3. Mercosur's post-neoliberal approach to migration: from workers' mobility to regional citizenship

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Over the last decade, the sluggish regional integration process in the Latin American Southern Cone has moved ahead more quickly, particularly in the migration policy area. Mercosur members have agreed several general and procedural norms, and related conceptual, procedural and institutional innovations have been made within this policy domain. These include major agreements on free movement and equal rights for member state nationals, residency norms and ongoing negotiations to put in place a statute on regional citizenship. The negotiation of migration issues has gained momentum and follows an unprecedented, relatively autonomous and fast dynamic, contrasting with the slow and conflictive negotiations that have taken place to achieve the bloc's economic goals, that is, the formation of a common market.

However, these developments have received little coverage in existing Mercosur literature. This chapter aims to unveil the factors that have made progress possible in the migration area and, in particular, the ideas informing these recent developments. It thus addresses the questions that guide this collective volume: is there a paradigm shift in Latin American migration policies? If so, does it represent a distinctive, liberal model? The chapter's main argument is that there has been a specific approach and dynamic in the negotiation of migration norms within Mercosur. Part of a new emphasis on the political and social agenda of the bloc, it is in sync with the populist and nationalist orientation of the political parties in government. Increasing cooperation around migration issues in a relatively short time has to be understood in the context of rebuilding governing coalitions along the lines of a post-neoliberal model linking domestic growth, equity and regional governance, and bringing the regulation of socio-economic relations back to the state. Far from representing a clear shift towards an unrestrictive open-borders approach, the ideas embodied in the new agreements combine various elements: a rhetorical emphasis on the defence of human rights and citizenship; a concern with maintaining domestic social order via border controls and

residency norms; and the expectation that a common (regional) position will enhance bargaining power in global forums.

The dynamic of recent negotiations illustrates the impact of transnational policy networks on the incorporation of human rights and multilateral management considerations, as well as governments' attempts to avoid the potentially disturbing domestic effects of intra-regional flows and to capture the benefits (mainly fiscal and electoral) of workers' mobility. A post-neoliberal approach has helped both policy advocates and political leaders to revive a moribund Mercosur and give it a discursive (presumably progressive, inclusive and pluralist) identity that can be taken to negotiations with the north.

The next section of this chapter gives an account of recent developments within Mercosur's migration policy area.[1] The second part discusses the reasons for the specific way migration policies have recently been negotiated among Mercosur members and what ideational factors underlie the emerging normative consensus.[2] The conclusion elaborates on the main findings and analytical contributions of this study.

Mercosur's re-creation?

Notwithstanding recurrent crises, the process of regional integration in the Latin American Southern Cone has proved resilient. From time to time, political commitment is renewed and a distinctive socio-political agenda (within which human mobility falls) has recently emerged. In particular, migration is now framed not just as a purely economic consequence of the free circulation of labour, but is rather seen from the socio-political perspective of the movement of people and citizens' rights across borders and within a single regional space.

Indeed, new conceptual, normative and institutional frameworks have emerged in the last decade at both the national and regional levels which reflect Mercosur's changing agenda and dynamics. This represents a major departure from the bloc's approach to human mobility, since migration was

1 This account and the empirical evidence build upon research conducted for a broader project, part of which has already been published in Margheritis, 'Piecemeal regional integration in the post-neoliberal era: negotiating migration policies within MERCOSUR', pp. 541–75.

2 To take ideational factors into consideration implies that interplay exists between ideas and material forces as a consequence of how actors interpret and give meaning to reality. It also recognises the socially constructed nature of actors and their identities and interests. In other words, ideas, beliefs, or knowledge broadly conceptualised, as well as the processes and agents associated with the acquisition and diffusion of it (for example, epistemic communities, transnational advocacy networks), shape how actors interpret and construct their social reality. In an examination of policymaking, ideas may be explored as reflected in at least three analytically different realms: policy solutions, problem definitions and public philosophies. See Béland and Cox (eds.) *Ideas and Politics in Social Science Research*.

not a priority for member states at the beginning of the integration process.[3] Back then, negotiations took place around the activities of ten working groups (there are 14 today), none dealing specifically with migration, which was only indirectly discussed in subgroups dealing with customs, border controls, labour, employment and social security. Following the signing of the constitutive Asunción Treaty in 1991, which was envisioned as the end of the transition period for the formation of the common market, people's mobility was conceptualised in terms of market mechanisms, that is, as a necessary complement to the free circulation of capital, goods and services within an enlarged area.

Given that the goal of forming a common market was not achieved, member states adjusted the bloc's objectives, time frame and institutional format at the moment of signing the Ouro Preto Protocol in December 1994. However, human mobility was still mainly understood as labour migration, and limited progress towards harmonisation of norms was achieved in this realm, except for an agreement on workers' social security. Only towards the end of the 1990s was the discussion of common social and labour issues intensified. A new commission in charge of labour migration was created and member states committed to upholding migrant workers' equal rights, to begin harmonising national norms on mobility, exchange information and coordinate actions on border controls, and to compile data about migration flows. The 1997 Multilateral Agreement on Social Security paved the way for further harmonisation. This agreement established common norms to guarantee the right to social security benefits for Mercosur nationals residing and working in a member state other than their place of origin. Also, in 1999, the Economic and Social Consultation Forum was created as an incipient mechanism to incorporate the views of social actors (for example, businesses and union organisations) in the policymaking process.

