» utilizada en este artículo, por tanto, no se incluye la participación de emigrantes en elecciones presidenciales o consultas populares dado que, siguiendo los planteamientos de la literatura de política comparada, se entiende que dichas instituciones no son de carácter representativo, sino de carácter ejecutivo y de consulta, respectivamente. Además, en el estudio no se incluyen canales informales de participación, como la presión que las organizaciones de migrantes pueden ejercer sobre actores políticos del Estado de origen. Tampoco se incluyen en el análisis los mecanismos que los Estados de recepción desarrollan para incluir a los migrantes residentes en su territorio al proceso político.

La incorporación formal de los emigrantes en el sistema de representación política de los Estados de origen puede ser entendida como un *continuum* que se dibuja entre la exclusión y la inclusión. A nivel institucional, la exclusión de los no residentes se traduce en la inexistencia de mecanismos formales para incorporar sus intereses y preocupaciones en el proceso político. A saber, a los emigrantes no se les permite votar y no existe ningún órgano consultivo que contemple su participación. En casos extremos, la exclusión se materializa mediante la pérdida de la nacionalidad. En el otro extremo, la inclusión formal de los emigrantes en sus comunidades de origen admite grados, dependiendo de los mecanismos que se hayan adoptado (i. e. voto exterior o consejos consultivos) y las oportunidades reales de participación que la regulación específica de esos mecanismos conceda a los emigrantes.

Precisamente, la existencia de mecanismos institucionales de representación supone un salto cualitativo de la participación transnacional de los emigrantes en los Estados de origen y, por esa razón, algunos autores han llamado la atención sobre los retos que

2. Lafleur considera que la «ciudadanía política externa» está compuesta de tres dimensiones: la capacidad de los emigrantes de ser consultados por autoridades públicas a través de la creación de agencias encargadas de la gestión de asuntos migratorios; la participación en los asuntos políticos del Estado de origen a través del voto o actividades más informales como la presión a partidos políticos; y la representación de los emigrantes en las cámaras legislativas u órganos consultivos (J.-M. LAFLEUR 2013).

la adopción de éstos plantea a nivel político y normativo (Bauböck y Faist 2010; Spiro 2006). En el nivel político, la participación de los emigrantes podría alterar los equilibrios internos entre las diferentes fuerzas políticas internas del país, en otras palabras, podría tener un impacto significativo en los resultados de las elecciones (Bauböck 2007; Collyer y Vathi 2007; Gamlen 2015; Hutcheson y Arrighi 2015). A nivel normativo, la institucionalización de la representación de la comunidad emigrante genera dudas sobre la legitimidad del hecho de que personas que no se encuentran dentro de las fronteras territoriales del Estado cuenten con mecanismos que garantizan su influencia en el proceso político interno.

En este sentido, algunos autores argumentan que los mecanismos de representación formal de emigrantes son únicamente legítimos y útiles cuando se cumplen al menos dos condiciones. En primer lugar, que los intereses de la comunidad en cuestión son significativamente diferentes a los intereses del resto de la comunidad política y, en segundo lugar, que sin mecanismos formales de representación sus intereses estarían excluidos del proceso político (Bauböck 2006). No obstante, como argumenta Bauböck, el hecho de que exista una agenda política propia de la comunidad emigrante no justifica directamente la existencia de representantes especiales (Bauböck 2006: 2433). Para este autor, sería un error concebir a la comunidad emigrante como un todo homogéneo cuyos intereses, actitudes y opiniones se estructuran únicamente en torno a su condición de emigrantes y no en base a su conexión individual con el Estado de origen (Bauböck 2007: 491; Bauböck y Faist 2010: 306). Adicionalmente, Bauböck también considera que los intereses especiales de la comunidad no residente se pueden incorporar en el sistema político legítimamente por mecanismos distintos a la representación legislativa, como los consejos consultivos (Bauböck 2006: 2433; Bauböck 2015). En este artículo se argumenta que, aunque es apropiado incluir en esta discusión normativa las diferencias de intereses entre residentes y no residentes, ésta no puede ser la única variable analizada.

En este sentido, para poder seguir el debate sobre las consecuencias de la representación especial de emigrantes en las cámaras legislativas de los Estados de origen, es necesario no solo partir de la literatura sobre transnacionalismo político, sino también de la literatura más amplia sobre representación política, especialmente la literatura sobre la representación descriptiva de minorías. Por esa razón, en el contexto de este trabajo se argumenta que es importante señalar que, cuando se habla sobre la representación de los no residentes en el proceso político del país de origen, es necesario tener en cuenta no solo argumentos basados en la diferencia de intereses de una minoría con respecto a los del resto de la comunidad política o en quién tendrá que acatar las leyes con las que la comunidad política se dote a sí misma, sino también argumentos basados en la reparación de conductas pasadas. Este argumento que ha estado presente en los debates sobre la representación de minorías (Crisp *et al.* 2014; Mansbridge 1999; Schwindt-Bayer 2010) no ha sido suficientemente considerado en la discusión sobre la representación de los emigrantes en los Estados de origen. Por ejemplo, sería posible argumentar que los exiliados políticos se circunscribirían al argumento basado en reparaciones. Incluso, podría argumentarse, como en 2008 hizo el *correísmo* ecuatoriano durante el inicio

de la Revolución Ciudadana, que los emigrantes expulsados de sus Estados por crisis económicas severas tendrían derecho a reclamar reparaciones en forma de mecanismos de participación política en sus comunidades de origen, especialmente, si sus proyectos migratorios contemplan la posibilidad de retorno.

II.1. Representación en el ámbito legislativo

El primer mecanismo sobre el que versa este artículo es la representación de los emigrantes en las cámaras legislativas del país de origen a través de la extensión del sufragio. Existen dos opciones principales al respecto: (1) los emigrantes pueden participar en las elecciones de sus Estados de origen ejerciendo su derecho al voto (sufragio activo) o (2) como candidatos y candidatas (sufragio pasivo). Como se desarrollará en detalle en la parte empírica, la mayoría de Estados de América Latina y el Caribe han extendido el sufragio activo a sus connacionales no residentes, pero solo unos pocos permiten a sus emigrantes participar como candidatos en las elecciones internas. Un número todavía menor de Estados cuentan con mecanismos de representación especial de emigrantes, es decir, con escaños reservados dentro de sus cámaras legislativas a nacionales que residen permanentemente en otros países y que son elegidos a través de distritos electorales situados en el exterior. Esta diferencia entre poder votar en las elecciones y poder participar como candidato es sustancial. Cada uno de estos mecanismos implica una concepción diferente de los límites de la comunidad política del Estado de origen y cada uno plantea cuestiones diferentes sobre su legitimidad (Bauböck 2015; Spiro 2006).

El término «modos de representación» es la etiqueta que se ha dado a las diferentes maneras de incorporar los votos emitidos en el exterior a los totales de una determinada elección (Hutcheson y Arrighi 2015). Los modos de representación se definen por cómo se cuentan los votos (si de forma separada a los emitidos en los distritos situados en el territorio o incorporándose a los totales) y según si los votos emitidos en el exterior se destinan a elegir representantes especiales o representantes de distritos situados dentro del país (representación general). La existencia de modos de representación especial implica necesariamente que los emigrantes cuentan con derechos pasivos. Por el contrario, los modos generales de representación pueden dar lugar a diferentes combinaciones de derechos activos y pasivos. Por ejemplo, es posible que se reconozca a la comunidad de emigrantes el derecho a votar en unas determinadas elecciones y que los sufragios emitidos en el exterior se sumen a un distrito situado dentro del territorio del Estado, pero no se reconozca a los connacionales en el exterior la posibilidad de presentarse como candidatos. Por esa razón, para poder entender cómo los emigrantes son representados a nivel legislativo, los diferentes modos de representación deben ser analizados en conjunto con los derechos electorales pasivos reconocidos a los emigrantes. Como muestra la parte empírica de este artículo, los Estados de origen tienen tres opciones: (1) pueden optar por no reconocer derechos electorales pasivos a los nacionales residentes en el exterior; (2) pueden no regular estos derechos, dejando un vacío legal, o (3) pueden reconocer el derecho de los no residentes a postularse como candidatos, ya sea a través de representación especial o de representación general.

Aunque *a priori* pueda parecer que la reserva de asientos a emigrantes en las cámaras legislativas funciona como un mecanismo que garantiza su representación en el sistema político de origen, algunos países lo han utilizado con el propósito contrario: controlar la influencia que la población emigrante puede tener sobre los asuntos internos de los Estados de origen (Collyer 2014). Diseñando un sistema de representación asimétrico (Spiro 2006) en el que los emigrantes tengan derecho a elegir un número inferior de representantes de los que les correspondería proporcionalmente según su peso con respecto a la población total, los Estados consiguen contener su influencia y asegurarse de que una alta participación exterior no cambia significativamente el resultado de las elecciones (Collyer 2014: 5).

II.2. Representación a través de consejos consultivos

Además de participar en las cámaras legislativas de los Estados de origen, los residentes en el exterior pueden estar representados en consejos consultivos que actúan como interlocutores ante el gobierno (poder ejecutivo) en temas considerados de interés para la diáspora. La representación a través de consejos consultivos se encuentra en dos niveles: en el nivel consular y en el nivel nacional³.

Es común que las representaciones de los Estados en el exterior intenten mantener contacto con la comunidad de emigrantes. Por ejemplo, es una práctica extendida organizar actividades culturales para la celebración de los días nacionales o la organización de foros donde se convoca a miembros destacados de la comunidad de emigrantes en el país de recepción. No obstante, la institucionalización de la relación entre consulados y comunidad de emigrantes es menos común. En el nivel nacional, los Estados pueden optar por crear consejos consultivos con el objetivo de tener en cuenta la opinión y los intereses de la comunidad de emigrantes en el desarrollo de las políticas públicas que les conciernen. Aunque ambas estructuras, las emplazadas a nivel consular y a nivel nacional, deben ser consideradas como consejos consultivos, tanto en sus objetivos como en su forma de organizarse difieren considerablemente. Por un lado, los consejos consultivos consulares generalmente tienen como objetivo mejorar el estatus de los emigrantes en los Estados de recepción mediante, por ejemplo, el incremento de la coordinación entre los consulados y las asociaciones de emigrantes. En otras palabras, su ámbito se restringe al área consular de influencia. Por otro lado, los consejos consultivos a nivel nacional se concentran en políticas más amplias que afectan a la comunidad de nacionales en el exterior. En este sentido, los consejos consultivos a nivel nacional pueden actuar, si cuentan con la configuración adecuada, como un mecanismo de representación de los intereses de los emigrantes y como interlocutor directo con las autoridades nacionales.

3. En este análisis no se incluyen consejos consultivos de emigrantes que puedan haber surgido a nivel regional (subnacional) en países de corte federal.

Los consejos consultivos han recibido poca atención por parte de la literatura. En sus trabajos sobre las políticas adoptadas por los Estados para mantener el contacto con la diáspora (*diaspora engagement policies*), Gamlen (2008, 2014) registró la existencia de consejos consultivos para una muestra amplia de países. Con un enfoque más cualitativo, Bermúdez *et al.* (2014) fueron más allá del mero registro de la existencia de consejos consultivos y analizaron además para el caso peruano y uruguayo el grado de politización de los consejos. En la línea marcada por el trabajo de Bermúdez *et al.* (2014), en este trabajo se defiende que es necesario estudiar no solo la existencia, sino también la estructura y las competencias de los consejos consultivos de emigrantes. Para analizar los consejos consultivos, es necesario atender a varios factores:

- Composición: los consejos consultivos pueden estar integrados únicamente por emigrantes, pueden ser mixtos (estar compuestos por emigrantes y autoridades estatales) o pueden estar integrados únicamente por miembros del gobierno.
- Selección de miembros: directamente por el gobierno o a través de elecciones entre la comunidad de emigrantes.
- Convocatoria: si la consulta es estructural –los consejos deben ser convocados regularmente– o *ad hoc* –cuando la frecuencia de los consejos no está regulada–.
- Liderazgo: quién ostenta la presidencia de los consejos, si el gobierno o un representante de los emigrantes.
- Competencias: la capacidad de los consejos para proponer políticas y para elevar preguntas y recomendaciones al gobierno en los asuntos que conciernen a la comunidad de emigrantes.

III. DATOS

Este artículo utiliza datos originales, recopilados por el proyecto «Politics beyond Borders. The New Dynamics of Emigrant Politics and Policies in Latin America»⁴. Este proyecto incluye información sobre las políticas públicas dirigidas a emigrantes diseñadas por 22 países de América Latina y el Caribe. La muestra incluye todos los países de América del Sur, todos los países de América Central, una selección de países caribeños (seleccionados según su tamaño de población y perfil migratorio) y México. Dicha base de datos recoge información sobre doce dimensiones de políticas dirigidas a emigrantes, entre las que se encuentran indicadores sobre los derechos electorales (activos y pasivos) reconocidos a los emigrantes y sobre la representación institucional a través de consejos consultivos. La información incluida en la base de datos se ha recopilado consultando fuentes primarias (textos legales, en especial, textos constitucionales, leyes migratorias y leyes electorales). Adicionalmente, cuando ha sido necesario, se han consultado fuentes secundarias y se ha preguntado a expertos. La recopilación de datos se realizó por un equipo de cinco investigadores e investigadoras durante 2014 y 2015. No obstante, los datos analizados en el artículo muestran la adopción de estas políticas hasta abril de 2017

4. Véase: <https://www.giga-hamburg.de/en/project/emigrant-policies>.

(después de ser validados y actualizados en base a otras fuentes de información –European Union Democracy Observatory on Citizenship o el Instituto Nacional Electoral de México–). Además, los datos se refieren a la adopción de las políticas y no a su implementación. Esta cuestión es, sobre todo, relevante en el caso de los indicadores sobre derechos electorales, ya que en ocasiones los países aprueban extender el derecho a voto a su comunidad de emigrantes, pero no llegan a regularlo (es decir, a aprobar toda la legislación secundaria necesaria para ponerlo en práctica) ni implementarlo⁵.

