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Migration governance in Latin America: the 2000s paradigm shift towards liberal migration laws and policies.

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ABSTRACT

Since the mid-2000s, migration flows in Latin America have not only increased but also changed in terms of profiles of migrants, origins, and destinations. The 1990s economic crisis, the subsequent political change and emigration strongly influenced migration governance in Latin America. Indeed, with the election of left-wing governments in the 2000s, new immigration laws were passed in South American countries in order to replace the previous frameworks promoted by authoritarian regimes between the 1970s and the 1990s, characterized by restrictive immigration laws (Geddes). This work aims to analyse the shift towards the so-called liberal tide of progressive migration laws and policies that occurred in Latin America throughout the 2000s, which was conceived as the abandonment of the notion of immigration as a problem or threat towards representing migration in the context of human rights' protection (Cantor). These new frameworks were progressive in the sense that they recognize people's right to migrate, and they commit to the non-criminalization of irregular migrants. Throughout the study of changing laws and policies, the regional dimension will also be emphasized, being in Latin America strongly characterized by processes of intra-regional migration. This work is based on scholarly debates on the analysis of the evolution of state policies in Latin America and on the causes that led to the so-called liberal tide of progressive migration laws and policies.

INTRODUCTION

This study is based on the assumption that Latin America's immigration and asylum laws and policies have experienced a change between the end of the twentieth and the beginning of the twenty-first centuries. Indeed, as it will be argued throughout the dissertation, there has been a paradigm shift in immigration laws and policies that came to be known as 'liberal tide' and has been associated with the election in the 2000s of left-wing governments in Latin American countries (Geddes). The aim of this research is to study and analyse which were the factors and the specific circumstances that led to such change in Latin American migration governance and define what made Latin American migration laws and policies liberal in nature. To do this, I will consider the social, economic, and political context as well as the evolution of migratory processes that characterised Latin America starting from the 1950s throughout the 2000s.

The focus of the dissertation is on the so-called liberal tide of migration laws and policies which started to emerge in the 2000s and was conceived as the abandonment of the notion of immigration as a threat or problem towards the representation of migration in the context of human rights' protection. More specifically, this change in migration governance followed a period of great political instability and of dramatic economic crisis (Geddes; Cantor et al.). Indeed, during the second half of the twentieth century, Latin America was ruled by military dictatorships by means of repression and terror, and was hit by a severe economic crisis that raised poverty, inequality, and inflation rates exponentially. In this context, many Latin Americans saw themselves forced to flee their country in search of better life conditions; however, most of them remained within the continent itself, emigrating to neighbouring countries. As a matter of fact, as it will be explained in Chapter two, especially during the second half of the twentieth century migration processes in South America were mainly intra-regional, thus including significant patterns of short-term, cross-border movements between neighbouring countries in border areas, whose roots developed during the precolonial times and have been facilitated by geographical and cultural proximity (Geddes). Intra-regional migration in South America led to the formation of migration corridors among the continent, especially from Paraguay, Uruguay, Bolivia and Chile to Argentina and from Colombia to Venezuela, even though, as it will be analysed in Chapter four, with the 2015 Venezuelan economic crisis this country became the main source of emigration, giving rise to one of the biggest phenomena of displacement in the world (Cerrutti).

According to the main findings of this dissertation and after analysing the social, economic and political context of Latin America during the second half of the twentieth century, three main factors

emerged as the main causes of the shift towards progressive migration laws and policies, namely: the transition from authoritarian governments to the election of left-wing governments in the 2000s, the situation of economic crisis at the end of the 1990s that, together with the political instability generated by military dictatorships in those years, gave rise to a significant phenomenon of forced displacement throughout the continent, and, finally, the emergence of a different and human centred approach to migration, that rejected the concept of migration as a problem or threat and sought to represent migrants in the context of human rights' protection (Geddes). Here, as it is argued in Chapter four through which I provide a normative background, the Cartagena Declaration of 1984 has proven to be of crucial importance in the field of migration governance in Latin America. This non-binding legal instrument for the protection of refugees has been adopted by several countries in the continent and has drawn upon the existing provisions included in the 1951 Geneva Convention and its 1967 Protocol, by expanding the traditional definition of refugees, including five additional elements that allows a broader category of persons in need of international protection to be considered as refugees, namely generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order (Freier et al.).

In order to analyse the main changes in Latin America's approach to migration and the causes that led to the so-called "liberal tide" of progressive migration laws and policies, I based my work on scholarly debates on the analysis of state policies that allowed me to understand how migration governance in the South American continent has changed over the years. I found significant support in the new scholarship on migration governance and in particular in Andrew Geddes with his book "Governing migration beyond the state: Europe, North America, South America, and Southeast Asia in a global context" (2021) and in Luisa Feline Freier de Ferrari with her work "A reverse migration paradox? Policy liberalisation and new south-south migration to Latin America" (2016), who were the main pillars for my work. I found their contribution to the study of migration governance particularly interesting and helpful, because they allowed me to conduct a new kind of reasoning in the field of international relations. Indeed, these authors do not merely study migration governance in Latin America, but also compare Latin American migration governance with that of other parts of the world, and in particular with the other two main regions, namely Europe and the United States. In this way, by displaying the main similarities as well as the main divergences between these regions it was possible for me to take a deeper and more complete look at migration governance in Latin America.

More specifically, I found Geddes' book particularly relevant also because it focuses on the importance of the regional dimension when dealing with migration governance, and this aspect is fundamental especially if we think of Latin America as being mainly characterised by intra-regional migratory movements. Indeed, as it will be explained in Chapter two, regions are an important locus for action, as they mediate the relationship between the national and the global and they themselves produce highly relevant sets of norms and standards in order to manage migrations. As Geddes explains, the global itself needs to be rendered consistent with practices and norms at state and regional level. These concepts are also reinforced by another scholar, Amitav Acharya, who I also found crucial during my research as he helps us understand the significance of the regional dimension of migration governance, that he summarises in the concept of "localization" referring to the role played by local norms in influencing the spread and the implementation of global norms and standards.

Moreover, as previously stated, Geddes, as well as Freier de Ferrari, make an important comparison between migration governance in Latin America and migration governance in Europe and the United States, highlighting not only how Latin America's approach to migration has differed from the repressive European and the North American approaches, but also how European standards and norms have actually influenced Latin American migration policies, resulting in a recent illiberal trend especially since the second decade of the 2000s. In this context, another important scholar who identified the presence of illiberal practices in Latin America was David James Cantor in his book "A Liberal Tide? Immigration and Asylum Law and Policy in Latin America". Indeed, as it will be analysed in Chapter five, he argues that especially from the 2010s, some states in Latin America introduced restrictive legal and policy measures inspired by European practice, that stand in stark contrast to the South American liberal tide of the late 1990s and early 2000s and have been identified as illiberal in terms of refugees and asylum-seekers laws and policies.

I organised my work according to bibliographic research, through which I identified the main primary sources dealing with migration governance and that represent the core of the dissertation. I started to analyse Andrew Geddes' and Freier de Ferrari's works, and from there, looking at their citations, I elaborated a list of the scholars I found the most relevant in the field of migration laws and policies in South America and their evolution over time. These authors were particularly helpful because they also provided me with the Latin American economic, political, and social background during the second half of the twentieth century and throughout the 2000s, explaining the main factors underlying the transformations of the Latin American approach to migration. The reason why I decided to group

the main scholars dealing with migration governance, Andrew Geddes, Luisa Feline Freier de Ferrari, David James Cantor, Diego Acosta Arcarazo, Nicolas Parent to cite some of them, is that they all agree on the fact that between the end of the twentieth and the beginning of the twenty-first century Latin America's migration governance experienced a shift towards progressive migration laws and policies, that were described as open and liberal in nature and based on the recognition of migrants' rights. However, as they point out, since the 2010s it is possible to observe the emergence of an illiberal trend, being Latin America influenced by the restrictive and repressive approach to migration that have been adopted by the European Union and the United States.

I proceeded, then, by drafting the list of secondary sources, that mainly includes books, reviews, and articles dealing with Latin American historical background during the second half of the twentieth century and the beginning of the twenty-first century, and with the evolution of migratory processes in Latin America. These sources provided me with an explanation of the situation of economic and political precariousness and of the consequent transformations that the continent underwent in those years, as well as with an analysis of the evolution of migratory processes in Latin America, putting particular emphasis on the fact that it turned from being a continent receiving immigrants into a continent of emigration. These sources also underline the regional character of Latin American migration.

I will start by providing an overview in Chapter one of the Latin American economic and political context during the second half of the twentieth century and the beginning of the 2000s, analysing the transition from authoritarian governments that ruled the region between the 1970s and the 1990s to the election of left-wing governments in the 2000s, as well as the situation of severe economic crisis that hit Latin America during the second half of the twentieth century. I will then explain how migration processes and management have been directly affected by these political and economic factors, showing that the election of left-wing governments in the 2000s has been associated with the liberal tide of migration laws and policies. Secondly, in Chapter two I will focus on the centrality of regions when dealing with migration governance. As previously stated, regions are a central locus for action and they mediate between the national and the global. Moreover, they are particularly relevant in the case of Latin America, as migration flows are strongly intra-regional and people usually emigrate to neighbouring countries. In Chapter three I will provide an overview of migration processes in Latin America between the twentieth and the twenty-first centuries, explaining how it turned from being a continent receiving immigrants from different parts of the world into being a continent of emigration. As it will be shown, this reversal in migratory movements coincided with

the bipolar conflict between the two superpowers, the Soviet Union and the United States, with the collapse of Latin America's economy, and with an explosive demographic growth. I will then continue by providing in Chapter four the normative context that characterised the shift towards progressive migration laws and policies, putting particular emphasis on the Cartagena Declaration of 1984, which extended the traditional refugee definition provided by the 1951 Geneva Convention and its 1967 Protocol and was a distinctive element of the liberal tide. I will also take into consideration the case of Venezuelan mass displacement of 2014, that can be considered a defining test of the application of the extended definition of the Cartagena Declaration of Refugees and of South America openness to migration. Finally, Chapter five will be centred on migration governance as an organisational process and on the so-called liberal tide of Latin American migration laws and policies. As it will be argued, regional organisations, such as MERCOSUR in the case of Latin America, play a central role in migration management. I will focus on the main features that define the liberal tide and, in doing so, I will also compare the Latin American approach to migration with that of Europe and the United States. I will conclude by demonstrating that some South American countries have recently adopted illiberal practices, thus bucking the liberal trend.

CHAPTER ONE:

LATIN AMERICA'S ECONOMIC AND POLITICAL TRANSFORMATION BETWEEN THE END OF THE TWENTIETH AND THE BEGINNING OF THE TWENTY-FIRST CENTURY

1. Political change in Latin America: the transition from authoritarian governments to the election of left-wing governments in the 2000s

1.1. The Cold War in Latin America and the decade of terror

The two initial protagonists of the Cold War, that hit the world for more than forty years after the end of World War two, were the United States and the Soviet Union. The initial epicentre of this geopolitical conflict between Washington and Moscow, that wanted to impose their own vision of modernity, was the Euro-Asian scenario; however, since the middle of the 1950s, the Cold War also reached the Middle-East, Africa, and Latin America (Pettiná). As it will be analysed throughout this section, guerrilla movements and the ambiguous disappearances under dictatorial regimes between 1947 and the end of the eighties in Latin America were only few of the events and processes associated with the confrontation between the URSS and the United States. Furthermore, as Pettiná points out, the confrontation between the two superpowers in Latin America overlapped with complex local processes of political, economic, and social transformation. The convergence of all these processes resulted in a period of more than four decades of significant political and economic instability and episodes characterized by dramatic violence, that saw the emergence of the most conservative actors and coup d'état across the region, inspired by the Cuban Revolution. In general, the Cold War as the ideological conflict between two different visions of modernity, namely the capitalist and the socialist models of development, had a dramatic impact on Latin America, as well as on other regions of the so-called Third World, which became an integral part of the process. In particular, Latin America became fully incorporated in the bipolar conflict after the overthrow of Fulgencio Batista's dictatorship and Fidel Castro's decision to transform the Cuban revolutionary process in a socialist direction. Indeed,

“the triumph of the Cuban Revolution and its full incorporation into the socialist camp led by the USSR represented a turning point and guided the region into a second and much more conflictive stage of its process of interaction with the bipolar conflict. What characterised this

period was the rapid expansion of Havana-supported guerrilla groups, mainly of a rural nature, across the continent” (Pettiná 59).

As a matter of fact, following the instability and the polarization generated by the Cuban revolution, a growing number of Latin American citizens, especially from the middle-class, considered military intervention and the repression of the insurgent sectors of the society as the only solution to the chaos that was spreading all over the country in the sixties. This situation gave the military the possibility to intervene and to implement radical programs of repression. The result was a series of coups d'état carried out by the armed forces across the South American continent, that were in some way supported by Washington and established regimes of terror in many countries of the region, such as Chile, Brazil, Uruguay, Paraguay, and Argentina (Pettiná). In the sixties, not only in South America but also in countries like Mexico, the Cold War brought a period of internal tensions, extreme violence and repressions, and US interference in order to contain the spreading of communism in the continent. In January 1959, Fidel Castro, the leader of the 26th of July Movement, triumphantly entered Havana after just over two years of armed struggle against the regime of Fulgencio Batista in Sierra Maestra. His aim was to promote a radical political, economic, and social reform; in particular, the initial success of the revolutionary process promoted by Castro was mainly due to his incredible capacity to mobilize masses in his favour, the strong political centralisation that a characterising element of his strategy, the nationalisation of the economy, and the alliance with the Cuban communists of the Popular Socialist Party (PSP) (Pettiná). The alliance in the sixties between Cuba and Moscow represented, from the Latin American perspective, a significant rupture with the United States, by collocating Cuba for the first time in history outside the North American sphere of influence and giving autonomy to the island. The Cuban regime was strictly correlated to the emergence in those years of left-wing movements in several countries of the region. As Pettiná (99) points out, “until Castro's triumph, no one in Latin America could have hoped to succeed in building a political regime that would challenge the certainty of US hegemony and the power of local elites.” Indeed, the apparent exit of the Cuban revolution together with its strategic innovation inspired many other Latin American countries that aimed at reproducing this new model of political action. As a result, many groups across the region decided to subvert the status quo through the use of military force; consequently, the number of authoritarian regimes and military dictatorships in Latin America multiplied, thanks also to the direct support given by la Havana to guerrilla movements (Mainwaring and Pérez-Liñán).

Between the end of the sixties and the beginning of the seventies, Latin America was hit by strong social tensions, violence and episodes of bloody repression, carried out by military dictatorships that inflicted human dramas never before experienced by the region in contemporary history. As Galván (7) suggests, “a dictatorship is defined as an authoritarian system of government ruled by one person”. While democracy usually flourishes during periods of economic abundance, periods of national conflict often fosters authoritarian rulers, who aim at oppressing and terrorizing the very same civilian population they promised to protect by imposing restrictive policies and implementing different practices in order to achieve political and social control. These practices consisted of the persecution of political dissidents, the abolition of most political parties, the imposition of severe censorship of the media, the suspension of most civil liberties and rights, the manipulation of elections, the training of secret police units, and the declaration of some kind, true or not, of national emergency as a way to justify the persistent state of military attack (Galván). Authoritarian regimes are also known for being characterized by torture, brutality, unexplained disappearances and targeted assassinations. In particular, while democracy usually flourishes during periods of economic abundance, periods of national conflict often fosters authoritarian rulers. As a matter of fact, most historical eras of social convulsion or national crisis saw the emergence of military dictatorships (Galván). Not surprisingly, as Pettiná (135) writes,

“Like much of the Cold War in Latin America in most countries, and with only a few exceptions, these processes were the result of the intersection of indigenous conflicts with the pressures generated on the continent by the interference of US foreign policy of global containment of communism.”

However, it is important to highlight that repressive actions spread all over South American countries relatively independently from US pressures. Anxiety for the instability and precariousness, anti-communism, and a growing consensus on the need to demobilise the popular sectors radicalised by the Cuban Revolution are elements that help to explain both the diffusion of dictatorial regimes and the implementation of radical repressive strategies and policies aiming at reorganising the region under the socio-economic and domestic political point of view (Pettiná). Generally speaking, it was a war against whole sectors of the society, that, as it has been previously said, implied the restriction of individual liberties, the use of torture, and the implementation of an ambitious plan of socioeconomic reconstruction. Due to the fact that armed forces were the only organized and reliable

actors able to guarantee stability and order, Latin American societies felt the need of the army taking control of the different political institutions and governing the economic planning (Pettiná). In this context, between the late 1960s and the 1970s, left-wing guerrilla insurgents were repressed by the state with extreme violence. In countries like Chile, Brazil, Argentina, Uruguay and Paraguay, citizens were turned into enemies and targets of repression, subject to torture and forced disappearances. These practices were clearly reflected by the several coup d'état in South American countries, such as the Brazilian one in 1964, the one in Bolivia in 1971, those of Uruguay and Chile in 1973, and that of Argentina in 1976 (Pettiná).

For what concerns Brazil, according to Klaiber, the military coup d'état carried out by Castelo Branco on March 31, 1964, marked the beginning of a new military cycle in all Latin America. The Brazilian military, as opposed to what happened in Argentina, Uruguay, Chile, and Bolivia, still included parties and elections, maintaining the characteristics of a constitutional democracy. However, its control exerted over the daily life of citizens and the society as a whole, made the Brazilian government as oppressive as in other countries (Klaiber). In particular, through the actions of the police, the army, and certain specialised groups and intelligence services, a spy network registering all actions and movements of a huge part of the Brazilian population was established.

Another significant dictatorship to consider is the Chilean one, under Pinochet's regime. General Augusto Pinochet took power in September 1973 following a successful military coup to overthrow president Salvador Allende, who was head of the Popular Unity coalition and a revolutionary socialist, and envisaged a 'Chilean path to socialism' (Dicken). Following the coup, a military government was established under Pinochet's leadership, whose aim was to bring economic improvement and political stability to Chile. Pinochet promoted a set of reforms, starting from the economic sector: he reformed the Chilean economy through the implementation of a neo-liberal model, that involved the freeing of market forces, the privatisation of various economic sectors, and the state withdrawal from the economy. In this way, the Chilean economy opened up to the world market, tariff barriers lowered allowing the country's population to buy all kinds of imported goods, the agricultural sector underwent a process of modernization and multinational corporations were established (Gilmour). This led to an improvement in Chile's GDP as a whole and to a decrease in the inflation rates. Pinochet also enacted huge constitutional reforms in order to improve the stability of the Chilean political system. On the contrary of the previous Chilean governments that rarely lasted more than a decade, the Pinochet regime lasted from 1973 to 1990 demonstrating considerable stability. Indeed, as Gilmour (3) suggests, "the constitution enacted in 1980 could further be argued

to demonstrate the strength and benefits of the regime, which although faced significant amendments in the early 1990s, remained to some extent unreformed until 2005”.

Nevertheless, even if Pinochet was able to promote significant political stability and economic improvement in Chile, the way he brought about these reforms proved to be really problematic; indeed, the transition from Allende’s democratic government to the military dictatorship of Pinochet was “bloody, murderous and deeply disturbing” (Dicken 2). His regime was built on repression, and sought to eliminate the civilian political behaviour and the party politics that had previously existed (Gilmour). Tens of thousands of people were arrested and detained without charge; many suspected leftists were tortured and killed (Gilmour; Eichensehr).

Not only was the Pinochet regime politically problematic, being built on repression, but it also proved to be economically unsustainable, as its neo-liberal economic system only benefited a minority of the Chilean population, and created a more polarised society presenting greater wealth and income disparities, including a significant growth in the number of poor. In general, the political and economic improvements under the Pinochet regime have considerably been questioned by their social costs (Gilmour).

For what concerns Uruguay, by the second half of the twentieth century it underwent a process of economic and political decay. Over-reliance on traditional commodity exports of mutton, wool and grains and a small unindustrialized domestic economy made Uruguay a non-technological country. After the Korean War, as a consequence of the shrinking world demand and the introduction of synthetic fibres, there was an overall decrease in the number of exports; economic decline accelerated and made Uruguay a vulnerable and dependent economy (Sondrol). Economic collapse in Uruguay due to the rising debt and inflation corroborated the country’s delicate political balance, “polarising class conflict as workers’ demands increased on civilian governments unwilling or unable to resist escalating services and subsidies, reinforcing the spiral of economic decline and political problems” (Sondrol 190). Strikes, riots, guerrilla movements, corruption and failure to enact efficient reforms pervaded the society reaching exponential levels. As labour and urban guerrillas warred with the police and government, the Colorado party, which was ruling Uruguay and was backed by the military, moved to the right in response to the growing unrest. According to Sondrol (190),

“a series of increasing restrictions portended the destruction of traditional civil liberties. Society gradually militarised throughout the late 1960s and early 1970s. By 1973 the armed forces, by

design and default, moved to centre stage in the political arena, imposing their own vision of political life”.

Uruguay thus descended into military dictatorship from 1973, after Bordaberry’s coup, to 1985. In particular, Uruguay did not undergo the most bloody-thirsty military regime, but it proved to be the most totalitarian for its use of terror and fear to demobilize the civilian population. Similarly to other Latin American countries ruled by dictatorships in those years, authoritarian rule in Uruguay was achieved by means of repression of parties, leftists, politicians, and the penetration of schools, universities, arts and media by the military, as well as state terrorism in order to penetrate and control the society at all levels. Exile, torture, arrests, harassment and some execution also were implemented (Sondrol).

Paraguay too experienced a period of severe economic instability during the second half of the twentieth century. In 1954, when the Paraguayan economy was really weak, General Alfredo Stroessner took power following a coup d’état that overthrew President Federico Chaves from office; he established a regime that would last for almost thirty-five years and rule Paraguay through a right-wing military dictatorship up until 1989 (Folch). Stroessner held office longer than any other governor in Paraguayan history and promoted a regime that was based on fear and repression. He was able to manage the level of inflation for around two decades, but by the early 1980s the economy of the country decayed and the public debt achieved even higher levels. The deterioration of the economy contributed to Stroessner’s fall in 1989. (Caba-Perez, López-Hernández, and Ortiz-Rodríguez).