The Residency Agreement for Nationals of Mercosur Member States, signed on 6 December 2002, was a turning point in the harmonisation of migration policies. The accord reflects the renewed political impetus given to integration as well as marking the beginning of a period in which several accords on citizens' rights to residency, circulation, and other civil, social and cultural rights were negotiated. The Residency Agreement, which was also signed by the then Mercosur associate states, Bolivia and Chile, and ratified by all member states in 2009, reflects governments' intentions to redirect the integration process towards placing a strong emphasis on social issues as a remedy for the 'excesses' of the previous market-centred approach.

The agreement states the need to harmonise national legislation and establishes common norms for the regulation of residency issues, including

3 Maguid, 'Migration policies and socioeconomic boundaries in the South American Cone', pp. 259–80; Pérez Vichich, 'Fundamentos teóricos del tratamiento de la movilidad de personas en MERCOSUR', pp. 255–70.

requirements, procedures and residents' rights. It also proposes 'Mercosur nationality' as the criterion for residency (that is, nationals of a member state are entitled to legal residency in any other member state). Article 9 focuses on civil, social, cultural and economic rights for migrants and their families, including the rights to work, petition, mobility, association, religious practices, family reunion, remittances transfer, children's education and equality vis-à-vis nationals regarding labour legislation, wages and working conditions.[4] The agreement was the result of Argentina's initiative aimed at solving the problem of increasing numbers of intra-regional migrants in an irregular situation (that is, without the necessary documentation). It was negotiated in only four months, between August and November 2002, showing a strong bilateral understanding of the need to act on this problem.[5]

The agreement served as inspiration and basis for other norms. The Santiago Declaration about Migration Principles, adopted in Santiago de Chile on 7 May 2004, for instance, establishes basic principles of migration management to be adopted regionally and recognises migrants' rights and their multiple contributions to the development of home and host countries. The Residency Agreement has also served to structure Mercosur's stance in other regional and global fora.[6] The 2010 Mercosur Summit built upon the agreement when it approved a plan for the elaboration of a Citizenship Statute.[7] Such a project includes facilitating the free circulation of migrant workers, deepening the civic and social dimensions of the bloc and strengthening citizens' rights.

It is worth noting that the progressive tone of the Residency Agreement, leading towards an incipient notion of regional citizenship, has coexisted with other measures pursuing administrative and political goals that, far from breaking with the previous approach, reinforced security and control considerations. For example, in the early 1990s, negotiations to agree on regional identification documents took place; working groups were formed to elaborate norms on the matter, leading to an agreement on integrated controls in border zones. Mercosur member states also agreed on the implementation of an exit/entry card, and the establishment of regional information centres, that is, offices where identification documents could be checked. Some authors point out the securitising and restrictive character of these norms,[8]

4 See Agreement of Residency for Nationals of Mercosur Member States, Bolivia, and Chile, MERCOSUR/RMI/CT/ACTA no. 04/02.

5 Alfonso provides a detailed insider account of negotiations leading to the agreement. See Alfonso, 'Integración y migraciones. El tratamiento de la variable migratoria en el MERCOSUR y su incidencia en la política Argentina', pp. 48–52.

6 Ibid.

7 *El Universal*, 'Mercosur aprobará estatuto cuidadano para el año 2021'.

8 Aguirre et al., 'Migrantes y ciudadanos. Avances y contradicciones del MERCOSUR'.

which involve the police (and in some circumstances even the armed forces) in migration management.

Other norms also led to the implementation of selective mechanisms of exit/entry, such as the agreement on visa exemption reached in late 2000, which only targets migrant workers and short stays and allows member states to suspend the exemptions based on considerations linked to security or public order. Similar limitations are embodied in the Agreement for the Creation of a Mercosur Visa of 2003, the 2004 Agreement to Facilitate Entrepreneurial Activities within Mercosur, and norms affecting tourists, teachers and students. In other words, rather than a paradigmatic shift towards open-door policies, these agreements reflect a persistent concern with controlling human mobility and preserving governments' capacities to decide selectively on the movement and settlement of people across borders.

In late 2002 and almost simultaneously with the Residency Agreement, the Agreement on Regularization of Migration was negotiated as per Argentina's proposal to manage the increasing number of immigrants from neighbouring countries who did not possess the required documentation.[9] At the same time, attempts to harmonise border control procedures and to manage specific aspects of workers' mobility remain a constant.[10] Thus efforts to facilitate workers' circulation and legal residency have coexisted with increased state control of borders and selective measures, suggesting that states are motivated by both social and security considerations.

In addition, in 2003, consultation on migration matters was also encouraged within Ministers of Interior meetings – usually characterised by concerns about security issues – and especially within the Mercosur Specialized Forum on Migration, which replaced the Specialized Migration Working Group, and was charged with analysing migration trends and submission of proposals to be incorporated into the regional normative framework. The forum, which has promoted a social view of migration, is still active. Among other activities, it organises workshops and job training for officials, reinforcing the socialisation process described in the next section; it also elaborates on proposals to facilitate human mobility and combat human trafficking and monitors the effective incorporation of regional agreements on national legislation.[11]

The magnitude and potential implications of the above norms have gone largely unnoticed in political and academic discussions about Mercosur. Delays

9 See Foro Especializado Migratorio del Mercosur, Reunión de Ministros del Interior del Mercosur y Estados Asociados, Memoria Institucional, p. 27, available on the National Directorate of Migration of Argentina website at www.migraciones.gov.ar/foro_migratorio/pdf/memoria_institucional.pdf (accessed 10 Dec. 2014).