IV. ANÁLISIS

IV.1. Participación en el ámbito legislativo

La Tabla I muestra los países que reconocen derechos electorales pasivos y activos a los nacionales que no residen permanentemente dentro de su territorio (únicamente para elecciones legislativas, no se incluyen elecciones presidenciales o referéndums) y los países que cuentan con consejos consultivos para la comunidad emigrante. Centrándonos primero en los derechos electorales, observamos que la mayoría de países no reconocen los denominados derechos electorales pasivos a sus emigrantes –aunque algunos de ellos sí reconocen derechos electorales activos–. En este grupo se encuentran Argentina, Belice, Bolivia, Brasil, Chile, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Nicaragua, Panamá, Trinidad y Tobago, Uruguay y Venezuela.

En segundo lugar, encontramos dos países que no han regulado los derechos electorales pasivos de los emigrantes para alguna de sus cámaras legislativas. Este es el caso de México y Paraguay; ambos Estados han modificado la legislación para permitir a los emigrantes votar en las elecciones a sus cámaras altas, pero no han regulado específicamente el derecho de los no residentes a participar como candidatos. Esta circunstancia puede ser interpretada de dos formas diferentes: los países no han regulado deliberadamente el derecho a voto pasivo de los residentes en el exterior, entendiéndolo que no se debería hacer ninguna distinción por razón de residencia, o bien el legislador no tuvo en cuenta a los residentes en el exterior al elaborar este aspecto del régimen electoral. En el caso de que la interpretación de la falta de regulación del derecho pasivo de emigrantes permitiera a los no residentes participar como candidatos en las elecciones a los senados de Paraguay y México, el modo de representación sería general, dada la inexistencia de una circunscripción exterior.

El tercer grupo de países es el formado por los que permiten a sus emigrantes ser candidatos a ocupar un asiento en alguna de sus cámaras legislativas. Este grupo está formado por tres países andinos, Colombia, Ecuador y Perú, y por República Dominicana. En los casos de Colombia, Ecuador y República Dominicana, existen distritos electorales fuera de las fronteras de los territorios de los Estados de origen, es decir, cuentan con un modo de representación especial. En Perú, por el contrario, los

5. La descripción detallada de la metodología puede consultarse en <https://www.giga-hamburg.de/en/publication/emigrant-policies-in-latin-america-and-the-caribbean>.

candidatos emigrantes pueden participar a través del distrito de Lima, es decir, a través de representación general.

TABLA I
 DERECHOS ELECTORALES Y CONSEJOS CONSULTIVOS DE EMIGRANTES EN ALC

País	DERECHOS ELECTORALES ACTIVOS		DERECHOS ELECTORALES PASIVOS		CONSEJOS CONSULTIVOS	
	CÁMARA ALTA	CÁMARA BAJA	CÁMARA ALTA	CÁMARA BAJA	NACIONAL	CONSULAR
Argentina	Sí	Sí	No	No	No	No
Belice	No	No	No	No	No	No
Bolivia	No	No	No	No	No	No
Brasil	No	No	No	No	Sí	Sí
Chile	No	No	No	No	No	No
Colombia	Sí	Sí	General	Especial	No	No
Costa Rica	-	No	-	No	No	No
Cuba	-	No	-	No	No	No
Ecuador	-	Sí	-	Especial	No	No
El Salvador	-	No	-	No	No	No
Guatemala	-	No	-	No	Sí	No
Honduras	-	No	-	No	No	No
Jamaica	No	No	No	No	Sí	No
México	Sí	No	No regulado	No	Sí	No
Nicaragua	-	No	-	No	No	No
Panamá	-	No	-	No	No	No
Paraguay	Sí	No	No regulado	No	No	No
Perú	-	Sí	-	General	No	Sí
R. Dominicana	Sí	Sí	General*	Especial	Sí	Sí
Trinidad y Tobago	No	No	No	No	No	No
Uruguay	No	No	No	No	Sí	Sí
Venezuela	-	No	-	No	No	No

En los países con un poder legislativo unicameral, las casillas correspondientes a la cámara alta se muestran con un «-». La tabla, además, muestra únicamente los derechos electorales (activos y pasivos) para elecciones legislativas, no presidenciales. *Solo para la primera generación de migrantes.

Fuente: Elaboración propia a partir del Emigrant Policies Index (EMIX).

Colombia fue el primer país de América Latina y el Caribe en aprobar la extensión del derecho pasivo de voto a sus emigrantes. Desde la aprobación de la Constitución de 1991, los emigrantes pueden ser candidatos al Senado colombiano por la circunscripción única (modo de representación general) y a la Cámara de Representantes a través de una circunscripción especial (Constitución Política de Colombia, art. 171). La implementación de la circunscripción especial, no obstante, ha estado marcada por la falta de una regulación clara (González 2010). Además, si bien la idea inicial consistía en contar con un único representante de la comunidad en el exterior, en 2013 un cambio impulsado por el Representante de la comunidad de emigrantes en la Cámara de Representantes de ese momento aumentó el número de curules reservados a dos. Recientemente, el Congreso de la República, por medio de un acto legislativo, ha vuelto nuevamente a reducir el número de curules de la circunscripción internacional a uno⁶. Ecuador es otro de los países que reconoce desde 2008 el derecho al sufragio pasivo y activo de los emigrantes, en concreto, en las elecciones presidenciales y legislativas (Constitución de la República de Ecuador, art. 64). Para las elecciones a la Asamblea Nacional ecuatoriana, los votos de los residentes en el exterior se cuentan de forma separada a los emitidos por los residentes en territorio ecuatoriano y se incorporan a una de las tres circunscripciones exteriores (Estados Unidos y Canadá; Europa, Asia y Oceanía, y América Latina y el Caribe) (Asamblea Nacional, 2009). Los ecuatorianos y ecuatorianas en el exterior eligen en total a seis asambleístas. En 2010, la República Dominicana introdujo también la representación especial de emigrantes en la Cámara Baja. Los dominicanos en el exterior eligen desde 2010 a siete representantes de la Cámara de Diputados. Al igual que en Ecuador, existen tres circunscripciones en el exterior demarcadas según el volumen y densidad de población: Estados Unidos y Canadá, América Latina y el Caribe y Europa (Congreso Nacional 2011)⁷.

IV.2. Participación en consejos consultivos

De la Tabla I se desprende que solo 7 países de los 22 incluidos en la muestra cuentan con consejos consultivos de emigrantes (a nivel nacional, Brasil, El Salvador, Guatemala, Jamaica, México y República Dominicana; y a nivel consular, Perú, Brasil, República Dominicana y Uruguay)⁸. El diseño de esos consejos consultivos difiere con-

6. Acto Legislativo 2 de 2015, por medio del cual se adopta una reforma de equilibrio de poderes y reajuste institucional y se dictan otras disposiciones, art. 6.

7. Si bien Perú fue uno de los primeros países en permitir el voto de los emigrantes (desde la Constitución de 1979), estos no cuentan con una circunscripción en el exterior. Actualmente existe un proyecto de ley en Perú para incorporar la representación especial de emigrantes en el Congreso de la República. Hasta el momento de escribir este artículo, los votos de los emigrantes se incorporan a los totales del distrito de Lima (CONGRESO CONSTITUYENTE DEMOCRÁTICO 1997).

8. Colombia no cuenta con un consejo consultivo, no obstante, sí ha previsto una figura similar. Con la Ley Número 1465 por la que se creaba el Sistema Nacional de Migraciones, Colombia diseñó un Sistema compuesto por instituciones, sociedad civil y las asociaciones de migrantes. En la ley se

siderablemente, tanto en su composición, como en sus competencias, como muestra la Tabla II⁹. Una de las características que todos tienen en común es que la consulta es estructural, es decir, su regulación establece cuándo deben ser convocados. No obstante, la periodicidad de las reuniones sí varía. Por ejemplo, los consejos consultivos a nivel consular de Perú y Uruguay deben ser convocados una vez cada mes, mientras que los consejos consultivos de Jamaica y México dos veces por año y los consejos consultivos de República Dominicana (en el nivel nacional) o Guatemala deben ser convocados una vez al año. Algunos consejos, como el de El Salvador y México, pueden ser convocados además *ad hoc*, siempre que sus responsables lo consideren.

Si se atiende a la composición de los consejos consultivos y a los procesos por los que sus componentes son elegidos, es posible encontrar diferencias significativas. En este sentido, existen dos tipos de consejos consultivos: los que cuentan con miembros que representan al gobierno y miembros que representan a la comunidad de emigrantes (El Salvador, Guatemala y el consejo consultivo a nivel nacional de República Dominicana) y los que están formados únicamente por emigrantes (Brasil, Jamaica, México, Perú y los consejos consultivos a nivel consular de República Dominicana y Uruguay). La elección de los representantes de la comunidad de emigrantes en los consejos consultivos también es una fuente de variación significativa. En los consejos consultivos consulares, se observa que, para elegir a los miembros, casi todos los países celebran elecciones entre la comunidad de emigrantes registrada en la circunscripción consular correspondiente. En el caso de República Dominicana, por el contrario, son los representantes del gobierno los que eligen a los Consejos Consultivos de la Presidencia de los Dominicanos en el Exterior. Los consejos consulares brasileños (*Conselhos de Cidadania e de Cidadãos*), además, diferencian según el tamaño de la comunidad de emigrantes. Mientras que en las comunidades consideradas numerosas por el gobierno se convocan elecciones, en las comunidades pequeñas, los miembros son voluntarios elegidos por consenso.

A nivel nacional, los consejos consultivos se diferencian en el número de representantes migrantes elegidos y el proceso de elección. En cuanto al primer factor, es posible

menciona la Mesa Nacional de la Sociedad Civil para las Migraciones, una mesa diseñada para actuar como correa de transmisión de las necesidades de los migrantes al gobierno e integrada a través de un miembro en la Comisión Intersectorial de Migraciones, miembro del Sistema Nacional de Migraciones. La mesa no ha llegado a ser convocada por el Gobierno colombiano y actualmente se encuentra en proceso de modificación. Ecuador creó en 2014 los «Consejos Nacionales de Igualdad», cuyo objetivo es la promoción de la igualdad de ciertos grupos de ciudadanos, entre los que se encuentran los emigrantes. La ley prevé que los consejos tendrán, entre otras, funciones consultivas, sus miembros serán elegidos cada cuatro años por el Consejo de Participación Ciudadana y Control Social. No obstante, los consejos todavía no han sido puestos en marcha por parte del gobierno Ecuatoriano y su regulación específica no está completa, por lo que se ha decidido no incluirlos en el análisis.

9. Las variables utilizadas para describir los consejos consultivos están basados en los indicadores desarrollados por el *Migrant Integration Policy Index* (MIPEX) para medir la fuerza de la participación institucional en los Estados de recepción de inmigrantes a través de consejos consultivos. No obstante, los indicadores se han modificado para adaptarlos a las características de los consejos consultivos de emigrantes. Además, se utiliza una escala diferente a la utilizada por MIPEX.

encontrar desde consejos muy numerosos, como el Consejo Consultivo de los Mexicanos en el Exterior, compuesto por 125 miembros, a consejos en los que la presencia de representantes migrantes se reduce a un miembro, como es el caso del Consejo Asesor CONAMIGUA de Guatemala¹⁰. En los procesos de elección también se encuentran diferencias. Algunos países, como México, organizan elecciones en los distritos consulares para elegir a los representantes. Jamaica, por el contrario, elige a los ocho miembros del *Diaspora Advisory Board* en una circunscripción única, sin realizar distinciones por demarcaciones consulares. Los países que cuentan con consejos a nivel consular, Brasil y República Dominicana, eligen a los miembros de los consejos nacionales entre los representantes ya elegidos a nivel consular. En otras palabras, cuentan con un sistema multinivel de consulta, donde primero se elige a los representantes de los distritos consulares y, luego, en base a esas elecciones, a los representantes nacionales.

Por otro lado, únicamente en el caso brasileño la presidencia del consejo consultivo está ostentada por un representante de los emigrantes. En el resto de consejos, la presidencia recae en un alto cargo del gobierno del Estado de origen, por ejemplo, el CONAMIGUA de Guatemala está presidido por el ministro de Relaciones Exteriores.

Por último, en cuanto a las competencias otorgadas a los consejos consultivos se observa que, en general, estas son limitadas. Solo el consejo consultivo mexicano tiene el derecho a plantear cuestiones al gobierno y recibir una respuesta en un plazo determinado y los únicos consejos con la capacidad de iniciativa para elaborar informes y recomendaciones al gobierno son los de Brasil y Jamaica.

IV.3. Sistemas de representación política de emigrantes

Como se ha mostrado en la sección anterior, los Estados de ALC han desarrollado dos tipos de mecanismos para integrar a su diáspora en su sistema político. Por un lado, mecanismos de representación en el ámbito legislativo a través del reconocimiento de derechos electorales (activos y pasivos) y, por otro lado, consejos consultivos sobre asuntos migratorios. No obstante, estos mecanismos no tienen por qué operar de forma independiente. De hecho, pueden ser analizados como dos componentes de un único sistema de representación de emigrantes. En otras palabras, ambos mecanismos deben entenderse como complementarios y no excluyentes. Es posible que, para algunos asuntos, como los relacionados con servicios consulares, la representación a través de consejos consultivos sea *a priori* más eficiente, dado que son asuntos que generalmente no son regulados por el Poder Legislativo. Por el contrario, en otros asuntos en los que el Legislativo juega un papel central, como aquellos que tienen que ver con políticas de ciudadanía o derechos electorales, los emigrantes pueden obtener beneficios si están presentes en las cámaras legislativas.