Finally, during the second half of the twentieth century Argentina too underwent a period of military repression. From 1955, after President Perón resigned, the country experienced a series of military coups; however, none of the several presidents held power for more than a few months. As Caba-Perez, López-Hernández, and Ortiz-Rodríguez (430) argue, “the most chaotic situation arose following Lieutenant General Videla’s seizing of power in 1976. Military rule could not have been more negative for the country in economic terms”; indeed, rulers’ main aim was to maintain their power by repressing the several attempts made to re-establish democracy rather than find a solution to the existing economic crisis. Between 1976 and 1983, Videla’s rule brought the country into an era of state-directed terror aimed at the civilian population, characterized by a severe human rights violation (Caba-Perez, López-Hernández, and Ortiz-Rodríguez).

Generally speaking, not only Brazil, Chile, Uruguay, Paraguay and Argentina have been ruled by military dictatorships during the second half of the twentieth century, but also many other Latin

American countries, such as Bolivia and Peru have experienced similar processes. Nevertheless, what is important to note, and what will be the focus of this dissertation, is that the transition from military dictatorships to the election of left-wing governments in the 2000s has been defined as being expansive in relation to asylum seekers' and refugee's rights (Freier); indeed, as Geddes (85) suggests,

“South America since the 2000s has been seen as offering a distinctively progressive and liberal counterpoint to prevailing global trends in migration governance. Across the region, there was a period when left-wing governments committed to a new approach to migration, proclaimed a right to migrate, and urged the non-criminalization of migration in ways that were seen as emblematic of a ‘liberal tide’ at state and regional levels”.

The left-wing governments' was an attempt to radically change migration laws and policies and move beyond the existing status quo, characterised by hostile and repressive migrations laws promoted by the several Latin American dictators. As it will be better explained in Chapter four, the liberalisation of migration laws and policies was possible also thanks to the ratification by all South American countries of the Geneva Convention and its 1967 Protocol and the expansion of the refugee definition provided by the 1984 Cartagena Declaration (Geddes).

1.2. The election of left-wing governments in the 2000s and its impact on migration laws and policies: the so-called ‘liberal tide’

The rise of the left in Latin America is a phenomenon that started around the late 1990s and early 2000s, and that continues to be strong today. In the early 1990s, more than a half of Latin American countries were ruled by right-wing parties, while in 2005-2008 this percentage has fallen to 33 per cent, with fifteen out of twenty-one countries having a president from the left or center-left party in 2009. Overall, despite the differences among left-wing politicians, the popularity of the left has increased exponentially in the region (Blanco and Grier). However, the reasons behind this phenomenon is not really clear; this ‘left turn’ is generally associated with past political discrimination, government crises, and their inability to fulfill social, economic, and political expectations. Indeed, as Blanco and Grier (68) argue, “when a government crisis occurs during a term with a president from the right, the probability of having a president from the left in the following term increases significantly”, and this is precisely what happened in Latin America, as it has been

shown that countries that experienced more political discrimination and more government crises are also more likely to have left-wing presidents. Yet, this is not the only factor pushing the rise of the left in the continent. Indeed, the literature on the Latin American left has identified various different socioeconomic and political factors explaining its popularity (Blanco and Grier). First, commodity exports in agriculture, mining, and oil have all positively and significantly increased the probability of a left-wing candidate being elected president. Natural resources abundance plays a key role and might affect political ideology as resource exports are associated with greater economic activity and government revenue. Commodity price booms considerably decrease the economic constraints on presidential candidates, thus allowing them to once again increase social spending and free the country from the negative effects of the Washington Consensus. Indeed, the rise in commodity prices has lessened the constraints related with the dependence on volatile flows of external capital (Blanco and Grier).

Second, as previously noted, past political discrimination is another factor that led to the rise of the left, and that “supports arguments that left-wing parties have been able to tap into widespread and deep discontent over voters’ feeling of political marginalization” (Blanco and Grier 87-88). Moreover, trade openness also plays an important role for what concerns presidential ideology, but only when a country’s previous president was not a conservative. Indeed, as Blanco and Grier (88) argues,

“more open countries are less likely to elect a left-wing chief executive, unless the previous president was from a conservative party, in which case openness has no effect on the ideology of the current chief executive”.

Finally, findings show that government crises also shape the political ideology of the chief executive, but only if the crisis occurs under the ruling of a conservative president. Indeed, when a crisis occurs during their presidency, conservative presidents, on the contrary of left-wing presidents, are punished electorally. Overall, it has been shown that in an unstable political environment individuals are more likely to elect left-wing candidates (Blanco and Grier).

For what concerns Latin America, the election of left-wing governments has been associated with the progressive tide of migration laws and policies of the 2000s. Indeed, under their ruling a wave of new immigration laws were passed in order to replace the previous frameworks put in place by dictators. This liberal tide of migration policies constitutes an attempt by left-wing governments

to promote significant domestic reform by recognizing the right to migrate, committing to the non-criminalization of irregular migrants, and opening the governance process to consult with a broader range of actors, comprising trade unions, business, civil society and academics (Geddes; Cantor et al. 2015). Moreover, as it will be analysed more deeply in Chapter 5, the 2000s liberal tide was also a conscious attempt “to position the region as separate and distinct from both the United States as the continental hegemon and regional approaches to migration in the EU, which were labelled as harsh and repressive” (Geddes 86). Indeed, a different normative template for regional governance was created in opposition to the hostile approach to migration promoted by both the EU and the US.

2. The 1990s economic crisis and its impact on Latin American migration

2.1. The Alliance for Progress and its failure (1961-1970)

During the second half of the twentieth century not only Latin American countries were affected by a period of political instability but were also hit by a deep prolonged economic crisis, for which the eighties is considered a ‘lost decade’ for the country as a whole. Factors like huge foreign debt, recurring devaluations, uncontrolled inflation, political instability and the opening to foreign markets (Klikberg) contributed to the collapse of the Latin American economy. In this context, the combination of rising inequalities, increasing poverty, and the instability of the labor market created the right conditions for emigration. In particular, the economic situation of the region in those years had a direct impact on migration flows; between the fifties and the eighties, Latin American countries experienced an explosive growth of megalopolis like Buenos Aires, Mexico City and San Paulo, as well as of big cities such as Rio de Janeiro, as a consequence of the strong domestic migration fluxes resulting from the economic crisis (Durand).

This chapter will analyse the conditions in Latin America during the second half of the twentieth century, with a particular focus on the economic situation and its impact on migration. The point of departure is the political awakening of the region in the late 1950s and early 1960s, with the emergence of several guerrilla movements in many countries, including Cuba, and the failure of the Alliance for Progress, an ambitious aid programme sponsored by the United States with the aim of improving social conditions in Latin America and reducing the political appeal of the left; however, as it will be argued, the programme did not bring any significant improvement to the social conditions of the country; moreover, the increasing protectionism and government intervention in that period

discouraged productivity improvements, leading to inflation, stagnation, economic suffering and debt crisis (Edwards).

On March 13, 1961, President John F. Kennedy designed a grand economic assistance program, the so-called Alliance for Progress, in order to transform and modernise Latin America through the promotion of political democracy, economic growth and social justice. The alliance was formally agreed by the United States and Latin American countries at a conference that took place in Punta del Este, Uruguay, in 1961. The United States had rebuilt Western Europe with the Marshall Plan; thus, the Kennedy (1961-1963) and Lyndon Baines Johnson administrations (1963-1969) thought that, through the implementation of the Alliance for Progress, they could repeat the historic achievements of the Marshall Plan and refrain Latin American countries from building communist ties with the Soviet Union in favour of a close alliance with the United States themselves. In this sense, the Alliance for Progress would be the ‘Marshall Plan for Latin America’ (Rabe). Broadly speaking, the United States’ promotion of the alliance was a response to the Cuban Communism; indeed, as Rabe (3) argues,

“the Kennedy administration decided to embark on a campaign to underwrite change and social development in Latin America because it perceived that the region was vulnerable to radical social revolution. U.S. officials feared that Latin American nations would embrace communism and the Cuban Revolution of Fidel Castro.”

Indeed, Castro, who ruled Cuba from 1959 to 2008, did not build the basis for a modern liberal democracy; he rather moved rapidly to the left and established close relations with the Soviet union and other members of the Warsaw Pact, making it clear that his aim was to build a socialist republic by strengthening the ties with Moscow. Fidel Castro gained popularity among Latin American countries and guerrilla movements started to spread all along the continent, thus increasing the communist threat for the United States: by the sixties, the Cold War had officially reached Latin America (Edwards).

The Kennedy Administration decided to address this situation of social turmoil and communist threat by first providing military assistance to the region’s governments and second by granting economic assistance to Latin American countries through the implementation of the Alliance for Progress (Edwards). Kennedy considered Latin America as “the most dangerous area in the world”, where poverty and injustice were viewed as triggering discontent and upheaval, thus constituting the

preconditions for social revolutions and facilitating the spread of communism all along the continent. Through the Alliance for Progress the United States would pursue a policy of ‘enlightened anti-Communism’; Latin American countries would be provided economic aid in the form of grants, loans, and direct private investments, for a total amount of 20 billion dollars, that combined with the 80 billion dollars that were expected to be gained by Latin America thanks to internal savings, would help the region to achieve a real economic growth rate of 2.5 percent a year (Rabe).

More specifically, as expressed in the Charter of the Punta del Este, the Alliance consisted of more than ninety ambitious goals aiming at satisfying the basic needs of Latin American people for work and land, homes, health and schools. For example, per capita growth in income was expected to become sufficiently high to assure self-sustaining and to reduce the gap between Latin America and the industrialised nations. In order to satisfy these goals, it was deemed necessary for these countries to achieve a per capita growth rate of at least 2.5 percent. Another goal for the region was to promote a more equal distribution of income so that the benefits of economic progress would be accessed by all social and economic groups (Grunwald). A more balanced diversification of the economy was also deemed necessary for Latin American countries in order to not to be dependent on the export of few products and to accelerate the process of industrialization. Another important part of the program concerned agricultural and land reform: indeed, through the alliance, the level of agricultural productivity would be increased and programs of agrarian reforms would be introduced (Grunwald). Health, education and welfare were also fundamental fields of improvements; indeed, the program aimed at eliminating adult illiteracy, providing six years of primary education to every school-age child, and modernizing educational facilities in general, as well as at increasing life expectancy at birth by a minimum of five years, improving individual and public health, and building low-cost houses for low-income families (Grunwald). This is why it is possible to say that the Alliance for Progress would represent a revolution in human rights, social reform and political freedom would go hand in hand with material progress (Rabe).

In this context, modernization theories play a central role. Indeed, even if motivated by Cold War imperatives, Kennedy expressed his will to build a prosperous, democratic, and anti-Communist Latin America, believing to know how to ‘modernize’ the region. The postwar period was a period that saw the emergence of formal theories on political and economic development, “that posited a universal, quantitatively measurable movement of all societies from ‘traditional’ situation toward a single ideal form or ‘modern’ organization” (Rabe 5). In a context of authoritarian political structures, backward and rural economies, and lack of faith in entrepreneurial spirit and scientific progress, the aim of the

United States was to accelerate the modernization process, before the Communists could undermine it, by making Latin American countries become a modern society that would look like the United States. This meant that Latin America would be characterized by a competitive political system and embrace mass consumption. However, “the assumption that ‘modern’ Latin Americans wanted to replicate superior U.S.-style institutions and inculcate Anglo-American values in their societies belied the concept of an ‘alliance’” (Rabe 5). Latin American leaders would be granted enough economic and financial support by the United States in order to be able to generate the amount of internal capital necessary to undertake their own process of economic development. All this was to take place within a democratic framework and within a ten-year period (Grunwald). During this ten-year period Latin American countries were expected to reach the ‘take-off stage’; as Rostow suggests in his famous 1960 work, *The Stages of Economic Growth: A Non-Communist Manifesto*, the take-off stage is an industrial revolution, directly linked to changes in methods of production. He also argues that, according to the modernization theory, countries that would be able to sustain their own process of economic growth and development would adopt a democratic structures. As Rabe (6) argues, “these modernized societies would naturally align themselves with the United States and reject the false promises of Khrushchev, Castro, and their fellow Communist travelers”.

Nevertheless, the implementation of the policies of the Alliance for Progress was not at all an easy task; the program did not generate meaningful political and social improvement in Latin America, proving to be a considerable failure. The economies of the region hardly reached the take-off stage, their annual growth rate was very low, and unemployment rate increased reaching exponential levels (Rabe; Edwards). This was mainly due to poor countries’ lack of expertise in economics that made it almost impossible to project a coherent economic program capable of satisfying the Alliance for Progress’ goals. All this resulted to be even more difficult because of the opposition exerted by the ruling class in many countries of the continent: land owners rejected any kind of land reform, and there was great reluctance to adopt the policies required to lower inflation (Edwards). This is further explained by Rabe (7), who argues that

“U.S. officials misled themselves trying to apply dubious social science theories and misleading historical analogies like the “Marshall Plan for Latin America.” Latin America was not Europe. Western European countries had been devastated by war, but they had financial and technical expertise, familiarity with industrial forms of organization, institutionalized political parties, strong national identities, and, except for Germany, a robust democratic tradition.”

The difference between Latin America and Western Europe is that the latter one already had similar political structures, social fabrics, and economic institutions to the United States, and the Truman administration simply helped Western European countries ‘rebuild’ what the war had destroyed, by providing them with economic assistance. Additionally, the Marshall Plan also differed from the Alliance for Progress in that it was far more generous: while the Marshall Plan money was given in the form of grants, meaning that it did not have to be repaid, through the Alliance for Progress Latin American countries were offered money in the form of loans, that did have to be repaid. In particular, in the sixties the continent was paid 15 billion dollars out of the 20 billion dollars that had been promised (Rabe). Another significant problem was population growth, which in many cases impeded the achievement of the Alliance’s goals. Indeed, in the 1960s Latin America experienced the most rapid population growth: if, on the one hand, the Alliance contributed to reduce the number of children not attending schools, on the other hand the population growth rate in the sixties increased the percentage of children not attending school (Rabe).

Finally, it must be noted that the failure of the Alliance for Progress was also generated by Kennedy’s Cold War initiatives; indeed, through the implementation of the program, the United States’ president wanted Latin America to cut diplomatic relations with Cuba and the Soviet Union. As stated by Edwards (5), “Latin American politicians argued that the Alliance was too political – that is, excessively anti-communist –, and that it failed to support important regional goals, including the creation of a Latin American trading bloc”. The aim of the democratic Kennedy’s administration was to win the Cold War by creating democratic and progressive societies in the Latin American continent with the help of the Alliance for Progress; in fact, what really happened was that the program destabilized constitutional governments and rigged elections. Instead of generating a long-term free, prosperous, and socially just society, the United States achieved short-term security through the diffusion of an anti-communism sentiment and the election of right-wing dictators (Grunwald; Rabe).

2.2. The import substitution model and the prolonged economic crisis

The economic crisis affecting Latin America in the second half of the twentieth century was also the result of the import substitution industrialization strategy. As it will be explained in this section, despite the import substitution development model generated substantial growth for Latin American economies, its achievements were short lived and the inability of Latin American governments to adjust the model to the changing international and domestic conditions led to its “failure” (Silva;

Sapelli). This situation of economic crisis and instability also had significant implications for migratory movements.

As it is argued by Silva (67), models of development “emerge overtime as responses to international and domestic socioeconomic and political crisis. They spring from attempts to restore economic growth and political order and are later formalized as models. In that sense, import-substitution industrialization had significant success for a number of decades”. Indeed, import-substitution industrialization was a response to the fall of the original free-market export-oriented model during the Great Depression of the 1930s and World War II. Latin American countries needed to bring back social peace and political stability, and in order to do this they also needed to find a way to restore economic growth (Silva). In the fifties, import substitution was seen by many economists as the best trade strategy that would allow developing countries to promote industrialization and economic growth (Irwin; Edwards). However, import substitution industrialization (ISI) finds its origin in the 1930s, when it began to be implemented in countries that already had built significant industry. Later, in the 1940s-1950s this development effort became formalized into a model. More specifically, the ISI model was based on two main pillars, namely a closed economy, that implies the implementation of high tariff barriers, quotas and exchange controls, and a strong role for the state, referring to government expenditure as a large share of GDP, extensive regulations and an increasing presence of state-owned firms (Sapelli). As Sapelli (2) writes, “the arguments in favor of an import substitution industrialization (ISI) strategy include the fact that national statistics show that the import substitution strategy followed by Latin America in the fifties and sixties delivered substantial growth”. What is important to note is that industrialization in Latin America required a significant import of capital goods, technology, and intermediate manufactured goods; thus, the aim of the ISI was to replace imported consumer products with local manufactures and to build the necessary infrastructure to sustain the effort (Silva). Indeed, as Prebisch, the leading proponent of the idea, argues, this strategy sought to replace imports of manufactured goods with domestic production of such goods; he explains that the objective was not to reduce the total amount of imports, but rather to shift the composition of imports from consumer goods to capital goods (Irwin). In order to do that, Latin American countries needed to lower spending of scarce foreign exchange on imports of nonessential consumer goods and use that money for the import of capital goods, which were necessary for development and had to be imported, as domestic producers did not possess the technology to produce them. In other words, according to the ISI model, developing countries should discourage import of manufactured goods

that could be produced domestically; by doing this, domestic industries would be supported and dependence on foreign trade reduced (Irwin).

The ISI began to reach its limits during the 1950s and 1960s; indeed, as Silva (80) states,

“economic growth slowed down, foreign exchange shortages were common, fiscal deficits mounted, national account figures worsened, inflation threatened (except in Mexico), and governments frequently resorted to start-stop fiscal stabilization policies. It was clear that the development strategy had to be adjusted and that the adjustment would require spurring exports of manufactures.”

The crisis of ISI as a strategy for industrialization is mainly due to the fact that development strategies are responses to problems that emerge in specific international and domestic conditions. When those conditions change, development models need to be adjusted or abandoned. In particular, Latin America faced limitations and problems with industrial policy, financial system development, foreign-exchange management, and welfare state policies (Silva). However, conditions in the region not only were affected by these economic pressures, but they were also shaped by domestic political factors, including party systems, the relationship of social forces and political parties to the state, and the capacity of state and parties to mediate the interests of the supporting social coalition. Consequently, “faced with altered conditions, import substitution industrialization had to change. In that sense, its original more or less exclusively inward-looking formulation, for which it has been roundly criticized, ‘failed’.” (Silva 85). Indeed, by the 1950s Latin America had to deal with many problems resulting from the inadequate implementation of the ISI, namely inflationary pressures, social and political unrest, and fiscal difficulties. Latin American policy makers found themselves in a difficult position due to this set of international and domestic economic limitations. Moreover, investments from the World Bank, United States supplier credits, and bilateral aid were not sufficient to foster economic growth and development. This is why by the late 1950s the so-called easy phase of the import-substitution industrialization strategy reached its limits: the suppression of imports had reduced the share of consumer goods in total imports in modest levels. However, governments in many countries had adopted ad hoc, and often inconsistent, forms of protection, resulting in an excessive protection of domestic industry (Sapelli; Silva). Thus, the result was an inefficient industrial sector, whose products had prices that were much higher than foreign prices (Sapelli; Edwards).

The second stage of the strategy would imply increasing investments significantly (Silva). Indeed, on the contrary of the easy stage, this level required huge capital investment or technology; in this way, the Latin American economy would have been able to shift to consumer durables and capital goods. Nevertheless, the region lacked sufficient foreign exchange, since the amount of goods it exported was very poor (Sapelli). Also Prebisch, one of the ISI leading proponents, changed his view during the 1960s due to the evidence of the shortcomings and limitations of the import substitution policies. More specifically, he pointed out that in some cases the wrong or excessive protection had gone far beyond the optimum point, thus deteriorating the Latin American economy, which was not able to boost industrial exports to the same extent it promoted substitution activities. In other words, the exaggerated protectionism of Latin America generated inherent obstacles to export promotion. This is why, according to Prebisch, the problem was not with the import substitution itself, but rather with its implementation. In some countries, import substitution policy lasted until the 1980s, when the debt crisis forced Latin American countries to implement major adjustments in policy (Irwin).

Broadly speaking, as Sapelli (7) points out, the ISI was not intensified for three main reasons, namely:

“1) the strong negative effect on exports, that deteriorates the ability to generate foreign exchange; 2) the exposure to terms of trade shocks because of the small export base; and 3) the macroeconomic policies that were followed to ameliorate the effects on the poor.”

The rapid increase in the prices produced a number of negative effects, namely the disappearance of credit, increasing uncertainty, investment decline, stricter government controls, and the erosion of the purchasing power of wages, pensions and savings for a large part of the population, especially the poorest one (Edwards). Indeed, not only protectionism imposes costs on exporters, but also on the population as a whole (Sapelli).

To summarize, despite the import substitution industrialization strategy brought positive contributions to Latin American development, as it led to rapid economic growth and industrialization of the continent, and it allowed significant transformation of infrastructure (equipment, transport, plant, and energy) and state institutional capacity, which generated important social changes, skilled industrial and service workers, a sizable middle class, and domestic capitalists, its achievements were short lived (Sapelli; Silva). As a matter of fact, as it is argued by Irwin (7), “whatever intellectual support there had been for import-substitution in the 1950s was significantly weaker by the mid-1960s. The change was recognized by the very group that was most sympathetic of import substitution

in the first place.” In this context, faced with increasing economic stagnation and inflation, the decline of import substitution as a policy idea accelerated by the mid-1960s. As it will be explained more in detail in the next section, instead of adjusting industrial policy in order to promote development based on the export of manufactures, the majority of Latin American countries adopted the neoliberal economic model, which also evolved overtime, generating successes and failures as the import substitution strategy did, rising non uniform opinions among policy makers and scholars (Silva).

