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Beyond Emigrant Voting: Consultation as a Mechanism of Political Incorporation from Abroad OR not all Emigrant Consultative Bodies are Born the Same

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Abstract

The scholarship on political transnationalism aims to understand how and why emigrants keep relevant political ties with their state of origin as well as cultivate new ones with their country of residence. Through the multiple formal shapes that such political ties can adopt, much has been written on the electoral channel, neglecting other important formal mechanisms of political participation from abroad. In this short paper, we contribute to the study of one such mechanism: consultative bodies of emigrant affairs. Looking at an entire world region –Latin America and the Caribbean (LAC)- we compare the creation of such consultative bodies to the adoption of electoral rights and account for the main characteristics of consultative bodies, creating a typology of them along on two dimensions: independence from governmental authorities and degree of entitlement in the policy-making process. This work aims to set the ground for and encourage further comparative large-N and in-depth case studies that will contribute to better understand the possibilities that emigrant consultative bodies open for emigrant participation.

Keywords: consultation; policymaking; diaspora; participation.

Introduction

In the last decade, the scholarly community dedicated to the study of political transnationalism has made a significant effort to understand how and why migrants participate in their states of origin while also get involved in their societies of reception (Itzigsohn & Villacrés, 2008; i.e. Ostergaard-Nielsen, 2003). Evidence of this parallel participation at home and abroad has appeared in migration journals during the last two decades. And yet, the extent and contours of this phenomenon remain contested, such as the very range of practices and institutions that define political transnationalism. Scholars have focused on external enfranchisement. Of course, the very fact that migrants of first and successive generations can vote in their homeland is a breakthrough in the way states approach their relationship with their diaspora. However, external voting is but an (important) shade of the multicolor palette that depicts political transnationalism. External voting is a key part of the array of policies developed by states of origin to include their non-resident citizens into the homeland polity, but is one among not only various, but indeed many, components (Pedroza, Palop & Hoffmann, 2016; Pedroza and Palop, EMIX). With this article, we aim to contribute to broaden our knowledge about political transnationalism by looking at a further important mechanism of political

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participation that states of origin have developed in order to incorporate their emigrants abroad: consultative bodies.

Although some scholars study immigrant consultative bodies as a mechanism to incorporate the voice of immigrants in the state of reception (Andersen, 1990; Gsir & Martiniello, 2004), emigrant consultative bodies have fallen into the background in the studies on political transnationalism (Palop-García, 2017). This is surprising given that some scholars studying emigrant citizenship have portrayed emigrant consultative bodies as either an alternative to special representation of non-resident citizens (Bauböck, 2006, 2015) or an important co-component of a larger dimension of ‘external political citizenship’ (Lafleur 2013). To give a further impulse to the academic discussion, our particular contribution is to analyze the level of adoption of emigrant consultative bodies in LAC; observe their main characteristics and order them into a typology that allows us to better grasp their reach as forums for participation and representation of emigrant interests in policymaking.

Definition and aims of emigrant consultative bodies

Since literature on emigrant consultative bodies is scarce, we can extrapolate some insights from the studies of immigrant consultative bodies. These bodies are common across several European countries, where institutions at all government levels have included consultative bodies that constitute relevant channels of communication between immigrant populations and governments (Gsir & Martiniello, 2004). Experts have found them to be an important first step to improve the relationship between the two, but, more fundamentally, to give voice to the views of immigrants, especially because they are formally excluded from the democratic process to decision-makers (Andersen, 1990, p. 113). For an extrapolation to work, however, we must attend to the differences in the formal representation of these two groups (see Bauböck, 2005). Immigrants have got voting rights despite not being naturalized (i.e. as foreign residents) across a number of polities in the world, but these rights are overwhelmingly limited to local level elections, with less than a handful of exceptions in the world with national level voting rights (Pedroza, 2014; Waldrauch, 2005). Mirroring this, when emigrants are enfranchised, they overwhelmingly get active voting rights to elect national authorities, with few cases of subnational elections or passive voting rights being opened for emigrants despite their absence from the territory (Michael Collyer & Vathi, 2007). More importantly, there is a distinction to be made in the function that the consultative bodies are supposed to serve: regarding debates about the enfranchisement of immigrants, some opponents have argued that the extension of suffrage is not necessary, since they already have a voice within the policy-making process through consultative councils (Andersen, 1990, p. 115). This argument implies that consultative bodies are a substitute of voting rights -which we find highly debatable. Yet, before we engage in a normative debate on immigrant voting rights (see Pedroza 2019), there is a concession we are ready to make from the outset here: while immigrant consultative councils are a key channel to include the voice of people who are residents yet have no membership to the state (non-naturalized immigrants), emigrants are included in consultative bodies *by virtue* of their national membership in and absence from the state of origin. Their membership gives them in principle access to the state institutions in the same terms as other citizens, yet their *non-residence in the territory of the state* (past or present) is seen as a (further) reason to give them a special forum to voice their needs and interests.