10. El consejo de Guatemala actúa como un consejo consultivo de un órgano interadministrativo de asuntos migratorios.

TABLA II
CONSEJOS CONSULTIVOS A NIVEL NACIONAL Y CONSULAR

País	NOMBRE	ÁMBITO	CONVOCATORIA	COMPOSICIÓN	SELECCIÓN	PRESIDENCIA	DERECHO A RESPUESTA	DERECHO DE INICIATIVA
Brasil	<i>Conselho de Representantes de Brasileiros no Exterior (CRBE)</i>	Nacional	Estructural	Emigrantes	Representantes de los consejos consultivos consulares	Miembro de la comunidad migrante	No	Sí
Brasil	<i>Conselhos de Cidadania e de Cidadãos</i>	Consular	Estructural	Emigrantes	Comunidades pequeñas: son voluntarios. En comunidades grandes se celebran elecciones entre los inscritos en la sección consular	Emigrante propuesto por comunidad migrante	No	Sí
República Dominicana	Consejos Consultivos de la Presidencia de los Dominicanos en el Exterior (CCDPE)	Consular	Estructural (anual) y <i>ad hoc</i>	Emigrantes	Elegidos por el gobierno	No regulado	No	No
República Dominicana	Consejo Nacional de las Comunidades Dominicanas en el Exterior (CONDEX)	Nacional	Estructural (anual) y <i>ad hoc</i>	Gobierno y emigrantes	Presidentes de los CCDPE	Presidente de la República	No	No
El Salvador	Consejo Nacional para la Protección y Desarrollo de la Persona Migrante y su Familia (CONMIGRANTES)	Nacional	Estructural	Gobierno y emigrantes	Gobierno y representantes de asociaciones de salvadoreños en el exterior	Viceministro para los Salvadoreños en el Exterior	No	Sí

País	NOMBRE	ÁMBITO	CONVOCATORIA	COMPOSICIÓN	SELECCIÓN	PRESIDENCIA	DERECHO A RESPUESTA	DERECHO DE INICIATIVA
Guatemala	Consejo Asesor del CONAMIGUA	Nacional	Estructural (anual)	Gobierno y un representante migrante	Elegido por emigrantes	Ministerio de Relaciones Exteriores	No	No
Jamaica	<i>Diaspora Advisory Board</i>	Nacional	Estructural (semestral)	Emigrantes	Elegidos por emigrantes, pero propuestos por el gobierno	<i>Minister of the State</i>	No	Sí
México*	Consejo Consultivo de los Mexicanos en el Exterior	Nacional	Estructural (semestral) y <i>ad hoc</i>	Emigrantes (125)	Propuestos por la sección consular y elegidos por emigrantes	CCIME (Gobierno)	Sí	No
Perú	Consejos de Consulta de las Comunidades Peruanas en el Exterior	Consular	Estructural (mensual)	Emigrantes	Elegidos por los emigrantes en la sección consular	Miembro de la comunidad migrante	No	No
Uruguay	Consejos Consultivos	Consular	Estructural (mensual)	Emigrantes	Elegidos por emigrantes en la sección consular	Miembro de la comunidad migrante	No	No

*México se encuentra revisando actualmente la regulación del Consejo Consultivo de los Mexicanos en el Exterior. No obstante, a fecha del cierre de este artículo, no existe información pública sobre la nueva regulación.

Fuente: Elaboración propia a partir del Emigrant Policies Index (EMIX).

La Tabla III muestra la clasificación de los países según los mecanismos de representación de emigrantes que han adoptado. Como se muestra en la tabla, existen cinco tipos: países que no cuentan con ningún mecanismo de representación (Belice, Bolivia, Chile, Costa Rica, Cuba, Honduras, Nicaragua, Panamá, Trinidad y Tobago y Venezuela), Estados que únicamente incorporan a sus emigrantes en el ámbito legislativo a través de modos de representación general¹¹ (Argentina y Paraguay), países que incorporan a los emigrantes en el ámbito legislativo a través modos de representación especial (Colombia y Ecuador), países que los incorporan únicamente a través de consejos consultivos (Brasil, El Salvador, Jamaica, México y Uruguay) y un último grupo de países que cuentan con un sistema de representación integral compuesto por los dos tipos de mecanismos (Perú, aunque solo cuenta con consejos consultivos a nivel consular, y República Dominicana). México y Paraguay, como se ha mostrado anteriormente, no han regulado los derechos pasivos de sus emigrantes y, por tanto, sería posible que sus legislaciones se interpretaran de forma que permitieran participar a los emigrantes como candidatos a la Cámara Alta.

TABLA III
 SISTEMAS DE REPRESENTACIÓN DE EMIGRANTES EN AMÉRICA LATINA Y EL CARIBE

SIN MECANISMOS DE REPRESENTACIÓN	SISTEMA BASADO EN REPRESENTACIÓN EN EL ÁMBITO LEGISLATIVO (MODO DE REPRESENTACIÓN GENERAL)	SISTEMA BASADO EN REPRESENTACIÓN EN EL ÁMBITO LEGISLATIVO (MODO DE REPRESENTACIÓN ESPECIAL)	SISTEMA BASADO EN REPRESENTACIÓN EN CONSEJOS CONSULTIVOS	SISTEMA INTEGRAL (REPRESENTACIÓN EN CONSEJOS CONSULTIVOS Y ÁMBITO LEGISLATIVO)
Belice Bolivia Chile Costa Rica Cuba Honduras Nicaragua Panamá Trinidad y Tobago Venezuela	Argentina Paraguay*	Colombia Ecuador	Brasil El Salvador Jamaica México* Uruguay	Perú** República Dominicana

*Derechos pasivos de emigrantes no regulados. **Representación general por el distrito de Lima (el autor no tiene conocimiento de que algún migrante se haya presentado por esta circunscripción en alguna de las elecciones peruanas celebradas hasta la fecha).

Fuente: Elaboración propia a partir del Emigrant Policies Index (EMIX).

11. En estos casos, la comunidad de emigrantes puede votar (sufragio activo) en las elecciones de su Estado de origen y sus votos son incorporados a distritos situados dentro del territorio del país de origen.

V. CONCLUSIONES

En este artículo se han descrito los canales institucionales de representación que están al alcance de los emigrantes de los Estados de América Latina y el Caribe. El primero de los mecanismos analizados es el legislativo, es decir, la incorporación de miembros de la comunidad de emigrantes a las cámaras legislativas del Estado de origen a través de diversos modos de representación (especial o general). El segundo es la representación a través de consejos consultivos de emigrantes. El análisis empírico muestra que existe una gran variación entre los diferentes países de ALC en cuanto a los mecanismos que han diseñado. Por ejemplo, la mayoría de los Estados analizados no permiten a sus emigrantes participar en las elecciones legislativas, mientras que tres países permiten a sus connacionales en el exterior acceder a sus cámaras legislativas (Ecuador, Colombia, Perú y República Dominicana) a través de modos de representación especial. Por otro lado, únicamente 7 países de los 22 estudiados han creado consejos consultivos para emigrantes.

Este artículo ha puesto en evidencia la necesidad de estudiar en profundidad los mecanismos de representación. Por ejemplo, a la hora de hablar de representación en el ámbito legislativo, es necesario tener en cuenta los diferentes modos de representación, el diseño de las circunscripciones exteriores y, algo que la literatura anterior no ha discutido actualmente, la falta de regulación del sufragio pasivo de residentes en el exterior en algunos países. Adicionalmente, este trabajo muestra que es necesario atender no solo a la existencia de consejos consultivos de emigrantes, sino también a los diferentes grados de independencia e institucionalización de dichos consejos. Como hemos visto, por ejemplo, aunque tanto Brasil como Guatemala cuentan con consejos consultivos, difieren en cuanto a su diseño, representatividad y atribuciones.

El análisis conjunto de los dos mecanismos revela la existencia de cinco sistemas de representación. En el primer sistema, los intereses y demandas de los emigrantes no encuentran ninguna vía formal de representación, es decir, el país no cuenta con consejos consultivos, ni reconoce el derecho a sufragio pasivo o activo a su comunidad de emigrantes, bien explícitamente o por falta de regulación. El segundo sistema de representación está formado por países que han extendido el sufragio activo a sus emigrantes (a través de modos de representación general). El tercer sistema de representación lo forman los países que incorporan de forma plena en el ámbito legislativo a sus emigrantes, garantizando el derecho a sufragio activo y pasivo para al menos una de sus cámaras. El cuarto sistema está formado por los países que incluyen a sus emigrantes a través de consejos consultivos, pero no en el ámbito legislativo. Finalmente, encontramos un sistema de representación integral, donde la comunidad de emigrantes puede participar a través de consejos consultivos y a través de representación especial en el ámbito legislativo. La constatación de la existencia de diversos sistemas de representación hace necesario preguntarse cuáles son los determinantes que han conducido a cada país a adoptar una determinada estrategia. Responder a esta cuestión requiere de estudios de caso que analicen en profundidad el efecto de una amalgama de variables, que incluyen determinantes institucionales (por ejemplo, la calidad de la democracia o

la distribución de poderes entre el Ejecutivo y el Legislativo), políticas (como las características del sistema de partidos) o económicas (i. e. la dependencia de los países de las remesas enviadas por sus migrantes).

Aunque el enfoque de este trabajo es empírico, el análisis de la representación de los emigrantes en los países de ALC plantea también cuestiones normativas relacionadas con la dinámica exclusión-inclusión de los residentes en el exterior en la comunidad política de origen. Desde el transnacionalismo político se han estudiado los mecanismos por los que los emigrantes pueden participar activamente en el Estado de origen, por ejemplo, a través de grupos de interés o financiando movimientos políticos. Algunos autores argumentan, no obstante, en contra de la incorporación de emigrantes en las instituciones de representación de la comunidad política de origen porque esta pone en cuestión los límites de la propia comunidad política y reta el principio liberal de equidad de tratamiento. Por ejemplo, porque este tipo de mecanismos permite a los emigrantes, al menos hasta cierto punto, elevar su opinión no solo sobre cuestiones que les conciernen directamente, sino también sobre temas que no les afectan. En este artículo, no obstante, se muestra que, para poder entender las consecuencias normativas de la representación de emigrantes en las cámaras legislativas, concretamente a través de representación especial, es necesario tener en cuenta en el debate la literatura sobre representación política de minorías. Esta literatura discute la posibilidad de justificar la reserva de escaños para minorías en las cámaras legislativas, sobre todo, como reparación de agravios previos. Este argumento, que se ha utilizado en múltiples ocasiones en el caso de comunidades indígenas, podría ser también utilizado en el caso de las comunidades de emigrantes. Por lo tanto, analizar las razones detrás del establecimiento de la representación especial en Ecuador, Colombia y República Dominicana es uno de los pasos necesarios a tomar en esta línea de investigación.

Para tener una imagen completa de la representación política de emigrantes en los Estados de origen es necesario estudiar también la conexión entre la representación formal, es decir, los mecanismos que garantizan la representación; la representación descriptiva, la presencia de los miembros del colectivo emigrante en las instituciones de representación; y la representación sustantiva, el contenido de la propia representación (Pitkin 1967). Existen importantes preguntas en este sentido, por ejemplo, si la presencia de miembros de emigrantes en las cámaras legislativas de Ecuador, Colombia y República Dominicana se traduce en la representación efectiva de los intereses de la comunidad de emigrantes o si la representación a través de mecanismos legislativos y a través de consejos consultivos son complementarias o, en la práctica, uno de estos mecanismos puede ser prescindible.

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3

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4

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Contained or represented? The varied consequences of reserved seats for emigrants in the legislatures of Ecuador and Colombia

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Abstract

The legislatures of Colombia and Ecuador have reserved seats for their non-resident citizens (emigrants). This paper analyses the relationship between the formal, descriptive, and substantive dimensions of emigrant representation in their homeland legislatures. The analysis compares the legislative work of emigrant MPs (EMPs) with the legislative work of non-emigrant MPs (NEMPs) in Ecuador and Colombia. It presents a mixed methods approach that combines a quantitative text analysis based on an original dataset –composed of 35,446 floor speeches– with in-depth interviews with six EMPs. The results show that emigrant-related issues are significantly more salient in the legislature of Ecuador and Colombia suggesting that the effect of emigrant-reserved seats is correlated to the size of the external district. Furthermore, the analysis reveals that EMPs have a ‘mixed agenda’ composed by emigrant and domestic-related issues. Finally, the article shows that the probability of classifying a speech as emigrant-related increases when it is given by an EMP and not a NEMP. This effect is stronger in Ecuador than in Colombia. All in all, the article shows evidence that configurations that allocate several EMPs are more efficient in achieving substantive representation.

Keywords: Reserved seats, Descriptive representation, Non-resident citizens, Emigrants

Introduction

In 1991, Colombia included a provision in its new Constitution that granted non-resident citizens the possibility to elect their own representatives in the lower legislative house. In 2008, almost two decades after Colombia’s constitutional change, Ecuador also extended active and passive electoral rights to non-residents, reserving six special seats for emigrants MPs (hereafter, EMPs) in the National Assembly. Up to 2018, 15 countries in the world have created special seats for emigrants in their legislative houses (Collyer, 2014; “Les Sénégalais de l’étranger seront,” 2017; Présidence de la République du Niger, 2018) and even more states are discussing adopting such a mechanism (e.g. Peru, Spain, Uruguay or Jamaica). The inclusion of non-resident citizens into the homeland legislative houses constitutes a major innovation in terms of how states conceive the boundaries of their polity and how they shape their relationship

with their citizens abroad. However, there is scarce information about how these mechanisms of representation of emigrants work. Does the special representation of emigrants guarantee the inclusion of non-resident citizens into their homeland political legislatures? Or, on the contrary, are emigrant special seats a mechanism designed to contain the political influence of non-resident citizen populations?

In this paper I contribute to answering these questions by comparing the role that Ecuadorian and Colombian EMPs undertake at the legislative level. The general research question of this paper examines whether or not the presence of emigrants in parliaments translates into a responsive outcome to the concerns, interests and stakes of non-resident citizens in the work of the legislative chambers. To use the terminology proposed by Pitkin (1967), this paper analyzes whether or not the descriptive representation of emigrants in the legislative chambers translates into substantive representation of an emigrant agenda. Representing the emigrant agenda is not, however, a straightforward task since the interests of diasporas may vary, not only among different countries of origin, but also among countries of destination. Nevertheless, delimiting the contours of the emigrant agenda is a necessary step to answer this research question (I tackle this issue in detail in the methodological section).