10 For a detailed account of these instruments, see Astur, 'Estado de avance de los acuerdos en material de facilitación de circulación de profesionales en el MERCOSUR', pp. 86–9.

11 Alfonso, 'Integración y migraciones'.

and challenges in implementation, a recurrent theme in Mercosur literature, are among the factors that have tended to obscure the relevance of these new norms.[12] Congress ratification of agreements has taken years in some member states, reflecting both the tensions between executive and legislative powers and the relative low priority accorded to migration issues. As the bloc's agreements would not enter into force if not ratified by all parties and Paraguay delayed the ratification of the Residency Agreement until September 2009, states meanwhile resorted to bilateral negotiations and accords. At the same time, the secondary role played by Congresses shows that political parties have largely been silent and disengaged from migration issues.[13]

Nevertheless, the new normative framework has had repercussions beyond Mercosur. Another rapidly growing integration scheme in the region, UNASUR (Union of South American Nations), built upon Mercosur's achievements in this area, when establishing in its 2008 constitutive treaty the development of South American citizenship as one of its main goals, underlining the importance of migration issues, free human mobility and citizens' rights. Several political declarations followed, reinforcing this commitment and the intention to promote a regional approach to migration management to be taken to negotiations with countries of the north. The decision to start working towards South American citizenship was formalised in late November 2012, and a working group established to produce a report and strategic guidelines.[14]

Despite remarkable advances in terms of intra-regional trade, Mercosur has undergone important setbacks. In that context, the harmonisation of migration policies stands out as both a new development and a promise to recreate the bloc. Mercosur faced significant financial instability in the region towards the mid 1990s, aggravated by recurrent commercial crises between Argentina and Brazil that forced them to adopt unilateral measures in contravention of regional agreements.[15] Stalemate and diplomatic tensions, together with lack of institutionalisation, have generated cautious if not pessimististic diagnoses as well as a copious discussion about the feasibility, redefinition and survival

12 For instance, according to information compiled by the Mercosur Secretariat, between 2000–04 only 40% of Common Market Council decisions, 23% of Common Market Group resolutions, and 43% of Trade Commission directives were incorporated into member states' national legislation as required by the regional agreements (quoted in Bouzas, 'MERCOSUR: regional governance, asimetrías e integración profunda', p. 11).

13 Maguid, 'Migration policies and socioeconomic boundaries in the South American Cone'; Novick et al., 'El proceso de integración Mercosur: de las políticas migratorias y de seguridad a las trayectorias de los immigrantes'.

14 See UNASUR/CJEG/Decision no. 8/2012.

15 Gómez-Mera, 'Domestic constraints on regional cooperation: explaining trade conflict in MERCOSUR', pp. 746–77.

chances of Mercosur.[16] Yet, the bloc's socio-political agenda has generated consensus and allowed for fast negotiations, thus offering a new source of impetus to the otherwise slow-moving regional integration process. These developments raise the question which will be addressed in the next section: what factors can explain significant regional integration in the migration policy area?

Explaining regional migration policies

Numerous national and transnational actors encouraged the incorporation of migration into the regional agenda. Indeed, new political and institutional discourses and institutions exhibit governments' political commitment to tackling problems created by increasing human mobility within the bloc. Epistemic communities and relatively close policy networks provided the necessary input, consensus and impetus to regional negotiations. Finally, Argentina's proactive stance and Brazil's acquiescence facilitated agreements in a relatively short period.

Why and how migration enters the policy agenda

Migration dynamics within the Southern Cone have recently acquired characteristics that contrast significantly with those of the past.[17] A renewed dynamism in intra-regional flows developed in the 1990s, with Chile and Argentina being the most important migrant-receiving countries. Various factors encouraged this development, namely differentials in labour demand, wages and exchange rates that momentarily improved migrants' capacity to save and send remittances, as well as existing migrant networks. Argentina has been the main receiving country of intra-regional migration for the last three decades, attracting 68 per cent of the intra-regional flows that took place in the early years of the 21st century.[18]

Intra-regional migration to Argentina persisted despite the fact that the neoliberal reforms of the 1990s imposed significant changes in the

16 Phillips, 'The rise and fall of open regionalism? Comparative reflections on regional governance in the Southern Cone of Latin America', pp. 217–34; Gómez-Mera, 'Explaining Mercosur's survival: strategic sources of Argentine-Brazilian convergence', pp. 109–40; Malamud, 'Mercosur turns 15: between rising rhetoric and declining achievement', pp. 421–36; Carranza, 'Clinging together: Mercosur's ambitious external agenda, its internal crisis, and the future of regional integration in South America', pp. 802–29.

17 Martínez and Vono, 'Geografía migratoria intraregional de América Latina y el Caribe al comienzo del siglo XXI', pp. 39–52; Martínez Pizarro and Stang, 'El tratamiento migratorio en los espacios de integración subregional sudamericana', pp. 77–106; Martínez Pizarro (ed.), 'América Latina y el Caribe: migración internacional, derechos humanos y desarrollo'.