2.3. The new economic model of neoliberalism: the dismantling of national industries, banking crisis, and the worsening of the rural environment

Already by the mid-1970s, the fragility and inefficiency of the Import substitution industrialization strategy started to become even more evident due to the oil shocks, debt crisis, and demographic pressures. During the seventies and the eighties, the regional debt crisis deepened and the continent suffered considerable policy failure (Molyneux); market distortions associated with the ISI strategy generated severe balance of payments and trade deficits and capital scarcities. In order to face this dramatic economic crisis, Latin America borrowed heavily from commercial banks and international financial organizations in the 1970s, producing severe financial dislocation in the 1980s (Biglaiser and Karl DeRouen). Consequently, many Latin American countries were forced to promote new programs and measures in order to decrease inflation and fiscal deficits, liberalize the economy and privatize enterprises (Molyneux). However, these programs relied on unsustainable macroeconomic policies and aimed at achieving short term benefits, neglecting long term consequences. As a matter of fact, by the end of the eighties, inflation was out of control in most of the countries, unemployment skyrocketed, and growth was negative. In this context, as it has always been the case, the poor were the ones that suffered the most (Edwards).

With the passing of the years, the economic crisis became so severe that, in order to solve it, it was clear that a coordinated action by the Latin American governments, creditors, advanced countries, and international multilateral institutions was needed. In this sense, because the economic conditions were so dramatic and the previous protectionist policies had become so discredited and outdated, Latin American politicians were ready to try a completely different economic model, and even ideas such as the implementation of market oriented economic policies relying on competition and openness to the rest of the world started to be taken into consideration (Edwards).

Since the 1980s, Latin American countries initiated market-oriented, neoliberal reforms that were known under the name of ‘Washington Consensus’. As Margheritis and Pereira (34) suggest, “it is possible to identify a set of measures that characterized the neoliberal turn, among them the belief in

the efficiency of market mechanisms and the need to reduce or reverse the state's involvement in the economy". Indeed, these new policies aimed at reducing fiscal imbalances and inflation, open the economy to international trade, deregularize investment and the business sector, privatize state owned enterprises, reduce the role and the size of the state in the economy, and develop domestic capital markets. Moreover, these measures relied on the redistribution of public expenditures among the poorest part of the society (Edwards; Molyneux).

The Washington Consensus was a *consensus* because it embodied a congruence of interests of the dominant groups. In 1990, John Williamson summarized the main elements of that policy recommendation in a list of ten economic reforms, which make up the Washington Consensus itself. The term 'Washington' comprised the political members of the United States administration, the policy specialists, the technocrats in the international financial institutions (as for example the International Monetary Fund and the World Bank), and the economic agencies of the United States government (Margheritis and Pereir). The consensus promoted a positive view about the benefits that could be achieved by implementing prudent macroeconomic policies, free-market capitalism, and an outward looking economic model. The agreement relied on a list of ten policy instruments rather than outcomes or goals, and as such it did not go beyond the list. More specifically, the instruments that were put forward were:

“(1) fiscal discipline, (2) reordering of public expenditure priorities, (3) tax reform, (4) financial liberalization so as to attain positive market-determined interest-rates, (5) competitive market-determined exchange rates, (6) import liberalization, (7) promotion of foreign direct investment, (8) privatization of state-owned enterprises, (9) deregulation, and (10) provision of secure” (Margheritis and Pereir 34).

Overall, neoliberal policies generated some positive results, as they reduced inflation, attracted foreign investment, and promoted economic growth that in the 1990s was far higher than in the so-called 'lost decade' of the 1980s. However, it must be noted that these reforms exerted an uneven impact within and across social sectors, resulting in 1997 in a decline in the economic growth and investment rate, and increasing inequalities and poverty across Latin American countries (Margheritis and Pereir). Employment in the formal sector decreased significantly, and economic openness has not led to the flourishing of firms or improved workers productivity. During the eighties and the nineties, due to its reliance on elitist, exclusionary pact among elites and small groups of experts embodying

the interests of transnational capital, neoliberalism lost its credibility and its capacity to promote viable policies. Indeed, the interests of the majorities were cut out of the process (Margheritis and Pereir).

As Biglaiser and Karl DeRouen (561) point out, “after more than 15 years of market-oriented reforms in the region, strong economic recovery is more the exception than the rule. Despite some disappointing economic results, Latin American governments continue to liberalize and, in fact, expand their reform programs”. Indeed, market-oriented policies have not generated the expected economic miracles that were claimed by its supporters; rather they have brought low growth in per capita gross domestic product, increasing wealth disparities, and high levels of urban unemployment, resulting in a general decline in welfare (Biglaiser and Karl DeRouen).

Overall, “the so-called Washington Consensus of the 1980s and 1990s was appealing because it was a simple and straightforward set of tools offered in a time of crisis” (Margheritis and Pereir 44), and it had the capacity to adapt some general policy instruments to specific environments, while maintaining at the same time free-market attitude. However, it was not able to further political compromises, to address the needs and the interests of the majorities, and it never promoted a sense of collectivity (Margheritis and Pereir).

2.4. The impact of the late 1990s political economic crisis on migration

In the second half of the twentieth century Latin America has undergone many transformations under both the economic and the political point of view, which have deeply affected the country. In particular, as it has been said, already in the 1960s the shortcomings and the limits inherent in the import substitution industrialization strategy began to be felt, even if it was in the 1970s that they became striking. A dramatic economic crisis spread all over the region (Pellegrino). In the eighties, during the so-called ‘lost decade’, the debt crisis became widespread and it led to a severe decrease in the per capita GDP in most Latin American countries; overall, in this period the region had to face many setbacks, including the worsening of the living conditions of the middle class and of income distribution levels, the increase in poverty and destitution rates, the drop in the production and a decrease in its growth rate, the worsening of employment situation and a decline in real wages. The macroeconomic situation deteriorated, while at the same time the financial system in many countries was profoundly challenged (Pellegrino).

In this context, protectionist policies were abandoned in favour of a new and completely different kind of economic strategy; indeed, governments responded to the economic crisis by adopting free market policies, that implied a reduction of the role of the state in the economy, the privatization of

public companies and the opening up of the economy to the world market (Pellegrino). However, it is important to note that the end of the twentieth century was characterized by an increasing informalisation and a growing service industry. Indeed, employment rates rose especially among informal activities, such as domestic help, self-employment and unpaid domestic work, and employment in microenterprises. Overall, neoliberal market policies of the 1970s-1980s brought economic stagnation, rising unemployment, and cuts in welfare spending, resulting in worsening living standards for the majority of the population in Latin American countries (Pellegrino).

Analysing the underlying economic and political changes in Latin America, namely the widespread economic crisis and the transition from dictatorships to left-wing governments, is of crucial importance in order to understand migratory movements and the paradigm shift in migration laws and policies between the end of the twentieth century and beginning of the twenty-first century (Geddes). Indeed, migration governance and contemporary flows are precisely related and shaped by economic crises, political conflicts, and humanitarian incidents in sending countries (Tienda and Sánchez). As Geddes (93) suggests,

“economic and political crisis at the end of the 1990s led to *la estampida migratoria* (the migratory stampede). This saw an estimated 400,000 people leave Argentina, 250,000 move from Bolivia, a further 1 million exit Brazil, 1.9 million leave Colombia, and 1.4 million move from Peru. The election of left-wing governments and the ‘liberal tide’ in approaches to migration across South America was powerfully shaped by the effects of economic crisis, subsequent political change, and emigration.”

Indeed, due to the dramatic economic and political situation, during the second half of the twentieth century Latin America has stopped being an attractive destination for immigrants from Europe, the Far East and the Middle East, emerging on the international scene as a source of emigration (Durand); migration processes are reversible, and, thus, countries receiving immigrants can turn into countries of emigration, as is the case of Latin America, and vice-versa (Durand). As Pellegrino (397) further explains,

“the signs that Latin America was once a migrant-receiving region are gradually disappearing. The reversal of traditional extra-continental migratory movements is to be seen in a decline in

the total accumulated number of European and Asian immigrants in the main receiving countries: Argentina, Venezuela, and Brazil.”

In the seventies, the Latin American conditions of deep economic and political instability favoured the emergence of military dictatorships, leading to a strong phenomenon of emigration to a variety of destinations, namely Europe, the United States, Canada and Australia, but also other Latin American countries, mainly Venezuela, Mexico and Costa Rica (Pellegrino). However, in the last decade of the eighties, countries like Argentina and Venezuela, which traditionally were countries receiving migrant workers, experienced a drop in immigration rates from neighbouring countries. In this context, migration of Latin Americans to the United States, and to a lesser extent to Canada, increased significantly (Tienda and Sánchez), becoming the main migration phenomenon in the continent, and making the United States population rise from approximately 1 million in the 1960 to almost 8.5 million in the 1990, and to nearly 19 million in 2010 (Pellegrino; Tienda and Sánchez).

To summarize, the Latin American experience shows us that economic and political factors always come together. Indeed, the economic crises that hit the Latin American continent during the second half of the twentieth century cannot be entirely separated from the emergence of political violence inherent in the military dictatorships that ruled most countries in that same period. Thus, as Pellegrino (405) claims, “this also makes it difficult to categorise migrants as victims of violence or of economic hardship, since both phenomena are often interrelated.” As a matter of fact, not only the dramatic economic situation, but also violence resulting from political changes and advent of authoritarian regimes are one of the main drivers of migratory movements that have significantly shaped international migration in Latin America. Many people were violently expelled under dictatorial rule; exiles then favoured the creation of links and networks, thus increasing emigration. In particular,

“in the 1960s, Haitians, Cubans and Dominicans emigrated to the United States and Paraguayans and Bolivians to Argentina. In the 1970s, dictatorships in southern Latin American countries (Argentina, Chile, and Uruguay), coupled with economic crisis, sparked emigration within the region and to Europe, Australia, the United States, and Canada. The late 1970s and early 1980s was the critical period in Central America, with a million displaced persons” (Pellegrino 405).

It was precisely this situation of political and economic turmoil that led to the paradigm shift in migration laws and policies, resulting in the liberal tide of the 2000s.

CHAPTER TWO:

LATIN AMERICA AS A MIGRATIONAL REGION

1. The centrality of regions in migration governance

In the following pages I will illustrate the debate on the importance of a perspective based on the role of the regions in the field of migration governance, especially when dealing with a case like Latin America where, as it will be analysed throughout this chapter, migration flows are strongly intra-regional. According to some contemporary scholars, such as Andrew Geddes and Amitav Acharya, focusing the attention on migration governance is of paramount importance because regions are an important locus for actions, as they mediate the relationship between the national and the global. As Geddes claims, regions themselves produce highly relevant sets of standards and norms in order to manage migration flows. What is clear is that “the ‘global’ needs to be rendered consistent with norms and practices at state and regional level” (Geddes 194) and, thus, it is possible to say that the global acquires meaning by means of its encounters, both negative and positive, with the regional and the national. As Acharya (241) observes, according to the concept of localization, it is really important to assess how the global becomes regionalized rather than to assume that regions become globalised. This can be explained through the fact that “there is significant variation in the ways in which international norms and standards take effect in regions” (Geddes 199), and, consequently, “any development of global migration governance will be strongly dependent on the regional” (Geddes 199).

Always according to Acharya, central in this discourse is the contestation existing between emerging transnational norms and pre-existing regional normative and social orders. In this context, localization outlines a “complex process and outcome by which norm-takers build congruence between transnational norms (including norms previously institutionalised in a region) and local beliefs and practices. In this process, foreign norms, which may not initially cohere with the latter, are incorporated into local norms” (Acharya 241). In this sense, the reception of new global norms and the consequent fit between international norms and global norms is profoundly influenced by the domestic political, cultural and organisational variables. Here, a crucial role is played by local agents, who construct foreign ideas through discourse, cultural selection, framing, and grafting, in order to develop meaningful congruence with local practices and beliefs (Acharya). As Acharya states, “to localize something is to invest [it] with the characteristic of a particular place”; the strength of prior

local norms, some of which are foundational to a group, is crucial in favouring this dynamic process of localization. Indeed, local standards and norms have already become inherent and integral to the local group's identity: they do not only regulate actors' behaviour, but they also constitute actors' interests and identities. In this sense, "the stronger the local norm, the greater the likelihood that new foreign norms will be localized rather than accepted wholesale" (Acharya 248). Thus, localization is a process that is central also in the field of migration governance, and it helps us to understand why the regional dimension really matters and why it is possible to say that the global becomes regionalized.

For Geddes, generally speaking, the governance systems that are present in every region are powerfully constitutive of the challenges that they face, and thus governance is not to be considered as an *ex post* response to migration, but rather as a driver of migration itself. In this sense, organisations are deeply linked to the environment they find themselves in and operate in. This is why every region has its own peculiarities and is very different from the others. More specifically, there exist four main regional organisations in the world, namely the Association of Southeast Asian Nations (ASEAN), Mercado Común del Sur (MERCOSUR), the European Union (EU), the US-Mexico-Canada agreement or also known as the North American Free Trade Area (NAFTA). This dissertation will focus in particular on MERCOSUR, being the organisation related to Latin America, that will be explained more in detail in the next chapter. The existence of these four organisational bodies highlights how the regional level is emphasised when dealing with migration governance and how international migration is in fact regionalized: "we may be distracted by the word 'international' to think that most migrants move long distances. In fact, migrants often move to neighbouring or nearby states rather than undertake lengthy and potentially expensive journeys" (Geddes 13). As a matter of fact, as we will see in the next paragraphs, migration both in South America and Southeast Asia is strongly intra-regional. This is less the case in what was known as NAFTA and the EU, even if citizens of the EU member states are guaranteed free movement rights. Moreover, in the American continent, the United States has been the principal destination for global migration, even though the most numerous group of migrants comes from Mexico. However, it is also important to make a distinction between regionalism as a more formal governance process and regionalization as a social process. Indeed, the fact that migration itself may be regionalized, as it is especially the case of South America and Southeast Asia, does not necessarily mean that there exists regional governance of migration (Geddes).

In his book “Governing Migration Beyond the State: Europe, North America, South America, and Southeast Asia in a Global Context” (2021), Andrew Geddes argues that regions are usually conceived as “political constructs that centre on and/or seek to promote social, political, economic, or organizational cohesiveness. They are highly diverse in form, sit between the national and the global, are reflective of the multilevelling of international politics and of the multidimensional complexities of international governance” (Geddes 15-16). Regional organisations, such as MERCOSUR, commonly comprise states that are geographically proximate, that share common interests derived from location and associated interdependencies. Their goal is to achieve broad-based cooperation on a series of issues, but more specifically on economic cooperation, security, and trade. Each of the four regions, namely Europe, North America, South America and Southeast Asia, has its own peculiarities and characteristics. They vary in patterns and flows of regional and extra-regional migration flows, and they present differing degrees of openness and closure in migration policies as well as of interstate cooperation on migration.

To sum up, regions have proven to be of paramount importance in migration governance for several reasons. First of all, even if they all present their own characteristics depending on the environment they are surrounded by and they can act differently in the field of migration, they are a significant locus for action. Secondly, they represent an important connection between the global and the national, as they are considered as mediating the relationship between these two dimensions. This is why the regional dimension also matters when dealing with migration governance. Finally, “regions themselves can be—and are—active producers of norms and standards related to various types of migration” (Geddes 16-17).

2. South-south migration and intra-regional migration

The importance of south-south and intra-regional movements are highlighted by Freier de Ferrari in her work “A Reverse Migration Paradox? Policy Liberalisation and New SouthSouth Migration to Latin America” (2016). According to Freier De Ferrari, the existing migration literature does not sufficiently tackle the increasing phenomenon of extra-continental south-south migration in Latin America. Indeed, this lack of empirical and theoretical work on south-south migration is highlighted by the fact that migration studies on international migration and migration policies continue to be strongly influenced by a geographic “south-north” bias, where “the term ‘south’ refers to comparatively less developed regions and countries concentrated in the southern hemisphere, and the term ‘north’ refers to more developed regions or countries, concentrated in the northern hemisphere” (Freier 14). The existing studies on migratory movements in Latin America clearly reflect this south-north bias, as most of them focus on the south-north migration corridor starting in Central America, crossing Mexico and ending up in the United States and Canada, particularly analysing North American migration policy and law. A much smaller group of scholars has centred its analysis on migratory movements leaving South America and directed to Western Europe. Scholarship dealing with the dynamics and characteristics of south-south migration flows tends to be included in works of international organisations.

Today, south-south migration is estimated to account for approximately “a third of all international migration and for about half of all migration from developing countries” (Freier 83). Migratory studies on the effects and effectiveness of immigration and refugees laws and policies are predominantly focused on the capability of European and North American governments to control south-south migration, actually leaving at the same time the field of south-south migration largely unexplored. As a matter of fact, “south-south migration and related trends in migration and asylum laws and policy in the global south are only beginning to be appreciated” (Freier 83), while, by contrast, there exists a consistent scholarship on migration flows directed to the global north. This way of studying migration leads to the strengthening of the misconception that international migration happens mainly from poor developing countries in the global south to rich developed countries in the global north. In order to fully understand the dynamics of south-south migration and the interconnectivity of international systems, scholars should focus more on the trajectories, policies and actors involved in this kind of migration flows.

For Freier De Ferrari, what is worth noting, is that south-south migratory movements are significantly dynamic, and, moreover, new interregional and intercontinental routes are emerging. The so-called

“extra-continental immigration” in Latin America, referring to intercontinental south-south migration from Asia, Africa and the Caribbean, has experienced a significant growth in the first decade of the twenty-first century. However, despite the relevance and the significant amount of this kind of migration trend, very little is known about the motivations, characteristics and modes of migration of south-south migrants, and in particular who moves, for which reasons, and under what conditions. Broadly speaking, “south-south flows have been identified as made up of mixed migration – economic migrants and refugees who make use of the same routes, means of transportation and smuggling networks” (Freier 84). Furthermore, for Freier De Ferrari, a distinction has been made between south-south migration and south-north migration, that identifies south-south migrants as being younger, less educated, lower skilled, and as belonging to lower socio-economic levels compared to south-north migrants.

Also Geddes highlights the relevance of the regional dimension of migration, pointing out that, in addition to south-south migratory movements, another important trend that is worth analysing is intra-regional migration. Indeed, in all four regions, namely the European Union, North America, Southeast Asia and South America, intra-regional migration is highly relevant. Especially in South America and Southeast Asia, migratory movements are strongly intra-regional, even though South America has experienced a deeper regional-level cooperation than Southeast Asia (Geddes). For what concerns North America and Europe, “there is a strong presence of extra-regional flows, but in both these regions there is evidence of significant regional effects through the EU free movement framework and in bilateral and trilateral ties between Canada, Mexico, and the US” (Geddes 193).

Talking specifically about South America, as it has been just said, in addition to the intercontinental migration flows there exist significant patterns of short-term, cross-border movements between neighbouring countries in border areas, whose roots developed during the precolonial times and have been facilitated by cultural and geographical proximity, and have promoted commercial dynamism (Geddes). As a matter of fact, “flows of migrants from Europe fell away after the end of the Second World War, but these were compensated by increased intra-regional flows, including seasonal flows by agricultural workers from Uruguay, Chile, Paraguay, and Bolivia to Argentina” (Geddes 91). Indeed, as Cerrutti (1) also observes, in this period the largest share of international migrants movements occurred within the South American region itself. Intra-regional migration in Latin America led to the creation of migration corridors along the continent, and especially from Bolivia, Paraguay, Uruguay, and Chile to Argentina and from Colombia to Venezuela, even though, due to the 2018 economic and political crisis, Venezuela became the major origin country for displaced

people of the world (Geddes). As it will be explained more in detail in the next section, with regards to intra-regional migration in Latin America, two main systems developed in the continent between the 1950s and the 1970s, whose centres were in Argentina and Venezuela. In particular, the first one, which developed starting from the fifties, attracted migrants from neighbouring countries, namely Uruguay, Paraguay, Chile and Bolivia; the second one, whose peak was in the first half of the seventies, received migrants especially from Colombia, and to a lesser extent from other Latin American countries (Cerrutti).

According to Cerrutti, despite the political and economic crisis affecting South America between the 1980s and the end of the 1990s, and the consequent decrease in relative terms in regional migration, this kind of migration trend continued to be a significant phenomenon in the 2000s. Indeed, “in the year 2000, about 2.5 million South American emigrants live in another country within the region” (Cerrutti 3). Moreover, despite the changes in the characteristics of migrants and in the direction of migration flows, intra-regional migration in Latin America is still relevant nowadays. Some flows have stopped, others continued but at a slower pace, while some others intensified. For example, as it will be analysed more deeply in the last section of this chapter, one of the most relevant changes in regional migration is the increasing presence of women among migrants. Indeed, “as in other areas of the world, intra-regional migration is also feminising. Women migrate to improve their standards of living and to provide for the needs of those left behind”(Cerrutti 3). Women can significantly contribute to the improvement of the quality of life both in origin and receiving countries. However, it is also true that migrant women tend to be subject of abuses and discrimination, and many times their labour remains unnoticed because of the nature of their work (Cerrutti).

As previously said, during the seventies and the eighties intra-regional migration in South America increased mainly due to generalised political instability in the continent, as well as to a deep economic crisis, and, finally, to the profound impact of the high rates of demographic growth from the forties and the fifties. These factors first contributed to the increase of intra-regional migration flows, and later, in the nineties, to international migration flows (Durand). In particular, intra-regional migration, comprising the Caribbean and Latin American, has occurred predominantly between neighbouring countries. The development of intra-regional migration can also be explained by the fact that at that time it was more difficult to travel due to the requirement of visas and passports. Argentina is considered as being an exception, as it has always been open to immigrants, who were not required a visa and could be able to work informally and to prolong their stay (Durand). Migration in the

continent experienced a decrease due to the 1970s-1980s authoritarian regimes and military dictatorships, when it became more difficult to travel because of restrictive migration policies imposed by dictators in the region. However, it is also important to highlight that under authoritarianism in Latin America the number of refugees forced to leave their home countries increased. It was only in the nineties that travel, tourism and commerce began to be liberalised (Durand).