The few studies on emigrant consultative bodies investigate them in conjunction with other mechanisms. Lafleur (2013, p. 139), in particular, has theorized that they are, together with emigrant



special parliamentarians, complementary parts of a dimension of “external political citizenship”. Lafleur argues that consultative bodies have two advantages over special representation in parliaments: one, that they are more open to collaboration because they are supposedly not aligned with party identities; two, that since they usually report directly to a governmental authority (i.e. Ministry of Foreign Affairs), their input has a closer connection with policy-making.

In his study of diaspora engagement institutions across countries, Gamlen (2008) registered whether consultative bodies existed, conceptualizing them as an extension of the political rights enjoyed by the diaspora, in the same category as dual citizenship and external voting provisions. Yet, he did not analyze the characteristics and opportunities they offer for the political participation to non-resident citizens. Furthermore, in their analysis of the emigrant policies of Colombia, Peru, Brazil and Uruguay, Moraes et al. (2009) investigated the challenges of emigrant advisory boards with regard to politicization or co-optation by the state of origin, and competition between emigrant representatives (pp. 310-312). Analyzing Peruvian and Uruguayan consultative bodies Bermúdez et al. (2014) recognized that they enhance contact among emigrants residing in different locations (p.152).

Taking into account all of these contributions, we want to propose a definition of emigrant consultative bodies that will let us advance in understanding their varieties. We define them as *organizations the main goal of which is to represent in, and transmit the views of the emigrant community to, the policymaking process of the state of origin*. The point we want to make from here onwards is that *not all consultative bodies are the same*: they fundamentally differ from each other in their reach of influence and having clarity of such differences is key to understand what kind of representation and participation they can effectively offer in contrast to electoral and other forms of political participation across borders.

Main common and varying characteristics across consultative bodies

According to Pedroza et al. (2016), the first important characteristic to observe across emigrant consultative bodies is the government level in which they are located. They may be located at home, abroad or, potentially, in both, and the difference between the three possibilities is not trivial. Emigrant consultative bodies can be located at the national level or the consular level, as it is obvious that consulates often attempt to establish a relationship with the community of emigrants living in their district. This relationship is sometimes the first step in an institutionalization process that leads to the constitution of formal consultative bodies at the consular level across countries. However, the creation of consultative bodies at the national level is much more common as a means of establishing a further channel of communication to strengthen a connection with the diaspora in a top-down process. While both are consultative organizations, their aims can differ considerably, which explains that they are not functional equivalents, but that they can coexist. On the one hand, consular advisory boards generally aim to improve the status of the emigrants in the states of reception by, for example, increasing coordination between the consulate and local emigrant associations (also Hometown Associations)³. In other words, their scope of influence is restricted to the consular area. On the other hand, national advisory boards seldom focus on local issues, but

³ Hometown Associations (hereafter, HTAs) are emigrant organizations that, among other goals, may also voice the interests of emigrants towards states of origin. For us, what differentiates them from the consultative bodies that we study is that the latter are usually set up and highly constrained by regulations imposed by the state of origin (i.e. regulation on the scope, funding). Also, HTAs are forms of trans-local political participation constituted by a common local origin and interests. Consultative bodies, even if constituted at the local level (e.g. consular districts) are supposed to voice concerns that go beyond benefiting a particular community of origin.

on general policies that affect the community of nationals abroad as a whole. In this sense, national advisory boards can act, if they have the adequate setting, as mechanisms of representation of emigrant interests at the national level and an interlocutor vis-à-vis with national authorities.