18 Maguid, 'Migration policies and socioeconomic boundaries in the South American Cone', p. 262.

labour market and working conditions, and led to rising unemployment and poverty. Unemployment peaked in the mid 1990s and currency convertibility ended with a dramatic crisis in December 2001, which forced migrants to adapt to a more unstable and precarious scenario, but without prompting a massive return to countries of origin.[19] Despite a renewed emphasis on social policy after the crisis and remarkable Gross Domestic Product (GDP) growth rates for the past seven years, poverty and marginality conditions have intensified in the last few years. Argentina thus exposes the tensions between populist promises of achieving more social fairness and increasing levels of inequality.[20] In addition, the country has a long tradition of social discrimination against dark-skinned, low-class nationals and aliens, creating the ferment for social unrest that emerges in times of electoral competition. Against this background, the Argentine government has recently adopted an inclusive discourse towards immigrants and encouraged legislative changes at home and at the regional level to regulate human mobility more effectively so as to prevent social disorder. The conflict surrounding the occupation of public lands by immigrants in Buenos Aires in December 2010 illustrates this interplay of regional and domestic social politics and policymaking.[21]

The inclusion of human mobility in the regional agenda was also encouraged by the research of think tanks, academics and regional bureaucrats emphasising how important multilateral management of migration issues is. The ideas suggested by like-minded experts and practitioners include an increasing acknowledgement of shared responsibility for intra-regional

19 Ibid.

20 To mention just one example, surveys of 864 poor settlements in the Buenos Aires suburban area, conducted by an NGO, indicate that over the last five years 90 new shanty towns have formed, most of them originating from seizure of public lands. The population living in highly precarious conditions in those areas increased by 55% in the last ten years as a result of internal (from poor provinces) and foreign immigration; currently this involves over half a million families, most formed of immigrants from neighbouring countries (mainly from Paraguay and Bolivia). See *La Nación* (no primary author), 'En cinco años se instalaron 90 nuevas villas en el GBA'.

21 Thousands of poor people (mostly immigrants) occupied public lands in Buenos Aires. A failed forced eviction, and the mayor of Buenos Aires' claim that the squatters were a direct consequence of the national government's overly permissive immigration policy, triggered violence and domestic political infighting between the national and local governments. In the midst of institutional paralysis and the proliferation of around 30 squats across the country, President Cristina Fernández de Kirchner tackled the problem at the regional level, resorting to framing the dispute in terms of discrimination to legitimate a number of principles and policies implemented in the last few years. During the bloc's summit, held in Foz de Iguazú (Brazil), 16–17 Dec. 2010, she urged Mercosur members to issue a declaration stating the bloc's condemnation of xenophobia; top officials took a stand against discrimination and the linking of immigration to crime; and negotiations for an agreement on the Citizenship Statute gained momentum. See *Clarín*, 'Pablo de Leon: la crisis de la stomas se colo en la cumbre del Mercosur'.

migration, the expectation of potential gains if migration-related issues are managed collaboratively, the search for consensus between countries of origin and destination, and the attempt to regulate human mobility across borders. Experts have framed these ideas in terms of governability, which was attuned to tensions generated by migration flows and governments' concerns with states' capacities to deal with border controls.[22] By the early 2000s, scholars' and practitioners' discourses echoed the call of international organisations and experts to treat migration as a multilateral, rather than strictly domestic, problem, to increase the dialogue among governments, and to search for consensual measures.[23]

In addition, existing disappointment with Mercosur's performance in the economic area (including trade disputes and impossibility of advancing towards the common market stage) opened a window of opportunity to act quickly in the migration policy realm, which gathered more consensus than other integration areas such as trade.[24] Officials, perceiving migration to be among the issues that required less expertise, generated limited controversies and were amenable to pragmatic and quick resolutions. They were also aware that the effectiveness of policies depended on multilateral cooperation and therefore focused on moving negotiations forward.[25]

Institutionalisation, political commitment and post-neoliberal discourses

For the past decade Mercosur's policymaking process has followed two tracks: the economic-commercial one, the original focus of the bloc which continues to move towards the formation of the long-postponed custom union; and the politico-institutional track, which largely relies on the political will of member states and impulses given by intergovernmental negotiations. This politico-institutional track has only acquired more relevance in the last decade.[26] These two tracks are not just operative measures. Rather, the regional integration process follows two distinct paths.

22 Mármora, 'Políticas migratorias consensuadas en América Latina', pp. 111–41; Gurrieri, *El Proceso Consultivo en América del Sur: La Conferencia Sudamericana sobre Migraciones.*

23 CEPAL, 'Cuatro temas centrales en torno a la migración internacional, derechos humanos y desarrollo'; Domenech, 'La agenda política sobre migraciones en América del Sur: el caso de la Argentina', pp. 71–94.

24 Interview with Director, Mercosur Economic Directorate, Ministry of Foreign Affairs of Argentina, Buenos Aires, 15 Aug. 2010.

25 Interview with Advisor 1, International Migrations Directorate, Foreign Affairs Ministry of Argentina, Buenos Aires, 13 Aug. 2010, and former Director, National Directorate of Migrations of Argentina, Buenos Aires, 10 Aug. 2010.

26 Details available from Mercosur's official site at www.mercosur.int (accessed 10 Dec. 2014).

This division has been reproduced at the level of domestic bureaucracies in the foreign ministries of Brazil and Argentina, the leading states.[27] The proactive stance taken by the executives in Brazil and Argentina reinforced these changes and demonstrated presidents' agreement both on pushing Mercosur beyond the economic area and on linking South American-style regional integration to governments' claims in international fora for a reformulation of global rules of governance. Both former presidents, Néstor Kirchner and Luiz Inácio 'Lula' da Silva, worked to repay their countries' debt to the International Monetary Fund (IMF) – a move aimed not just at financial gains but also at pleasing left-wing supporters. The Copacabana Act, signed by Kirchner and da Silva on 16 March 2004, explicitly linked their domestic and regional policy goals. It reinforced the countries' commitment to both multilateral cooperation and economic growth with equity at home, showing that it is precisely the connection between human – or labour – mobility, economic growth and equity that pushes socio-political issues to the top of their agenda. The declaration also summarised their demands, which included the elimination of subsidies in developed countries, the relaxation of IMF conditionality on governments' spending, and the right to discriminate in government procurement in favour of national and regional investors.[28] Thus, these administrations tied the regional dynamic to the fate of their domestic constituencies and presidents became the voice of the (moderate) Washington Consensus contesters.