The theoretical starting point of this paper is located at the intersection of two strands of literature that so far have not been sufficiently linked. On the one hand, there is a vast literature that studies the effect of quotas and the reservation of seats on the inclusion of underrepresented groups in the legislative process (Htun, 2016; Reynolds, 2005). For example, scholars have studied the representation of indigenous populations (Crisp, Demirkaya, & Millian, 2014), women (Lovenduski & Norris, 2003; Mansbridge, 1999; Schwindt-Bayer, 2010), ethnic minorities (Hänni, 2016; Htun, 2016; Minta, 2009; Rouse, 2013) and immigrants in states of reception (Bird, Saalfeld, & Wust, 2010; Saalfeld, 2011). To my knowledge, however, scholars working on political representation have not applied its methodologies nor theoretical framework to the analysis of emigrant political representation. This paper intends to fill this gap in the literature. On the other hand, migration scholars concerned with external voting have investigated the specificities and commonalities of external electoral systems (Escobar, 2007), emigrant voting behavior (Burgess, 2014; Lafleur & Sánchez-Domínguez, 2014) and the normative implications of external voting rights (Bauböck, 2009; Rubio-Marin, 2006). However, it appears that the literature of external voting has suffered from a bias towards the analysis of active external rights, leaving, with some exceptions (Collard, 2013; Collyer, 2014; Østergaard-Nielsen & Ciornei, 2017), emigrant passive electoral rights under-researched.

This study is based on a mixed methods approach that combines an original dataset of 35,446 parliamentary speeches given by EMPs and Non-Emigrant MPs (hereafter, NEMPs), with in-depth interviews of six EMPs. In the analysis, I test whether the presence of emigrant special representatives in the legislative houses has an impact on the substantive representation of emigrant-related issues. In addition to this, I test whether the different configurations of emigrant special representation that exist in Ecuador and Colombia are significant in explaining the substantive representation of emigrant-related issues.

Theoretical framework and hypotheses

The theoretical background of this paper is built upon two different strands of the literature that, until now, have not been sufficiently interconnected: the literature on political representation and the literature on political transnationalism.

The descriptive-substantive link of emigrant representation

This paper takes the multidimensional concept of 'political representation' as proposed by Pitkin (1967) as a theoretical starting point. Some scholars have argued that the dimensions of representation should not be studied in isolation, but in a cohesive manner through an integrated model (Schwindt-Bayer & Mishler, 2005). Following this advice, this paper features an analysis of the link between the formal, descriptive, and substantive representation of emigrants in their states of origin. That is to say, the relation between the rules used to appoint the representatives, the characteristics of the representatives and the responsiveness of the work conducted by the representatives.

Classic studies in political sciences have studied, for instance, the effect of district size on representation or the differences between majoritarian and proportional electoral designs (Rae, 1967). There has also been extensive research on the effects of other aspects of electoral systems, such as quotas or reserved seats, on the descriptive representation of minority groups and the substantive representation of their interests and stakes (Collard, 2013; Htun, 2016; Krook & Norris, 2014). The core question addressed by this literature refers to the influence that the presence of a minority in a legislature holds over substantive representation. The answer to this question is not straightforward and is affected by several variables. For example, in a recent comparative study on the representation of 88 minority groups of 47 countries, Hänni concludes that descriptive representation has a stronger effect on policy outcomes if the minority representatives are also included in government, the legislature is strong, and are backed up by a numerous group (Hänni, 2016). Zuber (2015) demonstrated that political parties may also play a significant role in shaping the outcome of descriptive representation. Minta, in his study about the relationship between legislative oversight and the representation of black and Latino interests in the US Congress, observed that descriptive representation had a significant effect on the racial policy dimension, but not in other policy dimensions, such as welfare (Minta, 2009, p. 210). Saalfeld, in his study of the parliamentary questions asked by ethnic-minority legislators in the British House of Commons, proved that MPs with a minority background do ask more questions related to migrant and ethnic issues than the rest of the MPs. However, his results also showed that all MPs in his sample, regardless of their background, were responsive to the demographic characteristics of their districts (Saalfeld, 2011). Similarly, Wüst observed in his study about the German national and state parliaments that the presence of visible minority MPs is correlated with a higher share of legislative questions related to migrant issues (Wüst, 2014). Taking into account the evidence about the descriptive-substantive link found by other scholars, I expect that *the presence of emigrant parliamentarians (EMPs) in a legislative house translates into substantive representation of emigrant-related issues in the legislative process (H1)*.

The formal-descriptive-substantive link of emigrant representation

Studies focused on emigrant special representation are scarce within the literature of political transnationalism. In general, scholars have treated this topic as an appendix to research about external active voting. However, it is possible to find some exceptions to this trend. Lafleur (2013) inquired into the mechanisms of special representation implemented in Italy. As he stated, there are reasonable doubts about the capacity of external

parliamentarians to substantively represent the heterogeneity of emigrant interests (p. 137). He argued that two things can prevent substantive representation of emigrants: party and ideological alliances (when party interests are prioritized over the interests of the emigrant constituency), and the competition between representatives with the same external constituency (pp. 137–138). In a recent study, Østergaard-Nielsen and Ciornei (2017) explained why the political parties of four European democracies pay attention to emigrants. In their analysis, the special representation of emigrants was an explanatory variable. They concluded that the introduction of emigrant special representation had a significant impact on emigration salience in party agendas (p. 23). Interestingly, they also discovered that the closeness of party competition increased the effect of special representation. However, they recognized that a study focused on parties and not individuals cannot fully explain the differences across emigration salience in different countries and at different points in time. As they put it “the extent to which and why emigrant representatives ‘take over’ the issue of emigration is worthy of further investigation” (p. 8).

Conveniently enough for the scope of this paper, the use of special seats is not limited to emigrants. In fact, this mechanism is broadly used around the world to assure the presence in legislative chambers of ethnic, racial or religious minorities (Reynolds, 2005). Research on reserved seats and quotas has shown that, not only is the presence of an underrepresented group in a given legislative house important, but so are the configurations of the representation as defined by formal rules (Reynolds, 2005). In this sense, we know that the special representation of emigrants can be configured in diverse forms, depending on the number of the seats that are reserved for emigrants or the size of the district used to elect emigrants’ special representatives (Hutcheson & Arrighi, 2015). Collyer (2014) hypothesized about the effect of the external district size for the substantive representation of emigrants. He took a stock of 13 countries with reserved seats for emigrants in at least one of their legislative houses and compared their external electoral rules. In his conclusions, he made an important point about the varied consequences of emigrant special representation. He argued that the reservation of seats for emigrants had not always been adopted to ensure their representation, but rather that it was sometimes introduced to contain the influence that a large community of emigrants could have over homeland politics. This ‘containment effect’ would be reached by reserving a number of seats to emigrants that underrepresents their total share of a given country’s population. To understand better the mechanism behind this theoretical ‘containment’ effect of emigrant special representation, we can draw upon on critical mass theory. Scholars working on the representation of minorities in legislative chambers have used this approach in the past to explain the relationship between the number of minority representatives and substantive representation. Critical mass theory commonly refers to the necessity of reaching a minimum number of individuals (critical mass) in order to produce social change (Kanter, 1993). Applied to legislative studies, it has been used to argue that a minimum number of minority representatives is indeed needed in order to accomplish substantive representation (Dahlerup, 2006). Particularly, in the case of gender studies, some scholars argued that a threshold of around 15% of the seats in a legislature is needed for women to make a difference by setting the legislative agenda or passing women-related regulation (Childs & Krook, 2008). For instance, Schwindt-Bayer (2010), in her analysis of representation of women

in Latin American legislatures, concluded that in male-dominated legislatures, women were marginalized and not able to represent non-women specific issues to the same extent as men (p. 188). Following critical mass theory, I expect *that in order to achieve substantive representation and avoid a 'containment effect,' it is necessary to reach a critical mass of emigrant parliamentarians (H2a)*.

The claims made from critical mass theory, however, have been contested by some scholars who have argued that, even in parliaments in which a given minority has not reached a 'critical mass,' substantive representation could be still achieved. In fact, some have observed that substantive representation is greater when the minority is still significantly underrepresented in a legislature. For instance, Rouse (2013) found out that Latinos in the US state legislatures were more prompt to engage in substantive representation of a Latino agenda when their presence was an exception and not the rule (p. 67). In the same line, Bratton (2005) in her analysis of the link between descriptive and substantive representation of women in US state legislatures observed that agenda-setting discrepancies between men and women decreased in gender-balanced legislatures. In this paper, I test whether critical mass theory is able to explain the emigrant descriptive-substantive representation link or, on the contrary, that there is evidence demonstrating that the number of EMPs is not relevant. Thus, I also test whether or *not the presence of a single EMP leads to a more effective substantive representation of an emigrant agenda (H2b)*.

Case selection

To conduct this analysis, I selected two countries, Ecuador and Colombia, that have allocated seats for emigrants in at least one of their legislative houses, but that differ in the number of seats reserved. Ecuador has six seats reserved to emigrants and Colombia between one and two.¹ Both countries, however, share important commonalities. Beyond the most obvious, geographic location, language and similar colonial past, both have a significant part of their citizens abroad (see Table 1). It is estimated that around 7–10% of Ecuadorian and Colombians live abroad. Most Ecuadorian emigrants –around 82%– are concentrated in the US, Spain and Italy (Herrera Mosquera, Moncayo, & Escobar, 2012). Similarly, the majority of Colombians living abroad –about 75%– reside in only three countries (Venezuela, US and Spain) (Ramírez, Zuluaga, & Perilla, 2013). Both countries are also considered to be among the most liberal of the region in terms of external electoral rights and both have extended extraterritorial citizenship to the second generation (Escobar, 2007). Moreover, external voting is voluntary in the two countries (although in Ecuador is compulsory for resident voters).

Ecuador: a case of (almost) emigrant proportional representation

Since the *Revolución Ciudadana*, which was initiated in 2006 and consolidated with a new constitution in 2008, migration has been a highly salient topic in the political and

Table 1 Key Variables for case selection

Country	Population abroad	Date of adoption	Number of EMPs	EMP/NEMP
Ecuador	3 Millions	2008	6	4.8%
Colombia	3.5 Millions	1991	1–2	0.6–1.2%

public agenda in Ecuador. During the *Correísmo*, Ecuadorian migrants were portrayed as victims of the severe economic and political crisis that took place at the end of the 90s (Boccagni & Ramírez, 2013). Moreover, the former Ecuadorian President, Rafael Correa, has referred publicly in several occasions to the emigrant community as the 'Fifth Region', an entity seen as equivalent to the four territorial regions of Ecuador (Boccagni & Ramírez, 2013, S. 725). Ecuador is also a case in point of state-led transnationalism in which the expansion of the political participation mechanisms for emigrants has been led by the state of origin (Boccagni & Ramírez, 2013; Margheritis, 2016). Nevertheless, the participation of Ecuadorians abroad has grown in absolute terms with every election since they were able to participate, the first time being in 2006. Numbers increased from around 143,000 registered voters to 380,512 registered voters (34.96 turnout) in the first round of the 2017 elections (Consejo Nacional Electoral, 2018).

The Constitution created a unicameral legislature, with a National Assembly composed of 124 representatives² elected in regional districts (103), in a single-national district (15) and in three districts allocated outside the territorial boundaries of Ecuador (6, Europe and Oceania, United States and Canada, and Latin America and the Caribbean). In total, the number of seats reserved for emigrants accounted for 4.8% of the total seats of the Ecuadorian assembly² (see Table 1). Thus, the share of the population represented by an emigrant seat in the National Assembly is indeed similar to the number represented by a resident seat.

The analysis includes a total of 10 Ecuadorian EMPs (2 of them were reelected for the second legislative period included in the analysis). Thus, it includes a mix of MPs with more and less seniority (the maximum number of periods that Ecuadorian MPs can serve is two). Also, all of them were members of Alianza PAIS, the political movement in the Ecuadorian government. To stand as a candidate for an emigrant seat, the Ecuadorian law requires previous residence abroad. Thus, all EMPs are members of the Ecuadorian diaspora. Nevertheless, during the time they serve in the National Assembly, they move back to Quito, as they are required to be present in the legislative debates.

Colombia: a case of emigrant underrepresentation

Colombia started to adopt emigrant policies much earlier than Ecuador. In fact, Colombia was one of the first countries in the region that granted political rights to non-residents when in 1962 emigrants were allowed to vote for presidential elections (Bermúdez, 2014). Thirty years later, with the Constitution of 1991, the country also granted emigrants passive and active electoral rights in legislative elections. However, the implementation of passive electoral rights was delayed until 2002, when Colombians living abroad were able to run for the first time for a reserved seat in the Colombian House of Representatives (González, 2010). In Colombia, unlike the situation in Ecuador, emigrants are significantly underrepresented in the lower house. The Colombian House of Representatives only has one or two reserved seats for emigrants³ who are elected in a single external district (representing between 0.6 and 1.2% of the total seats⁴). Thus, in Colombia, the size of the population represented by EMPs is significantly higher than the size of the population represented by Non-Emigrant Members of

the Parliament (NEMPs). Additionally, Colombian emigrant representatives are part of the five seats reserved to minorities by the constitution and distributed between representatives of the ethnic communities, political minorities and emigrants. Contrary to Ecuador, it is clear in the case of Colombia that the legislator did not conceive emigrant special representation as the territorial representation of a *sui generis* external territorial district, but as the inclusion of a minority that otherwise would be excluded from the Colombian House of Representatives.

Furthermore, the migration profile of Colombia is different from Ecuador's. Through three migration waves dating back to the mid- 60s, Colombians have emigrated for different reasons, including economic crises and the instability caused by the armed conflict and related violence (Maisonave & Ortí, 2010). Participation in elections from abroad in Colombia is significantly lower than in Ecuador. In the last legislative elections held in 2014, the number of external voters was approximately of 48,000 (out of a total census of 571,420).⁵

The Colombian representatives included in the analysis are somewhat more diverse than in the Ecuadorian case. One of them was reelected and is part of the coalition that was in power in Colombia during the two legislative periods analyzed. This EMP also had previously served as a consul in New York. Another second EMP was a member of MIRA, one of the opposition parties. Unlike the other EMP, she used to reside in Spain and had no ties with any Colombian institutions before her election. Colombian EMPs are required to be present in Bogota for the floor sessions.

