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“Swing States” and Contending Visions of Regional Integration in the Western Hemisphere:*
Competing Approaches to Migration Policy**

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“Swing States” and Contending Visions of Regional Integration in the Western Hemisphere¹

Three competing integration projects have emerged in the Western Hemisphere since the 1990s: one proposed by the United States (the FTAA, which began with the Summit of the Americas in 1994), one initiated by Venezuela (launched with the Bolivarian Alliance in 2001), and one led by Brazil (centered on Mercosur since 1991, as well as Unasur since 2008).

Recognizing that most economic researchers have defined integration in terms of the share of intraregional total trade, while many political researchers have understood regional leadership in terms of victory in bilateral disputes, we propose a definition that is both broader and more focused on substantive policy processes and outcomes. We conceptualize successful *regional integration* as increased policy consultation, coordination, and cooperation. We use the term *regional leader* to refer to a state that effectively promotes institutionalized and democratic processes for dispute settlement, rather than one that necessarily prevails in a preponderance of specific bilateral disputes.

Decisions about the form of regional integration likely in South America in the 21st century ultimately will fall not to the would-be leaders of the three contending projects, however, but instead to the other large states of the hemisphere: Canada and Mexico in North America, and Argentina, Chile, Colombia, and Peru in South America. Our larger project analyzes the incentives and tradeoffs that the three possible types of integration present to state officials, business leaders, and other political actors in these “swing states.” We argue that the Brazilian vision of an exclusively South American region, forming a loose but sometimes consequential

¹ The larger project entitled “Swing States” and Contending Visions of Regional Integration in the Western Hemisphere” is co-authored with Leslie Elliott Armijo.

bloc in the global political economy, is more likely than either the hemispheric region preferred by the United States or the Latin and Caribbean region promoted by Venezuela.

We base this argument on analysis of the developments of the three respective visions in the following sectors: energy, finance, migration, and security. The following paper presents work in progress on migration policy.

Competing Approaches to Migration Policy in the Americas

States generally resist relaxing their control over the movement of people even more than they resist the movement of goods or money.² This makes migration an especially appropriate policy arena in which to evaluate the extent to which regional integration in the Americas has occurred, as it exposes our arguments to a tough test.

Our approach to migration policy considers three categories of rights especially important: travel rights, labor rights, and political rights. Travel and labor rights are affected by policies governing the movement of people across national borders for a range of time and purposes, from short vacations to permanent migration in response to employment opportunities. We define political rights as people's opportunity to participate in politics and influence policy-making that affects them. Although political rights include more than voting, the latter is especially crucial. In the context of regional integration, the effective provision of political rights may require innovations, such as immigrant voting³ or international absentee voting.⁴

Migration is a topic that is often sidelined in mainstream political science.⁵ In keeping with this general tendency, much of the work on regionalism (outside the European Union) is also relatively silent on the subject. Ultimately, however, collective resolution of the rights and responsibilities of people traveling across borders is absolutely core to regional integration. In economic terms, easing restrictions on migration improves economic efficiency and makes people's lives better. Furthermore, basic democratic theory implies that economic integration of large numbers of people who lack political and other citizenship rights within the major

² See Rodrik (2001) and Bhagwati (2003).

³ For an exploration of the causes of immigrant enfranchisement, see Earnest (2008).

⁴ See Bauböck 2005, Ellis, et al., 2007 and Rhodes and Harutyunyan 2010.

⁵ See Bleich 2008 and Rhodes and Harutyunyan 2010)

governance institutions setting economic regulatory policy for the geographic territory is normatively problematic.