Former presidents da Silva and Kirchner reaffirmed their commitment to the integration process in 2003,[29] but the seeds of convergence around a new development model were planted earlier: already the administrations of Fernando Henrique Cardoso and Fernando De la Rúa coincided on the need to reestablish the state's capacity to shape economic processes and increase policy coordination. Towards the end of his mandate, and as holder of Mercosur's pro-tempore presidency, Cardoso attempted to push regional integration further as a last sign of his commitment to the project, which accelerated the Residency Agreement negotiations.[30] By 2007, da Silva and Kirchner had

27 Within the Brazilian Foreign Affairs Ministry, the Mercosur Department is divided into two units: Divisãõ de Coordenaçãõ Econômica e Asuntos Comerciais do MERCOSUL and the Divisãõ deAsuntos Políticos, Institucionais, Jurídicos e Sociais do MERCOSUL. See www.itamaraty.gov.br/o-ministerio/conheca-o-ministerio/organograma/ (accessed 10 Dec. 2014). In 2010, Mercosur issues within the Argentine Ministry of Foreign Affairs were conducted by the political and economic directorates; bureaucratic units were renamed recently as Directorate of Economic and Commercial Affairs and Directorate of Institutional Affairs; there is also a new unit for Special Representation for Regional Economic Integration and Social Participation. See www.mrecic.gov.ar (accessed 10 Dec. 2014).

28 *The Economist*, 'Doing without the IMF has underlined Brazil's financial strength and Argentina's economic uncertainty'.

29 Martínez Pizarro and Stang, 'El tratamiento migratorio en los espacios de integración subregional sudamericana'.

30 Alfonso, 'Integración y migraciones,' p. 48.

labelled the bilateral relationship a 'strategic alliance' encompassing common positions on national, regional and global economic and political matters.[31] Thus, the relaunching of Mercosur in the 2000s became rooted in a deeper process of redefining developmental goals and strategies. This involved partially questioning neoliberal principles, reasserting the role of the state, and encouraging region-building as a political platform to place Latin American economies on a better footing strategically within global affairs.[32]

Transnational (public-private) policy networks

Presidential speeches and migration norms adopted distinctive characteristics in the last few years: the rhetorical emphasis on framing migration within the context of human rights and development considerations, and positioning the bloc in opposition to dominant global structures and processes. Migration policy networks had an impact on the negotiation of policies because they met two conditions specified in the literature: their ideas were compatible with top decision makers' beliefs and goals, and they gained access to those actually making the decisions.[33]

Framing migration policies around human rights and defining migration as a right (see chapter 2, this volume) clearly differentiates the South American approach from securitisation and xenophobic trends in the north.[34] On this point, former Brazilian President da Silva stated: 'In Mercosur, we do not criminalise immigration', adding: 'While in other regions immigration is criminalised, here we build an open space'.[35] Recent agreements within Mercosur have built upon this human rights-based approach, drawing on principles and ideas debated in meetings of other regional networks and their publications, such as the Regional Conference on Migration (RCM) and the South American Conference on Migration (SACM).[36] The latter has been crucial in disseminating these ideas and forging a consensus around the notion of migrants as subjects of rights and key actors in social transformations.[37]

31 *MercoPress*, 'Kirchner/Lula reinforce "strategic alliance" and discuss bio-fuels'.

32 Phillips, 'Regionalist governance in the new political economy of development: "Relaunching" the MERCOSUR', pp. 565–83; Phillips, 'The rise and fall of open regionalism?'.

33 Haas, *Knowledge, Power, and International Policy Coordination*; Risse-Kapen, *Bringing Transnational Relations Back In*.

34 Domenech, 'La agenda política sobre migraciones'.

35 See *La Capital MDP*, 'Mientras se criminalize la immigración, aqui abrimos espacios, 17 Dec. 2010.

36 For details on the origin, evolution and impact of these multilateral fora, see Ramírez and Alfaro, 'Espacios multilaterales de diálogo migratorio: el Proceso Puebla y la Conferencia Sudamericana de Migración'; also Hansen, 'An assessment of principal regional consultative processes on migration'.

37 Alfonso, 'Integración y migraciones,' pp. 34–5.

Those meetings served to spur the ideas and policy recommendations of several research institutions, think-tanks and international organisations over the last 15 years, such as the International Organization for Migration (IOM), Centro Latinoamerica de Demografia (Population Division within the UN Economic Commission for Latin America and the Caribbean – CELADE), Centro de Estudios Migratorios Latinoamericanos (Latin American Migratory Studies Center, Argentina – CEMLA), Instituto Católico Chileno de Migración (Catholic Chilean Institute for Migration – INCAMI), Fundación Comisión Católico Argentina de Migraciones (Catholic Argentine Migration Commission Foundation – FCCAM), International Labour Organization (ILO), the UN Human Rights Commission (UNHRC), and the Facultad Latinoamericana de Ciencias Sociales (Latin American School of Social Sciences – FLACSO), which has offices in most countries in the continent. Common themes emerged from all debates and declarations: the defence of human rights; the need to update migration policies and facilitate human mobility; the importance of improving consular services as part of a policy towards expatriates, based on the state's protection of migrants' rights; the condemnation of massive deportations and xenophobic attitudes; the promotion of intra- and interregional cooperation; the improvement of border controls; and the importance of expanding consultation fora.