Intra-regional migration mainly includes two different migration trends, namely migrations of a short distance and for a limited period of time across borders, and those of longer distances and medium length stays directed to cities. On the one hand, “border migration is of a temporary nature, over a short distance, and linked in many cases to the rhythms of harvest seasons, especially of coffee, tobacco, fruits, vegetables and sugar cane”(Durand 12). This kind of migratory movement includes, for example, Paraguayans directed to the subtropical crops, the horticultural and fruticultural villas of North-Eastern Argentina; Bolivians going to Northern Argentina in order to work in tobacco and sugar harvests; Peruvian migrants working banana and mango harvests in Ecuador; migrants from Guatemala working in coffee and fruit plantations of Chiapas in Mexico; Ngöbe indigenous peoples of Panama and Nicaraguans who migrate to Costa Rica to harvest coffee; Colombian migrants working in the agricultural sector in the frontier regions of Zulia and Andes, in Venezuela; etc. (Durand). Usually, border migration in Latin America is undertaken by indigenous populations whose ethnic territories lie on both sides of the border, making the process much easier. In this way, “the immigrants from a neighbouring nation can blend in with people from the same ethnic group living in the country they have come to” (Durand 12); indeed, in many cases border migrants share the same phenotype, language and culture as their neighbours. This is the reason why the process of integration is much more dynamic and fluid in border zones than in the cities (Durand).

On the other hand, intra-regional migration to cities comprises two main groups of migrants: that of workers and peasants, who make up the larger group, and that of migrants belonging to the middle class and having professional status. In the majority of the cases these two groups of migrants tend to remain separate and do not mix with one another. More specifically, the first group of migrants is connected to migration networks, mixed marriages and old family ties, while the second group of migrants who are in possession of professional and technical qualifications usually move to capital cities. In general, individuals decide to migrate in order to improve their quality of life, to find a better education, and a better job (Durand).

Countries like Venezuela, Ecuador, Brazil, Mexico, Chile, Costa Rica, and Argentina have experienced an inflow of professional Latin American migrants. For example, the oil boom in Venezuela between the 1950 and the 1980 generated labour demand for both professional and unqualified workers. To a lesser extent, Mexico, Argentina, Chile, and Ecuador were an attractive destination for professional migrants because they could earn relatively higher salaries. Also left wing dissidents who were forced to emigrate and seek asylum for political reasons during the seventies and the eighties should be included in this category of migrants (Durand). Indeed, as it has been analysed more in detail in Chapter one, dictatorial regimes of the seventies and the eighties gave rise to forced migration across Latin America. As a matter of fact, “dictatorships and authoritarian regimes tend to be very suspicious of emigration by their citizens and also of foreigners coming in. One common practice is to deport the dissidents and then shut the gates”(Durand 13). With the aim of controlling the domestic population, dictators usually adopted restrictive migration policies that they tended to justify with arguments of national security.

Other than political crisis and instability, it is also important to note that “intra-regional migrations have the peculiarity of being closely linked to the ups and downs of the economy and a complicated system of social networks, through which there is a flow of information about the labor market”(Durand 15). Indeed, the economic crisis of Venezuela and Argentina are closely linked to migratory flows to and from neighbouring countries.

Today, the liberalisation of migration requirements, resulting from the process of economic integration through MERCOSUR, the free trade agreements in Central America, la Comunidad Andina, el CARICOM, the recent Unión de Naciones Sudamericanas, UNASUR, have made intra-regional migration in Latin America easier.

3. Patterns and tendencies of intra-regional migration in Latin America

As previously stated, South America is characterised by a long standing tradition of intra-regional migratory movements. Cross-border movements became a really common tendency, and in the first half of the twentieth century the continent experienced a significant process of seasonal migration of agricultural workers. Starting from the 1950s, “divergent processes of economic development in the region and specific linkages between countries determined the upsurge of two main migratory systems, one with the center in Argentina and the other with the center in Venezuela” (Cerrutti 8).

Argentina mainly attracted migrants because of its economic expansion and diversification. Especially between the fifties and the seventies it adopted an inward looking industrialization model

of growth, including tariff protection, state intervention in many economic sectors, and public subsidies to industrial activities. This made the labour demand rise significantly, stimulating migration from neighbouring countries between the 1960s and the 1970s (Cerrutti). Moreover, the number of people migrating from rural to urban areas also grew exponentially, pushed by a similar factor. Indeed, many international migrants who lived in rural areas working as agricultural seasonal workers, started emigrating to the Buenos Aires metropolitan area. Generally speaking, “emigration from neighboring countries to Argentina was the result of social and economic constraints and lack of opportunities” (Cerrutti 9). On the one hand, factors such as soil exhaustion of parcels, fragmentation of parcels, uneven land distribution, and agricultural modernization pushed the rural workers to migrate. On the other hand, the evident differences between the standard of living in these countries and Argentina also promoted emigration (Cerrutti).

Despite the 1970s-1980s crisis of the inward looking model of economic growth, these “push factors”, as well as the strengthening of migration processes by social networks, made it possible for migrants coming from neighbouring countries to head towards Argentina. Furthermore, during the nineties many migrants have been attracted by the significant revaluation of Argentina's peso. In particular, even though at that time unemployment rates kept rising in Argentina, “the significant increase in the purchasing power of remittances and savings largely explains why migration continued growing” (Cerrutti 9).

By the year 2000, there was a reduction in the immigration rate to Argentina because of the worst economic crisis ever that hit the country. Nevertheless, a few years later, thanks to the devaluation of the currency, changes in macroeconomic policies and a better external situation, the economy recovered and started growing rapidly again. This resulted in a growing labor demand for immigrants, especially in sectors such as manufacturing, construction, commerce and personal services.

The second most important migration system that developed in Latin America had its centre in Venezuela. Indeed, between 1960 and 1970 Venezuela experienced a peak of regional immigration, particularly with the economic boom. The country attracted migrants especially from Colombia. However, the significant increase in oil revenues facilitated the expansion of well remunerated professional occupations attracting not only Colombian migrants, but also people from other countries in the region. In order to attract qualified and skilled workers, Venezuela implemented a series of policies. On the other hand, also the immigration rate of unskilled workers grew, as a consequence of the strength of Venezuelan currency (Cerrutti).

By the end of the seventies Venezuela experienced a dramatic economic crisis that made the annual rate of per capita GDP decrease significantly. More specifically, Venezuela's economic "collapse" was caused by three main factors, namely the "declining oil production, declining non-oil productivity and the country incapacity to move resources into alternative industries as a response to the decline in oil rents"(Cerrutti 10). In this context characterised by a weaker currency and lack of opportunities many individuals left Venezuela, returning to their country of origin. Indeed, it is estimated that "whereas between 1971 and 1979 net immigration to Venezuela reached 316,000 foreigners, between 1980 and 1984, net out-migration reached 107,000 foreigners"(Cerrutti 10).

To summarise, over the years Latin American people have manifested different propensities to emigrate, leading to an increase in the number of migrants, though the incidence of emigration (in relation to countries populations) is different from country to country. According to ECLAC (2006), around the 2000s, "South American countries with the largest proportion of emigrants are: Uruguay (8.3%), Paraguay (6.7%), Ecuador (4.8%), Bolivia (4.1%), and Colombia (3.4%). In contrast, those with the lowest proportion of population living abroad are: Brazil (0.4%), Venezuela (0.9%), and Argentina (1.4%)". Up until the eighties, intraregional migration, rather than migration to developed and richer countries, represented a more viable option for Latin American migrants, with the exception of the highly skilled. It is worth noting that a large part of these regional migration flows was constituted by women. Indeed, as it will be explained in detail in the next paragraph, Latin America experienced a strong phenomenon of feminization of migration flows. The role of women in migration has gained importance overtime, and in the last two decades they have increased their participation in this process. Nevertheless, from the 1980s onwards migration patterns underwent significant changes, concerning the origin of emigrants as well as their preferred destinations (Martínez Pizarro and Villa; Pizarro). Larger scale emigration flows have characterised in particular those South American countries with the lowest GDP per-capita, namely Bolivia and Paraguay, and those that have been hit by the most dramatic economic and governance crisis, as it is the case of Ecuador, Peru, Colombia and to a lesser extent Argentina. Indeed, "two of the most dynamic groups in regional migration –Bolivians and Paraguayans- continue heading to Argentina, and the third group, Peruvians, have diversified their destinations in the region"(Cerrutti 18). On the other hand, in countries like Brazil and Chile, where the economic and political situations are more stable, emigration trends did not change significantly. Finally, migration to developed countries became less selective with respect to human capital, making South American people migrate to more developed countries (Cerrutti 18).

4. The feminization of intra-regional migration in Latin America

As previously introduced, the participation of women in international migration worldwide has increased significantly over the years. As Marchetti (2018) observes, there is a relation between global migrations and gender, that sees gender as deeply influencing migration today. However, it is important to make a distinction between the qualitative approach and the quantitative approach to migration. On the one hand, the quantitative level refers to the amount of women and men who are migrating, and how their numbers have changed overtime. What is interesting here is the number of migrant women and their relative proportion to those of men, their nationalities, their occupations, destinations, marital status, and so on. When talking about feminization of migration at this level we usually refer to the increase in the percentage of women taking part in international migration (Marchetti). In particular, the percentage of women participation in migratory flows has risen from 46.6% in 1960 to 48.8% in 2000 (United Nations). However, women migration is not something new, as they have always migrated; indeed, the novelty here is at a deeper level: “women are increasingly migrating as solo or pioneer migrants, in long-distance movements, as workers and thus with the function of breadwinner for their households. In other words, women are joining migrant men in these traditionally masculinised types of migration” (Marchetti 445). In this sense, it is not only necessary to consider how many women are actually migrating, but also how far women go; what is the actual purpose of their migration, and if they go alone or follow their husbands or other men.

These considerations make us move towards the second dimension of the link between gender and migration. “The *qualitative* dimension of the feminisation of migration stems from a more complex view of gender as the ensemble of norms and principles that regulate people’s lives along two opposite models – male and female – that are socially and culturally constructed” (Marchetti 445). Instead of being natural and fixed, gender models are in continuous evolution, and scholars try to analyse what is the proper behaviour of men and women; what are they expected to do and accomplish, and which role do they play in their household and society. In this sense, gender models depend on the context they find them in, meaning that they vary according to the place and the different times in history. Moreover, determining what the functioning of gender is in each context is not an easy task due to the fact that they are also influenced by other socially constructed differences, such as race, class and age, that apply to people’s experiences (Marchetti).

For what concerns Latin America, the percentage of women among international migrants also increased from 44.7% in 1960 to 50.5% in 2000. Indeed, “intra-regional migration in South America also experienced a process of feminization and today women’s representation among immigrants in the region is one of the highest in the world: 52.5% in 2000”(Cerrutti 20). Despite the overall increase in the participation of women in migration, it is important to consider that the different migratory streams and their evolution overtime are heterogeneous. However, in all cases feminization occurs among most dynamic and recent migratory groups, namely, for example, Peruvian immigration both in Argentina and Chile, where the percentage of women has increased substantially. A similar process also characterised Bolivian and Paraguayan immigration to Argentina (Cerrutti; Bastia). Indeed, regarding Bolivian migration to Buenos Aires, where many migrants were directed to in order to work in the garment sector, it is argued that “a higher proportion of women than men work in the Argentine garment sector” (Bastia 655). On the contrary, as in the case of Uruguayans and Chilean migration to Argentina, and to a lesser extent of Colombian migration to Venezuela, migrants’ stocks are composed of people who arrived several decades ago and, thus, they have not undergone the feminization process. Indeed, feminization does not occur in old migration groups, as they are practically stagnant migration streams (Cerrutti).

Providing a definite explanation of the reasons why the presence of women has increased in regional migration is not an easy task, mainly not only due to the complexity and the heterogeneity of the phenomenon but also due to the lack of adequate and comparable data in this field. Overall, data contained in the few regional research initiatives is referred to particular communities, thus not being representative nationally (Cerrutti). Even though studies on the effects of various determinants on sex differences in peoples’ propensity to migrate is quite limited, scholars agree in linking the increasing participation of women in international migration to two main processes: “changes in sex roles, particularly a greater participation of women in public sphere including providing economically for their families; and a growing demand of immigrant labor in the service sector (particularly domestic services and caring occupations)” (Cerrutti 23). Indeed, this sector, for which cheap and flexible labour is needed, is characterized by the massive employment of women, and include “domestic service, catering, personal and sex work [that] cannot be exported in the same way as industrial activity” (Oso and Ribas-Mateos 10). As a matter of fact, domestic, care and sex work is important not only for the employment of women migrants, but for all women (Hoerder et al. 2015; Schrover and Yeo 2011). Estimates from the International Labour Organization (2013) show that domestic and care work are a fundamental source of recruitment for women worldwide. However, it

must be said that the service sector is particularly relevant and more widespread in the global South; indeed, “one in four female wage-workers is a domestic worker in Latin America and the Caribbean, and almost one in three in the Middle East. In India, there are about 4 million domestic workers” (Marchetti 450).

These employments, whether paid or unpaid, are referred to by feminist scholars as social reproduction, that is to say the labour that is necessary for the reproduction of the labour force, and that implies cleaning homes, mending clothes, giving birth and raising children, preparing food, giving assistance to elder and sick people, and all other sort of necessary daily tasks (Kofman). Here, the expression “global care chain” refers to the bond that exists between women from different parts of the globe who deal with caring duties resulting from gender inequality (Hochschild). It is also important to note that actually the increasing presence of women in the labour market, and especially in the service sector, has brought no significant change in men’s participation in household tasks. As a consequence, “working women are hiring other women in order to be able to work outside their homes” (Cerrutti 24).

In Latin America, the societal changes that affected cultural norms regarding sex roles on the one hand, and the increasing household economic needs, for which women entered the labour market activities, on the other hand, led to women’s growing participation in the public sphere. Years of liberal reforms and structural adjustment programs made the model of the male solo breadwinner, a central element characterising Latin American patriarchal families, no longer sustainable (Cerrutti). In the majority of countries, liberal policies negatively affected income levels, income distribution, employment levels and labour protection. As a matter of fact, in the nineties “labour force participation rates of women aged 15 to 65 increased with no exceptions in all Latin American countries. For the region it grew in 7.1 percent points and reached about 49% before the turn of the century” (Cerrutti 23). South European countries, such as Italy, Spain and Greece, had very similar rates. As a result, not only women found themselves with newer and more challenging responsibilities, but also with more autonomy in their decisions.

Lastly, it is important to observe that women’s presence in regional migratory flows has historically been elevated. This can be explained by the significant demand for their labour, but also by the fact that, if compared to developed countries such as the United States, it is relatively easy to enter and remain in receiving countries as irregular migrants. Indeed, “if risks involved in undocumented crossing are low, women will constitute a larger share of migrants. On the contrary, if risks of being caught and being subject of abuses are high, women will be less likely to start out the

crossing”(Cerrutti 25), as for example in the case of Mexican people heading to the United States. In order to understand the different share of women in migratory flows it is important to take into account migration policies, borders control, as well as the costs of being undocumented migrants (Cerrutti).

CHAPTER THREE:

MIGRATION PROCESSES IN LATIN AMERICA BETWEEN THE 20th AND THE 21st CENTURIES

1. From a continent receiving immigrants to a continent of emigration

As a result of political, economic and social changes affecting countries all over the world, migration processes have proven to be reversible throughout history, and countries of emigration can turn into countries receiving immigrants, while, on the contrary, countries attracting immigrants can turn into countries that people emigrate from. Latin America is a clear evidence of this: indeed, it experienced a significant change of flow in the migration process, and, as a consequence of the political instability and the economic crisis characterising the second half of the twentieth century, it turned from being a continent receiving migrants coming from Europe, the Middle East and the Far East into a continent of emigration, thus exporting migrant workers who were mainly directed to the United States, in less extent to Europe (i.e. Italy, Spain and Portugal), and in a few cases to Japan, as is the case of Brazil and Perù (Cerrutti).

In particular, from the sixteenth century to half way through the twentieth, Latin America experienced a strong influx of migrants, about 20 million individuals from all over the world. This process of racial and cultural exchange can be explained by four main reasons (Durand). Firstly, the history of colonial relations with Portugal and Spain, and later on the interest of other European powers in the region, namely England, Holland and France. Secondly, the diffusion of the system of slavery, through which eight millions of Africans were enslaved, especially in Brazil, West Indies and Peru. Thirdly, the endless unoccupied lands and the vastness of the region's natural resources represented an attraction for immigrants (Durand). Finally, during the first half of the twentieth century, Latin America's economy underwent a significant development, thanks to which the GDP of some Latin American countries was equal to or even higher than that of the European countries with the largest amount of people emigrating. For instance, in the 1920s the per capita income of Argentina, Uruguay and Chile was higher than in Spain, Italy and Portugal, and between 1940 and 1970 the Latin American GDP grew at an average of 5% a year. In that same period, Venezuela had an oil boom, while Mexico experienced an economic miracle. In 1950, the GDP rate in Argentina, Uruguay, Chile and Venezuela was superior to the Spanish and Portuguese ones (Solimano and Allendes).

Overall, migration flows were mainly composed of European workers, especially from Italy, Spain, and Portugal, who contributed to the formation of labor markets and political and national identities in Argentina, Brazil, Venezuela, and Uruguay. Transcontinental migrations have been of crucial importance in the historical formation of Latin America and help us understand the immense ethnic-racial diversity of the continent as well as its persistent social inequality (Moya). Nevertheless, Europe was not the only country of origin of those people; indeed, immigrants also came from the East and the Middle East. People emigrating from Japan mainly settled in Brazil and Peru; those of Chinese origins spread over many Latin American countries but their presence was significant in Panama, Peru, Cuba and Brazil, while those from the Middle East (Turkey, Syria, Palestine, Lebanon, etc.) were mainly directed to Brazil, Peru, Chile, Argentina, Mexico and Central America (Durand). However, in the fifties, after four and a half centuries of immigration to Latin America, there was a change in the migration flow: the continent experienced a significant process of internal migration, from rural to urban areas, contributing to the formation of South American capitals and metropolises, but also of intra-regional migration. Indeed, as it will be explained in the next chapter, Latin America is characterised by a strong phenomenon of intra-regional migration, meaning that people's movement occurs among Latin American countries themselves. More specifically, "intra-Latin American migration developed in response to significant differentials in per capita income, particularly among countries sharing common borders" (Solimano 54). This kind of trend gave birth to two main systems, whose centres were Argentina and Venezuela. The first one, which started in the 1950s, pulled migrants from neighbouring countries, namely Chile, Paraguay, Uruguay and Bolivia; the second one, with its peak in the first half of the seventies, attracted migrants mainly from Colombia, and minor flows from other countries in the continent (Cerrutti).

In the seventies waves of migration not only occurred among Latin American countries themselves; indeed, migrants were also directed to the United States and Canada. In particular, Latin America, and especially Mexico, became the main provider of emigrants for the United States, a trend that accelerated in the 1980s and 1990s and in the early twenty-first century (Solimano). Finally, towards the end of the twentieth century, particularly from the eighties onwards, a new phase of migration started taking place in Latin America and developed countries started to become the major destinations of interests for migrants (Cerrutti): transnational migration to Europe and Japan got underway. As Yépez and Herrera emphasize, especially in the 2000s, there has been a significant increase in migration to Europe, especially from Brazil and Andean countries. Destination countries diversified due to the inclusion of Italy, Spain, and Portugal as important destinations for Latin

American migrants. Migration to the United States did not stop, but migrants were pushed into clandestine crossings due to the increasingly restrictive policies. More specifically, by 2017, the emigrant population from South America amounted to 8.4 million people.

Indeed, also Cerrutti claims that, especially during the first decade of the twenty-first century, the participation of Latin America and the Caribbean in international migration became very significant. In particular, their contribution to the process is estimated to be some 30 million people, that is to say 15% of the estimated 191 million migrants worldwide. As Cerrutti (1) suggests, estimates show that “in the year 2000 about 4.1 percent of the Latin American and Caribbean population lived in a different country than their country of birth”.

In order to understand the change in the migration patterns that occurred in Latin America during the second half of the twentieth century, it is important to consider and analyse the main regional and global factors that have shaped the development of the Latin American migration processes in that period, namely the geopolitical context of the Cold War in the region, characterised by the strong presence of authoritarian and military regimes in many Latin American countries; the contradictions and the limitations of economic models as well as the demand for cheap labour from industrialised countries; and, finally, the high rates of demographic growth that led to an exponential increase in the number of people living in Latin America (Durand). The reorientation of migration streams was mainly due to the significant socioeconomic and political processes affecting several countries of the region in that period, in particular the debt crisis, the structural adjustment programs, and the free market reforms, that had strong repercussions on Latin American societies, stimulating the emigration of people who left the continent to reach the more developed countries, in the hope to improve the quality of their life and their socioeconomic conditions (Cerrutti).

2. The geopolitical context of the Cold War in Latin America

In the 1950s, after the end of the Second World War, there has been a significant evolution in international migration flows. As previously said, during the first half of the twentieth century Latin America, and especially Argentina and to a lesser extent Brazil, has been an attractive destination for migrants, receiving both foreign capital and foreign labour. However, as economic development started to lose strength in Argentina during the 1920s, and “as Latin America struggled to reach a level of development commensurate with its resource potential, international migration from Europe slowed down very significantly, virtually ceasing in the late 1950s and early 1960s” (Solimano 54). As a result, Latin America started experiencing a massive phenomenon of emigration, with people

mainly directed to the European continent, that during the fifties and the sixties was characterised by two main processes: the inflow of workers coming from colonies and former colonies and the hiring of temporary workers. Also Latin America took part in this process, providing the colonial metropolis, namely England, Holland and France, with workers from the West Indies. Nevertheless, Latin American workers were not only directed to Europe (Durand). Indeed, in the American continent, and especially for the United States, Puerto Rico and Mexico served as natural reserves of labour to the United States, that could make use of it according to their needs. As a matter of fact, the immediate proximity to the United States and the possibility to provide readily disposable and available labour to be deported, made Mexico the chief supplier of cheap labour to the United States (Durand).