The second important distinction across consultative bodies that Pedroza et al. (2016) proposed is their composition and selection. Consultative bodies can be composed of emigrants, authorities of the state of origin, or a mix of emigrants, members of the government, and other relevant stakeholders. Furthermore, they might be elected by emigrant themselves or selected (appointed) by authorities. Depending on that, they could be said to resemble the representation provided by external voting rights or provide a different kind of representation. Clearly, however, consultative bodies cannot possibly do the same as parliamentarians: they do not have direct power over the policy-making process (i.e. through law-making) but can only influence institutions within the executive power as much as they are entitled to (Andersen 1990, 113). That degree of entitlement is the third main characteristic that varies across consultative councils that and that we consider crucial to understand their degree of influence depends highly on the conditions of the consultation process. To measure the degree of entitlement of consultative institutions we should consider, for instance, the regularity of its reunions, and the enforceability of its recommendations (Palop-García, 2017; Pedroza, Palop-García, & Hoffmann, 2016).

Data

We mainly use the data provided by the EMIX dataset, which contains information about the emigrant policies adopted by 22 states in Latin America and the Caribbean (as of 2015) with detailed information about multiple of policies, such as external electoral rights, economic policies or, the focus of this paper, institutional consultation⁴.

The degree of adoption of consultative bodies in the region

In order to understand the relevance of the emigrant consultation in the LAC as compared, for example, to the adoption of external voting rights, it is useful to first get an idea of their degree of adoption. To that aim, we use the information provided by the Emigrant Policies Index (EMIX). This index, based on the study of 22 countries in the region, shows a clear difference in the degree of adoption of these two mechanisms: not only is the percentage of adoption of external electoral rights higher (almost 70% of the countries surveyed) in, with regard to emigrant consultation (40%), but the adoption of the latter is a much more recent trend.

Seven countries in LAC have created consultative bodies at the national level, usually embedded in the structure of the Foreign Affairs Office: Mexico, Brazil, El Salvador, Guatemala, Jamaica, Dominican Republic and Ecuador. They focus on issues that concern all the non-resident community, such as the regulations of external voting or dual nationality. In addition, four countries (Brazil, Dominican Republic, Peru and Uruguay) have created consultative bodies at the consular level. The consultation carried at this level focuses on specific issues that affect the emigrant community living within the consular demarcation, such as assistance and protection needs. A simple addition reveals that two countries have created consultative bodies in the two levels. Only Brazil and the Dominican Republic have a multilevel consultation system by which representatives of the consular consultative bodies participate also in the consultative body at the national level. Uruguay is an interest case of periodic aggregation of local-level consultation: though there is no

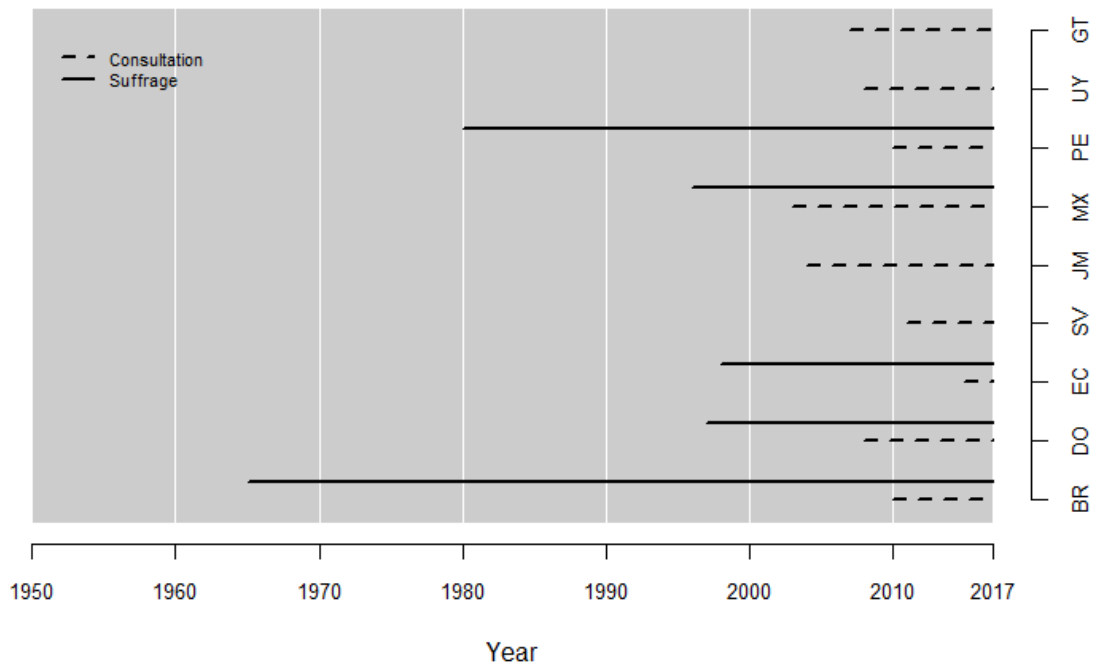
⁴ The data is available the GESIS Repository: <https://datorium.gesis.org/xmlui/handle/10.7802/1499>