In addition, private foundations like the German Konrad Adenauer Foundation and international organisations such as the United Nations Development Program have been providing financial and logistic resources to various groups of experts as part of their broader efforts to strengthen democratic participation, empower minority groups, and build relationships and dialogue between political actors and civil society, thus amplifying the diffusion of ideas and socialising elites. In particular, the European Union has exerted a strong influence on the Mercosur model of integration through financial and technical assistance to create fora, encourage academic research and debate, and create institutes for the training of regional public officials, such as the European-Latin American Relations Institute (IRELA) in Madrid and the Centro de Formación para la Integración Regional (Training Center for Regional Integration – CEFIR) in Montevideo, Uruguay.[38]

Ideas then often went beyond debate to extend to top policymakers and into presidential speeches: for instance, Santilo summarises some of the concerns discussed above in the Declaration of Migration Principles for Mercosur, presented to the Ministers of State meeting in Santiago de Chile on 17 May 2007.[39] In the context of relatively close foreign policy structures and top-down

38 Botto, 'Think tanks en América Latina: radiografía comparada de un nuevo actorpolitico'.

39 See Santilo, 'The relationship between the civil society and the governments in the migratory processes in South America'.

decision-making processes, in which presidents play an overwhelming role, this was a very effective channel for ideas to circulate and have an impact at the domestic and international level. As a result, the importance of incorporating development and human rights considerations in the global governance debate, and the contributions of advocacy groups and Latin American scholars, have become more salient in the broader discussion on international migration beyond Mercosur.[40]

It is worth noting the synergies created by these fora and state bureaucracies. Grugel documented a number of initiatives by technicians and activists in 2005 (including research, publications, debates, networking, and national and transnational advocacy), which advanced claims for social citizenship and provided Mercosur with a social agenda.[41] Some of these experts developed intense advocacy activities and close links with political parties and state officials, giving them leverage over arguments that justify decisions and increasing their impact on agenda setting. Experts' participation in transnational networks facilitates the ability to draw on those experiences to recycle and propose ideas that may not be up for public debate. They are, however, reproduced in policy realms, contributing to the elaboration of shared understandings within those relatively close circles.[42]

In sum, the above analysis makes a contribution towards filling a gap in existing studies of Mercosur by accounting for the (largely informal) process of socialising regional elites and forming policy consensus. Both are also crucial in explaining why and how harmonisation of migration policies happened: while social pressures and disputes among state offices have been suggested as a source of conflict in the trade area and, consequently, a constraint on regional integration,[43] intra-bureaucratic consensus and the relative isolation of a few decision-makers, together with the input provided by migration policy networks, helps explain the relatively fast and consistent progress in the migration area.

Argentina's leading role and Brazil's acquiescence

Argentina has been working as an agenda-setter for migration management, indirectly shaping the pace, content and institutional developments within this area of regional integration. Official documents and several policymakers involved in regional negotiations converge in identifying Argentina as being at the forefront of expanding the initiatives and encouraged the discussion

40 Castles, 'Bringing human rights into the migration and development debate', pp. 248–58.

41 Grugel, 'Citizenship and governance in Mercosur: arguments for a social agenda', pp. 1061–76.

42 Botto, 'Think tanks en América Latina'; Bellettini and Carrión, 'Partidos politicos y think tanks in Ecuador: ¿Unión fallida o a la espera de conocerse?'.

43 Gómez-Mera, 'Domestic constraints on regional cooperation'.

of most of the migration-related norms agreed upon within Mercosur.[44] It is worth noting that this leadership role is compounded by the fact that Argentine legislation has been a model for the recent passing of similar laws in Uruguay, Paraguay, Chile and Brazil.[45] That is, the reason Argentina is leading the intergovernmental negotiations on migration is not because of its relative power but because of its initiative capacity within the regional policymaking process and the emulation effect of its national migration policy.

Argentina's proactive stance also lends itself to detailed examination of how Mercosur members' foreign policy relates to domestic politics, as well as the tensions and contradictions of the Southern Cone approach to migration. Its activism at the regional level is only one dimension of the redefinition of its entire migration policy since 2003, when Migration Law no. 25871 was passed.[46] Consistent with the regional consensus, this law conceptualises migration as a right, it is based on a broad notion of human rights (including equal rights for nationals and aliens, as well as a number of social rights for immigrants), and it makes explicit references to the regional dimension.

In Domenech's terms, this law embodies a transition from the rhetoric of *exclusion* to the rhetoric of *inclusion*. The same author identifies the emergence of a new Argentine migration policy in the early 2000s that 'situates international migrations as part of international relations between countries, based on the notion of cooperation and as a key component of regional integration policies'.[47] Similarly, Alfonso argues that, towards the mid 2000s, 'when in Argentina under Néstor Kirchner the role of the state as a fundamental agent of development was vindicated and social inclusion and the defence of human rights were priorities, the criterion of "MERCOSUR nationality" was an ideal tool to design the new migration policy.'[48]

Yet, although the official discourse refers to an open-door policy, the 2004 plan's rationale to regularise the residency status of immigrants from

44 Interview with member of the Ministers Cabinet (Argentine President Office) and former official at Mercosur's Commission of Permanent Representatives, Buenos Aires, 4 Aug. 2010, the Director of International Affairs, National Directorate of Migration, Ministry of Interior, Buenos Aires, 8 Aug. 2010, and Advisor 1, International Migrations Directorate, Foreign Affairs Ministry of Argentina, Buenos Aires, 13 Aug. 2010. For further information see also Foro Especializado Migratorio del Mercosur, Memoria Institucional, available at www.migraciones.gov.ar/foro_migratorio/pdf/memoria_institucional.pdf (accessed 10 Dec. 2014).