The most advanced experiment in regionalism in the world, the European Union, has sought to correct this “democratic deficit”⁶ by creating a kind of “European citizenship” in the Maastricht Treaty (1992). The Schengen Agreement (signed by five European countries in 1985) reduced the importance of national borders by ending border controls in an incremental fashion. The European Union’s Amsterdam Treaty (1997) incorporated the Schengen Agreement into the regional organization. In December 2007, the agreement’s provisions were expanded to nine Eastern European countries. Although there are some exceptions⁷ and qualifications, the outcome of the Schengen process has been that within the region’s borders member-state nationals’ right to move and to work is essentially unrestricted.⁸ Furthermore, in addition to political rights within the EU institutional apparatus, citizens from any EU member state have the right to vote and run for office in other states.

In this chapter we compare regulatory and policy frameworks for migration in each of the three alternative integration visions of integration in the Americas. We discuss how each vision considers the particular questions of travel, labor, and political rights across national borders. We find that there are very large distances between the three visions. The NAFTA project is highly restrictionist, treating migration as a kind of untouchable exception. ALBA’s leaders are visibly critical of the US position, but ALBA has done little in the way of coordinating migration policy internally. Meanwhile, the MERCOSUR project has begun out what almost might be called a

⁶ There is an EU literature on the “democratic deficit.”

⁷ Some EU member states, such as Britain, Romania, and Bulgaria, are not part of the Schengen area.

⁸ “Open borders” within a regional organization do not imply a lack of restrictions on would-be migrants or workers from non-member states. The idea of a “Fortress Europe” closed to outsiders has developed along with the expansion of the Schengen area. See http://www.eurotopics.net/en/archiv/magazin/politik-verteilerseite/festung_europa_2007_08/debatte_festung_europa_2007_08/ (accessed May 31, 2010).

quiet revolution, or experiment in formally permitting free movement in people across borders. MERCOSUR has quietly removed most significant legal barriers to temporary and permanent migration between its country members. Although there is no “MERCOSUR citizenship” comparable to “European citizenship,” South American countries seem to be quite comfortable with immigrant and emigrant voting.

We conclude that this crucial aspect of South American integration is likely to continue. In contrast, ALBA is extremely unlikely to persuade the US or EU to abandon restrictions on migration from outside their respective national or regional borders. Moreover, ALBA policymakers have not really articulated a policy for free movement of citizens and workers among the countries of their own bloc. Meanwhile, domestic political forces within the US make consideration of even very mild migration policy changes within the NAFTA-plus framework unlikely.

The Nature of Migration Flows and Regional Policies in the Americas

Latin America, especially Argentina, Brazil, and Uruguay, was an important destination for European migration until the mid-twentieth century.⁹ In the second half of the twentieth century, large numbers of Latin Americans began to migrate to advanced industrial countries. Greater intra-regional migration occurred at the same time. The rate of growth of this migration was highest in the 1970s, although it continued in the two subsequent decades (Maguid 2005).

US concern about the large number of (documented and undocumented) Mexicans who have migrated there in recent decades dominates how the question is approached in the NAFTA. In contrast, the two South America-based integration projects are influenced not just by the

⁹ In those years, the promotion of immigration for national development reasons was often an official goal for South American governments. In the 1990s, only Bolivia had such a policy (Mármora 1993).

treatment of immigrants from the region to developed countries (in both North America and Europe) but also by intra-regional migration. In the ALBA countries, the existence of forced migration from the war in Colombia affects the tenor of discussions. MERCOSUR has mostly to deal with intra-regional economic migration (largely to Argentina, but also to Chile and Brazil).

Migration Policy in the FTAA Project (or NAFTA-Plus)

The migration question was not mentioned in the negotiations of NAFTA or CAFTA. On the US side, reducing unwanted (legal and/or illegal) immigration from Mexico was, at least implicitly, one of the reasons for negotiating the agreement. The negotiations came on the heels of the 1986 immigration reform, which included an amnesty program for those who had illegally immigrated to the United States.¹⁰

NAFTA did not have the effect of reducing legal or illegal immigration to the United States. In the years following the agreement, average yearly immigration increased by a fifth, from 400,000 to 500,000. Between 80 and 85% of those migrants liked documentation (*New York Times* 02.18.2007). Currently, some twelve million Mexicans reside illegally in the US.