institutionalized consultation at the national level through a permanent body, there have been at least three global encounters of the decentralized consultative councils in Montevideo to discuss a common agenda .

Figure 1 shows the date of adoption of external electoral rights and consultative bodies in each of the countries included in our sample. As it can be observed, there are four countries (Uruguay, Guatemala, Jamaica and El Salvador) that have created a consultative body for emigrants but have not extended electoral rights. In those countries, therefore, institutional consultation could have been introduced as a substitutive (and not a complement) of external electoral rights. The rest of the countries, Mexico, Peru, Ecuador, Dominican Republic and Brazil, have the two mechanisms. Interestingly, in all countries in which both mechanisms are present, suffrage was adopted before than the consultative mechanisms, so that the latter came as an additional forum for voicing the interests of emigrants in policymaking in the executive, not a precedent to their inclusion through the channel or direct popular elections.

Figure 1. Adoption of external electoral rights and institutional consultation per country



Source: Own elaboration.

Towards a typology of consultative bodies in LAC

As proposed by Pedroza et al. (2016), consultative bodies can be differentiated based on how their members are appointed and selected, who chairs their sessions, the regularity of their meetings, their ability to make recommendations, and their prerogative to receive an official answer from government authorities to enquiries they might have regarding emigrant issues. We propose to group these characteristics into two dimensions: (1) independence from government intervention and (2) degree of entitlement. Under the first dimension, we include the composition of the

consultative body, the selection process, and the leadership (see Table 1). We would consider a consultative body to be independent if it is composed exclusively by emigrants elected democratically by their peers, without state intervention, and the body is chaired by an emigrant. On the contrary, we consider that the independence of the consultative body is hindered if it is mostly composed by members of the government, chaired by a government representative, and if its members are appointment by authorities of the state of origin (e.g. consular personnel). Under the second dimension, entitlement, we include the regularity of the meetings (whether a meeting frequency is established by its regulations), and the two main competences that we consider crucial so that emigrant consultative bodies have an impact on policy making: the right to obtain a response from government authorities to questions raised by the consultative body and the right to make recommendations out its own initiative.

In order to be able to compare the countries along these two dimensions, using the data provided by the EMIX, we have created two indicators which range from -1 to 1, with -1 meaning the lowest score possible (less independence or the fewer degree of entitlement) and 1 the highest score (full independence and greater degree of entitlement). As Figure 3 shows, most consultative bodies located at the national level have a low score on the independence dimension (below 0). The only exception is the Brazilian consultative body. On the contrary, the four consultative bodies located at the consular level have a high score on independence. Regarding entitlement, we observe that all consultative bodies are located in the middle of the distribution. The only remarkable exceptions are Brazil, with the highest score on entitlement, and Jamaica and Ecuador, with the lowest.