45 For details, see Zurbriggen and Mondol, *Estado Actual y Perspectivas de las Políticas Migratorias en el MERCOSUR*; Texidó et al., 'Migraciones laborales en Sudamérica: el Mercosur ampliado'.

46 For a historical overview of Argentina's population and migration policies, see the chapter by Novick in Zurbriggen and Mondol, pp. 25–54). For recent changes in emigration policy, see Margheritis, 'State-led transnationalism and migration. Reaching out to the Argentine community in Spain'.

47 Domenech, 'La visión estatal sobre las migraciones en la Argentina reciente', p. 34.

48 Alfonso, 'Integración y migraciones', p. 52.

neighbouring countries (generally known as *Patria Grande*, meaning enlarged homeland) reveals the government's intention to collect information about inhabitants with an irregular immigration status; only then would it be able to extract resources from them through taxes or contributions to the social security system. The assumption was that only by having official records of all immigrants would the state be able to regulate and control a social sector that generates costs, competes with local labour for jobs and could eventually alter the social order.[49] In the words of a former migration official involved in this policy: 'an open migration policy that facilitates regularisation is more functional to the concepts of security and labour transparency than a close, expulsive migration policy'.[50]

Argentina has not only actively contributed to forging a regional normative consensus but has also coloured it with the same inconsistencies as its own migration policy: a pluralist and integrationist discourse coexists with the attempt to intensify and perfect control mechanisms. From an analytical viewpoint, this illustrates that, far from a liberal tide in migration policymaking, a pragmatic and somehow ambiguous approach is observable that subordinates liberal principles to domestic needs.

In this context and given the long-standing dispute for leadership within the bloc, the inevitable question is: why is Brazil not leading and how have the two Mercosur leaders managed to make cooperation prevail in the area of migration? Secondary sources, as well as officials and specialists consulted for this study, indicate that the answer to the lack of Brazilian initiative lies in the fact that immigration is not a pressing domestic issue for the country today, unlike in Argentina. A few officials confirmed off the record that competition has not disappeared despite increasing cooperation and, when Brazil is indifferent or reluctant to lead, Argentina is always ready to fill the leadership vacuum and take credit for progress in non-conflictive areas.

The second part of the question is unanimously answered by reference to common interests and political projects: Argentina's proposals on migration reflect a common bilateral concern with governability and security issues broadly defined (including transnational crime but mainly domestic social order). This convergence underlies the Kirchner and da Silva administrations' agreement on the key components of a new approach to migration. As da Silva's Foreign Minister Celso Amorin stated: 'A politically stable, socially just and economically prosperous South America is a goal that must be pursued not just from a natural sense of solidarity, but also for the benefit of our progress

49 For details on this plan, see Nejamkis and Rivero Sierra, 'Patria grande: consonancias y ¿disonancias?'.

50 Alfonso, 'Integración y migraciones', p. 16.

and well-being'.[51] Thus, rather than contesting the leadership role, Argentina and Brazil have a basic political understanding in this policy area. Articulation of joint positions was completed through the coordinated action of the two foreign affairs bureaucracies (and, to a lesser extent, those of their Ministries of the Interior).

Conclusion

More than 20 years after being created, Mercosur still struggles to achieve its integration goals. Contrary to expectations, it has not followed the European model and economic effects have not led the way to political integration.[52] Nevertheless, the socio-political agenda has become more prominent in recent years. The entire Mercosur integration process has become highly politicised and ideological, and negotiations on migration issues have decoupled from and acquired a different pace and dynamic than the economic negotiations. This incipient harmonisation of migration policies points to a clear contradiction: the liberal humanitarian rhetoric is at odds with the enactment of measures tending towards restrictions and control. This casts doubts on the liberal character of the new policies.

These recent developments invite us to revisit old debates about the nature of the integration process in the Latin American Southern Cone and our analytical lenses. To begin with, the question of low institutional development has always generated extensive controversies inasmuch as it has translated into congestion of the agenda at the top level, failures in implementation, a lack of permeability to non-state actors' demands, and credibility problems. In addition, collective action problems continued to emerge, as well as tensions about relative gains across member states. The questions of asymmetry and leadership lie at the heart of the matter. In 2010, member states agreed on creating the figure of the High Representative, but it is still too early to foresee its effects on the overall dynamic of the bloc.

Despite these challenges, the empirical evidence presented in the previous sections indicates that Mercosur made rapid progress in developing regional migration norms. This was possible due to a number of interrelated factors that, despite their analytical implications, existing literature has largely neglected. First, domestic socio-economic conditions in member states and unprecedented flows of intra-regional migration with potentially disturbing effects pushed human mobility to the top of government agendas in the 1990s, and Mercosur's agenda and negotiations in the 2000s. The potential

51 Malamud, 'A leader without followers? The growing divergence between the regional and global performance of Brazilian foreign policy', p. 7.