Measurements and methods

Dependent variable

In this research, the dependent variable is the substantive representation of emigrants. I argue that non-resident citizens are substantively represented in the parliaments of Ecuador and Colombia as long as their agenda is represented. Drawing upon the study of Østergaard-Nielsen and Ciornei (2017), when deciding which issues to include in the 'emigrant agenda' I include (1) the status of non-resident citizens, for instance, the regulation of dual nationality; (2) policies that aim at assisting non-residents abroad, such as the improvement in consular services; (3) policies that foster the integration of emigrants in the state of origin, for example, the creation of a consultative body to discuss emigrant issues, and (4) policies oriented to foster the return of migrants.

Although the basic definition of substantive representation provided by Pitkin in her seminal work, "acting in the interest of the represented in a manner responsive to them" (Pitkin, 1967, p. 209), leaves us with plenty of room for interpretation, it is generally accepted that substantive representation goes beyond mere policy responsiveness (i.e. the enactment of laws) (Schwindt-Bayer, 2010). In fact, scholars working on the representation of minorities have measured the work conducted by minority representatives in many different ways. Eulau and Karps (1977), for instance, argued that the concept also entailed service, allocation and symbolic responsiveness. Fenno (1977) shifted the focus from the work conducted in the legislatures to the work carried out in the districts of origin, what he defined as 'home style' representation. In this paper, I use two indicators of substantive emigrant representation. Firstly, I consider the

number of floor speeches given by EMPs and NEMPs. This variable allows me to analyze if EMPs are marginalized within the legislatures in comparison to NEMPs. Secondly, I use the number of floor speeches related explicitly to the emigrant agenda. I analyze floor sessions for two reasons. Firstly, it could be said that they represent the moment of the legislative process with more visibility. Secondly, they are a good indicator of the priorities of the representatives' agendas, since opportunities for a representative to participate in floor sessions are scarce.⁶

It is not the aim of this article to compare the representation of non-resident citizens between legislative periods with and without emigrant special seats, but to assess the work of EMPs in comparison to NEMPs and to analyze to what extent the representation of an emigrant agenda in a legislature is dependent on the work conducted by EMPs. For this reason, I study two completed legislative periods with emigrant representation for each country (2010–2014 and 2014–2018 for Colombia; and 2009–2013 and 2013–2017 for Ecuador). To measure the second indicator of emigrant substantive representation, I apply quantitative text analysis based on dictionary coding, which is a supervised approach successfully implemented by other scholars to code a large sets of documents with high reliability (Langer & Sagarzazu, 2015). One of the most extended applications of dictionary coding is the identification of issue areas based on a set of tokens (words) defined beforehand (Pardos-Prado & Sagarzazu, 2016). Moreover, previous research based on automatic text classification have proven valid to study substantive representation of under-represented groups (see for instance Saalfeld, 2011). The most crucial step in this methodology is the definition of the tokens included in the dictionary. To achieve this goal, I firstly interviewed four EMPs from Ecuador and two from Colombia and asked them which issues they considered to be relevant in their legislative work as emigrant representatives; and secondly, I analyzed the content of a sample of speeches given by EMPs that were identified as related to emigrant issues in a hand-coded sample of speeches (see Table 2). Once I had the dictionary for each country, I ran a recognition program that allowed me to classify the speeches included in the dataset automatically. A speech is coded as 0, if it is not explicitly related to an emigrant issue and 1 if it is. Finally, I inspected the validity of the automated classification by comparing the results of hand-coding and dictionary coding of a randomly selected sample of speeches given in each legislature (see Appendix for more information about the methodology).⁷

The analysis includes a total of 35,446 speeches and covers 355 floor sessions of Ecuador for the period 2009–2013 and 307⁸ sessions for the period 2013–2017; and 295 floor sessions of Colombia for the period 2010–2014 and 272 for the period 2014–2018 (see descriptive statistics in Table 3).

Table 2 Dictionary used to code speeches. Tokens translate by author from the original versions (in Spanish). Detailed list of tokens used available on demand. Source: Author's own

Ecuador	Colombia
"Ecuadorians living abroad", "persons in situation of human mobility", "remittances", "emigration"/ "emigration", "migrant"/"migration", "returnees", "universal citizenship"/"dual nationality", "consular network"/"consular services"	"Colombians living abroad", "victims abroad"/ "refugees abroad", "national migration system", "emigration"/"emigration", "migrant"/"migration", "Law of return"/"1465", "double nationality", "consular network"/"consular services"

Table 3 Descriptive statistics. Source: Author' own

	Ecuador				Colombia			
	Period 2009–2013		Period 2013–2017		Period 2010–2014		Period 2014–2018	
	N	Percentage	N	Percentage	N	Percentage	N	Percentage
Emigrant speech								
Yes	124	1.5	197	4.7	34	0.3	96	0.9
No	8,479	98.6	4,018	95.3	11,646	99.7	10,851	99.1
EMP								
Yes	312	3.6	148	3.5	128	1.1	187	1.7
No	8,292	96.4	4,067	96.5	11,552	98.9	10,760	98.3
EDMP								
EDMP	1,664	19.3	1003	23.8	3,543	30.3	3511	32.1
EMP	312	3.6	148	3.5	128	1.1	187	1.7
Regular MP	6,628	77.1	3,064	72.7	8,009	68.6	7,249	66.2
Sex								
Women	2,013	23.4	1,580	37.5	1,851	15.9	1,555	14.2
Men	6,591	76.6	2,635	62.5	9,829	84.1	9,392	85.8
Party in government								
Yes	3,652	42.5	2,531	60.0	7,996	68.5	4,465	40.8
No	4,952	57.6	1,684	40.0	3,684	31.5	6,482	59.2
Rol								
Yes	1,317	15.3	709	16.8	11,227	96.1	827	7.6
No	7,287	84.7	3,506	83.2	453	3.9	10,120	92.4
<i>Total</i>	8,604	100	4,215	100	11,680	100	10,947	100

Explanatory variable

The main explanatory variable in this study is the membership of individual MPs to the group of EMPs or to the group of NEMPs. I use a dichotomous variable, coded 0 for NEMPs and 1 for EMPs. In addition to this, I also test whether the membership of MPs to districts highly affected by emigration (hereafter, EDMP) affects the substantive representation of emigration-related issues in the speeches of the individual MPs in the floor discussion. I assume that MPs representing these districts may also have an interest in representing the emigrant community, since a significant part of the well-being of their constituency is shaped by the access to remittances. To this end, I use a nominal variable composed of three categories: NEMP (coded as 0), EMP (coded as 1) and EDMP (coded as 2). To define the districts that are highly affected by emigration, I use the distribution of remittances across regions. Districts receiving more than 5% of the total country remittances are coded as highly affected by emigration.⁹

Control variables

The substantive representation of emigrant-related issues in floor speeches could be also affected by other variables that, for this particular research, are included as controls. Firstly, it is also possible that the performance of individual MPs is conditioned by their relationship with the party in government. EMPs representing a party that is also part of the government will have less interest of mentioning emigrant issues. MPs

are code as 0 if they represent a party in the opposition and 1 if they represent a party in the government.¹⁰ Secondly, it is also plausible that the number and the content of interventions are affected by the role that MPs assume in the legislatures. Thirdly, previous research has proved that women could be marginalized within the legislative houses in comparison to men and therefore intervene less in floor debates (Schwindt-Bayer, 2010). To bear this effect in mind, I also include the gender of MPs as a control. Finally, I control by the legislative period since it is possible that the content of the interventions could be affected by the general political and social context of the legislative period.

Methods

In this analysis, I implement a mixed methods approach (Johnson, Onwuegbuzie, & Turner, 2007). In the first part of the study, I test quantitatively (using descriptive statistics and logistic regression models) whether there are significant differences between the number of interventions of EMPs and NEMPs and between the number of interventions dedicated to emigrant issues of EMPs and NEMPs. In the second step of the analysis, I validate the findings of the quantitative analysis with the qualitative information provided by the interviews that I conducted with EMPs of Colombia and Ecuador. The interviews were conducted between April and May 2016 in Quito and Bogota and were based on the same questionnaire (see Table 4).

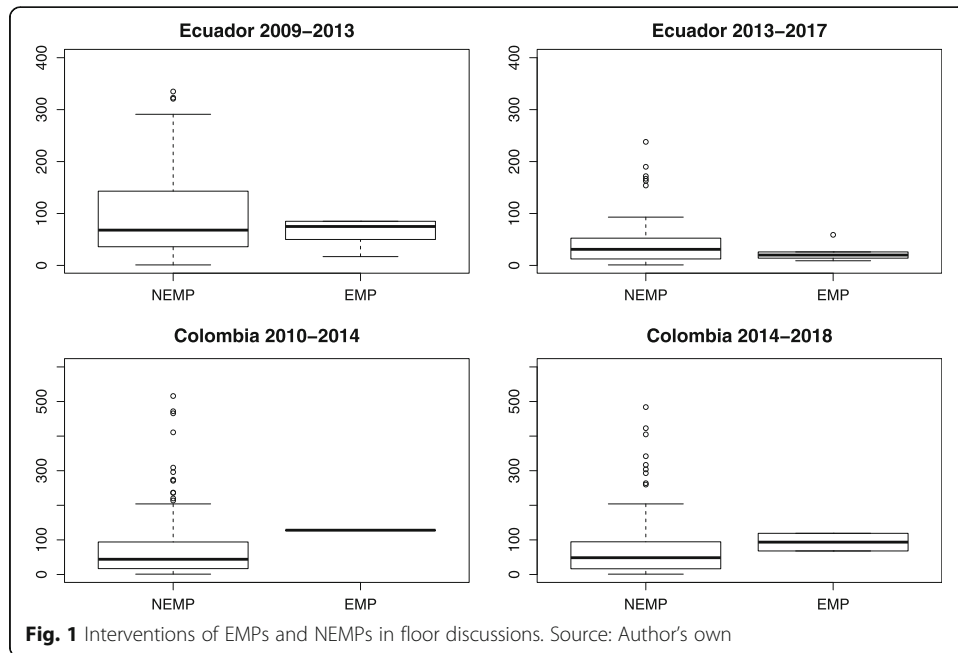
Results

Number of interventions per MP

The first indicator that gives us information about the substantive representation of emigrants, in regard the parliamentary work conducted by their special representatives, is the total number of floor interventions of EMPs. Figure 1 shows that the Colombian EMPs participated significantly more than the average MPs in Colombia. In the period 2010–2014, the EMP gave a total of 128 speeches whereas the NEMPs participated in average 81.93 times during the floor discussions ($sd = 105.95$). In the period 2014–2018, the EMPs participated in the floor sessions on average 93.5 times ($sd = 36.06$), while the NEMPs participated in average 74.72 times ($sd = 87.59$). In the case of Ecuador, as shown in Fig. 1, there is significant variation in the number of interventions of EMPs. In both legislative periods analyzed, their average participation is lower (in 2009–2013, $mean = 62.4$; $sd = 29.14$; and in 2013–2017, $mean = 24.67$, $sd = 17.97$) than the average participation of NEMPs (in 2009–2013, $mean = 97.55$; $sd = 86.12$; and in 2013–2017, $mean = 42.81$, $sd = 44.68$). Nevertheless, the fact that there is significant variance within the EMP group in both periods suggests that there are other variables

Table 4 Methodological steps and data sources. Source: Author's own

Methodology				
Data sources	Creation of dictionary	Dictionary coding	Quantitative analysis	Qualitative analysis
Interviews with EMPs	Identification emigrant issues			Validation and identification of mechanisms
Floor speeches	Identification emigrant words	Codification of speeches	Cross-tabulation and logistic regression	



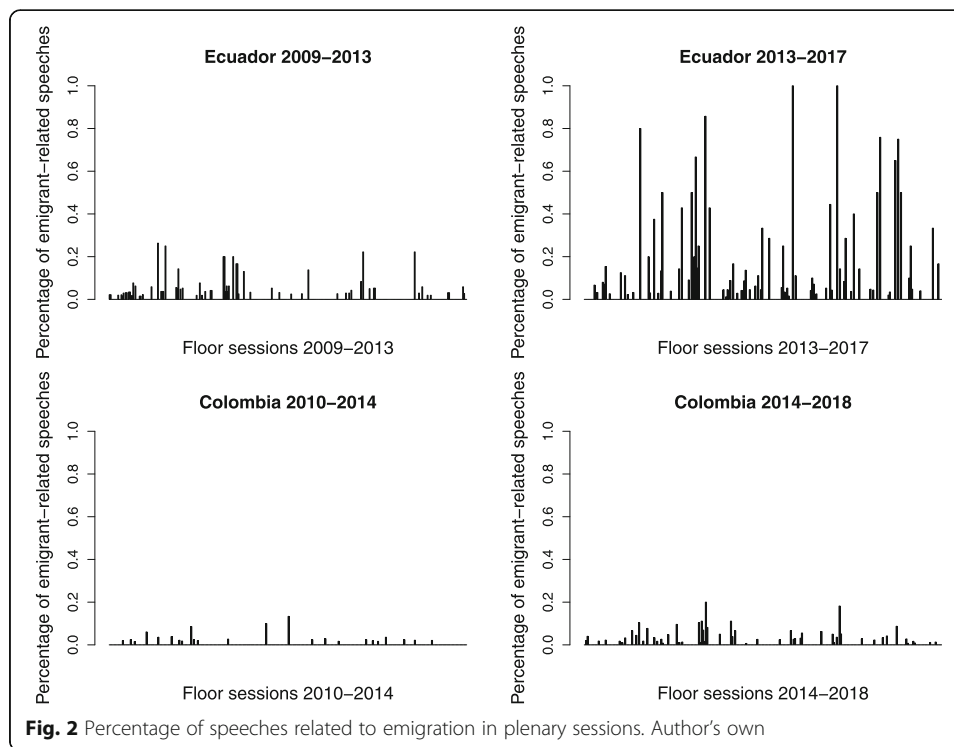
that explain the number of interventions given by Ecuadorian MPs, such as the position within the party hierarchy or seniority. All in all, since there is not a clear pattern, the findings do not confirm or refute the hypotheses H2a and H2b.