Not only is it important to take into account the recruitment of workers from the West Indies, Mexico and Puerto Rico, but also the geopolitical factors, in the context of the Cold War, for the migration to Cuba, the Dominican Republic and Central America. Considering the case of Cuba, right up to the present it is characterised by an ample refugee policy. In the case of the Dominican Republic, where there was the military intervention of the United States in 1965, legal migration was encouraged as a means of exercising political control (Durand). Finally, the last disputes of the Cold War occurred in Central America during the 80s, where in some cases a refugee policy was implemented, while in others it was the political control of undocumented migration. According to Durand (5), for the rest of the Latin American region “migration flows operated basically motivated by economic factors and those of domestic policy, and this would apply to Colombia, Ecuador, Peru and Bolivia”.

On the other side, in countries such as Argentina, Brazil, Chile, Bolivia, Paraguay, Ecuador, Venezuela and Uruguay, during the Cold War the United States intervened in an indirect way, but strongly containing mass emigration. Authoritarian regimes and military dictatorships in Latin American countries between the 1970s and the 1990s tended to obstruct migratory flows, blocking the free transit of people. As a matter of fact, political regimes (authoritarianism as well as democracy) both in host and source countries tend to play a crucial role in determining people’s decision to emigrate. Indeed, even if geographic factors, economic conditions, and familial considerations also exercise a strong influence, “the emigration decision in authoritarian systems, one’s interaction with and evaluation of the political system certainly plays a role” (Hiskey, Montalvo & Orcés 94-95). In general, individuals will usually prefer to live in countries where individual rights and civic freedoms (religious freedom, freedom of speech and association, right to elect public authorities, access to fair trial, etc) are respected and protected. These elements usually represent a sort of “attraction” for individuals, generating, on the one hand, individuals’ reluctance to leave their country, or causing, on

the other hand, massive emigration, as in the case of Latin America between the seventies and the nineties where criticism, individual rights and freedoms were suppressed and political opponents were mistreated by military dictatorship (Hiskey, Montalvo & Orcés). Indeed, discontent and dissatisfaction with the current political, as well as economic, conditions in the home country led people to migrate. In other words, as democratic regimes may protect citizens' rights and liberties, people should be less inclined to leave democracies (Hiskey, Montalvo & Orcés). As Solimano (63) emphasises,

“this suggests a direct relationship between the emigration of nationals (or the repatriation of foreigners) and the existence of authoritarian regimes that suppress political rights and civil liberties.”

Clear evidence of this phenomenon can be found in several Latin American countries. For example, the military regimes that were established in Argentina between the 1960s and the 1970s, have curtailed civil liberties and interfered with the universities, suppressing academic freedoms. This has caused a significant brain drain, characterised by a massive outflow of scientists and professionals, that seriously affected the country. Political authoritarianism in Brazil in the 1960s and 1970s and in Chile in the 1970s and 1980s provoked a similar situation. Indeed, “emigration (very often of individuals with a high stock of human capital) became an individual response to non-democratic political regimes that failed to respect civic rights” (Solimano 63). However, it should also be noted that emigration rates under authoritarian regimes could in fact result low because of dictators making use of tactics in order to prevent the exit from occurring (Hiskey, Montalvo & Orcés). As a matter of fact, the majority of individuals who emigrated under the dictatorships in Bolivia, Uruguay, Chile and Argentina were left wing dissidents, who aimed to seek asylum in Venezuela, Mexico, France, Sweden and Canada, rather than the United States (Durand).

3. Limits and contradictions of economic models

In order to understand the change of migratory patterns in Latin America, it is important to consider the critical economic situation that affected the region during the second half of the twentieth century. Indeed, in this period Latin America entered a phase of deep economic crisis, characterised by rising poverty and inequality, and the economic gap between the global south (South America, Africa and Asia) and the global north (North America and Europe) widened significantly. As it will be explained

in the next chapters, this context of economic and political instability has strongly affected the movement of people. More specifically, starting from the 1950s, several factors played a crucial role in shaping the critical economic condition of Latin America during the second half of the twentieth century.

First of all, already from the late 1930s, the majority of Latin American countries started to adopt an economic strategy, the so-called Import Substitution Industrialization (ISI), that was based on a broad involvement of the state that intervened in economic activities, as well as on government controls and protectionism. For a period of time, this approach seemed to be successful, as it led to economic growth in many countries; furthermore, industrialization got underway and wages in the manufacturing sector increased rapidly (Edwards). This is why, during the 50s, many observers were optimistic about the results generated by the ISI and thought that reduced poverty, economic development and prosperity were just a matter of time. In fact, the success was only apparent: deep and severe problems and social tensions were present in Latin America. As a matter of fact, the newly developed industrial sector, which comprised huge steel plants, refineries, petrochemical complexes, and auto plants of different dimensions proved to be highly inefficient as, in order to work properly, it required higher and higher import barriers that implied cutting foreign competition out of Latin American countries (Edwards). Moreover, as Edwards (1) points out, “consumption goods were significantly more expensive than in the advanced and medium income countries, and simple goods, such as bicycles – the preferred mode of transportation of blue collar workers in third world nations – were out of reach for the poor”. One of the consequences of protectionism was that Latin American countries’ currencies became artificially strong, discouraging exports, widening the poverty gap between urban and the rural areas, and hurting competitiveness in the agricultural sector (Edwards). As a result, through the 1950s massive poverty increased among Latin American regions and inequality widened as well.

In this context of rising poverty and inequality, the Alliance for Progress, a ten-year plan (1961-1970) launched by the US President John F. Kennedy on March 13, 1961, was seen as an ambitious programme to improve the social conditions of Latin American countries. The plan sought to establish economic cooperation between the United States and Latin America (Edwards). In particular, the goals of the United States’ economic assistance to Latin America were increasing the annual per capita income and a more equal income distribution, land reform, economic and social planning, stabilising prices, avoiding inflation or deflation, eliminating adult illiteracy and establishing democratic governments. Overall, the Alliance for Progress produced real but limited economic

advances in the region, both for the unwillingness of Latin American countries to undertake the needed reforms and for the insufficient economic aid provided by the United States (Edwards). Thus, the plan proved to be unsuccessful, as social circumstances in the region did not improve as significantly as it was expected.

This period of protectionism and government intervention negatively affected Latin America, and discouraged productivity improvements (Edwards; Durand). In particular, the import substitution model reached its limits in the seventies, hitting Mexico and Brazil, its chief exponents, with a severe and prolonged economic crisis (Kliksberg). Moreover, the increasing foreign debt, recurring devaluations, uncontrolled inflation, political instability and the opening to the international market, strongly contributed to the crisis that Latin American countries were experiencing. As Durand (8) suggests, “the combination of several factors: poverty, inequality and the precarious condition of the labor market, along with foreign demand for labor, created the right conditions for emigration”.

In the eighties, the new economic model of neoliberalism started to spread, and the situation in Latin American countries started to get even worse. Its diffusion provoked the dismantling of national industries, a worsening of the conditions in the rural environment, and banking crisis; overall, neoliberalism only benefited a few exporting sectors (Durand). It was only in the nineties that Latin America started a process of economic recovery, entering a phase of political stability. When the Cold War came to an end, the United States reduced the amount of political interventionism in Latin America. In this same period, the United States gave birth to a new economic policy founded on the “Washington Consensus”, that implied an alignment with neoliberal policies and the joining of the world market (Durand).

The first years of the twenty-first century marked the beginning of the economic growth for Latin America. Some countries like Chile, Peru and Brazil experienced high growth rates, while some other countries like Argentina and Mexico still did not present significant improvements. But in 2007 the region as a whole had an estimated growth rate of 4.5. The process of economic growth and development in those years was mainly due to China and India buying raw materials from Latin America (Durand). However, despite this period of economic flourishing, the 2008 world economic crisis had profound negative effects on the economy of Latin America, as well as on the rest of the world.

What is worth considering is that also the economic situation in Latin America played a crucial role in shaping and influencing migration flows. More specifically, as Durand (9) writes, between 1950 and 1980, “the most significant migration flows in Latin America were of a domestic character,

resulting in the explosive growth of megalopolises like Mexico City, Buenos Aires and San Paulo, and big cities like Rio de Janeiro, Bogota, Santiago, Caracas and Lima”. With the peak of the economic and political crisis during the so-called lost decade in Latin America in the eighties, individuals started to emigrate to the United States, Canada, and Japan. Later on, between the nineties and the beginning of the twenty-first century, also Europe, and especially Italy, Spain and Portugal, became a major destination for migrants coming from Latin America. Moreover, as it will be explained in the next chapter, processes of intra-regional migration started to become significantly prominent in Latin America, with Argentina, Chile, Brazil and Costa Rica as the main destination countries.

4. The impact of the demographic growth

The high birth rates in Latin America were a third important factor in shaping migration processes. During the fifties and the sixties, Latin America was characterised by an explosive demographic growth: “in 1950 the total fertility rate was 5.88 children per woman, which increased to 5.93 in 1955 and kept rising till it reached its maximum of 5.97 in 1960” (Durand 6). However, each country had its peculiarities, as they did not experience the same birth rate. For example, in Brazil and Mexico the birth rate was very high, with Brazil having a total fertility rate (children per woman) of 6.15 and Mexico with an even higher rate (6.70). This was not the case of Argentina, whose fertility rate was 3.45. In the United States as well the birth rate was lower, rising from 3.45 in the period between 1950 and 1955 to 3.71 during the “baby boom” (United Nations). In the same period of time, Europe had a fertility rate of 2.66, while that of Latin America and the Caribbean taken as a whole was just twice as high, being it of 5.88. During the first years of the twentieth century, between 2000 and 2005, Latin America and the Caribbean reached a fertility rate that was similar to the European one in the fifties. In absolute terms, the size of the Latin American population experienced an increase from 167 million in 1950 to 523 million in the year 2000 (United Nations).

Due to the uncontrolled pace of the demographic growth, birth control policies were established in Latin America. In some countries of the region, such as Mexico, where the birth rate decreased from 6.80 in the period 1955-1960, to 2.40 in the period 2000-2005, these policies were successful. Nevertheless, in some other countries these policies did not have the same positive impact. This is the case of Guatemala, whose birth rate of 7.00 children per woman in 1950-1955 came down to 4.60 in the period 2000-2005. Generally speaking, there is a decreasing tendency in the birth rate, but each country has its own pace (United Nations).

This context had profound effects on migration processes in the region. As a matter of fact, the demographic growth of Latin American countries from the fifties to the eighties tripled the young population. For Durand (7): “The demographic boom of Latin America has allowed it to become a net exporter of labour since the end of the twentieth century”. However, it must be noted that the flows of immigrants in Latin America were, and still are, mainly intra-regional. As it will be explained in the last chapter, the regional dimension of migration, mediating between the national and the global, has become of paramount importance throughout the years, and Latin America, being characterised by significant intra-regional migration processes, is an evidence of that.

The demographic explosion of the 1950s and 1960s led to the creation of capital cities in Latin America. Indeed,

“this was a process of rural-urban migration, but also of migration from provincial cities or towns to national capitals. The metropolitan centres were a great pole of attraction, where the best labor, health and education options were concentrated” (Durand 9).

Nevertheless, this huge amount of people arriving from the rural areas or provincial cities and settling into towns and capitals was not easy to manage for national governments. Moreover, metropolies and capital cities lacked the urban services necessary to deal with the arrival of hundreds of thousands of migrants. This resulted in irregular settlements as well as in a chaotic accidental urbanisation of the *barriada* quarters, *favelas*, that with the years became popular settlements where industrial workers, lower middle class labourers and employees resided. As a result of this kind of domestic migration, a deep process of urbanisation started to take place among Latin American countries allowing the construction of formal housing and the development of family enterprises and several small businesses in the region (Durand).

Due to the strong migrant flows, the number of inhabitants of the big cities increased exponentially. This uncontrolled population growth and urbanisation provoked serious problems, concerning pollution, traffic, water shortage, overcrowding, insecurity and violence in many cities. As a consequence of that, the medium sized cities in the region became to be seen as a better destination to go to, as they granted greater security to the population, as well as services and a better quality of life (Durand). In this context, “the full scale of the consequences of rural-urban migration in Latin America came to be appreciated at the end of the twentieth century, when the region ceased to be predominantly rural and became urban” (Durand 10). For instance, in 1940 Brazil counted with an

urban population of 31%, while by 2000, the amount of population living in urban centres rose up to 81.2%. A similar situation can be noted in Mexico, where in 1950 the 42% of the total population used to live in cities, while in 2005 the 76.5% of the population could be considered urban. This process of urbanisation of Latin American countries also led to the disappearance of many small populations. The depopulation of small areas in countries such as Mexico represents a significant issue: “in Durango 76.9% of the municipalities had negative growth in the period 1990-2000, 57% in Zacatecas, 26.1% in Guanajuato and 25.8% in Jalisco” (Durand 11).

The study of this kind of internal migration (rural-urban migration) in Latin America has been of great concern over the years, mainly due to the fact that it had profound effects and implications for big cities and capitals all around the region. Indeed, the emergence of popular and informal settlements, such as *barriadas*, *favelas*, and the resulting belts of misery all around Latin American cities became a permanent concern for social scientists (Durand; Mangin). The seventies and the eighties have been a period of intense urban growth and increasing popular movements, that led to the demand for the regularisation of land and access to services. In this context, Latin American cities had to cope with the over-supply of labour that made the spread of informal work possible (Durand). To summarise, migration patterns are often subject to change in response to each country’s political, economic, and social transformations. In this sense, Latin America represents a clear example of this, as its migration flows have evolved throughout history, especially due to the political instability and change that characterised the region during the years of the Cold War, to the dramatic economic crisis that hit the country in the second half of the twentieth century, and, finally, to the significant demographic growth. All these factors contributed to the transformation of Latin America from a country receiving immigrants to a country of emigration. However, as it will be explained more in detail in Chapter two, Latin American emigrants mainly moved within the region itself, making Latin America a migrational region, that is to say, a country that is characterised by a significant phenomenon of intra-regional migration.

CHAPTER FOUR:

THE EMERGENCE OF A DISTINCT AND HUMAN CENTRED APPROACH TO MIGRATION

1. The 1984 Cartagena Declaration: a response to mass forced displacement caused by authoritarian regimes and economic crisis

Over the past decades, immigration laws and policies in South America have developed in stark contrast to other regions, especially the European Union and the United States. Indeed, as Freier De Ferrari (6) argues, “whereas most countries moved towards more restrictive policies, many Latin American countries liberalised their immigration policy frameworks and recently passed laws that expand individual rights in unprecedented ways.” As a consequence of the 1980s adoption on the part of Western governments of increasingly restrictive immigration discourses and policies, especially rejecting irregular migration, scholars have inherently assumed a global restrictive trend in immigration laws and policies since the eighties (Freier De Ferrari). Nevertheless, immigration policies and discourses in South America have recently become increasingly liberal, by emphasising migrants’ rights and promoting increasing free human mobility. These discourses are centred on the universality of migrants’ rights and on how they apply to all non-nationals irrespective of their legal status and national origin. In this sense, South American liberal immigration laws and policies can be considered expansive in relation to asylum seekers’ and refugees’ rights and access (Geddes; Freier De Ferrari).

In particular, the liberalisation of immigration laws and policies in South America has been identified in the transition from military dictatorships to the election of left-wing governments between the end of the 1990s and the beginning of the 2000s. This has been possible because all South American countries ratified the 1951 Geneva Convention and its 1967 Protocol, that define the term ‘refugee’, outlining the rights of refugees, as well as the legal obligations of State parties to protect them (Geddes). Central to the Geneva Convention is the principle of *non-refoulement*, which is a cornerstone of refugee protection and a fundamental human right that is legally binding in nature. According to the principle, “no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment” (Freier and Gauci 342). The Geneva Convention also sets out the exceptions to the protection from *refoulement*, referring in particular to the security of the host country (Freier and Gauci). However, South American countries moved beyond the provisions

provided by the Geneva Convention by ratifying the Cartagena Declaration of 1984, which was significantly important because it added five additional elements that provide protection to individuals fleeing, thus widening the refugee definition provided by the Geneva Convention. More specifically, these elements are generalized violence; internal conflicts; foreign aggression; massive violations of human rights or other circumstances which have seriously disturbed public order. According to Geddes (94),

“Cartagena was initially developed as a response to mass forced displacement from Central America to Mexico but was also shaped by the legacies of mass displacement caused by dictatorships and authoritarianism. Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Uruguay all incorporated Cartagena’s standards into domestic law.”

Indeed, during the 1970s and the 1980s many Latin Americans suffered human rights abuse under dictatorial regimes which, inspired by the doctrine of national security, promoted systematic plans for the violation of human rights whose purpose was to impose their socio-economic and political ideals and remove all the opposition to their authoritarian practices (Terminiello). Following the implementation of these repressive practices, thousands of Latin American people have been exiled, thus being forced to flee to other countries in the region or even to other parts of the world. However, as it is argued by Terminiello (90), “forced displacement was not merely a consequence of the repressive actions of military governments; displacement in some cases became a component of the strategies of repression implemented by the dictatorships.” For instance, Augusto Pinochet, who ruled Chile during between the 1970s and the 1990s, ratified a number of regulations in order to force the displacement of members of the opposition. As a consequence of the implementation of these decrees, thousands of Chilean people were forced to flee the country, without the possibility to return. Similar practices were applied by dictators in many other countries of the Southern Cone of Latin America, thus committing serious human rights abuses (Terminiello).

With the election of left-wing governments between the end of the twentieth and the beginning of the twenty-first century and the return to democracy, the abuses suffered by Latin American people were recognized by the state, which also established reparations for the victims, either monetary or in terms of assistance. However, reparations promoted by democratic governments were mainly directed to individuals who were tortured, or illegitimately deprived of their liberty, or were for the families of those who were assassinated or were ‘disappeared’. In this sense, those establishing reparations have

put far less attention to exile and to the punishment of those responsible for enacting exile (Terminiello).

In this context of human rights' abuse and violation by dictatorial regimes, Latin American countries felt the need to strengthen the international protection regime for refugees; the establishment of the Cartagena Declaration in 1984 was a of paramount importance, as it expanded the refugee definition, going beyond the provisions included in the Geneva Convention, and proposed new approaches to the humanitarian needs of refugees and displaced people, promoting solidarity and cooperation (Castillo). The definition of refugee included in the Declaration does not eliminate or replace the traditional definition of refugee; it rather complements it by granting protection to persons on the base of additional factors linked to their region or country of origin (Blouin, Berganza and Freier). Indeed, in addition to the elements contained in the 1951 Geneva Convention and its 1967 Protocol, the Cartagena Declaration comprises among refugees those who flee their country because their life, freedom or safety have been threatened by generalised violence, internal conflicts, foreign aggression, massive violation of human rights or other circumstances which have seriously disturbed public order (Castillo). The Declaration is a fundamental non-binding legal instrument, that was crucial for the protection of refugees from Central America in the eighties and has continued to be so for thousands of people arriving from the region and from other continents as well; it underlines the principles of solidarity, responsibility and cooperation, and recognises the importance of the collaboration among the members of the international community (Blouin, Berganza and Freier; Castillo). According to Castillo (90),

“Cartagena encapsulates the capacity and will of a whole sub-continent to periodically analyse the humanitarian challenges ahead, the contemporary plight of refugees, internally displaced and stateless persons in the region, in order to equip itself with a common instrument of policy and guiding principles (through the Declaration) and with coordination, cooperation and response mechanisms (through the Action Plan) to meet the protection and humanitarian needs collaboratively identified.”

However, forced displacement in South America not only was the result of human rights' violation during military dictatorships but also of the economic crisis generated by the implementation of neoliberal practices at the end of the twentieth century that provoked great instability among Latin American countries. Neoliberal policies in Latin America were based on the implementation of structural adjustment programmes, which implied privatisation, deregulation and liberalisation, and

were considered the tool through which include less developed economies into the dynamics of globalisation (Delgado, Covarrubias and Puentes). Nevertheless, as it has been explained in Chapter one, neoliberal economic policies dismantled production systems, facilitated the influx of foreign capital, and generated an oversupply of labour. This situation led to the emergence of two main phenomena, namely deepening asymmetries between countries and regions and within countries themselves, and increasing social inequalities, which represents one of the most distressing factors of our times. Social inequality is generated by the unprecedented accumulation of capital, wealth, and power in the hands of the minority, while the huge majority of the population suffers exploitation, poverty, and exclusion. Increasing ethnic, racial, and gender discrimination, rising unemployment, reduced access to production, worsening working and living conditions, and the progressive segmentation of social security systems, were also signs of growing disparities (Delgado, Covarrubias and Puentes).

The reason why it is important to consider the unequal development resulting from the implementation of the neoliberal economic model is precisely because it led to the emergence of a new type of migration that can be described as forced, a concept that does characterise current migration flows, even if it does not include all migrants. In particular, in the human rights' context, the term forced refers to refugees, displaced persons, or asylum seekers. According to Delgado, Covarrubias and Puentes (435),

“From a dominant perspective, most migrants cannot be grouped under this category because these population movements are supposedly carried out voluntarily and freely. However, it is also a fact that the dynamics of unequal development have led to structural conditions that foster the massive migration of dispossessed, marginalised, and excluded populations. People are literally expelled from their places of origin as they search for better livelihoods and social mobility opportunities.”