52 Malamud and Schmitter, 'The experience of European integration and the potential for integration in South America', pp. 135–57.

disturbing effects of such inflows become more prominent in the context of unstable socio-economic conditions and unfinished democratic consolidation processes, where such instability may create social demands and incentives for governments to recast their supporting coalitions around new ideas. This is in itself an analytical contribution because, while regime vulnerability and the instrumental use of regional cooperation to strengthen fragile democracies in the mid 1980s have been acknowledged,[53] the impact of a pervasive context of instability on policymakers has not been contemplated in theoretical discussions concerning regional integration.

Second, a rhetorical and institutional turn away from market-oriented policies and towards socio-political issues has occurred in the past decade. This move is embodied today in national and regional coalitions and norms as the leaders in office agree on the need to bring the state back into regulating socio-economic relations and addressing long-postponed social issues, which link domestic growth, equity and regional governance. Leftist governments of different orientation have framed their interventionism in terms of remedies to past market-oriented policies and an assertive, distinctive voice in regional and global affairs, as reflected in presidents' public speeches. These facts indicate that the interaction between domestic politics and regional processes is analytically relevant, though in a way that departs from previous studies.

The argument that 'coalitions form in response to the requirements of an integrating global political economy' and 'only internationalist coalitions [those that favour economic liberalisation and integration] produce intensive and extensive regional cooperation'[54] seems an appropriate description of Mercosur's progress in the 1990s, but is an insufficient explanation for the questions raised in this chapter. Leftist governments in the Southern Cone have turned towards statist and nationalist economic policies in the 2000s while still promoting and expanding regional cooperation. However, this chapter supports the idea of presidents as key policy crafters and dispute settlers which, to use Malamud's label,[55] turned the bloc into an example of 'interpresidentialism', rather than intergovernmentalism, but expands on those insights by demonstrating the role of presidents in articulating and legitimising ideational consensus through discursive mechanisms.

Third, governmental discourses and practices have sought consensus, cooperation and multilateral management of migration problems in the last few years; they have emphasised a distinctive approach to migration, nurtured by advocacy groups and based on human rights considerations, as well as a

53 Parish and Peceny, 'Kantian liberalism and the collective defense of democracy in Latin America', pp. 229–50.

54 Solingen, *Regional Orders at Century's Dawn*, p. 3.

55 Malamud, 'Presidentialism and Mercosur', pp. 53–73; Malamud, 'Presidential diplomacy and the institutional underpinnings of MERCOSUR', pp. 138–64.

focus on the positive links between people's mobility, national development and regional integration. The role of public-private policy networks has been crucial in this respect. As explained above, top foreign affairs officials have frequent and intense consultations both with each other and with policy specialists. Officials mostly rely on personal contacts, informal coordination and some regular formal interaction in order to adopt joint decisions, thus indirectly helping to keep Mercosur alive and to foster the negotiation of migration policies. They interact within a network of institutions and experts whose ideas, debates and publications inform top policymakers' discourses and actions.

The consensus generated by such networks undermines the chances of dissent and intra-bureaucratic infighting, while keeping the definition of policy options in the hands of a relatively small and close circle of influential advisors and decision-formers. This makes networks crucial both as carriers and diffusers of ideas in vogue and as agents in articulating and reproducing the ideas and interests of the new nationalist (albeit pro-integration), statist and developmentalist coalitions. By highlighting the processes of socialisation of policy elites, construction of shared understandings, and cultivation of cooperative practices that feed regional integration, this chapter makes a contribution towards filling a long-standing gap in Mercosur literature, which has neglected ideational factors.[56] It also suggests a need to reconsider Moravcsik's classic explanation of regional integration with its focus on underlining economic interests and relative power and the underestimation of the impact of transnational entrepreneurship.[57]

This chapter has shown that bargaining outcomes may be moulded by a political rather than an economic agenda, shaped not by the most powerful bloc member (Brazil) but by the second largest founding member (Argentina), and informed by the advocacy work of transnational policy networks. Even if informal and non-binding ties prevail in those networks, they may well have a feedback effect on cooperation and represent an intermediate form of institutionalisation between ad hoc discussion and formal supranational governance. Thus, from an analytical viewpoint, investigating regional migration policies highlights that ideational arguments need to be taken seriously to account for the role of transnational policy networks and the hybrid forms of institutionalisation that keep regional integration progressing.

56 The impact of advocacy networks has been studied in various policy domains (for example, Keck and Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics*) and regional integration processes (Peterson, 'Policy networks' for the EU, among others) but remains largely under-explored in the case of Mercosur.

57 Moravcsik, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, pp. 7–8.

By pointing out that impetus to harmonise norms may come from powerful actors and economic interests, and also from ideologically-loaded political projects, this chapter has moved discussions on intergovernmentalism and interpresidentialism forward. Its highlighting of the fact that presidents may contribute to ideational consensus through discursive mechanisms which link their domestic and foreign projects also furthers the debate. This chapter also demonstrates that, although Mercosur negotiations still remain largely intergovernmental, a de facto supranational dimension is at work: specialised bureaucrats engage in regular consultation beyond the national level; their ties build a network linking mid- and top-rank officials with non-state actors; their meetings and exchanges of ideas produce a virtuous cycle and give continuity to the process. This dynamic certainly feeds officials' positive outlook on the political integration project, thus becoming an incentive to keep Mercosur alive and moving, especially in less visible and conflictive areas like migration.

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