Table 1. Main characteristics of emigrant consultative bodies

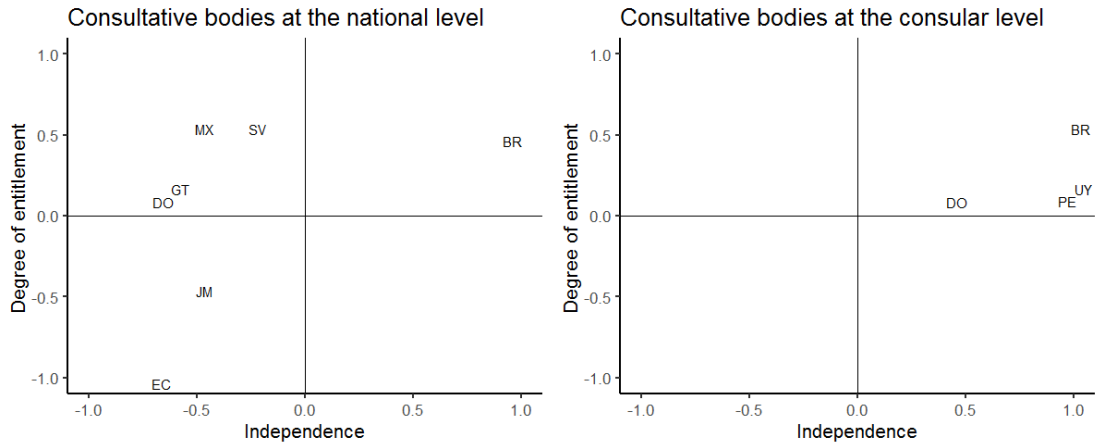
Dimension	Indicator	Items	Interpretation
Independence	Composition	Only emigrants	High
		Mixed	Medium
		Only government authorities	Low
	Selection process	Elected directly by emigrants	High
		Elected by emigrants, but appointed by authorities	Medium
		Appointed by authorities	Low
Chairmanship	Emigrant	High	
	Shared	Medium	
	Government representative	Low	
Degree of entitlement	Right to response	Yes	High
		No	Low
	Right of initiative	Yes	High
		No	Low
Regularity		Structural	High
		Mixed	High
		Ad Hoc	Low

Source: Own elaboration



Based on the scores, we have grouped the consultative bodies in three groups. The first group is characterized by consultative bodies with both a low independence and a low entitlement score. Jamaica and Ecuador are within this group. The second group, which is populated by most consultative bodies (Mexico, Guatemala, El Salvador and the Dominican national consultative body) is characterized by rather low independence, but at least one of the entitlements included in our scheme. Finally, the third group is characterized by both high independence and entitlement score. It is integrated by the consular consultative bodies of Brazil, Dominican Republic, Peru and Uruguay; and the national consultative body of Brazil.

Figure 3. Classification of consultative bodies regarding their influence and degree of entitlement



Source: Own elaboration based on the data provided by the Anonymized (XXXXANONYMIZED).

Limitations and Conclusions

In this paper we analyzed one of less studied institutional mechanisms developed by LAC states of origin to incorporate emigrants’ voices into policymaking: consultative bodies. We proposed that the study of political transnationalism must overcome the bias towards the sole analysis of external voting and start to include other institutional mechanisms of political inclusion, which might be a complement or a substitute of external voting.

We draw three key conclusions from the synchronic comparison of consultative bodies’ characteristics. First, that while external voting rights are the most extended mechanism of political incorporation of emigrants in the LAC region, emigrant consultation is being increasingly adopted (some diffusion mechanism could be behind) across the region, especially during last decade. Second, we made a theoretical proposal and applied it with a sample of cases, comparing consultative bodies along five different components. These are: level of consultation, frequency of their meetings, (s)election of their members, chairmanship, and policymaking rights. Furthermore, we proposed an aggregation of these components that reflects the entitlement capacity of these bodies in policymaking and their potential for institutionalization and ordered the sampled cases into a typology. Third, we found that consultative bodies found in LAC are very different from each other, with the implication that some really have a wide scope of influence and a strong mandate, and others not, as illustrated by varying degrees of independence and entitlement. This finding

strongly support the suggestion of Escrivà et al. (2009) that studies on emigrant institutional consultation need to account for the specific characteristics of each one and abandon the mere registry of the existence of such bodies in the form of a dichotomous indicator, as the latter practice risks putting in the same basket bodies that might be purely symbolic (with no independence and entitlement) with those that constitute an institutionalized channel of communication, outreach between and emigrants.

Based on the formal regulation of consultative bodies, our analysis has clear limitations, of course. We know that the implementation of the consultation deviates from the formal rules, and that these very rules are highly unstable. Questions for further research in the literature on migrant consultative bodies, which for reasons of space are beyond the scope of this paper, are: how embedded are consultative bodies within the decision-making process? Does more internal democracy in the selection/election of these bodies come at the expense of less influence? What difference does state funding make for their impact? Finally, related to methodology; how to measure their influence and impact on policies? We invite scholars to investigate them both in case studies and across countries. We hope that the typology we provide here will be a good starting point for case selection with different mixes of entitlement and independence.

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