Even so, the booming US economy of the 1990s may have contributed to a perception on the southern side of the border that the US would be open to negotiating a migration agreement with Mexico. Vicente Fox seems to have believed George Bush would be amenable to such a deal. These hopes were, of course, dashed with the policy shifts that followed the terrorist attacks in New York and Washington of September 11, 2001. In the years that followed, border security became a politically prominent issue in the US. The US also emphasized the importance of border surveillance in its foreign policy, including in the Latin American region. In large degree

¹⁰ The Immigration Reform and Control Act (IRCA) made it a crime for employers to knowingly hire people without legal authorization to work and provided a path to legalization for people who had resided illegally in the US since 1982. Nearly 2.7 million people were legalized under the program.

as a response to US pressure, in the years after 2001 Latin American countries implemented stricter border security measures.

President George W. Bush was unable to implement an immigration reform. It remains unclear whether the administration of Barack Obama will be able to do so, but events in the US states (such as Arizona's strict provisions against immigrants) seem to be pushing Obama towards taking some action.

Thus, the NAFTA project is characterized by an avoidance of any mention of travel and labor rights. NAFTA seemingly avoids a "democratic deficit" by claiming that NAFTA-level bodies set economic regulatory and other public policies for the entire NAFTA region. In practice, however, the vast majority of economic regulatory policy in North America is set within the US, whose representative institutions (ostensibly having ultimate oversight over public policymaking, even where the latter is done by administrative rule-making and implementation in the unelected bureaucracy) are open only to US citizens.

Other important points to consider within the NAFTA project are Mexican policies toward illegal immigration, which are harsher than US laws. Central America has similar concerns. Costa Rica, which historically has been open to other Latin Americans, has adopted stricter policies in recent years. In contrast, Nicaragua recently announced that a policy of greater openness toward citizens of any country, which provoked concern in Costa Rica.

Migration Policy in the South American projects

About 75% of all Latin American emigration goes to the United States and much of the rest is in Europe.¹¹ The situation of these migrants is of concern to Latin American governments of all political stripes. It has become customary at Latin American meetings to criticize

¹¹Statistics on Latin American migration are available from CEPAL.

restrictive measures against immigrants in wealthy countries. There was widespread Latin American condemnation of the European Parliament's 2008 decision to permit long detention and deportation of illegal immigrants.

However, both ALBA and MERCOSUR are also directed toward trends in South America. Although of a smaller scale than in the rich countries, the issue of migration in the region is a significant one. According to CEPAL, in 2006 there were three million intraregional immigrants in Latin America, most of them undocumented (*La Nación* 24.06.2007).

This intra-regional migration has long been a topic of discussion within the region. For example, it was mentioned in the Andean Pact in the 1970s. However, various discussions and conferences did not produce any actual policies (Kratochwil 1993). The matter of "libre movilidad en el ámbito sudamericano" was also mentioned in a series of meetings between the Andean Community and MERCOSUR. While the ALBA project continues the rhetorical emphasis on migrants' rights, only MERCOSUR has implemented formal policies that lead to the weakening of national restrictions on immigration.

Migration Policy in the ALBA-plus Project

Since the 1990s, Venezuela has been a source of middle-class emigration to developed countries such as the US and Spain. Venezuela also has, like Argentina, historically received immigration from other countries in Latin America and elsewhere.

The country continues to have a relatively open approach to migration and citizenship. In the early 2000s, about 9% of the Venezuelan population was foreign born (*La Nación* 27.09.200). In 2004 it implemented an apparently very inclusive plan to “regularize” foreigners residing in the country. As part of this program, in July 2004, Chávez granted citizenship to 220,000 undocumented people residing in Venezuela. The timing of this decision (one month before a national referendum on his administration) suggested a direct political motive for the policy (*La Nación* 24.06.2007).