In this context, migrants are usually exposed to risks, discrimination, and criminalisation, that make them vulnerable and marginal persons, often subject to precariousness and exclusion in the destination country (Delgado, Covarrubias and Puentes).

Overall, the liberal tide of the 2000s not only was shaped by underlying political and economic factors, but was also characterised by this human centred approach to migration, that sought to protect migrants' rights. In this context, the Cartagena Declaration played a central role as, by expanding the

traditional definition of refugee, it granted protection to thousands of persons who suffered severe abuse under military dictatorships between the seventies and the eighties. This is why it can be said that the Declaration has been developed as a response to mass displacement and human rights violations that occurred during authoritarian regimes. Yet, it is important to take into consideration that the economic crisis resulting from the neoliberal economic model also generated a great amount of forced migration in the region (Delgado, Covarrubias and Puentes). Indeed, the concept of forced migration also includes the migration due to dispossession, exclusion and unemployment. The neoliberal globalisation phenomenon led to structural changes that brought with them the dismantling of the production, commercial, financial, and services systems, forcing thousands of persons to emigrate in order to improve their living conditions and the living conditions of their families too (Delgado, Covarrubias and Puentes). Furthermore, as it will be explained in the last section of this chapter, the Declaration still constitutes a crucial instrument in the field of refugee protection as was for the case of Venezuelan mass displacement due to the severe economic crisis that affected the country in 2014. Indeed, Geddes (95) states,

“While forced displacement is not new in South America, the scale and rapidity, particularly after 2014, of displacement by those forced to flee from Venezuela were unprecedented, resulting from the effects of near total economic collapse and the breakdown of basic social services, including health care. Millions of Venezuelans faced existential threats that impelled migration as a basic survival strategy.”

2. From closure and securitization to the recognition of migrants’ human rights

In many Latin American countries, such as Argentina, Ecuador, and Brazil, governmental migration discourses shifted from securitization and closure to emphasise migrants’ human rights, non-criminalization, and non-racism (Geddes). As Freier De Ferrari (15-16) suggests,

“The gradual teardown of the criminalisation of migration, which was the dominant paradigm of immigration control during the military dictatorships, as well the implementation of alternative measures to detention and deportation, and the guarantee of the right to due process amount to significant policy liberalisation in some countries.”

Similarly, the regularisation of migration and the extension of social rights to immigrants are two fundamental elements of policy liberalisation (Freier De Ferrari). As a matter of fact, most of today's migration occurs through irregular channels; indeed, due to the lack of regular migration frameworks and other related factors, such as growing smuggling networks, many people are only able to flee from their countries if they do it irregularly. In this context, a trend against criminalization and securitization of irregular migration has emerged in South American countries, where human rights have been progressively included into policy discussions and reforms (Acosta and Freier). Indeed, during the first 15 years of the twenty-first century it is possible to observe a clear shift in the position of states in the region with regards to migration issues that puts the rights of migrants centre stage. As Cernadas (3) suggests,

“A reading of the state declarations since the launching of the South American Conference on Migration in 2000 reveals not only this shift among states but also the progressive incorporation of human rights language in the positions and decisions taken at a regional level. One of the symbolic cornerstones of this evolution is the recognition that migration, rather than something at the mercy of the discretionary powers of sovereign states, is a human right that has to be protected and fulfilled.”

The so-called ‘liberal tide’ was in fact described as a tendency towards abandoning the idea of immigration as a problem or threat towards depicting migration in the context of human rights (Geddes). A fundamental principle that has been preserved and spread across the South American continent despite the restrictive approaches to human mobility in other regions in the world is the freedom of circulation and residence. Indeed, as it is stated in the Plan of Action on Human Development and Migration (PSDHM) approved at the 10th South American Conference on Migration, the freedom of circulation and residence is a basic human right of all people whose aim is to promote migration (Cernadas). According to the principle, every person has the right to migrate and return in a free, informed and secure manner, without being criminalised or considered an illegal migrant. This shift towards a more human centred approach to migration has also included specific language with regards to migration control policies and the impact of a security approach to international migration. In fact, several declarations regarding the growing global trend of criminalization and deportation of irregular migration have been released by South American states. As Cernadas (3) suggests, during the first decade of the 2000s “many South American countries have

explicitly and repeatedly rejected policies aimed at criminalizing irregular migration and enforcing punitive tools such as detention and deportation, in contrast to policies implemented by the European Union and the United States.”

MERCOSUR member states rejected the criminalization of migrant persons as well as the abuse on the part of authority and arbitrary deportations and detentions in some extra-regional countries. Moreover, not only security-based responses to irregular migration have been condemned, but also the necessity of establishing regular avenues for migration has often been highlighted (Cernadas). In this context, the 2002 MERCOSUR Residence Agreement has proved to be central to migration management in South America; indeed, according to it, immigrants from a country of the region who acquire temporary or permanent residence visa in another MERCOSUR country will be treated in the same way as the country nationals, also in the labor field (Cerrutti). This Agreement has been ratified by almost all South American countries and has significantly contributed to decreasing irregular migration within the region (Cernadas). Indeed, by providing migrants with a two-year residence permit, and then a permanent permit, based on the nationality of one of the State Parties, the MRA is conceived as a way of facilitating the movement and the regularisation of migrants, regardless migration is forced or voluntary (Cerrutti; Brumat).

In this context, an irregular migration status, concerning entrance to or permanence in a territory, could only be considered an administrative irregularity, and for this reason it could not be considered a criminal offence. In other words, the act of crossing the border of a country without proper documentation or in an unauthorised way does not represent a crime; thus, it is not possible to impose a criminal-type punishment, such as depriving someone’s liberty for a period of time. As Cernadas (10) suggests, “it is worth noting that other key international and regional human rights bodies have coincided on the position that those irregularities can never be considered a crime.” Moreover, the UN Special Rapporteur on the Human Rights of Migrants has reaffirmed the non-criminalization principle in many statements and reports. Also according to tribunals like the Inter-American Court of Human Rights and the European Court of Justice the punishment of irregular migration goes beyond the legitimate margin that States have within migration control policies (Cernadas).

To summarise, States in South America have been repeatedly promoting regularisation programs to legitimately and effectively address irregular migration. Moreover, these programs also served as a tool of human development policies and as a fundamental element of public policies in the field of migration. The regularisation of migration is considered as a mechanism that allows South American migrants to fully enjoy their rights and strengthen regional integration (Cernadas). It should also be

highlighted that some countries of the region have significantly contributed to the improvement of the protection of migrants' rights at the Inter-American Human Rights System. In particular, both the Inter-American Commission and Court of Human Rights have been consistently arriving at crucial decisions, judgments, recommendations, and reports that, according to what Cernadas (4) says, have comprised "positions against the criminalization of irregular migration, in favour of a progressive eradication of administrative migration-related detention, and promoting the fulfilment of due process safeguards within detention procedures and adequate detention conditions in the exceptional cases when deprivation of liberty is used."

3. The 2014 Venezuelan mass displacement: a defining test of the application of the extended definition of the Cartagena Declaration on Refugees

The political, economic and humanitarian crisis in Venezuela has led to one of the largest contemporary situations of displacement (Blouin et al.). Indeed, the Venezuelan exodus is the fastest escalating international displacement experienced by Latin American countries, with approximately 5.2 million Venezuelans in need of international protection as of August 2020 (Freier et al.); they have fled from their homes in order to escape political repression, state-led violence, and the rapidly worsening economic crisis. Generally, they have not moved far, as approximately 80% moved and settled within the continental South America itself, generating the biggest internal stream of asylum seekers, migrants and refugees that Latin America has ever experienced (Sereboff). According to Blouin et al. (64), "Latin America and the Caribbean hosts around 3.7 million of the more 4.5 million people who have left the country since 2015." More specifically, in the early 2020 Colombia officially hosted 1.63 million, Peru 864,000, Ecuador 385,000 and Chile 372,000 Venezuelans. Overall, considering the scale of the Venezuelan displacement, the total number of asylum applications is relatively low, with just under 770,000 Venezuelans who applied for asylum. Peru is the country that received the highest number of applications (with 395,000 pending applications in early January 2020), followed by Brazil (with 130,000 pending applications at the end of November 2019). Other countries, compared with Peru and Brazil, have received far fewer requests for asylum (Blouin et al.), but the overall figures attest to the severity of the Venezuelan crisis.

Through this section we will see that, despite the increase in the number of Venezuelan asylum applications since 2015, the overall number is in fact relatively low, and this can be explained by two main factors. First, several countries have provided Venezuelans with special residence programs, as

is the case of Colombia, where 640,000 Venezuelan migrants have regularised their presence by the end of October 2019. Second, the low number of asylum applications is also due to the fact that many Venezuelans are not familiar with the regional definition of refugee or are not willing to limit their freedom of movement by obtaining asylum seeker status, in order to be able to go back to Venezuela and visit their relatives (Blouin et al.). As a matter of fact, despite the striking increase in the number of asylum applications by Venezuelans that have almost tripled globally each year since 2015, refugee recognition rates remain incredibly low. Indeed, as Blouin et al. (65) suggest,

“between 2014 and 2018, Peru granted only 629 applications and rejected 739, leaving 227,325 requests pending at the end of 2018.⁴ Over the same period Mexico accepted 4,415 of 10,845 applications, Colombia just 79 and Brazil only 22.”

After considering the significant increase in the number of Venezuelan asylum applications in Latin America, especially in countries like Peru and Brazil, and the overall low recognition rates by States in the region, it is relevant to investigate whether the extended refugee definition of the Cartagena Declaration applies to the displacement of Venezuelans. Given these premises, “the Venezuelan crisis thus represents one of the first crucial tests of the application of the expanded refugee definition in the region” (Blouin et al. 65); indeed, it has actually tested the region’s bureaucratic and administrative capacities, as well as the strength of intra-regional solidarity, seriously challenging not only individual states, but also the region’s ability to find meaningful solutions and operate in the spirit of solidarity and unity (Sereboff). It will be shown that there exist a gap between the progressive legislation and the implementation of immigration and refugee laws on the part of Latin American States; indeed, despite the inclusion of the expanded Cartagena refugee definition into their national asylum frameworks, States in Latin America must do more to apply this definition and consequently grant protection to displaced Venezuelans (Freier et al.; Blouin et al.).

First, it is important to note that the Venezuelan exodus is characterised by different waves of displacement. In particular, there have been three main phases since the leftist Hugo Chávez came to power in 1999. The first phase started in the 2000s and saw a middle-class outflow of students and entrepreneurs who were mainly directed to the United States and Europe. Growing insecurity, nationalisation of several industries, and political tensions were the main reasons that shaped people's decision to emigrate (Freier and Parent). The collapse of a Latin American commodities

boom and Chávez's reelection to a fourth term as a president led to the second phase, beginning in 2012. With the severe economic crisis that was hitting the country in those years, shortages of medicines and primary goods, such as food, emerged and political repression augmented at the same time. During this phase, migrants flows were diverse and included persons from middle- and lower-income social strata; also the destination countries varied, and even if Venezuelan people continued heading to the United States and Europe, they also started to migrate to neighbouring countries, such as Colombia, the Dominican Republic, and Panama (Freier and Parent). The third and current stage of Venezuelan mass displacement started in 2015, when the humanitarian crisis reached exponential levels. This phase was the result of Chávez's death in 2013, which was followed by the election of Nicolás Maduro. Under Maduro's rule the economic situation in Venezuela significantly worsened: not only inflation pervaded the country and food and medicine shortages fell out of control, pushing even more people into poverty, but also political violence and corruption dramatically escalated. The repressive rule of Maduro includes the imprisonment and forced disappearances of dissidents. Crime, looting, and forced displacement spread all over the country (Freier and Parent).

According to Freier et al. (18),

“Venezuela further is one of the most violent countries in the world, and human rights violations have become commonplace, including arbitrary arrests, torture of prisoners, attacks on journalists and excessive use of force. This has led to significant debate whether Latin American receiving states ought to recognize Venezuelans as refugees according to the Cartagena Declaration refugee definition.”

Indeed, despite there has been some debate on the applicability of the Cartagena definition to Venezuela emigration, not only legal and political scholars, but also the Inter-American Court of Human Rights and the UN High Commissioner for Refugees argue that the factors underlying Venezuelan mass displacement fall under the parameters of the Cartagena refugee definition, thus recognizing the need for Venezuelan people to be given international protection under the declaration (Freier et al.). Nevertheless, recognition rates of Venezuelan asylum seekers have remained considerably low. Indeed, from 2014 to 2019 only about 1200 Venezuelans were recognized as refugees in Peru through the application of the 1951 Convention, while 900 applications were rejected. On the other hand, Brazil and Mexico were the only two countries that applied the Cartagena

refugee definition to Venezuelan migrants: between 2019 and 2020, Brazil recognized almost 46,000 Venezuelans as refugees according to the Cartagena definition, while Mexico recognized about 8,500 cases via the implementation of both the definition of the 1951 Convention and the Cartagena Declaration refugee definition (Freier et al.). As Sereboff (64) suggests,

“As of January 2020, approximately 768,146 Venezuelans had lodged asylum claims, and are currently waiting for their claims to be adjudicated. The most common term used in reference to Venezuelans, then, is “migrant,” which refers to one who leaves their country of origin by choice in search of a better life, but who does not face any barriers or risks in returning to said country.”

However, as it will be analysed in the next paragraphs, the willingness of an increasing number of scholars to recognize Venezuelan migrants as refugees is due to the fact that Venezuela’s crisis meets three of the Cartagena criteria, namely generalised violence, massive violations of human rights, and other circumstances that have seriously disturbed public order (Freier and Parent).

First of all, the concept of generalised violence in international law refers to situations characterised by violence that is so widespread that it affects large groups of persons or entire populations and is established by means of intensity or geographic spread of the violence, or through the combination of these; it is not limited to situations of armed conflict and may be performed by state and non-state actors (Freier et al.). Usually, because of the lack of a precise legal definition of this concept, it is necessary to adopt a case-by-case approach. It is possible to say that Venezuelan migrants fall under the Cartagena refugee definition because the numerous and serious acts of violence happening in Venezuela do constitute generalised violence. Indeed, violence in the country is widespread, positioning it as one of the most dangerous and violent countries in the world with the highest homicide rate in Latin America in 2018 (Sereboff; Freier et al.). Furthermore, violence is carried out by the state throughout the territory via arbitrary arrests for political motives, excessive use of force and torture, and affects civilians, especially, children, teenagers, and women, who represent the most vulnerable part of the society (Freier et al.; Freier and Parent).

The massive violation of human rights is another Cartagena criterion that characterises Venezuelan exodus. As for generalised violence, the concept of massive violation of human rights lacks a strict legal definition. Usually, it refers to genocide, slavery, disappearances, prolonged and arbitrary

detention, arbitrary or group murders, torture, apartheid and crimes against humanity. Violation of economic, social and cultural rights is also included in the Cartagena Declaration and strongly characterises the situation in Venezuela (Freier et al.). Indeed, Venezuelans do not have sufficient access to food, clothing and housing, they live in an highly insecure environment, and they do not enjoy just and favourable working conditions (Freier and Parent).

Finally, as in the two previous cases, the notion of serious disturbance of public order does not count with a universally accepted definition, but, as Freier et al. (25) state, “it is linked to social security and stability with normally functioning state institutions that respect the rule of law and the dignity of citizens. Public order mostly occurs during times of peace, but can also be maintained during conflict.” In particular, the disturbance of public order in Venezuela presents a situation in which no rule of law exists, anyone can be imprisoned, accused of any crime, tortured or murdered, and the impunity of the State is widespread (Freier et al).

However, despite it is widely argued that the extended refugee definition should be applied to Venezuelan migrants precisely because their situation meets three of the Cartagena criteria, most Latin American countries actually do not have recognized them as refugees, with the only exception of Brazil and Mexico, that are the only two countries that have applied the Declaration when evaluating asylum claims (Sereboff). Instead of favouring formal asylum processes, they rather developed alternative forms of legal residence and status; they created new classifications specifically for Venezuelans who emigrated since late 2015. For example, Colombia, the main destination for Venezuelan migrants, not only had a temporary visa program, but also started to issue Border Mobility Cards in 2017, providing Venezuelan migrants with the freedom of movement between the two countries (Freier and Parent). In the same year, Peru, which was the second most common recipient for Venezuelans, implemented a Temporary Stay Permit (Permiso Temporal de Permanencia PTP), through which migrants could temporarily reside in the country. However, it did not grant them a work permit, that is why Venezuelans preferred to apply for asylum instead. The aim of the program was to regularize migration to Peru, avoiding informal and undocumented immigration (Sereboff).

Other countries have applied existing frameworks of laws to the Venezuelan situation itself. Argentina, for example, has drawn upon the existing framework of MERCOSUR residency agreements and granted unrestricted, two-year, renewable visas to Venezuelans, which also included a work permit. Ecuador as well has drawn upon relevant existing frameworks and it also introduced the Ley de Movilidad Humana (Human Mobility Law) in 2018, which expands upon

the previous mechanism by allowing any South American to enter the country and stay there for 180 days. In fact, these kinds of visas are too expensive and, thus, most people do not have access to them (Sereboff).

At the regional level, one of the most significant developments is the Declaration of Quito, signed by eleven states, namely Argentina, Chile, Colombia, Brazil, Ecuador, Uruguay, Paraguay, Peru, and three Central American states, namely Mexico, Panama and Costa Rica in September 2018. According to Freier and Parent (61),

“the declaration stated the signatories’ commitment to combat discrimination, intolerance, and xenophobia against Venezuelans, and to protect them against human trafficking and smuggling. They pledged to ease entry and documentation requirements to make it easier for Venezuelans to regularize their status: refugees would be allowed to apply for residency with expired documents and without passports.”

The Declaration was a way to promote cooperation within the region, including the provision of additional international financial support for those countries dealing with large influxes of Venezuelan refugees. It also sought to provide Venezuelan migrants with access to basic services (Sereboff). However, coordination of the regional response to the Venezuelan mass displacement is still pretty far from becoming a reality (Freier and Parent).

Overall, there is a significant gap between migration discourses and migration policies in the management of Venezuelan exodus. Indeed, while most politicians continue to discursively support Venezuelan refugees and agree on the fact that the extended Cartagena refugee definition should be applied to Venezuelan migrants, attitudes and policies have become more restrictive, both as the number of migrants has grown and as the profile of these refugees themselves has changed (Sereboff). According to Blouin et al., it is possible to identify three main reasons at the base of this contradiction between the denouncement of human rights violation and the lack of refugee recognition according to the Cartagena Declaration. First of all, there is widespread lack of experience and technical capacity. Indeed, the main host countries receiving Venezuelan migrants have never faced such a huge amount of immigrants; thus, even if their asylum laws and policies are welcoming, they have never applied them to a large number of migrants.

The second motive that prevents countries from recognizing Venezuela migrants as refugees has to do with the potential fiscal cost of the application of the Cartagena Declaration in countries

characterised by large informal labour markets and already precarious welfare systems. Indeed, applying the Cartagena refugee definition would signify recognizing a high number of individuals as refugees, thus providing them with unlimited access to social protection including health care (Blouin et al.).

The third reason, that is linked to the previous one, refers to the fear that the recognition of Venezuelans as refugees would result in a further increase in the number of migrants arriving in the host countries applying for asylum and protection. This would put even more pressure on public services, rise xenophobia, and empower extremist political forces (Blouin et al.).

To conclude, despite an increasing number of political and legal scholars agree about the fact that the Venezuelan migrants should be recognized as refugees, most Latin American countries have instead developed *ad hoc* measures, creating alternative forms of protection and legal statuses for migrants, with Mexico and Brazil being the only two countries of the region that have applied the extended definition. This lack of implementation of the Cartagena refugee definition leads to a considerable policy implementation gap across the South American continent (Freier et al.). The main motives that are at the basis of this gap are the limited state capacity and the perceived political cost resulting from the application of the definition, which could cause a further increase of Venezuelan influx (Freier et al.). However, the way South American countries have responded to the Venezuelan displacement has not stopped the Venezuelan emigration; they have rather redirected it to other countries or transformed it into informal and undocumented forms of migration, preventing the regularization of immigrants and presenting new obstacles for them to accessing legal status (Sereboff).

CHAPTER FIVE:

MIGRATION GOVERNANCE IN LATIN AMERICA: A PARADIGM SHIFT IN IMMIGRATION AND ASYLUM LAW AND POLICY

1. The organisation of migration governance

The term governance is widely used in many different fields and it is usually seen as a signifier of change, by which could be meant change in the processes, meaning, methods or conditions of governing (Levi-Fraur 2012). In particular, as Peters points out, a successful governance implies four functional requirements, namely goal selection; goal reconciliation and coordination to set priorities; implementation; and finally feedback and accountability as institutions and individuals must learn from their way of acting. In particular, this dissertation elaborates an understanding of governance that is inserted into the field of migration.

Migration governance focuses on the several roles and actions of organisations; these organisations may have specific migration responsibilities, or they may be organisations for which migration is part of their competence (Geddes et al.). This is why, according to Geddes (8), it can be said that:

“migration governance is necessarily an organisational process. There are many and various organisations involved, but all are shaped by their environment and, through their actions, have effects on the environment in which they operate”.

More specifically, migration governance as an organisational process can be seen as having a dual meaning: firstly, it attempts to conceptualise the effects produced by political, economic, demographic and environmental changes in the social system; secondly, governance system will aim to steer, manage and coordinate these effects, a process that requires participation of regional organisations with differing degrees of involvement in migration governance (Geddes et al.). As it will be noted in the next section, the fact that governance occurs within a multi-level system does not mean that states’ action is no longer relevant. Indeed, “states continue to play a key role but within which we can see increased involvement by regional organisations” (Geddes et al. 9). Additionally, it is really important to highlight that “multi-levelness has a dimension related to the spatial allocation of authority across the sub-national, national, regional and international levels” (Geddes et al. 9).

