

TRANSNATIONAL CITIZENSHIP: MULTIPLICITY OF RIGHTS, RESPONSIBILITIES AND OPPORTUNITIES

■ Marco Fedi

Italy's citizenship laws are moving towards jus soli for migrants to Italy and to accommodate dual citizenship for people of Italian origin living abroad. MPs elected from abroad have made Italy governable and fuelled interest in transnational citizenship. This gives social, political and cultural dimensions to the concept of globalisation which has hitherto been dominated by economics. This is a positive change. The only threat to democracy comes not from transnational citizenship but from an excessive concern with the national interest.

The Italian Government recently introduced urgent changes to its citizenship legislation in order to align this legislation with a European directive that imposes important innovations in respect of immigrants and their children.

The changes dictated by the EU allow immigrants with a regular resident visa, who have resided in Italy for a minimum of five years, to apply for Italian citizenship. A child, born in Italy, of an immigrant parent who also has a legal resident visa and has resided in Italy for a minimum of five years, is an Italian citizen at birth. Citizenship is the recognition of full membership of a society, with rights and duties, responsibilities and opportunities. Voting rights are very much part of this framework.

I started from this important and positive change because it is imperative for the Italian Government and the Italian Parliament to promote the integration and full participation of immigrants in Italian society. Italy can prosper and grow as a multicultural nation but it has to adopt multicultural policies and has to start challenging old views that tend to favour jus sanguinis over jus soli. We have to find answers to recognise that both principles can be part of innovative citizenship legislation.

The Italian Government, in 1992, recognised the importance of dual citizenship and, from the 15th of August

1992, any Italian citizen who has acquired the citizenship of another country maintains his or her Italian citizenship.

Before 1992 those who decided to become citizens of another country, or whose parents had so decided, lost their Italian citizenship. The new legislation recognised that becoming a citizen of another country was necessary for the full participation and integration in the society of residence. It also allowed those who had lost Italian citizenship to reacquire it by lodging an application. But this was a temporary measure that disappeared in 1997 after five years. This left a large proportion of the Italian Australian community without dual citizenship because the fear of losing their Australian citizenship had deterred many from applying to reacquire their Italian citizenship.

In 2002 the Australian Parliament, finally, recognised the importance of dual citizenship. Today we have a situation where both citizenship legislations have responded to the needs of modern citizens, whose global mobility can be further assisted by dual citizenship. We have been unable, however, to rectify the position of those who lost their Italian citizenship by becoming Australian citizens before 1992. Their call for attention, on the part of the Italian Parliament, is strong and loud: it is the major policy change that the Italian Australian community has pledged to work

for since 2002, and is still lobbying for, today.

The normality of voting should not be overshadowed by an exceptional system. Many countries have adopted laws to allow their citizens living abroad to vote at the time of a general election. Italian citizens living abroad have always had the right to vote but they had to travel back to Italy at election time. This solution did not comply with a constitutional mandate 'to facilitate the participation of all citizens [including those living abroad] in the political and electoral process'. If Italians abroad were to participate in the electoral process, there were two options: voting for candidates in the Italian national electoral divisions or electing our own representatives in a foreign division.

Partly because of a growing concern about the possible impact of voting for the Italian national divisions, the Italian Parliament opted for the second solution.

It made sense; electing members of Parliament from abroad would be in line with the newly adopted majoritarian national electoral system. It would give Italians abroad an original voice in Parliament, and it would reduce the risks of seriously affecting the electoral results—especially in the areas of Southern Italy where there had been strong emigration.

The Italian Constitution was modified twice, in three articles, to introduce the overseas division and allocate twelve members of the Camera dei Deputati and six members of the Senato della Repubblica to this division: the Constitutional Law of 17 January 2000, n. 1, which modified article 48 of the Constitution establishing the overseas division and the Constitutional Law of 23 January 2001, n. 1, which changed articles 56 and 57 assigning 18 parliamentarians to the overseas division. This system was born from a bipartisan approach, when the

centre-left was in Government. The centre-right introduced the ordinary bill of 27 December 2001, n. 459, that established four macro divisions: North America, Europe, Latin America and the combined division of Africa, Asia, Oceania and Antarctica. Postal voting was also introduced, for the first time in an Italian electoral law.

The innovation proved positive. Successful candidates from the overseas divisions in the 2006 election gave Romano Prodi's Government an opportunity to have a majority in both houses and we, the MPs elected from abroad, made Italy governable. We can bring about changes in many areas and give a voice in Parliament, a strong voice, to the Italian communities abroad. We have also generated interest in transnational citizenship within the Australian Government, media and public opinion, as well as with the Italian media and Italian public opinion.

We have maintained that interest because transnational citizenship is connected to many ideas, such as the concept of world citizenship, a closer world defined by the boundaries of humanity, dignity and solidarity, rather than by national citizenship alone. The concept of dual or multi participation has already been explored with bilateral agreements and multilateral cooperation. It is now seen as a new way of responding to diverse but converging interests. The concept of solving tensions and conflicts in the world with multilateral work and supranational instruments like the United Nations goes well beyond the traditional boundaries of the traditional nation-state.

The financial and economic sectors have dominated the global dimension of our lives. We have witnessed a dramatic shift from the traditional methods of production, distribution and sale of services and products to new concepts.

These new concepts recognise and take full advantage of the world opportunities provided by open markets, liberalised economies, closer economic ties between individual countries and supranational organizations, bilateral and multilateral agreements, and a more mobile and flexible world workforce.

The dangers of such a dramatic shift have been at the centre of the anti-globalisation movements and will play an important role in shaping national and supranational policies in the future. Establishing international parliamentary representation, within the limited boundaries of a national, European Union member-state, like Italy, is nevertheless an innovative and unique development in seeking political, social and cultural answers to the globalisation imperatives.

This reality of globalisation requires open discussion and politicians should not be afraid of challenging old views. 'No representation without taxation', the view that democratic representation should be linked to taxation, is an innovative change from the original 'no taxation without representation', a catch cry that originated within national boundaries. Today the issue of taxation is transnational by nature, not

only because of the existence of many bilateral and multilateral taxation treaties but most of all because of the nature of the global economy with multinational companies deciding where taxation is due. Italian citizens residing in Australia are liable to pay tax according to the rules set in the bilateral taxation treaty between Italy and Australia.

In terms of 'national interest', we are already responding to various calls: local, provincial, regional, state, federal or supranational, like the European Union, the Commonwealth, or the United Nations.

Does this response to various calls represent a threat? Is it a threat to democracy? Or to individual rights? Does it limit the capacity of a state to serve and protect its citizens?

The only threat to democracy or to individual rights or to the capacity of the state to serve and protect the community, the only serious threat, is an almost absolute and always excessive concern about national interests.

I have no doubt that this first parliamentary experience will be positive. It will build a strong precedent, not only in the Italian electoral system but also in the collective experience of this generation.