There are 200,000 Ecuadorians in Venezuela, and they have been the subject of recent talks between Chávez and Ecuadorian president Rafael Correa.

Colombia is the largest sending country in South America, with 700,000 emigrants in the region. Of these, 90% live in Venezuela (*La Nación* 24.06.2007). Many of the rest (some 50,000) are in Ecuador. In April 2007, Ecuadorian President Rafael Correa launched a policy called “Plan Ecuador,” which called for tighter border controls and the granting of refugee status to Colombians forced across the border by violence (*La Nación* 24.06.2007).

ALBA leaders, especially Chávez but also Evo Morales, have been very vocal in their criticism of how immigrants are treated in the richer countries. Chávez threatened to take commercial action against Europe in reprisal for its 2008 policy. US rightwing groups accused

Chávez of interfering in US politics by supporting the “Day without Immigrants” protest in 2006. Chávez criticized Arizona’s recent measures.

In very recent years, ALBA has made some formal declarations about migration. In Maracay, Venezuela in June 2009, the ALBA countries condemned “discrimination against migrants of any type” and agreed to the principle that “migration is a human right.”

In Cochabamba, Bolivia, on October 17, 2009, the ALBA published three resolutions related to migration. The first (number 17) criticized the US and the EU for restrictionist policies. It called for an end to mass deportations and the wall on the US-Mexican border. It also singled out US policies toward Cuban migrants, including the “Law of Cuban Adjustment” and the “wet feet-dry feet” policy. The second (number 18) called for international cooperation to achieve a more humane approach to migration. The third (number 19) voiced support for efforts to combat human trafficking in Latin America and the Caribbean.

Migration Policy in the MERCOSUL-Plus Project

South America has experienced both extra-regional migration (generally to advanced industrial democracies) and intra-regional migration. For several decades Argentina has been, in the words of one analyst, “el corazón del pequeño subsistema migratorio del Cono Sur” (Maguid 2005). This trend began in the 1960s. The convertibility (of peso to the dollar) policy especially benefited migrants, but the labor market has been the most consistent attraction.

Of the MERCOSUR and associate countries, Argentina was the only one to experience an increase in population as a result of in-migration. Uruguay had the largest population losses due to emigration (Maguid 2005).¹² Paraguay and Brazil also received some intra-regional

¹² As Maguid (2005) points out, of the greater MERCOSUR countries only Peru and Bolivia still have relatively high fertility rates.

migrants.¹³ Argentina was a sending as well as a receiving country; in the early 2000s, Argentines constituted the only important group of migrants in Bolivia, Uruguay, and Chile (Maguid 2005). Improving economic conditions in Chile have made that country a more important destination since the mid 1990s.

In spite of the extent of ongoing intra-regional migration, the MERCOSUR project paid scant attention to migration for the first decade and a half of its existence. The only possible reference to migration in the beginning of MERCOSUR is a reference in the founding chapter to the “libre circulación de ...factores productivos.” No specific task forces or working groups were devoted to migration; however, the subject was relevant to groups on border security, labor, and social security.

The earlier years of MERCOSUR were, however, marked by advances in border controls (Maguid 2005). Individual countries continued to have formally restrictionist approaches to immigration. Even in this context, migration continued.

The Residence Agreements for Nationals of State Members of MERCOSUL and Bolivia and Chile were signed in Brasília on December 6, 2002 and in Salvador da Bahía on November 8, 2002.¹⁴ (This did not include Peru, which became an associate member in 2003.) The MERCOSUR residence agreement grants the right to legal permanent residence (following a two-year period of temporary residence) in any of the member countries to both existing and would-be migrants (and all members of their immediate families) from within the region. The agreement further spells out that migrants have the same civil, social, cultural, and economic rights as natives, and that they must be treated the same in any labor legislation.

¹³ Border phenomena, such as the “Brasiguayos,” are an important part of this migration. According to Maguid (2005), the Argentine-citizen children of returning Paraguayan migrants constitute a significant portion of the foreign-born population in Paraguay.