Number of emigrant-related interventions per floor session

Figure 2 shows the salience of emigrant issues in the plenary sessions of Colombia (2010–2014 and 2014–2018) and Ecuador (2009–2013 and 2013–2017). Each bar represents the relative number of speeches that were recognized as being connected to the emigrant agenda, within the total number of speeches given in a floor session (scores, therefore, range from 0 to 1, being 0 that no emigrant-related speech has been given and 1 that all the speeches given in the floor session were related to emigration). The graph shows interesting findings. First, the salience of emigrant issues is higher in Ecuador than in Colombia in all the periods analyzed. Second, for both Ecuador and Colombia, in the second legislative period of analysis the salience of emigrant-related issues is higher. Furthermore, the graph shows that, during the period 2013–2017, there are floor sessions in Ecuador that are fully dedicated to emigrant-related issues. This probably reflects the importance of the Human Mobility Law that was introduced by the Ecuadorian EMPs during the period 2013–2017 and became an important issue of the legislative agenda. All in all, the findings draw from this analysis are consistent with the expectation that a greater number of EMPs increases the overall salience of emigrant issues in floor discussions (H2a).

Determinants of emigrant-related speeches

The second indicator that I use to analyze the work conducted by EMPs is the number of interventions dedicated to the emigrant agenda. Firstly, I conduct a cross-tabulation (Table 5) with the dependent variable (a dichotomous indicator that classifies the floor



interventions as explicitly related to an emigrant agenda or not) and the main explanatory variable (membership to the group of emigrant special representatives). The results of the cross-tabulation lead to some important conclusions. In Colombia, NEMPs is the group that, in absolute and relative terms, talked most about emigrant issues: during the period 2010–2014, 76.5% of the emigrant-related speeches in Colombia were given by NEMPs, while only 23.5% were given by the EMP; and during the period 2014–2018, 67.7% of the emigrant-related speeches were given by NEMPs and 32.3% by EMPs. In Ecuador, interestingly, there is not a clear pattern. During the period 2009–2013, 60.0% of the emigrant-related speeches were given by EMPs, while only 40.0% by NEMPs. However, during the period 2013–2017, 65.5% of the emigrant-related speeches were given by NEMPs and only 34.5% by EMPs.

This raises an important question: are EMPs more focused on representing the interests of their constituents living abroad than NEMPs? As Tables 5 shows, this seems to be the case. In total, during the period 2009–2013, 75 out of the 312 speeches given by Ecuadorian EMPs were explicitly related to an emigrant agenda and only 50 speeches out of 8,242 given by NEMPs addressed matters related to emigration. This pattern is even clearer during the period 2013–2017, when 68 speeches out of the 148 given by EMPs and 129 out of 3,938 given by NEMPs were dedicated to emigrant issues. In Colombia EMPs also focus relatively more on emigrant issues than NEMPs. During the period 2010–2014, 8 out of 128 speeches given by EMP focused on emigrant issues (and only 26 out of 11,552 of the speeches given by NEMPs). In the same fashion, during the period 2014–2018, 31 out of 187 speeches given by EMPs were focused on emigrants, while only 65 out of 10,760 of the speeches given by NEMP addressed emigrant issues.

Table 5 Speeches explicitly related to emigrant issues classified by migrant background (Ecuador and Colombia). Total number and column percent. Source: Author' own

Country	Period	MP	NO	YES	TOTAL
Ecuador	2009–2013	NEMP	8,242 (97.2%)	50 (40.0%)	8,292 (96.4%)
		EMP	237 (2.8%)	75 (60.0%)	312 (3.6%)
		Total	8,479	125	8,604
<i>*Chi-square = 1153.5. p-value < 0.01</i>					
Ecuador	2013–2017	NEMP	3,938 (98.0%)	129 (65.5%)	4,067 (96.5%)
		EMP	80 (2.0%)	68 (34.5%)	148 (3.5%)
		Total	4,018	197	4,215
<i>*Chi-square = 586.4. p-value < 0.01</i>					
Colombia	2010–2014	NEMP	11,526 (99.0%)	26 (76.5%)	11,552 (98.9%)
		EMP	120 (1.0%)	8 (23.5%)	128 (1.1%)
		Total	11,646	34	11,680
<i>*Chi-square = 158.33. p-value < 0.01</i>					
Colombia	2014–2018	NEMP	10,695 (98.6%)	65 (67.7%)	10,760 (98.3%)
		EMP	156 (1.4%)	31 (32.3%)	187 (1.7%)
		Total	10,851	96	10,947
<i>*Chi-square = 539.5. p-value < 0.01</i>					

In order to explore this specific issue further, I calculate four models using binary logistical regressions (see Table 6). The main aim of these models is to assess what is the impact of being an EMP or a NEMP on the content of the speech given. In other words, if being an EMP increases the odds of giving an emigrant-related speech. I calculate two models for each country.¹¹ The first set includes the explanatory variable as dichotomous (EMP/NEMP) and the second, the explanatory variable as a nominal indicator with three categories (EMP, EDMP and NEMP). Since there is a class bias (the proportion of emigrant-related speeches is much smaller than the proportion of non-emigrant speeches), I randomly subset the samples to create a development sample and a validation sample. The development data used to calculate the models is composed by 50% of emigrant-related speeches and 50% of non-emigrant-related speeches. The explanatory power of the models based on the development data is then validated with the rest of the data.

In the case of Ecuador, Model 1a shows that, as expected, being an EMP significantly increases the odds-ratio of dedicating floor speeches to approach an emigrant-related issue (odd-ratio = 4.30; p -value < 0.001). Interestingly, the model also shows that there is a difference between legislative periods: all other variables being equal, a speech given in the period 2013–2017 is more likely to be classified as emigrant-related than a

Table 6 Logistic regression for the classification of speeches: Non-emigrant related speeches (0). emigrant-related speeches (1)

	Ecuador		Colombia	
	Model 1a	Model 1b	Model 2a	Model 2a
EMP	4.300*** (0.625)	4.325*** (0.627)	2.696*** (0.683)	2.714*** (0.688)
EDMP		0.134 (0.301)		0.087 (0.382)
Period	1.613*** (0.255)	1.605*** (0.255)	0.812** (0.366)	0.806** (0.367)
Sex	0.187 (0.287)	0.194 (0.288)	-0.600 (0.508)	-0.589 (0.511)
Party in government	0.349 (0.277)	0.343 (0.277)	-0.410 (0.360)	-0.419 (0.363)
Role in house	-0.543 (0.347)	-0.556 (0.349)	-14.642 (1,029.1)	-14.701 (1,029.1)
Intercept	-1.614*** (0.221)	-1.636*** (0.227)	-0.515 (0.391)	-0.533 (0.400)
Observations	450	450	182	182
Log Likelihood	-204.023	-203.924	-106.220	-106.194
Akaike Inf. Crit.	420.045	421.848	224.439	226.388
Pseudo R2	0.38	0.38	0.2	0.2

Reference categories: EMP: Non-emigrant MP; EDMP: Non-emigrant MP; Period: for Ecuador, period 2009–2013 and, for Colombia, period 2010–2014; Sex: male; Party in government: party in opposition; Role in house: no role. Standard errors in parenthesis. **p-value < 0.05; ***p-value < 0.001. Source: Author's Own

speech pronounced during the period 2009–2013 (odd-ratio = 1.61; p-value < 0.001). Model 1b shows similar results as Model 1a. The results for Colombia are similar. Model 2a and 2b suggest that being an EMP is also correlated significantly with the probability of given an emigrant-related speech (odd-ratio = 2.69; p-value < 0.001). As in Ecuador, speeches given during the second legislative period (when Colombia added an extra emigrant representative) are more likely to be classified as emigrant-related (odd-ratio = 0.81 with a p-value < 0.05 in Model 2a; and odd-ratio = 0.81 with a p-value < 0.05 for Model 2b). Being an EDMP does not significantly increase the probability of giving an emigrant-related speech during the floor discussions in Colombia or Ecuador. Finally, beyond legislative period, control variables do not have any significant effect on the classification of a speech as an emigrant-related intervention.¹²

The perception of EMPs

The quantitative analysis provides relevant insights into the work that EMPs conduct in their legislatures. However, there are still questions that cannot be answered through quantitative analysis. For this reason, I interviewed four EMPs of Ecuador and the two EMPs of Colombia.¹³ The goal of these interviews is twofold. Firstly, I use them to validate the information provided by the analysis of EMP interventions. Secondly, I use them to understand better the rationale that is behind the work that EMPs conduct in their legislatures.

The previous quantitative analysis shows that both Ecuadorian and Colombian EMPs address both emigrant-specific issues and other general issues during their floor interventions. This dual interest is confirmed by the interviews. When asked about their legislative priorities, Ecuadorian EMPs clearly responded that their main duty was to represent the interests of their constituency. They, for instance, identified as priorities the “Human Mobility Law”, the integration of returnees, or the improvement of consular services. However, all of the Ecuadorian interviewees also identified non emigrant-related issues such as international affairs, welfare policy, or women’s rights; as part of their legislative work. The interviews of Colombian EMPs also confirm this pattern. They addressed emigrant-related issues, such as the rights of the victims of the armed conflict living abroad, but were also notably involved in other topics. As one of the Colombian EMPs explained “... I am a Colombian parliamentarian. I am elected by the Colombian emigrants, but I am interested in the future of the country as a whole...”¹⁴

Another important finding of the interviews is connected to the mainstreaming of emigrant-related issues in the legislature. First, all Colombian and Ecuadorian EMPs interviewed mentioned the importance of introducing a migrant perspective into regulations that were not explicitly connected to an emigrant agenda. In the words of a Colombian EMPs “...many laws bring some benefit for Colombians, but not for those who are abroad. Then comes the task, as in the National Development Plan to say, well, we present an amendment to include them”. Second, some of them also highlighted the importance of convincing other parliamentarians to bear the overseas population in mind when legislating: “...there are times when I have had to get into trouble with another representative member, but you either do it or the subject remains invisible” (Ecuadorian EMP).

Several EMPs from both countries mentioned that a big part of their work was monitoring the government and mediating on behalf the emigrant community to express their demands to the executive. As a Colombian EMP expresses it “... it is about awareness work, to create the awareness that there are Colombians abroad and they have to be involved (...) tell the Ministries, the institutions, that there are Colombians abroad and they have to work for them”.

Finally, the interviews confirmed that both Ecuadorian and Colombian EMPs campaigned abroad to get elected mostly on issues that affected the diaspora abroad, as captured by the dictionary codes (e.g. return policies, consulate functions, health care abroad; in the case of Colombia the reparation of the victims of the armed conflict abroad). Also, they confirmed that they conduct district work by keeping ties with their emigrant communities via social networks and overseas travels –the latter being mostly self-funded in Ecuador and only partially in Colombia.

Conclusions

Research on the substantive representation of non-resident citizens in their states of origin is scarce. However, investigating this particular topic is essential to gain new insights about the formal-descriptive-substantive link of political representation. This study tested the existing theories about minority representation, such as critical mass, on a group –emigrants– that has, up to now, been neglected in the literature of political representation. I implemented an innovative mixed-methods research design that

combines a quantitative text analysis of more than 35,000 floor speeches with personal interviews with emigrant special representatives. The detailed inspection of floor speeches emerged as a valid and valuable source of information to assess substantive representation. It allowed me to compare different groups of representatives without previous sampling, enhancing the robustness of the measurements.

Scholars have argued that a system of special representation for non-resident citizens is fair because it allows large communities of emigrants to participate in the political systems of their state of origin, while at the same time controlling the effect that emigrants could have over homeland politics (see Bauböck, 2007). My findings shed some light to this debate from an empirical perspective by comparing a system of 'contained' special representation and one of (almost) 'proportional' special representation.

Firstly, the findings show that the descriptive representation of emigrants leads to some degree of substantive representation (H1). Even though NEMPs target the emigrant community in their floor speeches, it was proved that EMPs dedicate relatively more of their time in plenary sessions tackling emigrant issues. Nevertheless, the degree of substantial representation differs considerably across both countries. In Colombia, where there are only one or two EMPs, the salience of emigration is significantly lower than in Ecuador, a country with six EMPs. In the same line, the statistical models also suggest that in both countries, being a member of the EMP group, increases the predicted probability of giving a speech explicitly related to emigrant policies. In line with H2a, this effect is stronger in Ecuador than in Colombia. The low salience in Colombia is evidence of the existence of a certain 'containment effect' (in line with H2a), but also can be influenced by other factors such as the prominence of other issues (e.g. the peace process). Furthermore, another possible explanation of this difference can be found in the formal rules that shape emigrant special representation in each country. The clear territorial connotation of the Ecuadorian system (divided into three external districts) increases the pressure on the special representatives to incorporate the demands of the non-resident community into their legislative work. This territorial link, however, is weaker in Colombia, where emigrant special representation was granted as a mechanism to give voice a minority group and not a territorial entity.

Secondly, the results do not show a clear marginalization effect of EMPs in any of the countries. In fact, the Colombian EMPs were shown to participate significantly more, on average, than other MPs. In Ecuador, the difference in the number of speeches given by EMPs and NEMPs does not follow a clear pattern.

Thirdly, the qualitative analysis suggests that, although EMPs prioritize emigrant issues in their legislative agenda, those are not the only substantive issues that they address. Thus, there is clear evidence that EMPs have a 'mixed agenda' that includes emigrant issues as a priority, but not exclusively so. Moreover, the analysis shows that they dedicate plenty of effort to introducing the migration perspective in non-emigrant specific topics (such as labor regulations, development plans or women rights), in monitoring the actions of the executive power regarding the wellbeing of emigrants and in mediating between the demands of their constituency and the government.

