



## Arab uprisings and the changing frontiers of transnational citizenship: Voting from abroad in political transitions



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### ABSTRACT

The uprisings that swept the Middle East and North Africa (MENA) region beginning in December 2010 set in motion a series of political transitions. One of the most striking elements in the post-spring 2011 experiences of the countries affected has been not only the holding of elections, but also the expansion of expatriate voting (EV) rights to include out-of-country voting (OCV). A close examination of the processes through which the right to OCV was secured and the forms of its implementation reveals an intriguing parallel with the depth of the respective country transitions. This article explores the involvement of emigrant civil society in securing OCV rights and in the process of voting from abroad, thereby expanding our understanding of the role of such rights in the critical category of countries in transition. The cases reveal how the extension of the right to vote from abroad redraws political boundaries. However, they also make clear that expanding the physical boundaries of participatory nationality does not necessarily translate into more meaningful transnational citizenship.

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The uprisings that swept the Middle East and North Africa (MENA) region beginning in December 2010 set in motion a series of political transitions. Tunisia, Egypt, Libya and Yemen have seen former leaders ousted or killed, followed by varying degrees of political restructuring, while Jordan and Morocco responded to demonstrations with incremental constitutional reforms.<sup>1</sup> In examining the record to date, one of the most striking elements in the post-spring 2011 experiences of four of these countries—Tunisia, Egypt, Libya, and Morocco – has been not only the holding of elections, but also the inclusion of nationals resident outside the national territorial boundaries in the voting.

An examination of the specifics of each of these state's policies toward out-of-country voting (OCV) rights reveals an intriguing parallel with the depth of the respective political transitions. On the one end of the spectrum is Tunisia where, although many challenges lie ahead, the process has clearly come the farthest: not only were the president and his ruling clique overthrown, but also active and continued civil society demonstrations forced out much of what remained of the upper levels of the *ancien regime* in an effort to secure the basis of a more pluralistic political order. In Egypt, on the other hand, as the first free elections (parliamentary, presidential, and constitutional referendum) and the reactions to them have demonstrated, the trajectory of the transition has been more

uncertain: some top former regime members are in jail, awaiting trial or, in exile, but the country's massive military establishment remains in place, having in July 2013 ousted the country's first civilian president who had been freely elected only a year earlier. Finally, at the other end of the spectrum is Jordan, where demonstrations demanding reform were far less extensive and intensive, and where in response, limited electoral reforms and new parliamentary elections were held, but OCV was rejected.

The discussion below seeks to deepen our understanding of the impetus behind and the role of OCV in the critical category of countries undergoing political transitions in the context of the regional uprisings. The cases reveal the varying importance of domestic and expatriate civil society actors – as well as institutions external to the national community – in decisions regarding according OCV rights. They also demonstrate how the different ways in which OCV is structured redraws political boundaries thereby reshaping civic and identity frontiers.

### Transnationalism, the state and voting from abroad

With the exception of a large literature on remittances and their impact on the sending state, scholarly interest in communities of emigrants abroad or diasporas<sup>2</sup> long focused largely on their impact on the receiving state. The groundbreaking work by Basch, Glick Schiller, and Szanton Blanc (1994: 7) shifted attention to transnationalism, which they defined as “the processes by which immigrants forge and sustain social relations that link together their

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societies of origin and settlement”. One of the most important contributions of the early transnationalism literature was its criticism of traditional works on migration for their assumption of a clear dichotomy between sending and receiving states. Such an approach lacked the tools necessary to deal with what they argued was a more fluid, transnational existence characteristic of many of today’s migrants.

While a few of the early studies of transnationalism gave at least passing consideration to the means by which the state was involved in expatriate affairs, it was not a primary focus of works most interested in the multiple ways in which migrants negotiated social, cultural, economic and other identity ties between their country of origin and the countries of reception (Basch et al., 1994; Smith & Guarnizo, 1998). To the extent that the state was addressed in this literature, it was most often the host or receiving state, which was regarded as an entity whose political boundaries transmigrants transgressed or whose attempts at control they subverted in myriad ways.