The point that migration governance is an organisational process is emphasised and reinforced by the development of regional cooperation that implies the existence of several and diverse organisations in the field of migration governance. In particular, the organisational process of migration governance is defined by the relationship existing between governing organisations and the environment in which they operate (Geddes; Geddes et al.). On the one hand, governing organisations must aim to respond to pressures and signals coming from their environment, while on the other hand it can be that through their actions they also themselves exert an influence, playing a crucial role in defining their environment (Ansell and Trondal). Indeed, we could tend to analyse the effects of international migration on regional governance systems, and to conceive international migration as challenge, but in fact governance systems, including regional ones, deeply influence the environment they operate in, defining the issue that is to be tackled and significantly affecting the drivers of international migration itself, namely political, economic, societal, demographic and environmental changes. This is why all forms of governance systems need to be understood as “potential shapers of their environment and not merely as passive or reactive” (Geddes et al. 9).

As Ansell and Trondal (2017) explain, the environment organisations are surrounded by is a turbulent environment, deeply influencing the way organisations act and making planning difficult for them. In particular, they define turbulence as “interactions of events or demands that are highly variable, inconsistent, unexpected or unpredictable” (Ansell and Trondal 6). On the one hand, turbulence may be considered as a threat to the basic structures or values, while, on the other hand, it may also be possible that organisations see turbulence as the normal state of affairs. More specifically, when talking about turbulent environments, turbulence is usually generated by factors that are external to organisations, such as accidents, wars, rapid technological change, legal rulings, and so on. Thus, it is possible to speak about turbulence as an exogenous property of organisational environments (Ansell and Trondal).

Environmental turbulence tends to produce surprises for organisations making planning difficult. In particular, planning depends on the organisational capabilities available to ‘anticipate’ the future (Ansell and Trondal 9). Furthermore, turbulent environments are often experienced as mismatches between exogenous problems on the one side and organisational solutions on the other, meaning that “there is a poor ‘fit’ or ‘alignment’ between the organization’s strategy and structure and the environmental conditions in which they much work” (Ansell and Trondal 9). This mismatch can result in a situation of risk for organisations that may feel pressure for change. In this context, external shocks may sometimes provide organisations with an opportunity to change agendas within policy

areas considered as deadlocked. Indeed, as a result of the unexpectedly and quickly changing environment in which they operate, organisations are pushed to quickly adapt their way of acting to these changing conditions in order to avoid mismatches with their environment (Ansell and Trondal). However,

“the environment is changing even as the organization is attempting to adapt to it. A challenging implication of this situation is that it is difficult for the organization to draw clear lessons about the success of their adaptations” (Ansell and Trondal 10).

In addition, there will not be enough time for organisations in order to carry on evaluations or collect data before the environment changes again.

One significant distinction regarding the environment organisations operate in has been identified, in particular between learning-friendly environments, with shorter-term and more quantifiable outcomes, and less-learning friendly environments, whose outcomes tend to be much harder to quantify. Keeping this distinction in mind, it is possible to say that international migration tends to belong to a less learning-friendly environment, due to the fact that it is a field that is characterised by a strong uncertainty and that presents high levels of unpredictability as well as of risk (Tetlock, Mellers, and Scoblic).

Talking more specifically about international migration and its governance, scholars tend to focus their attention on two main very general questions, the first concerning the causes and effects of international migration, and the second referring to the causes and effects of migration governance (Geddes). Migration governance plays a vital role in the migration field, creating categories that comprise some people and groups while excluding others, and this is the reason why if we primarily focus on and address the second question we can also better understand the first one. To address this second question means focusing on the key role of organisations, because, as previously said, migration governance is necessarily an organisational process. More specifically, organisations involved in migration governance, as well as organisations of all kinds, need to address two basic questions: “what’s going on ‘out there’ and, having come up with some kind of answer to this first question, what should we do next?” (Geddes 10). In other words, migration governance conceived as an organisational process means:

“picking up and responding to cues and signals from the environment in which these organizations operate and then making sense along with other actors in order to decide upon a course of action” (Geddes 10).

As it will be explained in the next section, there are many and different organisations involved in the governance of migration processes; this section will mainly focus on MERCOSUR, being the main South American organisation also dealing with migration governance.

Another significant distinction, that can also be considered as an effect of migration governance, needs to be made between ‘mobility’ and ‘international migration’, as there exist significant instances of regional cooperation to promote mobility or free movement between member states. Usually, when we talk about international migration we describe a form of human mobility that implies crossing state borders, as opposed to internal migration within states. However, a political and legal differentiation is introduced here between mobility, as referring to those who move between states within the regional grouping, and international migration, implying movements from outside this regional setting (Geddes et al.). Referring to regional migration governance, according to Geddes (11),

“mobility and free movement can still mean crossing state borders but have acquired a political meaning in certain regional groupings where there are efforts to promote greater mobility by citizens of its member states”.

Indeed, regional organisations, such as MERCOSUR, ASEAN, the EU, and NAFTA, can promote either ‘mobility’ or ‘free movement’ for citizens of their member states, and in this context the EU is a clear example of this as European citizens enjoy a legally enforceable right to free movement. On the other hand, for what concerns South America, MERCOSUR has established a Residence Agreement that does not provide individuals with the right to move freely and does not create South American citizenship but, as it will be explained, does establish common rules governing residence for those people that do migrate. Finally, North America and in Southeast Asia provide much more minimal provisions (Cerrutti; Geddes).

To summarise, migration governance as an organisational process can and does effectively change or constrain the way of acting of many actors, either private or public, involved in migration governance, such as states, regional organisations, international organisations, academic organisations, civil

society organisations as well as organisations embodying the interest of workers and business. Migration governance is thought of as being ‘multi-organizational’ and ‘multilevel’; it actually informs and shapes actors' behaviours and, as it will be analysed in the next section, this is why it is possible to talk about migration governance beyond the state (Geddes).

2. Migration governance beyond the state: the role of MERCOSUR

Studying migration governance beyond the state is of paramount importance because even if it is states that determine access to their territory, and do so in a way that could at times appear free from international or global processes or rules, it is also widely known that states can also vary significantly with regards to their sovereign authority, modes of legitimation, and capacity (Geddes). In this sense, as Geddes (12) states:

“international migration is clearly an issue that cuts across state sovereignty, legitimacy, and capacity and demonstrates how states relate to each other as a result of migration processes”.

Generally speaking, both states and non-state actors are increasingly concerned to come across ways to manage migration in a way that allow them to minimise the costs and maximise the benefits of mobility (Betts). Migration processes can connect state actors at a transgovernmental level or non-state actors at a transnational level, but the fact that migration governance has become more transnational and transgovernmental does not mean that national governments and states do not count anymore; on the contrary, the expression ‘going regional’ implies the existence of some forms of governance beyond the state that can in some cases constrain states and other actors by means of the development and reinforcement of new rules, ideas and practices that can change states behaviour through persuasions (Betts). More specifically, regional migration governance refers to the “cooperation between states usually defined by their geographical proximity on aspects of migration and mobility” (Geddes et al. 1).

As we have already said, the regional dimension in the field of migration governance is really relevant to consider, as regions sit between the national and the international. Indeed, migration governance beyond the state often takes place at a regional level (Geddes). In particular, a number of ad hoc forms of multi-level migration governance are being created by states and, as Betts (2) points out,

“an increasingly complex array of bilateral, regional, and intra-regional institutions is emerging, enabling states to selectively engage in different forms of informal cooperation with different partner states”.

However, regional organisations come in many different forms and, indeed, actually existing regional migration governance varies significantly across the world. Indeed, the four main regional organisations, namely MERCOSUR, ASEAN, the EU, and the North American Free Trade Area (NAFTA), comprising the United States, Mexico and Canada, present their own peculiarities and these variations include both the institutional and the organisational form, as well as the type of international migration and mobility that are accounted for within regional cooperation frameworks (Geddes et al.) The focus on the regional level can be explained by the fact that much international migration today is regionalized, and this is especially the case of South America and Southeast Asia, as migration not only includes long distance movements. In fact, rather than undertake long and expensive journeys, individuals often migrate to neighbouring or nearby countries (Geddes).

As previously noted, this dissertation will focus on MERCOSUR (*Mercado Común del Sur*, or Common Market of the South), that includes Argentina, Paraguay, Uruguay, and Brazil, and that, after the European Union, is one of the most developed regional organizations on the world (Brumat); it was founded in 1991 by the Treaty of Asunción, whose objective was to establish free movement of goods, capital, services, and factors of production that could comprise people, even if the free movement of people is not explicitly mentioned. More specifically, such a framework was designed in order to address the liberalization of internal mobility flows and irregular migration (Braz). Developments in the 1990s did contribute to create the context for migration to become a regional issue in the 2000s. The nineties were characterised by a strongly market-oriented approach embodied in the so-called Washington Consensus and spread by international organisations such as the World Bank and the International Monetary Fund (IMF). The main pillars of this approach were free trade, economic liberalization, deregulation and privatization (Geddes). However, this did not produce positive and beneficial effects on democratizing South American countries, as growth rates did not improve and inequality continued to increase. As it has been explained in Chapter one, the market-oriented approach generated a profound economic crisis in the 1990s in the Latin American continent as it was not ready to open its market to foreign competition.

However, according to what Geddes (87) emphasizes,

“an element of continuity is provided by MERCOSUR, which weathered the effects of economic crisis in the late 1990s and early 2000s to relaunch itself in the early 2000s, including with the MERCOSUR Residence Agreement (MRA) agreed in 2004”.

As previously noted, the years 2000s in South America were characterized by the rise of left-wing governments, that gave additional momentum to a relaunch of MERCOSUR, even if overall it has remained relatively weak, presenting a wide gap between an oversupply of laws and a low degree of compliance, as well as a divergence between scope and level of integration (Geddes).

MERCOSUR is focused on cooperation, rather than integration, between states that have been particularly reluctant to cede their sovereignty. Indeed, “there has been a consistent aversion to pooled sovereignty and supranational institutions, combined with oscillations in attitudes to economic liberalization” (Geddes 87), and this explains the lower levels of economic integration in South America if compared to the intense exchanges of goods, services, and capitals within the EU and Southeast Asia (Geddes). However, both MERCOSUR and the MRA are central to migration management in South America (Cerrutti). More specifically, the MRA, which was signed in 2004 and entered into force since 2009, “formed part of a post-crisis and post-neoliberal relaunch of MERCOSUR” (Geddes 105). The ideological convergence associated with political change among the continent, including the election of left-wing governments, and the role played by national presidents were two key factors in contributing to MERCOSUR’s relaunch. Furthermore, the massive presence of irregular migrants coming from other MERCOSUR countries, especially in Argentina, represented a very practical issue for the MRA (Geddes).

According to the MRA,

“immigrants from a country of the region who acquire a temporary or a permanent residence visa in another MERCOSUR country will receive the same treatment as the country nationals, including in the labor field” (Cerrutti 18-19).

More specifically, the MRA could be used in the region as a way of facilitating the movement and the regularization of migrants, independent of whether migration was forced or voluntary (Brumat). The agreement provides all nationals of MERCOSUR member states or associate member states (Paraguay, Uruguay, Brazil, Bolivia, Chile, Venezuela, Peru, Colombia, and Ecuador) with a two-year temporary residence permit “upon proof of nationality and a clean criminal report covering the

preceding five years” (Geddes 106). Thus, migrants can be granted residence rights as an alternative to protection (Brumat). They also enjoy the right to family reunification, but they are not granted any political right. After two years, if a proof of sufficient resources is provided, they can fill in an application in order to obtain permanent residence (Geddes). At the same time, the Agreement regularized immigrants, without them having to go back to their countries of origin; indeed, immigrants with a resident visa as well as their families will enjoy the same social, civil, cultural and economic rights and freedoms as the nationals of the host country. Immigrants will be treated in the same way as the nationals with regards to the application of labor legislation, working conditions, wages, social security, and access to education for their children (Cerrutti). Moreover, as it will be better explained in the next sections, the MRA has been seen as a regional manifestation of the so-called ‘liberal tide’ (Geddes).

Argentina was the first state putting in practice the agreement. The Argentinian government saw the MRA as a good way to promote security, as it allowed legal residence to all those irregular migrants arriving into the country. This was a way to fight irregularity as well as the exploitation of irregular migrant workers and the possibility for them to undermine Argentinian workers (Geddes), and, thus, one year after the MRA was signed, Argentina modified its National Migratory Law, according to which any citizen of a MERCOSUR country or associate country who presented no criminal record can get a legal residence in Argentina (Geddes; Cerrutti). According to this law, an immigrant is “a foreign born person who wishes to enter, transit, reside –either on temporary or permanent bases- in Argentina according to current law” (Cerrutti 19). The 2006 *Patria Grande* – MERCOSUR Program aimed at improving the human rights situation of irregular migrants living in Argentina by promoting regularization. Under this program, migrants can easily acquire either temporary or permanent residency by presenting a certification of entry to Argentina, their personal ID, and a clean criminal record in both their homeland and in Argentina. Finally, they can obtain the residency by paying a fee (Cerrutti).

To summarise, both MERCOSUR and the MRA are fundamental for the management of migration processes in South America. However, despite the significance of the regional dimension of migration and its governance, intergovernmentalism does impose limits to regional cooperation, as authority has not been ceded by South American states to supranational regional institutions to make them able to exercise authority over participating states. Indeed, even if a MERCOSUR parliament does exist, it is a consultative and not a law-making body (Geddes).

3. The ‘liberal tide’ of progressive migration laws and policies

The evolution of migration flows in South America has generated remarkable changes in terms of state policies. Different political and economic cycles, together with new forms of mobility and geographical (re)configurations of migration pathways at the global level have directly influenced migration management at both the regional and the national levels. In particular, three different periods can be identified regarding migration laws and policies in South America. The first stage corresponds to the second half of the twentieth century and the beginning of the twenty-first century, when a series of very restrictive and selective immigration legislation and policies were implemented by South American governments (Acosta and Freier; Novick). The second stage, starting in the first years of the 2000s, is associated with a change in the political cycle in most South American countries, characterized by the election of left-wing governments, known as post-neoliberal (Acosta). With regard to immigration, this period is marked by the implementation by these governments of rights-based policies to deal with the entry of regional and international migrant and refugee populations. As a matter of fact, many South American countries adopted progressive regulatory frameworks, or at least frameworks that were not as restrictive as those of the previous stage, with the aim of responding to the new forms of mobility from a rights-based perspective. Moreover, free regional mobility initiatives and migration regularization processes for South American citizens were promoted (Domenech; Ramírez). In particular, such initiatives would materialize within the framework of various regional agreements, such as the MERCOSUR which, as it has been explained more in detail in the previous section, is a central South American body in the field of migration management (Acosta and Freier). The third and final stage starts in 2015 and goes up until the present day, and saw the progressive adoption of openly restrictive rhetoric and policies, that stand in stark contrast with the legal frameworks implemented in the previous years, or even with the late laws enshrined in Brazil, Ecuador and Peru in 2017, which are still considered as belonging to a rights-based approach. This change has not only been triggered by a shift towards neoliberal governments in several South American countries, like Argentina, Chile, Ecuador, and Brazil, but also by the unprecedented Venezuelan exodus, which deepened from 2015 onwards. As it has been said in Chapter four, Venezuelan mass displacement generated very dissimilar policies in different countries, which in many cases developed *ad hoc* measures to deal with this phenomenon (Acosta et al., 2019). The aim of this section is to analyse the second stage of migration laws and policies that, as it has been pointed out, has been characterized by the adoption of progressive migration laws and policies by South American countries and has been associated with the election of left-wing governments.

The end of the twentieth century and the beginning of the twenty-first century was a period of great change for what concerns migration governance in South America. In addition, since the mid-2000s migration flows in the continent have not only increased but also changed in terms of origins, destinations, and migrants' profile (Geddes). These transformations were mainly due to a situation of instability, characterised by a significant economic and political crisis affecting the continent at the end of the twentieth century, and are a key component of the ways in which migration issues are understood. As it will be explained in a deeper way, "economic and political drivers are seen as underlying causes of migration flows, although the adverse effects of neoliberalism and inequality are given greater prominence" (Geddes 92). Indeed, most of international migration is considered as being caused by changes in underlying economic and political systems; however, it is important to note that migration is also widely provoked by environmental and climate changes. In this context, South America provides us with a significant example of the importance of underlying economic and political transformations in shaping migration governance. As a matter of fact, the 2000s represented a counterpoint for the continent that experienced significant changes associated with the so-called 'liberal tide' of progressive migration laws and policies (Cantor, Freier and Gauci).

Importantly, the progressive turn characterising South American migration laws and policies coincided with a period of large-scale emigration, *la estampida migratoria* (the migratory stampede), from the region resulting from the economic and political crisis of the late 1990s. In particular, estimates show that in that period 400,000 individuals left Argentina, 250,000 emigrated from Bolivia, 1.9 million left Colombia, 1.4 million people moved from Peru, and a further million left Brazil. Dictatorial regimes in the 1970s and 1980s gave birth to massive migration flows both within and beyond the region, causing forced displacement (Geddes). Within South America, Argentina was a preferred destination for those leaving Paraguay under the Strössner regime after 1954 and Bolivia with the Banzer regime, as well as for those fleeing the military dictatorships in Chile and Uruguay after 1973. Estimates show that half a million people were forced to move during the period of military rule in Chile between 1973 and 1990. Moreover, around 1.8 million people left Brazil between 1964 and 1985 due to military rule and state terrorism, and between the late 1980s and the late 1990s Peruvians were forced to into exile in Chile, Argentina, and Ecuador (Geddes). However, despite the significant number of people fleeing their countries of origin it is important to note that military rule in South America promoted restrictive migration policies and most of the time those who migrated were left-wing dissidents. In addition to this situation of political instability, the new market oriented approach drove the country into a profound economic crisis (Cerrutti; Geddes).

Indeed, as it has been argued Chapter one, the neoliberal economic model promoting deregulation, privatization and liberalization, did not work in South America, which was hit by a dramatic economic crisis that led to widening inequalities and increasing poverty and inflation.

The transition from the authoritarian regimes to the election of left-wing governments in the 2000s was marked by a liberalisation of South American migration laws and policies, that was defined by Freier and Arcarazo (2015) as being expansive in relation to refugees' and asylum seekers' rights. All South American countries ratified the 1951 Geneva Convention, also known as Refugee Convention being it related to the status of refugees, and its 1967 Protocol. These are key legal documents defining the term 'refugee' and outlining refugees' rights, as well as the legal obligations of States to protect them (UNHCR). However, South American countries also moved beyond the provisions provided by the Geneva Convention, adopting the 1984 Cartagena Declaration, that was of paramount importance as it widened the refugee definition included in the Convention by adding five elements according to which people fleeing must be granted protection: generalised violence; internal conflicts; foreign aggression; massive violations of human rights; or other circumstances which have seriously shaken public order (UNHCR). At first, the Cartagena Declaration was developed in order to address the mass forced displacement from Central America to Mexico, but was also shaped by the legacies of mass displacement provoked by military dictatorships and authoritarianism, and Argentina, Chile, Bolivia, Brazil, Uruguay, Paraguay, Colombia and Ecuador all incorporated Cartagena's norms and standards into domestic law (Geddes).

Not only the 2000s were characterised by the election of left-wing governments, but also by a rapid economic growth and development across the region. This new situation of political stability and economic flourishing in South America shaped the progressive and liberal shift regarding migration policies. Indeed, according to Geddes (86) the 'liberal tide' of progressive policies and laws

“depended on left-wing ideological convergence in many South American countries as well as conscious attempts to position the region as separate and distinct from both the United States as the continental hegemon and regional approaches to migration in the EU”

European and North American policies were described as hostile and repressive to migration (Arcarazo and Geddes). As a matter of fact, the liberal discourses on immigration and migrants' rights that South American governments have embarked on since the 2000s stand in contrast to the contemporary debates on freedom of movement and refugee flows in the EU in the context of

increased migration and refugee flows after 2015, that led to a significant rise in the number of asylum applications, and the 2016 Brexit referendum in the UK. However, this new open and progressive approach to migration in South America not only was contingent upon the presence of left-wing governments, but also upon the co-existence of the *facto* and *de jure* openness, as people could move under the application of the Cartagena criteria (Geddes).

At least at a discursive level, the ‘liberal tide’ was identified as a tendency towards abandoning the idea of immigration as a problem or threat towards conceiving migration in the context of human rights. This new approach to migration promoted the right to migrate, and was based on the non-criminalization of migration; migration discourses among South American countries shifted from securitization and closure to underline migrant’s human rights, non-criminalization, and non-racism (Freier and Arcarazo). These new frameworks also did ‘open’ the governance process to consult with a wider range of actors, such as business, trade unions, civil society, and academics. Moreover, human dignity was a central component of this new wave of migration laws and policies, that saw equal treatment as a general rule and as a way to make migration and citizenship more humane and enlightened throughout the region (Geddes).

Argentina was the first South American country replacing the repressive and restrictive immigration laws and policies promoted by authoritarian regimes in 1981. The 2004 legislation was an evidence of this progressive turn in migration governance: it was strongly linked to the MRA and to the regularization of irregular migrants from other MERCOSUR countries, and identified the right to migrate as essential and inalienable to the individual. The 2008 Uruguayan migration law was similarly progressive (Geddes). Other South American countries as well presented evidence of this liberal tide, as it is the case of Ecuador, where President Rafael Correa, elected in 2007, was particularly concerned about the treatment of Ecuadoran emigrants. In the 2008 constitution he advocated the principle of universal citizenship, the freedom of movement of all people around the world, and the elimination of the status of foreigner or alien in order to move forward the unequal relations existing between regions of the world, and especially between the global south and the global north (Geddes). Ecuador adopted an open-borders policy, through which migrants were granted the right to enter Ecuador for up to ninety days. However, getting a residence permit after ninety days was not easy for migrants, and this gave rise to irregular migration. After some months of this open-borders policy, visa requirements were reintroduced, first of all for Chinese migrants and subsequently also for people coming from Bangladesh, Afghanistan, Eritrea, Ethiopia, Nepal, Kenya, Nigeria, Pakistan, and Somalia (Freier and Arcarazo).