All in all, the results suggest that, as predicted, there is a certain 'containment effect' in the case of Colombia and that higher numbers of EMPs lead to a better substantive representation of the interests of non-resident citizens (H2a). There is no evidence to

confirm that underrepresented numbers of EMPs represent better emigrant interests by holding an underlying symbolic power (H2b). However, these claims should be tested further by including more countries in the analysis and more legislative periods. Future research should also explore the effect of emigrant special representation on symbolic representation (Pitkin, 1967) or the overall effect of EMPs work on the legitimacy of the democratic system (a question posed already by other colleagues such as Bermudez, Lafleur, & Escriva, 2017).

Finally, on a methodological note, the study here presented had one limitation. For the Colombian case, the results are based on the work of two EMPs meaning that the findings can be highly affected by the profile of single individuals. Over time, when more legislative periods are concluded, this study should be replicated in order to prove if its findings stand the test of time.

Endnotes

¹Depending on the legislative period, Colombian emigrants have been able to elect one or two representatives. For the period of analysis 2010–2014, emigrants had only one representative; and for the period 2014–2018, emigrants have two representatives.

²6 members out of 137 (legislative period 2013–2017).

³The number of seats in the Colombian House of Representatives has changed over time. It has passed from 1 to 2 and then again 1.

⁴1 out of 166 members in the legislative period 2010–2014 and 2 out of 166 members in the legislative period 2014–2018.

⁵This trend is also observable in the general turnout in Ecuador and Colombia. For instance, in the Colombian presidential elections of 2014, participation only reached 40.65%, while in the last Ecuadorian presidential elections of 2017, participated reached 81.63%.

⁶In Ecuador, each representative can participate a maximum of two times in each debate (Asamblea Nacional, 2009 Art. 130). The rules of the Colombian House of Representatives limit to one per debate the interventions of individual representatives or two in the case of interventions given by speakers of constituted parliamentarians groups (El Congreso de Colombia, 1992 Art. 97).

⁷From this sample, 94% of the Colombian speeches (period 2010–2014) and 96% (period 2014–2018) were classified correctly. For Ecuador, 96% of the speeches (period 2009–2013) and 98% (period 2013–2017) were classified correctly.

⁸For the Ecuadorian case and for the period 2013–2017, the analysis only covers 307 floor sessions of the 345 that took place, which represent a total of 88.9% of the floor sessions. The protocols for the missing sessions were not publicly available.

⁹Colombian districts designated as highly affected by emigration: Atlántico, Antioquía, Norte de Santander, Risaralda, Valle del Cauca and Cudinamarca. Ecuadorian provinces designated as highly affected by emigration: Azuay, Canar, El Oro, Guayas, Manabí and Pichincha.

¹⁰It may be possible that the content of speeches is related to the party size. However, the preliminary analyses conducted show that, for the legislative periods analyzed, party size is highly correlated with the variable that captures if the MP is a member of the party in government or not. To avoid multicollinearity issues in the regression analysis, this variable has been not included in the final analysis.

¹¹Each model includes the data for the two legislative periods analyzed for each country.

¹²In order to increase the internal validity of the regression results, I also implemented exact matching to compare EMPs with NEMPs who have the same score in control variables. The results of this exact matching show similar results as the models presented in Table 6.

¹³I interview EMPs from Colombia (legislative periods 2010–2014 and 2014–2018) and Ecuador (legislative periods 2009–2013 and 2013–2017).

¹⁴Excerpts are translated from the original in Spanish by the author.

Appendix

Treatment of floor speeches

In the case of Colombia, the protocols of the floor sessions were downloaded from the official website and, in the case of Ecuador, they were provided by the library of the National Assembly. The protocols were first transformed into plain text documents. Then, a recognition script based on python (using regular expressions) was rendered in order to mine the interventions of each parliamentarian. To prepare the speeches for the next step, namely dictionary coding, I followed the instructions proposed by Manning, Raghavan, and Schütze (2008) and Grimmer (2010).

Firstly, the method discards the order of the words in the speeches producing an output that contain unordered words. Although the order of the words is important to fully understand a text, the aim of this method is to identify the topic of the speeches and this “should be invariant of permutations of word order” (Grimmer, 2010, p. 6).

Subsequently, all words are converted to lowercase, and punctuation and stopwords (e.g. ‘however’, ‘because’ etc.) are removed. Contrary to the instructions given by Manning et al. (2008), I do not generate stems and I keep the original words. I also keep combination of words that are considered important for the analysis (e.g. “return policy” or “consular services”).

Computations are conducted in R, using the tm package.

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Availability of data and materials

The datasets used during the current study are currently available from the corresponding author on reasonable request. In the future, data will be publicly available from a data repository.

Author’s contributions

The author read and approved the final manuscript.

Competing interests

The authors declare that they have no competing interests.

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6

Concluding Remarks

This last chapter compiles the main findings of the four articles of this thesis, proposes an answer to the main overarching research questions, reflects on the limitations of the dissertation, and proposes ways to move the research agenda on emigrant representation forward.

6.1 Main empirical findings

6.1.1 Systems of emigrant political representation

As argued in the first article of the dissertation, non-resident citizens have two main institutional mechanisms of political representation in their states of origin. The first is the legislative. It implies the inclusion of emigrants in the legislative houses of countries of origin through two modes of representation: general or special. The former allows emigrants to cast votes that are then counted to elect general representatives that do not have a direct connection with the emigrant community, the latter allows non-resident citizens to elect their own representatives by creating extraterritorial districts. The second institutional mechanism of political representation of emigrants in states of origin are consultative bodies. These are institutions composed by emigrants

meant to help homeland administrations to develop better emigrant policies.

As the first article of this dissertation shows, Latin American and Caribbean states offer their emigrants different paths of political representation. The majority of LAC states do not allow their emigrants to participate in legislative elections (although some do allow them to participate in presidential elections). Only three countries (Ecuador, Colombia, and Dominican Republic) have special seats in their lower houses for emigrants. As articles 1 and 2 show, it is quite striking that many of the LAC countries do not have specific regulations of emigrant passive suffrage. Furthermore, only 7 of the 22 countries in the sample have emigrant consultative bodies.

An important lesson learned from the first and second articles of the dissertation is that the institutional mechanisms of emigrant political representation must be analyzed in depth since they vary significantly in their specific regulations. On the one hand, when talking about representation in the legislative houses, it is necessary to distinguish between the different modes of representation or the specific design of the extraterritorial districts. On the other hand, when analyzing emigrant consultative bodies, researchers ought to discuss the different degrees of institutionalization and independence of the bodies.

If these specific regulations are taken into account, it is possible to identify different systems of emigrant political representation in the LAC region that range from countries that do not offer any mechanism of representation (Belize, Bolivia, Chile, Costa Rica, Cuba, Honduras, Nicaragua, Panama, Trinidad and Tobago and Venezuela) to countries with an integral system of representation composed of the legislative and the consultative mechanisms (Peru, Dominican Republic). In between, there are two systems based only on either legislative representation through general modes of representation (Argentina, Paraguay), or special (Colombia, Ecuador). Finally there is another system based only on consultative representation (Brazil, El Salvador, Jamaica, Mexico and Uruguay).

6.1.2 Limiting the scope of external voting in Latin America and the Caribbean

The dissertation has taken issue with the well-extended claim in the literature on transnationalism that external voting has become a norm across democracies all over the world. As the second paper of this dissertation shows, when the specific particularities of external franchise are factored in, this assertion must be nuanced. These particularities define what we call the “scope of external voting” and include who can exercise external rights among non-residents (all emigrants or only specific categories), which rights they may exercise (active and passive), and in which elections they can vote (presidential or legislative). When the scope of external voting is analyzed in full, the data reveals that, despite a general trend of adoption of external voting in the region, LAC countries have not yet converged in regard to the full inclusion of non-residents in their homeland elections.

In other words, as paper 2 shows, there are two dynamics of non-resident political inclusion among LAC countries. On the one hand, the paper proves that there is convergence at the most general level, since the majority of LAC countries allow emigrants to participate in at least one type of national elections. On the other hand, on a more detailed level, there is no regional policy convergence yet: LAC countries are very selective regarding the electoral rights they grant to emigrants. This lack of convergence at the more detailed level can be explained by the existence of different convergence mechanisms. All in all, this is a significant finding: scholars working on external voting must first reflect on the possibility of making an argument about the diffusion of external voting since this diffusion is far from being completed. Assuming a plain diffusion of external voting as the starting point of research will lead surely to biased findings.

6.1.3 A dynamic conceptualization of external voting adoption

Beyond the specificities of external voting and the analysis of its diffusion, this dissertation also shows that the adoption of external voting must be conceptualized as a process and not as a one-time event. Only then can we start analyzing why some enfranchisement reforms get stuck over time and never culminate (as is the case of Nicaragua) and other reforms are carried out without significant delays.

The third article of the dissertation shows that the adoption of external voting is a process composed of at least three moments: enactment, regulation, and first application. The article proves, using data from Latin America and the Caribbean, that it is throughout these moments that the scope and contours of external voting are established. It provides evidence that the lag exists in half of the countries in our sample, especially between enactment and regulation. This is a significant finding. Up to now, scholars studying enfranchisement (of emigrants, but also other previously disenfranchised groups, such as women) have tended to oversimplify this process. Quantitative scholars have created datasets in which the extensions of franchise were coded at one point in time, neglecting the difficulties of regulation and implementation of electoral rights and obscuring the dynamic complexities and the political games behind franchise extensions. Qualitative scholars, however, have observed these gaps, but, to my knowledge, they have not problematized or put it at the forefront of their theoretical and analytical framework.

To explain the adoption lag, the article relies on studies on comparative political institutions to develop exploratory hypotheses. First, the article considers that the lag will be affected by the policy-making route used to enact external voting. We expected no lag if external voting adopted after a referendum and a lag if adopted as a result of a broad constitutional reform or a change in the electoral law. Second, we hypothesize in the article

that the lag will abridged if the adoption of external voting is achieved in a context of democratization and increased if carried out in a context of democratic stability. To test the hypotheses, the article explores five cases (Argentina, Bolivia, Mexico, Paraguay, and Peru). The findings suggest that the explorative hypotheses are plausible. We find supportive evidence for the policy-route hypothesis in all cases except Peru; and for the democratization hypotheses in all countries, but in Paraguay. Interestingly, the findings also reveal that the role of the presidential office is highly relevant (for instance, in the Bolivian case in which the pressure exercised by Evo Morales was determinant to pass the regulatory legislation needed to implement external voting). This is quite relevant in a region where presidentialism prevails. Furthermore, the case analyses also suggest that the level of contestation regarding the approval of external voting becomes a central explanatory factor in the cases that passed external voting as a result of a change in the electoral law: the higher the level of contestation, the higher the gap between enactment and first implementation of external voting. Nonetheless, the validation of the hypotheses will require further tests, perhaps based on a larger sample that includes countries from other world regions.

6.1.4 Emigrant special representation in homeland parliaments

The presence of emigrants in homeland legislatures or consultative bodies does not have to translate into substantive representation of their demands and interests. Nevertheless, this connection between emigrant presence and substantive representation has remained under-researched by academia. The fourth paper of the dissertation has tackled this gap by analyzing the work conducted by Emigrant Members of Parliament (EMPs) in the legislative houses of Ecuador (*Asamblea Nacional*) and Colombia (*Cámara de Representantes*) in two legislative periods. The article thus compares two versions of special representation. On the one hand, a version in which the number

of emigrant special representatives is significantly less than the percentage of non-resident citizens in the total population (“contained” or “asymmetric” special representation). And, on the other hand, a version in which emigrants are proportionally represented in the homeland legislature (“proportional” or “symmetric” special representation).

The findings of this article show that the presence of emigrants in the legislatures does translate into substantive representation. EMPs from Ecuador and Colombia do dedicate relatively more of their time to address emigrant issues than non-emigrant representatives (NEMPs). However, the findings also show that NEMPs also address the emigrant community in their floor speeches. In addition, the paper provides evidence regarding the “containment” effect of systems with few EMPs. The data clearly shows that the salience of emigrant-related issues is higher in the case of Ecuador, a country with almost proportional emigrant representation; than in Colombia, a country where emigrants are under-represented in numerical numbers in the House of Representatives. Nevertheless, the regression analyses also show that, in both countries, being an EMP increases the possibility of addressing emigrant-related issues in the interventions.

Furthermore, the findings suggest that the differences between Ecuador and Colombia can be related to the different origins of special representation in both countries. While the territorial link is clear in Ecuador (i.e. the external districts are conceived as new Ecuadorian “territoriality”), it is weaker in Colombia, where emigrant special representation is conceived as a mechanism to incorporate a minority group.

In neither of the two countries of study there is a marginalization effect of EMPs. On the contrary, in Colombia, EMPs participate significantly more in floor discussions than NEMPs. In Ecuador, the difference in the number of participations between EMPs and NEMPs does not follow a clear pattern.

Finally, EMPs not only address emigrant-related issues; they have a “mixed agenda” that include emigrant issues as a priority, but not exclusively.

Furthermore, an important concern of EMPs is to introduce an “emigrant perspective” into regulations that a priori are not related to emigrants (e.g. labor regulations, women rights) and to monitor the action of the executive regarding the situation of emigrants.

6.2 Returning to the normative debate

All in all, there seems to be a consensus among scholars and political actors regarding the enfranchisement of external citizens (Caramani & Grotz, 2015)¹. Nonetheless, this consensus disappears when the “scope of representation” (Bauböck, 2007) is factored in. In this section I return to the normative discussion of emigrant representation and propose a way to move the conversation forward.

6.2.1 The legislative mechanism

Article 1 and Article 2 show that countries that allow non-resident citizens to vote in homeland elections do not always allow non-residents to be candidates. This mismatch between active and passive electoral rights is a symptom of the underdevelopment of normative principles regarding external enfranchisement. Countries of origin have four main options when it comes to deciding if they allow non-resident citizens to be represented in the legislative houses of the homeland: (1) not granting passive electoral rights to emigrants, (2) allowing emigrants to run as candidates in homeland electoral districts, (3) creating a system symmetric special representation and (4) adopting asymmetric special representation.