¹⁴ Formally, there are two separate agreements: one among the full MERCOSUR members, and another that includes Bolivia and Chile. However, the terms of both agreements are very similar (Maguid 2005).

Argentina, Brazil, and Uruguay ratified the agreement within a few years. Paraguay ratified the agreement in July 2008.

About half of the 1,600,000 citizens of MERCOSUR countries resident in Argentina lacked documentation at the time. Thus, chief among the implications of the agreement was the regularization of the immigration status of 800,000 people in Argentina alone (*Clarín* 11.11.2002).

Other agreements related to migration include a separate agreement in 2003, which provided for the harmonization of standards for various professions. In 2008, the body passed an agreement over travel documents. These developments did not preclude even more attention to border security issues. For example, in March 2008 Brazil announced that it would require identification cards to cross its borders with Argentina.

Why did MERCOSUR begin to develop a coordinated migration policy? Mármora (2003, cited in Maguid 2005) argues that a “migration governability crisis” showed that the existing national-level policies were inefficient. This is similar to Bhagwati’s argument that economic integration makes it more difficult to control migration (Bhagwati 2003).

It is also likely significant that the greater MERCOSUR region had little or no instances of political or war-related migration at the time of the agreement. In 2002 there were about 7000 refugees in the six countries (*Clarín* 24.12.02). There were a few asylum applicants, mostly from other (non-MERCOSUR) Latin American countries.

Argentine leadership appears to have been fundamental to the MERCOSUR agreement (*Clarín* 09.11.2002). The residence agreement was apparently “planteada por Argentina” with the support of Brazil (Maguid 2005). It developed in the context of a meeting of interior ministers.

The importance of Argentine leadership suggests that an exploration of migration policy in that country is worthwhile.

Argentina historically welcomed European, not Latin America, immigration. The restrictiveness of Argentine migration legislation has generally co-varied with regime type (Maguid 2005). Amnesties for illegal migrants were implemented in 1958, 1965, 1974, 1984, and 1992 (Maguid 2005). A 1981 law denied illegal migrants the right to work or receive healthcare and education. This restrictiveness was gradually reduced after redemocratization, in part by means of bilateral agreements.

For example, in 2001 President De la Rúa signed a legalization agreement with Paraguay's President González Macchi, remarking that "Argentina tiene las puertas abiertas para los hermanos paraguayos" (*Clarín* 06.09.2001). This agreement had the effect of regularizing 400,000 Paraguayans in Argentina.

This is not to say that there has been a completely smooth political path to more liberal (at least within South America) policy in Argentina. In 1996 the Menem government presented a bill that would allow foreigners to vote in national elections (*Clarín*, 03.02.1999, editorial written by Carlos Menem). However, Menem's bill also contained provisions that the Cancillería opposed. The Alianza apparently accused his government of proposing racist and scapegoating measures. Menem's bill also apparently prompted concern on the part of Bolivia and Paraguay.

Argentina finally passed major new legislation, specifically designed to make national policy compatible with the MERCOSUR agreement, in 2003, during the government of Néstor Kirchner. Although it recognized migration as "un derecho esencial e inalienable de la persona," the new legislation was especially beneficial to citizens from MERCOSUR countries. The law suspended all deportation of South Americans, required education institutions to accept

foreigners, adopted the MERCOSUR program as Argentine law and, in a program called “Patria Grande” legalized hundreds of thousands of people from Bolivia, Brazil, Peru, Paraguay, Chile, Colombia, Ecuador, Uruguay y Venezuela.

There have been some practical complications, and apparently not all eligible persons have participated in the program. In 2010, there still were between 350,000 and 700,000 people from MERCOSUR and associate member countries residing illegally in Argentina (*La Nación* 02.06.2010).

Interestingly, Argentina promoted reform within MERCOSUR and changed its own laws while it was in the midst of severe economic crisis. The economic crisis and end of peso-dollar parity in Argentina reduced its attractiveness as a destination.