Venezuela too experienced mass displacement, particularly after 2014. As it is explained by Sereboff (62),

“since 2015, approximately 4.8 million Venezuelans have fled from their homes in search of refuge from the country’s economic crisis and increasingly volatile political climate” (Sereboff 62).

Indeed, many Venezuelans escaped the country as a result of the worsening economic crisis, political repression, and state-led violence (Machado and Vasconcelos). As in other cases of mass displacement, they have not undertaken long-scale migration trajectories; approximately the 80% of Venezuelans rather remained in the continental South America (Sereboff). It must be noted that South America has never before experienced such a widespread internal stream of asylum seekers, migrants and refugees; by the end of 2020, it was estimated that around 4.5 million people had left Venezuela and most of them had settled in Colombia, Peru, and Ecuador. In this sense, it can be said that this crisis has served as a test for South American openness, and in particular for “the region’s bureaucratic and administrative capacities, the public’s accommodation of migrants, and perhaps most importantly, the strength of intra-regional solidarity” (Sereboff 63). The initial responses of South American governments when addressing the Venezuelan crisis were largely accommodating, but in fact the policies promoted were unevenly implemented. Most of these responses gave birth to alternative forms of legal residence and status rather than favouring the formal asylum processes; indeed, a large number of Venezuelans have been given a status in another South American country, but in fact relatively few of them have been granted the status of refugee (Geddes). For instance, in Peru only approximately 200 Venezuelans out of 130,000 have been granted refugee status. Only two countries, namely Brazil and Mexico, have implemented the 1984 Cartagena Convention when evaluating asylum claims (Sereboff). This is why it can be said that overall responses were relatively open to Venezuelan migrants, but this was often *de facto* rather than *de jure* openness, as people were allowed to move without necessarily applying the Cartagena principles (Geddes).

The liberal tide of progressive laws and policies continued to flow into the second decade of the 2000s. In 2013, Bolivia and, in 2017, Ecuador, Brazil, and Peru adopted new migration laws that were identified as progressive. However, by the mid-2010s, the ideological convergence that this liberal tide was based on began to break down, and some illiberal practices recently started to be adopted in some South American regions (Cantor). In January 2017 the right-wing President Mauricio

Macri of Argentina, in office between 2015 and 2019, released a decree on immigration that, even if subject to a legal battle within the Argentinian courts, it openly challenged the progressive turn. It reintroduced the link in both discourse and policy between criminality and migration, which had been clearly rejected by the 2004 law, and it excluded civil society organisations from policymaking (Geddes). However, the far-right Brazilian president, Jair Bolsonaro, elected in 2018, in order to address the Venezuelan refugee crisis had threatened to build camps for refugees on the Brazilian-Venezuelan border or to revoke the 2017 migration law. Overall, the Brazilian government granted the status of refugee to thousands of individuals forced to flee Venezuela under the crisis (Geddes). Overall, as it will be analysed in the next section, it must be noted that even if South America has been characterised, especially during the first decade of the 2000s, by the so-called liberal tide of progressive migration laws and policies, and by a relative openness towards migration, there has been an evident tendency towards the use of restrictive asylum practices on the part of certain countries by the 2010s. Thus, it is possible to talk about illiberal practices that have recently been adopted particularly within the neighbouring sub-regions of the Andes and Central America (Cantor).

4. Latin America as opposed to the European Union and the United States: a different approach to migration

As it has been said in the previous chapters, regional organisations dealing with migration governance can be of many different types with regards to the organisational and institutional form, as well as the international migration and mobility that are comprised within regional cooperation frameworks (Geddes et al.). In particular, the approach of the United States and Europe to migration stands in stark contrast to the Latin American approach. In the context of the Mediterranean migration crisis, the US and Europe have been severely criticised by human rights activists for their approach to irregular migration. As a matter of fact, in North America we see a repressive and hostile approach to migration, promoting the criminalization of irregular migrants; the fact that the Trump presidency engaged much more aggressively in putting migration into the agenda with its neighbours, with Trump being explicitly nativist and racist in his statements, does not mean that nativism and racism only emerged with Trump's election; on the contrary, as suggested by Geddes (198),

“concern about security and boundary build-up at the US southern border and also at its border with Canada was evident from at least the 1990s and even predates the September 2001 terror attacks on US targets.”

As a matter of fact, migration to the United States has not stopped, with Brazilians, Ecuadorians and Colombians making use of the networks and circuits formed over the past fifty years in the country (Herrera); rather, this kind of migration has become significantly more precarious due to the hardening of migration policies, resulting in clandestine cross-border movements. Furthermore, once in the United States, migrants face huge difficulties in obtaining legal residency. The high vulnerability of these migrants and the precariousness of their legal status considerably limits social mobility and access to social protection (Herrera).

Similarly to North America, also the European Union has engaged with a repressive kind of approach to migration. In particular, we can see a considerable contrast between intra- and extra- EU migration regimes. Indeed, within the EU, a supranational legal framework has granted a highly developed form of regional mobility, thanks to which citizens of the EU member states can move freely within the region. This mobility repertoire for EU citizens is related to visions of an integrated Europe but also to notions of market citizenship with the aim of achieving closer economic integration through the creation of the EU's single market framework (Geddes). However, this highly developed form of intra- EU migration regime stands in stark contrast to the extra- EU migration repertoire, which is based on fear of large-scale and potentially uncontrollable migration movements. As Geddes (198) argues,

“whether well founded or not, this concern has contributed to the development of EU cooperation and also integration on aspects of migration and asylum and also to the ‘externalization’ of controls to third countries.”

In this context, scholars have focused their attention on the extension of EU immigration policies to the so-called third countries. There exists an emerging literature on the ‘unintended’ consequences of the EU migration governance that takes into consideration the unforeseen consequences of EU's external action on ‘targeted’ third countries, namely Africa, Turkey and Ukraine (Brumat and Freier). However, it must be noted that EU's extra-regional migration governance not only has exerted a significant influence on the so-called targeted countries, but also on immigration and refugee policy liberalisation in South America in the twenty-first century, especially under populist, leftist governments. Indeed, as it is emphasised by Brumat and Freier (3),

“remarkable policy liberalisation in the region took place in the context of both political and moral opposition to restrictive shifts in EU extra-regional migration governance, even though South America was not the target of such migration governance.”

Indeed, South American liberal immigration and refugee policies developed in counter-position to the migration governance of European and other countries belonging to the so-called Global North; as a matter of fact, the South American continent has been much more accommodating to irregular migrants, who have been granted the universal right to migrate in some countries of the continent (Brumat and Freier). In the early 2000s the restrictive immigration policies adopted by migrant receiving countries in Europe and North America, as well as the increasing criminalisation of immigration in the United States, started to be questioned by South American countries. In this context, South American countries moved from securitisation and closure to the promotion of migrants’ human rights, non-criminalisation, and regularisation, especially for what concerns the rights of South American extra-regional migrants (Brumat and Freier). Indeed, as it is stressed by Freier and Arcarazo (2), in South America “many governments have turned away from the previously often openly racist ‘criminalization’ of irregular immigrants and adopted surprisingly liberal discourses of universally welcoming all immigrants, irrespective of their origin and migratory status”; South American politicians call for the universality of migrants’ rights without distinction, promoting regularisation as a solution to irregularity (Freier and Arcarazo; Brumat and Freier). Here, the 2002 Agreement on the Southern Common Market (MERCOSUR) has significantly contributed to the regularisation of irregular migrants from the region and to the partial abolishment of borders and migration restrictions among member states (Acosta Arcarazo and Freier; De Haas, Natter, and Vezzoli).

To conclude, the emerging literature on the unintended consequences of EU external action tends to neglect the broader effects that the EU’s actions themselves may provoke, such as unintended consequences on originally non-targeted countries, as it is the case for South America, where EU’s actions did play a significant influence, even if the aim of the EU was not to modify South American policies. This is why we can say that the decisions and the actions that were taken by South American policymakers in opposition to EU policies were ‘unintended consequences’ (Brumat and Freier).

5. Bucking the liberal trend: recent illiberal practises in some regions

Around the second decade of the 2000s, some states in the Andean and Central American sub-regions, inspired in particular by European practice, introduced restrictive legal and policy measures; states adopted accelerated procedures as a form of admissibility screening prior to determination of eligibility for providing migrants with the status of refugee (Cantor). This tendency, as opposed to the South American liberal tide of the late 1990s and early 2000s, has characterised, and still characterises, most other parts of the world and has been identified as illiberal with regards to refugees and asylum-seekers, as increasingly restrictive approaches are being taken towards them (Cantor; Geddes).

This generalised move towards restrictive legislation and policies regarding asylum has been associated with the sudden and chaotic arrival of huge numbers of ‘spontaneous’ asylum-seekers coming from different parts of the world during the late seventies and the early eighties. In western Europe this tendency was significantly evident as the number of new requests for asylum rose from 20,600 in 1976 to 204,300 in 1986, achieving the peak of 695,580 claims in 1992 (Cantor). According to Cantor (190-191), the adoption of restrictive policies on the part of European governments was due to the fact that

“these ‘new asylum-seekers’ were qualitatively different from earlier refugee movements in that they were comprised of persons from the global south who arrived spontaneously or irregularly to the territories of states in the global north”.

These migrants were thought as not being motivated by the need for protection, but rather by the preferential conditions in the global north. This led the European government to categorise asylum-seekers as either refugees to be protected or migrants to be controlled through the implementation of restrictive measures. Thus, it is possible to say that “European legislators remain committed to the principle of asylum but have become uncomfortable with the ‘quantity and quality’ of this obligation” (Cantor 194).

The global trend towards restrictiveness in refugee legislation and policy is not something new, as it has been evident since the 1980s, at least in relation to access to asylum. This trend results from the perception that the institution of asylum is vulnerable to abuse, as the huge numbers of ‘new asylum-seekers’ have challenged and called into question the reasons for protection (Cantor). This approach

to migration initially belonged to the European Union and North America, whose governments adopted, and still adopt, repressive and hostile policies towards migrants (Freier and Arcarazo). In particular, in the context of the Mediterranean and refugee crisis, activists have strongly criticized the approach of Europe and the United States to managing irregular migration, as opposed to a more accommodating approach to irregular migrants on the part of South America during the first decade of the 2000s (Freier and Arcarazo). However, the example of Europe and North America has contributed to the implementation on the part of some South American countries of similar tendencies, with increasingly illiberal manifestations of asylum laws and policies among many regions (Brumat and Freier). Nevertheless, it has to be noted that if compared with the existing scholarship on refugee law and policy in the global north, there is a general scarcity of sustained research about the presence of this tendency also in Latin America. Only recently scholars have started to focus their attention on the topic. However, it is also true that in the period between the eighties and the 2000s, the restrictive trend is much less apparent in South America than in Europe and North America, and that in that period the general South American trend was quite the opposite, with substantial openness to immigration and the adoption of progressive laws and policies (Cantor; Brumat and Freier). Indeed, while Europe and North America, already starting from the seventies, started to implement increasingly repressive migration policies, Latin America was committing to refugee protection, joining the Refugee Convention and/or Protocol. Despite the relatively scarce human and financial resources allocated for refugee protection, Latin America since the 1980s has been promoting liberal migration laws and policies rather than hostile (Cantor; Geddes). Yet, despite the wave of progressive migration policies, there has been evidence, especially starting from the 2010s, of a restrictive tendency with regards to asylum practices on the part of some states, especially the neighbouring sub-regions of the Andes and Central America. Indeed, since 2008 certain states have increasingly implemented

“administrative detention for illegal entry and more vigorously pursued the deportation of certain profiles of asylumseekers. Other ad hoc practices have also been recorded, such as pushing neighbouring states to readmit asylum-seekers who have passed through their territories” (Cantor 199).

Procedural devices for dealing with ‘clearly abusive’ or ‘manifestly unfounded’ asylum applications have also been put into practice by states in these sub-regions; these regulations now constitute a

fundamental part in six states of the domestic refugee law frameworks: Costa Rica, El Salvador and Panama in the Central American sub-region, and Colombia, Ecuador and Venezuela in the Andean sub-region (Cantor).

The so-called ‘accelerated procedures’, that do not necessarily refer to restrictiveness, have been adopted in response to the unfounded or abusive asylum applications. According to these procedures, migrants have to comply with minimum standards in order to obtain asylum. Such measures represent a legitimate policy response to the issue of huge amounts of unjustified applications for asylum (Cantor). The concept of accelerated procedures is not new, as it was first conceived by the Council of Europe Committee of Ministers in 1981 in order to address the wave of ‘new asylum-seekers’ in the previous years. Thus, these measures also are an integral component of migration policies in Europe, whose practices, that have resulted increasingly restrictive, have significantly influenced practices in Latin America. Indeed, even if the accelerated procedures in Latin America have been implemented primarily at the domestic law and policy level, they are equally punitive and illiberal in nature as Europe’s (Andrade). In both cases, the aim is to limit the admission of asylum-seekers to substantive status determination measures that tend to be used as a form of admissibility proceeding. As a consequence, at least in the Andean region, impressively high numbers of asylum claims have been rejected for being considered inadmissible. Overall, as Cantor (201) points out, “the establishment of accelerated procedures in some Andean and Central American countries may therefore fairly be described as a trend that is illiberal in character”.

The main cause for the adoption of accelerated procedures on the part of Latin America is identified in the arrival, between the late 2000s and the early 2010s and in particular since the second half of 2008, of increasing numbers of claims on the part of ‘new asylum-seekers’ or *extracontinentales*, as states and others tended to refer to with the meaning of people coming from outside the continent (Cantor). More specifically, this group of extra regional migrants is made of young men of working age who can enter Latin America more easily thanks to international people-smuggling networks (International Organization for Migration). Nevertheless, these migrants usually head to the USA and Canada, simply transiting through Latin American regions by land and/or sea in order to achieve their final destination countries. This is for example the case of Ecuador, whose elimination of visa requirements for many nationalities in 2008 has led to a dramatic increase in the number of *extracontinentales* (Cantor).

Broadly speaking, the tendency towards more repressive legal approaches to asylum-seekers and refugees in the Andean and Central American sub-regions “seems to be a response to the same kinds

of empirical dynamics present in Europe in the 1980s” (Cantor 203), namely the sudden explosion in the percentage of ‘irregular’ extra-regional asylum-seekers. The consolidation over the past three decades of a global tendency characterised by increasingly restrictive and illiberal approaches to migration, and in particular to refugees and asylum-seekers, is a recurrent theme in the context of refugee law and policy making. Nonetheless, there are some differences between Europe and Latin America: first of all, even if Latin American countries have experienced a significant inflow of extra-regional asylum-seekers, the absolute numbers are relatively low compared to Europe’s. Secondly, in the majority of cases Latin American regions constituted an area of transit for migrants, with just few of them settling in their territories (Cantor). The trend towards illiberal law and policymaking in Latin America can be explained by the fact that

“many *extracontinentales* only claimed asylum when detected by the authorities, and then abandoned the territory to travel northwards without waiting for the final decision, or even after having been recognised as refugees” (Cantor 204).

This clearly evidences the fact that asylum systems are subject to abuse. Yet, due to the lack of substantive literature it is not possible to analyse and explain why other states belonging to the Andean and Central America, such as Honduras and Nicaragua, did not moved towards increasingly restrictive migration governance, even after receiving equally high amounts of extra-regional asylum-seekers (Cantor).

CONCLUSION

The aim of this research was, first, to determine the main factors that led to the liberal tide of progressive migration laws and policies in Latin America since the 2000s, which was conceived as the abandonment of the notion of immigration as a problem or threat towards representing migration in the context of human rights' protection, and, second, to analyse the main features characterising the liberal tide. As it has been pointed out throughout the dissertation, what made these frameworks progressive was the fact that they recognize people's right to migrate and they commit to the non-criminalization of irregular migrants. In order to achieve this purpose, I conducted a bibliographic research, which was mainly based on policy documents, and I analysed the economic, political, and normative contexts of Latin America since the 1950s throughout the 2000s that led to this transformation in migration governance; moreover, with the help of the works of the main scholars which I based my dissertation on, I compared Latin American migration laws and policies with those of the European Union and the United States, highlighting the main differences. This comparison between different regions was particularly helpful because it allowed me to take a deeper look at and to better understand the main elements characterising the liberal tide of the 2000s.

I did achieve my aim by showing how the Latin American approach to migration actually changed between the end of the twentieth and the beginning of the twenty-first centuries, focusing on the circumstances that determined such a shift. First of all, the liberal tide of migration policies has been associated with the election of left-wing governments in Latin America in the 2000s. In this sense, new immigration laws were passed in South American countries in order to replace the previous frameworks promoted by authoritarian regimes between the 1970s and the 1990s, characterised by restrictive immigration laws. Second, the situation of dramatic economic crisis that was initiated by the import substitution crisis in the 1960s and prolonged by the neoliberal economic model in the 1980-1990s, also was a determining factor that led to the liberal tide. Overall, the Latin American experience demonstrates that political and economic factors always come together. Indeed, the economic collapse of the region during the second half of the twentieth century cannot be entirely separated from the spread of political violence that characterised military dictatorships ruling most South American countries in that same period. Political and economic phenomena are often interrelated and, thus, it is not always possible to categorise migrants as victims of violence or of economic hardship. As it has been explained throughout the dissertation, political violence together with the dramatic economic situation proved to be the main drivers of migratory movements and

significantly shaped migration in Latin America in those years: many people saw themselves forced to leave their country of origin being expelled under dictatorial rule. In other words, it was precisely this situation of political and economic turmoil that led to the paradigm shift in migration laws and policies.

The third and final element that determined this policy transformation was the emergence of a new and human centred kind of approach to migration, that sought to represent migrants in context of human rights' protection. Immigration discourses and policies in South America emphasise migrants' rights and promote increasing free human mobility. More specifically, as it has been argued in Chapter four, these discourses focus on the universality of migrants' rights and on how they apply to all non-nationals irrespective of their legal status and national origin; thus, it is possible to consider South American immigration laws and policies of those years expansive in relation to asylum seekers' and refugees' rights and access. The Cartagena Declaration on Refugees of 1984 plays a central role here, by expanding the refugee definition adding five additional elements that provide protection to individuals fleeing, namely generalised violence; internal conflicts; foreign aggression; massive violations of human rights or other circumstances which have seriously disturbed public order.

Overall, according to the main findings of the dissertation, this third element is also linked to the previous ones, and this shows how the political, economic and normative contexts are all interrelated and have all contributed to the transformation of migration policies. Indeed, this distinct and human centred approach to migration emerged in a period that was characterised by severe human rights' violation under dictatorial rule. However, this new framework developed not only in relation to the human rights' abuse on the part of dictators, but also to the violation of economic, social and cultural rights, referring to the fact that people did not have sufficient access to food, housing and clothing, they lived in an highly insecure environment without the possibility to enjoy just and favourable working conditions. In this context, I found it useful and significant to analyse the case of Venezuelan mass displacement of 2014 because it can be considered a defining test of the application of the extended definition of the Cartagena Declaration on Refugees by Latin American countries. The Venezuelan case is particularly relevant because the political, economic and humanitarian crisis affecting the country during the second decade of the 2000s has led to one of the largest contemporary situations of displacement. As it is argued in the final section of Chapter four, not only according to an increasing number of legal and political scholars but also according to bodies like the Inter-American Court of Human Rights and the UN High Commissioner for Refugees, the factors underlying Venezuelan mass displacement do fall under the parameters of the Cartagena refugee

definition, thus recognizing the need for Venezuelan people to be given international protection under the Declaration. However, despite the need for Venezuelan migrants to be protected in accordance with the Declaration, recognition rates of Venezuelan asylum seekers have remained considerably low, with several South American countries developing *ad hoc* measures and creating alternative forms of protection and legal statuses for migrants.

Finally, by considering these premises and after having analysed all the factors that contributed to the change in Latin American migration governance, I focused in Chapter five on the liberal tide itself, providing a definition and comparing Latin American approach to migration and that of Europe and the United States. It has been found out that the liberal tide of the 2000s reflected the change in migration flows, that not only increased but also changed in terms of origins, destinations, and migrants' profile as a result of the situation of political and economic instability that affected the country in the second half the twentieth century. As it has been argued throughout the chapter, not only the 2000s were characterised by the election of left-wing governments, but also by a rapid economic growth and development across the region. In this sense, the progressive and liberal shift regarding migration policies was shaped by this new situation of political stability and economic flourishing in South America. More specifically, this new framework was an attempt by South American governments to distinguish their policies from those of Europe and the United States, which were conceived as repressive and hostile to migration. I consider this comparison between the approaches to migration of the different regions of the world, and especially between that of Latin America and of Europe, particularly important because some Latin American governments have recently adopted illiberal practices, thus bucking the liberal trend that characterised their migration governance at the turn of the century and throughout the first decade of the 2000s. Indeed, especially since the 2010s, some countries of the region introduced restrictive legal and policy measures inspired in particular by European practice.

In conclusion, by putting together the main sources I based my work on, I have been able to describe and contextualise the liberal shift in migration laws and policies that occurred in South America between the end of the twentieth and the beginning of the twenty-first centuries. I have paid particular attention to the economic and political background, as well as to the changes in the normative field, that led to such transformation of South American migration governance, and highlighted how all these factors are interrelated. Furthermore, through the analysis of the Venezuelan case I explained whether or not Latin American governments have in fact put into practice their liberal policies by applying the extended refugee definition of the Cartagena Declaration of 1984. Finally, thanks to the

support of the main scholars dealing with migration governance, and in particular Andrew Geddes and Luisa Feline Freier De Ferrari, I also have been able to conduct a comparison between the South American approach to migration and that of Europe and the United States, that has been particularly useful in order to position South American migration governance in a wider context.

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