At one extreme, the first option is to not grant passive electoral rights to emigrants. States of origin can decide to recognize their emigrants’ active

¹To my knowledge, with the exception of the article published by López-Guerra (2005), there is not a single academic contribution published in the last decades that challenges, as a whole, the idea of external franchise.

electoral rights, but impose clear in-country residency conditions for running as candidates for public office. Some scholars argue that, since it is materially impossible to be a representative from abroad (because the representative task requires in-country presence), the principle of correspondence between voters and candidates is not violated if emigrant passive electoral rights are not granted (Bauböck, 2007, p. 2429). However, this argument fails to acknowledge that representatives often have to move from their original constituencies to the city in which the legislative assembly is located. Thus, distance between the constituency and the institution of representation should not be taken as a principle to grant passive electoral rights. Otherwise, we could encounter the incongruity of only residents of capital cities being allowed to run as candidates in elections. Nevertheless, it should be acknowledged that the substantive work of representatives entails to some extent direct work in the home district (Fenno, 1977) and this indeed poses more difficulties for districts that are located outside the territorial boundaries of the state as article 4 of this dissertation show in its qualitative part.

The second option is to allow emigrants to run as candidates in districts located inside the territorial boundaries of the homeland (generally with which they have a previous biographical connection). This system of “assimilated” representation (Spiro, 2006) or “general” representation (Hutcherson & Arrighi, 2015) is the easiest way to implement passive emigrant electoral rights (Spiro, 2006) and the only option in those countries “whose territorially-based districting system is constitutionally entrenched” (Spiro, 2006, p. 226) or the “number of nonresident citizens is small or unengaged” (Spiro, 2006, p. 226). An important advantage of assimilated representation is that it maintains the “formal equality of non-resident voters, insofar as their votes count as much as their residential counterparts” (Spiro, 2006, p. 119). With a similar argument, Bauböck argues in favor of assimilated representation, insofar as emigrants should be considered as individual stakeholders “in the common good of the polity” (Bauböck, 2009, p. 491) with

different connections to the homeland that should be represented through deputies that also have a domestic mandate (Bauböck, 2009, p. 491).

The third option is to create external districts (electoral constituencies located outside the territorial boundaries of the state of origin) in which emigrants can elect a number of representatives proportional to the weight of the emigrant population in the total homeland population. This arrangement has received the name “symmetric special representation” (Spiro, 2006) or “affirmative representation” (Bauböck, 2007). Spiro argues that, assuming that the interests of emigrants are significantly different from in-country residents, granting non-residents separate representation would be the best option (Spiro, 2006, p. 119). He argues that, “dispersed through in-country territorial jurisdictions, non-resident voters, even where their franchise is facilitated and their votes are formally equal to resident votes, may be less likely to have their distinct interest represented in national decision-making” (Spiro, 2006, p. 119). This option, however, is criticized by Bauböck (2007) based on a two-fold argument. First, he argues that the fact that the participation of emigrants tends to be low (at least significantly lower than in-country), granting emigrant proportional representation via affirmative representation will contradict the republican value of equal treatment. Second, he argues that emigrants should be recognized as voters that share the same interests as resident voters in the future of the polity and thus “they should be seen as legislators who will represent the general citizenry” (Bauböck, 2007, p. 2433).

The fourth option is “asymmetric special representation” (Spiro, 2006) or “restricted representation” (Bauböck, 2007) and it is similar to the previous insofar as it is also based on the creation of external constituencies. However, with this option, the number of representatives elected by emigrants is clearly lower than the number of representatives calculated under the principle of proportional representation (this mechanism exists, for instance, in Colombia). Interestingly, both Spiro and Bauböck somehow agree in their views of

this mechanism. They acknowledge that it fails the criterion of equal treatment, but also see it as a useful corrector in swamping scenarios (Bauböck, 2007) in which a large-sized diaspora would potentially determine the outcome of home elections (Bauböck, 2007; Collyer, 2014; Spiro, 2006). Spiro also argues in favor of asymmetrical representation as a way of restricting the influence of a diaspora that in most cases “will have lesser interests in home-country policymaking than resident citizens” (Spiro, 2006, p. 120). As Collyer notes, the logic behind this mechanism is not very different from the practices of “malapportionment” and “gerrymandering”, since the reasoning behind is to “contain” the influence of a given social group (in this case, emigrants), at the same time as guaranteeing their presence in legislative assemblies (Collyer, 2014, p. 5). From the perspective of the deliberative function of democracy, Mansbridge argues that “a representative body should ideally include at least one representative who can speak for every group that might provide new information, perspectives, or ongoing insights relevant to the understanding that leads to a decision” (Mansbridge, 1999, p. 634). Thus, from this point of view, asymmetrical emigrant special representation is not only convenient to control the influence of emigrants, but also normatively sound. In the words of Mansbridge, “(g)etting the relevant facts, insights, and perspectives into the deliberation should be what counts, not how many people advance these facts, insights, and perspectives” (Mansbridge, 1999, p. 636).

The adoption of emigrant special representation, in both its symmetric and asymmetric form, can be also argued from the point of view of the representation of a political minority. Rehfeld (2005), in his analysis of the concept of ‘constituency’² argues that the definition of new constituencies can be grounded on ‘right-based’ or on ‘consequentialist’ justifications. The former is based on moral principles and includes reparations for past exclusion, and

²Defined as “the group in which citizen’s vote is counted for the purpose of election a political representative” (Rehfeld, 2005, p. 4).

the latter on the expected effect that the creation of a new constituency could have including the protection of the minority interests (Rehfeld, 2005, pp. 47-51). Both justifications are context-dependent and their applicability to the question of emigrant special representation will depend on the characteristics and history of each case.

In the same line as Rehfeld, Mansbridge (1999) argues that, in specific contexts, such as mistrust and uncrystallized interests, descriptive representation of disadvantaged groups improves the quality of deliberation and its implementation “makes sense” even when it “involves some costs in other values” (Mansbridge, 1999, p. 628).

However, applying mechanisms of descriptive representation to promote the representation of minorities has risks beyond its threat to the principle of equality of treatment. First, it could contribute to the essentialization of groups (Bird, 2003; Mansbridge, 1999) in the sense that it portrays emigrants as a homogeneous group, something that empirical research has already proven false (Morales & Pilati, 2014; Waldinger, Soehl, & Lim, 2012, see for instance). Second, descriptive representation could hinder political accountability since the representative’s identity ends up being more important than policy ideas (Bird, 2003, p. 5).

Nevertheless, in these normative discussions about emigrant passive electoral rights, one very important piece is still missing. The previous arguments take for granted the effect of emigrant descriptive representation on emigrant substantive representation. However, the link between both remained to be empirically tested. There were two main assumptions that needed to be proven. The first is that emigrant special representatives in homeland legislative assemblies set as a priority the representation of emigrant-related issues and marginalize domestic issues. If this is true, the arguments that view asymmetric special representation of migrants as a threat to the principle of equal treatment will be valid. The discoveries contained in Article 4 that emigrant representatives adopt a domestic agenda, as do their non-

emigrants peers, indicate that, as envisioned by the stakeholder approach, emigrants can indeed be considered as part of the demos of the polity of origin, insofar as they assume domestic issues as their own. Thus, concerns of over-representation due to asymmetric discrete representation do not find an empirical anchor based on the data analyzed in this dissertation.

The second assumption that needed to be tested is whether or not non-emigrant members of parliament substantively represent emigrants - in Mansbridge's terminology, if domestic representatives surrogate non-resident representation (Mansbridge, 2003, p. 523). Some authors argued that when uncrystallized issues (Mansbridge, 1999)³ are present due to the substantive work of non-descriptive representatives (as is the case in Ecuador and Colombia, as Article 4 has shown), discrete minority representation mechanisms fail to be necessary (Mansbridge, 1999). However, even if this assumption is true, there are two main arguments to rebut this idea. The first is that "(f)eelings of responsibility for constituents outside one's district grow even stronger when the legislature includes few, or disproportionately few, representatives of the group in question." (Mansbridge, 2003, p. 524). Therefore, there is a relationship between not being present and surrogate representation. In other words, the fact that at some point emigrant-related issues are present in the discussions carried out in a legislative assembly due to the work of non-emigrant representatives fails to count by itself as a valid argument against discrete emigrant representation. Second, focusing on the deliberative function of democracy, if we assume that emigrants could have valuable information to share in a discussion about emigrant-related issues, their presence by means of discrete representation should be guaranteed, regarding the interest of other non-emigrant representatives on emigrant-related issues. Or, in the words of Pitkin, "(s)o long as we think that the function of representation is

³Defined as issues that have not yet been addressed by either political party platforms or by candidates for elected office (Mansbridge, 1999).

to yield information about the represented [...] the more accurate the copy, the more accurate the information” (Pitkin, 1967, p. 88).

6.2.2 The consultative mechanism

Nevertheless, systems of emigrant representation are not only composed of electoral rights, but also of consultative bodies located at the national or consular level. This dissertation has not assessed the concrete functioning of emigrant consultative bodies, but it does provide interesting insights to assess their role. First, as Article 1 suggests, the regulations of consultative bodies are crucial to understand the impact they can have over policies. For instance a consultative body composed only of emigrant representatives is different from a body composed mostly of government officials. In the same line, a consultative body with regulated and periodic meetings will not perform the same as bodies without clear meeting schedules. More important perhaps are the official functions given to the bodies, especially the right to make policy proposals and the right to raise questions to the government and receive an official response.

All in all, the quality of representation provided by the legislative and the consultative mechanisms is different. In the former, emigrants are represented in institutions dedicated to represent the demos as a whole. In this context, questions of equality do matter. In the latter mechanism, emigrants are part of institutions that do not aim at representing the demos, but a single group defined by residence. In this context, the question is not if emigrants must have a seat in the same representative institution vis á vis other members of the demos, but rather whether emigrants ought to have their own institution and affect policy-making. In this sense, consultative bodies provide a controlled opportunity of representation insofar as emigrants are allowed to have a voice in policy making, but not to take binding decisions. In other words, this mechanism allows emigrants to participate in the demos

without recognizing them as full members, whereas legislative representation grants full membership status to emigrants.

6.2.3 A proposal: Combining the two mechanisms

To conclude: Should states of origin create institutional mechanisms of emigrant representation? And if yes, how much presence from abroad? In my view, and based on the research of this thesis, the answer is yes, they should. Following the stakeholder principle as proposed by Bauböck, non-resident citizens that still have a connection (based on biography or future interests) in the polity of origin ought to be granted representation in the political system of origin. Nonetheless, the question regarding the best scope of the representation of emigrants does not yet have a clear answer. The consultative mechanism opens a structured and stable communication channel between governmental authorities and the emigrant community. When well managed and designed, it allows emigrants to provide insights on the policies that matter to them. However, there are risks, such as cooptation of the members by the government or their lack of actual influence in the decisions. The legislative mechanism poses greater challenges. However, based on the empirical evidence provided by this dissertation, some of the concerns raised by normative scholars should be rejected. Even in the most extreme case of representation through legislative means (special proportional representation), while emigrant parliamentarians focus more on emigrant-related issues, they do represent other interests, participate in the party structures as the rest of MPs, and care for the wellbeing of the demos as a whole.

Thus, in striking a balance that avoids both under- and over-representation of emigrants, a system that combines both mechanisms of representation, the legislative and the consultative, seems the most appropriate. On the one hand, the legislative mechanism, especially in systems of special representation, reinforces the descriptive, substantive, and symbolic modes of

representation insofar as it allows emigrants to represent themselves in legislative chambers, allows them to include emigrant-related issues in the legislative agenda, and potentially improves the opinion of emigrants regarding the political system of the homeland. On the other hand, the consultative mechanism allows emigrants to participate in the policymaking process of emigrant-related policies in an efficient matter and bypasses partisan politics. It also allows them to have direct contact with the government institutions with which they are partially subjected. In any case, beyond the general system of representation adopted, the details of the mechanisms and regulations are of great importance. Emigrant legislative representation must be accompanied with clear electoral rules, as well as the necessary budget to accomplish the representation of emigrant interest in a transnational field. Emigrant consultative representation, on the other hand, must be based on the participation of emigrants and emigrant associations and must have competences regarding policy formulation.

6.3 Limits of the study and future research

Regarding the limitations of the research presented in this thesis, I have identified three main points that would benefit from further studies. First, as the reader will have noticed, the empirical part of the dissertation focuses more on the legislative mechanism of emigrant representation than on the consultative mechanism, especially regarding the functioning of the mechanism. This limitation must be overcome in the future by analyzing the actual work that consultative bodies have done in the past and by testing to what degree the detailed regulations of the different bodies have an impact on their performance. The in-depth study of consultative bodies would require a qualitative research design, based mostly on interviews of actors involved in the functioning of the bodies (e.g. government institutions, emigrant representatives).

The second limitation of this research is its focus on one world region. Focusing on Latin America and the Caribbean has allowed me to systematize patterns of emigrant political representation. However, future research must test whether or not the findings of this dissertation hold across regions. For instance, do the “systems of representation” found in Article 1 also exist in other countries? Furthermore, does the pattern of behavior of emigrant Members of Parliament described in Article 4 exist in legislatures in other world regions with emigrant special representatives, such as France or Angola?

In addition, connected to the last point, the assessment of the performance of emigrant representatives has focused on two legislative periods in two countries (Ecuador and Colombia). Over time, when more legislative periods are concluded, the study proposed in Article 4 should be replicated in order to assess whether its findings stand the test of time. Also, more complex models than the ones presented in these articles could be applied once the sampling is broadened (regionally and longitudinally). This will increase the validity of the results of the dissertation.

Lastly, this thesis has focused on the link between formal, descriptive and substantive representation, leaving aside symbolic representation. However, the study of the latter is also of great relevance insofar as it is connected to the acceptance of democracy as a political system. A way to tackle this issue would be conducting surveys and in-depth interviews with emigrants. In sum, an important question for future research is: To what extent does emigrant representation contribute to the legitimacy of the democratic system?

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