In June 2008, Argentine Chancellor Jorge Taiana criticized the EU’s “directive de retorno” on behalf of MERCOSUR and stated that Argentina had a migration policy “completely opposite” from the European one (*El Nacional* 30.06.2008).

Sweatshop immigrant labor is one of the few migration-related issues that have attracted significant media and public attention, usually in response to tragic or dramatic events. The Argentine-born Dutch princess Máxima Zorreguieta was visiting Argentina when a fire in a clandestine factory killed six Bolivians, including four children. She announced she would stop wearing designs by a certain clothing designer who had been accused of operating sweatshops that exploited immigrant laborers (*Clarín* 17.04.2006).

Turning to political rights, we now consider voting rules for emigrants and immigrants as well as “citizen forums” in the MERCOSUR. (*Work in progress...*)

Observations and Conclusions

Whereas discussion of migration in the NAFTA project is practically taboo, rhetorical attention to migration rights has occurred in the contexts where there is not such great asymmetry in labor markets (ALBA and MERCOSUR).

Real policy coordination (of travel and labor rights) has only occurred in the MERCOSUR project, at the initiative of the largest receiving country (Argentina).

Border security appears to both precede and accompany consideration of labor and travel rights. At least, this is true in the case of MERCOSUR, where the development of a migration regime has been accompanied by a trend toward stronger border controls.

Questions raised (*work in progress*)

Why did Argentina initiate the liberalization of labor and travel rights within MERCOSUR, and why did Brazil support this initiative? How important was Brazilian support? What role did the other countries play in these negotiations?

Rodrik (2001) argues that wealthy countries have restrictive immigration policies because those who benefit are not organized politically. Who benefits from the liberal politics in Argentina (and other countries), and how organized are they (and their opponents)?

What role did party and bureaucratic politics, as well as public opinion, play in the ratification process in the various MERCOSUR countries?

References

Books and journal articles

Bauböck, Rainer (2005). "Expansive Citizenship – Voting beyond Territory and Membership," *PS: Political Science & Politics* 38(4): 683-687.

Bhagwati, Jagdish. 2003. "Borders Beyond Control." *Foreign Affairs* 82 (1) (Jan/Feb).

Earnest, David C. 2006. "Neither Citizen nor Stranger: Why States Enfranchise Resident Aliens." *World Politics* 58(2): 242-275.

Ellis, Andrew, Carlos Navarro, Isabel Morales, Maria Gratschew, and Nadja Braun. 2007. *Voting from Abroad: The International Idea Handbook*. Mexico City and Stockholm; International Institute for Democracy and Electoral Assistance (IDEA) and Instituto Federal Electoral (IFE).

Bleich, Erik. 2008. "Immigration and Integration Studies in Western Europe and the United States: The Road Less Traveled and a Path Ahead." *World Politics* 60(3): 509-538.

Kratochwil, Hermann. 1993. "La política de Migración en el marco de las políticas de integración del Pacto Andino." *Estudios Migratorios Latinoamericanos* 8(23): 55-76.

Maguid, Alicia. 2005. "La migración internacional en el escenario del MERCOSUR." *Estudios Migratorios Latinoamericanos* 19(57): 249-283.

Mámora, Lélío. 1993. "Las migraciones en le proceso de integración de las Américas." *Estudios Migratorios Latinoamericanos* 8(23): 85-92.

Rhodes, Sybil and Arus Harutyunyan. Forthcoming, 2010. Extending Citizenship to Emigrants: Democratic Contestation and a New Global Norm. *International Political Science Review* 31 (September).

Rodrik, Dani. 2001. "Comments at the Conference on "Immigration Policy and the Welfare State." Trieste, June 23rd, 2001.

Newspapers

Clarín (Buenos Aires)

El Nacional(Caracas)

La Nación (Buenos Aires)

New York Times (New York)