However, proclamations of the death of the state were soon demonstrated to be exaggerated, and scholars increasingly turned their attention to the ways in which the state instead was reconfiguring itself (Willis, Yeoh, & Abdul Khader Fakhri, 2004) in an era of increasingly powerful sub-, trans-, and supra-national actors. Among the scholars of transnationalism, Itzigsohn (2000) and Smith (2003) were among the first to seriously engage the role of the state, in both sending and receiving countries, in the lives of emigrants. However, it was Bauböck (2003: 709) who highlighted the striking dearth of literature on sending country behavior in particular, and proposed three instrumental reasons for state interest in expatriates: “human capital upgrading”, meaning the potential positive impact back home of expertise migrants would gain from their time abroad; remittances, the moneys and other more concrete forms of material transfer with their implications for raising both the standard of living and the levels of official foreign currency reserves in the sending state; and the political lobbying of receiving-country governments by migrants on issues of particular concern to the state of origin. Since then, an increasing number of works has expanded upon this formulation to enrich our theoretical and empirical knowledge of state–expatriate relations, with an emphasis on the range of sending state institutions and policies aimed at emigrants (Brand, 2006; Choate, 2008; Fitzgerald, 2008; Iskander, 2010; Varadarajan, 2010). The nature and function of such institutions, manifestations of what Gamlen (2008) calls the “emigration state” vary widely, from separate ministries established to deal with expatriate affairs, to specialized bureaus and programs offering cultural, language and religious support, to extensions of ruling parties or the intelligence services intended to surveil the emigrant communities.

In addition to special and specialized institutions, there is a range of privileges that states may extend to emigrants, from tax incentives for investment and preferential interest rates for bank accounts to dual nationality (Aleinikoff & Klusmeyer, 2000). Increasingly common as well is the extension of the vote to nationals living abroad. This right was first granted by Australia in 1902, but in the early decades of the 20th century only a few countries followed suit, generally offering the franchise to members of the military or other government employees stationed abroad (Sensenig-Dabbous, 2005: 6). Not until the 1980s did the phenomenon become more widespread, and what followed in the 1990s was a dramatic increase in the number of countries that devised a variety of arrangements, depending upon the types of elections in which the expatriate is permitted to participate, the eligibility requirements, as well as the mechanics and logistics by which the vote is carried out. According to the most comprehensive survey available, as of May 2007, 115 countries and territories had extended some form of this right (IDEA, 2007).

## Explaining voting from abroad

Despite its growing practice, extending the vote to nationals resident abroad often elicits controversy, most obviously because it upsets in a stark and very political way the traditional notions of “the people” or “the nation” as physically bounded by officially recognized borders controlled by a sovereign state. In addition, however, on a practical level, opponents express concerns regarding electoral transparency or administration outside national territory. They also argue that residency in-country has long been viewed as a condition for voting and that one should not have the right to vote for officials whose decisions are not binding upon the elector (IDEA, 2007: 75). Supporters, on the other hand, generally base their arguments on normative claims of the rights of citizens, regardless of place of residence, to participate in the political process. Those who have maintained ties with the homeland through sending remittances make further claims based on rights deriving from the provision of financial support (Nolan & Grotz, 2000: 1136). Thus, although it raises numerous policy issues, OCV remains poorly understood, as the case study literature attempting to explain when and why governments make the decision to extend the vote as well as the specific arrangements that are chosen to accomplish this remains limited and overwhelmingly focused on the Western Hemisphere and Europe despite how widespread the practice has become.

Some studies proposing an economic rationale have attempted to locate the according of OCV in historical context, suggesting that in a climate of global neoliberalism states employ a range of “extraterritorial citizenship strategies”, among them, extension of the franchise to nationals residing abroad, to enhance their competitiveness (Gamlen, 2011; Ho, 2011; Larner, 2007). Taking another approach, Collyer and Vathi (2007), tested for OCV’s correlation with remittance levels in the context of relatively large expatriate populations. However, their results show no statistically significant relationship between extending the franchise and emigrants as a percentage of the total population. Nor do they find a statistically significant relationship between legalizing OCV and the levels of total remittances, remittances as a percentage of GDP, or remittances per capita. They do suggest that the ties between the home government and the emigrants are likely to be more important than these other “more neutral” factors, but do not attempt to explore this further. Moreover, important as such an investigation is, it captures only one point in time, and while it may establish or undermine hypothesized correlations, there is no reason to suspect that the factors behind the initial extension of OCV necessarily remain constant.

Regime type, on the other hand, is a potential explanatory variable that has been largely ignored. Most states that have extended the franchise have been democracies, and hence some have made an argument (drawing on Marshall, 1964) about the enfranchisement of expatriates as a next stage in a linear progression of offering fuller rights to all citizens (Rhodes & Harutyunyan, 2007). Yet, even a brief survey of OCV practice among democracies reveals such wide variation in the timing and provisions of its introduction as to severely problematize this model. While detailed studies are not numerous, the decision to expand the franchise to communities abroad has, at least in some cases, been a function, not of the logic of a gradual expansion of rights, but rather of the impact expatriate electors were expected to have on the outcome of the balloting at key junctures (IDEA, 2007; Sensenig-Dabbous, 2005).

Just as important in countering this assumption is the fact that a significant number of countries that have implemented OCV—including some of the earliest examples, such as Algeria and Indonesia—have been authoritarian regimes, not democracies. Brand (2010a) examined a subset of these states and found that

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